

The Shelton Planning & Zoning Commission held a Regular Meeting in the Shelton City Hall, Room 303,54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. William Papale
Comm. Anthony Pogoda
Comm. Daniel Orazietti
Comm. Leon Sylvester (arrived late)
Comm. Karen Tomko-McGovern

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Thomas Dingle, Zoning Enforcement Officer
Diana Barry, Secretary

The Chairman opened the meeting with the Pledge of Allegiance.

ORGANIZATIONAL MEETING AND SELECTION OF ALTERNATE COMMISSIONER

The Republican members have met and would like to nominate Patrick Lapera as a permanent member of the Commission. We are still reviewing the candidates for Alternate and some of the Republican Members have not had the opportunity to interview candidates and I imagine that will take another 2 week period of time, stated Chairman Cribbins.

At this time, we also need a nomination for Permanent Chairman, stated Alan Cribbins. I would like to place the name of Alan Cribbins for Permanent Chair, stated Comm. Pogoda, and place the name of Patrick Lapera as Vice-Chairman, he added. I have a motion and do I have a seconded? Seconded stated William Papale. Any discussion, all those in favor, it is unanimous, stated Chairman Alan Cribbins.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to elect Alan Cribbins as Chairman and Patrick Lapera as Vice Chairman.

Comm. Lapera stated I want to thank the Commission members. I also want to state that I have spoken to Corporation Counsel both Comm. Tomko-McGovern and myself sit on the Economic Development Commission. I have been informed by the Town Attorney that being a permanent member of this board I should no longer sit on that Commission. I have tendered my resignation, last week from that Commission, contingent upon my appointment to this Commission, stated Comm. Lapera.

First thing I would like to say is Thank you. There is a lot more reading with this particular assignment but we will do the best we can, stated Chairman Cribbins. Thank God we didn't have term limits in the past. I have every confidence in the members of this Commission to meet its obligations to which we were elected because we were trained by some of the best including Frank Osak, Ole Severson, Nippy Russell (G. Alton Russell) and Joe Pagliaro. Between them they had almost 100 years of experience and it was their leadership that lead to our very balanced Community of residential, industrial, commercial and Open Space areas. We have an excellent support staff. A lot of years he has been with us for almost 40 years, stated Chairman Cribbins (looking at Anthony Panico). I think that this Commission between members and staff we are not afraid to tackle the City's tough issues.

I have been in contact with Mr. Osak, the Chairman of the Update Committee, and in the next few weeks we will be meeting with him and the Committee as a whole. There needs to be a lot of dialogue between us because they truly do work for us. Our permanent member to that is Comm. Pogoda.

We should mention that our secretary will continue to be Comm. Orazietti. I am very pleased that we nominated Comm. Lapera to the position of Vice-Chair. I know Comm. Lapera, he is very intelligent, and he is an Attorney. You know you will get fairness when he comes and deals with these issues. I know he does a lot of good work because I went to the St. Joseph's graduation and Bishop Laurie who calls Pat by his first name said that he did an excellent job as a member of the Board of Directors of that school. Busy people who when called to do things really step up, stated Chairman Cribbins. We are glad to have him in this position and I am very pleased to know that in my absence for different reasons that Pat will do a good job and step right in.

PUBLIC PORTION

Chairman Cribbins stated is there any from the Pubic who wishes to address the Commission on any item that is not on our agenda.

Don Stanfield, 42 Lazy Brook Road, Shelton, addressed the Commission. I have a question about a bond. I built a subdivision off Isinglass Road last year, off Kimberly Drive. I own Midland Development. About a year ago I received a letter to finish the road and pave half of it. We did that so that we could get a bond back. It had to be done by July 15th. We did that. The developer next to me, Crystal Lane, received the same letter but we have not heard back on that, stated Don Stanfield.

It has been over a year and last month I came in here. I was told it would be done. I ended up paving from Kimberly to Route 108. The bond has not been called and nothing has been done.

Chairman Cribbins stated can we have the Staff look at that and give us a report? Richard Schultz stated that I am glad that a member of the public has come here because the Staff has been working for over a year with the developer. He has been calling me weekly and the residents have stopped calling me. The developer is who asked Chairman Cribbins? Al Salemme stated Richard Schultz. I want to state that for the record I am pleased someone from the public came forth because Staff is just putting in so much hours in and time is clicking away quickly. I think it will be ready to call the bond at our next meeting.

Comm. Sylvester arrived at 7:15 P.M. and Chairman Cribbins brought him up to speed with the nominations of Patrick Lapera and the interview process. Comm. Tomko-McGovern explained that he is Vice Chair and Chairman Cribbins has been elected as Chair.

Kathleen Brousseau, 25 Birchbank Rd, addressed the Commission. I am going to be brief, I can hardly breathe. I am on a nebulizer for breathing. There are constant fires down there, I have a chemicals being used to strip a boat right outside my bedroom that is allowed by Planning & Zoning. I have complained for years. Nothing has been done. My yard is loaded with mercury and arsenic. I would like to see something done. I have been stroked by this Commission, nothing has been done. Mr. Pagliaro came to my house on Friday night, before he died, seeing that junkyard. Nothing has been done. The Attorney has got nothing fixed. I was stroked again today. I had to file a Police Report. I almost ran over a child. I have a boat that is blocking my view, I backed out of my driveway today and almost hit a child. I would like something to be done. I want it done soon before someone gets hurt. My breathing is so bad. I would like to see all opened burning stopped. We are on non-containment and we are on an EAP watch list here in Shelton. They are burning skids and furniture. Formaldehyde and arsenic. You are breathing the air, too. I don't feel well. I left a letter for Mr. Sylvester. I had a company come in spent thousands of dollars. My house is surrounded by high levels of arsenic and mercury. I am being drained of my life. That is all I have to say.

Are these items that have developed in the past couple of weeks and we did authorize you to go to Corporation Counsel and start legal action, questioned Chairman Cribbins? Correct, stated Tom Dingle. We had Mr. Pagliaro and officials make an onsite visit, he added. We did take an action, stated Chairman Cribbins. Nothing has been done, stated Kathleen Brousseau. It is ridiculous, I can't breathe. The guy is stripping a boat 30 feet from my bedroom window with chemicals. He is in a full suit. I am asthmatic. There is Open Air Clean Acts in place except in this town. It is coming up and settling up in the Valley. We have a lot of sick people. I feel the live drained out of me and I don't feel well enough to continue. I left a letter with Mr. Sylvester and I would just like it acted on, stated Kathleen Brousseau.

Chairman Cribbins questioned if we did take action? Richard Schultz stated that the last call of the day today was with Mrs. Brousseau and I assured her that this Commission would take the appropriate steps. You will be seeing a stepped up zoning enforcement in the next couple of months. We have been getting a lot of complaints. You know this time of year with the summer, people are outside. I assured her, it was my last call of the day, that we would be taking action. There are two issues, one is a miscellaneous zoning issue and one is an ordinance infraction with where the boat is parked. Is it what this fellow is doing with his boat, stripping, asked Comm. Sylvester? No, it is where is being parked, stated Richard Schultz. It is parked in the City Right of Way, part of it is, and it could be towed by the Police Department, he added. Curious, I don't know this, stripping is permitted, questioned Comm. Sylvester? He has multiple boats, it is just where it is positioned, stated Richard Schultz. He can strip near her bedroom when he is a full suit, stated Comm. Tomko-McGovern. The open burning- we can call the Fire Marshall and they can be arrested on the spot. I will be going over with her these issues and I told her I would speak to her tomorrow, stated Richard Schultz.

Irving Steiner, 23 Partridge Lane, addressed the Commission. I have a technical question. It is concerning a 3 Phase project and it doesn't have to do with pro or con. It has to do with the procedure as to how Phase One which is earth removal and adjustment of the terrain can happen, be approved without the approval of the next Phases including development and construction. The other 2 phases have not been approved and are still being evaluated. There could be an extreme conflict between the completion of Phase 1 should Phase 2 and Phase 3 not agree with Phase 1. Therefore I would like to know how the Council here is proceeding, how they can go through this process without some guarantee which doesn't exist that Phase 2 and Phase 3 will be complimentary to Phase 1 by the time it is finished, stated Irving Steiner. There is no guarantee that Phase 2 will be done in 6 months, it could be done in a year, what if there is an extreme conflict and the group here decides Phase 2 is not in agreement with what the applicant delivered, and therefore there would be conflict between Phase 1 and Phase 2. How would that be handled and what would you do know to remedy the situation, asked Irving Steiner?

First of all the Temporary Special Exception Application is normally issued without benefit of any specific plan for the future use of the property, stated Anthony Panico. It is issued on the basis and the recommendation that the property is to be properly developed there has to be site preparation. Many times site preparation is done to prepare a property for future development without having any idea what that future development will be.

We have in place a mechanism that will allow a reasonable grading plan to happen and accommodate the proposed development. That might change if that development fails to succeed in a logic manner then we would require the property at the end of the grading period to be restored into a sealed condition awaiting future development, stated Anthony Panico.

Very often a grading plan approved as a rough grading plan prior to a TSE is only toward what a final grading plan would be for a particular proposal. To implement the proposal is the reason for the adjustments in the grades. What it is then is an attempt to prepare the site based on your best knowledge on hand understanding that in the course of approval things might change.

In many instances to pursue a grading plan with no knowledge of what the future development will look like except to know there is a desire to develop. The conclusion is the current condition cannot accommodate development.

Therefore the TSE is the mechanism by which we protect the City. If we have a specific proposal in hand ready to approve then we would not need the TSE. We would have the plans approved and on that strength the earth grading operation would take place, stated Anthony Panico. It was understood that there would be a gap in time and therefore to start the process we wanted the strength and the backing of the TSE to allow site preparation to begin. They are independent activities. We have the protection under the TSE application if the applicant decides not to pursue a development proposal in accordance with the grading activities the property will be reloomed and restabilizing awaiting future development.

We hope, however, that there will be a sequence of activity that prior to the TSE that a specific plan will pick up and continue forward. We do have bonding to be prepared for a worse case scenario, stated Anthony Panico. What is the bonding, questioned Comm. Sylvester? \$100,000, I think, stated Anthony Panico. \$100,000 cash bond, stated Richard Schultz. It is enough and far greater of what we suggested to the applicant. We suggested \$30,000-\$40,000 and we are well protected.

The topsoil is being stockpiled on the back portion of this site. So in the event that nothing goes forward, the topsoil will be spread and the property restabilized, stated Anthony Panico.

Is there anyone else who wishes to speak on an item not on the agenda, stated Chairman Cribbins. So I will ask for a motion to close the Public Portion.

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

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Tom Dingle reported Standards #'s 1-68 meet all the requirements. Staff recommends approval. It has been a busy month, he added. (see attached list)

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Standards #'s 1-68.

SEPARATES

3443 TAMMY MULROONEY, 289 BRIDGEPORT AVENUE, BUSINESS

Tom Dingle reported that this was tabled from the last meeting. Richard Schultz stated that the Commission directed Staff to meet with both sides to come up with a resolution that was comfortable for both sides. Unfortunately we are not there yet. There are 3 options that this Commission can take.

In 1983 the Commission approved a self-storage facility. At that time there was no approval for a truck rental. As you are aware a truck or car rental is a subordinate use. Budget Truck Rental started in 1985. There is no record of the 83 decision by the Commission and we did receive a formal complaint.

The owner was kind enough to make an application. The current owner is asking the Commission to approve the Certificate of Zoning Compliance that recognizes the truck business. The property owner wishes the business to remain the same including parking 8 trucks on the property and allowing drop off 7 days a week 24 hours a day. They have offered a fence. The neighbor is asking for the Commission to impose hours for a truck drop-off. The noise impacts their quality of life. The Commission can restrict the hours on Saturdays and Sundays only.

The three options are status quo making the truck rental legitimate on the site. At the request of the neighbors request the time of trucks to be dropped off 10-7 Mon-Sunday or the third option limit time just on the weekend, stated Richard Schultz.

Attorney Dominick Thomas, representing the applicant, addressed the Commission. The applicant who made this application before retaining me because my advice is you don't need an application. They have approval from October of 1984 simultaneous with the operation of the business. We have meet with the Staff, the neighbors and the owners, and since the last meeting we have had security cameras installed. In the days that have passed 2 trucks have been dropped off. Steps that have been taken by the new owners. The fence has been moved and people can pull all the way up and there is no need to back up. There are signs that instruct them not to back up. Mr. Griffin spoke with the neighbor today and the neighbor said that was not the issue. They talk about trucks being dispatched at night, that doesn't happen, stated Attorney Thomas.

The driveway has been wide enough. It is 6-8 times when we get a tractor-trailer coming in late. They are told to stop at the street and the stuff in the truck is transported by hand truck.

The other thing the Commission can be aware of is to impose drop off restrictions is virtually unenforceable. People travel from a great distant and unload the truck between 11:30-12:00 at 12-15 times a year. The summer is the busiest month, stated Attorney Thomas. If there is a sign they will just drop the truck and go. The owner spoke to Mr. Padilla today.

Can I just ask the Commissioners feelings on this, stated Comm. Cribbins? For me I would think if this was a clean sheet of paper, a new business coming in I think we would put restrictions on to allow the neighbors to sleep. If you drop the truck off there has to be someone coming to pick you up because you just don't drop the truck. You need a ride so that there is additional vehicular traffic, lights shining in the windows, etc. So from my standpoint if I had a clean sheet of paper, I would tell you that you have your people drop off before 10 at night. Those are my thoughts, stated Chairman Cribbins.

If it was a clean sheet of paper, I would probably go along with that, too, stated Comm. Pogoda. Seeing this is an operation that has been in existence, I wonder if we could somehow monitor this for the next couple of months to see what ongoing is happening in the next couple of months. Summer months are the busiest and the windows are opened. See where it goes, monitor this and let it go at that, he added.

Karen, Comm. Sylvester will probably vote on this. I feel it is prolonging it, I think you should just take a stand, make it from 10-7. You can control you business whatever way you want, your business doesn't control you. I think you should make a decision get it off the table. Summer months might busier. Make a decision and let it be 10-7. Noise is restricted. Why can't this gentlemen go by the variance? After 10 clock if you make noise you are going to get into trouble. That is my feelings, stated Comm. Tomko-McGovern.

Comm. Oraziotti stated I am in a dilemma like the applicant, I own a restaurant in a residential area. I use the analogy that if you buy a house near an airport, you cannot expect the planes to stop. So if you buy in a commercial usage area, you got to expect it or take the commercial use out of the area, he added.

Comm. Lopera asked if the office is opened? No, stated Attorney Thomas. There is a drop off box for the keys. There are 3 houses here, 2 that my client's own and Mr. Padilla's. There is right out in front of this is Mike's Auto Able who is allowed to drop cars 24 hours a day, he added. Then there is Route 8 and the Wiffle Ball factory. I would like to see some notice to the customers about dropping off late at night, stated Comm. Lopera. How are we going to enforce that? We are going to get blamed if someone brings their truck late night, questioned Attorney Thomas? Now we close the gate.

Don't they have deposits or something, asked Comm. Tomko-McGovern? They are coming from Illinois or Texas or something. It is a one-way trip, stated Attorney Thomas. We have Mr. Padilla who has equipment that he takes in and out, he added.

Are we discussing this as a not originally established, asked Comm. Tomko-McGovern? In 1983, it was approved in 1984 and constructed in 1985 the business & truck rental under a variety of names for 20 years, stated Attorney Thomas. It was approved as, asked Comm. Tomko-McGovern? When it was approved at the table of P & Z it was a self-storage facility, stated Anthony Panico. You have no record, stated Attorney Thomas. Well, we are going to establish a record, stated Comm. Tomko-McGovern.

I was present when that was approved and what was approved was a self-storage facility for the Mulrooney's, stated Anthony Panico. If you wish to argue that the rental is accessory, he added. I won't argue that stated Attorney Thomas. I would say comeback for an approval on the truck rental, stated Comm. Tomko-McGovern. Actually we would withdraw our application, stated Attorney Thomas. That is what I would suggest, stated Comm. Tomko-McGovern. Then you take whatever zoning enforcement action you would want, stated Attorney Thomas. That is basically where we are, there is an application, stated Anthony Panico. I am saying what Mr. Cribbins said if we had a clean slate, stated Comm. Tomko-McGovern.

Rick, we are dealing with the enforcement activity, the applicant has withdrawn the request for an application, stated Anthony Panico. You should hear from Mr. Padilla because he is the only individual here, stated Attorney Thomas. The others are tenants, stated both Comm. Tomko-McGovern and Anthony Panico.

Mr. Padilla stated the only thing that was approved is the self-storage and we should not award them for doing business for 20 years. Shut it down. These are the zoning regulations and if you get caught violating the law shut it down. Hey I would like to go rob banks for 20 years and have someone say to me, hey you have been robbing banks for 20 years, just keep robbing banks for 20 years. Then I would do jail time. I have nothing against my neighbors and the only thing I would say to them is you can bring trucks up just don't dispatch trucks out. Don't bring people in the night, stated Mr. Padilla. We can agree to that and when the office is closed we don't dispatch the trucks. I just want my hours of sleep that is all I ask for stated Mr. Padilla. No dispatching, stated Chairman Cribbins. Hours should be limited, stated Comm. Lopera. Only dispatching when the office is opened, he added. You may consider the fence, stated Comm. Lopera.

The noise is from the trucks backing up once they think this is not the place because they see the 3 homes, stated Mr. Padilla. You should think about the fence, they offered it, you should think about it, stated Comm. Lapera. They can do anything they want, I don't want bad feelings with my neighbors. How do you say, they make money when they go sleep, I don't make money while I stay awake, stated Mr. Padilla.

Chairman Cribbins asked Attorney Thomas if we could work something out? Define the statement of use and make it clear, stated Anthony Panico.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to table Separate # 3443.

3476 PAUL GARRETT, 42 BRENTLY DRIVE, IN-LAW/DECK/SHED

Tom Dingle reported that this is for an in-law, deck, and shed. This was tabled at the last meeting. The first floor is the in-law with a kitchen, dining room and living room for the main house. The second floor is the bedrooms for the main house. They have Valley Health approval, it meets our zoning regulations and we have a signed statement of the relative.

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

3655 CHRIS ANTEZZO BLDR.,LLC., 51 RIDGEFIELD TERR., IN-LAW

Tom Dingle reported that this is an in-law with an affidavit. There is no change in the footprint and it is a conversion from within. We have Naugatuck Valley Health approval.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3655.

3662 RICHARD KELLER, 14 COBBLESTONE, IN-LAW

Tom Dingle reported that this is an in-law. We do have an affidavit and we have Valley Health approval. There is wetlands compliance and this meets all our requirements. This will be 672 square feet.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3662.

3667 ROBER PAVLIK, 15 VAILLANCOURT LANE, IN-LAW

Tom Dingle reported that this is an in-law within the existing structure. We have an affidavit. The total square footage of the house is 2728 with the in-law being 535-stated Tom Dingle. It meets all requirements of zoning, he added. This has City sewers.

On a motion made by Patrick Lapera seconded by Leon Sylvester it was unanimously voted to approve Separate # 3667.

#3112 DALIA SHUBBER, 1 TRAP FALLS ROAD, SIGN

Tom Dingle reported that this is for the sign only. We have already approved the use as a Dental Office at this location. This is 1 Trap Falls and Bridgeport Avenue.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 3112.

3475 FRED & MICHELE BIALEK, 434 HOWE AVENUE, SIGN

Tom Dingle stated at the last meeting you approved the business. This is for the sign over the old bakery. This will not be illuminated. The sign is 48 by 96. 4 feet by 8, stated the applicant. We have a small banner up now. This is white and the letters are smaller. It won't be illuminated.

Chairman Cribbins asked where are we with sign standards downtown? The Commission adopted the overlay district downtown that took away illuminating signs and you have more control over the graphics. We are trying to set the standards and we try to discourage the graphics, stated Chairman Cribbins. We thought people would think it would be a bar, stated the applicant. Didn't we try to discourage Dunkin Donuts from using a cup of coffee on their sign, questioned Anthony Panico? Yes and you tuned down the tattoo parlors. Tom Dingle stated the graphics could go on the window. The sign up on front should be all the same letters and the character in the window, stated Chairman Cribbins. We would approve it as that, he added. Let the Staff work with the applicant, they know what we don't want to see, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3475.

3595 KIDSFIRST LEARNING CENTER, 216 LONG HILL CROSS ROAD, SIGN

Tom Dingle reported that this is Ron Kells property. The business has been sold. It is the Gingerbread House. The sign is 48 by 72 doubled sided, so you can read it from both ways.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3595.

3599 RICHARD RIZZO, 360 BRIDGEPORT AVENUE, SIGN

Tom Dingle reported that this is the SNET building. They want to put up a SBC sign with the logo and number.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Separate # 3599.

3514 ARMAND GRANDE, 174-176 PROSPECT AVENUE, GO BACK TO 2 FAMILY

Tom Dingle reported that this elderly couple has not used the 3rd floor for over 15 year. The Assessors card shows it as a 3 family. Fire Marshall wants this to a 3 family code so they don't want to retain that code. There is no one living on the third floor, he added.

On a motion made by Leon Sylvester seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 3514.

2576 MONTY BLAKEMAN, 198 LEAVENWORTH ROAD, TEMPORARY SIGN

Tom Dingle reported that this temporary signs for a special blend of gas. The signs and flags will be displayed for 30 days.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 2576.

3587 AL SECONDINO, 30 SHELTON TECH. CENTER, GENERATOR PAD

Tom Dingle reported that this is a concrete pad for a backup generator pad. No this is Ivy Brook and the name of the applicant is Shelton Technology Center. This is for a back up generator way in the back so you won't see it. Comm. Lapera abstained.

On a motion made by Leon Sylvester seconded by Daniel Oraziatti it was voted to approve Separate # 3587.

3577 KENT KIRKLAND, 427 BRIDGEPORT AVENUE, BUSINESS

Tom Dingle reported that this in the Blanchette building. He has been there, it is just changing his name. He has a 800 sq. ft. office. It is just himself and a secretary. He is a headhunter.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Separate # 3577.

#3520 PASTOR JORGE GARCIA, 472 RIVER ROAD PLAZA, REVIVAL MEETINGS

Tom Dingle reported that the Pastor is here tonight. We have a letter from the Police Services supporting this application. Is this the same application that we had last year, asked Comm. Sylvester? I will make the motion to approve it, he added.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3520 with the same conditions we had in the past.

#3516 ROBERT BLACKWELL, 2 CENTER STREET, BUSINESS

Tom Dingle reported that this is the Carpet Store, window treatment and it is a transfer of owners. He is renting 2000 sq ft. He is right across from Dunkin Donuts. It is the back of the elderly housing.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3516.

3586 TENTS UNLIMITED, INC., 580 LONG HILL AVENUE, TEMPORARY TENTS

Tom Dingle reported that this is for the Methodist Homes. It has already been done, he added.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3586.

3522 WILLIAM ORAM, 18 FOREST AVENUE, HOME OFFICE

Tom Dingle reported that this is for a vending machine business. He has a license and this is a part time position. He has a computer, desk and he picks up his stock transporting that by cars. There will be no signs and nothing stored outside.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3522.

3576 TINA CUSTER, 19 MEADOW STREET, HOME OFFICE

Tom Dingle reported that this is for a computer business. She processes medical claims and billing. She picks up her works and brings it back to the doctor.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 3576.

3532 KEVIN SCANLON, 41 NEW CASTLE DRIVE, HOME OFFICE

Tom Dingle reported that this is hand made furniture and furniture repair. It is just himself. Is he making the furniture himself or is it an office operation, asked Anthony Panico? Caning of chairs, it is a hobby stated Tom Dingle. It is a home occupation, stated Anthony Panico. We will monitor this as a home occupation, as it starts to grow if he has another employee or he has trucks delivering. If he just makes the furniture and goes off to craft shows that is different stated Chairman Cribbins. We explained that to the applicant before he applies, stated Tom Dingle. This is very risky, it could get out of hand, stated Chairman Cribbins. Caning of chairs is just soaking it in water, stated Tom Dingle. If you just do one piece at a time and you take time then take that off to a craft show, that is fine but if you get into something where you have your whole basement and you're getting deliveries then it is a problem, stated Chairman Cribbins. Squire Lane remember, big trucks, stated Tom Dingle. Staff does recommend approval, he added. Comm. Sylvester stated he would make that motion and Comm. Lapera seconded it. Comm. Lapera stated there should be restrictions and staff should monitor this because if it starts to grow then he does have to come back. Comm. Pogoda asked how he was finishing these pieces of furniture? Is this raw furniture. If he uses products there will be odor, he added. It is like when you chairs dry out in the window, it is not refinishing, stated Tom Dingle. We don't know what kind of furniture, is he making tables, will he finish them, stated Comm. Pogoda. I would like to know a little bit more about, I don't feel comfortable.

Chairman Cribbins stated we will vote to table and Comm. Sylvester stated that we vote the motion to approve down and then we will table.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to not approve Separate # 3532.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to table Separate # 3532.

3589 ALFRED KLIMEK, 52 SHINNACOCK TRAIL, HOME OFFICE

Tom Dingle reported that this is for a home improvement contractor. He has a State License. He does have a van. He has a statement from the landlord allowing him to register his name. He doesn't own the house. There will be no signage or outside storage, he added.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3589.

#3590 FRANCIS GRICH, 42 SORGHUM ROAD, HOME OFFICE

Tom Dingle reported that this is wildlife control. He has a State of Connecticut license. He does this himself. He has traps and cages with no animals being kept on site. The name is Advantage Wildlife Control.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3590.

3598 LISA MUNKS, 132 NEW STREET, HOME OFFICE

Tom Dingle reported that this young lady does photos and collages. She accepts assignments to put your photos together. She doesn't take pictures at her house. She takes assignments and makes collages and photos arrangements. They are in glass and arranged photos. No one comes to the house and we don't allow business at the house. No visitation to the house, it is part-time.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3598.

3588 CROWN POINT ASSOC., LLC 484-494 & 504-541 BRIDGEPORT AVENUE, NEW COMMERCIAL CONSTRUCTION

Richard Schultz stated that this is to be tabled. It will be taken up later tonight for final action.

On a motion made by William Papale seconded by Patrick Lapera it was voted to table Separate # 3588. Comm. Sylvester abstained.

APPLICATION # 03-58 PETITION OF BLAKEMAN CONSTRUCTION CO/HUNTINGTON WOODS, 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 (PZC REQUEST) AND DISCUSSION AND APPLICATION # 03-59 PETITION OF BLAKEMAN CONSTRUCTION CO./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 (PZC REQUEST) AND DISCUSSION

I would like a motion to accept the letter of extension until August 11 on both of these, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve the request for extension on Applications # 03-58 and 03-59.

I would like to spend maybe 8 minutes, lets get out the diagrams and see what the applicant is asking for as of today, stated Chairman Cribbins. Up until today, in the past we might have, made suggestions or tried to say that we think an apartment rather than a car wash, we do some development work on the site, I think I would like to stay away from that process, he added. I would like to get more closely to what, take a vote, then get opinions as to what is on the table rather than suggestions, alternatives for something that is here, so that we stay with the application and the building that will be voted on, that is my personal opinion, stated Chairman Cribbins. Maybe the earlier discussions should be technical but when it gets here I don't think you should be modifying things too much.

Anthony Panico stated you need to express if there is a particular component or use that doesn't ring well, if you don't think it is appropriate there, you need to express that.

Let me just walk you through the basics of the plan. A development of this magnitude that is roughly 150,000 sq. ft. of total building that we are talking about. It is split 50% to 50% between the office component back portion and the general retail activities in the front portion, stated Anthony Panico. The general retail also falls into an office use. It will get built in Phases and the PDD renders itself to that.

Nothing is locked down until final decisions are made. The grading that you see going on now deals with the front portion of the site and stays off of the back portion. There is a lot of activity down there. The idea is to have a central service road that connects through the middle of the site from the existing driveway connecting to a new intersection on Old Stratford Road. There will be significant roadwork on Bridgeport Avenue as well as Old Stratford Road. The total off road improvements are in total of \$1.5 million dollars.

The applicant will enter the site and put his sediment erosion control facilities and detention facilities in order. He will get to this corner and work that site which will get him closer to this point to cut the entryway in. Once that is done, the truck traffic associated with the earth removal will be able to get off of Bridgeport Avenue going directly off of Old Stratford Road, stated Anthony Panico.

What we have on the corner is a general retail building that is a proposed as a jumpstart activity. This is a single tenant building. Then we have a 3 level building of significant size with retail on the bottom and banking on the corner. There is an intermediate level with parking at grade with parking in the back. There is a partial floor above that tucked in under the roof total 6000 sq ft for office. There is a convenient store in this corner and a gas station.

There is an additional curb cut here at Bridgeport Avenue and because of grades is a reasonable way into that corner with exiting to the Northeast. There is a grade that makes a plateau. That is earmarked as a restaurant. This corner is a building of 7000 sq ft that will be general retail, it will probably end up retail and office stated Anthony Panico. The remainder of the site in the rear portion is a 3-story general office condo. There will be parking for 700 cars, which is less than 5 per 1000 sq ft of gross floor area. Considering the mixed use that works very well.

Chairman Cribbins stated a couple of weeks ago it was very difficult for me, on Sunday June 13, the day before Chairman Pagliaro died, we meet with our wives in Church, as we often did. After Church we went to the diner to have breakfast. Typically we talked about the families and the grandchildren and all this other stuff. As the conversation would change and the ladies would get into some sort of discussion we typically would talk about what we were doing at Planning & Zoning. That particular morning we talked about first Split Rock, we talked about the land clearing and how he thought it was a better development because it would change the residential component and at the time we came to some agreement and I said I could go for that. The next one was Roseland, and we are going to take these as they come to a particular time, The third thing we talked about was Renaissance Towers and the fourth was WER1, he added.

There was an article in the paper that we didn't have much discussion but we did have discussion on clearing the property and I didn't want to go into that a couple of weeks ago because that was a very difficult meeting, stated Chairman Cribbins. I do want to say that we discussed the earth removal, the bonding and all that other stuff in pretty good detail. Sometimes we get to sit around here, 10:30, 11:00, and 11:30 going over these particular discussions. As far as I am concerned since the residential component of this was taken out I don't have much of an issue of what is being proposed in here. We will get a crack at this at the different phases. I now have stated my position and I would like to hear yours, he added.

This is an office condo that you will purchase. That was the applicant's way of addressing the potential office market being relatively soft, stated Anthony Panico. An office use might be desirable and individual office tenants will welcome the opportunity to own their suite. That was the thinking, he added.

I am trying to see if we have a consensus, stated Chairman Cribbins. We want to let the Staff know if he can prepare a resolution one way or another, he added.

End of Side 1B of 3A, Tape 1 of 3 at 8:45 P.M.

The process with a PDD, as you recall, is there is a basic development plan or concept stage, if you will, then it goes into detailed development and it is not until you get passed that concept with all its detailed that you finally get to make a zoning decision, stated Anthony Panico. It leads up to that but you don't change the zone until such time that you have arrived at and approved the detailed development plans. This will require a zone change, questioned Comm. Tomko-McGovern, correct? Yes to construct that requires a PDD that is a zone change, stated Anthony Panico. To discuss this the outcome will be a zone change, stated Comm. Tomko-McGovern. Implementing means approval of the PDD and that is a zoning action, stated Anthony Panico.

I am asking your opinions, stated Chairman Cribbins, does anyone have a comment? The long-range plan questioned Comm. Oraziotti, do you have an idea what they see for that corner? We haven't gotten that far, stated Comm. Pogoda. There was a meeting on the update at the Intermediate School, stated Comm. Tomko-McGovern. Did anyone go to that, can someone brings up to date on that, she questioned? It is in the Staff report, stated Richard Schultz.

I don't believe the plan will be ready for a year or a year and half, maybe sooner if we get help with gathering data, stated Chairman Cribbins. Could we get some consensus from them, questioned Comm. Oraziotti? We won't get any consensus, or I won't get any consensus from any team members until Planimetrics comes up with some findings from the Public. That was the first meeting we had and we intend to have more but until they get that into some sort of findings, we don't have anything yet to bring back, it is too early, stated Comm. Pogoda. We haven't discussed anything after that. It will take different agencies in the City to work together. We want to bring it in sooner then later, he added.

You will be reflecting the opinion of the City as to how they envision our City, stated Comm. Sylvester. It won't be site specific, it is general land use, stated Richard Schultz. To get feedback to this particular piece, like this piece, it is not what the Committee is about stated Comm. Pogoda. It is about intensity of development, districts, zoning districts R-1 as opposed to, carving up downtown, stated Comm. Sylvester.

Mr. Chairman I would remind you that I am sitting at this table because I recused myself from this discussion only because the developer felt I was biased. There is no conflict of interest on my part and I feel it is a very important site to be developed and I don't want to put a cloud over it, stated Comm. Sylvester. My alternate is participating and I don't intend to walk away from the table. I intend to be sitting here but I am interested, I am concerned and there is absolutely no conflict. To make sure someone could not cast some cloud over the decision of this Board, I will take a back seat. I have done that publicly and I am just stating that there is no conflict of interest and acknowledge that there is no conflict of interest, he added. Thank you stated Chairman Cribbins.

Comm. Oraziotti any comment, questioned Chairman Cribbins? No comment, stated Comm. Oraziotti. Comm. Lopera, questioned Chairman Cribbins? I agree that taking the residential component out, I am particularly interested in the office component that is about 50% of the site, stated Comm. Lopera. I think the office space is the bigger component. The smaller building back here, I wonder if that could be office and this would be all office with a little office here. The retail and the restaurant would work as a unified space if the office component were strong. I understand this is proposed as a drugstore but I don't know how much a flow there is, he added. Normally this would be general retail and approved as that with the end user being a drugstore. There is a particular drugstore being actively pursued, stated Anthony Panico. I was going to ask about the drugstore about the Eckerd Drugstores they have food marts in the back. What was shown was strictly a drugstore, stated Chairman Cribbins. All the drugstore chains including CVS and Walgreen's have an interior corner with canned goods, cold sodas, milk and things of that sort. I have never seen it blatantly advertised out front. They still advertise as a drugstore and there may be a word or two but it is part of the standard operation, stated Anthony Panico. Look at the grocery stores with the McDonalds and the latest fad of Dunkin Donuts, he added.

When we were having our discussion, Joe and I talked about do we think that someone would be coming from out of town to use that drugstore, stated Chairman Cribbins. We didn't think so, so to us it wasn't

something that we said would attract a lot of traffic. It is not a regional thing, as people go by they will stop.

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The other thing that we really liked, being parallel with that Phase 1 being done we would get the road improvements, stated Chairman Cribbins.

It has always been my representation that the first building doesn't get a CO until the road improvements are done, stated Anthony Panico. I think you have to have and by the same token the developer needs to know he has a plan that he can build. He has to know what does he put that road improvement against, what does he have in his pocket. That is why I believe what will happen is once you get done with your action, if it is a favorable one, he goes the next step you will see detailed development plans probably for the entire project, he added. He needs to have something to take to the bank. He may ask you to reevaluate once he knows about market.

The office component is very important. A bank with an office above may help to attract office tenants stated Comm. Lopera. There is a lot of office on the site.

I agree, I want all of them to be office, stated Comm. Tomko-McGovern, with the drugstore. You want the retail along this road, stated Anthony Panico. I don't go for the gas station, I would like to see that go away, stated Comm. Tomko-McGovern. No gas station, I think it will be a big problem. Retail what kind of retail, you don't know, she added. This is identified as restaurant, it won't have a drive-up, questioned Comm. Lopera? It will be upscale, stated Anthony Panico. It will service that area, stated Comm. Lopera. The restaurant will generate traffic and the more upscale will generate more traffic from out of the area, stated Anthony Panico.

We have an extension until August 11 and at our next meeting we can give Tony direction for what we want to do for a resolution, stated Chairman Cribbins. We decided to have 2 meetings in July and one, hopefully in August, stated Chairman Cribbins. I appreciated that and I made strong comments last time because I feel passionately about it, stated Comm. Sylvester.

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)-DISCUSSION AND POSSIBLE ACTION

Our last meeting we gave authorization to our friend, Mr. Panico, to draft a resolution for us, stated Chairman Cribbins. You put copies of that in everyone's folder, questioned Anthony Panico, of Richard Schultz. Yes, he stated.

Rick and I sat down of couple times to try to digest what we were hearing from this Commission, stated Anthony Panico. I boiled it down and translated it into a resolution, he then read the attached report/resolution. Some of this is factual and some of this is Commission conclusions.

What is that, questioned Comm. Sylvester after Anthony Panico read # 8? Right now the site is roughly 15 acres. 1/2 is developed and they want to take that 8 acres out of PDD #32 and put it into a new PDD for the residential units. What I am saying is that there may be good reason to take that 8 acres out but we don't know what zone to put it in, stated Anthony Panico. I guess what I am asking, is that valid, do we need that as part of the resolution, questioned Comm. Sylvester? It seems to me if you are saying it may be valid then you are just encouraging something like in the frame of apartments to come back again, stated Comm. Sylvester. That was not the intent, stated Anthony Panico. That is the way I hear it, stated Comm. Sylvester. The intent was to recognize that there is zoning validity to taking this 8 acres and putting it into another zone. We can strike it, it is not critical to the resolution, added Anthony Panico. It doesn't serve any purpose there, it doesn't serve any purpose in the approval or the denial, stated Comm. Sylvester. It is just a comment, an opinion of potential of zoning, he added.

There were two items in the call of the hearing, one was to reduce PDD #32 and separate out those 8 acres. The other was to put that 8 acres into the PDD and I concentrated on why this Commission doesn't want to put that 8 acres into that new PDD, stated Anthony Panico. That doesn't mean I felt that first request was unreasonable and I felt I needed to deal with that first request, he added. It becomes mute and we can strike it out. It is a good comment and we don't need it as part of our resolution, stated Chairman Cribbins. As long as the applicant can understand he is free to come in and put it in another PDD. He is not bound by the requirements of PDD # 32, stated Anthony Panico.

He finished reading telling all Commission members if there was anyone with concerns they can be incorporated, stated Anthony Panico. I think that is fine and you have expressed our feelings. It is ready for a motion, stated Chairman Cribbins. You know that with a zone change you don't always have to give reasons for what you are doing, stated Anthony Panico. The reason should be evident in the discussion, he added. I will call for a motion stated Chairman Cribbins. I will move it, stated Comm. Pogoda. Your motion is to deny, stated Chairman Cribbins. That is correct, stated Comm. Pogoda. Second, questioned Chairman Cribbins? Second stated Comm. Papale. A roll call vote followed with Comm. Pogoda, Comm. Sylvester, Comm. Oraziotti, Comm. Papale, Comm. Lopera and Chairman Cribbins all voting I to deny.

On a motion made by Comm. Pogoda seconded by Comm. Papale it was unanimously voted to deny Application # 03-63. A roll call vote followed with all Commissioners voting I in favor of the denial.

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APPLICATION # 03-65 R.D. SCINTO, INC. FOR SDA OVERLAY ZONE EXTENSION, PARROTT DRIVE (MAP 28, LOT 17) IA-2 DISTRICT (PUBLIC HEARING CLOSED ON 2/3/20004)-DISCUSSION AND POSSIBLE ACTION AND APPLICATION # 03-66 R.D. SCINTO, INC. FOR MODIFICATION OF PDD # 4 AND #37 AND PDD ZONE CHANGE (APARTMENTS) PARROTT DRIVE (MAP 28, LOTS 7, 11, 17) (PUBLIC HEARING CLOSED ON 2/3/2004)-DISCUSSION AND POSSIBLE ACTION

You know I told you we talked about 4 different subjects on that Sunday morning. This was another one. We came to some opinion the two of us sitting there that Mr. Scinto had a 20 year history with the City and he always has built whatever he said he would built to meet or exceed our expectations as a Commission. We didn't think that an additional office tower could be built on this site. We believe we can make best use of this property by adding to the tax rolls of this City and so in our discussions I have asked Tony to prepare another resolution. Maybe we could walk through that resolution, stated Chairman Cribbins. Maybe then we could have some discussion.

I have drafted something, originally I was just going to go to findings, but maybe the Commission was ready to get this off the table so I had better be ready, stated Anthony Panico. He proceeded with reading the attached report/resolution. In an order of magnitude it is 10 to one to what you would be able to do on that site, stated Anthony Panico. If there was industrial type development or this particular proposal.

In reading the decision, Anthony Panico explains that he leaves number one blank incase there is another one that the Commission might want to consider. I know that there was a lot of discussion around height and the number of stories. If there was any modification that would be where I would put it, he added.

I would like to say, up until last year we had 4 generations living in this town, stated Chairman Cribbins. I had my mother at Asbury Ridge, as Leon's parents are, I had a nephew in a rental and other nieces and nephews in starter homes here. I live in a cluster development and I feel this is an element we need for the people in our Community. I have people living in 30/30 Park in Bridgeport. They really enjoy it. They live here and in Florida. The enjoy living in that environment. As we looked over the plans for this I say that in the end it will be something that we all can be proud of, he added. So I will call for a motion.

Comm. Pogoda stated so move. Second, questioned Chairman Cribbins? Second, stated Comm. Orazietti. Any further discussion, stated Chairman Cribbins? Have there been any negative comments from any other Boards or Commissions (Fire Marshall, Water Treatment, etc), asked Comm. Pogoda? We have received no negative comments back and as the plans develop we will get more feedback, stated Anthony Panico. I feel that this something that the City needs and we need it downtown, too, stated Comm. Pogoda. We need something exceptional and I don't think there will be many children (school age children) there may be teenagers. It is not a place to bring up small children. It won't impact the population of the schools, stated Comm. Pogoda. It is a different type of project, stated Chairman Cribbins. I hope you are not saying school age children are a bad thing, questioned Comm. Sylvester? You know me better then that, Comm. Pogoda stated, I love children and I have 4 grandchildren.

Comm. Orazietti questioned the stories and how high? I converted 17 story into residential, stated Anthony Panico. I went floor to floor and the office and the residential then I came up with a shade over 14, he added. I didn't measure the elevations one building to another building. The first floor is extremely high. Regardless you can't hide a building of that size. Rather it is or is not intrusive is for you guys to decide, he added.

I guess that I beg to differ. I know that this is a beautiful complex and I have nothing against that, stated Comm. Tomko-McGovern. What I do have something against is that we are changing the zone when we just denied one, she added. Now we are approving one.

The presentation pretty much describes the utilization of the site and a self-sufficient proposal on the other side. Two entirely different proposals, stated Anthony Panico. I understand, I can't stated Comm. Tomko-McGovern.

I too would like to have something read into the minutes since I suffered through this from the beginning with a conflict of interest not wanting to say anything since that time, stated Comm. Sylvester. I don't believe that there was a conflict of interest on my part. I know that there was no conflict of interest on my part. However, as a result that there be no cloud of this particular hearing, I didn't participate, I didn't speak to it. It did go to the Ethics Commission and I would like to say, and I have not said it to anyone, and I don't think it was public either, I would like to say that the Ethics Commission found that there was no conflict of interest on my part. I would like that in the minutes of this record seeing as though I had to ruin a vacation in San Francisco as a result of someone feeling I would do something that benefits myself or someone else betraying the Community. I don't believe that would enter someone's mind and I would like that in the minutes too, stated Comm. Sylvester. However, at this time, I am not going to vote because I have not participated in the hearing, Karen has participated and obviously she has strong feelings. I certainly would not want to deprive her of her right to say how she feels.

Chairman Cribbins stated, Karen your vote is? No, stated Comm. Tomko-McGovern. Tony, your vote is, asked the Chairman? I stated Comm. Pogoda. Chairman votes I, Mr. Lapera, we will go this way? Comm. Lapera I am still thinking. Comm. Papale, asked the Chairman? I answered Comm. Papale. Mr. Orazietti, asked the Chairman? I, answered Comm. Orazietti. So we have 4 I's, stated Chairman Cribbins.
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Mr. Lapera, questioned Chairman Cribbins? I am concerned with the height, stated Comm. Lapera. Understand that there is a difference between commercial and residential. You will see the building but the view won't change. This building won't make a difference, stated Comm., Lapera.

End of Side 2A of 3A, Tape 2 of 3 at 9:30 P.M.

Comm. Laparea stated I. Chairman Cribbins stated it is 5 to 1. The motion passes.

On a motion made by Anthony Pogoda seconded by Daniel Orazietti it was voted to approve Applications # 03-65 and 03-66. A roll call vote followed with Comm. Pogoda, Comm. Orazietti, Comm. Papale, Comm. Lapera, and Comm. Cribbins all voting I in favor. Comm. McGovern voted in opposition.

Mr. Scinto, addressed the Commission. I appreciate this so much I can't tell you. I understand where you are coming from Karen. I sincerely have no problem with that. I will dedicate the building to Joe. If I can get it built. We will have a plaque in his memory and he has been here along time. You people work long hours and like I said you only have the interest of the town, you know, stated Mr. Scinto. I want this to be a great building in his memory. It is not about money, it really isn't. It is really about building something special for the town. I thank you very much, stated Robert Scinto, from the bottom of my heart.

APPLICATION # 04-08 GENO BLAKEMAN FOR SUBDIVISION APPROVAL (2 LOTS, CROSSROAD ESTATES) 8 BIRDSEYE ROAD EXTENSION (MAP 125, LOT 36) R-1 DISTRICT-DISCUSSION AND ACTION

Richard Schultz stated that this is Soundview in the front and Birdseye is over here. Richard Schultz read the following reports one from Open Space recommending fee in lieu of, Conservation Commission recommending fee in lieu of, WPCA authorizing sewer hook-up, the City Engineer not in support of what WPCA approved.

There was a lengthy discussion including Comm. Sylvester who never heard of a recommendation by the City Engineer that we should not approve the low-pressure line for the two lines, who has jurisdiction? The WPCA stated Richard Schultz. You have no alternative but to go by what WPCA says, stated Anthony Panico. Is this something being done for the first time, asked Comm. Pogoda? This has happened since the City Engineer has been here before, stated Richard Schultz. The City Engineer wrote to WPCA and it was addressed to me with a copy to their Chairman. If he doesn't share their concerns he should write to them, stated Anthony Panico. We should not be caught in the middle of that, stated Comm. Sylvester. I have seen that before but never seen anything like this, he added. It has never happened in the last 7 years, stated Richard Schultz.

Richard Schultz then read his staff report and a draft motion. Comm. Pogoda moved the motion and Comm. Lapera seconded it.

They are having a problem now and then the City Engineer is not supporting this, what is the problem, asked Comm. Pogoda? The second lot should not be approved is what he is saying stated Anthony Panico. The Staff will sit down and say we don't like to see conflicting reports, stated Richard Schultz. You are going to talk to the City Engineer because I don't want to be in the middle. I would like to vote are you telling me this is appropriate, asked Comm. Sylvester? It conforms to the regulations and this will work stated Anthony Panico. I might have had a different feeling if there was a viable working system there, he added. He has no problem doing that and if there was a directive from Valley Health.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 04-08 with conditions.

APPLICATION # 04-12 ROYAL WELLS FOR SITE PLAN APPROVAL (EXPANSION OF WHITE HILLS SHOPPING CENTER) LEAVEN WORTH ROAD (MAP 144, LOT 15) CA-2 DISTRICT-DISCUSSION AND ACTION

This is the back of White Hills it will be the third freestanding building, stated Richard Schultz. He then read the Fire Marshall's letter (see attached). He also read the City Engineer's letter in favor of this application, staffs report and his draft motion. Finally all dumpsters will be enclosed. Staff wants asphalt shingles on the roof. All the buildings in that area have that. The applicant has agreed to do it.

What we should be concerned with is with the expansion of the shopping center is not to allow what happened with the Center in Huntington. We were not concerned with the equipment and this is inevitable that this will expand. If we had to do Huntington over it would look different, stated Comm. Sylvester. There is not an issue with the parking or more retail, he added. The style and integrity of the buildings. The signage in our Community you will find signs all over the place with shapes and colors. With someone coming in for approval, I can take you to the shopping center for Route 8, you can go all over the place, we spend so much time when we don't have the time to enforce the signs, stated Comm. Sylvester.

Grab a hold in the beginning, stated Comm. Sylvester. What Danny and his brother have done downtown that is something that will bring downtown up, he added. My son said it is hard to believe that you are in downtown Shelton.

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When you look at a building it can be attractive but when there is no control over the sign it reflects on the building stated Anthony Panico. Sign enforcement is impossible and unpopular stressed.

We have no drive-thru there, stated Chairman Cribbins. We have taken the steps in the right direction, screen the retaining wall and more landscaping, stated Anthony Panico.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to approve Application # 04-12.

APPLICATIONS # 04-13 PETITION OF KEY DEVELOPMENT, LLC FOR EXTENSION OF SDA OVERLAY, LAKE ROAD, (MAP 115, LOTS 4 AND 5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 5/11/2004)-REQUEST FOR EXTENSION (PZC REQUEST) AND APPLICATION # 04-14 PETITION OF KEY DEVELOPMENT, LLC FOR MODIFICATION OF PDD # 34 AND CREATION OF NEW PDD, (CLUSTER RESIDENTIAL DEVELOPMENT) LAKE ROAD (MAP 115, LOTS 4, 5, AND 7) (PUBLIC HEARING CLOSED ON 5/11/2004)-REQUEST FOR EXTENSION (PZC REQUEST)

This is a 30 day extension stated Richard Schultz.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve the request (30 days) extension on Applications # 04-13 and 04-14.

APPLICATION # 04-15 LUCIANO CAPIELLO FOR SUBDIVISION APPROVAL (11 LOTS- CAPIELLO ESTATES II) KNEEN STREET (MAP 105, LOT 138) R-4 DISTRICT-DISCUSSION AND ACTION

Chairman Cribbins read a letter asking for withdrawal based on engineering problems. He will submit another application.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to accept the letter of withdrawal on Application # 04-15.

The discussion is where is this, asked Comm. Sylvester? It is near the pump station. It is not the same people doing Turtle Rock. There are developments in this Community that I am not proud of. The one directly across from this. I have never seen so many house squeezed in to one place. What they have done up there is not right, he added. If you would like to see something that we should avoid look at that. There are a lot of issues with this so he has to address the Engineering issues, stated Anthony Panico. Take a look at that and there are 2 houses with a house tucked in and I hope we won't do that across the street, stated Comm. Sylvester.

APPLICATION # 04-18 HUNTINGTON STREET, LLC FOR DETAILED DEVELOPMENT APPROVAL AND PDD ZONE CHANGE, (VETERINARY CENTER) 560 HUNTINGTON STREET (MAP 2, LOT 3) DISCUSSION AND ACTION

Anthony Panico read the following attached resolution/draft motion.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Application # 04-18 with conditions. A roll call vote followed with all Commissioners voting I including Comm. Tomko-McGovern who sat in for Comm. Oraziotti who had to leave the meeting early.

Chairman Cribbins stated this passed on my birthday when I was not here so I am just going along with the Commission. The applicants responded to all of our concerns and this will be a very attractive building, stated Anthony Panico.

APPLICATION # 04-19, PETITION OF SAL MATTO FOR ZONE CHANGE (IA-3 TO R-3) FANNY STREET (MAP 54, LOT 33) (PUBLIC HEARING CLOSED ON 6/22/2004) DISCUSSION AND ACTION

This is at the end of Fanny Street, stated Chairman Cribbins. This has access only from a residential area and what Mr. Matto wants to do is cut that off saving the non-residential traffic going through that. The access comes from River Road and that portion needs to be put back into residential, stated Anthony Panico. This reestablishes the integrity of the neighborhood.

Richard Schultz read his draft motion.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Application # 04-19 with conditions. A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 04-24 LATEX FOAM INTERNATIONAL FOR MODIFICATION OF SITE PLAN APPROVAL (LOADING DOCK EXPANSION) 510 RIVER ROAD (MAP 54, LOT 2) IA-3 DISTRICT-DISCUSSION AND ACTION

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Richard Schultz stated that this is for a loading dock that you won't be able to see from the River Road. He read the Fire Marshall's letter and City Engineer's letter (see attached). He then read Staff's memo.

They need additional loading space and they want to upgrade what is there. You won't see it and won't interfere with parking, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Application # 04-24.

End of Side 2B of 3A, Tape 2 of 3 at 10:15 P.M.

APPLICATION # 04-25 OEM CONTROLS FOR MODIFICATION OF SITE PLAN APPROVAL (BUILDING EXPANSION) 20 CONTROLS DRIVE (MAP 40, LOT 22) LIP DISTRICT-DISCUSSION AND ACTION

Richard Schultz read the following reports including the Fire Marshall's, the City Engineer, the Staff Report and his draft motion. (see attached)

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Application # 04-25 with conditions.

APPLICATION # 04-26 CT COMMERCIAL INVESTMENTS FOR SPECIAL EXCEPTION APPROVAL (BANK DRIVE THRU-HIGH TRAFFIC GENERATOR) 819 BRIDGEPORT AVENUE (MAP 18, LOT 15) IA-2 DISTRICT (PUBLIC HEARING CLOSED ON 6/22/2004)-DISCUSSION AND POSSIBLE ACTION

There are 2 actions here, one is to approve the modification of the PDD and more importantly this requires the Special Exception because of the drive-up window for the bank, stated Anthony Panico. There will be paving and this is where Ruby Tuesday's is. This is where Cibo's is and there will be a bank with a drive-up teller and ATM. There will be a bypass lane and there is a differential of the grades. What this doesn't show is the concern for maintaining the evergreen screening. The applicant is the owner of property next door also. If when we get out there we might need to get some strengthening, stated Anthony Panico. If this is a bank the department of banking may not want it so screened, I would like to have some visibility, stated Comm. Lapera.

Richard Schultz read the Fire Marshall's letter, the City Engineer's letter and the Wetlands Coordinators letter. (see attached)

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve Application # 04-26.

APPLICATION # 04-27 PETITION OF CT COMMERCIAL INVESTORS FOR MODIFICATION OF PDD # 24 (BUILDING EXPANSION) 707-711 BRIDGEPORT AVENUE (MAP 28, LOT 22) (PUBLIC HEARING CLOSED ON 6/22/2004) DISCUSSION AND ACTION

We are tabling this because there is an issue with a storm drain. It was determined at the 11th hour that Wetlands should review this. This is the other move for Chibo's to move and it is a separate application. There is nothing we could do with this. Staff has looked at this and my suggestion is to improve traffic circulation. We don't want a double turn we want this island moved and this will offset that, stated Anthony Panico.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to table Application # 04-27 until August 10th.

APPLICATION # 04-31 CROWN POINT ASSOCIATES, LLC FOR DETAILED DEVELOPMENT PLAN APPROVAL (MIX USE DEVELOPMENT) AND ADOPTION OF PDD ZONE CHANGE BRIDGEPORT AVENUE (MAP 51, LOTS 9 & 10) DISCUSSION AND POSSIBLE ACTION

There is one element we need to point out. The applicant needs to store his maintenance equipment on the property. They wanted to have a garage on the site and what he wants to do is construct a maintenance building in this location, stated Anthony Panico. You will see that when you drive in stated Comm. Lapera. We are still working on that with him, stated Anthony Panico. That will give you an idea what the store building will look like, he added.

This is what it will look like the front and then you will see this at the north. This will look like the other buildings, stated Anthony Panico. There is no usable space on this second floor. This is strictly for maintenance, he added. All of the comments and suggestions have been worked out and incorporated. The concern at the 11th hour was in regard to the restaurant when this fills up. The parking should be

extended here with a sidewalk system extended here far down to the end of the site, stated Anthony Panico. We worked out the drive-in window.

We have to get clearance from DOT and we want that left-hand turn to work sufficiently. Anthony Panico read the attached resolution and draft motion.

P & Z COMMISSION

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On a motion made by Karen Tomko-McGovern it was voted to approve Application # 04-31 with conditions. A roll call vote followed with Comm. Sylvester abstaining from the vote and all other Commissioners voting I to approve.

APPLICATIONS # 04-32 RIVER ROAD PARTNERS, LLC FOR DETAILED DEVELOPMENT PLAN APPROVAL (CONDOMINIUMS) AND ADOPTION OF PDD ZONE CHANGE, RIVER ROAD (MAP 21, LOTS 46 AND 48) ACCEPT FOR REVIEW, APPLICATION # 04-33 PAUL KARDAMES FOR SITE PLAN APPROVAL (BUILDING EXPANSION) CAM SITE PLAN, 740 RIVER ROAD (MAP 21, LOT 50) IA-2 DISTRICT-ACCEPT FOR REVIEW,

APPLICATION # 04-34 CUMINOTTO, INC. FOR SUBDIVISION APPROVAL (2 LOTS) LOT 32, IVY BROOK ROAD (MAP 65, LOT 1) LIP/R-1 DISTRICT-ACCEPT FOR REVIEW AND APPLICATION #04-36 MARK TAMBUEO FOR SUBDIVISION APPROVAL (2 LOTS) 6 MAPLE AVENUE (MAP 125, LOT 38) R-1 DISTRICT-ACCEPT FOR REVIEW

On a motion made by Leon Sylvester seconded by William Papale it was voted to accept for review Applications # 04-32, 04-33, 04-34 and 04-36. Comm. Lapera abstained.

APPLICATION # 04-35 CUMINOTTO, INC. FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR-LIGHT INDUSTRIAL DEVELOPMENT) IVY BROOK ROAD (MAP 65, LOT 1) LIP DISTRICT-ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to accept Application # 04-35 and schedule the Public Hearing for July 27th. Comm., Lapera abstained.

OTHER BUSINESS:

8-24 REFERRAL: SHORT TERM/LONG TERM MASTER PLAN (OLD SHELTON INTERMEDIATE SCHOOL)

The Mayor was going to come to speak to us about his Master Plan for the Old Intermediate School but he could not make, so I believe this will be tabled until the 27th. Comm. Sylvester stated there are site recommendations for another school and there is a long-range plan that states Lafayette School should be closed.

On a motion made by Patrick Lapera seconded by William Papale it was unanimously voted to table the 8-24 Referral: Short term/long term master plan (old Shelton Intermediate School).

ZONING ENFORCEMENT

17 BROOKPINE DRIVE: AUTHORIZATION TO ISSUE CEASE AND DESIST ORDER

Tom Dingle stated that this is for the drummer. That will be going to court but we need to authorize the Cease & Desist per Corporation Counsels recommendation.

On a motion made by Patrick Lapera seconded by Leon Sylvester it was unanimously voted to approve the authorization of the Cease & Desist Order.

649 WALNUT TREE HILL ROAD: AUTHORIZATION TO INITIATE LEGAL ACTION

Tom Dingle reported that there is a big barn up there. Full business and in this instance neighbors have put together videos and everything. The accessory structure is bigger than the house.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the authorization of legal action at 649 Walnut Tree Hill Road.

APPROVAL OF MINUTES: 5/4, 5/11, 5/18, 5/25 AND 6/8/2004

On a motion made by William Papale seconded by Anthony Pogoda it was voted to approve the minutes of 5/4, 5/11, 5/18, 5/25 and 6/8/2004. Comm. Sylvester and Comm. Tomko-McGovern abstained.

BROWNSON DRIVE: CALL DRIVEWAY BOND

Richard Schultz reported that this is the Carlson Subdivision. It required at \$7500 bond. The first developer posted the bond. The second homeowner moved in. Call the bond said the developer so it should be enough for the second homeowner to pave.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to approve the call of the driveway bond on Brownson Drive.

20 IVY BROOK ROAD: REQUEST FOR RELEASE OF SITE BOND

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This is a Child's Garden and Richard Schultz read a letter from the City Engineer recommending the release of the site bond.

On a motion made by Patrick Lapera seconded by William Papale it was unanimously voted to approve the request for release of the site bond on 20 Ivy Brook Road.

PAYMENT OF BILLS

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to pay bills.

STAFF REPORT: SEE ATTACHED

On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to adjourn at 11:00 P.M.

Respectfully submitted by,

Diana Barry, Secretary