

SOUTHINGTON PLANNING AND ZONING COMMISSION  
Public Hearing  
September 19, 2006  
Town Hall Council Chambers, 75 Main Street, Second  
Floor

MINUTES

Chairman Zaya Oshana, called the Public Hearing of the Southington Planning & Zoning Commission to order at 7:02 pm with the following members in attendance:

John Carmody, Michael DelSanto, James Sinclair, Francis Kenefick, Patrick Saucier and John DeMello

Alternates: Richard Hart  
Lisa Conroy

Others: Mary Hughes, Town Planner, Mark Sciota, Town Attorney, Anthony Tranquillo, Town Engineer and John Weichsel, Town Manager

Absent: Robert Borkowski, Alternate Commissioner  
Brian Zaccagnino, Alternate Commissioner

A quorum was determined.

The Pledge of Allegiance was recited by everyone in attendance.

ZAYA OSHANA, Chairman, presiding:

Items for public hearing this evening:

Ms. Hughes read the legal notice into the record.

A. CONTINUED PUBLIC HEARING FROM September 5, 2006 for Subdivision Application of Northstar Centers, LLC proposing to resubdivide property for purposes of creating 3 lots within a business and I-1 zone, Executive Boulevard South & West Street S #911.2.

Ms. Hughes clarified the mandatory action date. It is actually tomorrow, so we will be needing an extension during the regular session.

The Chair called for those speaking in favor of the application.

SEV BOVINO: Planner, with Kratzert, Jones and Associates representing the applicant. We're still working on various issues on this application, so we need to have an extension.

Questions?

Mr. Carmody asked what issues. Mr. Bovino said they are still working on the wetlands issue and on the ZBA issue where we need a zero lot line variance on the proposed buildings.

They are still pending Conservation Commission. The study hasn't been received, yet.

The Chair called for those speaking against the application.

(No response)

The Chair kept the public hearing open and continued it to the next meeting, which is October 3rd.

B. Resubdivision Application of Lovely Development, Inc. proposing to resubdivide property for purposes of creating 6 lots (Rich Gardens Estates), property located at 360 & 370 Mulberry Street S #503.1.

SEV BOVINO: Representing the applicant. The property is located at 360-370 Mulberry Street. There's two existing residences on the property and the proposal is to add four more lots via a short cul de sac that leads from Mulberry Street southerly into the property.

Served by public water and septic systems. The sewer is available on the street but the drop in elevation

prevents us from using the sewer.

Sidewalks are proposed. We've done the testing on the property with the health department and it's good results.

We are now in the process of addressing the checklists from Staff. There are some issues with the subdivision such as the sidewalk issue on both sides of the cul de sac but we would like to request a waiver at the appropriate time to consider eliminating the sidewalk on the west side of the property because it would be fronting on existing properties and I don't think those people would be appreciative of maintaining those sidewalks.

Questions?

Ms. Conroy asked where the driveway for Rich Woods Lane would be in relation to Benny Drive. Mr. Bovino explained they off set it enough to have appropriate distance -- 230 feet. We couldn't line it up opposite Benny Drive because of sight distances and the appropriate development of the property.

The minimum lot width requirement is 125 feet and that's what we have.

Mr. Kenefick noted quite a bit of difference as far as the elevation of Mulberry and where the driveway levels out. Is that going to be a problem getting out of there? Mr. Bovino said it is being designed so the approach to Mulberry Street is meeting the Town regulations. We do need fill in that first section of the roadway to accommodate that. Mr. Kenefick asked if it would infringe on the existing homeowners. Mr. Bovino said it is being done within our own right of way. We made the right of way larger to accomplish that. Explained.

The Chair called for those speaking against the application.

RITA INGRISELLI: I'm not for or against it. I just have some questions. I live at 342 Mulberry Street.

They're changing the contour of our property by

raising so high where we're now level with the driveway that goes down. We understand there is going to be a 4.5 foot drops to our backyard which basically puts us in a hole.

My daughter built a home in the back and she'll have about a 1.5-foot drop at the end of her driveway, which she had a driveway put in level with the road.

And, also how far is this driveway, road going to be from our property line. How much distance from the new road to our line.

We're wondering about the size of lots. My daughter had to have an acre.

And, the water. Right now there is a pipe going under the driveway at the end the water's draining off into the back of my daughter's yard and we had been telling them that can't be there. What're they going to do about the drainage?

That's about it.

MIKE GARRISH: 346 Mulberry Street. I wouldn't say I'm opposed to it, but I have the same questions and concerns as my mother in law.

Worried about my driveway being a lot lower than the road -- 1.5 foot.

To have a sidewalk on the western side, where I am, for just one house, on a cul de sac doesn't make sense.

Those are my questions to be clarified.

DENNIS VACHON: 355 Copper Ridge. I'm not for or against this particular application. Just in general, I was wondering when enough houses is going to be enough.

Discussion.

I just wanted to know what the limit is: until every piece of grass is gone?

Discussion.

When we have the Apple Harvest Festival, I don't believe there's four apple trees in Town.

(Answers to questions by Mr. Bovino)

Mr. Bovino said the lots are larger than the minimum requirement, which is 22.5.

The slope in regard to the driveway, we'll have a typical crown where the water will not run into that driveway. It will be gradually graded toward the inside of the roadway at this location. (indicating)

As far as the distance from the pavement to the property line, to their property, Ingriselli property, it's 32 feet approximately. Then a 10-foot strip of property that belongs to the property owner in the back and then it's 10 foot closer to that line.

As far as the drainage, I under the property owner that I'm working for is working with the neighbor in this house to work out some kind agreement in terms of drainage. Historically, that's where the water is going. There is no other outlet from this area here. There is right now a pipe underneath the driveway and it discharges into this property next door.  
(Indicating)

We are providing ZIRO as required by Town Regulations. But we are working with the property owner to try to reach an agreement on the drainage rights.  
Discussion.

Ms. Hughes indicated the public hearing needs to be continued to receive all of the required data that we need for this including the environmental assessment of the property we're going to accept.

We will have follow up on October 3rd.

Mr. Carmody asked the Town Engineer to explain ZIRO, which he did.  
Explanation.

And, Ms. Ingriselli's daughter needed an acre because

she has a rear lot in the R-20/25 zone.

The Chair continued the public hearing to the October 3rd meeting.

C. Petition of Kratzert, Jones & Associates, Inc. to Amend the Zoning Regulations Text to modify Section 12-01.1-0 and Section 12-01.1-P pertaining to parking area for manufacturing and industrial properties ZA #531.

SEV BOVINO: Representing the applicant. My proposal and request to the PZC is to modify the requirement for parking for industrial zones by eliminating the words: whichever is greater. That's in Section 12-01.1. That would allow some industrial space to be able to reduce their parking requirement. I've seen too much pavement not needed in this zone for employees or anyone else.

Section 12-01.1, I'm requesting that to be changed to read: for industries and manufacturing operation, 1 parking space for each 500 square feet and the gross floor area be removed.

I'm open to any suggestion you might have, additional wording you might want to introduce to make it more satisfactory to you and your Commission.

Mary put together a memo where she would recommend to include the wording "net floor area" which would discount, hallways, closets and other space that is not used for actual operation.

The Chair commented that seems to be a good compromise.

Ms. Hughes said it clarifies we are going on net and not gross.

Explained unusable space, which would have been included in gross floor area.

The Chair asked for anyone else speaking in favor of

the application.

(No response)

The Chair asked for anyone speaking against the application.

(No response)

The Chair closed the public hearing.

(Whereupon, the public hearing portion of the meeting was adjourned at 7:30 o'clock, p.m.)

SOUTHINGTON PLANNING AND ZONING COMMISSION  
September 19, 2006  
Town Hall Council Chambers, 75 Main Street, Second  
Floor

MINUTES

Chairman Zaya Oshana, called the Southington Planning & Zoning Commission to order at 7:31 pm with the following members in attendance:

John Carmody, Michael DelSanto, James Sinclair,  
Francis Kenefick, Patrick Saucier and John DeMello

Alternates: Richard Hart  
Lisa Conroy

Others: Mary Hughes, Town Planner, Mark Sciota, Town Attorney, Anthony Tranquillo, Town Engineer and John Weichsel, Town Manager

Absent: Robert Borkowski, Alternate Commissioner  
Brian Zaccagnino, Alternate Commissioner

A quorum was determined.

ZAYA OSHANA, Chairman, presiding:

Approval of Minutes - a Regular PZC Meeting of  
September 5, 2006

THE CHAIR: Looking for a motion for approval of our  
PZC Minutes from the September 5th, 2006 meeting.

MR. DELSANTO: So moved.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Before we start, I'd like to get a motion  
to add three items to our Agenda this evening under  
Miscellaneous.

The acceptance of Friar Lane. The Release of  
Subdivision, public improvement bonds and  
establishment of a maintenance bond to be determined  
by the engineering department.

Request for Wendy's to relocate their dumpster.

And, a 90-day extension to file the Mylar for  
Riverside Section II.

MR.SINCLAIR: I'll make the motion that we add those to  
Miscellaneous.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: We'll add those three to the Agenda  
tonight.

MS.HUGHES: Thank you.

5. Unfinished Business:

A. Subdivision Application of Northstar Centers, LLC

proposing to resubdivide property for purposes of creating 3 lots within a Business and I-1 zone, property located off Executive Boulevard South & West Street S #911.2.

THE CHAIR: At this point we are going to need an extension for this and I think we need an official request from the applicant.

MR. BOVINO: Sev Bovino, Planner with Kratzert & Jones, representing the applicant. I hereby request a 65 days extension on behalf of the client.

MR. CARMODY: Motion to grant the 65-day extension.

MR. SAUCIER: Second.

(Motion passed unanimously on a voice vote.)

MR. DELSANTO: Make a motion to table Item A.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

B. Resubdivision Application of Lovely Development, Inc. proposing to resubdivide property for purposes of crating 6 lots (Rich Gardens Estates), property located at 360 & 370 Mulberry Street S #503.1.

THE CHAIR: This has also been continued so we are looking for a motion to table.

MR. DELSANTO: Move to table.

MR. SAUCKER: Second.

(Motion passed unanimously on a voice vote.)

C. Petition of Kratzert, Jones & Associates, Inc., to amend the Zoning Regulations Text to modify Section 12-01.1-0 and Section 12-01.1-P pertaining to parking

area for manufacturing and industrial properties ZA #531.

MS. HUGHES: This is ready for action this evening ---

MR. DELSANTO: Motion to approve.

MS. HUGHES: I would suggest in the second paragraph that just for clarity purposes when it's pertaining to manufacturing and industrial uses that the words "net floor area" be added to the proposal.

MR. DELSANTO: With the addition of the words: net floor area.

MR. KENEFICK: Second.

ATTORNEY SCIOTA: Conditional upon acceptance -- 15 days from publication before it becomes effective.

(Motion passed 7 to 0 on a roll call vote.)

D. Site Plan Application of Northstar Centers, LLC proposing to construct a multi-use shopping center including construction of parking facilities, access driveways and miscellaneous site improvements, property located off Executive Boulevard and West Street SPR #1434.

MS.HUGHES: As with the previous application, we will require an extension on this this evening. This application as you are aware is still pending Conservation so it can't be acted on by this Board.

THE CHAIR: So, we're looking for a request from the application for a 65-day extension.

MR. BOVINO: Sev Bovino, Planner with Kratzert, Jones representing the applicant. I provided a letter to Mary requesting that extension.

MR. DEMELLO: Make a motion for approval of the 65-days.

MR. KENEFICK: Second.

(Motion passed unanimously on a voice vote.)

MR. CARMODY: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

E. Site Plan Application of Amity Construction & Design proposing to construct a 3,255 sf addition to the existing Mt. Lore Animal Hospital facility, property located at 7645 South End Road SPR #944.1.

MS. HUGHES: Item E is ready for action. I think Tony just has a couple of follow up points that he'd like to make during our discussion.

MR. TRANQUILLO: There is a sidewalk across most of the front of this property. There's a small section of about 30 feet missing on the south end of the property. And, I recommend that that sidewalk be extended across the curb cut. That's our normal policy.

If you want to add that as a condition, it's ready for approval.

DAN BOUCHARD: Civil One in Woodbury, representing the applicant. We have a waiver currently for extending that sidewalk saying that we do not have to extend it to the property line. It was granted by this Commission on July 18th.

MR. TRANQUILLO: I forgot about that.

(Chuckles)

I was on vacation, so I wasn't here.

MR. KENEFICK: You earned your money, already.

MS. HUGHES: I forgot, too, Tony.

(Motion passed 7 to 0 on a roll call vote.)

F. Subdivision application of Ravenswood Construction, LLC proposing to subdivide property for purposes of creating 9 single-family lots (Wyndcrest Estates) property located at 120 Clark Street, Milldale S #1242.

MS. HUGHES: The applicant is addressing our comments and requests this matter be tabled.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

G. Site Plan Application of Robert A. Drown proposing to construct a deck addition to an existing building for purposes of establishing an outdoor display area for a bicycle shop store property located at 1529 Meriden Waterbury Turnpike, SPR #1438.

ROBERT DROWN: 1529 Meriden Waterbury Road.

MS. HUGHES: As you'll recall, this was tabled --- this deck was constructed and the applicant would like to use it for outdoor storage associated with a bicycle shop, I believe.

The matter was tabled so that the Commission could inspect the area in response to his request for a sidewalk waiver.

THE CHAIR: Any discussion? Mr. Carmody.

MR. CARMODY: I'd like to make a motion to waive the sidewalk requirement. I think, you know, this guy wants to --- we're holding him hostage to put sidewalks in there.

MR. DELSANTO: Second.

MR. CARMODY: Personally.

THE CHAIR: Motion and second for a sidewalk waiver.  
Any discussion?

Mr. Kenefick?

MR. KENEFICK: I feel the same as John does. You know, just putting a deck on. The only sidewalks I believe in the area are them condominiums that're going up across the street and I don't think there's any sidewalks at all from like Speedy all the way up. So, I'm much in favor of the waiver.

I mean, if he was adding on, it would be a different -- I mean if he was adding on some gross, gross space, more than an outside deck, I wouldn't be in favor.

(Motion passed 7 to 0 on a roll call vote.)

MR. CARMODY: Motion to approve the site plan.

MR. DELSANTO: Second.

MS. HUGHES: I would just request that you stipulate the applicant has to apply for a zoning permit and a building permit for the deck.

MR. CARMODY: With the stipulation aforementioned.

THE CHAIR: To make it legal.

(Motion passed 7 to 0 on a roll call vote.)

H. Site Plan Application for Solidus for Apple Valley Bank & Trust proposing to revise the previously approved site plan to construct a bank facility with related infrastructure property located at 158-160 North Main Street, SPR #1225.1.

MS. HUGHES: The applicant has responded to the Commission's concerns that they expressed regarding the architectural and has made a slight modification to the original architectural that was proposed which I'll let Mr. Bovino explain to you.

It's on the back of the building, on the Mill Street, it's going down one story. It will be the same materials that you had originally approved.

This is ready for action this evening. There's two issues that I think the Commission has to address when it's considering whether or not it'll approve this application. One is that because there was a change in the architectural, it should go back to the State Historic Commission before they request a zoning permit. And, they should have documentation that the State Historic Commission has signed off on this.

The other thing and it's more aesthetic-based is that I'd like the Commission to review and sign off on the interior signage. There's nothing that makes a site in the historic district look worse than slapping up DOT signs that say: Do Not Enter. So, I'd like them to come back with some decorative signage for the interior of the site.

THE CHAIR: Sev, your thoughts?

MR. BOVINO: Yes. Sev Bovino, Planner with Kratzert, Jones representing the applicant.

After this Commission expressed concern with the building, I met with the Board of Directors and the President of the Bank and they decided to go back to the original building.

The only change we made is this back part of the building here, we reduced that to one story and it's going to look like this. (Indicated)

MR. CARMODY: Sev, can you pull that mike closer? I can't hear you. I'm sorry.

MR. BOVINO: The modification was made to the building in this area here (indicating).

(Discussion regarding the microphone)

Usually, my voice is pretty good.

MR. TRANQUILLO: It's on, but it's not up.

THE CHAIR: Just talk a little closer, if you could.

MR. BOVINO: Okay. Can you hear now?

MR. CARMODY: That's better.

MR. BOVINO: Okay. The modification was made to the building in the westerly portion of the property in this direction toward the railroad track, which is the back of the property.

The original proposal was this roof line extended to this point and came down having two story all the way. We are just cutting that area down and arranging a one-story structure in that area there. That's the only change.

THE CHAIR: I think if this were going to be approved, it would have to go back. I would like to see these two stipulations added on.

MR. BOVINO: Calls were made to the Historical Commission and there's an ongoing discussion. We've sent them these plans and based on the initial discussion with them, if the changes are this minor, there wouldn't be any problem. But I have no problem stipulating that.

THE CHAIR: And, the internal signage?

MR. BOVINO: That's fine.

THE CHAIR: John?

MR. CARMODY: Sev and Mary and Fran, the original approval of this, we had some back and forth on the green space versus the blacktop in the front. Do you remember that?

MR. BOVINO: Yes, I read the Minutes, yes.

MR. CARMODY: That conversation? So, can you just rehash what we're going to be seeing and ---

MR. BOVINO: Okay. This is the site plan that we proposed recently and in response to your concerns, we changed it and basically it's the same layout but the

building shape is the same as it was proposed years ago.

The green area you see here, that's where the green is you're going to see in the front. The distance from the property line to the building is about 52 feet and you have about 32 feet of grass area and then you have your sidewalk, you have your travel lane in this area and the sidewalk in front of the building and entryway. So, that's the green area you'll have.

And you have additional space on the south side now. Before it was more parking spaces in that area.

MS. HUGHES: One of the recommendations that I had was that the existing bit concrete sidewalk be replaced with a concrete sidewalk. They haven't done that to date. That might be something the Commission will want to consider stipulating, as well.

MR. BOVINO: No, it's on the plan. Right here it says: existing bituminous walk and slate curb to be replaced with concrete walk and curb.

MS. HUGHEHS: Thank you.

MR. CARMODY: That concrete goes all the way around on to Mill Street?

MR. BOVINO: This is a new sidewalk. It will be built here. This is an existing sidewalk out of bituminous and this will be changed to concrete.

MR. CARMODY: Do you know, by chance how wide Mill Street is at the entrance?

MR. BOVINO: The roadway itself?

MR. CARMODY: Yah.

MR. BOVINO: Thirty feet wide at the location where the driveway is.

MR. CARMODY: Thanks, Sev.

MR. KENEFICK: I think we had some pretty good information and I don't know if you could do this, or

not, but one of our honorary alternates mentioned it to me after the last meeting. That, instead of putting sidewalks on Mill Street, is there anyway in lieu of sidewalks, you could make the road wider?

MR. BOVINO: On Mill Street?

MR. KENEFICK: There's sidewalks across the street on Meccariello's property. And, I think there should be sidewalks here also, but Mill Street is a pretty tight area to get, you know, for the amount of traffic that goes through there. And, I was just wondering, Tony, if you think --- I mean, if it would make sense, instead of them putting the snow shelf and the sidewalks there, that if they just made the road wider?

MR. TRANQUILLO: Well, widening the road in that location would make some sense if we could get a third lane in that area. In other words, create a right turn and a left turn lane going eastbound. But they're not going to be able to accomplish that.

MR. KENEFICK: Irregardless of a three lane or not, I just think the width of that Mill Street, especially that area would be a plus for the traffic that goes through the Town. A lot of people are using that.

MR. TRANQUILLO: We'd need more than the width as for radiuses at the intersection.

MR. KENEFICK: Is there something that could be done here instead of them putting sidewalks in which, to me, doesn't make too much sense.

MR. TRANQUILLO: The answer is: No.

There is two factors. One is you're locked in on the south side with the existing walk. On the north side at the intersection, there's so many conflicts at that intersection that you can't widen the road at the intersection, so making the road wider away from the intersection doesn't make any sense.

If you look at the intersection, there's a traffic control box, there's a hydrant and there's a telephone pole on the south side. There's a lot of conflicts at

the intersection. Widening at the intersection would cost a fortune, an absolute fortune. I don't believe you'd want the applicant to take that on.

MR. BOVINO: Just to interject. We are providing property, as you mentioned, somebody mentioned during one of the meetings. We are providing properties at the intersection here to be deeded to the Town so eventually if someone wants to do the widening, they can do it.

MR. KENEFICK: That's very nice of you. Because something is going to have to be done about this. If this Ideal Forge even gets off the ground here, with 275 condos going in in downtown Southington ---

MR. BOVINO: We're providing the property to do it.

MR. KENEFICK: -- we're going to have to do something there.

MR. BOVINO: Tony requested the radius. We had a different shape. He requested a radius and that's what we do so you have enough property there to make it wider in the future.

But like Tony said, there's a lot of stuff in the way.

MR. TRANQUILLO: I'm not sure they'd be able to accomplish it for less than \$100,000 to widen the intersection. Unless you can widen the intersection, widening the rest of Mill Street doesn't make any sense.

MR. KENEFICK: It's going to have to be done sooner or later, I mean, some time.

MR. TRANQUILLO: It'll have to be an overall Town project at some point. But to ask these folks to do it ---

MR. KENEFICK: Why don't we get half out of them.

MR. TRANQUILLO: What's that?

MR. KENEFICK: Get half out of them.

(Chuckles)

MR. TRANQUILLO: Well, I like to get as much as I can for the Town, too. But I think asking them to improve that intersection is really unreasonable. They could really appeal that and win.

THE CHAIR: I'm sorry. I had to step out while I was choking. I made it back. You were talking about the green space the design. Are you comfortable with it?

MR. CARMODY: I am. I actually was going to make a motion to approve with a couple stipulations: (1) we get a letter on record that you got approval from the State Historical Commission and (2) that --- and I don't know how to word this legally, but that you come back to us with regarding to the interior property signage.

But I like what they've done. They came back with the original which I thought as fairly ambitious and kind of important for this parcel and where it's located as part of the gateway into Southington. So, I'm glad to see it back with the slight modification to the back.

And, Fran, you were a big proponent of that green space in front and I think it looks pretty good. So, that's my motion.

MR. DELSANTO: Second.

ATTORNEY SCIOTA: If I may, just to add to this stipulation about the signage, you are looking for signage that's complimentary to the building sites.

MR. CARMODY: Right, excuse me.

MR. WEICHSEL: A third stipulation is to knock off that growth.

MR. BOVINO: Yes, I was looking at it today, they cut the grass but they didn't remove that stuff of the chain link fence.

THE CHAIR: It was nice when they moved all that stuff out a couple of years ago.

MR. BOVINO: The fence is going to come down.

MR. KENEFICK: Last meeting we had a letter from I think Attorney Sheffy's wife that owns property next to it.

MS. HUGHES: They have resolved that issue. To the best of my knowledge.

MR. KENEFICK: As to ---

MS. HUGHES: They don't want the buffer on their property.

MR. BOVINO: We removed all the activities from their property.

MR. KENEFICK: Okay, but she was also worried about here special breed of tree that she had there?

MR. BOVINO: It's right here and it's quite far from where our activities are. I shouldn't be a problem.

MR. KENEFICK: That shouldn't interfere. And, she was also concerned about here fieldstone basement with all the excavation going in on this new --- if something happen there, what happens?

MR. BOVINO: This is an easy job. It's a foundation there; we're going to dig it up, a new foundation. It shouldn't be a problem at all.

It's a typical liability. If somebody creates a problem, if it's proven that they created it, they're going to be liable.

THE CHAIR: Motion and a second. Further discussion?

(Motion passed 7 to 0 on a roll call vote.)

I. Subdivision Application of Lovely Development, Inc. proposing to subdivide property for purposes of creating 5 single-family lots (Clover Ridge Estates) property located at 275 South End Road S #1243.

MS. HUGHES: This application needs to be tabled this evening, however, I think that Mr. Bovino would like to address you on a request for waiver of sidewalks on one side of the street.

MR. BOVINO: The last time we talked about this, we did not act on it; you did not act on it. We were working on the checklist from Tony and Mary.

The only thing that's left is the environmental study for the roadway. And, the issue of sidewalk in this case is on the north side. And, again, there's a neighbor here that lives up in this area and is facing South End Road. They will not be maintaining that sidewalk. So I am requesting a waiver, about 300 plus feet from the north side of the proposed roadway.

MR. DEMELLO: I don't see a problem on that waiver and at this time, I'd like to make a motion to waive the sidewalks on that north side.

MR. DELSANTO: Second.

THE CHAIR: Point to me again where you are looking for a waiver?

MR. BOVINO: From the end of the cul de sac to South End Road. We're going place sidewalk on the south side. We're going to have sidewalks on the south side.

Just one side of the street.

(Pause)

THE CHAIR: Would you consider a sidewalk waiver, I mean, I see what you're trying to do which is avoid that white space there, making somebody maintain that there because that's their property and they'd have to maintain it as they're not part of the subdivision, what about stopping it right where that other house is, I mean, if they were to follow the loop.

MR. BOVINO: If that's what you prefer. It's up to you. In other words, leave this section from here to here?

THE CHAIR: Yes. That would be part of the subdivision. At least, if they wanted to go out their sidewalks for

the families of the houses that are built instead of going right into the road.

MR. BOVINO: We'll put a ramp at this location.

THE CHAIR: Yes.

MR. CARMODY: I agree with you.

ATTORNEY SCIOTA: Tony may not.

MR. TRANQUILLO: If you are going to require sidewalks on both sides, you should build a sidewalk around the bulb of the cul de sac.

MR. BOVINO: Oh, but this is a temporary, Tony.

MR. TRANQUILLO: Oh, I'm sorry. It is a temporary. Although it probably will be permanent, but it's listed as temporary, so --- Sev's right.

(Chuckles)

(Comments)

THE CHAIR: So, it's a temporary -- we don't have your map.

MS. HUGHES: The property you would be omitting would be 261 South End.

(Undertone comments)

MR. BOVINO: Dr. Craig's old property.

MR. TRANQUILLO: Levensaler.

MR. BOVINO: This can be extended to get an additional lot in the future, if they choose.

It won't be extended to Meriden Avenue or anywhere else. Basically, the possibility is to extend it a little bit more to get one lot.

THE CHAIR: I'd like to see it and I'm not sure what the Commission's thought is on this, but I'd like to see it cover on that side with those two houses and

then if you do end up putting a cul de sac in, connect it and put it through.

MR. KENEFICK: I agree. I think that's a great idea.

MR. DEMELLO: Okay, then. What I'll do is I'll, since the Chairman entertained that motion, I'll pick up on that motion and --

MS. HUGHES: So you are amending your motion to omit sidewalks along 261 South End Road, which is what that ---

MR. DEMELLO: Yes.

ATTORNEY SCIOTA: That's correct.

MR. BOVINO: About 190 feet, 200 feet of sidewalks.

MS. HUGHES: And, then Mr. DelSanto would have to agree to that modification.

MR. DELSANTO: I'll resecond that.

THE CHAIR: Motion and second. Any further discussion?

(Motion passed 7 to 0 on a roll call vote.)

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

J. Site Plan Application of Thomas Charabonneau, Sr. proposing renovations to an existing 2,018 sf commercial building for proposed office use, property located at 188 Clark Street SPR #1439.

MS. HUGHES: I believe Mr. Bovino's going to be asking for a sidewalk waiver. The sidewalks in this area, there are some; there are sidewalks on one side of

Longo Drive. I think there's sidewalks on one side of Jennifer Lynn Drive and sidewalks on one side of Russell and Todd Roads. But those are the only walks in this area.

MR. DELSANTO: No sidewalks at all on Clark?

MS. HUGHES: Not in the immediate vicinity of this site.

MR. BOVINO: Sev Bovino, Planner with Kratzert, Jones representing the applicant. Yes, the request is for the waiver of the short section of sidewalk on Clark Street in a B zone. There is no sidewalk until you reach the firehouse. I believe in front of the firehouse there is some sidewalk.

We have restricted the entrance to this property as requested by Tony. We are providing landscaping on the north side next to the neighbor. The building is going to look like a house. This is the way it's going to look. It's an existing building but it's going to be renovated to look like this. It is office space.

THE CHAIR: All right.

MR. DELSANTO: Motion to approve the application -- do the sidewalk, first?

ATTORNEY SCIOTA: Sidewalk would be first, yes.

MR. DELSANTO: Motion to waive the sidewalks seeing there is no sidewalks in the general vicinity.

MR. SINCLAIR: Second.

(Motion passed 6 to 1 with Chairman Oshana being opposed.)

MR. DELSANTO: Motion to approve the application.

MR. CARMODY: Second.

(Motion passed 7 to 0 on a roll call vote.)

K. Site Plan Application of Gregory Klimaszewski proposing the conversion of an existing residence into a mixed use of business and residential use totaling 3,412 square feet within a Business zone, located at 1004 South Main Street SPR #1440.

MS. HUGHES: The applicant's addressing staff comments and requests this be tabled.

MR. DEMELLO: Move to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

New Business Items:

A. Site Plan Application of 1103 Queen Street, LLC proposing modifications to the parking and billboard in conjunction with the previously approved site plan, property located at 1103 Queen Street. SPR #1410.1

MS. HUGHES: The applicant is here. He can make a brief presentation. Since this is a new business item, staff has not completed its review.

The Commission should be aware that there's also an appeal pending with the ZBA regarding the billboard in question.

WILLIAM KATT: I'm an engineer and representing the client 1103 Queen Street. Basically, we're here modifying the site plan that you originally approved with a request to modify the site plan.

This modification came about because the applicant and the property owner to the north, Thomas Scoville and Mark Switalksi, did a little bit of a land swap. Basically, a triangular piece of property running in here, coming this way, up the side and toward Queen Street, going out just to about where the sidewalk had ended. And, they built the Switalksi property.

Prior to that, the billboard in question was on our property and with the changing of property and the

possibility of doing some other work; the billboard is located, relocated.

Additionally, it gives additional change to provide some additional parking area and to remove the -- or relocate the handicapped parking spot that had been located in front of the building. That's basically what the changes are that we're doing.

We understand that you are tabling it for staff comments and just wanted to briefly bring you up to date on where we were going and how we got there and basically just to introduce ourselves.

THE CHAIR: Thank you. Any questions?

MR. KENEFICK: So, in other words, you want to take the present billboard down and move it, relocate it?

MS. HUGHES: That was done without permits. It's already been relocated.

MR. KENEFICK: How far was it moved?

MR. KATT: It was moved, ---

MR. KENEFICK: Which direction?

MR. PICKARD: I don't know if you remember that site. The billboard was right next to the old Ken's Auto Building and that was the property line right there, so it was tucked right against the property line.

Transferred the property with Mr. Scoville. We moved that over. Transferred the property, so they moved the billboard 11 feet off the property line and 11 feet off the street line to make room --- the Town has asked us for a sanitary sewer easement in that area. When the sewer went it, they never took the easements from the property, so we moved it out and away, tucked it off to the side for safety reasons. It used to be right next to the building, it sat right on top of it.

We took it upon ourselves to take it down, slide it over and set it back up and it's on that site plan as shown.

THE CHAIR: For the record, can you give us your name and address?

MR. PICKARD: Oh, I'm sorry. Ken Pickard. I'm the surveyor that worked with Mr. Katt on the project.

MR. KENEFICK: I'd just like to say that these people have done a fantastic job cleaning up that site and my own personal feeling, I don't see any problems with moving a billboard 11 feet for the exceptional job that they did up there.

I'll have to go and take a look at it, but that's my feeling.

MR. DEMELLO: Mr. Chairman, I agree with Fran. It's a great job that was done on that property and a long time coming.

MR. WEICHSEL: Mr. Chairman, would you direct the members to speak directly into the mikes. I don't think the people could hear at all.

MR. DEMELLO: Once again, the job that you did up there was a long time coming. It's a great job.

MR. KATT: Thank you very much.

THE CHAIR: Anybody else?

ATTORNEY JULIE STRZEMSKI: I'm also here on behalf of the applicant. And, I just wanted to address a couple of the perhaps legal questions you might've had regarding this application.

Obviously, we do have an appeal pending with the ZBA regarding the relocation of the billboard. And, I just wanted to draw your attention to the fact that until we get our site plan approval from you, my client is unable to occupy the building.

He can't get his CO. He can't utilize the property. He can't receive any sort of income from the property. So, right now, any sort of a hold up in the approval process is of course hurting him. So, I will look forward very much to hearing your comments at your next meeting. I believe it is October 3rd, correct?

And, I also wanted to submit a letter for the record, as well, addressing a few legal arguments. And, I think Attorney Sciota might like it. And, a few exhibits that might help you as well in reviewing our revised plan.

I wanted to draw your attention to the fact that even though there is an underlying alleged zoning violation on other property, you still have the authority to approve the site plan with the zoning violation as alleged at this point in time because as long as the site plan meets the site plan requirements, which it does, it's conforming to the necessary engineering practices, you would have the right to go ahead and approve that application.

And, I've addressed that in my letter. I also wanted to draw your attention to the fact that there is a provision in your zoning regulations, Section 9-07.1 which also gives you significant discretion. It says that you may issue a certificate of site plan compliance if strict compliance with the plan or with the site plan regulations would cause exceptional hardship but would not be injurious to the neighborhood or otherwise detrimental to the public welfare.

So, basically, even though there is an alleged zoning violation there with the sign, the building is a beautiful new building as all of you know from being out on the property, and you would be allowed according to my reading of this to overlook the zoning violation with the sign, the alleged violation and give a site plan approval so my client can occupy the premises.

With the letter that I have attached there, I've also appended a DVD. We went out and shot video of the property. And, it shows you how the property is in conformity with the other businesses in the area. So, I don't see how granting our site plan approval would cause any sort of undue hardship to any of the people in the area.

And, if any of you have further comments or questions outside of here, if you wanted to schedule a meeting with us prior to the next official public meeting

here, our office would be more than happy to schedule an appointment with Attorney Sciota and all the members if that was necessary or required.

Any questions?

MR. DEMELLO: As far as your client, he's running that as automotive down there in the back of the garage?

UNIDENTIFIABLE: Nothing going on right now.

ATTORNEY: There's nothing in there whatsoever.

MR. DEMELLO: Okay. What's the business that is facing the hardship now as far as losing money?

ATTORNEY: Well, it's our client. The fact that he's not able to receive any revenues from the property. He can't rent it. He has two buildings on the property right now which he could be renting out or using for his own use. He's not able to do that.

MR. PICKARD: He does have a client right now that wants to move in. The client is next door at Riverbend right now and he wants to slide over next door. A little more exposure and a newer building. But he can't. So, he's afraid he's going to lose this rental.

THE CHAIR: Anybody else?

ATTORNEY: I made a bunch of copies --- not enough for the entire Commission and I apologize, but if a few of you are interested in having some late night reading material tonight, help yourselves.

Thank you, very much.

THE CHAIR: We'll see that letter in the next packet, Mary?

MS. HUGHES: What letter?

THE CHAIR: The ones just ---

MS. HUGHES: Oh, yah. Absolutely.

THE CHAIR: When is the ZBA expecting to act upon this?

ATTORNEY SCIOTA: A week from tonight.

MS. HUGHES: A week from tonight. Frank ---

ATTORNEY SCIOTA: That's their next meeting. Will they act on it? I don't know but that is their next meeting.

(Undertone comments)

THE CHAIR: All right. This application needs to be tabled this evening.

MR. DELSANTO: Motion to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

B. Site Plan Application of Renaissance Commons, LLC proposing to construct twenty-four (24) townhouse condominium units in conjunction with the previously approved Special Permit Use #384.1, property located at 1 Columbus Avenue & Liberty Street SPR #1441.

MS. HUGHES: As you'll recall, you granted the initial site plan, I'm sorry, special permit for this application and it involved property that was owned by Mr. & Mrs. LaPorte. It was a two family house and omitted Sal's Bar.

And, then the property lines were revised to omit the two family house and incorporate the property that we once knew as Sal's Bar but is now a big hole.

ATTORNEY MECCARIELLO: Good evening, Bryan Meccariello, 142 North Main Street on behalf of the applicant.

Mr. Commissioner (sic) and Commission members, I'm here basically just to set the table for the next meeting. I understand staff has yet to review anything comprehensively on this plan.

But if there is any questions regarding site plan, the considerations by regulations that you need to ask,

I'd be happy to answer questions. I think really the big issue is we had the water to deal with at the or on the easterly side of the property. Where at least on this map here, there's a detention pond located.

Steve from Cole's office can speak about that. But if there's any questions regarding site plan that I can answer tonight, I'd be happy to. If not, I'll defer to Steve and then wait for Staff comments.

THE CHAIR: How far back are the condos on Liberty Street set from the road?

ATTORNEY MECCARIELLO: Ten or 12 feet from the back of the sidewalk. There's an existing sidewalk around the perimeter of this property.

THE CHAIR: Are you proposing decks, at all?

ATTORNEY MECCARIELLO: Decks would be on the interior.

THE CHAIR: So, the decks are going to be where the road is?

ATTORNEY MECCARIELLO: Where the parking areas are. So, they're going to be similar, well, when you drive on the interior of the complex, you won't see them from the road.

THE CHAIR: Okay.

MR. DELSANTO: With regard to --- I saw your next pictures, I guess and we should probably wait until you put those up --- but are these going to be one bedroom joints? I know that was the original plan --- one bedroom or Townhouses, three levels?

ATTORNEY MECCARIELLO: Three levels.

MR. DELSANTO: Can you just go through that real quick, please?

ATTORNEY MECCARIELLO: Sure.

At ground level there's the basement planned. These are not full basements. These are 4-foot basements. But you have the garage, a one-car garage. You have a

storage area in the back. Walk up the stairs; you enter into the living room. There's a kitchen. Then you go to the next set of stairs to the third floor and you've got a bedroom and then a back room. I mean, it's not the size of the master bedroom. There is a bedroom on here that says bedroom. These are preliminary drawings. These are the ones we used before.

There is some question and confusion as to whether or not these are one bedroom or two bedroom. They're approved for one bedroom. But we have an office use in the back. It's a smaller room.

MR. KENEFICK: The ones bordering Liberty Street, the front of the condo is going to be facing Liberty Street?

ATTORNEY MECCARIELLO: The back of the Condo.

MR. KENEFICK: Oh, that's the back. Okay.

The front of the condo is where the parking is.

ATTORNEY MECCARIELLO: Interior, yes. That'll wrap around on Columbus, as well.

MS. CONROY: How will the trash pick up be done? Will there be dumpsters? Will there be curb pick up? I'm just noticing it doesn't seem like there is much room for a large vehicle to turn around at the end of the property.

ATTORNEY MECCARIELLO: It's curb pick up.

MR. CARMODY: The backs of these units are facing Liberty Street?

ATTORNEY MECCARIELLO: Well --- the design layout, um, all the parking is going to be interior. So, it's not the back. We're making the back look like the front.

But if you were to enter --- the only point of entrance is in the interior, the rear. So, opposite of Liberty Street. Opposite of Columbus.

So, if you were to drive in, this is where the garage

and the entry doors are. So, although you would consider this to be the front of your house, we're designing the back to look like the front, so to speak. But there is no front entryway in off of Liberty or off of Columbus.

ATTORNEY SCIOTA: Is there a map that goes with that sentence?

THE CHAIR: The front, you can't go in or out of that.

ATTORNEY MECCARIELLO: Exactly. Exactly.

MR. KENEFICK: You are good. You are good.

(Chuckles)

ATTORNEY MECCARIELLO: Now, that I've confused all of you, I think I'll leave.

(Chuckles)

ATTORNEY SCIOTA: No, I actually got it. Made me very nervous, but I got it.

THE CHAIR: Do you want to talk a little bit and get a little more in depth; one of the big issues we heard a lot of was the drainage. I don't know if Steve wants to address that. The water flow, the drainage, what that's going to do to the neighbors? And, these particular units themselves.

STEPHEN GIUDICE: With Harry Cole & Son. Offices at 28 Werking Street, Plantsville.

You know, I have a couple of things here. The site obviously is zoned CB and it's a 2.07 acre parcel on the corner of Columbus and Liberty Streets.

As you know, we had a couple of buildings we removed from the site and right now we have sidewalks, so there's no need for a waiver here.

We're proposing 24 units with 48 parking spaces. We have space in the garage, a space outside the garage and then we have visitor spaces in here.

We do have two units that do not have garages: 104 and 103. They will have parking signed in the other areas.

We have a proposed landscape buffer to be planted along this property line in here and then we have a natural landscape buffer to remain along this property line.

The drainage system is probably the biggest issue on this site. There's a couple of things that affect this property. We have a sewer main that runs along this direction and then down along the front of this property out to Columbus Avenue and down and out.

That was something we had to take into consideration in our design. We also have a drainage system that's privately owned that collects water at this point and brings it somewhat parallel to the sewer system, comes out through, right at the back of where Sal's was in this location and discharges into Columbus Avenue.

We are proposing to replace that drainage system but to maintain the exact same flow that travels into that drainage system now. Our goal was to isolate our site from the existing drainage that runs through the property and I believe we've accomplished that goal.

What we have done is we've somewhat incorporated two drainage systems. We have an existing system that picks up the drainage from off site and brings it through the property and discharges it to a manhole which then comes down and goes into Columbus Avenue.

And, then we have a separate interior drainage system that picks up the roof leaders, the driveways, parking areas from all the buildings. We have a swale that comes around this side into a detention facility for this building as well, will all drain into this detention facility.

And, then come through a separate system to a controlled point, a controlled manhole that would control the flows out of that basin and then discharge into the system, into the existing drainage system down in Columbus Avenue.

And, this system was all designed higher than the

original system to keep the water separate and not to affect the existing system and provide ZIRO on site without affecting the drainage system.

There are some, it's a difficult design due to the fact that this pipe is very flat. We wanted to try and make it lower to pick up more water at this point but the pipe is flat now so we can't make it any flatter, unfortunately. So, we're not proposing to push any water to this point, we're just trying to collect the existing water that's there and is collected currently.

That pretty much covers the drainage system. We don't have anything proposed for the sewer, the existing trunk line that runs through the property. And, we actually are connecting out on Liberty Street in this location with our sewer connection just to avoid any conflicts with that sewer main. I believe it's a 42 inch main and we don't want to mess around with it. We want to leave it.

And, the site, we also have public water that comes in from the side and services the three buildings.

What Bryan was trying to say about the units is that they're accessed all from this location. So, on the actual front of the building, it's kind of designed as the back, but the façade will look like the front of the building, just less the doorways.

I don't know if I explained that any better than he did.

MR. KENEFICK: No doorway.

I've got a question for Tony. I'm trying to remember about what the neighbors said. Is there going to be a problem here when the Quinnipiac rises, that pipe that goes to the Quinnipiac, the water go back up through there? What would it do?

MR. TRANQUILLO: We studied that area extensively years ago and what we found was that when the Quinnipiac River comes up to a certain elevation, about 138 or 139, it backs up into this area.

Now, we'll have to look very carefully at the design to see first of all if they're destroying storage - that would be question number one.

Question number two is to make sure they don't make the problem any worse their design.

Now, that pond that they're designing on their site, may actually be helpful. It may actually provide more storage, you know, the water backing up into that pond. So, I'll have to look at the elevations very carefully.

THE CHAIR: One of the things you had talked about during the initial set up, was I guess, the concerns on the water was that your design and the way you were going to lay this whole thing out was going to make it a better situation for the neighbors.

MR. GIUDICE: Well (pause) that's a difficult task. I'll be honest with you. We definitely are not increasing the problem. Once we did the survey of the property and we actual have elevations of all the piping that goes through the property --- like I said, our goal was to try and lower the existing system that goes through the property.

This is really a low point right at this point where water gets collected from other properties into a pipe and comes through the property. Our initial thought was to lower it from this manhole in this intersection here and lower the pipe as it comes through the property.

The problem was that the pipe is now so flat that if we design it any flatter, it would back (inaudible) you wouldn't get any water flowing through it at all. That's something that I am sure Tony's going to take a really hard look at and if there's ---

You know, I think we've done a pretty good job with the design. But as you know, he's the man, and he'll decide whether we did it right, or not. But I think that we have.

THE CHAIR: Anyone else?

(No response)

Thank you, Steve.

We are looking to table this application this evening.

MR. KENEFICK: Motion to table.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

FROM THE AUDIENCE: Aren't you going to open that up during the site plan for comments?

THE CHAIR: I'm sorry. I couldn't hear you.

FROM THE AUDIENCE: I thought Mr. Carmody put that in the Minutes, potentially; we raised that point during the last meeting.

THE CHAIR: We had discussion in the last meeting when this came back up because of the level of issues that were discussed, we would entertain a public comment and we will talk about the parameters at the next meeting.

ATTORNEY SCIOTA: The next meeting when they come in, that's when you'll have all of the information in at that point.

THE CHAIR: October 3rd.

FROM THE AUDIENCE: All right.

NEW ITEMS TO SCHEDULE FOR PUBLIC HEARING FOR OCTOBER 3, 2006

A. Special Permit Use Application of Jose A. Rivera proposing to establish a parent/grandparent apartment from an existing single-family dwelling, property located at 44 Johanna Circle (SPU #432)

B. Petition of Severino V. Bovino, Agent for Richard A. Duksa ET ALS to Change the Zoning District Boundaries from Industrial (I-1) to Business (B) for

approximately 25 plus or minus acres of property located easterly of Wets Street and westerly of I-84 at Exit Ramp #31 and front on Curtis Street ZC #528.

C. Subdivision Application of Calco Construction proposing a resubdivision of property within the previously approved Cortland Estates Subdivision for purposes of creating 7 single family lots, property located at 235 Flanders Street S #1234.1.

THE CHAIR: At this point we have two items continued from this evening. We have Item A -- grandparent proposal. Item B is a change to zoning districts. And, Item C is a resubdivision of Cortland Estates.

MS. HUGHES: I would recommend that you schedule A & C for the 3rd and we'll do the zoning boundary change on the 17th.

Does anyone have any objections?

THE CHAIR: No. Let's go forward. We'll have Item A and C scheduled for the 3rd and B for the 17th of October.

#### MISCELLNEOUS

A. Request for Approval in Accordance with Section 8-24 of the Connecticut State Statutes with regard to a request from Norman Lebel of 442 Meriden Waterbury Road to grant an easement across Town property to enable Mr. Lebel to connect to the sewer system (Referral #412).

MR. TRANQUILLO: The property owner at 442 Meriden Waterbury Turnpike has a very serious septic problem. The system has been failing for many, many years. And, the property has been dealing with the Town trying to come up with a solution for this.

Initially, we told the property owner to install a small pump station, private station, put a force main out in Meriden Waterbury Turnpike and connect to this manhole, which exists now.

The property owner went to the State of Connecticut

and applied for the right to put that force main the highway. And, the State Highway Department said no.

Then the property owner wanted to install a force main off the edge of the road through an easement to get to this point. That was a problem because a separate property owner owned this sliver of land and he refused to give him an easement.

So, very recently, this property owner ended up buying this strip of property from the adjoiner and there's no impediment to him crossing that piece of property. Now, the only thing left for us, the Commission and if the Council sees fit to grant him this easement in purple to get this manhole.

So, we recommend this very highly. We think the property owner is in a very bad way and this is the only reasonable way for them to connect, the way they intend to do it. So, we recommend a favorable recommendation to the Council.

MR. KENEFICK: How big is that force main? What is it --

MR. TRANQUILLO: Probably between 1.5 to 2.0 inches.

MR. KENEFICK: We've got to help him. What's he going do?

MR. SINCLAIR: Tony, this guy is in dire straights, isn't he?

MR. TRANQUILLO: Yes, he is.

MR. DELSANTO: Can you just answer a quick question? I'm just curious. How come he septic system on his property is failing?

MR. TRANQUILLO: It's a very old system from my understanding and it's a very wet area. The health department was out there and they dug test pits and perk tests and there's no way to replace the system.

MR. DELSANTO: There is really no other alternative.

MR. TRANQUILLO: It doesn't meet modern standards.

MR. KENEFICK: What'd he say --- he has to pump it over month?

UNIDENTIFICABLE: Every week.

MR. KENEFICK: Wow! He's got a holding tank.

ATTORNEY SCIOTA: That's what he has left.

MR. WEICHSEL: Yes. He is in a desperate circumstance. The administration strongly recommends helping him out.

THE CHAIR: We need to do something for this gentleman. Looking for a motion here this evening?

MR. SAUCIER: Motion for a favorable ---

MR. DEMELLO: Second.

MR. SAUCIER: --- send back a favorable 8-24.

(Motion passed 7 to 0 on a roll call vote.)

B. Acceptance of Friar Line, S 1169.

MS. HUGHES: Okay, what we will be looking for is three separate motions: (1) is a motion to accept 280 feet of Friar Lane. The Second motion will be to release the remaining portion of the performance bond and the public improvement bond and then to establish a maintenance bond in the amount of \$26,800 for a term of 18 months from the date it's received.

ATTORNEY SCIOTA: That's a new regulation.

THE CHAIR: Looking for three motions here, folks.

MR. SAUCIER: Move to accept 280 feet of Friar Lane.

MR. KENEFICK: Second.

(Motion passed unanimously on a voice vote.)

MR. SAUCIER: Motion to release the performance bond

and public improvement bond.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

MR. SAUCIER: And, a motion to establish the maintenance bond of \$26,800 for 18 months.

MR. KENEFICK: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Item C.

MS. HUGHES: They want to replace the dumpster at Wendy's at 328 Queen Street. They want to replace its enclosure. I didn't see a problem with it, but I just wanted you guys to be aware of it in case somebody called you and said, what're they doing at Wendy's?

THE CHAIR: Are they going to keep it in the same place and just replace the ---

MS. HUGHES: No. They're going to move it away from the street.

MR. DELSANTO: Wasn't that because the carwash is going next door, for sight distance?

MR. TRANQUILLO: No, it's not because of sight distance.

MR. DELSANTO: Not sight distance, but viewing distance, when they come out of the carwash.

MR. TRANQUILLO: Perhaps from visibility for the carwash. See the building and see the carwash, but the sight distance is okay there.

MR. DELSANTO: No, right. I didn't mean that. I apologize.

MR. KENEFICK: Where are they moving it?

MS. HUGHES: You've got a little --- you've got a little ---

MR. TRANQUILLO: If they move it away from the street, that'll be a huge benefit.

MR. KENEFICK: Of course. That looks stupid up there now.

EVERYONE: Terrible.

MR. KENEFICK: What Board ever let that happen?

MR. DELSANTO: Motion to allow Wendy's to move their dumpster.

MR. SINCLAIR: Second.

(Motion passed unanimously on a voice vote.)

D. 90-day extension for the filing of the Mylar for 1127.22 Riverside II.

MR. DELSANTO: So moved.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Now, does anybody have any additional items they'd like to bring up this evening?

MR. DEMELLO: I just had a quick question. Mary, former Commissioner Laurinaitis brought up a concern about the property on Pratt's Corner, the apartments over there.

MS. HUGHES: Correct. And, I checked the site plan and, and the dumpster location wasn't screened.

MR. DEMELLO: Okay, that was, we had two different site plans, right?

MS. HUGHES: Yes.

MR. DEMELLO: Wasn't there one and a second one ---

MS. HUGHES: There was one application where you had two buildings and then the second application for the modification was for the single building.

MR. DEMELLO: Okay. And, there's no way to rectify that?

MS. HUGHES: I could certainly write the applicant a letter, but they are under no obligation.

MR. DEMELLO: How do we correct that in the future though, to make sure that that's always there. I mean, if the Board's taken it that it's there, based on the first site plan, and forgets to bring it up at the second, I mean ---

MS. HUGHES: I'm pretty sensitive to dumpster locations, believe it or not.

(Chuckles)

So, it's one of the things that I look at and the screening. And, I'm getting --- Tony is getting in touch with his dumpster feelings.

MR. TRANQUILLO: Yes. Wendy's.

(Chuckles)

MR. DEMELLO: Okay, thanks.

THE CHAIR: Mr. Kenefick?

MR. KENEFICK: CVS storage trailers.

MS. HUGHES: We're after them, Fran. I mean, they're in the hopper for us to process in terms of zoning enforcement but we've sent them letters.

MR. KENEFICK: They've been goofing off for a long time there.

(Undertone comments)

THE CHAIR: All right, we are looking for a motion.

MR. DELSANTO: Motion to adjourn.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 8:25 o'clock,  
p.m.)