

The Shelton Planning & Zoning Commission held a Regular Meeting on October 12, 2004 at 7:00 P.M. in the Shelton City Hall, Room 303,54 Hill Street, Shelton, CT.

Commissioners present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. Daniel Oraziatti
Comm. Jason Perillo (sitting in for Comm. Papale)
Comm. Anthony Pogoda
Comm. Leon Sylvester (arrived late)
Comm. Karen Tomko-McGovern
(sitting in for Comm. Sylvester – until he arrives)

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

TAPES (3) AND CORRESPONDENCE ON FILE IN THE CITY/TOWN CLERKS OFFICE AND THE PLANNING & ZONING OFFICE.

Chairman Cribbins opened the meeting with the Pledge of Allegiance

PUBLIC PORTION

Chairman Cribbins asked if there was any member of the public wishing to address the Commission concerning any item not on the agenda.

Mr. Steiner, 23 Partridge Lane, President WER 1, addressed the Commission. I would like to bring up the subject of Well Springs Estates. That is Application 03-55. I find it a prime example of the effect that a PDD has on an R1 neighborhood. It was also the application that forced the creation of WER1.

PDD's, as this Commission states, allows more effective control by this P & Z over an applicant both during and after the period of development. During the development period, this developer has received a stop work order for ineffective erosion control.

This developer has also ignored his own drawings that were approved by the P & Z that allowed to remain a green barrier of original trees for his development and Old Stratford Road. At least this is what was illustrated and approved on the developer's drawings L-1 which is part of the approved package, stated Mr. Steiner.

The developer instead has clear-cut those trees, which were to remain in front and across the street from Daybreak Lane. He has also clear-cut original trees at the corner of Far Mill Crossing and Old Stratford Road, also on an illustrated drawing.

There is no excuse for the removal of these trees without first obtaining permission from the P & Z, as I do not think that was done. A hand slap will be forthcoming, I am sure. I would rather have the developers performance bond used to repair the damage that this developer has evoked on the property, neighborhood, and the contempt he has shown by ignoring his own drawings.

There are a few comments I would like to make on the policy of not allowing open discussion after an application is closed, stated Mr. Steiner. We don't know that this is a ludicrous ruling that unbalances the rules in favor of the Commission. Mayor Lauretti once responded to me when I mentioned the fact that once closed there could be no open discussion of an application because it might sway the opinions of the Commissioners. His reply was and I am not quoting him word for word, this is bunch of bologna, they read the newspapers don't they? We all know that you do and I am quiet confident also that the Commissioner's have received other input from other sources that can sway their opinions and their resulting votes. So I must agree with the Mayor on this one.

There is no Shelton statue that forbids such discussion, there is however a court ruling to that effect that in such circumstances the previous Court ruling might not apply to similar circumstances. Many of the remarks that are read from the minutes of a closed application could fall on the public in the direction that an application will take.

For instance I read excerpts from past minutes to show this, it becomes highly frustrating when you know the outcome of the Planning & Zoning application well before it happens and you can't say anything to the P & Z because the application is closed.

From the minutes of a meeting, I have stuck out the portions that would lead someone to think that any application (inaudible) Chairman Cribbins stated "we have a consensus for the elimination of the _____ element, the only item that was at issue was the problem with the _____ 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 could tell Tony what to write so that we could approve this at our next meeting." Mr. Steiner is still reading from minutes.

My comment is a somewhat pretentious and optimistic statement, stated Mr. Steiner. The bone that is usually thrown to the public is that you go for a ridiculous goal, which the developer knows he didn't want or knows he won't get any way and then excepts the removal therefore providing the public a false sense of victory.

It is also optimistic to use the word approve rather than vote for. From the minutes, "I would like to see that _____ go away, 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 _____ go away. My opinion concerning the fact that one already exists across the street, the question is not worthy of an answer."

Comm. Sylvester arrived at 7:10 P.M.

Minutes, continued Mr. Steiner. "How many _____, asked Comm. Lopera? I can only guess by the number of _____, so it looks like so many, stated Anthony Panico the Consultant. Comm. Pogoda states I would like to see no _____ and I would like to limit the _____. " Anthony Panico's response is "what Tony is talking about is the problem with the _____ across the street. First it had a Dunkin Donuts in it, it had a drive-up window, then ice cream so where do we draw the line and how do we do it? This is the problem and the consultant and I both realize he is again wrestling with controlling a development."

I would also like to make some comments about the referral on the Wiacek Farm, stated Mr. Steiner. I think that I could do that without reading, he added. I have spoken to the Wiacek's personally and they arrived in this Country, Mr. Wiacek arrived in this Country around 1903-1904, came through Ellis Island. He resided here in downtown Shelton and worked as a mill hand. They lived on Shelton Avenue for a considerable period of time until they brought the property they know own. The Wiacek's have been quiet opened and forward with their intentions. There has been nothing hidden by these people. They had 12 meetings with the Mayor as to what his intentions might be and got nowhere. He then telegraphed his intentions that he would apply for a development. The P & Z didn't realize that this property was on the Conservation Commission's list as property to purchase, which should have been possibly a reason for denial of the application without prejudice. Instead the application was approved and now has forced the Mayor to exercise eminent domain. When the referral was passed from this Committee, Comm. Perillo stated it is not of our venue. I wish to correct Comm. Perillo it is not of your venue because you were not here. The vote was unanimous and having it not be of your venue, I think the contribution you made was discolored by your own lack of knowledge, stated Mr. Steiner.

Mr. Steiner asked Chairman Cribbins if he was taking up too much of his time. No, answered Chairman Cribbins, Comm. Sylvester has a very puzzled look on his face and I was just telling by raising my hands that I don't know where you are going with this. First of all your facts are all wrong and I am ready to talk to them about them.

I would gladly debate you on this, stated Mr. Steiner. I choose not to. The reasons for eminent domain are not given clearly. There is a Court Case with regard to eminent domain by another local in the State of Connecticut. This is because of the reason of taking and using eminent domain of a person's property solely for the purpose of creating the tax base of town. Also this in appeal at the Court. We have lesser grounds. We have overhead cables. We have mixed feelings of what are we using this property for, it is not clear-cut. I think it would behold the City of Shelton to make quiet clear their exact reason for eminent domain. Otherwise it will be extremely costly and it could be thrown out of Court because you don't have a sound reason for it. I don't think a greenbelt or using it as a playing field with high-tension wires right overhead. I could see the students climbing up on it to get a better shot of the uprights, stated Mr. Steiner.

The swamp the reason that the Board of Aldermen say they have a drainage problem. That property that has a drainage problem has already been deeded to the City. They own it. All they have to do is put in curtain drains to straighten that out. Anyway, I think it has been an abuse of a citizen and totally unjustified. Thank you for your time, stated Mr. Steiner.

Is there anyone else who wishes to speak on anything else that is not on the agenda, asked Chairman Cribbins? I don't see my name on the agenda, I was asked to come to this meeting tonight, and my name is Sal DeFilippo. Under old business, stated Richard Schultz. There are some minor modifications to the property that is next door to you, stated Chairman Cribbins. Maybe this is just for information, he added. There is a report from the Engineer, stated Chairman Cribbins. O.K. if there is no one else, can I have a motion to close the Public Portion.

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

Under discussion, I would like to go back and just set the record straight here, stated Chairman Cribbins. I will take them one at time. Thank God we have a PDD in place. Mr. Wells came in to take out the buffer along the road to put in the drainage, which he has done. He has contacted our office to say yes he will put the buffer back in place know that the public water is there. Yes our office is in contact with him and yes he understands his obligation, yes it will be done just as it is on the map when it is finished. We also have a bond in place that can take care of anything that is not done satisfactory to us. When he is finished with the development it will look just like the drawings, he added.

Chairman Cribbins stated you can answer the State Statute period. I would rather not defer it to the State Statute but rather that the legal proceedings requires that once the Public Hearing is closed there be no further dialogue because it is viewed by the Court as a continuation of the Public Hearing. If you accept additional commentary beyond the Public Hearing by members of the public then you must make the applicant, you must give the applicant the same amount of time to address it. In effect continue the Public Hearing. Once you decide a Public Hearing is finished you no longer receive further comments from either the applicant or the Public. You do your deliberations then based on the information that you have. To allow anyone to speak for or against any item that was subjected to a Public Hearing for which a decision has not been made is in effect just reopening the Public Hearing, stated Anthony Panico.

So therefore we follow those procedures, stated Chairman Cribbins. Each of the Commissioners has an obligation that if someone from the public or someone from the application calls them up to talk to them about it they have an obligation to raise their hand to say please don't talk to me about this application. The application is closed and we are free to talk amongst ourselves. Rather it is one on one or here at the table.

You have also made the public aware that if information of a factual nature came up, that we should be aware of, that they were free to inform Staff and if they felt it was of a factual nature they could present it, stated Anthony Panico. That is procedure and we just don't violate it. No one in the State of Connecticut violates that or you would find yourself in Court, he added. Thank you for that explanation, stated Chairman Cribbins.

I just want to take two more minutes, stated Chairman Cribbins to go over the Wiacek property. This Board fulfilled its obligation. The Wiacek's came before us they wanted to do a subdivision. The subdivision complied with all the rules and regulations of our Statutes. We took the proper action and we voted on that property because anyone can submit an application. If it fits all the requirements we can't turn it down because if you are putting one-acre homes on one-acre lots in a particular subdivision and you have all the roads. It is a matter of right and this Commission can't turn it down because we would lose in Court. In the 16 years I have been on this Commission we have never lost in court. Why, because we follow the rules.

The next thing is that the taking of the property has nothing to do with this particular Board. It has to do with the Board of Aldermen. Any questions or inquiries about it should be discussed with the Board of Aldermen. This board when asked was asked a planning question. Would that particular piece of property be advantageous to the City from a planning standpoint. We discussed and answered the question and we sent a reply to the 8-24 Referral. It has nothing to do with how much would we pay, should we have it, anything like that. We were asked a planning question, that is all we were asked on the Wiacek property, stated Chairman Cribbins.

I would like the record to show that it was not a unanimous vote, stated Comm. Sylvester. That is not correct, stated Chairman Cribbins. The gentlemen said it was a unanimous vote, it was not, and I would like the record to show that, added Comm. Sylvester. There was a great deal of discussion and it was explained and it was not unanimous, he added.

OLD BUSINESS:
APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE
STANDARDS # 1-36 (see attached list)

Patrick Tisi reported that there are standards #'s 1-36. Staff recommends approval.

On a motion made by Patrick Lapera seconded by Leon Sylvester it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards #'s 1-36.

SEPARATES:

Under Separates there are 21 of them but Number 8 has withdrawn. There are 20, stated Patrick Tisi.

#3836 JACK SOLDI, 26 HORSE STABLE CIRCLE, IN-LAW

Patrick Tisi reported that this is an in-law. It conforms to all the rules and regulations with regard to square footage, floor area, lot area and Valley Health, etc. My recommendation is that it be approved, he added.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Separate # 3836.

3797 GALE JACABACCI, 5 SHELVIEW DRIVE, IN-LAW

Patrick Tisi reported that this is an in-law. This does conform, it has been reviewed and it does meet the setbacks. It is only 672 square feet. I recommend it be approved.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Separate # 3797.

3795 EDWARD KUPREWICZ, 95 PARK AVENUE, HOME OFFICE

Patrick Tisi reported that this gentlemen does home inspections. He goes out to the residence of his clients. It is full-time and it is just himself.

On a motion made by Leon Sylvester seconded by Patrick Lopera it was unanimously voted to approve Separate # 3795.

3798 WAM MASONRY, 267 BEARDSLEY ROAD, HOME OFFICE

Patrick Tisi reported that he is a subcontractor that needs a trade name to get a checking account. I recommend this be approved.

On a motion made by Leon Sylvester seconded by Patrick Lopera it was unanimously voted to approve Separate # 3798.

3799 ANTHONY ANDERSON, 369 SHELTON AVENUE, HOME OFFICE

Patrick Tisi reported that this is for a home office. He is a consultant for financial service. He goes out to the client's home.

On a motion made by Leon Sylvester seconded by Patrick Lopera it was unanimously voted to approve Separate # 3799.

3821 CHARLES OLEXY, 21 RIVENDELL DRIVE, HOME OFFICE

Patrick Tisi reported that this gentlemen has approval from Rivendell Condo's. He is a software consultant. I recommend that it be approved, he added.

On a motion made by Jason Perillo seconded by Patrick Lopera it was unanimously voted to approve Separate # 3821.

3850 COLLEEN KELLY, 21 WALL STREET, HOME OFFICE

Patrick Tisi reported that she does craft and sells them at the Crafts Fairs. No one comes to the house.

On a motion made by Patrick Lopera seconded by Jason Perillo it was unanimously voted to approve Separate # 3850.

3847 ICON IDENTITY, 1 TRAPP FALLS ROAD, SIGN

Patrick Tisi reported that this is for the change of name from Fleet to Bank of American. They are just replacing the already existing sign. A picture was showed of the old and the new.

On a motion made by Patrick Lopera seconded by Jason Perillo it was unanimously voted to approve Separate # 3847.

3854 COAST SIGN, INC, 780 BRIDGEPORT AVENUE, SIGNS

Patrick Tisi reported these are the new signs for the Marriott. They will be known as the Courtyard. This is pretty generic and this follows their Corporate Standards.

On a motion made by Daniel Oraziotti seconded by Patrick Lopera it was unanimously voted to approve Separate # 3854.

3848 ICON IDENTITY, 5 HUNTINGTON PLAZA, SIGNS

Patrick Tisi reported that this is for the ground signs. He showed pictures old on top and new on the bottom. This is for the Fleet Bank in Huntington.

On a motion made by Jason Perillo seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3848.

#3858 DR. SHAWN RAFFERTY, 560 HUNTINGTON STREET, SIGNS

Patrick Tisi reported that this is for the ground sign and square footage is o.k. It is to the point and it doesn't have a lot of stuff on it.

On a motion made by Daniel Oraziotti seconded by Patrick Lopera it was unanimously voted to approve Separate # 3858.

3768 PINECREST COUNTRY CLUB, 745 RIVER ROAD, TOOL SALE

Patrick Tisi reported that this for the Pinecrest. We do this every year. The tool sale will be November 3rd and 4th.

On a motion made by Patrick Lapera seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 3768.

3819 LNV PARENT CHILD RESOURCE CENTER, 25 BANK STREET, BUSINESS

Patrick Tisi reported that this is at the Dunkin Donuts building on the second floor. It is 800 square feet.

On a motion made by Daniel Oraziatti seconded by Jason Perillo it was unanimously voted to approve Separate # 3819.

3828 BIO METNICS, 88 TRAP FALLS ROAD, BUSINESS

Patrick Tisi reported that this is the new building that is unoccupied. They want to use the basement. That was discussed by this Commission in great deal because the basement was suppose to be for storage use only, stated Richard Schultz.

Bob Serenden, addressed the Commission. We brought plans. We are a prosthetic company. We make orthotics, braces and artificial limbs. We will see patients in the upstairs rooms and the basement is basically for storage. We will store plastics down there.

We service hospitals and nursing homes with cervical collars, back braces, prefab splints and things like that. Our inventory will be stored in the basement. We also make the braces and limbs where we get plastics and we will get casts of the legs. We have two employees that will be trimming braces, trim prosthesis and will trim prosthesis.

We are in the process of purchasing the building and the basement will not be used as office space, stated Bob Serenden. I brought along the plans for storage and we will have one or two areas where we will actually mold and cut the braces out.

We are not increasing employees, we have a total of 8. We will see at the most 2 patients per hour and they are scheduled for an hour. We have 8 employees at our Trumbull office where we will be moving from.

Chairman Cribbins stated the issue was with the parking on the site and what we were bringing to the site. Obviously the placing of the restrictions was not to preclude its use for storage, stated Anthony Panico. It was to not have space where additional people will be working because the additional parking is not available, he added.

So this is a minor extension of an activity that is taking place in the main part of the building. So I don't see this as an issue, stated Chairman Cribbins. The issue is with the next people who will come after you have done so well that you need to move out to a bigger facility, he added.

Bob Serenden stated that we will be spraying the floors and walls. There is an area that will have some walls up.

We in our decision here want to make it perfectly clear to the next person who comes and wants a higher traffic generator, stated Chairman Cribbins.

Question, asked Anthony Panico, you said that there would be a couple of part-time people working there? Bob Serenden answered that when a patient comes in that the brace has to be cut down. We have plastic cutters.

Those people are not assigned at the lower level, questioned Anthony Panico? All the activity will take place on the first floor. There are patient rooms, a reception area, billing and a conference room, stated Bob Serenden.

Then you are talking about a small work area that is used for fitting purposes, questioned Anthony Panico? It is not for fitting, it is for adjusting and any modifications answered Bob Serenden.

I am concerned that you don't have two employees that report to work and go downstairs to do that all day, stated Anthony Panico. Bob Serenden stated we have the same number of employees that we have in Trumbull. The Commission has to make up its mind that it doesn't constitute additional employment, Anthony Panico. This is not active space being used everyday rather it is used for storage.

It is incidental being related to the business, this is not for full-time employees, this is for part-time and it is incidental for support of the business, stated Comm. Lapera. It is for repairs and to support the product, he added.

Anthony Panico stated that if they should move out and you have an office tenant move in that wanted to put 4 more desks downstairs, that is unacceptable.

How big is the basement, questioned Comm. Sylvester? Bob Serenden answered 3000 square feet, 3100 square feet. How large of an area do you need for your repair shop, questioned Comm. Lopera. Bob Serenden showed plans and explained that these are our storage. We make plaster molds, we have shelves that we stick the molds on, he added. We store our inventory and soft goods. This area is for plastic molding. We pour plastics here and shape peoples legs. We pour plaster and the mold gets covered with plastic and lamination then cut out here.

That operation is carried on by two part-time people, questioned Anthony Panico? Yes, it is a basically taking measurements to make a negative mold. We then fill it with plaster that takes 5 minutes. Then the mold gets cut over that makes a positive image of the leg. There is heated plastic over that then that is cut off. This room is where the edges are cut to smoothness. We buy components and assembly that to what the patient needs, stated Bob Serenden.

I think it is a matter of the record being thoroughly documented with everything related to this with the understanding that there is no comment beyond this activity. The Commission needs to decide how much more then storage is it and how that impacts the site, stated Anthony Panico.

Comm. Pogoda questioned how much access material is generated and will there be a dumpster on site? Currently when we have a brace we cut the plastic. It is then draped over when it is warm then we cut it. We have a scrap piece of plastic like this that we recycle to Stamford. They make garden fences, stated Bob Serenden. This is put into 50-gallon garbage pails, driven down to Stamford and we get a recycle fee, he added.

Where are the garbage cans kept, asked Comm. Pogoda? Right now they are kept inside because they could be an eyesore and the landlord didn't want them outside, stated Bob Serenden. Neither do we, stated Comm. Pogoda. Something would have to be provided if you are going to keep that outside.

How many machines are downstairs, questioned Comm. Lopera? There are 2 trottmen which have an arm shaped like a cone for buffing. It stands up about this high. We have a belt sander, a band saw to cut the plastics, and a cast saw that is basically a hand tool, stated Bob Serenden.

Is there a molding machine questioned Comm. Lopera? There is no molding machine, it is a pump that sucks all the air out of the mold, answered Bob Serenden.

Are you the sole tenant, questioned Comm. Sylvester? Yes and we hope to be able to lease out the second floor but we will be using all of the first floor, answered Bob Serenden.

How are the delivery of raw material and the recycle of the plastics handled asked Anthony Panico? We recycle that, we have a person who drives that to Stamford maybe every two months. That entails 3 garbage pails, stated Bob Serenden.

What about the delivery of material, questioned Anthony Panico? It is delivered in boxes, these are sheets of plastic that come by truck from Modern Plastics in Bridgeport, stated Bob Serenden. These are not the big 40 footers because there is no way to turnaround up there, stated Comm. Pogoda. No, stated Bob Serenden.

What about the Fire Marshall since they are doing things in the basement, questioned Comm. Lopera? There is a sprinkler system down there now, stated Bob Serenden. The Fire Marshall would be concerned about egress and ingress for employees, stated Anthony Panico.

Is their venting needed, questioned Comm. Pogoda? We do have windows and fans, stated Bob Serenden. There is venting in this room by a fan that is 7 feet long and this high. It will in take and blows out to recycle.

Comm. Sylvester stated this could go on forever but I don't remember what the intention was with regard to not using the bottom floor? The original design had a basement and with the grade conditions the developer-sought permission from this Commission to put large windows in. The Staff then became concerned that large windows makes this more attractive for office space, stated Anthony Panico. Our concern then was the parking problem.

This request doesn't generate more parking, stated Comm. Sylvester. Right our concern is that the office building now has a manufacturing type process going on it is, stated Anthony Panico.

Is that legitimate though, questioned Comm. Sylvester? It is a customary and accessory activity to the principal office activity, I don't have a problem with it, stated Anthony Panico. What about us, asked Comm. Sylvester? It is a judgment to be made, it is not a zoning violation, he added.

It is incidental to primary purpose, stated Comm. Lopera. In other words, in total so this portion represents 1/3 of their total usable space and the rest is storage, stated Anthony Panico. It doesn't present pressure on the parking and it is incidental as far as the activity is concerned, stated Comm. Sylvester.

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

Comm. Pogoda stated anyone that goes in on the second floor has to be aware of the tough parking issues. So be very careful when you are bringing in someone to the second floor, stated Chairman Cribbins. When we build a building as speculative we always monitor the occupancy, stated Anthony Panico. So if the tenant on the first floor uses all the spaces the remaining tenants can't demand more 10 spaces.

On a motion made by Leon Sylvester seconded by Daniel Oraziotti it was voted to approve Separate # 3828 with conditions. Comm. Perillo abstained from the voted.

3861 FRANCESCA SCARPA, 100 CENTER STREET, BUSINESS

Patrick Tisi reported that this is the Old Bank. They are proposing a multi-use theater education, bookstore, and a coffee shop. It will be approximately 5,680 square feet. It will be full-time and have 4 part-time employees. Monday-Thursday hours will be 9-7, Friday and Saturday hours will be 9-10. This has off street parking. It will bring culture and it will be an asset to the town so my recommendation is that it be approved, he added. Chairman Cribbins stated we think it will be an asset to the town, also.

On a motion made by Leon Sylvester seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 3861.

3862 STARBUCKS COFFEE, 504 BRIDGEPORT AVENUE, BUSINESS/SIGN

Patrick Tisi stated this is for 1400-1600 square feet. There will be 4 employees. It is in a retail area. Has the traffic signal been approved for that yet, questioned Comm. Oraziotti? Yes, stated Patrick Tisi.

On a motion made by Leon Sylvester seconded by Daniel Oraziotti it was voted to approve Separate # 3862. Comm. Lopera abstained from the vote. Patrick Tisi stated there was no sign at this time this is just for the business.

3860 COMMUTER FOODS SHELTON, 733 BRIDGEPORT AVENUE, RENOVATION

Patrick Tisi reported that this is for Dunkin Donuts at Woodside Plaza. This will be the renovations to the entire structure very much to the positive.

Richard Schultz stated we have 2 requests to do exterior renovations. They are proposing a new theme for exterior renovations in keeping with the Route 8 Corridor. The colors are very subtle and they will be replacing the pole sign that is out in front. They have 2 scenarios and Richard Schultz passed them around. The second one is in keeping with what is in that corridor.

So tonight is to authorize the exterior renovation work, stated Richard Schultz. There will be no menu board you just drive up to the window. There is no menu board and one is not planned, questioned Anthony Panico? Right answered Richard Schultz.

There is a request to put internally illuminated awnings and that is something that the Commission has asked Staff to downplay. They have agreed to go with a more subtle color theme that is consistent with Bridgeport Avenue.

There is a new Dunkin Donuts logo with the cup, stated Richard Schultz. It is the same square footage right, asked Chairman Cribbins.

The applicant states that the footprint is staying the same and the roof is coming off to be replaced with drive it like Kinko's.

This is a matter of right that they can come back and just reopen, questioned Comm. Sylvester? Yes, answered Anthony Panico. How about the traffic pattern, questioned Comm. Sylvester? The traffic pattern will be the same as established before, stated Anthony Panico. I was against this original proposal when it first went there because I felt it was not a good place for a high volume traffic generator, stated Comm. Sylvester. This probably would not get approved today because we don't have the controls back then relative to subjecting the drive-up facility to more detailed review, stated Anthony Panico. You do have that ability now where you did not have that ability back then, he added.

That is what I am asking, stated Comm. Sylvester, is it a matter of right? Yes, he is grand fathered in, stated Anthony Panico. That aspect is there unless he is asking to modify the site plan or the circulation, he added.

Same general footprint, and the drive thru is in the same spot, questioned Comm. Perillo? The applicant answered there is less and we have decreased customer service inside. Our business is 85% take out, added the applicant.

Anthony Panico stated that the Staff could look to see if there could be any site plan improvements and use this as a vehicle to get them done. I would make that recommendation, stated Comm. Sylvester. I think it is awkward and if there is any benefit to be made it would be a benefit to the other people in the shopping center, he added. It is an opportunity to revisit and improve it. Access and egress is a problem.

Richard Schultz stated that the sign facing Comm. Pogoda is the one that is better. We ask that they downplay the awnings and not have internally illuminated.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Separate # 3860 with conditions.

3760 NEXTEL COMMUNICATIONS, 1 CORPORATE DRIVE, EQUIPMENT ON ROOF

This is another request for roof mounting at Corporate 1. The building to the right is maxed out and this is where Mr. Scinto is, stated Richard Schultz. This will be 2 antennas, equipment shelter, a transformer and the platform associated with that.

You can't see those, asked Chairman Cribbins? No, answered Richard Schultz. It is consistent with the regulations. We encourage telecommunications. Richard Schultz stated that the citing counsel doesn't get involved when it is roof mounted. It is important that local regulations are in the book to encourage this.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3760.

3859 EDWARD & JUDY SUL, 259 WAVERLY ROAD, TEMPORARY HOOK-UP TO TRAILER

Patrick Tisi reported these people presently reside at 259 Waverly Road and they are requesting 120-day use of a trailer due to the condition of their home. The back wall has deteriorated. They came in to ask for 120 days to live in the trailer. The whole thing is just destroyed by termites. The building official has been there. The Fire Marshall has gone up there and this is one of the times that this was not fire damage related.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 3859.

3842 AQUARION WATER CO., 505 HUNTINGTON STREET, SPILL PREVENTION CONTAINMENT BUILDING

The dimensions are 32 by 64 by 21. Representatives from Aquarion are here, stated Richard Schultz.

The representative from Aquarion addressed the Commission (Ms. Brown)

This is a spill containment structure around the delivery area for chemicals. Aquarion had a spill at a loading dock in Easton, which resulted in fish kill. So Aquarion is committed to preventing and containing spills.

Joe Devine, the designer addressed the Commission.

We are working with Aquarion to develop these secondary containment areas for their unloading facilities. The concrete slab comes in contact with the truck, hoses and field connections. We have a pad that is designed to hold the largest compartment of the delivery truck that is required by Regulations to account for the worse case scenario of the largest containment of that truck releasing its contents. So we have the pads situated next to the water treatment plant. We have the trench here that would hold 5300 gallons of the largest compartment that is delivered to their site. To prevent rain water from entering the catching area there is a berm around it to prevent any spills we are proposing a garage like structure with a membrane over the top of it, stated Joe Devine.

There will be unloading doors and the delivery truck will pull up, enter the facility, make the connection and deliver the product leaving the facility out of the opposite door. The system will provide secondary containment to prevent spills from happening.

Is that a flat roof, asked Comm. Sylvester? It is a flat membrane roof. It has a steel arch truss system, a fully engineered building and the arch is a 20-year use membrane, stated Joe Devine.

Is this structure visible from the street, questioned Anthony Panico? No answered Joe Devine. It has a backside that is behind the building. There are parts of the reservoir, the spillway is here and the building is back here, he continued. At the highest the peak is 19 feet.

Do you have these at your other facilities, questioned Comm. Lapera? We use them only where they receive deliveries, like the water treatment plants. Due to the frequency of the delivery, it is hard to work around the weather, stated Joe Devine. I guess the question was do you have permanent structures, elsewhere, questioned Comm. Lapera? No, answered Joe Devine, this is the new design. Where else, asked Comm. Pogoda? Ms. Brown answered but it is difficult to hear her.

Personally for this proposal to come under this place, this is not a good place for this presentation it should have been made as an item on our agenda and we should have been prepared for it, stated Comm. Sylvester. I don't think and I think I am following where Pat is going. I am uncomfortable with the sophistication of the design and its proposed use. It might not be seen from the road, he added.

Perhaps the applicant should be advised to file a site plan, stated Anthony Panico.

They were made aware of different levels of review, stated Richard Schultz. They wanted to be here, questioned Comm. Sylvester? This is what was more advantageous for them, to do this under a separate. The Commission has the ability to say we need to review this at a higher level, which is the site plan, stated Richard Schultz.

My thoughts are that is the way to go, stated Comm. Sylvester. When he said the containment would be 5300, it seemed like a lot to me, stated Comm. Lopera. That is a sizeable structure stated Anthony Panico. That is what is required by Federal Regulations stated Joe Devine.

Comm. Pogoda questioned are you concerned with the enclosure, do you think that it should be a permanent structure, he questioned? It was just a membrane and it will be at 2 other sites that are requiring permanent structures, I don't know, stated Comm. Lopera.

I am not familiar with the site but certainly we it warrants further examination, it is the type of temporary structure we just wrote a lot of regulations about, stated Anthony Panico. Saying you can't do it. We were talking about a residential setting, he added.

In other parts of the country, I don't know if you are familiar with that but do these other Water Companies use these type of containment facilities, questioned Comm. Pogoda? Ms. Brown stated the one we saw at Water Companies are in a storm water reservoir areas. Other water companies, was my question, stated Comm. Pogoda? I would like to go up there to see where this would be, he added.

The pad is 24 by 31 stated Comm. Lopera. It is not impacted visually, it is not that big a structure, he added. I feel something like this should be reviewed, stated Comm. Sylvester.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to table Separate # 3842.

I would be interested to see what other communities are doing, stated Comm. Sylvester. Joe Devine stated this should be confused with a greenhouse like structure. This is a fully engineered building, he added.

Anthony Panico asked if there was somewhere in the State of Connecticut that we could look at one of these? I could find one for you, stated Joe Devine.

APPLICATIONS # 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 2/24/2004) DISCUSSION AND ACTION
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 2/24/2004) DISCUSSION AND ACTION

Chairman Cribbins read a letter from Attorney's Shipman & Goodwin concerning Comm. Sylvester's activity with regard to these application. It says that it was sent to Attorney Welch, as well, our Corporation Counsel. It says that we represent Blakeman Construction and Huntington Woods, LLC and we understand that the Commission will be voting on these applications this evening. As you are aware Commissioner member Leon Sylvester previously disqualified himself on these application as a response to a request by the applicant. As I further understand Comm. Sylvester will not participate in the vote or deliberations, this evening, as provided for by Law. Please contact me if this is incorrect, read Chairman Cribbins.

I didn't realize that had been sent and it was important to me that be read into the minutes stated Comm. Sylvester. I would remind everyone that I have not participated in these hearings and when I disqualified I stated that there was no conflict of interest, I did so to safe my daughter any embarrassment due to the fact that she is married to a young man who is connected to this project. I have said just for the record that because I think that this is an important decision for this Board, I didn't want it to be clouded with some possible thought that there would be some farfetched conflict of interest. I want to be able to renew that thought, he added. So once again I won't participate as I have not in the past.

Comm. Tomko-McGovern is seated for tonight's discussion stated Chairman Cribbins. In previous meetings we have had a lot of discussions about these applications both amongst ourselves, at the table and one on ones. I think about a month ago we had a consensus to draft a resolution and we gave action to the Staff, our consultant Mr. Panico and we will take up that resolution, he added.

Anthony Panico read from the attached resolution. This was mailed to the Commissioners last weekend to give them tie to read because it was very comprehensive. (see attached)

The SDA exists in this area and Anthony Panico showed the Commission on a map.

End of Side 1B of 3B, Tape 1 of 3 at 8:35 P. M.

Thank you very much that is very comprehensive and it only took 8 months to get us from there to here stated Chairman Cribbins. I think that you have captured everything that we talked about.

I think that a lot of the stuff is build into the statement of use and when you get to the detailed development plans you can strength it or massage it and that is the time you will make the adoption, stated Anthony Panico.

For purposes of discussion I would like a motion to adopt this resolution. Comm. Pogoda made the motion and Comm. Lapera seconded.

Comm. Orazietti stated he has some concerns. I am concerned with the high vacancy of office space, what is the possibility of turning that office space into retail down the way? That would be a major deviation and that would mean that they would have to come back to public hearing and total reconsideration, stated Anthony Panico. Is it out of the question no, he added.

That is one of the things that I found attractive to this because it was so much of a component and then you add in the restaurant there was 60%, stated Chairman Cribbins. Early on this had a residential component but then there is a proximity of 60% on the OPD guidelines, he added.

The developer will probably submit detailed development plans in phases and Phase 1 will have the first front part of the property. Those will be reviewed and approved at that time we will only put into place that part of the PDD, stated Anthony Panico. The rest of it will stay in the existing zone IE, the OPD Zone, he added.

Another thing that I like about it is all the traffic modification gets for the surrounding development gets in during the first Phase, stated Chairman Cribbins.

Comm. Orazietti stated on Page 4, 3A. He read from that and questioned does that mean two occupancies or one? Anthony Panico stated let me explain. Several of the Commissioners were concerned that they did not want to see a bunch of tiny stores. We realized that this basic designed called for that type of store. So they wanted to set a minimum size and we agreed on the 1500 square feet. That is acknowledgeable here and in the other smaller buildings. With respect to that building it was represented to be a single tenant building. The Commissioners did not want to see that broken up into smaller buildings. I said there was always the possibility that some point in the future you would lose the main tenant and you can't find a replacement tenant to allow that to be subdivided space. The Commissioners agreed they would not want to see anymore then two. Sometime 5-10-15 years from now when the Pharmacy's lease runs out and they want to use it for another type use they can divide this into two. It is like Bradlees that got divided into 3 tenants, he added.

Is the concern for the outlets or the tenants, questioned Comm. Lapera? I just wanted to clarify the terminology, stated Comm. Orazietti.

Another question on Page 3, # 9, Comm. Orazietti read from the resolution. I just want to say that I fully agree with that and I am not in favor of that at all. I think that was a concern that everyone shared and we feel there were other ways to organize that site to de-emphasize those pumps. There was discussion about turning the pumps, stated Comm. Perillo.

Comm. Orazietti read from the resolution that these office uses will not impact the downtown market. I tend to disagree with that, he stated. One reason would be that if we continually give developers everything they want on Bridgeport Avenue there will be no reason to put their money in downtown area. You want to put anything up on Bridgeport Avenue it pretty much is going to go. Until we start forcing our hands there is no reason to even consider this area as a zone change here. I totally disagree with that and want that on the record. I don't know if there was a study done on that asked Comm. Orazietti?

What the Commission was concerned with is that 1/3 of the site is not office, retail activity. The nature of the retail was that they were providing a service to the daytime community that works up and down the Route 8 Corridor, stated Anthony Panico. Those were the kinds of occupants together with the pharmacy, which would serve the residential population, as well. Will these same people from the corridor go downtown if these services were not here. Maybe, I don't think they will. I think that I have proven they will, stated Comm. Orazietti. I disagree with that, he added. They go downtown to patronize your establishment, questioned Anthony Panico? We have many corporate people coming in, added Comm. Orazietti.

Would someone who needed an aspirin go to Ansonia, questioned Anthony Panico? I do that now stated Comm. Orazietti, why would I not go downtown. Obviously you don't agree with the rest of the Commissioners, stated Anthony Panico. If you have an issue with that we can certainly modify that, he added.

Comm. Tomko-McGovern stated she was concerned with B on Page 5 and read from the resolution. Anthony Panico stated what I was trying to address was something that Comm. Pogoda brought up about the set-up of a convenience store. Then the convenience has a Dunkin Donuts, a subway shop, etc. and I was trying to address that, he added.

I thought that you have this building sitting here with a convenience store operation going on with a coffee bar. Almost all convenience stores have them, now, stated Anthony Panico. That is one more tenant that is not that convenience store owner that wants to establish a satellite business, if you would. If you want none, write none, he added. I thought that was what Tony didn't want, stated Comm. Tomko-McGovern. We had discussed the fact that the convenience store puts the coffee pot there, she added. End. Done, she added.

Comm. Pogoda stated the things I mentioned to Tony was I have been to places where Dunkin Donuts doesn't set up counter, it sets up a rack in another section of the store. Is this another tenant, I would assume that, am I correct, he questioned? We need to spend sometime on the language that if there is a franchisee wanting to put a product in there, I would treat that as another tenant, I would agree with you, stated Anthony Panico. I can see that because that is not adding anything like across the street or what is happening up in White Hills, added Comm. Pogoda. I have been in stores where there is another section set-up as a Dunkin Donuts section of the store. It is not additional where there is counter space set-up. I didn't want to see what is across the street. You want it to be like Stellers state Comm. Tomko-McGovern.

The reason for the concern is that it will attract an additional customer that is not going there just for gas, stated Anthony Panico. It is someone that is going as a destination.

Is there any landscaping in this proposal, asked Comm. Orazietti? Oh sure, stated Anthony Panico. There is a preliminary landscaping plan, he added.

I was concerned with amount of pavement, as well, stated Comm. Perillo. Especially from the street view but it is tiered so that the visual impact from the street is not going to be so severe, he added. There are limitations that still exists in the OPD District, stated Anthony Panico. You cannot increase the building coverage or pavement surface and you can't decrease setbacks, he added.

Chairman Cribbins stated I think the issue with the convenience store was rather or not there should be one additional tenant or not. We can revisit it at the detailed development plans, added Anthony Panico. You are giving the applicant direction to redo the statement of uses. When he comes in then we will review it, he added.

Comm. Lopera stated I don't have a problem if it is just one tenant and it won't allow multiple tenants. It could be a corner leased out to Subway or Dairy Queen, stated Anthony Panico. You can't have 4 different ones. We will have to look at this again especially if we are changing the orientation of the site, stated Comm. Perillo.

I have a question that this says 53% is devoted to office space, questioned Comm. Tomko-McGovern. That would mean that this is equaled to 325 parking spaces, she questioned? The number we will use is varied depending on the zone and if this is done speculatively or knowing the tenant, stated Anthony Panico. Speculative office is 3 to 4 per 1000 and we found that to be more than ample.

Further comments, then I will call the question on a roll call vote, stated Chairman Cribbins.

Comm. Orazietti stated I am against this .

Comm. Tomko-McGovern questioned if she could read something into the record before she voted and proceeded to read a letter. She stated that she has struggled with this whole project from day one. I want to say, on the record, that I believe that this was a predetermined vote from everybody. Before there was any discussion on this Mr. Chairman you stressed your determination to have this development passed. I took offense when at the 9/14 meeting you wanted to vote without even a resolution. You had your 4 votes present and I suggested at that meeting that you wait so that Mr. Orazietti could express his concerns, his opinions and ask his questions. At that meeting you asked Mr. Pogoda when it would be convenient for him to be at a meeting to vote in favor of this development along with the agreement for an extension.

Comm. Tomko-McGovern continued to read that I look back at the public hearing and I say we had a Public Hearing we heard the voices of the people. The only people that we took into consideration, to me, was the voice of the developer. I am not against Mr. Blakeman's development but I am against over-development. Here we have 1500000 square feet squeezed on to 14.4-acre parcel and one acre of that being used for road construction. This will be a disaster in that area. The proposed gas station will be more of a high traffic generator then even a fast food establishment would be, which we all agreed not to support.

I was born and raised here as some of you were. I have to live by my conscience. I was elected by the people to preserve the quality of life in Shelton and that is what I intend to do and with this I vote no, stated Comm. Tomko-McGovern.

Comm. Lopera stated I look at the development, I look at the layouts, it is more then half of what was going to be there in the OPD. It makes sense, the parking is adequate, and it is consistent with that area. It is not a bad development and with that I vote I.

Comm. Pogoda stated I also vote I. Just to answer one of your reasons for denying this, I also think that this resolution was pushed back for two reasons, one was that I asked for some changes and the only reason that I could support the gas station was the orientation and some other changes that were noted today. As far as what was going in there, I said I did not want diesel there and I wanted that written into the resolution. That was done at that time. Also the convenience store, I did not want to see 2 to 3 outside things. I just wanted to make that perfectly clear that, it was not done that week because a total resolution was not made up, stated Comm. Pogoda. I was in on this proposal from the beginning and these are circumstances I could not control because I was not going to be here. I wanted to vote on this. I do vote I on the project and as Mr. Lopera has said I think that the parking is sufficient for this. I think with the amount of office space at 53% I think that will satisfy that the tenants won't be one big tenant. I think that this is a good proposal, stated Comm. Pogoda.

Comm. Perillo stated being the new Commissioner, who has not been party to any predetermination, has heard the arguments, and weighed those arguments for and against on their merits and also as a Commissioner who was born and raised in Shelton, I vote I.

Chairman votes I. It is 4 to 2, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Patrick Lopera it was voted to approve Applications # 03-58 and 03-59. Comm. Oraziotti and Comm. Tomko-McGovern voted against and Comm. Sylvester did not participate or vote.

APPLICATION # 04-04 PETITION OF JOHN GUEDES ON 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 3/9/2004) DISCUSSION AND ACTION

Chairman Cribbins stated that we have had several discussions on this piece of property. We have come to a consensus and at the last meeting we told Tony to draft a favorable resolution on this application. He has done so as he has for the past 20 years he has resolution with him today.

Comm. Tomko-McGovern stated that it was wonderful that the resolution was in the mail. I like that idea because you can read it and digest it. I would like that done all the time, if you could, stated Comm. Oraziotti. We would have done the same with this but I had to have some serious discussions with Rick and that didn't happen until Friday which meant I spent all day Monday on this, stated Anthony Panico.

Anthony Panico read from the attached report/resolution.

So we have always thought this way with regard to land use in the downtown area, stated Anthony Panico after reading the Land Use paragraph in his report.

I am not sure where the connection of Howe Avenue and Wooster Street is questioned Comm. Sylvester? It is across from J. Correia's. It is the corner where Spooner House was going to be, stated Richard Schultz. There is a storage place and it is the next one to the Boys Club. It was going to be Spooner House next to the Lanzi property. It connects Howe and Canal Street, stated Richard Schultz. I know where you are talking about Comm. Sylvester. I was thinking of where Wooster is connecting to Howe, we gave up that old paper street, he added.

The facility that I manage with regard to parking will be along the railroad tracks, stated Anthony Panico.

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

The reasoning that they came to that conclusion when they calculated 140-150 was based on their survey of 300 units in suburban areas. Typically speaking when you get residential units in urban areas when there is other transportation available. There is no transportation available, stated Anthony Panico.

We have an expert at this table who has a business downtown, let's see what he says about the availability his customers have to finding a parking space, stated Comm. Sylvester. It must be good in that location, stated Chairman Cribbins. He does have a thriving business, he added. I don't dispute what Danny's experience has shown. We have this huge parking facility here but it is 2-3 blocks away, stated Anthony Panico. We want to make the walking experience a more pleasurable one and right now it is not attractive.

Who is responsible for that, is the City going to make it more attractive, asked Comm. Oraziotti? We would hope that would be part of the revitalization, stated Anthony Panico. I think that a couple things comes to mind stated Chairman Cribbins, is there parking at this facility. They are talking at grade and there will be a walking path there, he added.

I will say this for the record as I have said this to you, I want to be supportive of this, stated Comm. Sylvester. However, I think it is an extremely important proposal that takes a strong recommendation from this Commission. We and Karen said it in the previous one and Jason picked up on it, that he was born in this Community as many of us were. Some of us lived downtown and we are more than anxious to get housing, redevelopment and development downtown, stated Comm. Sylvester.

However not at the expense of the people that are living there already. Great this is a great idea and it is the same thing that the slab was redeveloped. You can't get truck traffic out of the slab, stated Comm. Sylvester. You need to direct resources to enhance traffic, to handle traffic and to handle the parking. If this was being done on the Route 8 Corridor there would be certain caveats for certain things to take place and the quality of life would be protected in those area, he added. However here we are just anxious to grab, and I am too, any development that wants to come downtown.

I think that you must look at the difference of a facility like this on Route 8 here you are in a network that traffic is going in different directions, stated Anthony Panico. I can't see this traffic going toward Derby because Route 34 is congested already, stated Comm. Sylvester. You are assuming traffic wants to leave town and that the people living here would be working outside, stated Anthony Panico. Where will these people be working if they live here, he asked? If they are employed in Derby, in Shelton, they will travel in all kinds of directions, stated Anthony Panico.

It is hard to put this together, stated Comm. Sylvester. If we had the infrastructure to handle this, it would be a no brainer. The traffic people deal with peak hour movements and peak morning or peak rush hour dealing only with a small segment of the traffic. They make assumptions based on how it would get distributed and then they impose that on the street system and look at the intersections, stated Anthony Panico.

Did they count the traffic home on Howe Avenue, during peak times, asked Comm. Sylvester? Yes, answered Anthony Panico. They downplayed it significantly because of the distribution pattern, he added. They don't show a lot passing the corner of Bridge and Howe. 4-5 at most. I don't have a basis to challenge their numbers and I don't think that would change the net result.

I have experienced gridlock in Shelton backed up so bad that you could not move, stated Comm. Sylvester. When something happens on Route 8 you can move in and out. How are we going to make sure we don't destroy something that we are trying to enhance, he added.

One of the major bottlenecks that I see is on Center Street when traffic has to do this onto Howe Avenue, stated Anthony Panico. With the improvement of Center Street we will improve that, he added.

I am a proponent of this development but before I vote I would like to hear someone tell me what can go wrong and I don't want to create a bigger monster that we are trying to eliminate, stated Comm. Sylvester. If we could have a southbound Ramp to 8 it would be a great thing. The only way to get traffic out of downtown is Center Street. A lot of us, Rick and I and other Commissioners argued about the asphalt plant downtown. You can't live with the traffic, stated Anthony Panico.

We should be looking at the area over by the Post Office, stated Comm. Oraziotti. Comm. Sylvester stated the point is we are committed to downtown and we can't treat this any different. We owe the same thing to the people downtown that we use in other areas. We should do our own study and from within our own municipality to deal with activity like this downtown, he added. The traffic study is tainted toward the developer. I think it depends on the professional stated Anthony Panico. People are objective and they call it like it is.

Chairman Cribbins stated that the traffic pattern has been studied and we are trying to take their recommendations. They looked at this project they gave us input, Jim Ryan talked about it and gave us their approval. You are talking 100-150 cars and if you stack that against the quantity of everything else that is going through there. It wasn't enough to change anything. Do I need to wait until we get a Ramp for Route 8, do I need to wait for the improvements on Center Street and if I say that then I also say if I wait we will never get started, stated Chairman Cribbins. I think we owe it to the people downtown to get started, a little bit, and then more.

The people downtown asked us to pay attention to the traffic and that is their biggest concern, stated Comm. Sylvester. I am supportive on this and I want the issues on the table so that we can get some recommendations, he added. We are in the middle of substandard streets and almost impossible conditions, stated Anthony Panico. So one of the problems we talked about earlier tonight was parking and its distribution. We need a parking facility down there. When you have enough parking you can approach the merchants and take parking away. You could take parking away and put two lanes there. Business people who have only 3-4 spaces out in front of their business won't want you to take it away. If we had a nice parking facility somewhere down there then the 3-4 spaces out front would not matter.

There parking is 121 in the central parking facility and underneath the bridge is going to be used for another 14 spaces, stated Anthony Panico. Comm. Oraziotti stated we need to put the same stringent process on these developers as we did in other areas. You sat here with your proposal and we want to make sure when we ask you to do stuff, we could not have asked him for a parking facility, stated Anthony Panico.

I picked his brain about parking and Karen's daughter has a business and I am talking to people who live and work downtown, stated Comm. Sylvester.

I have not heard a suggestion, stated Chairman Cribbins. I made a suggestion stated Comm. Sylvester. I think we should hire our own traffic study to look at the traffic flow downtown in view of what we are trying to do here to try to get an idea if we could improve it for the people downtown, he added.

Chairman Cribbins stated we should take a look at the SEDC flows from the people that we have used in past years. I think SEDC is too closely connected.

Chairman Cribbins stated that the Commissioners need to be comfortable with this to vote this evening. Do you need more information with regard to this particular application. For me personally I am comfortable, he added.

I am comfortable to this point, I know that parking maybe a problem, stated Comm. Pogoda. The distribution is more a problem down this end. Everyone wants to be right next to their car doors no matter where they are. I have been on Howe Avenue stuck in traffic and I hope this development won't add to it. I hope that some of those people will be working in close proximity to where they will be living. I don't think that the problems will go away and something has to be looked at. When do we come to a complete approval that everything is looking good and I am comfortable with regard to the resolution on this proposal, he added.

There are obvious imperfections stated Comm. Perillo. This is a tremendous opportunity, he added.

Comm. Laperera stated I am comfortable with 110 units and 130 parking spaces in a downtown urban one on one setting. They have worked on Canal Street all the way down to this property. I agree with Jason this is a wonderful proposal and to deny it makes no sense. The downtown will never have no traffic it is a downtown. There is enough taking part on the site. If you look to the State to help with downtown you will only get it if there is a need. This will start the need and maybe you could get a downtown parking facility. I think this is a wonderful proposal, he added.

My concerns would be the same, stated Comm. Oraziatti. I would recommend that instead of the footbridge going across the train tracks we should build a decorative bridge to add some character. That and the Post Office, he added. That is not part of this proposal, stated Comm. Pogoda. I know that, stated Comm. Oraziatti. I just want that on the record.

There is no proposal to build a bridge. They are just going to improve a pedestrian walkway over the tracks, stated Anthony Panico. Are there better alternatives, asked Comm. Perillo? There is a nice one in Milford, stated Comm. Oraziatti. Yes we give your comments to SEDC, stated Chairman Cribbins.

In the work we do we look at the future, we did look at an elevated walkway, stated Anthony Panico. If you look at 700 units or whatever you are looking at then you will get people walking on Howe Avenue. I can transpose that on the first 100 units, he added. I agree with you on concept and I would push for that. That is a part of the large solution for that area. You could make the walkway a formal walkway with decorative railings, stated Comm. Laperera. Even that you have to get permission from the railroad.

On a motion made by Jason Perillo seconded by Patrick Laperera it was unanimously voted to approve Application # 04-04. A roll call vote followed with all Commissioners voting I.

I think that we are missing the opportunity to express recommendations and concerns to protect the people downtown. I am for this proposal and as we pass this we should be making recommendations that things get better not worse, stated Comm. Sylvester.

I am for the resolution but it still has no recommendations for downtown, so let the record show that. Comm. Oraziatti, Comm. Laperera, Comm. Perillo, Comm. Pogoda and the Chairman all voted I. I do think we will have the opportunity to get some plans for downtown.

Comm. Pogoda stated that being a member of the long-range plan and going through a second public hearing. The third public hearing will be on infrastructure. So far there has not been a lot of the public present. The public has not made any statements on any of our meeting. Maybe on the infrastructure a lot of the business people will come maybe ideas like you and Danny are mentioning. Maybe people will come with some thoughts. I don't think we all know that here and maybe people out there have different visions then we have, stated Comm. Pogoda. I would like to get some better ideas of what we can do downtown. Last time there was 19 of the public.

You had someone give you an opinion and this is where the heart works. He expressed his views on the parking and traffic and it obviously didn't make a dent on anyone, stated Comm. Sylvester. Let's not be labor this issue enough is enough.

Then you are saying this proposal should be denied, questioned Comm. Pogoda? I didn't say that, what I am saying is that we should make a recommendation as a Commission that things should happen. P & Z's around the State hire people to do their studies. We need to do that. We need to spend the tax dollars on a positive part of it, lets find out what we can do. I don't know what to do and I can only present what people feel down there, stated Comm. Sylvester.

I am not saying your not right but to go along with this proposal but to hold it up to get all this, stated Comm. Pogoda. Part of the proposal, part of the findings is to review this and not anyone else, stated Comm. Sylvester. They want to hear elected officials to make simple recommendations to make it better. It is a great opportunity downtown. If we were doing this in Huntington we would be asking for the developer to do all these things.

It is a good proposal and it is too advantageous to put on the first proposal, stated Anthony Panico. We could make a list of things that should be done, such as a study, stated Comm. Sylvester. I know that is your opinion, stated Chairman Cribbins. I didn't deprive of you of yours, stated Comm. Sylvester.

This is an excellent proposal and it will be a welcome addition, added Chairman Cribbins.

APPLICATION # 02-44, REQUEST FOR MODIFICATION OF DETAILED DEVELOPMENT PLANS (MINOR MODIFICATION) LAUREL HEIGHTS CORNER PROJECT, LAUREL HEIGHTS ROAD (MAP 66, LOTS 51, 52, 54, 55) PDD # 42- DISCUSSION AND POSSIBLE ACTION

The project Engineer is here because there have been changes to the burm that are deemed significant, stated Richard Schultz. He passed around photos that show the burm running southbound. This fronts on the River Road and when the contractor excavated the site we had access material on site. He carted it away from the site and he is proposing to build a screen from the parking lot and River Road, stated James Swift, Project Engineer.

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

We had landscaping set for a couple of weeks ago but a concern was raised about the change, stated James Swift. There should be some shade trees on the side of the driveway. We don't have the base in yet, he added.

I have driven by there, it is coming out good, stated Chairman Cribbins. How is the water coming off the property is there any coming off to the North, questioned Chairman Cribbins? There is none going on that side, that is all Open Space, stated James Swift.

On a motion made by Anthony Pogoda seconded by Patrick Lapera. Chairman Cribbins questioned any further discussion.

They are holding up their landscaping until the burm is straightened out, stated Comm. Sylvester. Know I now while they were waiting, stated Comm. Pogoda. I was concerned about the height but DOT has approved this and it is a judgment call by this Commission, stated Richard Schultz. What if we feel there is not enough landscaping, questioned Comm. Oraziotti? We will do something about it, stated Richard Schultz.

Sal DeFilippo, 23 Colony Street, addressed the Commission. It is late in the evening and I would like to address this Commission on this application. I have written several letters complaining to this Planning Committee. I outlined my grievances beginning from A to Z. Most of what I put in those letters is very important. The site line is a concern. This went from Commercial to Residential. This Commercial Site has been an established business for 50 years.

These are going to be rental units, there are already signs up to rent these. I never thought they would put that type of burm in front of that place, stated Sal DeFilippo. What is needed here is some work.

I am here to try to resolve this matter without taking legal action. You people must understand that I have a notice of intent to sue. You people are responsible for damages and you are violating my rights. You made this decision and it doesn't go the way it should be, you are violating my rights. You are liable for damages, stated Sal DeFilippo.

Are you threatening this Commission, questioned Comm. Lapera? Am I threaten this Commission, I have already, I have an intent to sue. Now you can do what you want Sir, I am asking at this time if we could avoid this. I have lived in this town all of my life, I should not have to go through all of this. This is about where it lies.

What specifically is your concern, questioned Comm. Cribbins? There is an issue with a rear wall that I think is built out of stone that there is a complaint on, stated Sal DeFilippo. Staff gets it when there are specific reasons, stated Richard Schultz. This Commission should be aware of these complaints, stated Sal DeFilippo. I have been there for over 50 years and I know some people like and some people don't.

The wall in the back is not safe and if something happens in the future you will be responsible for it, stated Sal DeFilippo. The City Engineer will take care of that, stated Chairman Cribbins.

The next issue is the easement. I had to go before the Conservation Commission they didn't know anything about it. I had to give them a copy of it, stated Sal DeFilippo. That easement is nothing but a farce, it is not valid and there is wild growth in there. It is under growth very few trees in there. That is not good wildlife. That is not right and it is just left the way it is.

It is a spiteful buffer so you don't see the cars. The trees are growing on my property and there's sap running on my cars. I will look to the City and I expect them to look after my property. This is my Board and I expect them to look after my business, stated Sal DeFilippo.

The traffic is very dangerous and we have had one life taken over there. It could happen again.

This is going to make the traffic worse, stated Sal DeFilippo. Now I am going to put gas pumps in there again. I have permits and they are approved from the State.

I have heard enough and if you don't have a specific thing, stated Chairman Cribbins.

The site line and the burm is bad. I need the site line and if you can't see, what is going to happen, what if a car drives through the driveway, and the traffic has to be addressed. I have good intentions and you should read this and if this is approved you should not make this worse. Pay good intention and read what I wrote. It is already approved, stated Chairman Cribbins. I came here with good intentions stated Sal DeFilippo. I am at the end of the rope, he added.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Application # 02-44.

I was just talking to Rick and how did we approve the condos that are coming up as rentals, stated Comm. Sylvester. When we give an approval of Condo's you make a comment that ownership is not important, he added. I never felt that Condos we approve should be rental. I am trying to explain to you, stated Anthony Panico. Not tonight just tell me about that with regard to making decisions and making something right, stated Comm. Sylvester. I am talking about approval of Condo's or when we make those approvals could it turn into rentals, he added.

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 (PUBLIC HEARING CLOSED ON 8/10/2004)-REQUEST FOR EXTENSION (PZC REQUEST)

Chairman Cribbins stated that the closure of that hearing, what we did on this application, they came forward with an application. They came forward with a request for an extension to keep their current approval alive and a couple of the Commissioners asked Staff to take give this a lot of thought because of the traffic and other issues. I understand that, stated Chairman Cribbins. The Commission wants a thorough review by Staff. This involves 2 sites one on Research Drive, the second part of that office development and Commerce Drive, stated Richard Schultz.

My mind was saying that they had a 5-year approval to put a office in that, we gave that to them along time ago and they haven't acted on it, stated Chairman Cribbins. I think it is very appropriate for our Board to just deny the extension, we have given you 5 years and if there is concrete evidence that here we need this. I think they are along way, away from it. I don't see any activity on the site and I think we are in our rights that there is no additional activity to go forward and deny the extensions, he added.

We would have to then schedule this for a Public Hearing, then we need to establish a zone for that because it can't be left without a zone. I guess going forward I will talk to the Commissioners that once we grant an approval we give them time but if there is no activity on the approval we should take that away. I think we should deny the application and I did call Corporation Counsel to see what we can do. We are in litigation with these people so there is litigation. Would this effect the litigation and I was told no we are in our rights to deny the extension of time, stated Chairman Cribbins.

Comm. Perillo questioned that there is no indication that they are ready to do Phase 2? Anthony Panico stated there are two parcels, one has 50% built and there are approved plans out there. They have also submitted a proposal for apartments on this.

So you need a motion to deny, questioned Comm. Pogoda? I will make that motion, he added.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to deny Application # 04-30 request for extension.

Chairman Cribbins stated now we need to set the Public Hearing date. Richard Schultz stated we have a meeting on the 26th of October, in November it's the 16th and 30th and in December we have one meeting so lets set this for January 25. Anthony Panico stated we may return this to the LIP District.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to schedule a Public Hearing on Application # 04-30 for January 25, 2005.

APPLICATION # 04-41 PETITION OF AUSTIN WOLF ON BEHALF OF SHELTON REALTY ASSOCIATES, LLC TO AMEND THE ZONING REGULATIONS BY ESTABLISHING AN AFFORDABLE, ELDERLY HOUSING DISTRICT (R-6 DISTRICT)-ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 04-42 PETITION OF AUSTIN WOLF ON BEHALF OF SHELTON REALTY ASSOCIATES, LLC TO AMEND THE BUILDING ZONE MAP BY CHANGING R-1 TO RESIDENCE R-6 DISTRICT, 628 LONG HILL AVENUE (MAP 41, LOT 45)-ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that you can set the hearing on December 14th and still be within the 65 days.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept Applications # 04-41 and 04-42 and schedule the Public Hearing for December 14, 2004.

APPLICATION # 04-43 DOMINICK THOMAS ON BEHALF OF VETERINARY PROPERTIES, LLC FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE, 895 BRIDGEPORT AVENUE (MAP 8, LOT 17)-ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept for review Application # 04-43.

APPLICATION # 04-45 KEY DEVELOPMENT, LLC FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF NEW PDD, LAKE ROAD (MAP 115, LOTS 7 AND 11)-ACCEPT FOR REVIEW

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept Application # 04-45 for review.

OTHER BUSINESS:
PROPOSAL TO RE-ALIGN FEDERAL NAVIGATION PROJECT: HOUSATONIC RIVER

Richard Schultz stated that this is Murphy's Boatyard. The applicants were present and they are happy to be back in Shelton. We are in Stratford and we are happy to be on this site. We had started this almost a year and half ago. We have gone to the Federal and State people. He showed a drawing with the docks in the water. We wanted to understand that there was little communication between the Federal and State people. The docks are encroaching into the Federal Channel. We can't do anything until we understand the Channel. There have been mining operations and the Channel has been moved. The State has never paid much attention to this and now there is a conflict, stated the applicant. What we are proposing to do is move the Channel out away from our docks without any dredging. We are only moving two markers out 150 feet into the Channel into the middle of the river.

There is no change in the depths and moving this will make it better. We had to show to the Federal people that there was no change to the contours. We had to do surveys that there was no rock piles, debris or structures. We had to show that we were consistent with the Federal people. They wanted us to contact the Harbor Master. When I spoke to the Mayor he thought because there is no Harbor Master we should come here to the Planning People. Eventually we do have plans to expand the docks, currently there are 60 and if we move forward we can have 275 recreational boating slips in realignment with the Channel, stated the applicant. The State and Federal people are still reviewing these.

If it is decide not to approve the re-alignment and the State weighs heavy on people in the Community supporting something like this. We were listening to all the plans downtown and we would like to see people enjoy the river. We have crew teams down there already.

Comm. Sylvester stated you did contact the local schools? Yes and we have not heard back from them. We do have another program on the Mianus River and that is growing. If someone is looking for an additional activity it is there, stated the applicant.

We have to get the Army Corps. We need a letter that this will not affect anything on the River.

This is like an 8-24 Referral and it is something that we look at from a planning standpoint. Comm. Lapera stated he will abstained because there may be a conflict. Chairman Cribbins stated we will write that letter.

Comm. Sylvester questioned do we have a right on the number of slips? They process that through the State, stated Anthony Panico. Is the debate how many and how far out should they go, questioned Comm. Sylvester? This design is 275 slips stated the applicant. The slips will accommodate bigger boats, added the applicant.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to approve the Proposal to Re-Align the Federal Navigation Project: Housatonic River. Comm. Lapera abstained from the vote.

APPROVAL OF MINUTES 7/27/04, 8/10/04 AND 9/14/04

We just got these in our packages today so we will put this back on the next meeting.

FEE SCHEDULE REVISION

Richard Schultz reported that this is consistent with neighboring town. The key change is the day-to-day permits, which is at \$20 for single-family homes (and pools) that generates a lot of our energy. We are raising that to \$50 and Commercial to \$100.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the fee schedule revision.

STORM WATER MANAGEMENT PROGRAM

Richard Schultz reported that the DEP has required the local Engineering department to provide a Storm Water Plan. This will give us some teeth. There are some private areas that are bad and primarily this is for the new projects coming in. Staff is advising you that this has gone to a Public Hearing and the BOA has adopted this.

PAYMENT OF BILLS

On a motion made by Patrick Lapera seconded by Jason Perillo it was unanimously voted to pay bills, if funds were available.

STAFF REPORT

Richard Schultz stated that the meeting dates are one at the end of the month, the 26th and then in November the dates are 16th and 30th.

End of Side 3A of 3B, Tape 3 of 3 at 11:00 P.M.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to adjourn at 11:05 P.M.

Respectfully submitted by,

Diana Barry
Clerk