

The Shelton Planning and Zoning Commission held a Regular Meeting on Tuesday, August 10, 2004 at 7:00 P.M. in the Shelton City Hall, Auditorium and Room 303, 54 Hill Street, Shelton, CT. 06484.

Note: The Chairman reserves the right to take items out of sequence.

Members present: Chairman Alan Cribbins
Comm. William Papale
Comm. Jason Perillo
Comm. Leon Sylvester
Comm. Karen Tomko-McGovern
(sitting in for Comm. Orazietti)

Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Patrick Tisi, Assistant Planning Administrator
Pat Garguillo, Court Stenographer
Diana Barry, Clerk

Members Absent: Comm. Patrick Lapera
Comm. Daniel Orazietti
Comm. Anthony Pogoda

The Chairman opened the meeting with the Pledge of Allegiance.

APPOINTMENT OF ALTERNATE COMMISSIONER

Tonight, I would like to introduce to Jason Perillo. The Republican members have chosen Jason Perillo as an alternate to the Commission. Jason is a graduate of Fairfield College Preparatory School and Georgetown University. He is also a second year MBA student at Boston College. All those schools, wow, a good education. He will graduate in the spring of 05. Jason serves his Community today as the Emergency Medical Services Chief, he is on the Board of Directors of the Regional Paramedics and the Task Force for Underage Drinking headed by the Youth Service Bureau. He was also the Vice Chairman of the Board of A & T a position he resigned from before joining us on the Planning & Zoning Commission.

Jason is following in his former Grandfather's footsteps, Mayor Vincent Tisi, whom I knew, stated Chairman Cribbins. He was Mayor from 1961-1964 and then 1968-1972. We welcome his enthusiasm, his intelligence and his desire to serve on a Commission that is making a positive difference in our Community. So welcome Jason to this Board.

Thank you very much, stated Comm. Perillo.

APPLICATION # 04-28 PETITION OF VETERINARY PROPERTIES, LLC FOR SDA OVERLAY EXTENSION, 895 BRIDGEPORT AVENUE (MAP 8, LOT 17)

AND

APPLICATION # 04-29, PETITION OF VETERINARY PROPERTIES, LLC FOR PDD ZONE CHANGE (VETERINARY HOSPITAL) 895 BRIDGEPORT AVENUE (MAP 8, LOT 17)

Richard Schultz read the call of the hearing and there was no additional correspondence.

Attorney Dominick Thomas, 315 Main Street, Derby, representing the Applicant, addressed the Commission. He presented the mailing receipts as well as a picture of the posted sign.

In the statement of use the building was downsized. This is a proposal, I have stood before you sometime ago and presented a Veterinary Clinic for a property located on Huntington Street. These are not competitors. This is a hospital that will treat emergencies, perform surgeries and it will have a teaching function. Externs and interns will go there.

Let me first address the SDA, when we first looked at it we saw a hole in this area of Bridgeport Avenue, the SDA area along Bridgeport Avenue. As a result of that, we modified our proposal for the SDA to fill in the hole as much as possible. We extended that passed this property. On the radius map we filled in where the SDA was beyond this. We were unable to communicate with this property owner. This area is suitable to the SDA area, stated Attorney Thomas.

With respect to the PDD, the statement of use explains what it is. It is a teaching facility and we hope that it blends with the architecture and structures along Bridgeport Avenue in this area.

A traffic study was done that shows there will be minimal impact as a result of this. There is a left hand turn coming out of 1000 Bridgeport Avenue. The turns coming out at peak times are anywhere from D-F level of service and that will stay that way. That is a traffic problem that preexists and we are not adding to it, stated Attorney Thomas. There is minimal traffic at that site. He then presented to the members of the Commission a copy of the study. (On file in the Planning & Zoning Office)

James Swift, Licensed Landscape Architect and Civil Engineer, addressed the Commission with an overview of the project.

The site is located directly across from People's Bank on Bridgeport Avenue. Duchess is here, the DeSousa Medical Building is here, and our site is in that location. Bridgeport Avenue is here, Route 8 is here and Huntington Street is here.

The zones in the area are a mix, we have industrial IA-2 in this area, we have Office Park in here, and we have SDA's approved in blue down the street here. The site is laid out simple.

The driveway for People's is here and our driveway will go opposite to that, stated James Swift. We are proposing a 2-story building to the back portion of the site. Parking in front of 43 spaces in this area here.

We do have one feature that is unique. There is a concrete pad here for the MRI truck. This is an animal hospital and that is part of the services to be offered at this location.

We have a good setback with regard to the street line of Bridgeport Avenue being away from the pavement. We basically have 50 feet of green space between the edges and the pavements. We will be consistent with what is going on down the street.

The lighting: will be focused inward of the site.

Building coverage is 21.4% of the site. That is in line with the Office Park and underlying PDD's in the area. This development reminds me of the medical building adjacent to Duchess, stated James Swift. This will be just as attractive.

The landscaping plan shows the evergreen plantings and buffers around the site that are normally required. As for utilities water is available, sewer and there is a drainage area we can tie into up the street.

There is a high point in the site here and we would have to excavate. We will come off grade here and it will go back down to grade in the back area, stated James Swift.

Joseph Mingolello, Mingolello & Hays Architect, with offices in Huntington Center, addressed the Commission. This building is 13,900 square feet. The first floor is 7,400 sq. ft. and the second floor is 6,500 sq.ft.

You have a center vestibule area with parking out front. We have 2 waiting areas, a check-in area, reception area, business office, an elevator, and a partial basement.

Behind the reception area is a line of 6 exam rooms, staff lounge to the south of that, there are stairs to the front and back, Doctors area, lab area, a large treatment area, 3 surgery rooms, a surgery prep room in between, an ICU unit, wards, special procedures room, isolation room, food prep and storage and a laundry room, stated Joseph Mingolello.

There is a connection. We have a mobile MRI Van that will show up 3 times a week. They arrive early in the morning and they will back into this spot here that is covered by a canopy. This will allow access to the MRI for the patients.

The second story directly above, there are stairs and we have what we call the intern suite, there is a small kitchen, dining area and living area. This is a 24-hour facility and when there is nothing going on you will need a place to sleep. There are 4 overnight rooms. The balance of the second floor includes a library, conference room, a large meeting and some perimeter offices.

The floor elevations, this is the south elevation that is what you will see on Bridgeport Avenue, this is the East elevation, faces our operation, the West is opposite and this is the rear elevation. There is a combination of material. We will have gable roofs.

This is the entrance to the building. This longer section is reception and administrative. There is an entrance with a small tower. This is the prominent elevation that you will see from Bridgeport Avenue. This is the canopy for the MRI truck.

The second story is setback 30-35 feet and we changed the color of the material, stated Joseph Mingolello. This has a stucco finish and we have a couple roof treatments.

Attorney Dominick Thomas, addressed the Commission. We are trying to get in as early as we can and we recognize the Commission's heavy schedule. We had the application in during April or May and the hearing could only be set for this month. There is a time constraint with the applicant, the time constraint is this, if this Commission deems this an appropriate PDD, they want to begin construction as soon as possible. They want to construct this project in order to receive the upcoming class of interns for next year.

I am telling you upfront that if the Commission sees to it to fast track this, we would want to start site after the basic approvals and we would move as quickly as we can for the detailed plans.

As I mentioned in my statement of uses, this is an emergency hospital that is opened 24 hours a day, 7 days a week. There is scheduled surgeries during regular business hours and there are regulations pertaining to this such as any hospital would operate under, stated Attorney Thomas.

Chairman Cribbins questioned the medical waste that will be on the property? It is contained and must be in appropriate containers the same as Griffin Hospital, answered Attorney Thomas. There is no outside storage of that, questioned Chairman Cribbins. No, stated Attorney Thomas. There is a contractor that will come in on a regular schedule to remove the waste that is stored within the property, he added.

Chairman Cribbins questioned the boarding of animals? If you look at my statement of uses, stated Attorney Thomas, I actually adapted the language from the previous application (proposal) and it states at 5F the boarding is accessory and that specifically excludes that. If an animal is brought in that has a serious operation that animal will stay overnight but there is no boarding or kenneling, he added. You cannot bring your dog there and go off somewhere.

Chairman Cribbins the animals, themselves, no horses or cows, he questioned? Household pets, answered Attorney Thomas. That includes pigs, alligators, in Shelton, he added.

One of the Commissions questioned if there would be a basement? There is a partial basement answered Joseph Mingoello.

The blasting will be minimal, questioned Comm. Papale? Yes, answered Attorney Thomas.

MRI truck, is that there 24/7 questioned Comm. Perillo? 3 days a week answered Joseph Mingoello. It comes at 7 and leaves about 5, stated James Swift.

How many employees asked Comm. Tomko-McGovern? 12-15 on staff stated Attorney Thomas. There will be externs and interns, he added.

Larry Berkwitz, Veterinarian involved in the program, addressed the Commission. This is a nationally recognized program. When the Veterinarian student graduates Vet School a fair number of them have the ability to serve in an internship and residence program because of the specialists involved we would be recognized to train these Doctors at this school. It is an intern-matching program that is national.

Attorney Thomas questioned Larry Berkwitz about the timing? The timing is that they graduate in May and they are accepted into programs in March. That is when the National Program comes out and if we don't have a place for them in July when they start, we will lose the year. That is the reason for the rush, stated Larry Berkwitz.

Chairman Cribbins asked if there was anyone who wished to speak for or against this application? Hearing none he asked for a motion to close the Public Hearing.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to close the Public Hearing on Applications # 04-28 and 04-29.

APPLICATION # 04-30 REQUEST OF DOMINICK THOMAS ON BEHALF OF RESERVIOR ASSOCIATES, LLC FOR ONE YEAR EXTENSION OF TIME TO COMPLETE DEVELOPMENT FOR PDD # 31 AND # 32, 20 COMMERCE DRIVE AND 6 RESEARCH DRIVE

Richard Schultz read the call of the hearing and there was no additional correspondence.

Attorney Thomas, representing the applicant, addressed the Commission. PDD # 32 is the Roseland proposal that is in litigation. PDD # 31 is on Commerce Drive and has been a subject of an extension for one year, previously. He presented the photos of the posting and the return mail receipts.

This is a proposal that you have deemed appropriate previously stated Attorney Thomas. Is this the first extension, questioned Chairman Cribbins? This is the second extension. You can only get one-year extension, stated Attorney Thomas.

You have 5 years for a proposal to be done stated Chairman Cribbins. The office building was to be completed in 5 years and then that property will revert back to the zone it was previously.

Attorney Thomas stated that this was originally proposed in 1998 as 3 office buildings. One has been built, one is being built and then this piece of property. If in accordance of regulations and if we offer an extension then we don't do anything your action would be to convert it back, he added. I will represent to you that we hope that we can settle the issue with Roseland and we have had actual inquiries on PDD # 31. Another year will allow us to move both of these pieces.

Comm. Sylvester stated I think that what we should do is review the approval. Review the approval on use and the property. If it is still valid then we can grant the extension. There should be a recommendation coming from Staff. There has been a lot that has happened in 7 years. We should review this carefully and it is not only about this piece. A lot of people come back with a soft market and a lot is happening in that area.

Attorney Thomas stated if you are going to take that approach then I suggest that you keep the public hearing opened so that I could comment. I didn't bring Staff along with me. There has been attempt to move the Roseland proposal along and other things for the use of the property.

The office park did have a slightly higher impact. There was SDC work that had to be done. The first building was completed and I have no problem with the public hearing. The only change to this was that PDD # 31 was shrunk in size for the City to take 2000 sq.ft. for the widening of Commerce Drive, he added.

Comm. Sylvester stated I am requesting for this to be a review done by Staff and I think that something could have changed in 7 years. The market has changed, he added. Your point is well taken stated Anthony Panico.

When you sit at this table you hear every imaginable reason for approval yesterday, stated Comm. Sylvester. We try to work with applications when they come in and I am sure we heard that with the office building that is on that site. Now what was a burning desire to build an office building on that site has turned into we don't want that but we have a burning desire to build apartments on that site, he added. We have the opportunity to say lets review and find out what is best.

Attorney Thomas stated to keep it opened it is easier to respond to questions directly to the Board. If you close it I will just communicate with the Staff.

Chairman Cribbins asked if there is anyone from the Public wishing to address this Public Hearing? Hearing none he asked for a motion to close the Public Hearing.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to close the Public Hearing on Application # 04-30.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to go into Executive Session and invite Attorney Thomas Welch along with all the members of the Commission.

RECESS AND RECONVENE TO ROOM 303 (UPSTAIRS)

On a motion made by William Papale seconded by Jason Perillo it was unanimously voted to come out of Executive Session. The Chairman stated that there was no vote taken during Executive Session.

PUBLIC PORTION:

Walter Sofian, 7 Andrew Drive, addressed the Commission. On the agenda tonight, which I won't talk to are the 2 applications of Blakeman's for the SDA and PDD called Split Rock Corner. I was away when the decision was made to allow material to be taken on that site. I wanted to say that the Commission, whoever voted for that, it was not their finest hour. They put the cart before the horse and it sends a very bad message for the town. The normal practice is to allow the removal of material from a site before the site is approved. Thank you.

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

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Patrick Tisi reported that there are 52 standards everything from decks to pools. Staff recommends approval. (see attached list)

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve the Standards # 1-52.

SEPARATES:

3694 SIKORSKY AIRCRAFT CORP., 33 PLATT ROAD, SIGN

Chairman Cribbins stated he had to recuse himself because he is a Director at Sikorsky's. Patrick Tisi stated that this is a replacement sign that is a big improvement from what is there now.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Separate # 3694.

3498 FRAN & CAROL GUILLEMETE, 32 LYNN TERRACE

Patrick Tisi stated that this is for an in-law. It is a 576 sq. ft. addition. Conforms to zoning. There is access from the main part of the house and we have an affidavit from the family member.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 3498.

3532 KEVIN SCANLON, 41 NEW CASTLE DRIVE, HOME OFFICE

Patrick Tisi stated that this was tabled from the previous meeting. This person is a manager at Stop & Shop. He makes entertainment centers as needed. He gets a contract for one and he builds as needed. It is a home occupation stated Anthony Panico. He has not even had an order yet and I did explain to him what the problems were with previous applications, stated Patrick Tisi.

End of Side 1A of 2B, Tape 1 of 2 at 8:10 P.M.

On a motion made by Leon Sylvester seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 3532 with conditions that there be no display of items for sale. These will be built to order and there will be no advertising, stated Comm. Sylvester. We will monitor this added Patrick Tisi.

3678 DORIC PAINTING & RESTORATION CO., 7 FAWN HILL RD., HOME OFFICE

Patrick Tisi stated that this is for a home office. He is a painting contractor who needs this for a checking account. He has a van with no signs and no outside storage, added Patrick Tisi.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Separate # 3678.

3695 EDDIE BLAKE, 104 FAR HORIZON DRIVE, HOME OFFICE

Patrick Tisi stated that this is for a home office. The gentlemen has a livery service and the vehicles are kept in Milford.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 3695.

3693 DARRELL & THERESA HANEY, 49 KINGS HIGHWAY, HOME OFFICE

Patrick Tisi stated that this is for distribution of dental supplies. The stuff is shipped out of a warehouse in Derby.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to approve Separate # 3693.

3671 YVONNE BOURDEAU, 37 SUNNYSIDE DRIVE, HOME OFFICE

Patrick Tisi stated that this is a computer consultant. She has no one come to the house, she goes out to the client's office.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 3671.

3588 CROWN POINT ASSOC., LLC, 484-494 & 504-514 BRIDGEPORT AVE., NEW COMMERCIAL CONSTRUCTION/OTHER

Patrick Tisi stated that this is for modification of entrances, underground utilities and footings for two buildings. We have already acted on this and you have to vote on the actual application, he added.

On a motion made by Karen Tomko-McGovern seconded by William Papale it was voted to approve Separate # 3588. Comm. Sylvester recused himself as he has all along.

3509 CT. COMMERCIAL INVESTORS, 819 BRIDGEPORT AVE., ADDITION/BUSINESS OCCUPANCY

Patrick Tisi stated that this was approved and we are voting on the Application for Certificate of Zoning Compliance. All permits have to go by this Commission. This is where Newtown Savings Bank is going. This is where Cibo's is.

On a motion made by William Papale seconded by Jason Perillo it was unanimously voted to approve Separate # 3509.

3482 BRIAN SIMONS, 20 CONTROLS DR., ADDITION/OTHER

Patrick Tisi stated that this was something that was previously approved by this Commission. You now have to approve the Certificate of Zoning Compliance.

On a motion made by Jason Perillo seconded by William Papale it was unanimously voted to approve Separate # 3482.

3699 MOHAMM IQBAL, 99 CENTER ST., BUSINESS OCCUPANCY/SIGN

Patrick Tisi stated that this is right next to the coffee shop, this was the shoemaker. They are coming in now for a pizza take-out. Dominoe's Pizza it is 900 sq.ft. Pizza take-out. Hours of operation are 11 a.m. to 11 p.m.

It is right next to Joe's Variety stated Patrick Tisi. How are you going to approve something that is somewhat dependent on people to pull over and park when there is no parking there, questioned Comm. Sylvester?

What was the previous tenants, asked Anthony Panico? There was the shoemaker, and the tile place, answered Patrick Tisi. I think we should table this, stated Comm. Sylvester. You should be able to rent your building, he added.

This introduces an element that was not there for the previous tenants, stated Anthony Panico. This is one of the areas that there are no spots in front of it, stated Comm. Papale.

Keep in mind the other application that was before this Commission was some sort of nightclub, stated Patrick Tisi. In the same place, questioned Comm. Sylvester? Yes, answered Patrick Tisi.

I would like to make a motion to deny Separate # 3699, stated Comm. Papale.

The Commission has been liberal but you can deny on the intensity of the activity, stated Anthony Panico. They have their deliveries made by a large trailer stated Comm. Papale. Where is that suppose to park, he questioned?

On a motion made by William Papale seconded by Jason Perillo it was unanimously voted to deny Separate # 3699.

Chairman Cribbins stated that they could go park at the Post Office parking lot. The deliveries where are they going to put that big truck, stated Comm. Papale. I hate to say no to any business stated Comm. Sylvester. I would like the Staff to draft something so that we are not putting ourselves in a difficult position. Anthony Panico stated we have talked about 3 different things and Rick could put together some findings. The business activity is different from previous tenants. There are difficulties with receiving and the product leaving the area, he added.

3672 ROBERT THOMAS, 549 HOWE AVE., # 101, BUSINESS OCCUPANCY

Patrick Tisi stated that this is a heating and cooling service. The address is the Mill and he will be parking 2 vehicles there. This is a commercial zone. He is leasing about 1000 sq. ft. There are no parking problems there. There is parking down the side and this is not customer oriented.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Separate # 3672.**# 3597 BLAKEMAN CONSTRUCTION/HUNTINGTON WOODS, LLC 700 BRIDGEPORT AVE., EARTH REMOVAL**

Patrick Tisi stated that this is for earth removal. You have approved the application and now you have to vote on the application. I will vote no to stay consistent stated Comm. Tomko-McGovern. Comm. Sylvester stated Comm. Papale and myself have abstained and we will stay with that.

On a motion made by Jason Perillo seconded by Alan Cribbins it was voted to approve Separate # 3597. Comm. Sylvester and Comm. Papale abstained and Comm. Tomko-McGovern voted no. It was a 2 to 1 vote to approve. Motion passed.**# 3692 SEARS HARDWARE, 705 BRIDGEPORT AVE., SIGN**

Patrick Tisi stated the new sign will add appliances and hardware underneath. There will be a wall sign and monument sign.

On a motion made by William Papale seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 3692.**# 3475 FRED & MICHELE BIALEK, 434 HOWE AVE., SIGN**

Patrick Tisi stated that this is for the graphics on the sign. Richard Schultz stated that the overlay zone gives the Commission more control on the graphics. She wants to readdress the Commission and hopes that you will reconsider your approval.

Michele Bialek, addressed the Commission. She read a letter concerning her sign.

Chairman Cribbins stated that the issue was that we didn't like the cartoon portion of the sign.

We didn't have a problem with the sign, the color or the block letters, it was the cartoon portion of the sign. The graphics stated Chairman Cribbins.

When Dunkin Donuts came in for their sign, we made them take off the coffee cup stated Anthony Panico. We are going through a hard time with trying to enforce signs when you have new regulations and people see the old signs, stated Richard Schultz.

There is a sword on the sign at the Tattoo Parlor and I would ask that these new regulations be enforced across the board, stated the applicant. We encourage a sign like that in the window other than being on the roof, stated Chairman Cribbins. I feel passionately about this and if you see the sign you will now it is not a bar right away, stated the applicant.

If you were brought up like I was you think, liquid lunch, comes to a shot and a beer stated Comm. Sylvester. Where is your spoon is a necessary part of that, stated Comm. Sylvester. Liquid lunch has a negative condemnation, he added.

We hang so much emphasis on signs but it is almost impossible to enforce that, stated Comm. Sylvester. It is nice enough to see a young person wanting to open a business. The issue is that when we drive over to the left of the bridge is Mr. Butts, stated Chairman Cribbins.

I respect what you are trying to do, stated Comm. Sylvester. I will make a motion to approve this sign, but where is your spoon, is important, he added.

On a motion made by Leon Sylvester seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 3475.

3599 SBC/C/O BARBARA MINCEY, 360 BRIDGEPORT AVE., SIGN

Patrick Tisi stated that this is a sign change from the existing sign.

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

3443 GSG ENTERPRISES, 289 BRIDGEPORT AVE., BUSINESS OCCUPANCY

Richard Schultz stated we finally have a resolution on the truck rental issue. There will be no dispatching of trucks except for hours stated, truck rental will be 24 hours per day 7 days a week, the truck return area is posted as to no backing up. The neighbor finds this acceptable, he added.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Separate # 3443.

3706 GOLF CENTER OF CONNECTICUT, 784 RIVER RD., HANDICAPPED PARKING/ENTRANCE

Richard Schultz stated this is the Ice Skating Rink and Driving Range. There are 2 issues. He is proposing 7 handicapped spaces here.

The second issue is to retain the second opening. The Commission in its approval closed that off for parking. The applicant is of the opinion that it provides for overall good circulation. They will remove the esplanade. The DOT would have to give their stamp of approval.

I am not familiar with this stated Comm. Sylvester. That was the traditional entrance and exit and we created a new entrance for the new uses. The new curb cut at this location was made then stated Anthony Panico. It was approved with the movement of the curb cut from one location to another and now the new curb cut is installed and they want to retain the old one. This is the first time I am hearing this, he added.

I will make a motion to refer this to Mr. Panico. That is an intense development down there, stated Comm. Sylvester. We should speak to DOT on this as well, stated Anthony Panico. It might be a mute call because they have given their approval for one.

Comm. Tomko-McGovern questioned rather when we gave approval did we say that this, the gym, was not for the public. I got this in the mail, was that for the public, is this legit? What we approved because of the parking, it was there for the public, they would take advantage of the facility, stated Anthony Panico. It was different hours and would not interfere with what else is there, stated Chairman Cribbins.

Separate that into 2 items, I don't think that there is any problem with the handicapped parking.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve the handicapped parking and to table the discussion on the entrance on Separate # 3706.

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 EXENSION (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

Can you tell me how much time is available questioned the Chairman? We are beyond the statutory obligation, stated Richard Schultz. The applicant is trying to work with the Commission so you can prepare a resolution on these two applications. There is a letter that Blakeman submitted dated August 10th giving the Commission until September 15 which is one day after our scheduled meeting to make a decision, he added.

Could you see in your discussions with them if you could get this to the second meeting in September, asked Chairman Cribbins? The reason I say that is we have 3 Commission members not here this evening, two are having Medical procedures done, they would much rather be here then where they are, I would like to have a good discussion on this with as many Commission members present as possible. We have a member that has recused himself from this and we need a good discussion. I wanted to get Jason up to speed and he has been down here during the week once he had been sworn in. I need to get him up to speed stated Chairman Cribbins.

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) REQUEST FOR EXTENSION (PZC REQUEST) AND DISCUSSION

As you recall the last time we had a discussion on this application, the Aldermen had an issue with where the best place for this particular application, rather or not if this application should open into Maple Street, Village Road and SACHEM Drive, stated Chairman Cribbins. The issue we had is that some people are very concerned with this application coming out above near the Firehouse. That is an unsafe condition there and they would rather see it down lower near Wabuda Place. That is the turn that is difficult stated Anthony Panico. The State is considering repair that place down there.

Chairman Cribbins read a letter he prepared to be sent to the Mayor and the Board of Aldermen.

End of Side 1B of 2B, tape 1 of 2 at 8:55 P.M.

Did we vote on this, making this request, the letter that you wrote did we vote on that, questioned Comm. Sylvester? Anthony Panico stated we talked about this at the last meeting. No, I took an action because we talked about it and I also talked with the City Engineer, stated Chairman Cribbins. That letter has gone off already, questioned Comm. Sylvester? No, answered Chairman Cribbins. It is here for our discussion, he added. I missed the last meeting and I am just trying to catch up. I don't know how far you got, added Comm. Sylvester.

I know that the Aldermen want the improvements made to the bottom of that and they want this to come out at a T at Village Drive. If you are in agreement with this then I will send this letter, stated Chairman Cribbins. I did have a conversation with John Anglace and I asked that he got this on their agenda as soon as possible.

So what are we asking for, questioned, Comm. Sylvester? We are asking the City to commit to whatever program is necessary to achieve the connection from here to here (he points to a map), stated Anthony Panico. You are asking for them to build this road, questioned Comm. Sylvester? No we are asking for them today to commit to the use of the City's power and resources to gain a connection from here to here. The applicant cannot do it, he added. The applicant doesn't control that. Our feeling is that you have to have a connection for that road.

Go slow for me, I am trying to catch up, I am missing why the applicant can't do that, stated Comm. Sylvester. He can't do that because he doesn't own that, stated Anthony Panico. Wabuda still owns that, stated Comm. Papale. The applicant only is under contract to purchase up in here, stated Anthony Panico. Why can't we go that way, asked Comm. Sylvester? You can go that way stated Anthony Panico. Why have we decided to go this way instead of that way, asked Comm. Sylvester? Long range planning dictates this is a preferable way. It avoids additional traffic and takes the traffic serving that lower portion. There is a single dead end connection and it serves 90 something houses, stated Anthony Panico.

As you turn you are in a dead end system. That area has grown in that circumstance because we knew we were going to get out. The Land Trust shut that off. The lower end of East Village Road is difficult, stated Anthony Panico. When you come off this road everything else over here is dead end to get out you have to come all the way out here, he added.

We told the applicant from day one that we needed another outlet. When the applicant didn't have that ability to go out Wabuda Place (the Commissioners are all looking at a city map and a surveyors map) and since they only control this real estate that is the only way to get a connection out. From your point of view it eliminates the dead end condition but it is not the best street plan system, stated Anthony Panico. The best street plan system would be to bring it out here, he added. At the bottom of the hill, stated Comm. Papale. Where this you get a straight shot in and eliminate the traffic here and when the road is in service you will be servicing no only these homes but the homes a the lower end of these existing homes.

The lower end here is what you are talking about and they connect where asked Comm. Sylvester? They would have to go all the way back, stated Anthony Panico. If we do this with this connection you can open this up and it would be an improvement, stated Comm. Sylvester. This would eliminate the dead end also but it would continue to add more cars to the traffic, stated Anthony Panico.

In the winter there are two really big hills that go up and come back over in this area, if we can help these residence taking them out through here and a better shot out to Maple over there I think we will be better off, stated Chairman Cribbins.

I have one question, there is a real reason why, it probably is cost, but is there a real reason why we don't do both, questioned Comm. Sylvester? I hate to put words in the City Engineers mouth, but his comments to me where when he wanted to see Wabuda Place built he didn't want another road out onto East Village Road. There are enough roads coming out on that road, stated James Swift. We want to reduce them and get rid of them. The site lines are not that good.

When you have this in place there will be no benefit to put that in too, stated Anthony Panico. We also felt that the City didn't know what the long range plans were with French's Farm, he added. If we avoid putting the road up there then we keep those options opened as well.

There are minor considerations to put to bed on the Open Space, stated Anthony Panico.

Attorney Thomas stated that the Wabuda's had offered to dedicate a 50 foot right of way to continue the road in the future. Once Joe and Lorraine leave. The option remains that we have already explained to them that the Town retains the right to obtain the 50-foot right of way. The Town claimed the first 500 feet of Wabuda Lane. That is about as wide as a driveway, stated James Swift. If the town wished to do that the Town would have to go on the Wasliewski/Lopez property, stated Attorney Thomas. Toll Brothers was willing to redesign Lots 1,2,3, and 4 and put the road up. Our hope was to get this implemented and sit down with the developer to say we don't need this, this is in the works, we would like to take the effort and put it in down here, stated Anthony Panico.

We have time limits as an applicant, stated Attorney Thomas. You are at the end of your statutory requirements so that if you do nothing it means automatic approval. We have submitted a letter to the Commission requesting an extension through September 14th. Hoping the Commission will take action. We want the extension to protect the Commission and we are requesting in a second letter the Staff to sit down with us to see if there is any preliminary site work we could do, he added.

We want to begin work and we realize the Commission has a heavy burden but we are looking at the upcoming winter so we wanted to get something's started. We would like to incorporate with the Commission and we would like the Commission to incorporate with us.

I think we can sit down and work out a reasonable schedule once we get things in place with the roads. The ongoing work is no problem, stated Anthony Panico. We are looking for site work stated Attorney Thomas. There are grounds to do that, stated Anthony Panico. What we can do is take more right of way on the opposite side of the street, he added. If we all move along we can get this done. The Toll Brothers understand though they wanted their approval tonight we are willing to work with the Commission, stated Attorney Thomas.

What we need to do is to accept the two letters, then Rick and the City Engineer will take these maps down to the Aldermen's meeting. We will have a work session and will get something out of this by the first meeting in September, stated Chairman Cribbins. We will have pencil drawings and Toll Brothers have some concepts, stated Attorney Thomas. They would prefer the road be closer here, he added.

A motion is in under to accept the extension and a letter to the Board of Aldermen, stated Richard Schultz. Wetlands has approved this and I don't have problems with removing trees, stated Anthony Panico. I know there is still some concern by the Commission. We need to discuss this further. We are still concerned with the Open Space up by French's Farm.

I will tell you that the preliminary plans that were presented to Joe Pagliaro, the Mayor, and Conservation contained a wide band of Open Space. A lot of that had to do with input that I got, stated Attorney Thomas. We were told no that we didn't want that we wanted a big chunk, he added.

This is the Board that makes the discussion, we take comments from other Boards, stated Anthony Panico. In the end it will be much better for the citizens living in that area, stated Chairman Cribbins. These are narrow corridors in between houses for both the present and future residence living there, stated Anthony Panico.

There are numerous walls that we have promised to keep and to the greatest extent possible we will prolong the boundaries of Open Space. We will create a farm wall type boundary along the narrow corridors, stated Attorney Thomas. We have to protect the property from that too and we can take the stonewalls to mimic the farm walls.

On a motion made by William Papale seconded by Jason Perillo it was unanimously voted to approve the extension on Application # 04-17 and a send a letter to the Board of Aldermen, site work and scheduling of a tech session.

APPLICATION # 04-13 PETITION OF KEY DEVELOPMENT, LLC FOR EXTENSION OF SDA OVERLAY ZONE, LAKE ROAD (MAP 115, LOTS 4 & 5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 5/11/04)

AND

APPLICATION # 04-14 PETITION OF KEY DEVELOPMENT, LLC FOR MODIFICATION OF PDD # 34 AND CREATION OF A NEW PDD (CLUSTER RESIDENTIAL DEVELOPMENT) LAKE ROAD (MAP 155, LOTS 4, 5, AND 7) (PUBLIC HEARING CLOSED ON 5/11/04) DISCUSSION AND ACTION

We discussed this the last time, stated Chairman Cribbins. After discussions last time, we were going to keep this is the R1 and what I have done is write a resolution to deny the SDA on this one (application 04-13). I then wrote a resolution on this one (application # 04-14) and I said we will approach this with the concept that the single-family number would have been done with the PRD. That ties into conventional lot development. I report to the Commission that while looking at this preliminary we said exclude that and write up a resolution of 14 homes here. I did a recalculation and lost a potential for 6 homes on that property. The new numbers were run and got the number 16 here instead of 14, stated Anthony Panico. I didn't put the number in.

So we have two resolutions, stated Anthony Panico. He then read the resolution on Application # 04-13. (see attached).

Comm. Sylvester asked how did you decide the current zoning would allow 6? We laid out the roads and lots, stated Anthony Panico. You laid out a development, stated Comm. Sylvester. We laid out a road with turn around and we checked the topography so that it conforms, stated Anthony Panico. That is reasonable stated Comm. Sylvester. It was done as a preliminary layout stated Anthony Panico. On this side and the other side, too, he added. On the 10-acre portion that is the resolution stated Anthony Panico.

I will make the motion in favor of denial stated Comm. Tomko-McGovern. I wasn't sure if you sat in on this or not stated Chairman Cribbins to Comm. Perillo. I didn't look at this stated Comm. Perillo. Chairman Cribbins stated the 3 other Commissioners who are not here did feel the same.

On a motion made by Karen Tomko-McGovern seconded by Leon Sylvester it was voted to deny Application # 04-13. A roll call vote followed with the 4 Commissioners present all voting I in favor of the denial. Comm. Perillo didn't vote.

APPLICATION # 04-14

Anthony Panico read the attached report/resolution.

Comm. Sylvester questioned the adult single-family oriented residential development, could you review that? What kind of restrictions are placed on that? What they will do there will be condo documents that will have restrictions conducive to children including swimming pools, etc. It will be noted that this is for adults and they will not be children friendly, stated Anthony Panico.

I will be on record and it is incredible shame that we are encouraging this type of development stated Comm. Sylvester. To reward types of development that prohibit or discourage children from participating. Is there a protocol that states that the developer will come in with the adult oriented development to add more? The point I want to make is we took away the density and we are making a sensible development on this property. Maybe we should remove the adult oriented and let the developers hands not be tied.

End of Side 2A of 2B, Tape 2 of 2 at 9:40 P.M.

The original proposal for an Alzheimer's facility would have created a lot more traffic. We did bring the developer down from 25 units. I think I am comfortable with the way it is written, stated Chairman Cribbins. I have a friend that lives in Waterview and he loves that community. He wanted a different lifestyle. He went to Waterview and he loves it. There are 2 under school age children. That is it and everyone is in the same situation. It is a lifestyle that they have chosen and they are glad that we offered that in this Community. Years from now, when the Wells property that is being developed we will say thank you to these people for not burdening the schools and fires, etc. We will end up with the increase to the tax base, he added.

We can take that out and leave that up to the developer to market this to whatever group he wants to market it to, stated Anthony Panico. I would add a sentence to that the orientation is at the sole discretion of the applicant, he added.

There is no crisis in the school system, stated Comm. Sylvester. I was repeating the comment made at the Public Hearing, stated Anthony Panico. That comment was made at the hearing by Ms. Flannery. Those were her exact words a crisis. We have natural problems stated Comm. Sylvester. All I wanted to do was put in types of comments made at the hearings, stated Anthony Panico.

I will make the motion stated Comm. Tomko-McGovern. I would second that but I want to make sure there is a reference in the motion concerning the adult oriented development, stated Comm. Sylvester. I will incorporate that into the motion stated Anthony Panico.

On a motion made by Karen Tomko-McGovern seconded by Leon Sylvester it was unanimously voted to approve Application 04-14. A roll call vote followed with 4 Commissioners voting I and Comm. Perillo not voting.

APPLICATION # 04-22, PHOENIX HOUSING OF SHELTON, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) LONG HILL AVENUE (MAP 21, LOT 46) (PUBLIC HEARING CLOSED ON 6/22/2004) DISCUSSION AND ACTION

We did have some discussion on this and we did ask Tony to prepare a resolution. This is to put 8 condos on a 1.3-acre site, stated Chairman Cribbins. We directed the Staff, after our discussion, and we don't feel this is appropriate, he added.

Anthony Panico read the attached resolution/report. He showed the Commission on a map the property.

We got our direction and I can assure you that the other Commissions feel the same, stated Chairman Cribbins. I am feeling short on this stated Comm. Sylvester but I will vote to deny.

On a motion made by Karen Tomko-McGovern seconded by Leon Sylvester it was voted unanimously to deny Application # 04-22. A roll call vote followed all Commissioners voting I to deny. Chairman Cribbins questioned Comm. Perillo to see if he felt comfortable voting and had familiarized himself with this application. Comm. Perillo stated for the record that I have familiarized myself with this application and I feel qualified to vote. He voted I to deny.

APPLICATION # 04-33, PAUL KARDAMES FOR SITE PLAN APPROVAL (BUILDING EXPANSION) AND CAM SITE PLAN, 740 RIVER ROAD (MAP 21, LOT 50) IA-2 DISTRICT – DISCUSSION AND ACTION

Richard Schultz read the Fire Marshall's approval letter, the City Engineer had no comment and he then read his Staff Report. This is where Win Nelson is across from the Pinecrest. This is for a proposed addition. This is for new office space and clear up the warehouse for air conditioning supplies. There will be 20 parking spaces. The sub service septic system will be relocated. There are no adverse impacts to the coastal area. There are no regulated wetlands activities. There is an acceptable landscaping plan. There are conditions such as split block face and there should be a gable end roof instead of a shed roof, stated Richard Schultz. The applicant did indicate that was a major component. He read his draft motion.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to approve Application # 04-33.

NEW BUSINESS:

APPLICATION # 04-36, ANCO ENGINEERING, INC. FOR SITE PLAN APPROVAL (BUILDINGS AND PARKING EXPANSION) 217 LONG HILL CROSS ROAD (MAP 51, LOT 30) LIP DISTRICT-ACCEPT FOR REVIEW

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to accept for review Application # 04-36.

APPLICATION # 04-37, GARY KNAUF FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR-OFFICE BUILDING) BRIDGEPORT AVENUE (MAP 50, LOT 10) LIP DISTRICT-ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by William Papale seconded by Jason Perillo it was unanimously voted to accept Application # 04-37 and schedule the Public Hearing for September 28, 2004.

APPLICATION # 04-38, CENTER STREET PROPERTY, LLC FOR SITE PLAN APPROVAL (5-UNIT APARTMENT CONVERSION) 100 CENTER STREET (MAP 117B, LOT 42) CA2-DISTRICT-ACCEPT, DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated I am prepared to recommend approval. This is Valley Bank. Comm. Sylvester stated it makes it easier for me if you could try in your descriptions try to zero in on a location or the property and make a reference to make it easier.

This is all one bedroom and there will be offices on the first floor, stated Richard Schultz. There is a mix use downstairs. There is a lot of parking, stated Chairman Cribbins.

Richard Schultz read the City Engineers letter who had no comments, the Fire Marshalls recommends approval, and he read his Staff report. They did get a variance and staff is recommending approval of the SDA overlay in this area. There are no wetlands activities. The Commission has been mandating no single curbside collections we are suggesting dumpsters, he added.

Comm. Sylvester asked is the outside of the building, what are they going to do with all glass? Will it be conducive to apartment living? Is there glass behind that, asked Anthony Panico. That is glass and half wall, stated Comm. Papale. I would like to take the Commission their stated Richard Schultz. What about windows, asked Comm. Sylvester? What about curtains, asked Comm. Tomko-McGovern? He will have to meet code, stated Richard Schultz.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to approve Application # 04-38.

OTHER BUSINESS

APPROVAL OF MINUTES OF 6/22/2004 AND 7/13/2004

On a motion made by William Papale seconded by Karen Tomko-McGovern it was unanimously voted to approve the minutes of 6/22/2004 and 7/13/2004.

PAYMENT OF BILLS

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to pay bills.

STAFF REPORT: (see attached report)

Comm. Tomko-McGovern stated that she has a concern with the smell at the Botti site on Bridgeport Avenue. I visit the Donut Shop next to Wendy's. As we sit and have our coffee shop there is a stench there from the pump house. It is the pump house. I asked Jim how can you open a restaurant there. The DEP came down and they need a Venture Oxygenator. I am asking staff to please do something, stated Comm. Tomko-McGovern. Karen wants it on the record, stated Richard Schultz. There is nothing that this Commission can do about that, stated Anthony Panico. We want the businesses to thrive there, stated Richard Schultz. I know that Botti is aware of it because he commented it to me that he wants to get something done, stated Anthony Panico.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously to adjourn at 10:35 P.M.

Respectfully submitted by,

Diana Barry
Clerk