

The Shelton Planning & Zoning Commission held a Regular Meeting on September 14, 2004 in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

The following members were present: Chairman Alan Cribbins  
Comm. Patrick Lapera  
Comm. Pogoda  
Comm. Jason Perillo  
Comm. Daniel Oraziatti  
Comm. Karen Tomko-McGovern  
Staff present : Anthony Panico, Planning Consultant  
Richard Schultz, Planning Administrator  
Thomas Dingle, Zoning Enforcement  
Diana Barry, Secretary

The Chairman opened the meeting with the Pledge of Allegiance.

**PUBLIC PORTION:**

The Chairman asked if there was anyone in the audience who wished to address the Commission on anything that is not on the agenda. Hearing none he asked for a motion to close the Public Portion.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Portion.**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE (SEE ATTACHED LIST)**

Tom Dingle reported that there are standards #'s 1-29 and they all meet requirements. I recommend they be approved. Anthony Panico questioned the addressed at Four Winds and if these numbers were unit numbers or addresses 50-55 are 6 units and 30-43 are 14 units. So that is twenty he stated. That is the next Phase of Four Winds, stated Chairman Cribbins.

Comm. Pogoda questioned what is # 24? That is 40 Surrey Drive there is an area where he is stockpiling chips, stated Tom Dingle. That is the horse, Rich Widomski, made the complaint, that is an ongoing thing and we are constantly monitoring that. We might have to go to court so we are creating a record. We are requiring permits, stated Richard Schultz.

Chairman Cribbins asked for a motion on the Standards.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the Applications for Certificate of Zoning Compliance Standards #'s 1-29.**

Chairman Cribbins stated let the record show that Commission Tomko-McGovern arrived at 7:05 P.M. and she will sit in for Comm. Sylvester.

**SEPARATES**

**# 3778 ROBERT DECENBO, 12 HUBBELL LANE, ACCESSORY DWELLING**

Tom Dingle reported that this house exceeds the 5-year age. This is an in-law second story addition, first floor is the garage and second story is the in-law. It is a colonial, stated Richard Schultz. It conforms to all the regulations and staff recommends approval. We have the affidavit, he added. Can I have a motion, asked Chairman Cribbins?

**On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3778.**

**# 3593 ALFRED MAZDZER, 55 AUTUMN RIDGE ROAD, ACCESSORY DWELLING**

Tom Dingle reported that this is for an in-law that is within the house itself to finish the basement with stove, dishwasher, and full size refrigerator. It is 698 square feet for the in-law and it conforms to all the zoning regulations, he added.

Staff is aware of the requirements for the basement area, stated Richard Schultz. Windows and doors that are being enforced consistently now because that did come up at our last meeting. The affidavits are in their stated Tom Dingle.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3593.**

**# 3517 ERIC SHERIDAN, 23 HURD ROAD, ACCESSORY DWELLING**

Tom Dingle reported again this is 770 square foot. The addition will connect a detached garage to the main part of the house. An architect has done the floor plans and we do have an affidavit. It meets all our zoning requirements for accessory dwelling units.

This is above the garage asked Comm. Pogoda? No, this is the first floor of a ranch house, answered Tom Dingle. It includes the garage stated Richard Schultz. What they are doing is connecting the garage to the main part of the house, stated Tom Dingle. The accessory dwelling unit will be in the middle, turn sideways there is a garage door and it is rather small, you won't see it. Staff recommends approval, he stated.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3517.**

**# 3771 DANIEL ORLOVSKY, 950 CONSTITUTION BOULEVARD NORTH, MOVE DRIVEWAY CUT**

Chairman Cribbins stated as you can recall, for those of you who have been on here for a while, we did one of these, a very similar thing across the street, on Constitution Boulevard, the driveway came out at a funny angle from the house across the street. The proposed driveway location is highlighted, Mr. Chairman, so pass that around, stated Richard Schultz. Comm. Pogoda questioned basically similar? It is consistent stated Richard Schultz. The whole neighborhood is aware of it, staff is aware of it, it is working out, he added. This is the second request that we had.

This is the home, there is the driveway here, and where it comes out here, stated Chairman Cribbins. This is by Mulberry stated Comm. Perillo. Comes out here and it is very short here, stated Anthony Panico. He has trouble coming out of the driveway now, it is at an angle, stated Tom Dingle. Is that as of a result of our original decision to combine driveways into a single apron, questioned Anthony Panico? Yes, stated Richard Schultz. This will increase by another curb cut then because the other driveway is still going to be there, added Anthony Panico. Yes, answered Richard Schultz. We are trying to minimize the curb cut, he added. Once you do this you have given up that premise, stated Anthony Panico.

The residents are aware of it and there have been no traffic concerns, stated Richard Schultz. The City Engineer Department has reviewed it. That is a planning determination to minimize the curb cuts on Constitution Boulevard by taking adjoining lots and having the common apron to feed the driveways, stated Anthony Panico. I know that but the Engineer's Department also looks at site lines, stated Richard Schultz.

The issue is if this is putting a hardship on there to get into the driveway is a steeper angle, stated Chairman Cribbins. This will make it beneficial to the resident.

Before we leave this one, did anyone research the record subdivision map to see that this is not a non-access line, questioned Anthony Panico? It ended, the one prior to this ended the non-access line, stated Richard Schultz.

**On a motion made by Daniel Oraziatti seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 3771.**

**# 3720 RICHARD CLAVET, 33 RIPTON ROAD, HVAC RENOVATION**

Tom Dingle stated this is the SNET Building. This is internal and they want to add some louvers to the building for ventilation. This is the SNET Building on lower Ripton Road, stated Richard Schultz. SNET on the right hand side is increasing the internal apparatus and they need to vent it with the louvers. Staff went up there with Comm. Pogoda because we are concerned with the esthetics. All of the louvers will be painted the same color as the existing ones and because of the proximity to the road there will be minimal impact. We actually stopped and walked around it. We looked at additional landscaping but the property is very green. It is set back from the road and they have kept it maintained very well, stated Comm. Pogoda. There have been no problems with any noises coming out of there, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3720.**

**# 3691 THOMAS KEKACS, 136 MAPLE AVENUE, BARN**

Tom Dingle reported that this gentleman is a long time property owner there who is concerned with the upcoming change to allowing horses on 2 acres. He has 2.04 acres and he has used the barn continually for horses and livestock. He does have 88000 square feet on the property and he does want to make sure that when he retires if he should sell that he could sell it this way.

There is no new proposed construction, this is to acknowledge the existing activity because of the pending zoning regulations, stated Richard Schultz. This is registering the fact that he has the two horses, stated Anthony Panico. He is concerned enough to want to register with the Staff, yes, stated Richard Schultz. You have to go beyond that in getting a Certificate for a barn, stated Anthony Panico. You should write up a statement to put in the file, he added. The barn is in place, stated Tom Dingle. I am saying just getting an approval, legitimizing a barn that he may or may not have taken out a permit on in the past, doesn't necessarily legitimize the fact that he has two horses on the premises, stated Anthony Panico. So, I think that if that is the case, if he does have two horses on the premises, if he wants to establish the fact that he is going to have a preexisting non-conforming use, I think you need to do it in some other way then just putting a formal approval on the barn, he added.

Tony is suggesting adding a narrative to this, stated Richard Schultz. I don't think that the Commission's action of just approving the barn is necessarily going to convey, stated Anthony Panico. We are not approving the barn, stated several Commissioners including Comm. Pogoda and Comm. Lapera. The barn is preexisting non-conforming stated Tom Dingle.

What is the permit, questioned Anthony Panico? All I know is what I see is on this line? They use the barn for horses and livestock, stated Tom Dingle. Acknowledging an existing barn used for livestock purposes stated Richard Schultz. The horses are there now and he is an older gentlemen stated Tom Dingle. If I were you Rick and because, you and I might not be around here in 5 years-10 years from now he wants to show this attach something to it so it is clear in the future, stated Anthony Panico. You are going to have to set up some procedure that before this they have had these horses, he added.

So what are we are approving, questioned Comm. Pogoda? The use of the barn, stated Comm. Perillo. The use of the barn for the horses he has, stated Tom Dingle. Acknowledging the existence of the barn and the use of it for livestock. We will get additional information, photographs and statement of use, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 3691 with conditions.**

**# 2724 WAL\*MART, 465 BRIDGEPORT AVENUE, CANOPY ADDITION**

Richard Schultz stated this is a modification of the PDD, the decorative fillers. That is all cleared out and I have not seen anything else going on, stated Comm. Pogoda. Anthony Panico stated that this is a replacement of the enclosure. It is a replacement of the nursery area, stated Richard Schultz. You approved the modification to the plans, stated Anthony Panico. It acknowledges that the Commission has signed off and they are ready to go ahead.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 2724.**

**# 3774 SANG HYUN LEE, 731 B BRIDGEPORT AVENUE, BUSINESS**

Tom Dingle reported that this is a change in ownership of the business. It is the same sign.

Where is the business and what is it, asked Comm. Pogoda? It is in Woodside Plaza, answered Tom Dingle. Two stores down from the restaurant. What is it, asked Comm. Pogoda? A nail care salon, stated Tom Dingle.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3774.**

**# 3721 CHRISTOPHER ZIKO, 8 MARIE ALICIA DRIVE, HOME OFFICE**

Tom Dingle reported that this gentleman is a real estate agent in lower Fairfield County area. Tax returns are one of the many things he does. When we spoke we explained that there would be no clients coming or going to the house. He does business for another company. No business to the house stated Anthony Panico. Comm. Perillo questioned how can you do tax prep and not have the traffic at the house? He has the clientele now and it is pick up, delivery and mail, stated Tom Dingle. You can control an occasional visitor, you just don't want a steady stream, stated Anthony Panico.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3721 with conditions.**

**# 3761 DALE KRASENICS, JR. 3 BILTMORE ROAD, HOME OFFICE**

Tom Dingle reported that this is a service tech. He has always worked for Santa or Standard Oil. He is going to start his own service. He drives a Dodge van and there is no marking on it. Conditions are no outside storage, no deliveries to residence, no signage, stated Tom Dingle. Need Trade Name Certificate for Commercial Checking Account. No oil truck, he just has the van and there will be no oil deliveries.

Comm. Pogoda questioned square footage of businesses area is 13 by 14, office room is 12 by 14, garage room 13 by 14, what is, why such a large thing for just an office? It is just his workshop, stated Tom Dingle. Is he saying two of them, he is using both of them, the office room 12 by 14 and questioned Comm. Pogoda?

Is it a home office or a home occupation, questioned Anthony Panico? It is a home office, stated Tom Dingle. What is the second room for, asked Anthony Panico? There is a big addition on his house, it is there, it has been there for a while now, that is his workshop, stated Tom Dingle. The office is for administrative and the garage is his storage of his vehicle, stated Comm. Perillo. So he just gave you that for information purpose, stated Anthony Panico. The home office is not in two locations. He was just showing the house as 26 by 47 and his addition is 26 by 27, stated Tom Dingle.

On the line above where it says square footage of business area he lists two spaces, the garage and the office room, stated Anthony Panico. I am concerned he is going to use storage, stated Comm. Pogoda. You should clarify that stated Richard Schultz. He is a service tech. He is not an installer and he is not licensed to install. We went over the no outside storage, no deliveries, no signage, stated Tom Dingle. We want the approval for the office stated Comm. Lapera. I am just questioning that and I want to make sure that the applicant knows he is just using this for an office, no other use storage or otherwise, stated Comm. Pogoda. Limit the office to 12 by 14 and no other stated Comm. Pogoda. I will make that motion with the condition it is limited to the office room, stated Comm. Lapera.

**On a motion made by Patrick Lapera seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 3761 with conditions.**

**# 3753 BRUNA SALVIO, 261 SOUNDVIEW AVENUE, HOME OFFICE**

Again this looks like a home office, home occupation, stated Chairman Cribbins. He is a collector of die cast toy cars, stated Tom Dingle. It might scare you a little bit when it says Southshore Auto Sales, He buys and sells, he added. He has a hobby that turned into a business, stated Anthony Panico. He is involved with his children in this hobby, stated Tom Dingle. These are collectibles, stated Richard Schultz. He has established a Trade Name, Southshore Auto Sales, questioned Anthony Panico? And a sales tax number, stated Tom Dingle. It is kind of misleading, you think it is real auto sales, stated Anthony Panico. As long as there is no confusion on it, he added. It is Internet buying and selling added Tom Dingle. I have no problem with that, stated Anthony Panico. These are all miniatures, stated Comm. Pogoda? Miniatures only, stated Chairman Cribbins. Yes, stated Comm. Pogoda. It is die cast replicas, mailing and office duties, stated Tom Dingle. It is not an automobile, motor vehicle sales office, stated Anthony Panico. It is a strange thing, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3753 with conditions.**

**# 3722 RON KATINGER, 343 RIVER ROAD, HOME OFFICE**

Tom Dingle reported that this is for a home office. It is the small house across from Cammissa's. He is a home improvement contractor. It is just himself, full time and he supplied his license number. The parking requirements are the driveway for his F150 Truck. He needs a Trade Name Certificate and there is no deliveries, no retail at the house and no signage. Staff recommends approval, stated Tom Dingle.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3722 with conditions.**

**# 3717 TONY COSTA, JR, 41 FEDERAL ROAD, HOME OFFICE**

Tom Dingle reported that this is something that we have been working on for a couple months because again, he is doing landscaping. I have some letters here, stated Tom Dingle. He has a half-ton truck, he needs a Trade Name Certificate so he can get his Commercial Checking Account. I have a letter here from his mother, and a letter from a business in Trumbull where he goes. Again he doesn't have the equipment he goes to the Condo's and they have the equipment. He needs a commercial checking account so that he can cash his paychecks. He is a subcontractor and he has to provide his own Workers Comp, stated Tom Dingle.

So the equipment is not stored there, asked Chairman Cribbins? Absolutely not, stated Tom Dingle. He doesn't own a trailer, there is no trailer coming or going and no supplies in his pickup truck. I have a letter from Garden Properties that he read. Another letter from someone in Fairfield that Tom Dingle read.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3717.**

**Comm. Oraziatti left the meeting at 7:30 P.M.**

**# 3723 PATRICIA GAWLAK, 177 RIPTON ROAD, 6 MONTH EXTENSION**

Tom Dingle reported that this is the temporary classroom at the Black Rock Church. This is a temporary trailer for a classroom, stated Richard Schultz. Could you bring us up to date on this, when we initially approved this, was this going to be done temporary, with extensions, asked Comm. Pogoda? It is your judgment now, stated Richard Schultz. Are they leaning toward building something temporary, now, asked Comm. Pogoda? Or is this just a trailer sitting there with extensions every 6 months, he asked? They specifically told the Commission that their intention is to add on to the facility for a permanent classroom. They in good faith eliminated the nursery school in the back that was giving us all the trouble, stated Richard Schultz. Once again this is going beyond what they initially told the Commission. It is a judgment call by you, he added. Is there anything in the works with regard to taking the next step, questioned Anthony Panico. They have always zeroed in on particulars but it is a timing thing, stated Richard Schultz. Have we had any problems, any calls from neighbors, or anything, questioned Comm. Pogoda? The nursery school was what the problem was stated Richard Schultz. They knew the Commission would get in the middle of that and they knew they were coming before us for this, he added.

I would feel comfortable giving them another 6-month extension, stated Comm. Pogoda. I think that we should talk to them to see what they have in the works. See what this is going to be, he added. If they were requesting a year I would say do it in increments of 6 months, stated Richard Schultz.

You are going to have to tell them before they come in for any other extension, we need to know where they are going with this, stated Anthony Panico. We need to know where they are going with this, stated Comm. Pogoda. Staff will schedule a meeting up there, stated Richard Schultz.

I will approve it but I think we need to talk to them, stated Comm. Pogoda.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3723 with conditions.**

**# 3727 RICHARD RIZZO, 25 OLD STRATFORD ROAD, SIGN REPLACEMENT**

Richard Schultz reported that this is the replacement sign for Hilton. The old is blue and this is red. It is illuminated. It is like the Ramada with the red. It is to the right when you come in, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3727.**

**# 3767 STEPHEN MAGUIRE, 80 SHELTON TECH. CENTER, SIGN**

Richard Schultz stated that this is Vincent Cumminotto's building. We have approved the tenant and here is the wall sign. This is the first building that is unoccupied. It is minor and you won't be able to see it, stated Richard Schultz. He will be setting a presidency and we will be looking for consistence when the next sign comes in, stated Anthony Panico. I will abstain because I have a conflict stated Comm. Lapera.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to approve Separate # 3767. Comm. Lapera abstained from the vote due to a conflict.**

**# 3706 GOLF CENTER OF CONNECTICUT, 784 RIVER ROAD, PARKING REVISION**

Richard Schultz stated this is the Ice Skating Rink, we still have one issue left and I will be reporting on that. I did go down there and from my point of view I know we didn't want the second entrance, stated Anthony Panico. If the State hasn't any objection to it, then I don't see any objection to it, he added. I called the State and they don't have a problem with it, stated Richard Schultz.

The other sign has to be removed, stated Richard Schultz. Where is the sign, asked Comm. Lapera? In the island, stated Richard Schultz. My only concern is that as soon as you get the 3-4 car wanting to make a left turn, the guy in line will just cut through the parking lot, stated Anthony Panico.

Do they say they need that, questioned Comm. Pogoda? That is there preference for flexibility and vehicle movement, stated Richard Schultz. You have different activities all taking place including the batting cage, golf balls, and the ice skating rink and they like their flexibility, he added.

That is fine then you know what I would tell, I would suggest that that they agree that when there is an event, when they are releasing an event, they put a sawhorse there so no one cuts across the parking lot, stated Anthony Panico. During normal activities at the center, it won't be a problem, the only time it will be a problem is when there is a special event that lets out and they are stacking to make a left hand turn. Then someone won't want to wait and they will cut through, he added.

Do they have a Policemen, asked Comm. Tomko-McGovern? I don't know, answered Anthony Panico, but I think they are suppose to have one for Special Events. The procedure for special events should be to place the sawhorse there during those times when they are leaving. I will make the motion with the provisions we just spoke of, stated Comm. Pogoda. The entrance should be closed during special events, stated Comm. Lapera. You got the removal of the sign, right, asked Comm. Pogoda?

What did I hear, are they advertising for different events, questioned Chairman Cribbins? Someone had seen an advertisement of its availability for catered events, stated Anthony Panico? Right, I saw it, it is in a business journal, stated Comm. Pogoda. If we are going to communicate to them about this, I think it is appropriate at this time because we are talking about parking and special events. We are starting to see uses that were not included in the original application that we approved, stated Chairman Cribbins. The statement of uses was pretty narrow but the Commission did acknowledge that if there were any unique special events that they should come in here for approval for that, stated Anthony Panico. I think that as you walk in there you could see a sign that says that the second story is available for Corporate, stated Comm. Perillo. I think that you need to take a walk down there, stated Comm. Tomko-McGovern.

We were very specific that we don't want parking up and down the River Road, stated Chairman Cribbins. We want whatever event they were having. I went by on the way here tonight, stated Anthony Panico. The whole parking lot in the back was full, he added. In telling them you need to be specific about these events, stated Chairman Cribbins.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate 3706 with conditions.**

**# 3559 GLENMORE CONSTRUCTION, 25 CONSTITUTION BOULEVARD, BUSINESS**

This is construction on Coram Road, stated Tom Dingle. This is the basement of Merritt Orthopedics, stated Richard Schultz. This is down by Riverdale, stated Richard Schultz. Is this a permit to do the work, questioned Anthony Panico? Yes, this is for the work, this is not a tenant, stated Richard Schultz. We are not going to have a separate tenant, asked Anthony Panico? It is suppose to be in the same family, stated Richard Schultz. This is a certificate to allow the builder to get the building permit to do the necessary improvements, stated Anthony Panico.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3559.**

**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**

Chairman Cribbins stated I would like to lead the discussion by saying that we have had some discussions, rather it be in a group or individually about this particular property and I think we have a consensus with the elimination of the residential element. This shows a location of office condos in that area. I further think that the only item that was at issue was the problem with the gas station with one or two Commissioners. I would like to take one or two minutes to explore that to see where we are going with this so that we can tell Tony what to write so that we can approve this at our next meeting, he added.

I sat down to try to recall all the things that we have talked about over the last 2 or 3 work sessions, stated Anthony Panico. I sort of boiled it down to 5-6 points that need to be clarified. My number one item was the gas station and I have the distinct impression based on the last discussion that it was not fully accepted. We talked about things we might do to reduce the visual impact. A question came up about the sale of diesel fuel and if we could prohibit that so as to discourage excessive truck activity, he added. Both of those items are doable and I believe because it is a PDD you can set reasonable standards.

Let me ask you a question, does that gas station have a separate entity for automobile accessories, such as tires, parts, asked Comm. Tomko-McGovern? You can limit it to the dispensing of gasoline, stated Anthony Panico. The proposal as I understand it is a gas station with do it yourself gas pumps and a convenience store. The main purpose of the building is for a convenience store. It is just like what Jim Botti built with the convenience store structure and this is a similar concept. How many pumps asked Comm. Lapera? I can only guess by the number of islands, so it looks like 6-9 pumps, stated Anthony Panico. So there is an entrance over here and over here, questioned Comm. Tomko-McGovern? No, answered Anthony Panico. The entrance is here, the same entrance to serve this building and this is an exit only, he added.

We also had a discussion about tenants and the degree to which you might get food take-out like Subway. You can limit the percentage of floor area devoted to that type of a food take-out operation.

We also talked about the sale alcoholic beverage and you really don't want to make this place attractive to someone opening a bar, stated Anthony Panico. So one of the things you can do is prohibit the dispensing of alcoholic beverages for on site conception except in conjunction with a major restaurant facility or establishment exceeding 5000 square feet in gross floor area. If it is a bonafide restaurant you want them to be able to have a bar but essentially you don't want just a bar. By limiting it to a large operation you won't get just a bar, he added.

**End of Side 1A of 2B, Tape 1 of 2 at 7:50 P.M.**

Another item we talked about was signage control and the need for very strict signage control to yield conformity and consistent with regard to color, fonts, window signs (especially self-made) and special events.

We had some discussions in regard to a lot of small outlets especially in the larger free standing buildings earmarked single tenant buildings. The concern was the corner building was earmarked for a drugstore but what happens if in 5 years the drugstore is not there. Some Commissioners didn't want to see that cut up into 4 little stores. We will figure out a way to address that. In the big building that is going to be a series of smaller tenants except for the corner that is earmarked for a bank. This is a 3-story building with the first floor (1/4 to 1/3/ of it) being earmarked for a bank, stated Anthony Panico. The rest will be cut up for a number of stores.

That is accessed at grade level at this side. Here you access grade level at the second story and that would be 2, 3, 4 tenants, stated Anthony Panico. Obviously not retail, questioned Comm. Lopera? They could be either or but more then likely they will be retail because they are at grade with the parking, stated Anthony Panico. Then there is a small amount, a third floor that is earmarked for office. He spoke of a single tenant for that intermediate floor like a Border's Bookstore, or something like that. You can't focus in on that and you can't tie the applicant's hands forcing him to do that because that is an undo restriction, he added. If those are a concern we can delineate the areas.

I don't see a problem with that one retail building there as long as we have offices up here, stated Chairman Cribbins. Let me give you a rundown on the whole complex, the total complex preliminarily designed has just under 150,000 square feet of floor space. 53% of that is office. That is this building and the top floor of this. That is 53% of the whole development, stated Anthony Panico.

How many acres, questioned Comm. Tomko-McGovern? 14.4 acres stated Anthony Panico. Break it down, stated Comm. Tomko-McGovern. Well the area of the site is immaterial, either it fits or it doesn't stated Anthony Panico.

The important thing is to get the footprints reasonably located and properly supportive with an adequate circulation system and parking. There is an overall parking ratio of 4.7 spaces per 1000 square feet. It was allocated 5 spaces per 1000 square feet for retail, 8 spaces per 1000 square feet for the restaurant, 5 spaces per 1000 square feet for the convenience retail with respect to gas sales area and 4 per 1000 square feet for the office. Those are reasonably generous parking ratios.

Comm. Tomko-McGovern questioned her figures and Anthony Panico answered back with 8 per for the restaurant, 4 per 1000 for the office and 5 for the other retail spaces. We have found that 4 per 1000 are conservatively save. If you have an insurance company with a whole wall of people working in cubicles you might rework the figures. Staff's feelings are that the parking is just about right.

You mean 80000 square feet on 7 acres, you will have 640 parking spots, questioned Comm. Tomko-McGovern. The most retail you have is 58760 square feet of retail take all of that and add that up, you get 58,760 of retail add 78900 of office, 6400 of restaurant and 4300 of gas & convenience store, stated Anthony Panico. You have 148, 360, he added. You have 148,000 and you will take an acre out, stated Comm. Tomko-McGovern. Why are we talking area, stated Anthony Panico? I am talking about what you are going to put on this property. Now, you take Wal-Mart, stated Comm. Tomko-McGovern. That is 110,000 feet of property, I have to do this, I ride around and do visual and I like to see it. I want to compare it visually. Now you take Wal-mart and you are asking for about another 40,000 square feet to go on there. I want to compare it visually.

It is a different type of activity, stated Anthony Panico. It is a different size property stated Chairman Cribbins. Now you take Crown Point, how big is that, questioned Comm. Tomko-McGovern? 10 acres, she questioned? If you want us to get those figures I will but I don't have them off the top of my head, stated Anthony Panico. 10 acres and he has 33000 square feet on that property and this is going to 5 times as big as that, stated Comm. Tomko-McGovern. No I don't agree with you because unless I sit down and work your numbers I can't tell you, stated Anthony Panico. I think it is a lot in that area, stated Comm. Tomko-McGovern.

You have to look at the requirements for zoning that includes floor covers, numbers of stories, setbacks and parking. I would represent that this plan illustrates conformity, stated Anthony Panico. So you think that there is enough parking there, questioned Comm. Tomko-McGovern. Absolutely, stated Anthony Panico. Total there is just under 700, he added.

Things like the restaurant, that operate at different times then other things, like the office, stated Chairman Cribbins. Retail closes around 9 stated Comm. Pogoda. When do you see the surge in retail, questioned Comm. Perillo? It peaks at different times relative to the nature of the tenant stated Anthony Panico. The advantage of a multi-tenant center is everyone doesn't peak at the same time and therefore the more different uses you can throw in the lower parking needs as opposed to Wal-Mart. When Wal-Mart is busy they will use up all there parking. There is not one tenant here that will make that happen, he added.

The tenant has to be compared to the available parking, We know that this will work at a drugstore and if it comes in with high volume parking needs we would tell them it won't work, stated Anthony Panico.

What we are saying here is that the uses on this are reasonable, in our minds, and we go to say it has enough parking, enough facilities, enough road access and egress and what we are saying is telling Tony to write something up, stated Chairman Cribbins. There is a lot of fine-tuning that needs to be done, stated Anthony Panico.

We are going to do the SDA and the PDD Zone Change to say yes that is something that we want to see there. The next thing then they bring in the detailed development plans, stated Chairman Cribbins. Yes, stated Anthony Panico. You get a second hit to go over all of that, stated Chairman Cribbins.

I would like to see that go away, but that is my personal opinion, stated Comm. Tomko-McGovern. Comm. Perillo questioned Comm. Tomko-McGovern that he doesn't agree with her on that and he would like to know why she would like to see the gas station, go away? I am not there yet, stated Comm. Perillo.

I just think that it will cause a lot more congestion, a lot more traffic, stated Comm. Tomko-McGovern. Anthony Panico stated about congestion just associated with the gas station? Yes, I think it is going to be a real mess, stated Comm. Tomko-McGovern. If it is going to be really congested it is confined to just here, stated Anthony Panico. You come in and go out, he added. If someone came in to get gas and decided to go that way, they may go that way, but it won't create internal congestion, he added. If the gas station was in here to pass this and in through here I would agree with you but it is self-sufficient without getting involved with the rest of the center.

This is the restaurant, questioned Comm. Lapera and this is a wall so they can't get out here? The only place to access the restaurant is at this location and frankly I am going to suggest another point of access about here before this road breaks and grades. I want another connecting point before the grades get to far, stated Anthony Panico.

How many parking spots do we have now, questioned Comm. Tomko-McGovern? If my counting is right, it is about half dozen spaces short of 700, stated Anthony Panico. Are they allocated for the buildings that they are, questioned Comm. Lapera? Generally speaking, stated Anthony Panico. The main chunk is here, there is enough for the restaurant, there is a parking lot for this building and there is a lot for this, he added.

How big is the office condos, asked Comm. Tomko-McGovern? Total square footage is 72,900, stated Anthony Panico? You are giving them how much parking, questioned Comm. Tomko-McGovern? 250, answered Anthony Panico. That is 4 per 1000, he added. If you have to balance here and here we can do that. I would represent 4 per 1000 is a lot and I would not make him go out to make more. You can pick up another 20-25 but it doesn't need them. We have the parking requirements at what we need then we can defer them, he added.

Lets take a consensus with the things that you have heard concerning the pumps and diesel, stated Chairman Cribbins. Is that acceptable to you, questions Chairman Cribbins of some of the Commissioners? Yes, stated Comm. Perillo.

Yes, stated Comm. Pogoda. You want me to go my concerns, he questioned? I would like to see that turned around, I would like to see no diesel, and I would like to try to limit the convenience store, where there is take outs like Dunkin Donuts, Subway, it is a convenience store, yes milk, pick up something fast, but when you get into the other things I don't want to see that happen here. I am trying to figure out how to do that, stated Anthony Panico. That is what I am looking at and I feel that or this will work, stated Comm. Pogoda.

This is for an SDA and PDD Zone Change and I am sure we will have the opportunity when we go to detail, right, stated Chairman Cribbins. We need to address the concerns in the controls that will apply so that the applicant goes in with his eyes opened. We don't have a problem in a year or so with the tenant that wants to come in. We need to have something to point to say, no you can't do that, stated Anthony Panico. We want to show the intent to not have that. Every convenient store I have ever been has always had coffee and somewhere to get something to eat, so how is that different from the possibility that you want to put a Starbucks in there. You have to figure out how to draw the line, he added.

I have been in convenience stores where that is it, where there is self-service coffee but when you start setting up Starbucks or a Blimpies you get more people coming, stated Comm. Pogoda. I understand what you are saying but we have to figure out a way to do it, stated Anthony Panico.

What Tony is talking about is the problem with the gas station across the street, first it had Dunkin Donuts, then it had a drive up windows, then ice cream, so where do you draw a line and how do you do it, stated Anthony Panico.

You want the whole site because that is that, stated Comm. Pogoda. If you have concerns I want to hear them because I am ready to go, I want to call this thing, stated Chairman Cribbins.

I don't see a problem with this, the drugstore no problem, I would like to leave that, because 5 years down the road, I would like to see that stay single tenant, stated Comm. Pogoda. I would like to say one or two, stated Anthony Panico.

You don't have that proposal in front of you, so it is either yeah or nay for what you see before you, Comm. Tomko-McGovern, stated Anthony Panico.

On the restaurant is making not a bar, stated Comm. Pogoda. Not a total bar, food service, prime restaurant, stated Comm. Pogoda.

Any additional concerns, Chairman Cribbins, asked of Comm. Tomko-McGovern? No she answered. Do you have any additional concerns, he questioned Comm. Lapera? I am neutral on the gas station and I like the fact that it is more then 1/2 office. I am satisfied with that, he added. The small building, I would like to see office but if you are not talking about a big corporate site you have to have a mix. The restaurant will bring people in and it is not a McDonalds. To put a Borders or a bank you might draw an Attorney or CPA. I would prefer to have the small building to be all office but I don't have a problem with that being an office on the third floor, added Comm. Lapera.

No fast food restaurants, stated both Comm. Lopera and Comm. Tomko-McGovern. We can put controls on the restaurant that say the percentage of what can be a bar, stated Anthony Panico. The gas station should have no other automotive services, stated Comm. Tomko-McGovern. We can put no additional auto services, stated Anthony Panico. What about automotive product sales, questioned Comm. Tomko-McGovern? Let me ask you this question, if there is a 2000 square foot element of that store and Pep Boys came in wanting to sell there are you going to tell them no they can't sell there, questioned Anthony Panico of Comm. Tomko-McGovern? Of course not, you can prevent them from installing them but you are not going to prevent them from selling them, stated Anthony Panico. That is retail sales, he added. If you want to prevent that in the convenient store area that is o.k., we certainly can do that but to blanket it and say nowhere on this site, you can't do that. We will try to put some limits on it but how do you define a coffee machine, stated Anthony Panico. Every convenient store has them, they all have it, he added. Additional is what we are saying, stated Comm. Pogoda.

I think that I am hearing is that we have a reasonable consensus and I want a motion that Tony can write up an approval on the SDA on 03-58 and the PDD mix use on 03-59. He can put in the resolution about the gas station that is probably the only thing with the two uses for the drugstore, the restaurant, the percentage of uses with regard to Subways and Pizza Take-Outs, stated Anthony Panico. If you get that written up prior to the next meeting, two days or whatever, maybe the Friday or Thursday before, we can email that to give everyone an opportunity to review it before the next meeting on the 28<sup>th</sup>, stated Chairman Cribbins. I will not be here, I will be out of the State, stated Comm. Pogoda. We are passed the time and we are operating on extensions, stated Anthony Panico.

Is it your intention to get a consensus this evening, asked Anthony Panico, of Chairman Cribbins? Yes, answered Chairman Cribbins. I know that Danny had some concerns, also, and he had to leave, stated Comm. Tomko-McGovern. He should have some discussion too, even by phone, I know he had some concerns and I really think he should discuss this too, she added.

Anthony Panico stated I am more comfortable having everything spelled out in black and white. When are you out of town, asked Anthony Panico of Comm. Pogoda? I am leaving this Friday and I won't be back until October 4, 2004, answered Comm. Pogoda. Billy won't vote on this so right now the members that will vote on this are the 4 of you, Daniel and I assume that if Jason goes through all the background work, he will be able to vote. That is it. Billy is disqualified himself and so has Leon, stated Anthony Panico. That is why it is crucial, he added.

We will give the applicant an extension until the first meeting that we have, stated Chairman Cribbins. What is that October meeting date, stated Chairman Cribbins? Are we polling the Commission members to see what kind of a consensus we have, asked Anthony Panico. I am thinking that I need 4 votes to pass, stated Chairman Cribbins. I think that I have 4 votes to pass, he added. October 12<sup>th</sup> stated Comm. Pogoda. We will poll the members to see first Tuesday or second Tuesday of the month, added Chairman Cribbins. We are meeting the 28<sup>th</sup> stated Anthony Panico. We'll take a poll for that and I would like to ask for a motion that this be written up in a positive way, stated Chairman Cribbins. I will talk to Danny about this, also.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to write up the approvals on Application # 03-58 and 03-59.**

**On a motion made by Jason Perillo seconded by Patrick Lopera it was unanimously voted to approve the request for the extension until October 12<sup>th</sup>, 2004.**

**APPLICATION # 04-03 PETITION OF JOHN GUEDES ON BEHALF OF BIRMINGHAM DEVELOPMENT FOR EXTENSION OF CENTRAL BUSINESS DISTRICT OVERLAY, 5 BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22, 23) IB-2 DISTRICT (PUBLIC HEARING CLOSED ON 3/9/04) DISCUSSION ONLY**

**AND**

**APPLICATION # 04-04 PETITION OF JOHN GUEDES OF BEHALF OF BIRMINGHAM DEVELOPMENT FOR PDD ZONE CHANGE (CONDOMINIUM UNITS) 5 BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22, 23) IB-1 DISTRICT (PUBLIC HEARING CLOSED ON 3/9/04) DISCUSSION ONLY**

Chairman Cribbins stated the discussion is that we are going to do the very similar thing we did before. If we decide that this is a good use for this particular plot we will authorize Tony as our Planning Consultant to Draft a resolution so that we can vote at our next meeting.

Anthony Panico asked Rick if he got the proposal maps? Yes, said Richard Schultz. He showed the Commission a map that shows the overlay zone with regard to the 3 parcels of this application and the Commission incorporated down to the Farmers Market all the way up to the damn. The overlay designation for the greater canal area, he added.

The SDA is very straightforward and to promote downtown makes this desirable stated Anthony Panico. I would ask that the Commission expand its thinking so that when I write up a resolution I will wrap it all into one. It will be one action to make the shaded area an SDA, he added. To put this into an SDA makes a lot of sense.

You want a consensus on that so that we can get that out of the way, stated Anthony Panico. So you think that I can write up a resolution in favor of expanding the SDA including the Commission's portion of that, he added. Do you need a motion, questioned Comm. Pogoda? No, answered Anthony Panico. As long as it is in the record and Diane has in it the record, he added.

Chairman Cribbins asked if Comm. Tomko-McGovern is o.k. with that? Yes, she stated.

Where your hand is the conversion of the Botti building, stated Richard Schultz to Comm. Tomko-McGovern. Where there any changes in the plans from the first go around to the second go around, questioned Anthony Panico? No, answered Richard Schultz. There was a question as to ownership, he added. We will get confirmation that has been resolved.

So they control up to the line, stated Anthony Panico. They don't control this yet and you have been assured that will take place. The Commission was advised by the Mayor's Office, stated Richard Schultz. So any approvals will have that stipulation in there, stated Anthony Panico.

Have we gotten any confirmation as to the State allowing parking under the Bridge, asked Comm. Pogoda? As you know they do it right now, answered Richard Schultz. It is just a matter of designating it. Who makes that decision, asked Anthony Panico? DOT would allow that to be earmarked for this use not the public in general, he added. Is that something that the applicant will execute an agreement with the DOT, asked Anthony Panico? The City is handling that, answered Richard Schultz.

There is 12 in here and 6-7 in here. There is a total of 135 spaces stated Anthony Panico. This is all parked on now. There are 133 with 6 being handicapped.

Where are the railroad tracks, asked Comm. Tomko-McGovern? So we will have a walkway here, she asked? No answered Anthony Panico. There is a City Parking Lot here and that has nothing to do with this. You need a walkway here to get to the City Lot, stated Comm. Lopera.

There are 110 units and we have 133 parking spaces, asked Comm. Pogoda? That is 1.1 ratio per unit, stated Anthony Panico. We wanted to strive to have one space per unit on site in the downtown area. The rest of it would be in the Municipal parking lots. You can take that philosophy here, he added.

I am uncomfortable with the amount of spaces, stated Comm. Pogoda. I like the concept, I like the idea, I am all for it, I think it would be a great asset to the City of Shelton and the downtown. I just think this is to decks and wasn't there something proposed to use that they may possibly get additional space on the second deck, questioned Comm. Pogoda? On the deck, he questioned? That was at the second hearing that we had with regard to that area with another deck to be put on if they didn't get this, stated Anthony Panico. I don't know how they would do that to make that work. This is one sided and there is no more room and they would have to put a ramp up there that is cost ineffective, he added.

We went to 133 and the landlord (the owner) has to make it attractive to those moving here. If parking is an issue, there is other activity that will come and we will see something, maybe with the Asphalt Plant and there are other things to elevate the parking issues. If you want to sell these you are going to have get and maintain some additional parking, stated Chairman Cribbins.

This was an exhibit for proposed and already existing parking, stated Richard Schultz. The parking for the Governmental Center is shown on here, he added. This building is not here, this is a parking lot, stated Anthony Panico. Some of our thinking was to create a parking structure here for a governmental center here, he added.

The building is here, stated Comm. Pogoda. The bakery is here. There is parking here. The map is to show what is existing. We have a lot of opportunity on this for additional parking, stated Anthony Panico. The concern is without the additional parking there are problems. The parking is being taken up by people going to establishments, stated Comm. Pogoda. That is what municipal parking lots are for, stated Anthony Panico. You have to understand that Mr. Matto has no parking for his tenants, stated Anthony Panico.

**End of Side 1B of 2B, Tape 1 of 2 at 8:35 P.M.**

**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**

So this is a level set meeting of what has changed, initially the maps came into us and then it is an authorization for Tony to write this thing up for positive approval, stated Anthony Panico.

The major stumbling block that everyone had was that the fact that it was important to get this improved, it was not happening, and how do we go about doing this. We have had a lot of conversations and work sessions both with the applicant and the City, Rick meet with a couple of the Aldermen and the Street Committee and there was unanimous agreement on the City's part that this had to be done and the City is prepared to take the steps to make that happen.

To take that further, we have had communications with the developer and the developer is saying that if you provide the right of way, I will build the road, stated Anthony Panico. You can't ask for a better arrangement than that, he added.

Where does that go, asked Comm. Lapera? It will connect out to this point, stated Anthony Panico. Out to East Village and Maple right at the peak, he added. The contract for the reconstruction of East Village will go out in a matter of months in the Spring or Summer of this coming year.

For East Village Road is delayed a year, stated James Swift. The last conversation I had with the Mayor he told me it was a matter of months that it would be under construction, stated Anthony Panico. That tells me that everything will merge and this work will be under way when this is done. That means we don't need this road. We can create the Open Space along this corridor and we don't need the road here.

We have three lots that are floating that we have to deal with some how. The developer is entitled to the 3 lots and we need to figure a way to have that happen. The ideal way is to stop the development at the overhead utility easement that goes through, stated Anthony Panico. One lot can be recaptured here with a cul-de-sac here and we still have 2 more lots. We asked the developer to explore the possibility of doing some playing around here relinquishing this so its not Open Space doesn't give enough flexibility and can the ground test to recapture a lot in that location. We don't know the answer to that yet. It is not only the geometrical shape to make a lot but the ground has to test.

If we had sewers that would not be an issue but we don't have sewers. Is there City water there, asked Comm. Lapera? Yes, answered Anthony Panico. We offered to bring the sewers but this is a non-sewered area stated Attorney Thomas from the audience.

The shaded area is a wetlands area. So now you have setbacks that effects building and where you can put septic systems. We don't know if we can recover a lot there or not.

We also looked at the possibility of trying to reshape the interior, even down the road going to a Conservation form of development, that would give us freedom on the lot sizes and trying to recover a lot there. If we could then we have a wash out but if we can't then we have 2 lots at risk. My thought was in order to get the development off the table to get some sort of approval, once we put this to bed, then we can take an action conditional upon terminating this road here with two lots here, for the time being have two lots by the overhead lines with the idea of relocating those two lots and or even having the City purchasing those 2 lots could be possible.

Our goal is to maintain Open Space beyond that line, stated Anthony Panico. Initially we could do 2 interior lots with their fee strips in this location and then if we are successful in getting those out of there the fee strips would become an access strip to the Open Space at the end of the road.

It is all a logic set of events that have to take place and unfortunately the first that we don't have an answer to is the negotiations that the City is involved in with the 2 property owners to get the right of way established for the road improvement. That is the crucial thing, stated Anthony Panico.

Is our approval contingent on the City getting the right of way, asked Comm. Lapera? I don't think we want to take it yet, stated Anthony Panico. The City is prepared to take it by way of eminent domain, stated Attorney Thomas. While you were on your hiatus, the Board of Aldermen met and they have authorized the Mayor to use everything up to and including eminent domain. You actually have a set of plans, stated Attorney Thomas. The plans show you the new road and the taking line. The Mayor is meeting with the Waslewski's and Lopez's.

As you see when you come out of the subdivision it takes a little from Joe's Hayfield, it swings to the Waslewski's and Lopez's property going away from Joe, Lorraine and Todd Wabuda that still live in this dwelling, stated Attorney Thomas.

The pavement, for those of you who have been there and traveled Wabuda Place in front of the house, the pavement of the road would begin where the pavement of Wabuda Place actually ends.

We are discussing with the Wabuda's, Toll Brothers is, the landscaping they would prefer to insure some privacy, stated Attorney Thomas. On the Waslewski/Lopez property there is an issue with the septic system on the side of the road, stated Attorney Thomas and James Swift can explain that to you.

The idea is that you can negotiate this thing in a friendly manner because if you go to condemnation and assess benefits and damages, it is possible that the benefits to the property owner are going to exceed the damages and the property owner will owe us some money. So it would behoove both property owners to agree to convey the land to the City. The City will allow the developer to build the road then, stated Anthony Panico.

The Wabuda's have no problem but when you start messing with the Open Space, James Swift computed the Open Space on all 81 acres. So the Wabuda's would be looking for some sort of arrangement so that when this is developed we would not have to provide any additional Open Space. The Open Space computed on this map was for all 81 acres, stated Attorney Thomas.

Wow, I am not sure I agree with that statement, stated Anthony Panico. It is based on all 81 acres, stated both Attorney Thomas and James Swift. The Open Space is based on the computation of the whole Wabuda Farm, he added. You can take it all at once, added James Swift. If that is true then I don't have a problem with that, stated Anthony Panico. That area which there is a conservation easement would then be part of the original subdivision, he added.

If we can come up with at least 8.1 workable Open Space I can do an adjustment, stated Anthony Panico. We will get a lot of other Open Space. Survey and Title Searchers have indicated that the maps and properties of others go right to the side of Wabuda Lane. It won't create an issue, stated Attorney Thomas.

What is the septic problem asked Anthony Panico? In respect to the right of way, added Anthony Panico. He didn't build a septic system where his approval plan shows he was suppose to build it, stated James Swift. Well, give credit where credit was due. The as built properly locates it and it is not where the approval was. The system is halfway into the grading slope. So what I have done is I have a new set of plans that I have to sit with the City Engineer with to review, he added. We want to take this profile and move it up. We have to take the setbacks into consideration and we will stay in contact with the City Engineer.

Is it reasonable that by our next meeting, they will have the necessary agreements in place so that we can take an action, questioned Anthony Panico? We have approved the condition on Lots 1, 2, 3, 4, so that is not an issue, stated James Swift. It is not an issue but we can fully expect those lots to disappear, stated Anthony Panico. You can act as a condition of approval to relocate Lots 1, 2, 3,4 as you have discussed, stated James Swift. O.K, stated Anthony Panico. The applicant has indicated to come back on Lots 1 and 2 to redistribute them somewhere else, added James Swift. We can approve this subject to relocating Lots 1, 2, 3, stated Anthony Panico.

What the applicant is looking for is a 37 Lot approval, stated Attorney Thomas. We agreed that we will come back in and we have looked at a CRD but because of the sewers we can't do that.

You can't take a lot and shrink then say here is your \$550,000.00 on a little lot, stated Attorney Thomas. I didn't want to shrink them that bad, just from 1.5 acres to 1.0 like everyone else has up there, stated Anthony Panico. I am not talking about 37000 square feet lots, he added.

Correct me if I am wrong but Toll Brothers agrees that this Commission takes the action to approve the 37 lot subdivision with 2 lots on the other side of the power line, so we can get going on the road, we will come in subsequent to that to try to move those two lots somewhere else on the side, stated James Swift.

That is a reasonable thing, stated Chairman Cribbins. Make sure, stated Anthony Panico. We have to go to Wetlands for the new road. If we are going to put a lot in and maybe we have to fill an intermittent watercourse and we have to go back to Wetlands, stated Attorney Thomas. That is why we can't commit to you know because we have other agencies to deal with, he added.

The one thing that was pointed out to me is that Conservation was acceptable if we can preserve the right of way that gets pedestrians over to the trail, stated Anthony Panico. You are not going to have people walking in people's backyard, stated James Swift. It is not people's backyard it is an old country lane, stated Anthony Panico. One of those places to relocate a lot is Lot 10 and I will use up a right of way to try to do that, stated James Swift.

Comm. Lopera asked how important is to get this whole conservation area over here? Is it important to Conservation, he asked? If they are going to take the whole area put it over there, stated Comm. Lopera. I am saying take the two lots and we may have the City purchase the other two lots, stated Chairman Cribbins. We can't go to the City and tell them to buy those lots, stated Anthony Panico. If the City purchases them then that is fine, he added.

Everyone is working with us here, added Chairman Cribbins.

There are other issues concerning assets to a model home, stated Attorney Thomas. We were told that the road is about a year away because the State took the money to spent it on something else. I was lead to believe it was a more accelerated then that, stated Anthony Panico.

I would point out that the road will work either way, stated James Swift. The road issue is that according to the City Engineer, you can't have a stop sign until you reduce the grade, stated Attorney Thomas.

The other issues are minor but I will bring it, the construction road will go through here and I don't have a problem with as long as Staff and the City Engineer works with you and it should be uses later on for the City to access the Open Space, stated Anthony Panico. This is a good location to provide an access to French's Farm and provide a parking spot for the Open Space.

Comm. McGovern asked why did we turn them down for sewers? The applicant sort permission stated Anthony Panico. The Sewer Plant and WPCA is in a lot of State money and in exchange for that money we have to do reports, stated James Swift. To tell the State what our master plan is and that says that everything that side of Route 110 is a non-service area. That is there basis for what they do in the treatment plant. So if we break our promise and sewer areas that we said we won't.

Toll Brothers and Wabuda both hired people to provide an opinion, stated Attorney Thomas. We both did analysis and everything is right. Anything to the right of Route 110 can never be sewerred, questions Comm. Pogoda? Not unless the City amends in plans, stated Anthony Panico. The point is that this would have introduced the sewers across and it would have yielded more Open Space stated Attorney Thomas. I would like to see sewers up there, stated Comm. Pogoda.

That is where we are at and we can't write this up until these other issues are worked out, stated Anthony Panico.

We are hoping for an approval on the 28<sup>th</sup> at 37 lots, stated Attorney Thomas. We will be fighting. We will be going to Wetlands in October and hope to get the road approval then. Wetlands spent a lot of time and they wanted the cul-de-sac moved to line that up, he added.

Anthony Panico asked if there were any other concerns. We are going to have Open Space, the road pattern is what you see, terminate this in a cul-de-sac, I will work the numbers to get the Open Space we are entitled and permits won't be issued to those lots could be relocated.

I need a motion for the extension, stated Chairman Cribbins.

**On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to approve the extension on Application # 04-17.**

**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 6/22/04) DISCUSSION AND POSSIBLE ACTION**

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

Anthony Panico stated that the application originally was filed with the intent to add to the building. For a variety of reasons in part to relocate the drainage line that goes under the building. The applicant has revised his plans and it takes the same amount of space moving it away from the building. It doesn't touch the drain line. Staff has reviewed this and with some polishing up it is ready for an action by the Commission. This is not a big enough change to go back to square one. It is the same square footage, stated Chairman Cribbins. The issue is how is it handled on site, stated Anthony Panico.

There was concern for pedestrian traffic across the road. We will make sure that there is some sort of crosswalk there with a board base burn and give traffic time to slow down to accommodate the pedestrian traffic. Staff is recommending an effective date of Friday, September 24, stated Richard Schultz. There is a possibility that the parking layout has to be massaged.

The building is this size and this shape. Chairman Cribbins stated what is the square footage? It is 32050 feet, 50 by 65 building, stated Anthony Panico. I would assume that the building conforms to the rest of the other buildings, stated Comm. Pogoda. Yes, stated Anthony Panico. The two buildings, one will be smaller and these building won't change it will stay the way it is. The new building will mimic this building, color, etc. Similar, make sure that is in the motion, stated Comm. Perillo.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Application 04-27 with an effective date of September 24, 2004. A roll call vote followed with all Commissioners voting I for approval.**

**APPLICATION # 04-28 PETITION OF VETERINARY PROPERTIES, LLC FOR SDA OVERLAY EXTENSION, 895 BRIDGEPORT AVENUE (MAP 8, LOTS 8, 13, 15, 16, 17) (PUBLIC HEARING CLOSED ON 8/10/04) DISCUSSION ONLY**  
**AND**  
**APPLICATION # 04-29 PETITION OF VETERINARY PROPERTIES, LLC FOR PDD ZONE CHANGE (VETERINARIAN HOSPITAL) 895 BRIDGEPORT AVENUE (MAP 8, LOT 17) (PUBLIC HEARING CLOSED ON 8/10/04) DISCUSSION ONLY**

Everyone is familiar with the site two doors from the Medical Center/Greenwich Workshop. Towards Trumbull, stated Chairman Cribbins.

This is 8.5 acres that fronts on Bridgeport Avenue. It is currently zoned OPD. It is adjacent to IA-2, OPD on the South and PDD for an office building across the street. It raises above Bridgeport Avenue. It rises and comes back down.

There is a mix used development to the South. This part of the site was graded down with retaining walls along the area. There is an older single family home to the North, stated Anthony Panico.

There is full utilities at Bridgeport Avenue. The proposal is build a 2 story building set at the rear with 14,000 sq. ft. of floor space. There will be 43 spaces and area for Mobile MRI Unit. This is a large semi-trailer that will come in the morning and stay.

The grades will be cut. The nearest parking will be above Bridgeport Avenue and it will be screened so that you won't see it. Retaining walls will be along both property lines. The applicant is negotiating with one of the property owners for slope rights.

Comm. Tomko-McGovern questioned where this was? There is a house, the driveway for Greenwich Workshop, the new Medical Building then Duchess.

The proposed use is a Veterinary Hospital with emergency services, including such hospital service such as education, classes and seminars. This will serve as a referral hospital for other veterinary clinics.

The material will be traditional and asphalt roof.

A traffic study was presented that showed no impact to the traffic on Bridgeport Avenue, stated Anthony Panico.

The best way to handle this, is have the Commissioners ask questions, stated Anthony Panico.

I was at an informational session with the applicant that the roof at standing seams, we pointed out that asphalt would be better, stated Comm. Pogoda. The applicant seemed to want to go along that with some similarity for the medical building and Duchess, he added. There is only a little standing seamed roof. If the Commission thinks that is attractive I would pursue that, stated Anthony Panico. To go along with the other roofs in the area, I would like to see that stated Comm. Pogoda. It is less expensive to do asphalt, stated Anthony Panico.

The front is here with the roofline here, it will asphalt and it is standing seam metal, stated Comm. Pogoda. I would like to see one treatment all along that area, he added. Staff's concern was what you would see from Bridgeport Avenue, stated Anthony Panico. The brick was limited to the windows but they added so other areas.

Everyone is talking at once. It is very difficult to decipher who and what is being said. One conversation at the table because this will drive Diana crazy, here, stated Chairman Cribbins.

That is it, Rick and I have talked about it and we feel it is straight forward, stated Anthony Panico. Do they need any special permits, asked Comm. Lopera? They operate somewhere else so that they know what they need. I would imagine that a developer/investor/tenant would be sure that the permits he needs he can get. I would not know why we should condition it, stated Anthony Panico.

If you would like to come to consensus, I can write something up, stated Chairman Cribbins. I know they are working on a tight time line and the interns coming out want to know there will be a facility to intern at, stated Anthony Panico. If they can't make the promise they will use the interns. We will have this for the next meeting, he added.

**APPLICATION # 04-32 RIVER ROAD PARTNERS, LLC FOR DETAILED DEVELOPMENT PLAN APPROVAL (135 CONDOMINIUMS) AND ADOPTION OF PDD ZONE CHANGE, RIVER ROAD (MAP 21, LOTS 46 AND 48) DISCUSSION AND POSSIBLE ACTION**

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

All the Commissioners have a draft resolution stated Richard Schultz. Anthony Panico read the attached report/resolution.

Chairman Cribbins asked Richard Schultz if he wanted to make a comment. No everything was stated in the resolution. These were dropped off today.

The sewers are going to Stratford, asked Comm. Tomko-McGovern? Isn't that one of your stipulations, she questioned? They voted last night, stated the Attorney for the applicant, from the audience. The presumption is that it is going the way, if it doesn't we don't endorse the plans, stated Anthony Panico. These are some elevations and this shows what the clubhouse will look like, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Application # 04-32. A roll call vote followed with Comm. Tomko-McGovern, Comm. Lopera, Chairman Cribbins, Comm. Pogoda, and Comm. Perillo all voting. Comm. Perillo abstained because he didn't take part in this and all other Commissioners voted I for approval.**

**APPLICATION # 04-34 CUMINOTTO, INC FOR SUBDIVISION APPROVAL (1 LOT) LOT 32, IVY BROOK ROAD (MAP 65, LOT 1) LIP/R-1 DISTRICT - DISCUSSION AND POSSIBLE ACTION**

**AND APPLICATION # 04-35 CUMMINOTTO, INC. FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR-LIGHT INDUSTRIAL DEVELOPMENT) IVY BROOK ROAD (MAP 65, LOT 1) LIP DISTRICT (PUBLIC HEARING CLOSED ON /27/2004)-DISCUSSION AND POSSIBLE ACTION**

Comm. Lapera stated I have a conflict with the next applications and I will excuse myself.

This is the last raw land left within the Laurel Heights property that has not been designated as a building lot. What we are doing tonight is creating a building lot within the LIP area. The shaded area is one that the City of Shelton would like to get as Open Space. The applicant is asking for a temporary easement and upon completion of the building that will be conveyed to the City, stated Richard Schultz.

So what the applicant is asking for a temporary conservation easement upon completion conveying that to the City, stated Richard Schultz. Do we have a timeframe, 5 years, 2 years from now, questioned Anthony Panico? I just heard 5 years, stated Richard Schultz.

He read the City Engineer's letter, Staff's Memorandum and a Draft Motion. (see attached)

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Application # 04-34. A roll call vote followed with all Commissioner's voting I for approval.**

**On a motion made by Karen Tomko-McGovern seconded by Jason Perillo it was unanimously voted to approve the request for extension on Application 04-35 and table the same Application.**

**APPLICATION # 03-37 (TSE): REQUEST FOR EXTENSION OF TIME AND TO USE PORTABLE ROCK CRUSHER**

Richard Schultz read a letter from Vincent Cumminotto requesting an extension for the TSE that includes a rock crusher on this site. He is asking for a 4-6 month extension until February, 2005. It is a change in the starting date. The rock crushing will start in October and the rock will be used on site.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the request for extension and the rock crusher on Application #03-37.**

**APPLICATION # 04-37 ANCO ENGINEERING, INC FOR SITE PLAN APPROVAL (BUILDINGS AND PARKING EXPANSION) 217 LONG HILL CROSS ROAD (MAP 51, LOT 30) LIP DISTRICT – DISCUSSION AND POSSIBLE ACTION**

Richard Schultz read letters from the Wetlands Coordinator, the Fire Marshall, the City Engineer and his Staff Report and Resolution. (see attached)

Anthony Panico showed the Commission the elevations.

Phil Tiso for Rose Tiso, Co. explained the prepared site plan, architectural and floor plans.

This is well screened from Long Hill Cross Road, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Application # 04-37.**

**APPLICATION # 04-36 MARK TAMBUEO FOR SUBDIVISION APPROVAL (2 LOTS) 6 MAPLE AVENUE (MAP 125, LOT 38) R-1 DISTRICT – DISCUSSION AND POSSIBLE ACTION**

Richard Schultz read letters from the City Engineer, Staff's Report. (see attached)

There is a barn that will be removed. Sewers are coming up Maple Avenue, questioned Comm. Lapera? There are sewers on Soundview but Maple doesn't have them, he questioned? That is right stated Anthony Panico.

The applicant is asking for waiver of Open Space because it is a family member, stated Richard Schultz. The State Statues allow for that to happen for a year and there is a discussion to make that longer between Comm. Lapera, Comm. Pogoda and Anthony Panico.

There are two entrances here and a big circular drive, does the Engineer want that, asked Comm. Lapera? When there is a lot of frontage like that you can tolerate that, stated Anthony Panico. This lot comes out all the way here, stated Comm. Lapera. Why is the sewer not on his own lot, he will give himself an easement, stated Anthony Panico.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application #04-36.**

**OTHER BUSINESS:  
8-24 REFERRAL: EXTENSION OF WATER FOR PORTION OF NICHOLS AVENUE**

Richard Schultz reported that this request from the Board of Aldermen. Staff recommends reporting favorably, he added.

**On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to report favorably on the 8-24 Referral: Extension of Water to a portion of Nichols Avenue.**

**LEXINGTON ESTATES SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND**

Richard Schultz read a letter recommending the infrastructure. That is the cul-de-sac right around the corner. This is to release the bond then it will go to the Aldermen for acceptance of the road.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the Lexington Estates Subdivision's request for release of the performance bond.**

**ZONING ENFORCEMENT: 40 SURREY DRIVE: AUTHORIZATION TO INITIATE LEGAL ACTION**

Richard Schultz stated a couple of months ago approved the sediment erosion control and that gives the Staff for additional information. That also allows the homeowner to get a Professional Engineer to come in for drainage assessment. The applicant is working on it. I have sent him a notice that gives him 30 days and just in case he doesn't do this I can initiate the legal action, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the authorization of legal action on 40 Surrey Drive.**

**PAYMENT OF BILLS**

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to pay bills, if funds are available.**

**STAFF REPORT**

Worthy of note, Mr. Geissler is challenging the drum lessons. He is challenging us or ZBA, questioned Anthony Panico? The Zoning Enforcement Officer had to order a cease & desist because he continued to do it, stated Richard Schultz. Did he take a time appeal of our decision, asked Anthony Panico? Yes, he did.

The regulations that we did last year. As of tonight the 28<sup>th</sup>'s meeting is loaded but I get call routinely, stated Richard Schultz. I got a call from someone whose neighbor is erecting the old satellite dish in the front yard. I have to take photos of this.

We can do this. We have consensus on this and if we don't have to rehash everything, stated Chairman Cribbins. We can grab Tony and whomever to react to polish everything then the Commission can accept this, not spending the whole time rehashing, stated Anthony Panico. Once the bulk of what we did tonight off the agenda then I can look to say my goal is to shot for one meeting in December. So this says lets do in September, 2 in October, it depends in October moving that up to the first, stated Chairman Cribbins. We would meet two in November, we will go second and third after Thanksgiving, stated Anthony Panico. The Commission continues to go over the schedule with input from all Commissioners.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 10:20 P.M.**

Respectfully submitted by,  
Diana Barry,  
Clerk

TAPES AND CORRESPONDENCE ON FILE IN THE CITY/TOWN CLERK'S OFFICE AND THE PLANNING AND ZONING OFFICE.