

SHELTON PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES

Tuesday, September 11, 2018, 7 p.m.  
Shelton City Hall, Auditorium  
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairman  
Anthony Pogoda, Vice-Chairman (Excused)  
Elaine Matto, Secretary  
Jimmy Tickey  
Charles Kelly  
Mark Widomski  
Ned Miller, Alternate  
Nancy Dickal, (Absent)

Also Present: Richard Schultz, AICP, Planning and Zoning  
Administrator  
Anthony Panico, Consultant  
Sarah Vournazos, Recording Secretary

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

I. Call to Order

Comm. Harger called the meeting to order at 7 p.m.

II. Pledge of Allegiance

III. Roll Call

Chairman Harger identified members present.

Chairman Harger opened the meeting at 7 p.m. with one minute of silence in recognition for the tragedy that occurred 17 years ago today, followed by the Pledge of Allegiance.

Comm. Harger: Our first item of compliance that will be considered are Applications of Certificates and Compliance.

#### IV. Applications for Certificate of Zoning Compliance

1. App. #2698 Reine's Cakery, 480 Howe Avenue for a business and a sign.

Comm. Harger: Is the applicant here? Come up to the podium and state your name and address for the record.

Avery Gall: It's Avery Gall, 480 Howe Avenue, Shelton, Connecticut. Reine's Cakery.

Comm. Harger: Rick, do you have some information for us?

Rick Schultz: Yes, all of the Commissioners should have received Individual Statement of Uses and Standard site plans where applicable. This is the store front for Rum Cakes, Light House Rum Cakes previously. 600 square feet and one employee. You're seeing the operator tonight. Hours of operation, and correct me if I'm wrong, are Thursday to Sunday, 12 noon to 7 p.m.

Avery Gall: Yes, that's correct.

Comm. Harger: Are you doing retail sales?

Avery Gall: Yes.

Comm. Harger: Okay, very good.

Rick Schultz: Staff is pleased to acknowledge that the awning will be coming down. It wasn't in very good shape and the applicant is proposing a non-internally, illuminated sign. It's not quite this pink, closer to your pocketbook color?

Avery Gall: Closer to this color, yes.

Comm. Harger: Okay. Rick, is the size 8 feet by 3 feet?

Rick Schultz: Yes, 8 feet by 3 feet, which is consistent for them.

Comm. Harger: Do any Commissioners have any questions?

Rick Schultz: For a sign and business.

Comm. Harger: Seeing that there are no questions from any of the Commissioners, can I have a motion please?

Motion made by Comm. Kelly to approve the business and the sign, seconded by Comm. Tickey. On a voice vote, the PZC unanimously voted to approve the business and the sign for Appl. #2698.

Rick Schultz: Just as a reminder, we are meeting this Friday morning at 9 a.m. downtown, to the subcommittee, across the street upstairs.

2. App. #2700 Minuteman Press, 42 Bridgeport Avenue, for landscaping.

Harry Burlakoff: Harry Burlakoff, Minuteman Press, 42 Bridgeport Avenue, Shelton, Connecticut.

Rick Schultz: Commissioners approved the occupancy. Harry is in dire straights of two additional on-site parking for the employees. Staff had an opportunity to go out and to come up with a recommendation. To put Belgium blocks down, which is considered a landscaping element to accommodate the vehicles. Do you see the area in yellow? So, it won't be asphalt. It will be decorative in nature. Obviously, this Commission wants business retention in town. Harry has invested a lot in this building. He cleaned up the landscaping in the front. He needs to do this for two additional parking. We believe it will not impact the appearance of the front. Staff recommends approval of the proposed landscaping.

Comm. Harger: Any Commissioners have any questions?

Comm. Tickey: I think it makes sense and will motion for approval.

Motion made by Comm. Tickey to approve the proposed landscaping, seconded by Comm. Widomski. On a voice vote, the PZC unanimously voted to approve the proposed landscaping for Appl. #2700.

Comm. Harger: I drove by there today and saw the workmen out there.

Harry Burlakoff: Thank you very much. I appreciate your time.

3. App. #2695 Benjamin Perry, 689 Long Hill Avenue for a non-conforming accessory structure.

Rick Schultz: Okay, Commissioners, this is a unique application. You're actually considering a non-conforming use. This is an apartment of an old barn for a non-relative member of the family. Mr. Perry is going to give the history on it. Basically, you can take one of three actions – reject it, no action or to approve it as you see fit. If you do reject it, the applicant will be going to the Zoning Board of Appeals formally. But you will hear tonight and he will present Affidavit's from surrounding property owners that have been in existence since the early 1970's. So, the request tonight is to recognize an apartment in a detached structure to the rear of his property. This has never been formally recognized by the City of Shelton and the applicant is requesting that tonight.

Comm. Matto: Why is that coming up now?

Rick Schultz: He's looking to sell the property and that's our condition for approval.

Benjamin Perry: Good evening, ladies and gentlemen of the Board. Thank you for hearing this. You'll see it on this attached paper here. I recently put my property on the market which I reside in 689 Long Hill Avenue. I'm a resident of Shelton, Connecticut and have been so for 11 years. Recently, I put the home on the market and I've had two offers on the property. That being said, when I purchased the property, I was under the assumption that it was a detached structure. The property was built in 1740 and was one of the original homes that exist in Shelton. With the two front cover letters, you will see from people who reside in the neighborhood, that in that time there are people who have been here for 45 years. Since that time, it has been an existing structure that people have lived in.

Rick has a detailed fire review, which we did from the building department going back to 1976. That being said, prior to that, it has always been a detached structure with that. I know predated in 1950, I believe, when it was pre-existing and non-conforming anything before that would not be accepted. The urgency of this matter is that I have two offers on the property and it has been in use. So, if you would just take a look. I have provided pictures and letters from adjoining neighbors who have been in the neighborhood. One from 45 years and one from 1978. I also attached pictures along with it. That being said, and taken into consideration, the property was one of the original buildings in the Long Hill area since the 1740's. So, trying to research further back was a little bit difficult as the Records room only has records for x amount of years. The building department was nice enough to do a fire report for me and I pulled everything I have. Rick in his folder

has a detailed map of back in '86 or '76 when people pulled permits, one of the people who owned the property, going back before then was a little bit difficult.

Rick Schultz: Staff just wants to conclude a couple of more items for this application. As I indicated, this is a certificate of non-conformity. When Staff gets an application of that nature, we usually bring it to the Commission because it needs a higher level of scrutiny for obvious reasons. This Commission did approve a similar situation off of Isinglass Road. After it was reviewed by Staff, it was found to be in existence for decades. This is the same situation. Also, this apartment is served by city sewers, which is important to note for the record.

Benjamin Perry: It's served by separate utilities, gas service but not electricity.

Rick Schultz: Ben, if the Commission were to recognize this, what's the square footage?

Benjamin Perry: You know, Rick, detached structure is somewhere in the are of ~750 and 850 square feet.

Rick Schultz: Which is consistent with our 900 square feet in-law and that's also a relevant issue.

Comm. Harger: What's the size of the rear lot?

Benjamin Perry: It's .98, so, about one acre.

Comm. Matto: How is it taxed?

Benjamin Perry: These two units?

Comm. Matto: Yes, oh -

Rick Schultz: Ben checked everything out.

Benjamin Perry: We've gone through this in detail. I've talked with the city engineer and spoke with Tommy Simms as well. You want to know the tax numbers, \$13,700 per year.

Comm. Matto: I just wanted to know if it's taxed as an in-law apartment or is it taxed where nobody noticed?

Rick Schultz: The Assessor's office realizes that it's there. They have visited there every time we do an evaluation.

Benjamin Perry: Just for the record, Elaine, I apologize. I purchased the property 11 years ago and Joe Balero has been at the property when I had a family member move into the property. He did come out and give a CO. As depicted in the permits that were pulled, you can go back to 1976 and they have maps that specifically show the building inspector had come out there – bathroom, kitchen, so forth. Everything was there and I don't know where the disconnect came in but it was never followed through, I guess.

Rick Schultz: Ultimately, these non-conformity uses find their way to this Commission, like the one on Isinglass Road. Banks now require it with their closing or refinancing.

Comm. Matto: So, if this was approved, would it be an in-law or separate apartment?

Rick Schultz: Nope, it's for a non-related individual. This is an apartment in a detached structure to the rear of the single-family dwelling.

Comm. Harger: So, you have two letters from neighbors, one is an abutter.

Benjamin Perry: Yes, both are abutters. The first one you see is from Patrick Giannetti, who's been there on 4 Lynn Terrace for 45 years.

Comm. Harger: Where's Lynn Terrace?

Benjamin Perry: Lynn Terrace is two houses up, first house on the left. The Giannetti's are one of the original people who lived there for many years. The next one is Sophia,

it's difficult to pronounce her last name, since 1990. Both people recognize that it has been an existing structure. If you're looking at 1970, prior to that there are not really many people still in the same neighborhood. I don't know if before 1952, Rick, but I could not trace it back a little bit further plus they have it in the Records room makes it a little difficult.

Comm. Harger: William and Agnes Georgia are on your drawing. Did you submit this one to the office?

Benjamin Perry: Yes, Sophia, her husband had passed away. That's the house who's passed on three times since.

Comm. Harger: You're not sure if any of the abutters have an issue with that?

Benjamin Perry: No, I don't believe so.

Comm. Harger: The only thing I can say is that I think that should be a condition that this particular abutter should submit something for the record.

Rick Schultz: And that the existing unit should not exceed 850 square feet. Are you comfortable with that because that will go into the record?

Benjamin Perry: Yes, I'm comfortable with that.

Rick Schultz: That's consistent with our in-law requirement.

Comm. Harger: Any Commissioners have any questions?

Comm. Matto: We're not saying this is an in-law? Do we have a problem if someone else wants an in-law?

Rick Schultz: No, that's why we're doing a non-conformity certificate.

Comm. Matto: It's just such a unique situation.

Rick Schultz: Just like the one on Isinglass Road. There are a few of them in our community, and they make their way to this Commission, eventually. There are probably a few more out there.

Comm. Tickey: Most of the time we hear from people who do this that with the bank is for an in-law set-up.

Rick Schultz: Yes, correct.

Comm. Harger: Does anyone at this end of the table have any questions?

Comm. Kelly: Nope.

Comm. Harger: So, can I have a motion from someone regarding this application please?

Motion made by Alternate Miller to approve the non-conforming accessory structure with the noted stipulations of the city sewer, not to exceed 850 square feet and to receive an accommodating letter from the neighbor, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to approve the non-conforming accessory structure with the noted stipulations of the city sewer, not to exceed 850 square feet and to receive an accommodating letter from the neighbor for Appl. #2695.

4. App. #2687 Andrew Kopac, 415 Howe Avenue for a business.

Rick Schultz: Okay, this is the Conti Building, Suite 399 and 522 square feet. It's for carpentry business, full-time, Monday through Friday from 9 a.m. to 5 p.m. and one employee. And Staff as always with a business of this type, makes sure they comply with DEP regarding fumes, odors and dust.

Comm. Tickey: The Fire Marshall?

Rick Schultz: Yes, the Fire Marshall gets involved because the Certificate of Occupancy was processed.

Comm. Harger: Any Commissioners have any questions?

Comm. Kelly: No.

Comm. Harger: Can I have a motion please?

Motion made by Comm. Kelly to approve the business, seconded by Comm. Tickey. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2687.

5. App. #2686 Stephanie Soalt, 494/500 Howe Avenue, Suite 201 for a business.

Rick Schultz: Okay, this is the Pearcont building. I called there for clarification. 2<sup>nd</sup> Floor, for a body, holistic health center. 100 square feet, full-time, one employee, Monday through Friday from 10 a.m. to 7 p.m.

Comm. Matto: 100 square feet?

Rick Schultz: Yes, one-person, holistic facility.

Comm. Harger: Is this a counseling type thing?

Comm. Widomski: No, she's a licensed naturopathic doctor.

Comm. Matto: Are there commercial businesses there?

Comm. Harger: Yes, there are attorney's there. Does anyone have any questions? Can I have a motion please?

Motion made by Comm. Widomski to approve the business, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2686.

6. App. #2691 Taco Co Shelton LLC, 391 Bridgeport Avenue for a business.

Comm. Harger: The applicant's attorney is here to make a presentation on the screen.

Attorney Thomas: Attorney Dominick Thomas representing the 714 LLC and the tenant. What I'm passing out will be also on the screen, is a series of aerial photographs to address any issues concerning parking. In case you're wondering how I took these, I used the jet pack or someone got a drone.

Comm. Harger: Attorney Thomas, these were taken when, this week?

Attorney Thomas: I'll give you the dates in a minute. We will have it up on the screen of a packet that was done by Patrick Rose which you should have received. It has signage and the Statement of Uses and Standards.

Rick Schultz: Yes, it's in the Commissioners' package with the separates.

Attorney Thomas: So, this is for an application for a restaurant and you should have the Statement of Use before you. The property is called 391 Bridgeport Avenue, Suite 103 and the company name is Taco Co Shelton LLC d/b/a Taco Company. The owner, member, operator is Kurt Popick who is present here to answer any of your questions. This is part of the Marketplace, a restaurant that requires a state liquor license. I'm reading from the Statement of Use and hopefully you have it, and if you don't, I'm reviewing it. The size of the property is 3,880 square feet plus a 650 square feet mezzanine which Pat Rose can explain to you, plus a 515 square feet outdoor patio. The total square footage of the building, this is called the Marketplace of the Big Y building is 55,620 square feet. There will be 30 total employees with a maximum of 16 per shift in the restaurant. Hours of operation are Sunday through Thursday, 11:30 a.m.

– 10 p.m. kitchen and patio and 1 a.m. bar. Friday and Saturday, 11 a.m. – 11 p.m. kitchen and patio and 2 a.m. bar. Parking requirements for the Marketplace, I will address this in a little more detail but the Marketplace has excess parking. There is 126,572 square feet at 4.5 per thousand per your approval of the Amendment to the Statement of Uses and Standards requiring 570 spaces. Five spaces will be removed for the patio and walkway, there are 599 spaces provided so we exceed that. Plus, the fact that the aerial photos, telling the truth, were taken by a drone are very illustrated photos and by the way, they should be next to the definition of the words “shared parking in a shopping center.” You will see that you have plenty of parking. The outside equipment requirements are patio furniture and accessories. The equipment inside there is an attached cooler and restaurant equipment. No previous tenant, was an empty building and we do have signage.

The first thing I will do is review the drone photos. The question was asked, “when were the drone photos taken?” There are four sets of photos here. I actually have other ones if the Commission members would like. I chose the side angle drone photos only because of the fact that they showed you a good view of the rear of the building. One of the things is that when the parking requirements were discussed for this project, it was suggested and required by the owner of the tenants that employees should park in the rear. You’ll note very little parking in the rear simply because there’s so much parking in the front. If there were to be a Jimmy Buffett concert here and they needed the employees to park in the rear, they are there. You will see.

So, anyway, it is August 14, August 16, August 17 and August 18 and they are taken in a set of three at 6 p.m., 7:15 p.m. and 8:15 p.m. Obviously, since we’re focusing on a restaurant, even though it does offer lunch service, the focus was on late evening. So, the first photograph you have is the August 14 at 6 p.m. followed by August 14 at 7 p.m. which was a front picture and August 14 at 8:15 p.m. I was informed there was some regulation prohibiting flying the drones after 8:30 p.m. So, 8:15 p.m. was the latest it could be taken. As you can see, you can see the even-flow of the parking as it goes towards the restaurant and earlier at 6 p.m. towards Big Y. Next is the 16 at 6 p.m. and you can see heavier parking in front of Big Y. You can also see some heavier parking in the area at Arooga’s and Barra’s Italian Kitchen, but you see plenty of empty parking spaces.

I want to point out one interesting thing we talked about. Eight years ago, when this was first presented, we talked about these spaces here being reserved spaces. That there was again concern about parking. Hopefully, as we go forward with other projects, you will see there is an abundance of parking and maybe we can create more green. Again, this is the 16 at 7 p.m. and you see very clearly the restaurant area filling up a little more but still an abundance of spaces in the area of Verizon, which is approximately in the area of where this is. You see 8:15 p.m. again, with more spaces down towards the end. We go to the 17 and it’s a Friday, Tuesday, Thursday, Friday and Saturday, that’s the sequence of days. So, you can see now it’s heavier down by the restaurant but again, you’re still seeing an abundance of spaces. You look along Bridgeport Avenue, you will see there are plenty of spaces and pretty much everybody comes equipped with

a set of blades that enable them to walk from parking down the end to the restaurant but also help them with walking back. 7:15 p.m. on Friday night and 8:15 p.m. you can see the center in this situation, there are only a few spaces left but you can see the shared parking handles it very well. By looking at this, you can see how well the other restaurants are doing. And then what I thought was a very nice picture was the panoramic picture at 8:15 p.m. on a Saturday night. You can see even on a Saturday night there is an abundance of spaces.

Comm. Widomski: Attorney Thomas, where does this restaurant fall in this picture?

Attorney Thomas: In the picture, I can show you and Pat, correct me if I'm wrong.

Comm. Harger: Where the sidewalk curves in.

Attorney Thomas: Pat has a drawing. It's right here in this location. So, moving on, I'll turn it over to Pat.

Pat Rose: Pat Rose from Rose-Tiso & Co LLC. What you're looking at is elevation of the retail building and what you're seeing is between the liquor store and a clinic. There's a barrel shaped space and space is being taken by the Taco Co. We're planning a signage ban up in the barrel for their signage. What they're proposing for their signage is well lit letters and trim, nothing is face lit and all halo lit from behind. It's really nice within the architecture.

Comm. Panico: Pat, can you go back to the elevation you just had? What are the limits of Taco Co occupancy?

Pat Rose: Essentially, underneath the barrel, to the left-hand side, there's an open retail space and to the right-hand side, accompanying a few feet into that barrel, that is where the noodle bar restaurant was first proposed.

Comm. Panico: That's what I was trying to figure. None of the frontage is the noodle bar, is it?

Pat Rose: A little bit. But some of the noodle bar signage is going to go between the clinic and -

Comm. Panico: Is the noodle bar there?

Pat Rose: That's where it's going to end up going. It protrudes a little bit into the arch, it's not the major part of it.

Comm. Harger: The sign is going to the right of the pillar but the business does go behind the pillar a little bit.

Pat Rose: Yes, it's about six feet into the arch.

Comm. Panico: And the residual retail on the left side is where?

Pat Rose: That's right there, yes, where the residual retail side is.

Comm. Widomski: Are they taking both of those store frontages there?

Pat Rose: Yes, except for the first window on the right-hand side. Their signage is going to go on the right-hand side. The floor plan for this space is a little unique. It's 3,380 square feet of the restaurant and a lot of it being back of the kitchen for storage, as you will see there. Moving forward, there's a bar area in the middle and a set of stairs on the right-hand side go up to a mezzanine space that encompasses the first 20 feet of the store. That's where the roof is the highest, the ceiling height is the highest and we're putting the mezzanine in that location. So, that layout you see there would be above ground floor and also above the mezzanine. About 600 square feet of mezzanine. Right there you can see the extent of the patio of the front. We're wrapping around the entrance and taking out five parking spaces, moving that handicapped space to the

right, creating a space to get into that retail space on the left-hand side but having access only from inside to that patio to the Taco Co.

Comm. Widomski: Is the noodle bar okay with moving that parking spot?

Pat Rose: Yes, they haven't had any issue with what we proposed.

Comm. Harger: What's the size of the patio, the dimensions?

Pat Rose: 515 square feet, 36 feet long and ~ 20 feet deep.

Comm. Panico: So, the only entrance is on the right-hand side?

Pat Rose: Correct, that's the entrance into that space. There's an Emergency Exit in the back of the building.

Comm. Kelly: And the mezzanine upstairs, how do you get up to it?

Pat Rose: There's a set of stairs right there by the bar on the right-hand side by the bar.

Comm. Kelly: And it's handicapped prohibited?

Pat Rose: Correct.

Comm. Harger: Pat, the patio is 36 by 20 and it comes out to 515 square feet?

Pat Rose: There's a notch and it's ~ 6 by 12.

Comm. Harger: All right. What's the 6 ½ minimum?

Pat Rose: Set of dimensions, 6 ½ feet minimal from the patio to the face of the building, so there's room for the main entrance.

Comm. Harger: So, that notch goes across the arch?

Pat Rose: Across the arch and back up, correct.

Comm. Harger: That's 205 square feet that's cut out, 10 by 20?

Pat Rose: No, what's cut out is 6 ft 6 by 12.

Comm. Harger: That's 72.

Comm. Panico: What's the purpose of that cut out?

Pat Rose: That cut out is to get to the main entrance of the Taco Co.

Comm. Panico: But what about the rest of it? You don't have to cut it out all of the way.

Pat Rose: We're cutting it to give us some room around it, to circulate and to put out sign of what the menu is and things like that.

Comm. Kelly: Is that going to be a fence?

Pat Rose: Yes, a fence that similar to Barra.

Comm. Panico: We have the masonry pillars.

Comm. Widomski: What kind of lightning are you putting up?

Comm. Harger: On the patio or from the wall?

Pat Rose: Currently, we have wall lights on that building already.

Comm. Widomski: Are you going to make use of those propane heaters?

Pat Rose: They may, it certainly is an option.

Comm. Harger: Can I caution the Commission to please one conversation at a time for our recording secretary? Thank you.

Comm. Widomski: No music outside at all?

Pat Rose: I will let Kurt speak to that about the operations.

Comm. Harger: Before we get to much further, will you just do me a favor and go back and check that math because I don't know how you can get to plus or minus 515 square feet. Then send that information to Mr. Schultz.

Pat Rose: Okay.

Comm. Harger: And the Mexican restaurant and the noodle bar, are they two separate operations all together?

Pat Rose: Yes.

Comm. Harger: Where is the kitchen for the Mexican restaurant?

Pat Rose: In the back. If you look in the back there's a large kitchen area and storage.

Comm. Harger: From the word "Mexican"?

Pat Rose: Pretty much, it's all kitchen and prep area and storage.

Comm. Harger: To the left of where it says, "refrigerator box", is that the walk-in cooler?

Pat Rose: Yes, that's a walk-in cooler.

Comm. Harger: Accessible from the inside?

Pat Rose: Yes, accessible from the inside, that is outside. Same size that was proposed for the noodle bar.

Comm. Harger: Deliveries are made out?

Pat Rose: Deliveries are made in the rear of the building, there's a doorway on the left-hand side.

Comm. Harger: Is there a sub-basement there?

Pat Rose: No.

Kurt Popick: 7 Arcadia Lane, Shelton, Connecticut.

Attorney Thomas: Commissioner Widomski asked will there be use for them on the patio?

Kurt Popick: Not really planned, maybe on a special occasion. Mariachi, something like that, but other than that, nothing.

Comm. Harger: May 1?

Attorney Thomas: May 5 – Cinco de Mayo.

Comm. Harger: May 1 – 5.

Comm. Tickey: Are there any other locations of Taco Co?

Kurt Popick: Not currently, hopefully, this is the first of many.

Comm. Panico: What do you estimate the capacity of the outdoor area?

Kurt Popick: Seating capacity? 20- 25 people max.

Comm. Harger: Are you talking about five tables?

Comm. Panico: Will you serve food out there?

Kurt Popick: Yes.

Comm. Harger: What about seating capacity inside?

Kurt Popick: 80 inside and the upper mezzanine 30 – 40 max.

Alt. Miller: Are you running Barra's too?

Kurt Popick: Yes.

Comm. Harger: How's the treatment of the mezzanine level? I'm assuming you can stand at a certain position and look down onto the first floor.

Kurt Popick: It overlooks the first level, correct.

Comm. Harger: Is there more than a knee wall?

Kurt Popick: Oh, absolutely. There's code we have to follow and there's a glass partition about 42 inches high.

Comm. Harger: Where are the dumpsters in relation to this particular facility?

Rick Schultz: Against the retaining wall in the back.

Comm. Widomski: Do we have any enclosures for the dumpsters?

Rick Schultz: Yes, but we still have to revisit it and it may need to be expanded.

Comm. Harger: Commissioner Pogoda who unfortunately isn't here tonight, Commissioner Kelly and I did a site walk visit to see the free-standing building past

Barra. We walked down past that point because it was brought to our attention that the outdoor patio had been presented. I thought the area that was widened was going to extend down into the wall of the noodle bar.

Comm. Kelly: Yeah, me too.

Comm. Harger: So, the curve would be down more and the way the plan shows is the handicapped space is there. That would give more sufficient walk space around.

Pat Rose: What we spoke about in the past, it was larger and we shrunk it down. We made the sidewalk that traveled all the way down the face of the retail building, about 9 foot six, making that whole around the patio the same width.

Comm. Harger: I think there should be a larger area around there as we originally indicated. Commissioner Kelly, what do you think?

Comm. Kelly: Yes, I would think so.

Comm. Harger: So, the curve, from what I recall from being there with Commissioner Kelly, was it being over here.

Pat Rose: Currently, where it is, see the dotted line?

Comm. Panico: Does that handicapped space exist or did you just create it?

Pat Rose: That's a new handicapped space.

Comm. Panico: So, that ramp you would have to construct?

Pat Rose: Yes, so we have to construct the handicapped space that was over there to here.

Comm. Harger: You can see in the background the current layout of the parking spaces.

Pat Rose: That's where we're losing space by moving this all around.

Comm. Panico: What if you were to flare that walk, is that what you're saying?

Comm. Harger: Just continue that there.

Comm. Panico: I was thinking if you went on a 45-degree angle.

Comm. Harger: I would be concerned with somebody stepping off of it.

Pat Rose: What you could do, if you extend this to here, make this the handicapped space, then you can take a portion of this in here and make that green space.

Comm. Kelly: That's a good idea.

Comm. Harger: We also talked about the patio not jetting out that much into the sidewalk but being more horizontal.

Comm. Kelly: It's 35 by 18.

Comm. Harger: But then that would go in front of the noodle bar. Do you think that's a possibility then?

Pat Rose: Yes, you can certainly push the sidewalk down and move the handicapped space over.

Comm. Panico: If you just took a standard space out, you'd only be moving down 9 feet. If you line up the curve with the wall, you're taking out two spaces. The handicapped space is really a double-parking space.

Comm. Harger: Exactly.

Comm. Panico: To move the width of one handicapped space, you have to remove two standard spaces. Why don't you think about maybe just one?

Rick Schultz: And shift it down?

Comm. Panico: In other words, return the curb here.

Comm. Harger: I'd like to see it lined up with that wall. As Attorney Thomas clearly showed from his drawing, there are plenty of parking spaces, so it's not like we're losing capacity.

Comm. Panico: Would you keep the sidewalk next to the curb?

Comm. Harger: Fill it in. Where the handicapped symbol is and dash marks would be sidewalk.

Comm. Panico: So, you'd continue the sidewalk there and put in a planting pocket.

Comm. Harger: Is there anything else from your presentation?

Attorney Thomas: No, just answering your questions that we covered. And we did show you the signage so this is an application also for the signage.

Rick Schultz: I did not include that so we need to modify the application.

Attorney Thomas: It's in my application. Do you want to go back to the signage? My application does refer to the signage and Pat can explain.

Pat Rose: The signage has halo letters and edging and fits within the arch of the facade that it's sitting in very well. Fits within the requirements of the signage for the center.

Attorney Thomas: Can I make a suggestion on the issue of the sidewalk?

Comm. Harger: Sure.

Attorney Thomas: Because there may be an issue with how much concrete you're increasing. I think the developer and applicant are willing to work with Staff and designate Staff to work with it. They can always bring it back to you to how it best come across.

Comm. Harger: All right, that's doable.

Comm. Widomski: Are you saying there's too much concrete?

Attorney Thomas: Well, I don't know, I'm not prone to spend my clients' monies, but things like putting in a green space, do you put in an internal green space into the sidewalk? Do you put a planter in there? Does a planter work?

Comm. Panico: It might make the planter a little bit smaller and put a public bench there too.

Attorney Thomas: That's always a possibility.

Comm. Harger: Perhaps you can present some alternate options there? We do need a motion from the Commission to add the sign.

Motion made by Comm. Tickey to approve the addition of the sign to the Agenda, seconded by Comm. Widomski. On a voice vote, the PZC unanimously voted to approve the addition of the sign to the Agenda for Appl. #2691.

Comm. Harger: So, do any Commissioners have any questions about the business or the sign? Can I have a motion for the business and the sign for Application #2691?

Motion made by Comm. Matto to approve the business and the sign, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to approve the business and the sign for Appl. #2691.

Comm. Panico: Attorney Thomas, is this the parent company for Taco Bell? Or are the names just similar?

Attorney Thomas: No, it's independent. I think Commissioner Miller asked if he also manages Barra, so it's all local.

7. App. #2678 ABC Sign Corp, 762 River Road for a sign.

Comm. Harger: Rick, please tell us about this one.

Rick Schultz: Okay, the Commission recently approved one wall sign for the new Parker restaurant. The applicant is back tonight to ask the Commission to reconsider and allow the second wall sign, which is north faced, to be approved for easterly faced. So, the applicant is here for reconsideration.

Comm. Harger: It came to our attention that we did not approve the business use at our August 21 meeting that was on our Agenda and we only approved the rear sign. I know that for a fact because I have been reading the minutes that Sarah presented to us. And the business has opened as of last night. From what I understand, is serving food. Handing out giveaways and business cards. What's the deal? The city hasn't given a Certificate of Occupancy, have they?

Rick Schultz: I talked with the owner and apparently it has.

Comm. Harger: It has?

Rick Schultz: I didn't participate in the process.

Comm. Harger: But a CO has been issued, so they are in compliance, but we have not approved the business use. How could the CO have been issued?

Rick Schultz: I have to look into that and get back to you.

Comm. Harger: In the meantime, what does the business and the applicant do? Shut the lights off and lock the doors? This is a very unusual situation and it puts the Commission at a disadvantage. This is one of the reasons I have been harping, and I will use the word "harping" on the fact that as much as we hate to see it, businesses are opening up without the proper approvals. It's a shame because we don't like to be the bad guys.

Comm. Panico: There might have been some confusion in this case because this was a PDD.

Comm. Harger: But the minutes will clearly show that at the end of August, we asked when the business was going to open and he indicated Thanksgiving. It was my recommendation that the applicant, at that time open up and then come back to us to see if an additional sign would be necessary. We specifically asked that and I had said that gives us time for the business use to be clarified because the hours of operation on the Statement of Use were very vague. The gentleman who was here said he didn't know what the hours of operation were.

Rick Schultz: Just so you know what's going on, when you have buildings with multiple uses, things happen. Sometimes signs come in before the uses and that's kind of what happened. I asked the sign company to tag it on but you have a situation, so if you could just explain what the restaurant does and then we can get into the sign.

Howard Saffan: I'm the owner of Bishop Development of Shelton. I'm the developer not the operator of the business. This property was a very challenged property for many, many years. I purchased it over ten years ago. As some of you may know, I own Sports Center of Connecticut along River Road and I'm a real believer in this side of the town. Let's first address what the Commissioner was saying. I had no idea that there was no business approval and I apologize. If it's your decision tonight to close the business until

such time, so be it. However, you should know that I literally marketed the property. I went after a Stratford business to bring into Shelton and I thought it was important. Not only did we just bring in a restaurant, but we brought a well-known restaurant that has a huge following. I'm very proud to say that Parker Restaurant has spent an enormous amount of money beautifying the property.

What's unique about the property and why I'm here tonight instead of just the sign company, is that this is the only restaurant along River Road, which by the way, the average mph is 51 mph and I know that because of the Sports Center. It's the only restaurant along River Road from Stratford Sikorsky to downtown Shelton that is a rear restaurant. So, while you've approved a sign, that sign goes to the Housatonic River. To be quite frank, unless you're playing Great River Golf Course, that sign has really of no eval. So, the purpose of having a second sign or primary sign, should really be northbound. So, at least the southbound traffic could see that Parker's exists. There is a street sign but that street sign will eventually have five or six businesses along that street sign. And going along 51 mph the chance of you seeing it there is slim to none.

That's the purpose of why I'm here tonight is to reach out to you and say two things. 1) We brought a business that was in Stratford to Shelton. That's awesome and great and will be a huge advantage to that side of town, let alone the immense hockey rink. 2) Please be mindful that it is a rear property. We're developing behind it, which is going to be again bringing people from Stratford into Shelton. It's 55,000 square feet of medical office which is terrific for the town of Shelton. 3) Being cognizant, these are people, and we're trying to do this together that we are trying to make it a success. Want to make a success out the property, want to develop it and we've had a lot of success on this side of town where people said you'd never be successful. Well, guess what? Slowly, but surely with the Donut Crazies of the world and the Sports Center, we can go on and on, and that side of town is becoming a vibrant side of town. I apologize for the snafu and at no time was this business to be opened at Thanksgiving. This business was supposed to be open, quite honestly, this Summer. So, if somebody came here and represented to you, I apologize on behalf of whoever that is because that's a misrepresentation.

Rick Schultz: I think I can clarify what's happened. As I indicated, this is a multi-tenant building. Then the Commission reviewed the ground sign, with multi-tenants on it without approving the occupancy, then the Commission reviewed the outdoor patio still without the definitive hours of operation. So, do you see the evolution? It was all pointing towards parking but the actual operation was never addressed. So, it evolved and that's what happened.

Howard Saffan: And in fairness, I can see where it's going, yes, the remainder of development will be in towards, let's say, Christmas time. But the first element is Parker's and that's probably where the confusion arose. So, I come to you and welcome any questions you may have.

Comm. Harger: So, we have the drawings. This is the one we approved on the back. Is the property to the north that is shown on this particular photograph, all of the trees here are property that is next door?

Howard Saffan: Correct.

Comm. Harger: Okay, and you are not the owner of the back?

Howard Saffan: We are not the owner of the back.

Comm. Harger: Is it this particular square?

Howard Saffan: Yes, it is.

Comm. Harger: So, that's the one that's towards the back of the building on the side?

Howard Saffan: The rectangle was specifically designed for a sign.

Comm. Harger: Right. And would it replicate the one that's on the back that had been approved?

Howard Saffan: Correct. And really the one in the back is superfluous.

Comm. Harger: So, what questions do the Commissioners have or any comments?

Comm. Matto: I think it makes sense.

Alternate Miller: It's probably why they're moving in the first place. Aren't they up on Oronoque?

Howard Saffan: That was my big sales pitch.

Alternate Miller: It makes sense what he's requesting.

Comm. Widomski: I'm all set with it.

Comm. Harger: I think if Commissioner Pogoda was here he would address some of the concerns he had. I think he was the dominant voice from what I recall and reading the minutes of August as to why we didn't want the second sign.

Comm. Matto: You're not going to see it otherwise.

Comm. Harger: Exactly and that was the whole thing. And we had said to come back to us in a couple of months if you feel that was receptive use of it. But there was some kind of miscommunication gap here and there isn't a way right now of cutting down trees so that the monument sign is a little more visible.

Comm. Widomski: This is just going to capture the southbound traffic, correct?

Howard Saffan: Correct.

Comm. Harger: So, the Commission did vote not to allow the sign on the backside corner and Saffan so very clearly indicated the reason for it. Do any Commissioners want to make any motions in that regard?

Motion made by Comm. Matto to approve the sign, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to approve the sign for Appl. #2678.

Comm. Harger: Could you just very clearly ask them to clarify the openings and all of that?

Howard Saffan: Oh, we will take care of that. I will reach out to Mr. Schultz and we will take care of this tomorrow.

Comm. Harger: As much as I hate to be critical, it's just the kind of thing that.

Howard Saffan: I don't know how we could have had this kind of disconnect.

Rick Schultz: There're a lot of moving pieces and there're a lot of occupants.

Comm. Matto: So, are we approving the business now too?

Rick Schultz: No, we're going to do that later.

Comm. Harger: We're approving the separate sign on the side. The business use has to be clarified with the things that have come to Rick's attention.

Rick Schultz: On the next meeting, it's high priority.

Howard Saffan: Thank you very much, I really appreciate it.

8. App. #2623 Renee Daconto, 514 Bridgeport Avenue for a business.

Rick Schultz: Okay, this is for the relocation of the fitness center that was on 50 Bridge Street. It's been relocated to the rear portion where Enterprise Car Rental is behind Wendy's. She is occupying space of another operation.

Comm. Harger: Another exercise operation.

Rick Schultz: Another exercise operation. She is a sole proprietor and is leasing 300 square feet. One employee and hours of operation are 6 a.m. – 8 p.m. seven days a week. So, she shrunk severely her operation that was downtown. These fitness centers are seven days a week.

Comm. Harger: Is she going to be a personal trainer?

Rick Schultz: That's what it's more like, yeah.

Comm. Widomski: How much square footage is she using?

Comm. Harger: 300 square feet and the overall business area is 4,000.

Motion made by Comm. Tickey, to approve the business, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2623.

Comm. Harger: And there was nothing for a sign approval.

Rick Schultz: This is a situation where they don't need another wall sign because it's a unique business.

Comm. Harger: Has she started operations?

Rick Schultz: Yes.

9. App. #2653 R.D. Scinto, 100 Beard Sawmill Road for a business.

Rick Schultz: Okay, this is for a law office, 478 square feet and five employees. Monday through Friday, 8 a.m. – 5 p.m. and replacing the former business of Clayton.

Comm. Harger: Any questions from any Commissioners?

Comm. Kelly: No.

Comm. Harger: Can I have a motion please?

Motion made by Comm. Kelly to approve the business, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2253.

10. App. #2072 R.D. Scinto, 2 Corporate Drive for a business.

Rick Schultz: Okay, another law office, Berkowitz and Hanna. 4,686 square feet and 14 employees. Monday through Friday, 8 a.m. – 5 p.m. This replaced the Nasdaq operation.

Comm. Harger: There was a question about if parking is sufficient.

Rick Schultz: Parking is sufficient.

Motion made by Comm. Tickey to approve the business, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2072.

11. App. #2444 R.D. Scinto, 6 Research Drive for a business.

Rick Schultz: Okay, U.S. Vascular. It's an administrative management group with 40 employees. 8,601 square feet, 7 a.m. – 7 p.m. Monday through Friday. Sufficient onsite parking and they're replacing the old General Electric floor area.

Comm. Harger: Is this one of the Towers?

Rick Schultz: Yes.

Comm. Harger: Any questions? Can I have a motion?

Motion made by Comm. Kelly to approve the business, seconded by Comm. Tickey. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2444.

12. App. #2256 R.D. Scinto, 2 Corporate Drive for a business.

Rick Schultz: Okay, this is for an insurance company, 8,880 square feet and 25 employees. 8 a.m. – 5 p.m. Monday through Friday in the former Nasdaq location.

Comm. Harger: So, Nasdaq's former space is going to be split up in multiple tenants.

Rick Schultz: Yes.

Comm. Harger: So, do any Commissioners have any questions? Can I have a motion please?

Motion made by Comm. Kelly to approve the business, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2256.

13. App. #2681 One Waterview, LLC, One Waterview Drive for a business.

Rick Schultz: Okay, these are corporate offices. Privately held company. This is the one that does not want to give the name of the business. One Waterview Drive is the large building on the right side going up off of Constitution Boulevard. The applicant consistently does not want to give the actual name for a variety of reasons. After the Commission acts on it and then we'll go public with it. The lease area is 5,700 square feet, 30 employees, Monday through Friday from 9 a.m. – 5 p.m.

Comm. Tickey: What's the nature of the business?

Rick Schultz: Corporate offices and it's replacing the old New England Queens office. Office space.

Comm. Harger: Okay, just typical chairs and desks.

Rick Schultz: Right. Dominick knows that some companies do this.

Attorney Thomas: Yeah?

Rick Schultz: When you have multi-tenants.

Comm. Panico: They're afraid to disclose it, if you don't act on it, it's in limbo and someone tries to woo them to another location.

Rick Schultz: And we're going on their past performance. The ownership has always come through with the use.

Comm. Harger: Any questions from any Commissioners?

Motion made by Comm. Widomski, to approve the business, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2681.

#### 14. Staff Separates

Comm. Harger: Anyone have any questions?

Rick Schultz: 1 through 17 and then Staff Separates 1 through 3.

Comm. Harger: #15 that is the house that has been previously approved for a beauty salon.

Rick Schultz: We denied the deli. This is a two-family dwelling and he's expanding the floor area to maintain it.

Comm. Harger: But isn't that the same location as the beauty salon? And only has to do with the second floor?

Rick Schultz: Yes.

Comm. Harger: Does he have an apartment up there?

Rick Schultz: No.

Comm. Harger: Are there any issues with parking?

Rick Schultz: No issues.

Comm. Harger: Anyone else have any questions with Staff Separates?

Commissioners: No.

#### V. Old Business

A. App. #18-07, 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).

Rick Schultz: Okay, the Commission directed Staff to examine the overall proposal for the single-story, free-standing retail commercial building and in particular to see if a secondary means can be provided to Todd Road. We're here tonight to show that can be provided without majorly impacting the integrity of the proposal.

Comm. Panico: This is an area that used to have a driveway years ago for the prior uses. They looked at it, we talked about it, we had a technical session with them and he said we can do it but we're going to lose parking and we have to reorganize the corner. The reorganization is they have to crowd this line a little bit. They also had some discussion with the Fire Marshall who really didn't like those parallel spaces, so they're gone. This is a one-way fire lane now. I questioned the confining it at the corner and the Fire Marshall is more than happy with it. Nothing changes on the building. It requires 50 parking spaces and that's just about what they got, 50 – 51 spaces.

Comm. Harger: The orientation, is that Splash Car Wash is here?

Comm. Panico: You still have the entrance here. All we did was build the entrance here, a good generous entrance in and out. If you look at the existing conditioning map there was a small driveway here that came out. You just come up to this by moving this away and you're able to get double loaded parking here to offset some of their losses.

Comm. Kelly: I think it's a good idea.

Comm. Panico: They had quite a few extra spaces to begin with. It's doable.

Comm. Harger: And that's in and out.

Comm. Panico: It's a little more congested type of intersection. For some reason that intersection is not working and this works very fine.

Comm. Widomski: So, when they come out of that driveway there they are going to go up Todd Road and get stuck at the intersection?

Comm. Panico: They could go to the left if they want to go down to the other end to get out or they can turn right and wait for their opportunity to get into traffic.

Comm. Widomski: There's no traffic light if I remember correctly?

Comm. Panico: No.

Comm. Harger: There's approximately two cars here passed Todd Road because of the parking lot that Curtis Ryan uses.

Comm. Panico: There's a concern that if this thing backs up then you can't get out of the site. Part of the answer might be to give them an opportunity to get out here so they can go left and get out down below. Bottom line is that yes, you can do it and you can do it with a good, convenient adequate in and out driveway connection. Doesn't have to be narrow or confined. It can even be widened and an island put there.

Alternate Miller: In real life, what's happening here is that there's two cars can make it to that light. And what's going on now is that these guys are pulling out and blocking this lane. My office is right over here. People from Bridgeport Avenue turn and they stop and it backs up on Bridgeport Avenue.

Comm. Panico: There should be signage that says, "do not block intersection." If you're caught blocking it then you should be ticketed.

Comm. Widomski: You're simply creating more traffic.

Comm. Panico: The question all I was asked to do was to do and I don't have a strong feeling about this one way or the other about this particular proposal.

Comm. Widomski: I think you're making traffic worse than it already is.

Comm. Panico: I certainly understand the concerns about it.

Comm. Widomski: There's a zone there already.

Comm. Matto: It's zoned for commercial office so, that would have the same impact.

Comm. Kelly: Absolutely. It would probably have more of an impact because they would be coming and going at a certain time.

Comm. Tickey: We don't know the tenants and the nature of the businesses there, we just know that it's retail.

Comm. Widomski: If it's retail, not for nothing, retail is not a promising thing.

Comm. Harger: That is not our place to qualify.

Comm. Widomski: I understand.

Comm. Harger: I know that comments have been made not only on this application but on others where there are empty storefronts up and down Bridgeport Avenue, downtown and why can't we get those filled first. That's not our place to do that.

Comm. Widomski: Then we should just be a Zoning Commission then.

Comm. Harger: No, not necessarily. The applicant has to do his due diligence and see if he's proposing something that is going to work for him. There have been a number of applications that have come in to this Board since I've been on and we've approved, and they never happen. For one reason or another, and I will say to Mr. Schultz, "what ever happened to such-and-such"? And he'll say, "nothing", they decided not to do it.

Comm. Widomski: If you want to take that chance and add more traffic then that's fine. I think we can figure something to go in there as it is. Part of planning is to make sure we're setting the city up in the right direction and I don't think we're doing that.

Comm. Harger: I have to relate to you that I was in Wal-Mart, I believe it was Sunday night. I happen to be in the Health and Beauty Aid section and the other side was a display where I heard a man and a woman talking. You moved here to Shelton three

years ago and we love it. We love the fact that everything is one street. I stuck my head around the corner and said, "I wanted to say thank you, I'm on the Zoning Commission and we get criticized for Bridgeport Avenue quite a bit." And she said "why, we moved here from Monroe and we love it". The other gentleman said, "I live in Trumbull and would love to move to Shelton and I can't."

Comm. Kelly: There's good and bad with everything.

Comm. Harger: Exactly. Are we at a point where we are going to act on this tonight?

Comm. Panico: We haven't even come to a consensus, so we didn't attempt to write anything up.

Comm. Widomski: In fairness to Commissioner Pogoda, I do know he's put a lot of work into this.

Comm. Panico: This is only a technical question and that didn't take very long.

Comm. Widomski: I understand what you are saying.

Comm. Harger: Commissioners Tickey and Matto, do you have any comments, questions or concerns with this?

Comm. Matto: I'm fine with it.

Comm. Tickey: I'm not in favor with the proposal, the traffic congestion. I appreciate the efforts that were made with the circulation. I think I said from the top, when this first came before us about Todd Road and what is to become of Todd Road. This brings traffic onto Todd Road and also that when we heard from the applicant it was not a really great sense of retail that goes there. You can say this about every applicant but many applicants do have that anchor business where they can speak as to what they expect to come in. My fear is that this will become a c-grade level retail that we don't need that adds traffic and businesses that are not quality to Todd Road, so, I'm not in favor of it.

Comm. Harger: Okay, thank you.

Comm. Kelly: I'm in favor of it and I have no problem with it at all.

Comm. Widomski: I agree with everything Commissioner Tickey said and no, I'm not in favor of it.

Alternate Miller: I'm also with Commissioner Tickey on this one. I'm against it from a traffic viewpoint and things.

Comm. Harger: Chair would be in favor of it. I think that particular corner does have good visibility and I don't think the traffic would be as disruptive as people are indicating. But our consensus is tied.

Rick Shultz: Commissioner Matto supports it.

Comm. Harger: Commissioners Matto, Kelly and Harger support it and Commissioners Tickey, Widomski and Miller do not. In a case like that . . .

Rick Schultz: We need to write it up both ways and present it to the Commission.

Comm. Panico: Where do you think it is right now?

Comm. Harger: It's split, three to three. Do we discuss this at our next meeting?

Comm. Panico: How much time do you think they need? They can have another discussion.

Rick Schultz: Of course, they can. Commissioner Pogoda will be back the 26. We have two public hearings, the Marina and Calandro's zone change downtown. Do you want anything else on the 26 of September?

Comm. Panico: The decision, Rick, is failure to pass.

Rick Schultz: If it goes that way, right.

Comm. Kelly: I have a question about this piece of property. I think Commissioner Harger was saying that, and correct me if I'm wrong, that nothing should be built on this piece of property?

Comm. Tickey: No. It's zoned for office. I'd be open to seeing what sort of development would be there for an office.

Comm. Kelly: But wouldn't you have more of the traffic jam with an office?

Comm. Tickey: No, because if someone came forward with an office, we would ask them the same questions that we ask every applicant about. What's the nature of the business, the office, etc. we would get a better sense about the nature of the business, the amount of the employees they have coming in and it might make good sense there rather than a retail space that is a street away from Bridgeport Avenue on a congested corner.

Comm. Kelly: It's not the building, it's the business.

Comm. Tickey: Yes, it's the commercial use.

Comm. Kelly: But it's the traffic. I'm not quite sure where we're going on this.

Comm. Tickey: I think I'm being clear. The commercial use there on that corner. I know what it's zoned for and I think that depending on what we heard in a separate application about if it was to be an office, then I would be open to an office there. An office building. Small office building with folks coming in and out regularly, rather than retail space. We don't know what will be there.

Comm. Harger: But isn't that the nature of retail, where people come and go throughout the business day? It's not like a manufacturing company where their shift starts at 7 a.m. so everyone gets there between 6:30 a.m. and 7 a.m. Then the shift is over at 3 p.m. next shift comes in and there's a cross there. So, you have three heavy times per day. A retail operation is . . .

Comm. Kelly: In and out during the day.

Comm. Harger: In and out. They come in and do their business and leave.

Comm. Widomski: So, why not leave it the way it is and why do the PDD in the first place based on what you just said? What's the sense in that?

Comm. Matto: It's an unoccupied office for about 10 years or so.

Comm. Widomski: You have a building there but no occupancy.

Rick Schultz: Curtis Ryan.

Comm. Harger: Curtis Ryan and then they went into the exercise place.

Comm. Widomski: You're essentially approving the PDD for something we have no clue what's going in there. Zero. So, why not leave it as it is and let someone come forward? Like Commissioner Tickey said, I would be more comfortable if you came to me and said I have this type of anchor coming in. We have nothing.

Comm. Harger: But that leaves us to approving things based on who the occupant is going to be. Not the general category.

Comm. Panico: I think what Commissioner Harger is trying to say is that in Zoning and Planning, you have no right to look at the user. You deal with the use, not the user.

Comm. Widomski: But, I just don't think it's a good use there.

Rick Schultz: October 9 is the next regular meeting. Do you want to put it on then? The 26 is too full.

Comm. Matto: I just want to say one thing though.

Comm. Harger: Sure.

Comm. Matto: There's been lots of commentary that offices are overbuilt and also that retail is overbuilt. So, here's someone who owns this property and he's made a judgement that this is his best interest to make some value out of this property. I don't think it's our position to say what he should develop it.

Comm. Widomski: So, Rick, where do we stand if it's a three to three, where we are right now?

Comm. Harger: Rick indicated that the Resolution will be drawn up both ways.

Rick Schultz: Yes, Staff has done that in the past.

Comm. Kelly: Suppose it stays three to three.

Rick Schultz: It's a denial.

Comm. Panico: Based on the discussion, I would say get the background of the application. Based on the discussion, the Commission failed to come to a consensus one way or the other and the absence of a clear-cut way to approve, the result is a denial.

Comm. Harger: Okay.

Comm. Panico: You can go beyond that, formalize it and someone can make a motion and the motion fails to pass. Someone can make a motion in the other direction and it fails to pass. Therefore, it's dead. When you're dealing with a change of use, you do have to look at things like traffic. You're being asked to put a zone that's different than the zone that's there. You shouldn't put that zone in place unless you're sure that the streets can handle it. That's what we're dealing with here.

Comm. Harger: And it's not up to the Commission to come up with a use that may have people feel more comfortable about building in the affirmative particular project because that's just not what we do.

Comm. Widomski: I like Commissioner Panico's idea.

Comm. Panico: The only likelihood would be a really ambitious proposal came in for a multi-story building with parking in the basement. There might be the economic ability to then if you want that to go finish the road.

Comm. Harger: Right.

Comm. Panico: You can't really say that on a modest project.

Comm. Harger: Okay, does any Commissioner feel that they need to have any more discussion on this?

Comm. Widomski: I go with Commissioner Panico said to write it up as a denial.

Comm. Harger: No, that's not what he said.

Comm. Widomski: Okay, as both. Is that what you said Commissioner Panico?

Comm. Panico: The question is that you as a Commission, want to put it onto the table again for more discussion or do you just want to put in on the table for more action?

Comm. Harger: Can we discuss it on the 9?

Comm. Tickey: Why don't we do that? Commissioner will be here. He might think about it.

Comm. Harger: He'll be back on the 9.

Comm. Tickey: We can think about it and write up both.

Comm. Panico: So, why don't we anticipate a discussion on the 9 and a decision following it? The discussion on the consensus and then a decision following.

Comm. Harger: All right. We'll indicate it on the Agenda for possible action.

Rick Schultz: Staff will be looking at all options. Is that how you want to deal with it?

Comm. Widomski: It just seems like we're spinning our wheels dragging this on for no reason.

Comm. Harger: Not necessarily. I think we're giving them due consideration.

On a motion made for the initial Development Concept Plan and the PDD Zone Change approval was a split decision. On a Roll call vote taken by Comm. Harger, the PZC voted as follows:

#### Roll Call

Comm. Widomski: No

Comm. Tickey: No

Alternate Miller: No

Comm. Kelly: Aye

Comm. Matto: Aye

Comm. Harger: Aye

B. App. #18-20, Highland Gulf Club of Shelton for Final Subdivision Approval (3 lots) 261, Wooster Street (Map 128, Lot 78).

Comm. Harger: Mr. Swift is here to make a presentation.

Jim Swift: Good evening, this was submitted some time ago. It's a conventional subdivision with three small archery lots. Nothing out of the ordinary and no zone change, it's a standard conventional subdivision. Not asking for any variances or anything like that. We did grant one extension and the club is waiting for the Commission to see if they got any correspondence back that would cast doubt on this. So, we're hoping the Commission will take an action and if there are any reasonable conditions for approval or anything of that nature. If the Commission would like to raise, we would be open to that but we're hoping for a decision.

Comm. Harger: I was going to ask Mr. Schultz to review so everyone is on the same page as to what our pre-zoning is and how this conforms to it or not.

Rick Schultz: Okay, the applicant is seeking final subdivision approval for three lots.

Everyone knows the subject site. This is a residence R3 which is a single-family, 12,000 square foot lot. Both utilities are available, municipal sanitary sewers and public water. Applicant was kind enough to give the Commission an extension and enough time right through October. I saw the need for the Commission to take enough time to discuss the issues. Applicant is kind enough to be here tonight to talk about all of the particulars, including location of the three lots, house location and access to the home.

Jim Swift: I know the report was done as far as the payoff on the insurance, correct?

Comm. Harger: Could you just clarify? I know when you go up Madison, that is where lot 3 is situated. There are two driveways with stone pillars on either side and with the entrance. So, is Lot 3 going to close off one of those?

Jim Swift: No.

Comm. Harger: That's the former Daily house.

Jim Swift: The Daily house, I believe, is south of that. Oh, do you mean up higher? No, there's no pillars or anything like that on Lot 3. Right now, to the south of that property, there's a very large, I forget who the owner of the original owner of that is. It's on the tip of my tongue. Who built that big house?

Comm. Harger: Simonetti.

Jim Swift: But we're not taking down any pillars or obstructing any driveways or anything of that nature. It's wide open for access.

Comm. Harger: All right, so, then these are the driveways here.

Jim Swift: That's correct.

Comm. Harger: So, this is going to be narrow, whereas the other two lots are down around the corner.

Jim Swift: And that's all for the convenience of the golf course getting hit with golf balls, quite frankly.

Comm. Harger: Are there any concerns with the grade changes?

Jim Swift: No, the grade is actually very good down at the house level. It's reasonably flat, and a cross slope which works pretty well when you do a basement garage.

Rick Schultz: I also want to remind the Commission the Standards for an R3, 30 feet from the street line, 15 on the sides. The question I have that of the applicant is there any wiggle room for Lot 3 and the location of the proposed single-family dwelling.

Jim Swift: Sure, yep.

Rick Schultz: Yes, we have adequate space down the line, Lot 3 is deep.

Jim Swift: Yes, we have adequate space on that lot.

Rick Schultz: Lots 1 and 2 are not deep lots and not a lot of wiggle room. But we all know Jefferson Street. Lot 3 has more wiggle room and that's why I asked that.

Comm. Panico: Do you want to push further from the street?

Rick Schultz: If it's possible.

Comm. Kelly: Where was the driveway on the second drawing?

Jim Swift: Right here.

Rick Schultz: You want to show it on the grading plan.

Comm. Harger: Commissioner Kelly, would you repeat that for the record?

Comm. Kelly: I was just asking where the driveway was shown on the second drawing. I also said it's quite an angle coming around that road right there too.

Jim Swift: I have to say though that I think Lot 3 is the nicest of the lots.

Comm. Tickey: I live on the corner and this would be across the street from me. In looking at the houses around and just what the setbacks are, my house is setback about 55 feet from Lot 3, the old Simonetti / Daily house and that's setback at least 100 feet. It is a tight corner in all seriousness. It's not a high traffic area, but when cars do come around, they do whip around the corner, they're familiar with it and they really come flying around the corner. I walk my dog around the corner and somebody comes zipping by. I do think to set the house further back for that and other reasons. It would probably be good for looking out for the other home owners.

Jim Swift: We have no objection as a condition.

Comm. Harger: The houses as you go down Jefferson, the lot sizes are pretty standard that way.

Jim Swift: The ones on Jefferson, actually one of them is quite oversized and has some wetlands on it. Just for the record, the Wetlands Commission has approved it.

Rick Schultz: Also, the Commission should be aware that the Conservation Commission threw out for discussion purposes, the golf club considering the purchase of the developed lands by the city or multiple entities. That has gone no where and Jim, I don't know if you can expand on that.

Jim Swift: Well, if the city would like to make an offer for the fee that was paid for Pumpkin Seed Hill, we'd certainly be delighted and consider it.

Rick Schultz: This Commission is not in that role and it has to be done by other entities. So, they are prepared to ask the Commission to weigh conveyance of open space to the city. Do you want to do the payment in lieu of fraction method or whole lump sum, Jim?

Jim Swift: We'll probably do whole lump sum. They have a buyer at the moment who is under contract for all three lots.

Comm. Harger: And that would amount to what?

Jim Swift: I'm not sure if you have the report handy or not but it's the standard appraisal that is done for all subdivisions.

Comm. Harger: Can you ballpark it?

Jim Swift: I don't know.

Rick Schultz: I'll put together a package. Jim, can you also talk about any off-site improvements needed, drainage?

Jim Swift: On Lots 1 and 2 there is a bed of water that comes off through the hill side, through the golf course and it's generally taken care of along Jefferson Street. So, we took the extra step of putting in some strong drainage. I did discuss it briefly with Mr. Kulak, the City Engineer, so, the city is getting some improvements for drainage on Jefferson Street in addition to what we're proposing. So, we have looked at that and of course, we are providing a roof drain infiltrator. We've taken the standard look at making sure we don't aggravate storm water.

Comm. Harger: So, you're not adding to any existing condition that would affect the neighbors across the street.

Jim Swift: Correct.

Comm. Harger: In all three locations.

Jim Swift: Correct.

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

Rick Schultz: Staff is going to sit down with the applicant and do the adjustment to Lot 3 and put together all of the correspondence for the multiple departments and have it ready for the October meeting. October 9?

Comm. Harger: Mmm-hmm.

Comm. Matto: Do we actually vote on this?

Rick Schultz: Yes. It's a 3-lot subdivision. I'll have the payment in lieu of figures, so you'll what that is.

Comm. Harger: Would you just cover with the applicant about abutters? Do you have the opportunity to comment on this?

Rick Schultz: Okay, yes.

Comm. Harger: There's no one here tonight.

Rick Schultz: Is there anyone here in the audience that wanted to comment?

Jim Swift: We do have contract purchase. The reason for the subdivision is for some capital improvements on the course that we're trying to schedule and get done before the bad weather. I hope the Commission appreciates that we have given extensions on a fairly straightforward application. I'm wondering if it's going to be a quick action that can be added to the September meeting.

Rick Schultz: Yes, I need to sit down with you to finalize everything.

Jim Swift: It seems pretty straightforward and hopefully it will just take a few minutes. We'll work out some concerns and conditions.

Comm. Harger: Okay, thank you Mr. Swift.

C. App. #18-24, Dominick Thomas on behalf of Fountain Square, LLC for Final Site Development Plan Approval (Phase 1) for PDD #91 (mix use development) 801 Bridgeport Avenue (Map 28, Lot 18).

Comm. Harger: Attorney Thomas, are you presenting what's been handed out here?

Attorney Thomas: Yes. Attorney Dominick Thomas representing the applicant. This is Phase 1, Final Site Development Plan for Fountain Square. I will turn it over to Pat Rose to explain to you what the property encompasses. Before I do that, I will just give you a couple of updates.

Comm. Harger: Attorney Thomas, can you use the mic please?

Attorney Thomas: I will give you a couple of updates. Just received the report this week from the traffic engineer that they're commencing what is known as Stage 3 or Phase 3 of the host approval which is basically the last formality. The light has been approved and will go through the final light approval. Unfortunately, we were not able to work out a Satisfactory Agreement with the Fairchild Heights mobile home/park. They made certain demands which were somewhat extravagant, so we had to go back to the host and they approved the revised plan. The traffic is proceeding and it should within the next couple of months the initial report of traffic investigation should be issued.

Speaking of tenants, not part of this phase, but part of the next phase that will be coming in is the hotel is signed up. It is going to be the new Marriott Flag, high-end corporate residence inn off suite hotel. They were extremely excited with this location. You can look out your window at 3 million square feet of corporate office above them.

Comm. Widomski: Is that separate from the Residence Inn up the other end?

Attorney Thomas: Different than it as that Residence Inn is considered an extended stay and this is considered more of a corporate stay.

Comm. Widomski: Okay, gotcha.

Attorney Thomas: What they're going to do and how they're going to rebrand, I'm not sitting on Marriott's Board and I have no idea. That's what I was told they're calling it and I had the same reaction that you did.

Comm. Matto: Is it going to have functions and rooms?

Attorney Thomas: I have no idea. You will get all of that when we have Final Site plans in the next phase. I was just updating you on that. So, with that, I will turn it over to Pat.

Pat Rose: Pat Rose from Rose-Tiso & Co LLC. I'd like to go over the detailed development plans for Phase 1. First thing that is up on the screen right now is at the survey, some of the buildings had been taken down on the site at this point. The office building is to be removed so, that will happen once the property is transferred. They are starting to work on the detention upon the mediation, so, that's a good step.

Comm. Harger: Can you point out the new buildings? I know that's the new plan.

Pat Rose: This building has been taken down and I think a few smaller buildings have been taken down. This is the basic development plan on our initial concept that was approved by the Board earlier this year. I just wanted to refresh everybody what we had here. You approved nine buildings, the pharmacy, three restaurant pads, 30,100 square feet for retail space, an office building, a hotel and a bank. Keep that in your mind because there have been some changes along the way but those functions are all still

there. This entrance off of Bridgeport Avenue is here, right turn only exit out, light at Parrott Drive with an entrance and exit from Parrott Drive to the main site driveway.

Comm. Harger: Can I just ask that State Traffic Commission didn't have any issue with signalization not being at then entrance across from Fairchild Heights?

Attorney Thomas: No, that's not Fairchild Heights. The is signal is across from Fairchild Heights. The proposal was to align it. We went to Fairchild Heights and asked them. The request was somewhat extravagant. The proposal that we made was somewhat expensive for our clients to do. I don't like commenting on someone's request but I did discuss it with Mr. Schultz and explained it to him. It was just what he requested in return for allowing us to realign and improve this was somewhat beyond the ordinary.

Comm. Harger: But they felt that was a better place for a signal?

Attorney Thomas: Versus the Bertucci's driveway?

Comm. Harger: Yes.

Attorney Thomas: That was pretty clear from the state of the beginning.

Comm. Harger: Okay, that's fine.

Pat Rose: This color site plan of our current configuration of the site, which has changed to some degree and I just want to go over with you the changes. The pharmacy and remains where it was. Restaurant #1 remains where it is and will be a Chick-Fil-A. The 30,100 square feet of retail remains in the same location but we made some modifications to it. We got feedback from tenants and brokers that they didn't want us to just have loading on one end of the building going down a corridor because this was a full grade change at one time on the original. They wanted us to have a rear loading area behind the building at grade. We made that change and created a retaining wall back here to allow that to happen and relocate the office building that was here to this location.

The hotel that has come in, has a larger footprint than the hotel we had originally shown and moving it to the right-hand of the site, allows it to sit in this area and not affect the rest of the site here. So, putting the office building here works. The coffee shop remains in the same location and we've made some significant enhancements around the coffee shop creating a park.

The other change is that the restaurant that was next to the hotel has moved down next to the other restaurant #2. Now restaurant #3 is here and actually it's better because it gives us more visibility on Bridgeport Avenue for that restaurant and the bank has slid over. Those are the general changes. The other major change that we did was in going through trying to get trucks into this pharmacy location and around, we ended up sliding restaurant #1 to the north about 25 feet and sliding this driveway to the north about 25 feet and that allows us to get trucks behind here and circulate through. It also aligns this exit with the entrance and it's a better alignment of that area.

This is the drawing for the color but it shows what we've done. We maintained our pedestrian access through the site where we have a sidewalk off of Parrott Drive, down a set of stairs, in front of the hotel down to this fountain and stairway accommodation that brings us down the hill. We then cross here to the restaurants or we go along here to retail and down along here to get to Bridgeport Avenue and to the bus stop up to the

corner to get across. So, we have a good pedestrian circulation that is being maintained on this site.

Comm. Widomski: If someone wants to get across to a future restaurant, where Bertucci's used to be, I assume they are going to walk up to the corner and down. Is that the plan?

Pat Rose: Correct, that's the plan. Yes. Can we talk realities?

Attorney Thomas: Host is requiring a crosswalk at the light. So, people will be able to stop the traffic at that point.

Comm. Widomski: I think you understand what I was saying.

Attorney Thomas: Yes, you were saying people were going to run across the street.

Comm. Widomski: Are we going to do anything for extra lightning over there since it is as dark as it is?

Pat Rose: Yes, we're going to put lightning along Bridgeport Avenue.

Comm. Widomski: That's my only concern.

Pat Rose: Also, we talked about it at the study and the grading plan shows creating the sidewalk. This is an updated rendering looking north on Bridgeport Avenue towards the entrance, where you see entrance off of Bridgeport Avenue, right turn only out. Pile on sign, Chick-Fil-A building closest to Bridgeport Avenue, the retail building in the back and then the coffee shop, hotel you can see way in the back and restaurant #2 here. Similar to what we had previously shown as how's it all functioning.

Comm. Harger: The 30,100 square feet retail building has not been divided up yet with specific tenants.

Pat Rose: Right now, I will show you the floor plan that shows the potential spaces. It has not been divided up into actual tenants at this time.

Comm. Harger: I only bring that up because of the monument sign as pictured has seven slots, so I would hope that you don't have some issues in the future where we have to change it and add more.

Pat Rose: It's going to be a factor of the biggest guys who's going to get the biggest slot. That's what it's going to be. You're going to add visibility from Bridgeport Avenue to original plot. In this location, what we've done is gone through a Chick-Fil-A and provided them a drive-thru order area and they have a bypass themselves that they use actually to bring food out to you when the drive-thru backs up. They bring it out manually in this location. What we've done in this retail building is reconfigure it a little bit and it has a kink in it, which originates everything back to the center. In this location, we're seeing a possible restaurant location also potentially in that corner and shown a potential patio at the end of that, so, we can market it that way.

Again, we talked about revising this so a truck can come behind here, drop off in this location and come back out of this site with some parking behind that, shield a dumpster enclosure here from this end of the building to this end. Coffee shop entrance is off of this parking lot, there's a patio on this side, which I will get into in a little more detail. We created a serpentine walk and we maintained our walkway and this is a wall that runs along here that changes the grade from Bridgeport Avenue to our site. There's a fountain in this location right here. As you come in, there's a fountain, a pile on sign and the fountain will be as you step up this driveway. At this location, there's a wall that

wraps around, and a fountain in front of that and will have signage of Fountain Square on either side as you see it from the corner of Parrott Drive and Bridgeport Avenue.

One of the things to be aware of is that we're going to regrade and put in the drainage associated with all of these other sites as part of Phase 1 because we have drainage that has to get from these other areas over here across these spaces to this retention pond. In order for Phase 1 to work we have to do some work in the other phases. It's not finishing, it's purely mas-grading and drainage.

And this is another rendering going south on Bridgeport Avenue which includes the entrance pile on sign. This is the piece of rock that sits here. In this location here is where we're going to grade for our future sidewalk going to the north. This is restaurant #2 you see here and this is the coffee shop. To show you what we're doing in that location is that this is the rock area we're regrading and knocking down and grading this edge along Bridgeport Avenue for that future walkway.

Some of the things that have changed are that we have a retaining wall here now which is about 10 foot high. You've got a grade change from here to here and these two sections are different plateau heights because you're going up that hill to get to that higher plateau that exits currently right now. We have split the drainage from the pharmacy site and this restaurant #1 site, collecting it underground here and releasing it to the State of Connecticut, Bridgeport Avenue system. In the end, it all goes to the same place because this goes to the brook. The rest of this site is continuing to go into this pond that eventually releases into the brook.

Comm. Widomski: Will it be able to handle it?

Pat Rose: It's less flow because we're putting in less galleries that will contain water so it's less flow. Actually, it's much less flow because we're storing it here and metering it out of the pond.

Comm. Harger: It's not like the volume is going to be lessened, it's just the time that it takes.

Pat Rose: Correct, the time of release will be much longer and, in this location, it will go into the ground more too. Here it will sit in this pond, build up to a certain height and go through the orifice over time.

These are just blow ups of our Phase 1 site. Phase 1 site is essentially this whole area, comes down this road, down to the entrance, goes along here, up here, along this road and back along here. There's still some discussion in Phase 1. We have to do this work at the intersection because there's widening that happens at Parrott Drive, so, there's still some discussion of how's it's going to get coordinated and there's a lot of work in the same spot. This is the rock that's being taken out and here's a bigger picture of the sidewalk preparation that's happening there. This existing slope is getting regraded to allow this new fountain, stairs on the side, a fountain down below which you'll be able to see from Bridgeport Avenue also.

These are the soil erosion control plans. We haven't changed our methodology that was originally approved. Slope sacks, catch basins and we're putting in all of this drainage to control all of the storm water going down into that pond. We're protecting all of these areas from run-off and mud and it's all being taken care of. We're using this as a detention basin during construction.

Comm. Widomski: The catch basins you're going to use are they going to fill with silk?

Pat Rose: Going to use silk sacks in all of the catch basins.

Comm. Widomski: The same thing behind Chick-Fil-A, with ground saturation being clogged at all.

Pat Rose: No. It's all filled actually in that location. So, I'm not concerned because it's all filled.

The landscaping has pretty much stayed the same that we had previously. We have trees along Bridgeport Avenue and along this driveway that connects these two entrances. And in this parking lot, we have some ornamental plantings along this edge of this park, some plantings along these buildings and around this coffee shop. Similar to what was approved in the basic development plans.

This is the coffee shop, entrance here, patio here, doors, windows and overlooks patio. This patio has a trellis above it, four stone face columns and holding up the trellis. There will be seating out here and we created a sidewalk connection between this patio and serpentine walk. You have benches and plantings on the concrete pads and here's the kitchen of the coffee shop. Should create a very nice setting as part of this entrance of this facility.

Comm. Panico: How do you propose to handle all of this rubbish of the coffee shop?

Pat Rose: This rubbish is going to go into the back of the retail. Going to end up being back here.

Comm. Panico: Are you sure of that, right?

Pat Rose: Yes.

Comm. Harger: Where is the trash container on the coffee shop site?

Pat Rose: It's going to end up being back behind the retail building. They're going to have to collect it internally and move it there. No different than any other restaurant that we do.

Comm. Panico: You mentioned granite curbing.

Pat Rose: What we've done is gone back and forth between integral curb and granite curb and the preference from Tony and my owner is all granite curbing. It does call for curbing along this edge. I think what we're going to do is granite everywhere on the site. The only place that we may talk about doing an integral curb is where there is a sidewalk and there's parking against it and you will not really see the granite curb. That's the only option we're talking about now. All the sidewalks will be concrete.

Comm. Harger: What's the definition of an "integral curb"?

Pat Rose: An integral curb is where you have a slope of the sidewalk and the curb as it goes down into the ground, so, it's all one piece.

Comm. Harger: Okay.

Pat Rose: We have a detail of masonry dumpster enclosure inside of it from the dumpsters.

Comm. Panico: Those dumpsters are going to need a passage gate.

Pat Rose: We have a lightning plan for the whole site. We're using a 25-foot pole, 2 ½ footing, with LED fixtures that are similar to what we use at the Marketplace. Very modern, straight down cut-off fixtures with pole cut-offs, so, we're not shedding light off of our site anywhere.

Comm. Panico: The fixture puts the light down?

Pat Rose: Directly down. This is the floor plan of the 30,100 square feet retail building. What I've shown here are 1,600 square foot spaces that will be possible. This is a 4,500 square foot restaurant and a patio on this end. All of our deliveries are in the back, potential bathrooms here and this is your typical 20 x 80 space.

Comm. Panico: The difficulty with these multi-tenant buildings are that some feel they need to have their own dumpster. They don't want to walk to your dumpster and it's something we have to control. If they don't use the regular dumpster, then there's another dumpster sitting around the parking area or at the driveway in the back. It gets messy and we have to do something about it.

Pat Rose: This elevation of the retail building is similar to what we showed you previously. Each one of these columns has a stone veneer base and brick and veneer above that. The change that we made is that all of this façade that you see above those columns are metal panels as opposed to stucco. It's an upgrade that the owner feels is worth it because it's less maintenance, more longevity out of the material. It's a façade that keeps the water out. Same as before, we have flat canapés in these locations, we have some sloped sunshades here, some decorative lightning along the building. A very handsome façade I think.

Comm. Panico: Are all of the columns going to be brick above the stone?

Pat Rose: Yes, and you'll see that going into the next building. We're trying to use that as a motif. The sides of this one brick are the same motif of the columns on that side.

Comm. Harger: Have you gotten to the color scheme yet?

Pat Rose: I can show you what we have so far.

Comm. Harger: Okay, it's coming.

Pat Rose: This is a rendering of the retail building. You have a tan stone, red column, tan-beige metal panels system that's above that. Contrast from the columns and these panels that go up between the columns. That helps what you will be able to read what the signage is because this light signage will appear dark during the day and will be backlit signage and halo lit signage, so then it will glow around that signage at night.

Comm. Harger: Were the colors driven by Chick-Fil-A or it just happened?

Pat Rose: It just happened. The colors of Chick-Fil-A are somewhat similar.

This is the coffee shop, 50 x 50 box at the moment, awaiting a layout. Entrance here, windows on either side and on this edge facing retail, windows and doors facing Bridgeport Avenue. This is the patio with the trellis above and you have a fireplace facing outside and inside. Very nice facility entrance here, sunshades, signage above that and on the backside is all metal panels between these columns. This faces the park where there are trees and shrubs. Similar treatment of the columns, stone mason, brick, metal panels and very similar treatment we have on the retail building.

Comm. Tickey: Are you expecting a traditional coffee shop or could it be like a café that does coffee and more food in kitchen. Like Café Atlantique in Milford or like a traditional coffee shop with muffins, etc.?

Attorney Thomas: Based on the individuals they were talking with it's going to be more than a traditional coffee shop of just muffins, etc., but I can't really say that. It could be something like a Pete's on the West Coast but it's not your traditional coffee shop.

Comm. Tickey: It's a very nice area for that and I know if Commissioner Pogoda worked on that green space around it so, it's really a nice spot.

Comm. Panico: Will there be indoor seating in the coffee shop?

Pat Rose: Indoor and outdoor seating. This is the rendering of the coffee shop. Entrance here, sunshade, signage, stone above, brick above, metal panels, black canopy's that we have in this building and this becomes your stone column base and wood trellis above that, fire place here and seating area. It's going to be a beautiful setting.

Comm. Panico: On the bar side, public park side, I think that elevation needs a little more work. This is very interesting as it has the nice brick pillars but they kind of get lost. I think you have the ones on the whole fence, right? Nothing in between? Can you go back to the grade elevation?

Pat Rose: You have the same brick pillars and it's similar to the rest. There are trees and shrubs in this location.

Comm. Panico: Okay.

Pat Rose: Finally, restaurant #1 is Chick-Fil-A. This is one of their prototypes that is used on the site. It uses all brick veneer on the outside, darker color brick on the bottom, lighter color brick on the top and comes down around the entrances. Similar type steel canopies over the windows and doors.

Comm. Harger: We need to have a little discussion about this. We've got 30,100 square foot retail with all of the elevations, a coffee shop that I think is a very nice design, and I'm looking forward to seeing what the hotel brings. But I look at this as a square building with no interest at all. Is this what Chick-Fil-A wants to have here? I don't go for this at all. I think it's too industrial looking and plain. This is not my idea of something not that's exciting and attractive unfortunately.

Comm. Tickey: I agree and it is on Bridgeport Avenue. We've seen this with other developments that have these pods closer to Bridgeport Avenue. They really do stand out and resent the whole development.

Comm. Matto: Is this corporate's thing?

Comm. Harger: They have various things that I did see on the internet and conveyed to the design group but this is nowhere close to what I think is acceptable at all.

Attorney Thomas: You're talking about a site with an anchor. Very seldom you talk about an anchor with a restaurant like this. But this is an anchor for this site. It's the honey that draws the other bees, the other tenants that has occurred with the other discussion. There have been some discussion and additions to their initial prototype and I don't know if this rendition gives it as much as a look. The colors will match but this is very difficult going back and forth with them. I've seen several Chick-Fil-A's and most of them are similar like this, even with less and no awnings.

Alternate Miller: It's similar to what McDonald's is building across the country with the rectangle. What they did in Derby for example.

Comm. Harger: I really have just a lot of objections to this. I think esthetically, it's just not interesting at all and I don't like this at all. Big square shoe box kind of thing.

Attorney Thomas: We'll be glad to have any discussions with Chick-Fil-A. As a national this is one of the more difficult calls and this is the main tenant. Not only with respect to other tenants or with respect to the public, but it has gotten the most positive response.

Comm. Harger: I agree and I had the Chick-Fil-A in Danbury Mall and enjoyed it immensely. But the design on this is really lacking and just boring as anything. I don't like it and I don't think it does anything to enhance the Fountain Square at all.

Comm. Matto: Except to pay bills.

Comm. Harger: Exactly. But esthetically, I think it has a long way to go.

Attorney Thomas: Well, we are certainly willing to sit down with Staff, you and them and potentially bring in the Chick-Fil-A people. I don't know if this rendering is doing it justice as to when it will be built and with the landscaping around it. As you recall, there is landscaping along the wall on Bridgeport Avenue.

Comm. Harger: That's good and appropriate but I don't know.

Pat Rose: Let's see if they have this prototype build somewhere else.

Comm. Harger: Anything else you would like to share?

Pat Rose: That's it.

Alternate Miller: How tall is that wall in front of this Chick-Fil-A? You show a stone wall in this picture.

Pat Rose: Yes, about 8 feet, it varies and gets taller as you get to the entrance along Bridgeport Avenue. 4 feet at the pharmacy and 10 feet as you go around the corner.

Alternate Miller: And then it's up on a hill?

Pat Rose: It's on a hill, you're looking up at it from Bridgeport Avenue.

Comm. Tickey: The CVS has some columns.

Comm. Harger: Yes, it has some interesting features.

Comm. Widomski: The hotel?

Pat Rose: Yes.

Comm. Widomski: I've had a number of requests and I don't know if you've talked with the businesses above in Scinto's Complex but I know they always are looking for big conference rooms. I don't know if you want to talk with Marriott about doing something like that along those lines.

Pat Rose: They've sent me the floor plan and it has a conference room fairly large.

Comm. Widomski: Something big. My brother asked me about it and he works for United Healthcare. They have a lot of conferences and go out of town because there is not a big enough room in the area. We have the hotel space for the rooms but we don't have a conference center where you can pack a lot of people in there.

Rick Schultz: Like the Marriott in Trumbull?

Comm. Widomski: Yes, that's what I'm talking about. I think that's one of the places they go and he's just trying to keep it in town. United Healthcare has been a great tenant in Shelton.

Rick Schultz: We have a Draft Resolution. All of the Commissioners have a copy of the Draft.

Comm. Panico: As indicated, this is a Draft and I just tried to put down the various points. I didn't know what additional clarifications you were going to give us tonight so, some of this might be redundant. As with any project as of this scope and even after we make a decision, there are follow-up meetings that need to be held between the technicians, the architects and engineers and make sure we are all on same wave

length. We look to see the notes of the plans and things of that sort. But this is a pretty good go at it and let's see what you think. Draft for Application #18-24: Application of Fountain Square, LLC for Final Detailed Development Plan approval of Phase 1 of a retail commercial development of nine (9) buildings on a site located at 801 Bridgeport Avenue at the corner of Parrott Drive, zoned Planned Development District #91 (PDD #91). **See attached.**

There were some questions the last time and marked up just so everyone is satisfied. There is a logical system of sidewalks that will occur with Phase 1, everything is interconnected and they are all there connected out to the street. All of those improvements are built. This final green line is the prepared site, again part of Phase 1. The prepared site for the future sidewalk to go down there which I will address in a moment.

Comm. Widomski: I have a quick question on that. The sentence above "based on the public site availability across the property immediately to the north of the subject site," why don't we just strike that and leave it as frontage will be graded and prepared for future sidewalks to installed when determined by the Commission. Based upon the public availability.

Comm. Panico: Yes, that is what our discussion was. Right now, it's a sidewalk to nowhere.

Comm. Widomski: It's not a sidewalk to nowhere.

Comm. Panico: It is because it dumps you off in the middle of nowhere of a paved parking lot.

Comm. Widomski: It takes you to the next parking spot. It's fine.

Comm. Panico: The question is by putting a sidewalk there you're encouraging people to walk there. What we've done is prepare it so there's a shelf if someone decides they do want to walk there is a safe shelf they can walk on without walking out into the street. I don't think you want to encourage people to walk there.

Comm. Widomski: Why would we not want to encourage people to walk there?

Comm. Panico: Because it goes to nowhere. Suppose somebody decides to walk off the end of the sidewalk and they get hit by a car pulling into that shopping center. That's where it is at the entrance of the shopping center.

Comm. Harger: Not if it continues to the left side of the Plaza Diner and hooks into the sidewalk.

Comm. Panico: We're rehashing an old discussion and we can do it any way you want.

Comm. Widomski: That's fine.

Comm. Harger: On page 7, the provision of specifics #3 concerning the exterior materials and finishes.

Comm. Panico: I know the Commission sometimes likes to feel and touch.

Comm. Harger: To me it was not "if" requested by the Commission, but "when" requested by the Commission.

Comm. Panico: Okay, we can do that, sure.

Rick Shultz: Do you want to include wording on page 6, top paragraph, "all outstanding concerns noted herein" with the insertion of "including the submission of alternative architectural design solutions for the Chick-Fil-A building." The Commission made a big statement about that.

Comm. Panico: Do you want to say "submission" or "consideration"?

Rick Schultz: Consideration.

Comm. Panico: It will read then, “all outstanding concerns noted herein including consideration of alternative architectural design treatments for the Chick-Fil-A building will need to be resolved to the satisfaction of the Commission.”

Comm. Harger: Any Commissioners on that end of the table have any comments, questions or concerns?

Commissioners: Nope.

Comm. Harger: All right, then if that’s the case, we’re ready to move forward with a vote on this particular Phase 1 Final Detailed Development Plan Approval. Would anyone like to make a motion on this?

Motion made by Comm. Matto, to approve the Final Site Development Plan Approval (Phase 1) for PDD #91 (mix use development), as well as to adopt the Resolution, seconded by Comm. Tickey. On a Roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Tickey: Aye	Comm. Matto: Aye	Comm. Kelly: Aye
Comm. Widomski: Aye	Alternate Miller: Aye	Comm. Harger: Aye

The motion passed unanimously.

D. App. #18-06, John Paul Development, LLC for Modification of Final Subdivision Plan Approval (Booth Hill Estates: elimination of lot 6, lot line revisions), Booth Hill Road/Waverly Road, R-1 District (Map 4, Lots 56 and 57).

James Swift: Good evening. My name is James Swift, professional engineer, landscape architect. Hopefully, this will be fairly quick. As the Commission may recall, on this application the conventional lots were approved. On a separate motion, the half acres were denied. The one acre lots that were approved that you can see here in the dark color. In working with Staff and the Wetlands officer had a few issues with this particular lot on this corner of this site. Even though we have Inland Wetlands approval for it, he thought there were some complications. So, we decided to leave this particular lot off of the subdivision and that’s the point of the application that you have in front of you. Basically, to make the Inland Wetlands people happy, we’ll drop the lot off and I believe the map and mylar is at the Commissions’ table as we speak for signature subject to this being a condition.

Rick Schultz: I’ve prepared a motion. Once again, the Commission approves 6 lots and the Draft motion reads to approve the Modification of PZC Application #18-06 by the elimination of lot 6 on plans titled Booth Hill Estates, Phase 1 prepared by Lewis Associates, James R. Swift, Surveyor, PE dated January 30, 2018 Final Revision dated today, September 11, 2018 with the standard conditions, 5, 6, 7, 9,12, 13, 14, 15, 27, 28 and 32. The special condition of conveyance of open space shall be executed during the submission of Phase 2 for the subdivision of the remainder of the land as that Phase 2 application later on tonight for acceptance.

Comm. Harger: And just to clarify, lot 6 is the one next to land now and formerly of Walter and Myrna Callokay.

James Swift: That’s correct.

Comm. Widomski: Do we submit lot 6 on the next plan though?

Rick Schultz: Yes, you will see that a little bit later tonight.

Comm. Widomski: Okay.

Rick Schultz: Motion is in order.

Comm. Harger: Okay, is there a motion to approve Modification of Final Subdivision Plan for the elimination of lot 6? Does anyone care to make a motion?

Motion made by Comm. Kelly to approve the Modification of Final Subdivision Plan Approval (Booth Hill Estates: elimination of lot 6), seconded by Comm. Matto. On a Roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Tickey: Aye

Comm. Matto: Aye

Comm. Kelly: Aye

Comm. Widomski: Aye

Alternate Miller: Aye

Comm. Harger: Aye

The motion passed unanimously.

## VI. New Business

A. App. #18-26, Dominick Thomas on behalf of S&G of Shelton, LLC for Initial Development Concept Plans and PDD Zone Change Approval (The Crossroads: 30 age restricted dwelling units), 96 Long Hill Cross Road (Map 51, Lot 13), 1A-2 District – accept and schedule a public hearing.

Rick Schultz: We're recommending October 24.

Comm. Harger: All right, is there a motion to accept and schedule a public hearing on October 24?

Motion made by Comm. Tickey, to approve the Initial Development Concept Plans and PDD Zone Change Approval (The Crossroads: 30 age restricted dwelling units, accept and schedule a public hearing on October 24, 2018 seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to approve the Initial Development Concept Plans and PDD Zone Change Approval (The Crossroads: 30 age restricted dwelling units, accept and schedule a public hearing on October 24, 2018 for Appl. #18-26.

B. App. #18-27, Duane Howell for Modification of Final Subdivision Plan Approval (194 Mohegan Estates: common driveway design), R-1 District, (Map 84, Lot 64) – accept, discussion and possible action.

Comm. Harger: Can I have a motion to accept Application #18-27?

Motion made by Comm. Kelly, to accept discussion, seconded by Comm. Tickey. On a voice vote, the PZC unanimously voted to accept the discussion for Appl. #18-27.

Comm. Harger: All right, now, discussion.

Rick Schultz: In so far, this record map has been filed. This is a new submission and is the old Huntington Animal Hospital. The Commission approves a four-lot subdivision. Lot 1 had its own independent driveway to Mohegan. The Commission struggled with the applicant to have one common driveway. They are now going back to the original wishes of the Commission and they are eliminating that driveway. So, everything else is the same. Jim, do you have any other comments?

James Swift: I do not.

Rick Schultz: Staff has prepared a motion in so far, as to approve the four lots. All four lots will be a common driveway. One curb cut to Mohegan which is what the Commission really wanted in the very beginning. Jim, is it an 18-foot wide driveway?

James Swift: Common driveway, yes, that's correct.

Comm. Harger: Are you gentlemen down there understanding?

Comm. Widomski: Two driveways next to each other?

Comm. Panico: No, one single driveway. Larger than normal driveway. ~18 feet.

Comm. Widomski: Okay.

Rick Schultz: I have a Draft Motion unless the Commission has any questions. To approve the Modification of Final Subdivision Plan Approval PZC Application #18-27, four-lots on plan titled Booth Hill Estates, prepared by Lewis Associates, James R. Swift, Surveyor, professional engineer, dated 5/24/17 and final revision dated 9/11/18 2018 with the standard conditions, 1,6,7, and includes bonding for all four lots and 9,12, 13, 14, 15, 27, 28 and the special condition that the applicant shall deposit a total sum of \$15,000 into the open space trust fund using the fraction method.

Comm. Harger: So, that's the motion for approval for this Modification. Is there a Commissioner that would like to make a motion to approve the Modification?

Motion made by Comm. Kelly to approve the Modification of Final Subdivision Plan Approval, seconded by Comm. Tickey. On a Roll call vote taken by Comm. Harger, the PZC voted as follows: 5 to 0 to 1.

Alternate Miller: Aye

Comm. Widomski: Abstain

Comm. Kelly: Aye

Comm. Matto: Aye

Comm. Tickey: Aye

Comm. Harger: Aye

C. App. #18-28, John Paul Development, LLC for Modification of Final Subdivision Plan Approval (Booth Hill Estates, Phase II, 13 Lots, R-1 District, Map 4, Lots 56 and 57) – accept for review.

James Swift: I understand this will be accepted for review so, I will be fairly brief with my comments. As the Commission just discussed, we have these lots approved already and we are filing the map that will be called Phase 1. So, what we'll be doing is submitting a conventional subdivision plan for the remaining parcels which will be titled Phase II. So, here's Phase 1 and those are the lots that have now been approved. We'll be making some property line modifications up in this corner and will be proposing that the road comes in off of the site of Booth Hill Road. As you can see, Lot 6 has made a rear appearance where it was before. This has also been submitted to Inland Wetlands and they will hear this on Thursday night, so the process has started.

We think it's a good plan for Inland Wetlands in that Inland Wetlands was basically concerned with what was going on with two wetlands in this location and the intermittent water course that flows down the street. That's also going to help out, I believe, this Commission and its decision in that when we obtained our original Inland Wetlands approval, they were concerned with the development that was occurring along that intermittent water course. In resubmitting, we had to follow along with the intention of the Inland Wetlands approval and try to reinstitute that conservation easement in this

group that you see here. I just want to be very clear on this. We submitted a conventional subdivision to the Commission and as promised of the approval of Phase 1, we now owe the Commission and the town 10% of the overall land area. That 10% is all located down in this corner. That is open space fee dedication. Just to be clear, this is conservation easement. That's two different items and the Commission is getting its 10% plus additional bonus land if you will.

Two things I want to point out on this conventional subdivision plan. Again, this is a happy coincidence between Inland Wetlands and this Commission is that Inland Wetlands is a little bit sensitive to this conservation easement and the intermittent water courses. I know this Commission is interested in preserving as much as possible going along Booth Hill Road and non-disturbance area. What we've done is laid out the subdivision in a conventional format. All of the lots are 40,000 square feet or greater and everything is in complete conformance with the subdivision regulations. What we've done on two of the lots is something different. If you look at Lot 16, it's a 40,000 square foot lot, has plenty of frontage but behind it between it and 16 we've left a little strip of land.

So, now if you move to Lot 17, again 40,000 square foot lot, it's got complete frontage as required on Booth Hill Road to meet the performance standards so, it is a frontage lot. However, we're going to access it off of the proposed roadway. It's not a rear lot but we're doing something a little bit different just to access that lot. We're actually doing the same thing for Lot 18. It's a frontage lot, it has complete frontage on Booth Hill Road area and set back, not a rear lot but we're going to access it from the cul de sac. That does two things. For this Commission, it preserves the Booth Hill Road and no driveways coming out to it and for Inland Wetlands, it prevents having to cross in that location. So, again, completely conventional subdivision. I think it's laid out in a fashion that's going to please this Commission and Inland and Wetlands.

Comm. Panico: The lot that goes to the cul de sac for access, is that by feet?

James Swift: It has to be by feet because the Aquarion Water Company is not supplying water services without a feet strip.

Comm. Widomski: Both of them are.

James Swift: We actually considered doing both of them by easement but Aquarion will not let you do that so, it's a fee strip.

Rick Schultz: If Staff has a question of the Commission the applicant is the 26-foot-wide city road. Some Commissioners have brought to my attention the need to go wider. It's a judgement call by the Commission. Our standards are 30 feet wide. That has been reduced to 26 feet and it has worked. But now there is a renewed interest in looking at that again. Can we get some feedback from the Commission on the preferred width?

Comm. Matto: Is Argon 26, do you know? I know it was reduced. I thought the understanding is that it's cheaper to plow.

Rick Schultz: Yes, the town likes that. It's what the public's needs are.

Comm. Panico: The only problem when you go to 22 and I like the narrower roads myself. On 22 you really cannot park on the street.

Comm. Widomski: 26

Comm. Harger: He's comparing it.

Comm. Panico: Oh, I thought you were asking for it as 22. 26 works because you can still park on the side of street and have 2-way traffic go by.

Rick Schultz: John Paul, do you like the 26? Does it work for your purposes?

John Paul: Yes, that's fine.

Comm. Matto: Just for my understanding, this conservation easement along here, do the home owners touch it?

James Swift: It depends on how the conservation easement is written. In general, it means it can't cut trees.

Rick Schultz: Leave it in its natural state.

Comm. Matto: What is it like now?

James Swift: In this area up in here where the old farm pond is and is basically farm land. Down here is questioned as trees and has been logged as Connecticut has been.

Comm. Harger: What kind of separation is going to be there in place behind 16,17 and 18 so there is no intrusion? If someone wants to expand their lawn or etc.

James Swift: Well, what we did was in this location here because it's adjacent to the wetland we're showing actually specific fencing and that will be a condition of the Wetlands approval. Then as you can see the line jogs around in 17 and 16 and that's because we're following a stone wall.

Comm. Harger: Is it one that is sufficient?

James Swift: Yes.

Comm. Harger: And isn't that the case along the open space?

James Swift: The open space that was suggested in some of the preliminary conversations with Staff that we provided a split rail fence or something and we don't have any issue with that.

Comm. Widomski: When you go in there I'm sure you're going to end up with a lot of rock out of there. A split rail fence can be easily moved. I'm thinking a wall might be a little more appropriate because the worst thing they'll do is dump stuff over the sides. That's one thing to ask on the conservation easement is that are we going to let the property owners know that is a conservation easement and they can't be dumping their fillings and cutting in there.

James Swift: Yes, we're willing to discuss that, sure.

Comm. Widomski: We see intrusions onto open space throughout the city. I personally, I don't know about the rest of this Commission would like to see a more permanent structured between the property owners and the open space only because we have so many intrusions on it. But with a split rail fence, the fence post rots away in ten years or they take it down and it's a little bit harder to take a wall down.

Comm. Harger: While Commissioner Widomski addresses the split rail fence, I thought there had been some discussion with maintaining what is noted here remains a wall.

James Swift: As I said, we can discuss that. I think in most cases where that's happening is in reduced lot sizes. These are our premium lots, if you will. We'd be glad to discuss it and those are very large lots. We're hoping they'll have enough land of their own.

Comm. Widomski: It goes back to what I said earlier about "let's talk realities".

Rick Schultz: I just want to make a quick statement that 55 years ago, the subdivision regulations worked out that this were to require sidewalks because it's one mile to Booth Hill. And unfortunately, we have all but two sidewalks that need repair. That's

how it came to be. I know that Commissioner Panico didn't support sidewalks out in the middle of nowhere-ville.

Comm. Panico: But that's what the Commission wanted to do. So, more kids could walk to school.

Rick Schultz: Kids don't walk to school anymore. I used to walk a quarter of one mile to my bus stop.

Comm. Widomski: And they can't go to school on a hot day.

Comm. Harger: There are sidewalks on Long Hill Avenue because residents use sidewalks on Long Hill Avenue on a regular basis. There is a walk-ability score that towns get and I don't think we get a very high one. If I had been here five years ago, I would have been pushing for sidewalks. There are sidewalks on adjacent streets in my neighborhood. I'm not the walker in my family, my spouse is and it is a feature that I think lends itself of attractiveness.

James Swift: I agree too.

Comm. Widomski: I'm a big proponent of sidewalks, and you know that. But I'm not feeling it here because it's a dead-end road.

Comm. Harger: So, we're going to need a motion to accept for review.

Motion made by Comm. Matto, to accept for review on October 9, 2018 for the Final Subdivision Plan Approval (Booth Hill Estates Phase II, 12 Lots), seconded by Comm. Tickey. On a voice vote, the PZC unanimously voted to accept for review on October 9, 2018 for the Final Subdivision Plan Approval (Booth Hill Estates Phase II, 12 Lots) for Appl. #18-28.

Comm. Widomski: Is this all subject to the Inland Wetlands review?

Rick Schultz: Yes.

James Swift: For the record, we have the Inland Wetlands approval but it is a revision so we've submitted to Inland Wetlands the existing plan.

## VII. Public Portion

Comm. Harger: Is there any member of the audience that wishes to address to Commission on any item not on the Agenda? Last time, is there anyone in the audience that would like to address the Commission on any item not on the Agenda? As being that no one has identified themselves, is there a motion to close the public portion?

Motion made by Comm. Widomski to close the public portion of the hearing, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to close the public portion of the hearing.

## VIII. Other Business

Comm. Harger: Informal presentation of a self-storage facility, 153 Bridgeport Avenue. Attorney Thomas, could you explain the reason for an informal presentation?

Attorney Thomas: Yes, within the parameters of your PDD application, your provisions of the exact sanction authorize the applicant to make an informal presentation to the Commission on a project on wish they propose.

Comm. Harger: So, you have a site on Bridgeport Avenue coming in for a PDD. This is the first step.

Attorney Thomas: Yes.

Comm. Harger: And when that PDD application is filed, is that presentation that night going to be redundant of this?

Attorney Thomas: The purpose of the informal presentation as it's been in the past is to get feedback from the Commission with respect to this proposal. This has been the subject of a couple of staff sessions. There have been mixed responses and when that situation occurs as similar to when Goodwill wanted to go on the Coco property. There was an informal presentation made to the Commission and feedback was received. Goodwill decided not to go onto the Coco property as a result of that feedback.

Comm. Harger: Attorney Thomas, you don't have a mic.

Attorney Thomas: This is a situation of a strip of land. This is a street view of a parcel of land that is basically across the street from Chaves Bakery. It is a site that has been used for parking a trailer truck. I recall one time at a Commission meeting and one of the Commissioners instructing Mr. Schultz to make sure the trailer truck moved. It has been used for the dumping as you can see of mulch. It abuts the Shell Station that is to the north basically and it abuts in the back here. Bruce Butler's business condos that the business use and if you went up the hill you would see Perry Hill School. This is the parking lot of Chaves Bakery and the site, shall we say, is topographically challenged. You get a better view of it and again I want a disclaimer that the outline in red is being done by me and not by a surveyor. It's to give you an idea of the site.

The proposal is for a self-storage. I think it's a CD-2 zone. So, it's a commercial zone which involves many commercial uses. But the applicant, actually the prospective purchaser has proposed a self-storage on the site and this is a rendering of the self-storage facility basically from Bridgeport Avenue view of what the self-storage facility would look like. It would have drive entrances zoned, the ability of vehicles to go underneath, it's a self-storage facility. The marketing of it and the desire of it is that you are in a very mixed area. An area that has mainly commercial, mainly older residential, if you go further south, you have mainly commercial. Many of the homes in the area are smaller homes and they are smaller multi-family homes. In certain situations that is an appeal to be able to find the availability to store. These are renter units mostly, although, they can be owner occupied with rental. A lot of them are in these homes because I grew up in a similar 900 – 1,100 square feet apartment and they don't have a lot of storage unless they have an attic or basement.

There is an appealability to them and to the businesses in the area to be able to have storage when you don't have storage on site. The thought was that it would have to be an appropriate design. What you have to understand is that this is a very sloped area so, this building is going to be cut. There will be excavation and cut into this hillside and it will not stand above the hillside or of that nature. So, I do believe it would be an appropriate use of rather than some of the smaller commercial uses of gas stations, convenient store and retail. Plus, the fact that is a use that is not an extremely well traffic generator. You're not dealing with retail issues. There's not that many traffic issues if you look across the street. Except on holidays, if you go into Chaves Bakery

and there are 42 people who are picking up their order and you are order number 36. Then there are traffic issues.

Comm. Widomski: Where's Bridgeport Avenue on that?

Attorney Thomas: This is the Bridgeport Avenue view. So, Bridgeport Avenue would be in front. Bridgeport Avenue slopes up slightly and this attempts to show you what it would be like if Bridgeport Avenue is flowing up.

Comm. Widomski: I thought we were looking at a side view.

Attorney Thomas: You're looking at the front. That's the profile of the road.

Comm. Kelly: So, the building is ~ 45 feet?

Attorney Thomas: These are 11 x 14 copies. I think the main thing is to get some feedback. It's a commercial use, low traffic use and as you can see from the site the front of it people use it for putting in mulch. I suppose you can keep sending Rick Schultz out with Cease and Desist orders. The back of it is overgrown mostly with invasive species. When it's Winter and the leaves fall off of the trees, it's just a relatively barren site. The only other suitable way to find a use where someone who could comply with the zoning, cut into the hillside and put in a small store. Although you have a gas station next door or something along those lines.

Comm. Kelly: So, it's about ~ 45 feet high?

Attorney Thomas: I believe so. The first-floor elevation is 105 and the roof line is 150.

Comm. Harger: Is there any more information you wanted to share with us?

Attorney Thomas: No, I was just hoping to from the Commission. I think we are all familiar with the site. If anyone has any questions, I think you know. You're driving up Stellar's Garage, all of the other sites along Bridgeport Avenue.

Comm. Harger: I would be much against this. I don't think this is an appropriate site for this particular kind of use. I think it would change the whole nature and character of the neighborhood. The fact that there would be blasting that would have to be done, I think is something I would be very concerned about. I think there are better places for this. I can mention where but I don't see this being appropriate for this particular location. I don't care how much traffic it doesn't generate. As far as I'm concerned, it does not belong on that particular strip.

Comm. Tickey: Exactly and I completely agree. The road really narrows there. We've had other conversations when other businesses have come in that area, like Antonio's, and about the vehicles that come in and out. As I think about self-storage, I think about the people coming in and out, loading up their cars and occasionally a U-Haul. I can't even imagine them coming out as that road narrows for that piece of lower Bridgeport Avenue. Where then just a couple of feet down the road you have that complex intersection at Nells Rock Road and Bridgeport Avenue and further as you get into downtown. I just don't think it belongs there at all.

Attorney Thomas: I mean, it's zoned commercial, anything would require blasting and almost anything you look at in your zoning regulations for what it is zoned for is substantially higher traffic than a self-storage. And if you were to look at Cube Smart you wouldn't see hardly any traffic in and out of there.

Comm. Tickey: You wouldn't notice though because the road is wide enough for cars to come in and out and to easily to get on and off of Route 8.

Comm. Harger: It's not suitable for this particular neighborhood. I don't mind having a storage facility like this pass Viking Tool on that plot of land that's passed Viking Tool near Wal-Mart.

Attorney Thomas: It's been approved for that. It hasn't been developed. So, your suggestion is that the owner I should say because the applicant a contract purchaser, should go back to the regular zoning and look for zoning under the commercial zone.

Comm. Harger: I personally think they should go back and look for some other use for this site.

Attorney Thomas: Well, we have it zone for, I think it's CD2. I'm going to go back to the owner and say you have to do your site work and put a building on it that complies with the zoning requirements that are in CD2. Retail, or whatever else is in CD2, I think stores or maybe small offices or that nature. Is that what your position is?

Comm. Harger: Yes, something that would fit the nature of that particular neighborhood.

Attorney Thomas: Well, the nature of that neighborhood is that it is a commercial neighborhood.

Comm. Harger: There's a lot of residential.

Attorney Thomas: If you look at the zone, the residential is pre-existed, legal, non-conforming properties within that.

Comm. Harger: So, these people are living there.

Attorney Thomas: Under your zoning I have to abide by your confidence and plan. Those properties, I believe those houses are pre-existed, legal, non-conforming uses so, those people shouldn't even be allowed to put a porch or deck on their property because that's an expansion of a pre-existed, legal, non-conforming use.

Comm. Harger: And have we had any applications or requests for that?

Attorney Thomas: No.

Comm. Harger: No!

Attorney Thomas: It's a very mixed-use area. Okay, that's why I had the informal. I suppose the applicant can come in with a residential use and take it down and put an apartment building or something along those lines. With respect to a small apartment building, maybe with a couple of retail bays in the back, that would support the sitework. We're just trying to get some ideas because this is a commercial zone. It's a very difficult site that has been the subject of a lot of complaints.

Comm. Harger: It can be considered a very difficult site but it's also one where just due to the fact that it's there should be developed.

Attorney Thomas: Well, no, you can't go to sell it until you get it developed.

Comm. Harger: No, but there are a lot of comments thrown out in the past where why doesn't the city buy it and use it for open space, a pocket park, or this or that?

Attorney Thomas: The city may buy it. It's called inverse condemnation. Then the city buys it and there's a number. People can't develop the property within accordance of the zoning as a circumstance. Their only option is inverse condemnation. But there are other uses like I said, a mixed-use development with apartments might be appropriate I guess might be much higher traffic than this kind of development. But it's certainly something the owner would continue and maybe my client will discuss it with him.

Comm. Widomski: I'm not saying I do or don't like it, but it's a little too tall for the area. I'm looking at a gargantuan, 45-foot-tall building with everything else around it and it's just going to stand out.

Attorney Thomas: It would not store above the hill.

Comm. Widomski: I'm not looking at the hill, I'm just looking at driving down the street. It's just a very tall building.

Attorney Thomas: Okay, well thank you for the comments, we appreciate it.

Comm. Harger: Thank you, Attorney Thomas.

#### A. Approval of Minutes

Comm. Harger: I had sent an email to all of the Commissioners explaining all of the reasons. I don't know if anyone has any questions about that.

Comm. Matto: I have some corrections. On April 10, page 15, statement I made in the middle of the page says "prospective" and should be "perspective". Also, on page 27, statement to Rick, a third of the way down "then coverage then" not "them".

Comm. Harger: Do any other Commissioners have any comments about the minutes?

Comm. Matto: I like the font. You can read it.

Motion made by Comm. Matto to approve the minutes of 12/12/17, 12/19/17, 1/9/18, 1/24/18, 2/13/18, 2/13/18 (Special), 2/28/18, 3/27/18, 4/10/18, 4/25/18, 5/8/18 and 5/23/18, seconded by Comm. Widomski. On a voice vote, the PZC unanimously to approve the minutes.

#### B. Payment of Bills

Motion made by Comm. Tickey for payment of bills if funds existed, seconded by Comm. Widomski. On a voice vote, the PZC unanimously voted for payment of bills if funds existed.

#### C. Staff Report

Comm. Harger: Rick, are you going to table your staff report?

Rick Schultz: Yes, we have a downtown sub-committee meeting Friday. Important items on there with Dominick Thomas regarding the exterior docks on Canal Street West for the barber shop. It has been removed and needs a step for the barber shop. It's good that the steel structures have been removed and a wooden structure to be removed on the sidewalks. We need consensus on Friday for that.

Comm. Kelly: Actually, if anyone went down and looked at the barber shop, it's a pretty nice façade.

Comm. Harger: But now we're back to square one. Is that the only access that they have?

Rick Schultz: Yes, that's the only access.

Comm. Kelly: What's that?

Rick Schultz: Because they want the patrons to park across the street.

Comm. Kelly: Don't they have an inside access?

Rick Schultz: But they want the patrons to walk across the street.

Comm. Kelly: They do have an inside access. We asked them that before.

Rick Schultz: We have to look at that. We'll meet and walk down there.

Comm. Harger: So, everything else in the staff report will be tabled.

Comm. Widomski: Can I ask a question?

Comm. Harger: Sure.

Comm. Widomski: I just want to get a consensus vote. Can we get the zoning regulations committee together and go over some of the zone changes and zone issues? Specifically, I want to look at the PDD again. I think it's being used, especially with Huntington Center, in places that it was not intended to be used. I think we need to take a look at that again to kind of reign that in.

Comm. Harger: We will definitely bring it to the attention of the Chair, Commissioner Pogoda when he gets back.

### IX. Adjournment

Motion made by Comm. Kelly, to adjourn, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to adjourn at 10:45 p.m.

Respectfully submitted,

Sarah Vournazos, Recording Secretary