

The Shelton Planning & Zoning Commission held a Regular Meeting on April 13, 2004 at 7:00 P.M. in the Old Shelton Intermediate School, Cafeteria, Perry Hill Road, Shelton, CT.

Members present were: Chairman Joseph Pagliaro (arrived late)
Comm. Alan Cribbins (chaired the meeting until the Chairman arrived)
Comm. Patrick Lapera
Comm. Daniel Oraziatti
Comm. William Papale
Comm. Anthony Pogoda
Comm. Leon Sylvester
Comm. Karen Tomko-McGovern
Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Thomas Dingle, Zoning Enforcement Officer
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.

APPLICATION # 04-05 PETITION OF CHAPPAGUA CAPITAL CORP. FOR SDA OVERLAY, LONG HILL AVENUE (MAP 41, LOT 350 R-1 DISTRICT AND APPLICATION # 04-06 PETITION OF CHAPPAGUA CAPITAL CORP. FOR PDD ZONE CHANGE (ELDERLY APARTMENTS) LONG HILL AVENUE (MAP 41, LOT 35) R-1 DISTRICT

Acting Chairman Cribbins read a letter from Chairman Pagliaro excusing himself from the first 2 hearings. He opened the meeting with the Pledge of Allegiance. He then read a letter requesting a postponement on Application # 04 -05 and 04-06. The letter explained that incorrect dates and locations were posted in the notices. Although corrected notices were sent out, it was not within the 10 days required.

Attorney Jonathan Bowman and James Swift, representing the applicant, were present and addressed the Commission. The Attorney addressed the Commission by stating he was taking this file over for one of his associates who was on vacation. The engineer James Swift conferred and apologized for any inconvenience to the Commission or the public.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to approve the letter of postponement and set the Public Hearing for May 25, 2004.

APPLICATION # 04-09 PETITION OF CRABTREE SUBARU FOR EXTENSION OF RBD DISTRICT, 417, 419 AND 425 BRIDGEPORT AVENUE (MAP 63, LOT 9) CA-3 DISTRICT

Comm. Daniel Oraziatti read the call of the hearing and there was no additional correspondence. Acting Chairman Cribbins then explained the procedure for the hearing.

Joe Crabtree, applicant and resident of Shelton addressed the Commission and presented the mailing receipts.

Right next door to our property is Ray Blanchette's property. On it now there is the Farmer's Market Stand and a Hair Salon. We want to extend the zone. Our property is the newly zone Restricted Business District and Ray's property is zoned CB1. We are looking to get a variance so that we can add to our operation. On a map he is showing the audience, the yellow area is Ray's, over here is the Farmer's Market and the Hair Salon is in the corner. Our proposal is to take those buildings down and black top adding to our operation. Our Subaru dealership is here, cars will be parked and inventoried here. The area would be beautified. This is the entrance into the Sporting Goods store. We will create a new dock for the store and the trucks will move in and out better. This is not zoned for an automobile dealership, currently. One correction, stated Chairman Cribbins, the zone is CA-1 for Blanchette's.

On a motion made by Daniel Oraziatti seconded by Anthony Pogoda it was unanimously voted to close the Public Hearing on Application # 04-09.

**OLD BUSINESS
PUBLIC PORTION**

Acting Chairman Cribbins explained that the Public Portion is to address any item that is not on the agenda by any member of the audience however he will make an exception this evening because Aldermen Finn wishes to address an item that is way down almost to the end of our agenda. So I will allow him to do so.

Aldermen John (Jack) Finn, 17 Princess Wenonah Drive, Aldermen for the First Ward, addressed the Commission.

I would like to request that the Planning & Zoning Commission hold a Public Hearing on Application #04-17. I would like to thank the Chairman for driving around the building to see that this is not accessible for a handicapped person.

I would ask the Commission if there is a conflict with scheduling meetings at City Hall as there was this evening because of the referendum that you schedule your meetings in a handicap accessible building, such as the New Intermediate School. Thank you.

Irving Steiner, 23 Partridge Lane, addressed the Commission.

I have an unusual request due to a situation that has occurred. I need to know the procedural approach by Planning & Zoning for an application that has been denied. There have been 2 conditions where the denial was overturned or rejected. We have never been in a situation like this and I would like the P & Z to tell us the procedural approach, stated Mr. Steiner. Anthony Panico asked what is it a formula decision? Yes, answered Mr. Steiner. It does depend on how the Judge writes his memorandum decision, added Anthony Panico. If the Judge felt it was improperly processed it could be handed back to the Commission to review what they had done. We react to what the Judge would say. The Judge would not normally grant anything. What would the City or the citizenry do if the Judge does go against the City, asked Mr. Steiner? It does take a while and if the Court upholds the Commission's decision then we need to take that to another level challenging that in a lower Court, stated Anthony Panico. If they rule in favor of the applicant then the City has the right to carry their appeal to another level. Under the system what is the longest it could take, a year, questioned Mr. Steiner? It could take a year, stated Anthony Panico. An appeal on the Courts decision it would seem unlikely to me that could be decided within a year, he added. We would be in contact with Corporate Counsel to see which way we want to go.

Chairman Joseph Pagliaro arrived at 6:25 P.M.

When is the last time that a ruling has come against this Commission where we had overturned a decision, asked Acting Chairman Cribbins? You have to understand the nature of the decision is a form of Zoning, it was a Zoning decision, stated Anthony Panico. The Commission has much judgment and latitude because they work in a legislative capacity, he added. A decision of that type it is very difficult to upset in Court. The Commission would have done something exactly wrong to upset that. The Court would say go back and do it right. We would carry it through again dotting all I's and crossing all T's, stated Anthony Panico.

Is this also the time I could speak to a rebuttal situation regarding a previous appearance before this Commission where a rebuttal was not allowed, asked Mr. Steiner? Is this before us now, asked Anthony Panico? No, answered Mr. Steiner. During a previous P & Z meeting the Mayor spoke and it was not a situation that the Public could rebuttal. It is about the Sewer Treatment Plant, added Mr. Steiner. I can't answer, stated Anthony Panico. If it was a special meeting there could be nothing added to that answered Chairman Pagliaro. The Public Portion is to address applications and planning matters not comments made by Public Officials, he added. This has to do with the Sewer Treatment Plant and its capacity, stated Mr. Steiner. I would only be referencing documents that the Mayor used to make his statement, he added. That was at last Thursday's meeting, questioned Comm. Sylvester? I would like the Chairman to know that I intended to speak to that also. All the information that was shared at that meeting is a reflection of this board and it needs to be commented on, he added.

I read, stated Chairman Pagliaro, a letter concerning school overcrowding. We had a hearing going on that night and the material was upstairs in our boxes at the February 24, 2004 meeting. It was material concerning the Sewer Treatment Plant. Our Staff and the Sewer Commission Staff will find out if the capacity mentioned in that letter is accurate, he added.

You have an interpretation by a City Official as to capacity and if you try to find out if that is correct, the people in the City that I represent, have their interpretation, stated Mr. Steiner. Anthony Panico stated that the bottom line is if the P & Z should accept additional burden. This Commission believes there is a lot of capacity, he added. I was there this evening reading the documents, stated Mr. Steiner. Do you want to know what it said, he asked? With an event that occurred this afternoon that the conditions you allege have occurred, have, stated Anthony Panico. No one will dispute that, he added. Can I tell the Public, asked Mr. Steiner? I don't think that you should use the forum of the Planning & Zoning Commission to do that, answered Anthony Panico. I am asking for equal time, stated Mr. Steiner. I think the WPCA would have more knowledge of that document, stated Chairman Pagliaro. It would be beneficial for you as a citizen and this Commission in finding this to be educational, to find out what I found and use those very documents that the Mayor used, stated Mr. Steiner.

I had excused myself from the first two hearings and Mr. Cribbins is in charge tonight, stated Chairman Pagliaro. I would like to get some information from the WPCA with regard to this information. I don't want to hear I don't think this is correct. I would like WPCA to come and give us an opinion on the study. Right now, as of last week, we have charts and data that say not to worry, you are fine, and we will tell you if you are not, stated Acting Chairman Cribbins.

Comm. Sylvester stated I am very uncomfortable with the information that was shared at this table, last week. We assumed that this information was shared by Planning & Zoning. Not being received but being shared, he added.

I know that one of the documents that were shared has to do with projected enrollment in the school system. I was taken back by that being shared when that doesn't reflect adequately the school enrollment. I am not sure what the intention was last week, stated Comm. Sylvester.

That enrollment figure was given out by Planning & Zoning and I would like the opportunity to address that information. That information was confusing and I think we should have another meeting so accuracy could be determined, he added.

This information came from a 2003 Fletcher Thompson Shelton School System Long Range Planning Document. So if someone in the City commissioned a reputable study and took a copy of that. If we have more adequate or better information, the Board of Education or the Staff of the school system would present us with something that says this is more adequate then I am open to accept it, stated Acting Chairman Cribbins. The information was not used to do our planning and later work shows that is not correct so forwarding that information to the public is incorrect, stated Comm. Sylvester. The adequacy of the contents that we discussed is what Mr. Steiner is talking about and I feel the same way. I think we should make sure that information is adequate, added Comm. Sylvester. You are speaking as an Executive Representative of the Board of Education and if Mr. Steiner was standing here as an Executive Professional Representative of the WPCA, we would listen to him, stated Anthony Panico. I understand where Mr. Steiner is coming from, stated Chairman Pagliaro. The meeting was a special meeting to get information from the Staff to the best of their knowledge having gotten information and facts, stated Acting Chairman Cribbins. If there is additional information from a later study, we would love to hear it, he added.

They read this information and they have the sources, stated Chairman Pagliaro. He read again from the information. I am talking about the information passed on from this Commission, stated Comm. Sylvester.

The meeting was for information that I asked Rick and Tony to get for us, stated Chairman Pagliaro. If you have additional reports you can share those with us, he added. I am attempting to do that and it would be helpful if I had seen this before it was made public, stated Comm. Sylvester. Prior to this at a previous hearing, on February 24, the material was read. This same report was used at that hearing, stated Chairman Pagliaro. I didn't see that, stated Comm. Sylvester. They got it from the Board of Ed stated Chairman Pagliaro. They didn't get that from the Board of Ed, stated Comm. Sylvester. Shame on the Chairman also, he added. If you have additional information, questioned Chairman Cribbins of Comm. Sylvester? Not here with me this evening. I don't want to meet with you, I want to talk about the accuracy of all the information that was shared. That information was shared in a strange way, stated Comm. Sylvester. We prepared a plan of the 1992 plan of development with population stated to be 38, 500, stated Chairman Pagliaro. I have no comments on that, stated Comm. Sylvester. I think since I am the Chairman I am going to cut this off and I ask that if there is additional information, it be provided to us, stated Acting Chairman Cribbins.

I would like to just read from a report from the McGuire Group Inc. and the cover sheet supports the Mayor's request for documents on the status of the Sewer Treatment Plant. I would like to fill in the voids that were left out in the Mayor's speech. This is accurate and I can give you this document, stated Mr. Steiner. Chairman Pagliaro suggests to Mr. Steiner that he take that information to the WPCA. I will do that but I am surprised that this Commission accepted this as read by the Mayor, stated Mr. Steiner. That information was given to everyone on this Commission, stated Anthony Panico. It was not given to the Public, added Mr. Steiner. They were left out of the equation, he added. There is a discussion between Mr. Steiner and Anthony Panico regarding the document and information provided. Approval or disapproval on information from the Sewer Treatment goes to WPCA stated Anthony Panico. Anyone wishing to see that document it is available in the Planning & Zoning Office and was provided to Commission members in their mailboxes, stated Anthony Panico.

Mary Beth Banks, Snowberry Lane, addressed the Commission.

I would like to speak to the Commission on overspending. I believe Shelton is overspending.

End of Side 1A of 3A, Tape 1 of 3 at 7:50 P.M.

I would like to call for a moratorium. I would like for you to stop and update your Plan of Development, stated Mary Beth Banks. Get your direction and correct today's problems. When the land is gone is gone forever.

Ritchie Widomski, 49 Christine Drive, addressed the Commission.

He stated his concerns with the agenda. I was taken back because there are a lot of requests for extensions? What exactly does that mean?

There is a time period and specific rules and regulations in regard to the days we have to accept an application, to hold a Public Hearing, to respond to that application and in some cases we need to get additional information on that application from other departments or the applicant, stated Comm. Cribbins. Sometimes when this is going on the applicant will ask us for additional time and in some cases it just means we want to spend additional time discussing an application. There are a variety of cases, added Acting Chairman Cribbins.

I see 12 requests for extensions that lead me to believe that the applicants were ill prepared stated Ritchie Widomski. Ill prepared in giving you the information you need to make a proper decision, he added.

Chairman Pagliaro stated that in November there were 2 Tuesday's that were holidays, a bad snowstorm, then the Christmas Holiday and a cancelled meeting while we continue to accept applications. We have 65 days to accept then another 65 days to hear that application.

Usually by this time of year, we start to wind down. We had a couple meeting run late, stated Chairman Pagliaro. You have to look at the big picture, this evening under our Certificates there is not one new home. It all ties in together.

Ritchie Widomski asks of the Chairman who is asking for the extension? Sometimes the Staff if they are waiting for additional information. What that says to me then is that you don't have enough time to do this, he added.

When Staff has an hour or an hour and half to go over certain things sometimes that goes passed the board. You don't want there to be an oversight and application gets approved through an oversight, stated Anthony Panico.

I appreciate that I really do but you are asking for an extension that means to me you don't have enough time to do that, stated Ritchie Widomski. There are not enough days in a month. The applications that you have today have so many issues. The larger issues tower over the smaller issues making things like this happen. You are asking for an extension because you don't have the time, the applicant might be ill prepared but there is a problem here. You have a problem meeting statutory law, added Ritchie Widomski. You have 65 days, then you ask for an extension that is really begging for a moratorium. That begs for you to deny everything and start from scratch. You don't have the proper time to do the research. I have heard different board members say we need a moratorium. If you take 65 days times 3 you are into 6 months. You have dragged some of these things that long, that is the way I see. You are up against it and you don't have the time to satisfy not only the public but the applicant. The times are such that there are applications coming in and you really need to do something. When I see you can't fill the job you were appointed to do, it is what is happening and someone like myself we don't have 65 days. We can't tell you 65 days to solve my problem it will go on the backburner. You need a moratorium, stated Ritchie Widomski. It is not on the back burner stated Chairman Pagliaro. I see 12 extensions, stated Ritchie Widomski.

Kathryn Brousseau, 25 Birchbank Road, addressed the Commission.

There are fines being imposed right now black & white for the sewer treatment plant. You can't stop the builders from building. You can make R1 what it is and bring the lines right into the homes. We are getting fines because of the sewer plant and the plant is not up to line. It is time to stop, go septic and R1. There are big houses everywhere she added.

On a motion made by Joseph Pagliaro seconded by William Papale it was unanimously voted to close the Public Portion.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Tom Dingle reported that there are 22 standards that all meet requirements. Staff does recommend approval of the standards. (see attached list)

On a motion made by Joseph Pagliaro seconded by William Papale it was unanimously voted to approve the Standards #'s 1-22 for Certificate of Zoning Compliance.

SEPARATES:

3214 ERIC HEYSE, 30 LAUREL GLEN DRIVE, ACCESSORY DWELLING

Tom Dingle stated that the applicant is a builder. We have an affidavit and they have Wetlands approval.

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3214.

3630 RICHARD FREEMAN, 62 GREYSTONE, HOME OFFICE

Tom Dingle reported that this had been tabled from a previous meeting. Greystone accepts having a home office. It is a home office with the provision no employees come to the house. He is applying for his State License and that is in progress now.

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3630. I would like to amend the motion so that we receive a letter from Greystone Condo. Association acknowledging this application, stated Joseph Pagliaro.

3270 DEBORAH REEVES, 121 PARK AVENUE, HOME OFFICE

Tom Dingle reported that this is a home office for interior redesign. It is a part time job and she does go out to the client's homes.

On a motion made by Anthony Pogoda seconded Leon Sylvester it was unanimously voted to approve Separate # 3270.

2966 ROMAN DEPA, 24 CARDINAL DRIVE, HOME OFFICE

Tom Dingle reported that this gentlemen sells and installs home security systems. This is a fulltime job for him. There is no outside equipment just the usual office equipment. He has an unmarked vehicle and no one will come to the house.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 2966.

#3261 DAWN HUNTL, 44 APPLEWOOD DRIVE, HOME OFFICE

Tom Dingle reported that this is for an online computer business. She buys and sells jewelry over the Internet and no one will come to the house.

On a motion made by Joseph Pagliaro seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 3261.

3264 PREMIER TECH. SERVICES, 33 SOREL DRIVE, HOME OFFICE

Tom Dingle reported that this gentlemen is a Manufacturing Representative who drives his Saturn visiting companies in his territory.

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3264.

967 T.A.P. ENTERPRISES, 745 RIVER ROAD, ONE DAY TOOL SALE

Tom Dingle reported that this is for a one-day tool sale to be held at Pinecrest on April 20, 2004. We have done this in the past with last year's being held at the Ramada. We have never had any problems or complaints.

On a motion made by Joseph Pagliaro seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 967.

#3637 G.L. GLOVER CONSTRUCTION, 65 EAGLE DRIVE, ALTERATIONS

Tom Dingle reported that this is for alterations done to the winery site at Jones's Farm. This was submitted to a public hearing and this will be the winery at the farm.

On a motion made by Joseph Pagliaro seconded by William Papale it was unanimously voted to approve Separate # 3637.

3041 HIGHLAND GOLF CLUB, WOOSTER STREET, SHED

Tom Dingle reported that this is for the work shed. Comm. Lopera rescused himself from this. This looks like this is for the oil tank that was approved in October 2003.

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3041.

#3618 TD PROPERTIES, LLC 329 BRIDGEPORT AVENUE, REPAIR SHOP

Tom Dingle reported that this is for interior changes and the modifications will be for a modern spray-painting booth at D'Addario Auto Dealership. Comm. Papale rescused himself.

On a motion made by Joseph Pagliaro seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 3618.

#3607 BRIAN LUBY, 722 RIVER ROAD, WORK SHOP

Tom Dingle reported that this is for Murphy's Boatyard. It is taking one building down and replacing it with another building. It is the same footprint and this will be a workshop of 28 by 40. They have Wetlands approval. There was a building that was attached and set this back and move this up front. The applicant was present.

On a motion made by Joseph Pagliaro seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 3607.

3645 LFI, 510 RIVER ROAD, DRYER STACKS

Tom Dingle reported that this is Latex Foam. The neighbors are experiencing odors and they want to install 2 vents. This is volunteer on their part and DEP has been working with them on this. There are stacks there now and they won't go any higher than what is there now.

Richard Schultz stated they are experiencing odors and this will help with those odors. It will not exceed what is there now. It will be visible from the riverside. They will be painted in tan or gray to try and lose it. There are at least 4 other stacks to the rear of the building. This is not a DEP order it is volunteer on their part.

There has always been a situation down there, it is an uncomfortable situation, stated Comm. Sylvester.

On a motion made by Joseph Pagliaro seconded by Daniel Orazietti it was voted to approve Separate # 3607. There was one Commissioner (Comm. Sylvester) in opposition.

3243 NANCY MANKULICS, 100 COMMERCE DRIVE, BUSINESS

Tom Dingle reported that this is for part of the Tetley Tea Building, Fusco Management Company. It is approximately 7000 sq. ft. that they will use. There will be 7 employees and hours of operation are Monday through Friday 8 to 5. Parking requirements would be 7 plus 3. It is inside the Tetley Tea Company and it is a training and consulting company.

On a motion made by Joseph Pagliaro seconded by William Papale it was unanimously voted to approve Separate # 3243.

#3246 WALMART, 465 BRIDGEPORT AVENUE, TEMPORARY GARDEN AREA & EXTENDED SUNDAY HOURS

Tom Dingle reported that we have a letter requesting the same thing as last year. They want to have the garden area until August 31. They are also requesting to stay opened on Sunday until 9 P.M. We can approve the extension of the hours to be temporary. Send a letter like we did last year stated Acting Chairman Cribbins. There have been no complaints from the neighbors and they have been cooperating with the sweeping, stated Richard Schultz.

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3246 with conditions.

3257 DUNKIN DONUTS, 18 OLD STRATFORD ROAD, BUSINESS

Tom Dingle reported that this is a transfer of ownership everything else will remain the same. It is at the Mobil Station on Old Stratford Road.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 3257.

1935 CCL LABEL, INC., 15 CONTROLS DRIVE, ADDITION

Tom Dingle reported that this site was approved for a variance and they went to Court. It has now been released. Planning & Zoning had denied this and the Court ruled in favor of the property owner. It was an approved site plan and the appeal did end up in Court. The ZBA variance was upheld and the neighbors lost. Anthony Panico stated that in this case they were not challenging the decision that the Commission made. The applicant prevailed and our approval was valid. So now we have to implement the action, he added.

On a motion made by Joseph Pagliaro seconded by Daniel Orazietti it was unanimously voted to approve Separate # 1935.

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 ON 12/9/03)-REQUEST FOR EXTENSION, DISCUSSION AND ACTION

AND
APPLICATION # 03-57, DOMINICK THOMAS ON BEHALF OF CROWN POINT ASSOCIATES, LLC, BRIDGEPORT AVENUE, FOR PDD ZONE CHAGE (MIX USE DEVELOPMENT) (MAP 51, LOTS 9, 10) CA-3/LIP DISCTICTS-(PUBLIC HEARING CLOSED ON 12/9/03)-REQUEST FOR EXTENSION, DISCUSSION AND ACTION

Richard Schultz that this needs an extension. This goes until this week. I need a motion asked the Chairman. Comm. Papale makes the motion and Anthony Panico explains the extension is necessary and it is applied retroactively. We have been unable to look at this on several of the agenda.

On a motion made by William Papale seconded by Leon Sylvester it was voted to approve the request for extension on Applications #03-56 and 03-57.

Anthony Panico read the attached resolution. We were prepared with this resolution about 6 weeks ago, he added.

End of Side 1B of 3A, Tape 1 of 3 at 8:40 P.M.

On a motion made by William Papale seconded by Anthony Pogoda it was voted to approve Applications #03-56 and 03-57. A roll call vote followed with Comm. McGovern, Comm. Papale, Comm. Pogoda, Comm. Oraziotti, Comm. Pagliaro and Comm. Cribbins all voting I to approve. Comm. Sylvester rescued himself and Comm. McGovern sat in for him.

Attorney Thomas asked the Commission if they would allow them to get started on some of the site work. We did a lose a month. There is a meeting on the 27th and a possible meeting on the 20th, if not this could go on the May 11th meeting, stated the Acting Chairman. I suggest that we get the letter and authorize Staff to review the process with clear cutting as long as Staff approves it. Acting Chairman Cribbins read the letter asking for site work. I am not opposed to preliminary site work and Staff will be looking at the site. They can prepare the woods in the back for what has to be done.

On a motion made by Anthony Pogoda seconded by Karen McGovern it was voted to allow site work to commence on Applications # 03-56 and 03-57.

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 1/6/04)-REQUEST FOR EXTENSION, DISCUSSION AND POSSIBLE ACTION

Acting Chairman Cribbins stated we do need a request for an extension on this that will take us through April 15, 2004.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve the request for extension on Application # 03-52.

Anthony Panico stated that some of our early discussions were about what Staff should look at. One of those concerns were Open Space and getting units away from the Firehouse. We wanted to introduce some Open Space in this area of the development. They have realigned the road in back and redirected the emergency access focus in this direction.

We looked further at getting rid of all of the flats and the reduction of this allows for the flats to be taken out. We will have all the same townhouse type units, stated Anthony Panico. We wanted to eliminate this piece of road and extend the green area.

I would like to review the facts and come to a consensus. The original proposal was for 195 units, 38 flats in 2 buildings, 157 townhouses in several buildings, a pool and clubhouse. There was 8.5 acres or 27% of Open Space.

At the last discussion the Commission looked at 150 units and 1 building of flats (20 units with parking underneath) and 130 townhouses. There are no units anything less than 200 feet away from the Firehouse, stated Anthony Panico. This makes more green area closer to the Firehouse.

Then we took all the flats out with just the 150 units. The intercomplex then would all be townhouses. It could benefit more by removing another 3 unit building here and another 2 unit building then creating a pocket of interior Open Space.

If you modify this to where there are no flats you will lose this building, then you might recover one or two in another area. That would bring you to down below 145. That final number is something that the Commission has to find practical. At the low end there would be no flats and it would allow us to take something out of here. Now we will increase the distance to the clubhouse giving more protection there, stated Anthony Panico. The 240 feet from the Firehouse would all be part of that common ownership of Open Space.

This is all City owner land. We will try interior landscaping in this area. This represents 27% of Open Space and we wanted to get some additional Open Space. This is the Open Space buffer and enhance the green area here.

The final number will determine what the Commission will do, stated Anthony Panico. I also looked at what the reduction would do and I looked at how that carries over to impact the population. The total population would drop from 330 to 279. The total number of students would drop from the original 36 to 28. The expenditure to the City was \$470,000.00 would drop to \$376,000.00. The revenue generation (one time fees, etc.) would have been \$370 now it is \$312. The property taxes would have been \$912 now they will be \$822. Anthony Panico continued with revenues from taxes and trip counts.

Now the question is do we eliminate one or both of these flat buildings, do we improve the setbacks with regard to the Firehouse, we can open up interior Open Space and we can drop the density to 150 or less.

At 150 we can keep one of the flats with a parking lot and 130 townhouse units or you can go to all flats or increase the interior Open Space by dropping a 2 unit building and a 3 unit building here, stated Anthony Panico. I went as far as I could to get it to work and now you have to decide what you want me to take out.

You had flats and there was only parking in this area. The original plan had 2 buildings like this and this area came twisted around. This variation got rid of flats all together with all townhouses. This plan had kept 50 flats and I didn't like the access to the clubhouse.

What is the density, asked Comm. Oraziotti? It is less then 7 units per acres. They will all have 2 bedrooms with lofts and the master bedroom on the ground floor, stated Anthony Panico.

All the Commissioners including Staff are huddled over the maps and many discussions are going on at the same time. It is difficult to hear and difficult to understand.

This is a condo development more like Sunwood or Knollbrook stated Chairman Pagliaro. This is unique though because this is on a State Highway, stated Anthony Panico.

Can we get a general consensus that we are on the right track here asked Acting Chairman Cribbins? I thinks that we are on the right track stated Chairman Pagliaro.

Comm. Oraziotti stated this was to dense and Comm. McGovern was concerned with the traffic and would like to see this developed at 130 units. To take out 8 to 10 units won't make a difference stated Chairman Pagliaro. I would like to see great views with lesser units of high quality development, he added. I would like to see these spread out a bit and more Open Space by the Firehouse stated Acting Chairman Cribbins. I need to know what is more important, stated Anthony Panico. I would like to see an island of Open Space in the middle, he added.

If this goes to 195 I would denied anything like that on this site. I am uncomfortable with that stated Chairman Pagliaro. The difference here that exits onto a State Highway not a single road. That is more traffic then a regular City road. You could deny that by going into Executive Session, he added.

Anthony Panico stated there are 126 units at Riverdale making that 5 per acre, the Pines has 32 units on 4 acres that is 8 per ace. We need a consensus to make a decision, he added. If we don't get a consensus or move this we will need to get an extension until May 12th, stated Acting Chairman Cribbins. This will authorize Staff to do something one way or another. You need to pick a number so that I can get the work done stated Anthony Panico. Comm. Sylvester questioned a consensus to do what? Acting Chairman Cribbins stated the first thing is to take this off the table you can just reject this proposal or the second option is come to a resolution with the number of units not to exceed 140-145.

End of Side 2A of 3A, Tape 2 of 3 at 9:35 P.M.

We heard very little opposition at the Public Hearing and there is a history to this property. It has been trouble for the neighborhood stated Chairman Pagliaro. There were 15 citizens who commented at the Public Hearing. There was one fireman, 4 from the area and 5 from WER1, stated Anthony Panico.

I would like to see the density not to exceed 130 units stated Comm. Tomko-McGovern. I would like to see that on paper, added Comm. Oraziotti. You will see it stated Anthony Panico. I will show you the areas that you are most concerned with, he added. You want a project to work and you want to let Tony do his planning. He needs to get a workable number, stated Chairman Pagliaro. If the developer was to lose they want to loss the less profitable units, stated Anthony Panico. They would rather build a townhouse then a flat and there are a limited number of townhouses that could be built on a site, he added. This land will accommodate 157 townhouse but that can be reduce by 20 more units, stated Anthony Panico.

I need a motion to allow Staff to work on a resolution, stated the Chairman. The motion should reflect no flats, the expansion of the protected area around the Firehouse and other planning issues that include green space and additional buffering to separate the project, stated Anthony Panico..

On a motion made by Karen Tomko-McGovern seconded by William Papale it was unanimously voted to direct Staff to prepare a resolution on Application # 03-52 with conditions.

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve the extension until May 12, 200 4 on Application # 03-52.

Acting Chairman Cribbins reported the results of the election that was held today. He gave the counts and stated the Charter was defeated and the School Funding passed.

APPLICATION # 04-01, PRECISION RESOURCE FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR-BUILDING AND PARKING EXPANSION) 25 FOREST PARKWAY (MAP 63, LOT 34) LIP DISTRICT (PUBLIC HEARING CLOSED ON 3/9/04)-DISCUSSION AND POSSIBLE ACTION

Richard Schultz reported that this is Forest Parkway and Platt Road. This is for a Special Exception Approval for an addition.

At the Public Hearing the driveway proposal was to exit on Platt Road and we didn't like that, added Anthony Panico.

The parking expansion is because of the shifts and need for additional parking when that occurs. There will be an additional 236 spaces, stated Richard Schultz. This looked good and it will maximize the coming and going on the site.

Richard Schultz stated there are Wetlands activities on the site.

There is a landscaping plan for along the residential area of Long Hill Avenue with evergreen plantings including in that. Staff recommends a bond for the sediment and erosion plan. The materials to be used will be brick and metal. The layout for the parking needs some additional work, stated Richard Schultz. This is consistent with our economic plans in the area. Richard Schultz read a draft resolution. (see attached)

On a motion made by Anthony Pogoda seconded by Joseph Pagliaro it was unanimously voted to approve Application # 04-01 with conditions. Comm. Sylvester voted not Comm. McGovern.

PLANNING & ZONING COMMISSION INITIATED ZONING REGULATIONS AND BUILDING ZONE MAP AMENDMENTS: PDD (SIZE) AMENDMENT, RESTRICTED BUSINESS PARK ZONE MAP AMENDMENT AND IA-2 AND R-1 ZONE MAP AMENDMENT (PUBLIC HEARING CLOSED ON 2/10/04)-DISCUSSION AND POSSIBLE ACTION

Anthony Panico read the resolution. (see attached)

There are backyards in industrial zones and the front yards are in residential. We will carry R1 all they way through, stated Anthony Panico. It starts at Sikorsky and it is the rest of these backyards. These lots are deeper from Route 8, stated Chairman Pagliaro. The State owned property has a fence on the State owned Right of Way, stated Anthony Panico. If Sikorsky got this property they could build here, stated Chairman Pagliaro. If that was to happen then we could build that into these, stated Anthony Panico. Our zoning regulations say you can't travel through residential to get to the industrial property, he added.

Acting Chairman Cribbins stated I have mentioned previously that property located on Todd Road is my brother's property so I will not participate in this matter.

When we do this we are putting this under a zone map stated Comm. Sylvester. We will have more control over this stated Anthony Panico. Even if the lots are smaller then 60000 sq. ft. they could be considered for a PDD, he added. That is the requirement for the PDD and we made one exception downtown. There has been increased circumstances and we are not looking for a generic zone here.

Anthony Panico when the motion is passed this will be the last act to clearing the Court Case with the Auto Dealerships.

On a motion made by Anthony Pogoda seconded by William Papale it was voted to approve the Planning & Zoning Commission Initiated: Zoning Regulations and Building Map Amendments. A roll call vote followed with Comm. Lopera voting for Acting Chairman Cribbins. The effective date should be noted as April 23, 2004.

APPLICATION # 03-54 DOMINICK THOMAS ON BEHALF OF ED NEWMAN FOR PDD ZONE CHANGE (CAR WASH & RESTAURANT) BRIDGEPORT AVENUE (MAP 77, LOT 19) OP DISTRICT (PUBLIC HEARING CLOSED ON 2/10/04) -REQUEST FOR EXTENSION ON REVIEW PERIOD

On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was voted to approve the extension on the review period on Application # 03-54 until May 12, 2004. Comm. McGovern will sit in for Comm. Oraziotti and Comm. Lopera will sit in for Comm. Sylvester.

This is the third go around with the proposals on this site. Right now this is for a restaurant and car wash. That is the latest proposal. This is a large restaurant facility with catering facilities and a car wash, stated Anthony Panico.

We changed that area to OPD because we wanted to protect that area, stated Chairman Pagliaro. I could live with one or the other, he added.

Primarily people at the hearing loved the proposal. There were maybe one or two negative comments, stated Anthony Panico.

If that restaurant goes off in full bloom and it is a nice spring or summer day when everyone wants there car wash you are going to have a problem, stated Chairman Pagliaro. I agree stated Comm. Tomko-McGovern.

Normally the car wash and the restaurant won't peak at the same time, stated Anthony Panico. There is a resident on the other side of that and he should be protected stated Chairman Pagliaro.

If the Commission feels strongly they can come to the conclusion that the OPD should stay in that area, stated Anthony Panico. If the restaurant is a concern and the car wash is not a concern for you. With the parking and peak times it is a concern. The restaurant is a concern but with the catering and the car wash that is the issue, stated Anthony Panico. It has been tight with parking since day one, he added. Even if the restaurant stood along I don't think that would have the same issues as we do now. I don't think we want a high traffic generator there.

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

APPLICATIONS # 03-58, PETITION OF BLAKEMAN CONSTRUCTION, LLC FOR AN EXTENSION OF SDA OVERLAY ZONE, BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (PUBLIC HEARING CLOSED ON 2/24/04)-REQUEST FOR EXTENSION ON REVIEW PERIOD

AND

APPLICATION # 03-59 PETITION OF BLAKEMAN CONSTRUCTION, LLC/HUNTINGTON WOODS, LLC FOR A PDD ZONE CHANGE (MIX USE DEVELOPMENT) BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (PUBLIC HEARING CLOSED ON 2/24/04)-REQUEST FOR EXTENSION ON REVIEW PERIOD

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 (PUBLIC HEARING CLOSED ON 2/24/04)-REQUEST FOR EXTENSION ON REVIEW PERIOD

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve a 35-day extension that will take us to the May 11, 2004.

They want to get earth removal started because it is spring, stated Acting Chairman Cribbins. Comm. Sylvester stated that is fitting.

This is a prominent site and this might be a dangerous way to proceed on this piece, stated Anthony Panico. The traffic is a big issue, he added.

We want less of the an impact to that intersection. If the first proposal pulls out we want to know where we will go stated Anthony Panico.

I have not been part and parcel of any discussion with regard to this stated Comm. Sylvester. There has been discussion on this stated Chairman Pagliaro. Prior to this proposal there was a proposal that was withdrawn. Then he came back in with modifications and he deleted the residential component, stated Chairman Pagliaro.

APPLICATION # 03-63, DOMINICK THOMAS ON BEHALF OF ROSELAND SHELTON, LLC FOR MODIFICATION OF PDD # 32 AND CREATION OF NEW PDD (APARTMENTS) RESEARCH DRIVE (MAP 28, LOT 1) (PUBLIC HEARING CLOSED ON 2/10/04)-REQUEST FOR EXTENSION ON REVIEW PERIOD

On a motion made by William Papale seconded by Daniel Oraziotti it was unanimously voted to approve the request for extension on Application # 03-63 until May 12, 2004.

APPLICATION # 03-64 ZAIM MURTISHI FOR SITE PLAN APPROVAL (CONTRACTOR'S BUSINESS AND STORAGE YARD) 82 BRIDGEPORT AVENUE, CB-2 DISTRICT-REQUEST FOR EXTENSION ON REVIEW PERIOD

On a motion made by Joseph Pagliaro seconded by William Papale it was unanimously voted to approve the request for extension (65 days) on Application # 03-64.

APPLICATIONS # 03-65 R.D. SCINTO, INC. FOR SDA OVERLAY EXTENSION, PARROT DRIVE (MAP 28, LOT 17) IA-2 DISTRICT-REQUEST FOR EXTENSION ON REVIEW PERIOD

AND

APPLICATION # 03-66 R.D. SCINTO, INC. FOR MODIFICATION OF PDD # 4 AND #37 AND PDD ZONE CHANGE (APARTMENTS) PARROT DRIVE (MAP 28, LOTS 7, 11, 17) REQUEST FOR EXTENSION ON REVIEW PERIOD

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve the 35-day extension on Applications # 03-65 and 03-66. Comm. Sylvester rescued himself.

APPLICATION # 04-07 GENO BLAKEMAN FOR SUBDIVISION APPROVAL (2 LOTS-CROSSROAD ESTATES) 8 BIRDSEYE ROAD EXTENSION, (MAP 125, LOT 36) R-1 DISTRICT-REQUEST FOR EXTENSION ON REVIEW PERIOD

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve the request for extension on Application # 04-07 until May 12, 2004.

APPLICATION # 04-08 JOHN PAWLOWSKI FOR SUBDIVISION APPROVAL (4 LOTS HIDDEN MEADOW ESTATE, SECTION IID) BEARDSLEY ROAD, (MAP 162, LOT 1) R-1 DISTRICT-REQUEST FOR EXTENSION ON REVIEW PERIOD

On a motion made by Joseph Pagliaro seconded by Anthony Pogoda it was unanimously voted to approve the request for extension on the review period on Application # 04-08.

APPLICATION # 04-16, NORTHSTAR AUTO GROUP, INC. FOR SITE PLAN APPROVAL (AUTOMOTIVE REPAIR GARAGE) 61 CENTER STREET (MAP 129D, LOT 53) CA-3 DISTRICT-ACCEPT FOR REVIEW

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to accept for review Application # 04-16.

APPLICATION # 04-17 TOLL BROTHERS, INC. FOR SUBDIVISION APPROVAL (37 LOTS-THE VISTAS AT WHITE HILLS) EAST VILLAGE ROAD/WABUDA PLACE AND SACHEM DRIVE(MAPS 152, 158, 159 LOTS 52, 10, 15, 16, 7) R-1 DISTRICT-ACCEPT FOR REVIEW

Attorney Dominick Thomas representing the Toll Brothers addressed the Commission. We have scheduled a public meeting for next week at the White Hills Civic Club that has been advertised in the papers. We want to get the public input. This is an R1 subdivision and to go through the regular timeframe we can do the same with the meeting that I have scheduled at the White Hills Civic Club. We will get the public comment. We want the public to speak and comment stated Anthony Panico. We need to do a notice and I think you should make sure that the public can comment, he added. It won't be treated like a Public Hearing, he continued.

This is an R1 zone and this will be developed in an R1 fashion stated Chairman Pagliaro. We can't comment once the hearing is over stated Attorney Thomas. At that meeting you will present to the Commission what the applicants wants them to see, stated Anthony Panico.

22 notices have gone out and we were not require to do that. We have also posted the notice of hearing up in White Hills.

On a motion made by Joseph Pagliaro seconded by Daniel Oraziatti it was unanimously voted to accept for review Application # 04-17.

BRAD WELLS HOMESTEAD SUBDIVISION – REQUEST FOR SECOND 90-DAY EXTENSION TO RECORD MYLAR MAP

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve the second 90-day extension to record the Mylar map on Brad Wells Homestead Subdivision.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to adjourn at 10:45 P.M.

Respectfully submitted by,

Diana Barry,
Clerk