

The Shelton Planning and Zoning Commission held a Special Meeting on Tuesday, February 24, 2004 at 7:00 P.M. in the Shelton City Hall, Room 104 and Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Joseph Pagliaro
Comm. Daniel Oraziatti
Comm. William Papale
Comm. Leon Sylvester

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Pat Garguillo, Court Stenographer
Diana Barry, Secretary

Tapes (3) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. The Chairman reserves the right to change the sequence of the items on the agenda.

The Chairman opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS: (ROOM 104)

APPLICATION # 03-58 PETITION OF BLAKEMAN CONSTRUCTION, LLC/HUNTINGTON WOODS, LLC FOR AN EXTENSION OF SDA OVERLAY ZONE, BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (CONTINUED FROM 2/10/2004)

AND

APPLICATION # 03-59 PETITION OF BLAKEMAN CONSTRUCTION, LLC/HUNTINGTON WOODS, LLC FOR A PDD ZONE CHANGE (MIXED USE DEVELOPMENT) BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (CONTINUED FROM 2/10/2004)

AND

APPLICATION # 03-60 BLAKEMAN CONSTRUCTION COMPANY FOR TEMPORARY SPECIAL EXCEPTION APPROVAL (EARTH REMOVAL) BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (CONTINUED FROM 2/10/2004)

Comm. Oraziatti read a letter from Walter Sofian, 7 Andrew Drive, Shelton regarding these applications.

The Chairman stated we will reopen these hearings with the applicant's Attorney and the public being able to address just these applications.

Christopher Smith, a Land Use Attorney with the Law Offices of Shipman & Goodwin addressed the Commission. These applications were subject to a public hearing and we started that process on January 13, 2004. The co-applicants made their presentation and we heard from Legal Counsel from one of our abutting property owners. We requested a continuance to allow us to deal with issues with that abutting property owner. We thank the Commission for the additional two weeks to work those out, stated Attorney Christopher Smith. Those issues have now been worked out.

Attorney Smith shows on a map where Reckson (the abutting property owner mentioned above) is located near the office condo on the upper portion of the driveway. Both Reckson and Perkin Elmer wished for that access driveway to be relocated in a different area. We modified the site plan to show the access to the upper portion to be from the lower portion driveway.

Reckson was concerned with additional landscaping along their driveway on the southerly portion, stated Attorney Smith. We have provided for that, he added.

The third issue concerned a dust control schedule. One of the applications concerns the special exception permit for earth removal. We developed a plan (or schedule) that we have reviewed with Reckson. He stated that should be incorporated into any approval that the Commission will give to these applications and I submit that schedule for the record, stated Attorney Smith. Item # 4 in the schedule makes reference to a narrative on a supplement sheet that James Swift prepared which is also included in the package being submitted tonight.

Attorney Smith stated even though auto wash service or repair use is permitted in this area such uses are not being proposed with regard to the basic development proposal before this Commission. Even with the detail development proposal these uses are not in there. Those uses are not included now and Mr. Blakeman, if he wished to propose those uses at a later date, would have to file another application to obtain approval for those uses.

We have modified the plans to reflect the driveway relocation and Mr. Swift will submit that extra sheet. We have additional narratives for the dust control schedule and that should be part of the approval. The survey map showed easements right up to the circle area in front of their building. Those have been reduced and there is an easement even though we have given up some rights up here, stated Attorney Smith. We have rights to the driveway designated as an existing driveway on the Reckson site due to a reciprocal agreement that was entered into in 1999. There isn't a large volume of changes and we have done some trekking to the plan to address their issues.

Attorney Smith went over the questions that Reckson's Attorney Freeman had submitted (first verbal at the hearing then in writing). One of the Commissioners had requested that Dave Sullivan prepared a summary with regard to the traffic issues.

Attorney Smith stated for the record I would like to mentioned that Monty Blakeman of Blakeman Construction/Huntington Woods is present along with James Swift, (engineer) David Sullivan (traffic engineer), Pat Rose (architect) and Dominick (last name?, real estate broker). If you have any questions for any of those individuals they are here this evening to respond to them, he added.

Attorney Smith went over the answers to the twelve questions from Attorney Jane Freeman (who represents Reckson).

The first question concerned how soon we would go out to start the excavation process? The answer is approximately 30 days, our intention is to get out there as soon as possible.

The second question is how soon after the approval would we get an application in for detailed development plan approval, stated Attorney Smith? That would take about 4-6 weeks to generate the documents required to file with regard to the regulations and a complete application.

The third question addressed the STC approvals, how long will it take to perform all the road improvement activities? We would expect the final STC approvals and David Sullivan's reports shows we filed an application with the STC in September. We have received comments back from them and they are incorporated into David Sullivan's plans and analysis that was provided to you. That is an ongoing process.

Comm. Sylvester arrived at 7:25 P.M. and the Chairman noted for the record that he didn't mention that Comm. Cribbins is not here this evening due to a death in the family, that Comm. McGovern called in sick and that Comm. Lopera is out of town.

We would expect to have the STC approvals and they don't provide approval until you have all the local and municipal approvals, stated Attorney Smith. They won't get involved until you have wetlands and zoning approvals, he added. Once we have a decision from this Commission on the detailed plans, if it is favorable, we expect the STC to act on that at their next meeting. We expect then to order equipment and do the work. The road improvements would commence and be completed within nine to twelve months, he added.

The fourth and fifth question deals with the excavation. The first phase of the excavation provides for 140,000 sq. ft. to be dug up on the site. Out of that 112,000 would be removed. Phase 2 pretty much prepares the site. Then to put the road and the building in would require to remove 55,000 cubic yards. 14,000 then would be removed from the site. The total amount of cubic yards to be removed from the site then is 126,000 cubic yards, stated Attorney Smith.

The 140,000 first phase that has to be moved around in real time that would take four months. However by incorporating that into the construction activity in real time that will take nine to twelve months to complete, stated Attorney Smith. Phase 2 we were talking about that taking sixty to ninety days, he added.

Questions six and seven deals with where the trucks will be taking the excavated material? We anticipate that seventy-five to eighty percent of the material being removed will exit onto Old Stratford Road and most of that will go up in an easterly direction to Route 8, stated Attorney Smith.

The balance of the questions from eight to twelve are general questions. There will be a mobile rock crusher to be moved around the site as needed. We anticipate the bulk of the activities is 140,000 with 112,000 going off site within nine to twelve months. Phase 2 is constructing driveways and the building will take any where from sixty to ninety days after the first initial activities, stated Attorney Smith. These activities are in the detailed plans. We are talking about 55,000 yards being moved around on site and 14,000 cubic yards being removed. Nine to twelve months for the first phase and sixty and ninety days for the second phase. On the shorter end about a year to do that with weather permitting, he added.

Will the construction of the building take place at the same time or will all the site work be done before the construction of the buildings begin, questioned the Chairman? Monty Blakeman answered depending on the approvals we are hoping to start with the pharmacy first. Site work will be done and the pharmacy will be constructed at the same time, questioned the Chairman. Monty Blakeman stated those will be simultaneous.

Comm. Sylvester requested that the traffic engineer summarize his analysis. Mr. Sullivan prepared a supplementary report and that has been submitted for the record. There is a map submitted as well. There is nothing new in this report. On page 3 the report indicates that there are levels of service tables. The report shows that the intersection can handle the traffic and may even improve. The streets can accommodate the additional traffic. The improvements were shown in the report, stated Attorney Smith.

Comm. Sylvester stated I don't know if I requested this in so much as I commented on the traffic count that includes the people who cut through our community. We are besieged by people who use or are seeking the Route 8 corridor. That was my concern with the traffic pattern and traffic count.

The Chairman stated we were concerned with the number of cars coming into town. I was concerned with the validity of the number of vehicles coming into town, stated Comm. Sylvester. You had stated that you had no way of counting the number of cars passing through, he added.

Comm. Sylvester stated I wanted a number of vehicles that use this traffic pattern as part of their daily trip. David Sullivan stated we start at the other end with how many people would come to this facility. We take the first component that are on the road and just driving by. The second component is the new traffic. We determine where it is coming from and with regard to the office we determine where they come from. We then determine how many are from Shelton and outside of Shelton. The retail uses are determined by the retail uses in the area, stated David Sullivan. The numbers are based on the roadways, stated Comm. Sylvester. Your base numbers include people within the community. This area is vulnerable to other traffic other than what is in our community. People starting in Monroe will seek Route 8 here and I don't think your number includes those people, stated Comm. Sylvester. We have numbers automatically with equipment across the roads and we have people with clickers in cars, added David Sullivan. You want a break down of traffic using Old Stratford Road, stated Anthony Panico. That is costly and actually includes stopping people to ask questions, he added.

We have had Barkan & Ness do a study in this area years ago, stated Comm. Sylvester. It was part of the update in 1991 or 1992, stated Anthony Panico.

The additional information is on the basic site plans and there is the dust control schedule all dated with the latest dates, stated Attorney Smith. There is a survey that was prepared by Lewis Associates with the revised date of February 23, 2004.

The Chairman stated if I was coming down Bridgeport Avenue, how would I get to the new location of the driveway that you just changed? If I wanted to get to the building in the right hand corner and I was coming down Bridgeport Avenue, how would I get there, asked the Chairman. David Sullivan stated you would enter into the existing driveway traveling along to the second access road.

Anthony Panico stated you talked about the enhanced landscaping along the driveway. Is that the whole driveway or just up to the easement area, or what, he questioned? James Swift stated it protects the main parking lot and it protects the turn around. On whose property is that landscaping, questioned Anthony Panico? It is on the applicant's property, stated James Swift. How do you maintain that landscaping, questioned Anthony Panico? Attorney Smith answered there is an easement. The primary easement is accessed in the lower portion. How do you access that loop, asked Comm. Papale? Once the landscaping gets up here in this area the landscaping is not against the driveway on the Reckson property but more in the disturbed area of our side. It is perimeter landscaping in this area to be maintained internally, stated James Swift.

Anthony Panico stated you mentioned you will maintain the automotive uses and the plans don't reflect auto uses, he questioned? Attorney Smith stated the automotive repair and service or auto wash. Gasoline service is still included, questioned Anthony Panico? The gas retail service is still there stated Attorney Smith. We are not proposing a repair or car wash service at all, he added.

The Chairman questioned Attorney Freeman (representing Reckson, seated in the audience) if she was satisfied with the answers to her concerns. She stated she was satisfied. He stated that the hearing will be closed and if there are any concerns they could be brought to Staff. Attorney Scott Centrella stated that Perkin Elmer are satisfied with everything now.

Attorney Smith stated that the uses comply with the regulations and there is an overhead view of the area in your package. We request that the Commission look favorably upon these applications.

When we close the hearing we will have 65 days and if we need more time due to the heavy workload we will ask for additional time, stated the Chairman.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to close the Public Hearing on Applications # 03-58, 03-59 and 03-60.

End of Side 1A of 3B, Tape 1 of 3 at 7:45 P.M.

RECESS AND CONVENE TO ROOM 303

The Chairman stated let the record show that Thomas Dingle is here to take care of the Applications.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Tom Dingle reported that there were standards #'s 1-23. They all meet requirements and should be approved, he stated.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards #'s 1-23.

#3202 ANTHONY POSTA, 16 KAZO DRIVE, ACCESSORY DWELLING

Tom Dingle reported that this will be a conversion to the second floor of a ranch. There is an affidavit and we have approval from Valley Health. We have a rendering of the outside of the house and there will be no change to the exterior façade. There is no change to the foundation, stated Tom Dingle.

They will add the second floor, they will convert the in-law and then move the bedrooms to the second floor, stated Tom Dingle. It will be the same footprint. It is one of the original ones that was built there and it is attached to the living space with no second door. There will be a main entrance and a back deck, he added. There is plenty of parking and that will be off street.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3202.

3178 PETER FRANCINI, ONE TRAP FALLS ROAD, SIGN

Tom Dingle reported that this was denied at the last meeting. It is for a wall sign facing Bridgeport Avenue. It will increase the height of the sign by one foot. There are 3 tenants now that will show on the sign. It is consistent and they are sticking with the same colors, stated Richard Schultz. The dentist will go with the same color as Fleet, light purple, he added. It is within the permitted size.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3178.

3063 ZOP'S HOMESTYLE DELI & CATERING, 97 CENTER STREET, SIGN

Tom Dingle reported that the deli itself was approved at a previous meeting. They passed around a rendering of the sign. This is located across from the back. This is green with no phone numbers, stated Richard Schultz. The Commission approved the use but the sign was just submitted, he added. John Simonetti is the landlord stated Tom Dingle. The color could be toned down a bit stated Richard Schultz.

Comm. Sylvester stated we should be thinking of constraints on the colors. Unfortunately it is outside of our design area and we can't dictate that, stated Anthony Panico. One thing that concerns me is the entire Center Street. It is the major thoroughfare in and out of town. It is a place that is difficult to do business on, stated Comm. Sylvester. Center Street is a gateway to our downtown community and we need to pay attention to that, he added.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to approve Separate # 3063 with conditions.

3182 BLACK ROCK CONGR. CHURCH, 177 RIPTON ROAD, TEMP CLASSROOM SPACE

Tom Dingle reported that a year ago we gave zoning compliance for a year for a temporary classroom. They have come back to continue for another 6 months. There have been no complaints or problems to my knowledge, stated Tom Dingle.

Staff wanted to share with you that the nursery school is out. There were complaints in the past about that but it is no longer there, stated Richard Schultz. The classroom has worked great and they have complied with the residents.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3182.

3225 ON DECK AUCTIONS, LLC, 2 CENTER ST., BUSINESS/SIGN

Tom Dingle reported that this is a sign replacement. It is to replace the sign and it is a similar business. It faces the parking lot, he added.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3225.

2487 MOTIVA ENTERPRISES, LLC, 99 BRIDGEPORT AVENUE, IMPROVEMENTS/SIGN

Tom Dingle reported that these are the improvements to the Shell Station. They will be upgrading the canopy, improving the sign and the façade. This is for the certificate on the site plan at the gas station, he added.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 2487.

3172 JOSEPH COCI, ONE WATERVIEW DRIVE, BUSINESS

Tom Dingle reported that this is a business that is an office and engineering design lab. 23,000 sq ft. out of 94,000 sq. ft. It meets the parking requirements, he added. It has a red band. It is on the corner.

On a motion made by Leon Sylvester seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3172.

3201 FANCY NAILS, 484 BRIDGEPORT AVENUE, BUSINESS

Tom Dingle reported that this is at Crown Point. It is with Subway and the other stores at Jim Botti's. The sign has been approved by the owner and it is consistent with what is there. The colors coordinate and it is over the doorway.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3201.

3221 ATRIUM DOOR & WINDOW, 710 BRIDGEPORT AVENUE, BUSINESS

Tom Dingle reported that this is for manufacturing of windows and doors. This is the former Timex building and they will use 80,000 sq.ft. It is light manufacturing, stated the Chairman. There sales will be through salesman. They are consolidating, stated Richard Schultz. It is more assembly then manufacturing. It is for assembling and shipping added the Chairman. Will there be signage on Bridgeport Avenue, asked Comm. Pogoda? They are exploring it but they don't need the public exposure stated Richard Schultz. It is a good use for this stated the Chairman.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3221.

3208 JOSEPH CANNELLA, 719 BRIDGEPORT AVENUE, BUSINESS

Tom Dingle reported that this is just transferring the owner. They have gone to Valley Health and they have a sales tax application.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3208.

3205 ELIZABETH URSO, 46 COUNTRY RIDGE DRIVE, HOME OFFICE

Tom Dingle reported that this a computer based business. There will be no one coming to the house and that is explained to the applicant when they come here.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3205.

3223 SCOTT BERG, 11 PUEBLO TRAIL, HOME OFFICE

Tom Dingle stated that the applicant is here and he can explain to you what he is trying to do. This will be micro manufacturing assembly only. This is a home business he prototypes and then he will go out to sell the product.

Scott Berg addressed the Commission. I want to use my home. I will use machinery that is minimal and he passed around a catalog with machines in it. The machine is 4 feet wide by 3 feet high. He has a couple of products in the works now. The development stages, stated the Chairman. We went over what the Commission normally sees, stated Tom Dingle. Is this a one-time venture, asked Comm. Sylvester? I am using this to get started and I would like to get a larger building or rent a space in town, stated Scott Berg. What kind of material, asked Anthony Panico? Any material and I will transport those materials with my vehicle, stated Scott Berg. Are the neighbors aware of this, asked Comm. Sylvester? Yes, they are, added Scott Berg. How long will you take to get this up and running, questioned the Chairman? About 6 months stated Scott Berg. Comm. Sylvester asked how long this will be, he wants to market this and he will move this out once he gets up and running stated Comm. Pogoda. We can give him 6 months and he can come back to see how things are going, stated the Chairman. It sounds as if we are accommodating his try and I am concerned with the neighbors, stated Comm. Sylvester. Comm. Pogoda asked about waste, Comm. Sylvester asked about noise and Anthony Panico asked about electrical interference? The applicant answered that there was none of any of that. We can give him 6 months and he can come back after that with Staff monitoring this, stated Anthony Panico.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3223 for a 6-month period with Staff to monitor after 3 months.

3224 VASILIJ DIDKOVSKI, 335 SHELTON AVENUE, HOME OFFICE

Tom Dingle reported that this is a subcontractor for vinyl siding. He does windows and doors. He is the only employee. He has a truck with no lettering or storage at the house.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3224.

3197 EDUARDO DAMASCENO, 6 CALI DRIVE, HOME OFFICE

Tom Dingle reported that this is for a landscaping business with the equipment being stored in Bridgeport. There will be no equipment in the house. We did review with him that there be no equipment. The storage is in Bridgeport but there will be an office at 6 Cali Drive.

The house is owned by the father and the son is who wants the home office. We normally turn down landscapers stated Tom Dingle. He wants his office at Cali Drive stated Anthony Panico. It is coming to you because we can revoke this at a later time if he doesn't comply stated Tom Dingle.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3197.

3181 THERESA GANNON, 23 ALICE COURT, HOME OFFICE

Tom Dingle reported that this is for a computer-based business. She will do medical claim processing. It is computer input on a part time basis.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3181.

3191 JEAN JOSEPH LOUIME, 28 LONGMEADOW ROAD, HOME OFFICE

Tom Dingle reported that this is for a home office for tax and accounting. This is an accountant that does taxes. Will people come to the house, asked Anthony Panico? I didn't speak to this applicant, stated Tom Dingle. If someone drops off their books and comes back later to get them, that is fine. However, during tax season if you have clients coming and going all the time, that is not consistent, added Anthony Panico. The applicant should be informed and we should monitor this, stated Comm. Pogoda. We would put no clients to the house on this, stated Tom Dingle. My concern is with the parking around the house and it should be monitored stated the Chairman. The home office won't allow people to come to the house, stated Tom Dingle. We should make sure no one comes to the house and I will make the motion with those stipulations, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3191 with conditions.

3212 E. GRASSO, 4 SAGINAW TRAIL, HOME OFFICE

Tom Dingle reported that this for a home office. She will be getting a State of Connecticut Contractors License and tax number. They go out to residents for home improvements. She stated 3 partners with the only car being that which is at the house. There is no signage or outside storage. They do contract work at other locations, stated Tom Dingle. I have concern with the 3 partners, stated the Chairman. With the 3 partners, will they all converge on this address. Do they all live in that house, asked the Chairman? They the applicant, her significant other and another gentlemen will be partners, stated Tom Dingle. The Commission doesn't object to the office in your home it is the home improvement person who brings things home, stated Anthony Panico. We discuss those 4 things with them, the vehicle, no signage, no deliveries and nothing home, added Tom Dingle. How do you monitor this, asked Comm. Sylvester? If we get complaints then we go out to the home, stated Tom Dingle.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 3212 with conditions.

3195 RICHARD DELOMA, 180 BUDDINGTON ROAD, HOME OFFICE

Tom Dingle reported that this is a subcontractor that does cable. He has an unmarked van and he needs a trade name certificate. He has no signage or storage.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Separate # 3195.

#3200 FAIRFIELD ASA UMPIRES ASSOC., 15 ELIZABETH STREET, HOME OFFICE

Tom Dingle reported that this applicant is the Treasurer for the Umpires Association.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3200.

End of Side 1B of 3B, Tape 1 of 3 at 8:25 P.M.

3198 MICHAEL GALIETTA, 46 CLIFF STREET, HOME OFFICE

Tom Dingle reported that this is for a home office. This is a congested area. I would ask Staff to be attentive to the parking requirements and enforcement for the neighbors benefit, stated Comm. Sylvester.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3198.

3213 SUSAN WEBER, 31 JUDSON STREET, HOME OFFICE

Tom Dingle reported that this is for a home office. It is a computer-based business.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 3213.

3215 SCOTT IADAROLA, 26 DOGWOOD DRIVE, HOME OFFICE

Tom Dingle reported that this gentlemen does appraisals. He needs to get a Trade Name Certificate for a checking account. There will be no impact to the neighborhood stated Tom Dingle.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3215.

3169 DAVID BOBBIE, 30 TOAS STREET, HOME OFFICE

Tom Dingle reported that this is for a home office. The applicant is a ticket broker with everything being done through the mail or express delivery.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3169.

3222 JEREMY PARKINS/ERIK SEVERSON, 57 SHARON COURT, HOME OFFICE

The applicants are looking for a home office. They will be an agent/broker for internet and catalog sales. They are into jeeps and off road trucking. The deliveries will be made to a business on Bridgeport Avenue. Deliveries will be made elsewhere and there will be no installation.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3222.

3232 HOPE MANDEL, 35 L'HERMITAGE DRIVE, HOME OFFICE

Tom Dingle reported that this is a home office. She does training seminars at the companies locations. I do have information from L'Hermitage that allows home offices.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 3232.

Comm. Oraziatti stated that maybe we should have the applicants make a brief summary of their business to be attached to the application. Maybe they should attached a letter stated the Chairman. You should revisit the form stated Anthony Panico. We do talk to them about what they are trying to do in the neighborhood, stated Tom Dingle. I write that all on the front of the application, he added.

Comm. Sylvester stated that he would like to take this opportunity to address the Commission and he read from the attached letter.

APPLICATIONS # 03-43 CRANBERRY HILL, LLC FOR SDA OVERLAY ZONE, ARMSTRONG ROAD (MAP 19, LOTS 2,3,4,5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 9/23/2003) DISCUSSION ONLY AND

APPLICATION # 03-44 CRANBERRY HILL, LLC FOR PDD ZONE CHANGE (49 SINGLE FAMILY CLUSTER RESIDENTIAL DEVELOPMENT) ARMSTRONG ROAD (MAP 19, LOTS 2, 3,4,5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 9/23/2003) DISCUSSION ONLY

Anthony Panico stated that after our last discussion on this the Commission asked Staff to go back and do a number of things that include what a conventional layout would bring. What the yield would be, if there would be a connection to Daybreak Lane, what the bedroom count would be, you asked to look at the revisions to feeding into the bog and a variety of other things, he added.

I requested and received a composite drawing. I asked them to give me some additional information as well and that will be shared this evening. I have an existing map with what the site looks like today. The drawing shows the outline, the topography, it outlines the wetlands, it highlights the forestry area, the rock out cropping, it shows the frontage along Armstrong Lane and it shows Daybreak Lane. It shows the enclosure along the U.I. property.

On the property right now, stated Anthony Panico, there is a small parcel that intervenes with the overhead utilities. There is a home and a driveway and another home further in the rear.

They provided me with what a conventional would look like. They follow the layout of their development. The road would go right into Daybreak with that becoming a through road. I looked at the layout and I didn't look at each individual lot and you might lose one. There is Open Space down here but I think it is more important to create Open Space and protect wetlands. The net yield would be 17 lots and 2.5 acres of Open Space, stated Anthony Panico. It creates 1800 linear feet of public road that the City would own and maintain.

Anthony Panico stated you wanted to preserve the slope that goes to the wetlands that feeds the bog. There are a system of brooks that enter a main watercourse beyond the bog. This is the last piece of undeveloped watershed at the bog. There were units down the hills but it destroyed the whole hillside. We want this pulled up and off the hillside. There will be a 100 feet of vegetative buffer and in this corner it might be greater. I pulled 2 buildings from the corner of Daybreak. I took the road out of here, stated Anthony Panico. They have a road down here for an emergency connection and I got rid of it. I backed the road off to the top of the hill.

This lower area is one where they might reclaim a unit. There is an existing house and that might come out. There is a house here and they intend to take them down and there is another they plan to get rid of, stated Anthony Panico. They can reclaim the buildings if they need to, he added.

The Chairman stated this is below the wetlands that feeds into the bog across the street, questioned the Chairman? Yes, stated Anthony Panico.

What I would do since what we would have a divided development, I would take this all the way to this point so that there is an alternative way for access and egress. If you have a problem it is usually at the entrance, stated Anthony Panico.

The road to the left will feed this house down here, asked the Chairman? We need to take some units out of there and if you leave them there that doesn't make a lot sense. The changes that I have suggested make a loss of 5-6 units, answered Anthony Panico.

What kind of grade is down here asked the Chairman? This is sort of flat with the strongest grade being here and here, stated Anthony Panico. What does this abut to asked the Chairman? It backs up to Mr. Patterson's house and there is a common property line here, answered Anthony Panico. How wide is this Open Space, asked the Chairman? It is not that wide, stated Anthony Panico. You can take this driveway this way with a retaining wall and rotate this a little and get rid of this.

Mr. Patterson has 2 entrances and a nice retaining wall. I think we can suggest moving this with some heavy landscaping here, stated the Chairman. I think these things could happen and the Commission wanted to see how.

What is the timeframe asked the Chairman? We have another month, stated Richard Schultz.

Anthony Panico stated you wanted to know about bedrooms and school children. If it were age-restricted units it would limited to 41 units and 2 bedrooms with 82 maximum and zero school age children. You would have 82 cars at 2 per unit. The traffic generation would be 164 total trips. 29 in the morning and 42 in the afternoon. That is age restricted with our new regulations, stated Anthony Panico.

Comm. Sylvester stated I think personally I am disgusted with creating a community without children or limiting children. If you compare our total population with the total school age children population you would see that we are not exceptionally high. It is not like we have an over abundance of school age children. The numbers are not out of balance. The children strengthen the community and should not be limited to a community. I can't stand being part of a Commission or listen to people tell me otherwise. I don't want to end up with a heritage village kind of philosophy. Looking around the community the essence of the community is centered on the youths of this community. We don't have anything else, stated Comm. Sylvester.

Anthony Panico stated the only reason this conversation came about is because it was an attempt to reevaluate the impact on the community by the developing scenarios. It has been brought up several times, stated Comm. Sylvester. They say that the children are draining this Community. I don't feel this way, stated Comm. Sylvester.

The Chairman stated in the plan for 1992 it said we should be looking for empty nesting development and that is why that question was asked. Mr. Schultz looked into some of what you were saying, he looked into city and student population. The students were high in 75 and today we had less students then in 1975, stated the Chairman. I did present to this Board on several occasions, I see the development and not limiting children. I believe that we need to accommodate residents who find themselves with changing needs to find retirement living, stated Comm. Sylvester.

As this town grows there is a demand for multi-bedroom houses to satisfy the children coming along, stated the Chairman. Then they move and we had condo developing. Now we are hitting the empty nesters. It is the element of the community that wants to maintain everything they have and they want to be relieved of some situations, stated Anthony Panico.

I find children to be invigorating and I don't believe the thinking people of this community want to find ways to diminish children. I agree with empty nesters, stated Comm. Sylvester. It is an important item to pursue. The continued health is associated with the youth of this community.

We want to keep this a balance community stated the Chairman. There are large projects that will be built and the infrastructure will be put into place to accommodate that, he added.

Infrastructure is the responsibility of the community stated Comm. Sylvester. If the infrastructure is not keeping up with the need that should be addressed, he added.

We have to keep a balance and we want to compare this as to what this would produce, stated the Chairman.

I believe this community, stated Comm. Sylvester, if they think they are being inundated with construction they should live downtown where I live. I described trying to get from my office to Derby. I could not get there because the infrastructure was tied up, he added. This should be the center of the conversation because it is not about we can or can't do, it is about this parcel of property. We are trying to enforce our regulations so the developments enhance the community, he added.

I was overwhelmed with the condos issues. Today we are involved with PDD's where they don't belong stated Comm. Sylvester. I think this is about the style of development, he added.

Anthony Panico stated you asked me to look at the bedroom count and the implications with three different scenarios. I indicated as an age restricted development there would be 82 units. As a non-age restricted development there would be between 21 units. They would all be 3 bedrooms, 63 bedrooms total, 10-12 school age children, 42-45 cars and a total of 168 trips.

As a conventional single-family development, it would be 17-18 lots, 4 bedrooms each, 68-72 bedrooms total, 25-27 school age children, 40-42 cars and a total 246-260 trips. These are major traffic generators. A conventional would generate more traffic by 75-80-% over the adult development, stated Anthony Panico.

The Chairman questioned if Daybreak could be opened? Yes, said Anthony Panico, when this was first approved it could have been a permanent dead-end, he added. That is another interesting point of downtown, we have made streets one way and forced traffic onto neighborhoods that can't handle that, stated Comm. Sylvester. The people downtown are overwhelmed. There are one-way streets and two-way streets that changed completely because of overdeveloped, he added.

You folks have to deliberate this proposal before you and how you want to act on this, stated Anthony Panico. You have just stated something that I think is unacceptable to the Community, I learned along time ago not to disagree with someone of your expertise, if you are stating 41 is better then 17 you better be able to show it to me and other members of this Commission, I can't support that, stated Comm. Sylvester. I am sure it would be less traffic, stated Anthony Panico.

End of Side 2A of 3B, Tape 2 of 3 at 9:20 P.M.

People have their own idea as to how to calculate traffic. That is how the conception is on the street they don't agree with traffic engineers, stated Anthony Panico. Comm. Sylvester stated we need to address this openly and if we say 41 is better then 18 then I need to know why? I need to have help with the questions that I am asked Comm. Sylvester. There are a number of factors including the bog, stated Anthony Panico. Comm. Sylvester stated I believe we need to say no to applications and let them take us to court. I can't meet the demands put on us by developers. We need to say no, he added.

Anthony Panico stated we have opinions of Counsel and we will sit down to speak about a moratorium. We can sit down to kick that around. The actuality of the constant request for change are threatening this community, stated Comm. Sylvester.

The minutes will reflect my thoughts and words and they will be verbatim, stated Comm. Sylvester, so that they can be shared with all the Commission.

We are not forced into making a decision on this stated the Chairman. They have until April 9 on this, stated Richard Schultz.

APPLICATION # 03-52 RIVER ROAD PARTNERS, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) AND CAM SITE PLAN, 745 RIVER ROAD (MAP 21, LOTS 46, 48) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 1/6/2004) DISCUSSION ONLY

Comm. Sylvester stated I was not at the meeting, I have not listened to the tapes, therefore I will not engage in any discussion on this. Anthony Panico stated we looked at all the comments we got at the hearings. We heard the concerns from the volunteer fire department. We can look and say if I was doing this I would take that out and this out. We could look if a connection should be made, like this or like that. Staff was concerned with the development and fire safety being an issue. The firehouse is here and they need to get on the street system. Tie the street system to the fire department. They showed a way for fire use only, stated Anthony Panico.

The developer stated that he would make sure that the public offering statements that this is what it is. In the center core, this is all flat units.

These are the final floor plans, asked the Chairman? Yes, stated Anthony Panico. They can divide this and once again you have access at the critical point.

The radial has to be big enough to get the emergency vehicles turned around, stated Anthony Panico. If there was an emergency on River Road, could these people get out of there, asked the Chairman? No, stated Anthony Panico. If there is a fender bender there you won't get access in or out.

Physically on the plan, that is as far as we got. We went through all the comments from the hearings. Anthony Panico went over the comments made at the hearing. The reasons that you could be against it, all the reasons are here and we heard them at the public hearing.

We as a Commission can incorporate the bylaws in our decision, stated Comm. Sylvester. We have had problems with units that people bought who then had children. We have had several complaints about that, stated the Chairman. In the bylaws to some developments they restrict the number of children, he added. Then there are others that go out and say no swings, no fences, etc., those are in the bylaws as well.

The sewer issues comments were valid. The applicant entered into the record that if there is added cost to the City of Shelton for the sewers he would take care of that.

If the Commission wants to give Staff some direction, stated Anthony Panico. This looks like an intense development. We have had a lot of problems there and you want to see it developed in best and highest use with benefits to the City, stated the Chairman. Dividing the driveway is good, he added.

How many units, questioned Comm. Papale? 175 stated Anthony Panico. Originally they had talked about 195 and we told him we didn't think it would work. Comm. Pogoda stated we need some more Open Space. If you take out the units I suggested and one building, you are in 25-30 unit off. You would be at 150 or less, stated Anthony Panico. It is great to bring it down to that number, but open it up more, stated the Chairman. You are all grown men and you know what works or doesn't work, added Anthony Panico. We always rely on our experts from the City to say if it is safe development. Yes, it is added Anthony Panico. It is a condo development and that is intense, he added. That is not an unreasonable density for a multifamily development.

Comm. Sylvester stated the piece of development history has been useful to me. That is an eye opener to me as to the number of acres allowed to the other developments. Wal-Mart occupies one box about 14 acres. I am trying to recall the sheet, I am not talking about the floor print of the store. I am talking about what we put on 14 acres. We put one store on 14 acres and then look at the hotel developments. You see the intensity of the development, there, added Comm. Sylvester.

Time wise we will need an extension. 65 days will take it to the next meeting in March, stated Richard Schultz. Tony had just said he has not even had time to work on this, stated the Chairman. Anthony Panico stated I would appreciate some direction. Comm. Pogoda stated you brought out some good points. I know people talk about the road and I think the emergency road should be just for a medical or major reason. Not just a blockage here and no way should that be used for anything else, he added. It would be gated stated Anthony Panico. In some research, show how many homes and how many condos are in town, stated the Chairman. Could you research that, he asked of Richard Schultz. I did see that in one of the proposals, he added.

APPLICATION # 03-53 WIACEK FARMS, LLC FOR SUBDIVISION APPROVAL (24 LOTS WIACEK FARM ESTATES) MEADOW STREET (MAP 137, LOT 3) R1 DISTRICT-DISCUSSION ONLY

Comm. Oraziotti and Comm. Papale excused themselves because they both have used or do use Attorney Shawn Splan.

We need to give Anthony Panico some direction and we have an extension to the next meeting. Comm. Sylvester stated that the Board of Ed has an indicated an interest in owning this property. They have made a statement that it would be great to have this property as part of the high school property. I or anyone I know has not tried to influence any development along this line, stated Comm. Sylvester.

We have to put our planning & zoning hats on because this is as a matter of right, stated the Chairman. There is no hearing here because it is a one acre development with a certain amount of frontage on the road, does it meet all our requirements, so we act as planners, he added.

I am talking about myself and I put that on the table, stated Comm. Sylvester.

When we had technical sessions, the question of Open Space was important. We have Open Space here and we wanted to link that Open Space with the facility here, stated Anthony Panico. When this got on the table, we got input from other boards and commissions, as we always do, they didn't see this as the urgency, but they saw this as a major educational facility that needed more buffer space. Then we looked at a strip of open space here then here and that impacted the plan as originally designed. Staff then thought if open space is not important here then you look at Meadow St. If you relief some of that burden, we suggested Constitution Boulevard be used as the access. We suggested cutting this road off and redesign that. A plan shows the blue lines for streets, the yellow line is the utility easement that goes through this, and this red-patched area is where we will take the Open Space. The green area is the designated wetlands area that we will try to respect, stated Anthony Panico.

We hope the road will connect back to Meadow Street, stated Anthony Panico. There is a lot of benefit to having the road go this way. We laid that out last week with the applicant. One of the applicants owns this piece here. The family members have a strong interest in the property behind their houses to keep it part of what they own and control, he added.

We will put this on the table so that the Commission can look at that. I went back to look and the simple solution would be to put the road back in with a stub road servicing 2 lots and 2 lots. She wants these lots directly behind the house, stated Anthony Panico. They are desirous of preserving these lots.

Staffs concern is that Open Space is accessible out to Meadow Street. Then I went and took it further and asked the applicant to refill this with the road out and conservation plan. I would adjust it so that we maintain these 2 lots, as part of the CRD then this could be open space. You might as well give us the land under the power lines, stated Anthony Panico. The road system will be as suggested and modified.

They show a 24-lot plan. The modifications would result in 23, with 2 being questionable. Lot #4 is questionable. It has been shown with an interior lot, stated Anthony Panico.

We would have to have a conservation easement over the wetlands, he added. This plan would be 23 with 2 questionable lots. There would have to be relief from the Wetlands Commission.

The second variation would bring the lot count back up to 24 lots, with just this lot and there would still be a question to that one lot. Mr. Swift has looked at this corner without building that piece of road, stated Anthony Panico. It won't give us access to the strip, he added.

These will be 60000 sq ft lots and they could be 40000 sq ft lots to create another lot, stated Anthony Panico.

You are looking at 2 curb cuts. This is opposite Mayflower Lane and this is the new road or an interior lot with a shared driveway, he added. There is a curb cut on Meadow Street. You will end up 3 people sharing an access. Don't you want to elevate the curb cut, questioned Comm. Pogoda. If you don't build the road you could have 2 curb cuts here, stated Anthony Panico.

The interior lot could come off of this road and it will have to come under the power lines and the wetlands doesn't want to come through the wetlands, stated Anthony Panico. The Wiacek's don't want us to add something to it. Their family has owned this for years and they should have every right in the world, stated Comm. Sylvester.

End of Side 2B of 3B, Tape 2 of 3 at 10:20P.M.

Comm. Sylvester stated I am in support of anything that these people find appropriate in the development of their property as an R1 development. I would support and encourage the flow as much as possible to Constitution Boulevard. James Swift will come back with a map, stated the Chairman. James Swift was here and presented a new map. He addressed the map and stated Tony's comments were all well taken. The Open Space and the buffer for the high school I think you can see we accommodated that. We took a different approach to this area. We took the Open Space as far as we could but Lots 8 & 9 are a concern. We didn't have to spread out much, but we take this rectangular that was offered as a conservation easement, that takes that out of play for lots 8 & 9. You would not do anything to that and that protects the high school property, stated James Swift. Short of fee ownership it is a buffer that protects the 2 owners.

The sewers are running toward Meadow St, asked the Chairman? It will depend on where the gravity level lays, stated James Swift. I have been in contact with the DEP and wetlands has approved this. The disturbance created an Army Corps of Engineers approval.

Anthony Panico was concerned with the lot and the power lines. If you went back to wetlands and gave that back, could you encroach a little bit back here, asked Anthony Panico? They might but wetlands was happy with the buffers being 50 feet away, it is a hay field, stated James Swift. We could make that house go back a bit and that might work better, added James Swift.

My clients are here and their Attorney is here. Lot 4 does confirm and it is a legal lot. We have seen the power lines on lots before.

The conservation subdivision – time is money and there are a lot of heirs too. Some of the family members want to move this along, stated James Swift. The Commission has to approve the plans, stated Anthony Panico. The only drawback I see, is that I notice the interest to gaining the Open Space access to Meadow Street. We need to figure that out.

There is the Blue Dot Trail coming out here and we want to get them off the road as soon as possible. The trail is here and they are looking at a more natural way of getting there, stated Anthony Panico. Where the trail comes out, you want to access here stated Comm. Sylvester. If that is workable I will look at stated Anthony Panico. They go all the way down passed the emt building.

I think this is great and bringing that traffic to Constitution is great and we can look at the possibility stated Comm. Pogoda. The plan itself is great, he added.

Conservation has suggested this won't ever work, stated Richard Schultz. They won't like it here. There is 100-foot strip there, stated Anthony Panico. We should have a letter from conservation and we should listen to them, stated the Chairman. I want to see their suggestion. Lets see what they say. We have time stated Richard Schultz. We have time to March 9th.

I am comfortable that you can work that out, stated Comm. Sylvester. Comm. Pogoda stated I agree. The Chairman stated work this though and we can work on this then.

APPLICATIONS #03-56 DOMINICK THOMAS ON BEHALF OF CROWN POINT ASSOCIATES, LLC FOR EXTENSION OF SDA OVERLAY ZONE, BRIDGEPORT AVENUE (MAP 51, LOTS 9, 10) CA-3/LIP DISTRICTS (PUBLIC HEARING CLOSED 12/9/2003) DISCUSSION AND POSSIBLE ACTION
AND
APPLICATION # 03-57 DOMINICK THOMAS ON BEHALF OF CROWN POINT ASSOCIATES, LLC BRIDGEPORT AVENUE FOR PDD ZONE CHANGE (MIX USE DEVELOPMENT) (MAP 51, LOTS 9,10) CA-3/LIP DISTRICTS (PUBLIC HEARING CLOSED ON 12/9/2003) DISCUSSION AND POSSIBLE ACTION

This is the steakhouse and this is where the package store was (enterprise) and this is the pump station. This is a confusing intersection stated Anthony Panico. You want to operate through a signalized intersection. We wanted this closed and we wanted the building shortened.

Anthony Panico showed the map. This is a clean intersection, now and they have pushed the building back. They got rid of the drive-in. Now you have a good flow of traffic to the back of the buildings. There is plenty of stack-up room for the drive up windows. It is a better site circulation plan, stated Anthony Panico.

They are still at wetlands about this crossing. Wetlands is taking a position that they don't want to comment conceptual plans, stated Anthony Panico. Wetlands can dictate the nature of that crossing.

It can only help the traffic situation that is there now, stated Comm. Papale. We can support this through the back way, stated Anthony Panico.

We had a blown out building that was there for years and we are trying to make that better, stated the Chairman. We want to organize that and make it better, he added. The site circulation is as good as you can make it, stated Anthony Panico.

They are still looking for a restaurant and Enterprise will move but they will be staying on the property, stated Anthony Panico.

They can access the wetlands then we are o.k., stated Comm. Papale. They will not do this project unless they get access stated Anthony Panico. I hope that we can limit our commercial development with this property. There is an old utilization of this and that was done years ago when we gave Balog a zone change. This was industrial and Mr. Balog came in for a zone change. After a lot of deliberation this was given to him and that was put into the commercial zone. We are not adding commercial use, stated Anthony Panico. We should not continue strip zoning all the way down, he added. You are basically doing what you did with Lenny's Doghouse in south Shelton, stated the Chairman.

If you want to separate them you can do the SDC and then we can get a resolution going stated Anthony Panico. Comm. Sylvester stated I didn't participate and I will hold off. I don't have a problem with this stated Comm. Papale.

We will start figuring out the plans stated Anthony Panico. I don't feel comfortable with the exit and entrance stated Comm. Pogoda.

Anthony Panico stated the architectural flavors are the same, He showed the Commission. Even if this is a chain they can match the colors, etc, stated Comm. Pogoda. I know there are interests by a few chains, stated Anthony Pogoda.

APPLICATION # 03-62 J&D COUNTRY BUILDERS FOR SUBDIVISION APPROVAL (WINDY FIELD – 5 LOTS) TEN COAT LANE, R-3 DISTRICT –DISCUSSION AND POSSIBLE ACTION

Richard Schultz read letters from the Fire Chief, City Engineer, and his Staff Report. (see attached) There is a landlocked piece of property and was developed in 1963 through this development. There are 2 ways to access from the vacant property and the other is from the developed parcel from William Street. Did this property sell this off, stated Anthony Panico? This is a family created a landlocked piece of land, he added. You need to create access so that you don't undo an improper creation and guide the development. Corporation Counsel agrees with these findings, stated Richard Schultz. We are not suggesting a new road to go in, stated Richard Schultz. There will be \$25,000.00 in lieu of Open Space and Conservation agrees with that, he added. Richard Schultz read his draft motion (attached).

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Application # 03-62.

APPLICATION # 03-70 CAMMISA'S GARAGE, INC. FOR SITE PLAN APPROVAL (GARAGE EXPANSION) 344 RIVER ROAD (MAP 80, LOT 162) CA-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Richard Schultz read letters from the following including the Fire Marshall, the City Engineer and his staff report. (see attached)

End of Side 3A of 3B, Tape 3 of 3 at 11:05 P.M.

Richard Schultz continued by read the draft motion. He is cleaning up the site, he added.

The Chairman questioned if they would be putting in a convenience store or food service? No answered Richard Schultz. They are benefiting from Constitution Boulevard, he added. They are focusing on repair stated Comm. Papale. They won't preclude a convenience store, stated Anthony Panico. That would trigger a public hearing though added Richard Schultz.

On a motion made by William Papale seconded by Daniel Oraziotti it was voted to approve Application # 03-70 with conditions. Comm. Sylvester abstained because he didn't participate in this previously. The Chairman said that it was only the site plan review. I could have voted so then I vote yes, stated Comm. Sylvester.

04-02 HUNTINGTON PLAZA ASSOCIATES, LLC FOR SITE PLAN APPROVAL (ADDITION) BUILDING # 29 HUNTINGTON PLAZA, 30 HUNTINGTON STREET (MAP 74, LOT 25) CA-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Richard Schultz read letters from the Fire Marshall, the City Engineer and his staff report. (see attached)
The back will be consistent with what is there and the staircase will be concrete. Staff has examined the building. They are extending that out on the bottom. The jog will be filled in with a retail tenant. This is expanding the old Quest Lab. We are coming out to square off the building. There will be a hallway and alterations to the interior. He then read his draft motion.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Application # 04-02.

APPROVAL OF MINUTES

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve the minutes of 1/6/2004, 1/13/2004, 2/3/2004 and 2/5/2004.

MURTISHI MATTER: APPROVAL OF STIPULATION

Richard Schultz stated that the City of Shelton initiated legal action from planning & zoning on two sites. We are dealing with Bridgeport Avenue. This is by Rad Rods. The applicant has agreed to correct the zoning violations. We have a site plan application that is awaiting wetlands approval. He was storing contractor's trucks. On Wooster Street there was a drainage issue, stated Richard Schultz. Bridgeport Avenue was zoning enforcement. They have agreed to pay the City \$7428.00 and Corporation Counsel would like you to accept that. Richard Schultz stated I have a letter from Corporation Counsel with the stipulation stated.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve the stipulation on the Murtishi Matter.

8-24 REFERRAL: PURCHASE A PORTION OF CITY PROPERTY (BRIDGEPORT AVE. PUMP STATION)

Richard Schultz stated this is the Botti property and he read the City Engineer's letter. He requests the Commission to report favorably.

On a motion made by Anthony Pogoda seconded by William Papale it was voted to report favorably on the 8-24 Referral: Purchase of a portion of City Property (Bridgeport Avenue pump station). Comm. Sylvester abstained from the vote.

TUXEDO AVENUE EXTENSION: REQUEST FOR RELEASE OF PERFORMANCE BOND

Richard Schultz read the City Engineer's letter.

On a motion made by William Papale seconded by Anthony Pogoda it was voted to approve the release of the performance bond on Tuxedo Avenue Extension. Comm. Sylvester abstained from the vote.

WINTERGREEN ESTATES: ACCEPTANCE OF APPRAISAL FOR PAYMENT IN LIEU OF OPEN SPACE

P & Z COMMISSION

FEBRUARY 24, 2004

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve the acceptance of the appraisal on Wintergreen Estates.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to adjourn at 11:30 P.M.

Respectfully submitted by,

Diana Barry,
Secretary