

The Shelton Planning & Zoning Commission held a Special Meeting on January 18, 2005 at 7:00 P.M. in the Shelton City Hall, Room 303,54 Hill Street, Shelton, CT.

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

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

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning & Zoning Office.

Comm. Lapera opened the meeting after a moment of silence for past Mayor Eugene Hope who passed away last week. Comm. Lapera, acting as Chairman, opened with the Pledge of Allegiance, while Chairman Cribbins attended the Charter Revision meeting.

PUBLIC PORTION

Irving Steiner, 23 Daybreak Lane, addressed the Commission. (see attached)

He presented pictures to the Commission, as well.

Comm. Tomko-McGovern arrived at 7:10 P.M and Comm. Sylvester arrived at 7:15 P.M.

Richard Widomski, 49 Christine Drive, addressed the Commission. (see attached)

Mr. Steiner addressed the photos that he had presented earlier this evening, stating that he understood that Phase 2 was to consider the release of a building for construction. If you notice though on the one drawing there's already a full foundation in place. I think it is premature that foundation is in place already. I might be wrong but I certainly would like to know.

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)

Tom Dingle stated that all standards 1-23 meet requirements and he recommends they be approved.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Applications for Certificate of Zoning Compliance, Standards 1-23.

Comm. Sylvester questioned what the revision was? Richard Schultz stated that he added one separate to the agenda and eliminated one. What is the cut-off, questioned Comm. Sylvester? I did this agenda on Friday and an applicant had come in but just returned today with the completed applicant, stated Richard Schultz.

SEPARATES

4025 JOHN MATOLA, 38 ROLLING RIDGE ROAD, HOME OFFICE

Tom Dingle reported that this gentleman is a general contractor. He is self-employed, full-time, he drives a Maxima and needs a Trade Name Certificate.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 4025.

4011, INFINITE AUDIO, 61 MONTGOMERY STREET, HOME OFFICE

Tom Dingle stated that this gentleman is into audio-visual. He has a CT. Sales Tax. It is a part-time position and he does go out to service audio equipment. He is asking for a Trade Name Certificate, he added.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 4011.

#4049, ANDRE MOORE, 71 SAGINAW TRAIL, HOME OFFICE

Tom Dingle stated that this is a home office for a home renovation company. He provided us with his CT. Contractor's License Number. He has 2 Chevy Vans and uses the name ALM Construction. Staff recommends approval, he added.

Comm. Lopera questioned standard conditions no signage, no visitors to the house, no outside storage? No workers to the house, those are all standards, answered Tom Dingle. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 4049 with standard conditions.

4046, RICHARD COORE, 111 OLD STRATFORD ROAD, HOME OFFICE

Tom Dingle reported this gentleman is a licensed Electrician who works for the railroad. He wants to start a part-time business doing electrical work. He is a subcontractor, Licensed Electrician who does have a State of CT. Licensed Contractor's number. Drives a pick-up with no signs, no outside storage, and no commercial deliveries. This is again for a Trade Name Certificate, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 4046.

4038 KEITH KINSMAN, 2 JODIE LANE, HOME OFFICE

Tom Dingle stated that Mr. Kinsman is a construction worker doing house painting and siding. He has a Sales Tax Number and uses the name K-3 Construction. Again no signs, no deliveries, no commercial trucks at this site. Staff recommends approval, he added.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4038.

4047, JEFFREY RICHARD, 88 TRAP FALLS ROAD, BUSINESS

Tom Dingle stated this is for a new building. It is consulting, engineering that does accident investigation and they work for insurance companies. They are requesting to go up on the second floor to use 2,300 square feet of 5,600 of the building. There will be approximately 3 employees on site. It is not the type of business that will attract a lot of visitors, he added.

Which building is this, questioned Comm. Sylvester? This is the Blakeman Building. It is on the hill, stated Tom Dingle. The Commission approved this previously and they did say at the next occupancy that they wanted it low key, stated Richard Schultz. The employees go out and reconstruct accident scenes, stated Tom Dingle. Staff recommends approval.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4047.

4014 JENNIFER SCALES, 59 HOWE AVENUE, BUSINESS

Tom Dingle stated that this an owner transfer. This is the dog grooming business on Howe Avenue. It is a transfer of ownership. It is the same type of volume of what is happening for 5-6 years. It is the same space and it is next to Lafayette School. Staff recommends approval.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4014.

4036 JAMES BERGER, 99 CENTER STREET, BUSINESS

Tom Dingle stated that the landlord here is Mr. Simonetti. The Certificate will be issued to James Berger. He has a Marshal Arts Studio that is right now above Porky's. He is relocating and will use 900 square feet. He gives lessons with hours of operation Monday-Friday 4:30p.m.-8:30p.m. and Saturdays 9:30a.m.-11:30a.m. It is low key, he added. So he is just relocating, questioned, Comm. Lopera? That is right, answered Richard Schultz. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 4036.

Comm. Lopera stated let the record show that Chairman Cribbins arrived at 7:30 P.M.

4040, JOSEPHINE WIRTH, 425 RIVER ROAD, BUSINESS

Tom Dingle reported that is the new building on the River Road where Lia's is going. The second tenant is requesting to sell Italian pastry, cakes and breads. It is approximately 900 square feet. She will have two cases of pastries, breads and cakes along with 4 bistro tables to serve coffee and cappuccinos.

The Commission entertained a previous application and denied it for another food establishment, I wanted to remind you of that, stated Richard Schultz. We are getting applicants coming in on this on a regular basis. The building is not complete, yet, he added.

Hours of operation are 6 A.M. to 6 P.M. Company vehicles one. There will be a coffee machine, refrigerator, and a display case, stated Tom Dingle.

Are they making the pastries on site, questioned Comm. Tomko-McGovern? No, answered Tom Dingle.

Is parking adequate, questioned Comm. Sylvester? The last application was for a sushi take-out, answered Richard Schultz. The Commission was apprehensive, he added.

You said tables & chairs, how many tables and chairs, questioned Comm. Pogoda? The floor plan shows 4 small round tables and chairs, stated Tom Dingle. They will serve coffee and cappuccinos. The busiest time will be early morning, he added. How late, hours of operation, questioned Comm Pogoda? 6 to 6 answered Tom Dingle.

This is Commercial, questioned Comm. Sylvester, why is it here? Yes, stated Richard Schultz. For occupancy approval, he added. Does it fit, questioned Comm. Sylvester?

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4040.

Richard Schultz stated that Mr. Dingle is leaving to attend the Board of Zoning Appeals meeting. He then will be reading the balance of the applications for Certificate of Zoning Compliance.

4039 BLACK ROCK CONGREGATIONAL CHURCH, 177 RIPTON ROAD, TEMPORARY CLASSROOM

Richard Schultz stated that this is for a temporary classroom that the Commission has granted two one-year extension in the past to allow for this to be allowed. The current one expires February 11. The trailer is in back of the house. They are anticipating adding to the building and they did meet with Staff last week. They are growing steadily and they will need to expand the facility to accommodate their parish. They would like another one-year extension, he added.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4039.

2089 SCHAIBLE REALTY, III, LLC, 621 HOWE AVENUE, RENOVATION/CHANGE OF USE

Richard Schultz reported that this is the former Shelton Building facility. There was removal of the old building and reconstruction of the new building.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 2809.

4032 ABC SIGN CORP, 811 BRIDGEPORT AVENUE, SIGN

Richard Schultz stated that this is Newtown Savings Bank where Cibo's used to be. The signage, color and style are consistent with Bridgeport Avenue. There will be a wall sign and monument sign. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4032.

4026 SIGNS UNLIMITED, INC. 510 RIVER ROAD, SIGNS

Richard Schultz reported that this is a change in Latex Foam signs. They have changed their names and these are the new names. The signs are consistent.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4026.

3974 ABC SIGN CORP, 100 BEARD SAW MILL ROAD, SIGN

Richard Schultz reported that this is Mr. Scinto's building, Health Net. One wall sign will be permitted instead of the two requested. Staff recommends approval. You can see the sign going Northbound, he added.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3974.

4054 RICHARD RIZZO, 707 BRIDGEPORT AVENUE, SIGN

Richard Schultz stated this is Kinko's and if you are not aware Fed-Ex merged with them so accordingly they need to change the signs. They will replace the main wall sign. The colors are consistent. This will be facing Bridgeport Avenue heading south. They will replace the wall sign and the monument sign.

Richard Rizzo, addressed the Commission, with regard to the sign. The signs affected are highlighted on the sheets being passed around. The sign is there now and these are replacements stated Richard Schultz. There is a monument sign on Bridgeport Avenue. There are some internal window signs and they will be eliminated, added Richard Rizzo. They are hanging in the windows right now and they will be eliminated. There will be signage on the doors similar to what is there now. There will be a beacon that will hang inside. The window stuff will be eliminated and the beacon replaces all of that, added Richard Rizzo. It was so busy stated Richard Schultz. Much better, stated Chairman Cribbins.

End of Side 1A of 2B, Tape 1 of 2 at 7:45 P.M.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4054.

#3994 MIDLAND DEVELOPMENT, 153 BRIDGEPORT AVENUE, PARKING CONSTRUCTION EQUIPMENT/TEMPORARY FENCE

Richard Schultz reported that this is directly across the street from Nancy's Landscaping. They have removed the old house and leveled it. This is a Commercial CB2 Zone and they are requesting to park registered Commercial trucks there. They want to put up a temporary fence.

Staff processed this and I don't have the details. They do plan on building something there. The Company does have Commercial vehicles, stated Richard Schultz.

I thought that they were constructing something there, questioned Chairman Cribbins? That is up in the back, stated Richard Schultz. This is in front, he added. They want to use that for parking Commercial vehicles, questioned Comm. Pogoda? That is going toward Route 8 where his mulch pile was, stated Richard Schultz and Comm. Papale. It should be noted that this requires a site plan but the parking by itself is permitted as of right, stated Richard Schultz. The parking is as of right associated with the use on site not as a principal use, stated Anthony Panico. What is a temporary fence, questioned Comm. Papale?

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to table Application # 3994 to give Staff to get additional information.

4048, JIM MARTIN, 2 HIGH STREET, NEW HOME/DECK

Richard Schultz stated that as the Commission is aware the City of Shelton is entertaining the construction of some difficult lots that we have in town in Pine Rock Park, Coram Gardens and the immediate downtown area. This particular lot was created through a free split in 1979 before we had the current regulations that allow for more of a level lot. This lot is a conforming building lot that would not be allowed under today's standards. Eight years ago Staff drafted and adopted modifications to the lot area definitions, which are critical, he added. We have about 50 to 75 lots remaining in town. This is one of them.

Staff has reviewed these along with the Engineering Department. The key issue the Engineering Department has said is the driveway but includes issues with the drainage and the topography. The applicant has modified these plans several times. Richard Schultz read the letter from the Engineer, who is not endorsing this application, but stated before reading that this house does comply with all the setbacks and lot area.

Staff has determined this is a lawfully existing building lot, stated Richard Schultz. There are no wetlands and City water will be provided. The Project Engineer is here and he feels this is the best design solution for this project, he added.

Would you go over why the City Engineer is not endorsing this, questioned Chairman Cribbins? He is concerned about the topography, existing topography, going in there to cut the driveway grade at 14%. You will have two retaining walls side by side (8 feet each) for a total of 16 feet, stated Richard Schultz. One on the down hill side of the driveway and one on the up hill side of the driveway, questioned Anthony Panico? No they are both on the up side of the driveway, answered Richard Schultz. This is a wall on top of a wall, questioned Anthony Panico? We have tried our best to handle these in house and this is one that is highly visible. This is not an interior lot like the one on Old Stratford Road, ultimately that was approved. The lot does comply, stated Richard Schultz. It is up hill right after you go by the bank, stated Comm. Perillo. It is on High Street and it is upgrade on High Street, stated Anthony Panico. You are forced into doing the retaining wall with a slight grade then another retaining wall, he added.

Brian Nestriak, Professional Engineer, addressed the Commission. We went with the two walls for safety reasons. We will put in temporary basins that are well draining. Like any site in any town you could have problems down the line.

Does the driveway come into the basement level, asked Anthony Panico? It is a drive under garage answered Brian Nestriak. What is the grade difference with the driveway grade in front of the garage to the intersection of High and Coram, asked Anthony Panico? 20 feet answered Brian Nestriak. So if you standing at the corner the driveway is 20 feet up and the house goes after that. In effect there are three stories further up from that point, stated Anthony Panico.

When you look at a naturally graded area that has been there for years, then all of a sudden you are going to be aware someone is coming in and plopping a house there, stated Anthony Panico. You have to get there and you have to retain the rest of the slope, he added. The walls will not be a straight 16 feet, stated Brian Nesteriak. We thought that this would be the least effecting as far as cost, he added.

Is there anyway to soften the effects of that house on Coram and High, landscaping wise, asked Chairman Cribbins? We will be putting trees on there along the driveway to buffer, stated Brian Nesteriak.

This will have a High Street address, asked Anthony Panico? Yes, answered Richard Schultz. What kind of a house, asked Comm. Sylvester? It will be a small colonial, answered Brian Nesteriak. What is the size of the house, questioned Chairman Cribbins? 14,800 answered Brian Nesteriak.

It seems to me that the building lot is build able. It seems to me that it is going to happen, stated Comm. Sylvester. I don't know if it is appropriate. I am glad they are not going in off of Coram. I know the lot very well. It would seem to me though, I would be more comfortable, if you would sit down to give some suggestion as to a better solution or just do the best job they can do, he added. This is a lot that under today's regulations would not have happened, stated Anthony Panico.

I will tell you what I wouldn't want to see happen, stated Comm. Sylvester. If you go up Perry Hill Road, this is an eyesore that appears downtown. It is on a left hand side when you go up. They cut out a lot and there is a foundation just sitting there. I would have preferred a building lot with something done. It makes me sick. It is just sitting there taking away from the value of downtown, he added.

I will sit with Rick to see if there is any possible suggestions that make sense. The next component is to insist on a well-done landscaping plan. The last thing you want to see is a three-story house above you, stated Anthony Panico. As you drive up there the houses are large and the homes are beautiful, stated Comm. Sylvester.

On a motion made by Leon Sylvester seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 4048 with conditions.

While I am throwing this around, Rick or Tony, is there a limitation as to how long that foundation can sit there, questioned Comm. Sylvester? That is the building officials call, stated Richard Schultz. I have seen them go for many years, but after a severe winter, like last years, there could be cracking, he added. Is there any limitation as to how long they could just leave it that way, questioned Comm. Sylvester? Oh you mean just leave it that way, oh before taking action, permits are good for two years, stated Richard Schultz.

APPLICATION # 03-64 ZAIM MURTISHI FOR SITE PLAN APPROVAL (CONTRACTOR'S BUSINESS AND STORAGE YARD) 82 BRIDGEPORT AVENUE CB-2 DISTRICTG – REQUEST FOR WITHDRAWAL

Richard Schultz reported that the applicant finally received Inland Wetlands approval at their January meeting. The applicant modified the Wetlands application significantly and the time is running out. I felt it would be better for the applicant to withdraw. They will be coming back in. This is for the 2-family house across from Carvel on Bridgeport Avenue. They have renovated it and they want to do a Contractor's Business and Storage Yard, he added.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve the letter of withdrawal on Application # 03-64.

APPLICATION # 04-23 PHOENIX HOUSING OF SHELTON, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) MURPHY'S LANE (MAP 31, LOT 76) (PUBLIC HEARING CLOSED ON 6/22/2004) – REQUEST FOR EXTENSION (APPLICANT'S REQUEST) AND DISCUSSION

This is the second application of Jonathan Zuckerman. The Commission denied the application on Long Hill Avenue. This is the one on Murphy's Lane across from Tanglewood. The applicant was awaiting Inland Wetlands approval at their January meeting, as well.

So what we need to do is extend the review time because the hearing was closed on June 22 and because this is a Zone Change the applicant can give the Commission an extension of time if you feel comfortable with this project.

A couple of things have to happen tonight, the applicant is requesting an extension of time on the review period until the end of February, he is giving until February 23. The applicant is also asking for you to send to the WPCA, because we now have a new policy on Zone Changes, the applicant doesn't go to WPCA until this Commission has a hearing and decides if the application should go to WPCA for consideration. So tonight you have to think in your mind if this application should continue for discussion, send a referral to WPCA keeping in mind that this is the Stratford line and it would have to go through Stratford's WPCA or does this Commission want Staff to write a resolution to dispose of it, stated Richard Schultz. This is what is going on, you have this pending application, Wetlands finally acted on it at there last meeting, they approved the 5 units, the applicant wants to extend the sewer line down here, he has no problem with that line going to Tanglewood, he added.

I can recall in the discussion we have had about this application, the only way that I would consider the change from the R1 is if we could help the people out across the way at Tanglewood, stated Chairman Cribbins. I was thinking about that because members of Tanglewood have come here to say that they were having problems. Could we help them out? I am not sure what the status of that is, I don't even know if the Condo people would even want to do something like that, I have no information on that. I don't know that information and it is good that we are getting an extension on this, he added. I didn't like building a bridge, I didn't like the zone change and in my mind I need some additional information, he added.

We have to go back to the WPCA and I think you need to tell the whole story. Are you going to be able to get all that information back to make an extension to the end of February, stated Anthony Panico. The applicant is here and he would extend that further to the 4th Tuesday in March, stated Richard Schultz. I think if we are going to get an extension, we should say until we can get that information back from the WPCA, we should not fowl around with this, stated Comm. Sylvester. If we have no control on the information coming back why put Rick in that situation, he added.

Do you follow the avenue of promoting sewers on the site or do you say you just don't want the project, asked Anthony Panico? I think you play the part of Good Samaritan and if you could help out another part of town that could benefit from progress, stated Comm. Sylvester. We have heard their cases on a number of occasions just begging for help, stated Anthony Panico. I don't believe that our Staff should chase their tales to get information that they don't have the authority to do, stated Comm. Sylvester.

Also to go along with that, I think we should also check with Tanglewood to see if they are still interested, even though they came and voiced their concerns, stated Comm. Pogoda. We did have some concerns with the crossing with regard to the Wetlands and the Zone Change was an issue. I would go along with checking with them, he added.

If we have a letter to go to the end of March, that is what we should do, stated Chairman Cribbins. March 23 would be the Wednesday after the last meeting, stated Richard Schultz. There are two meetings and I think we should have enough time to get information back to the Commission, he added. We need to make our referral then we stand by to wait for the response, stated Anthony Panico. You should attempt to act in a timely fashion and this won't happen automatically even if you don't act, he added. We won't act without supporting information.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve the letter of extension until March 23, 2005 and to send a letter to the Shelton WPCA.

APPLICATION # 04-44, HOUSATONIC WAY, LLC FOR SPECIAL EXCEPTION APPROVAL FOR CRD SUBDIVISION (6 LOTS) AND CAM APPROVAL, 550 RIVER ROAD (MAPS 53 AND 54, LOTS 55 AND 43) R-1/IA-3 DISTRICT-REQUEST FOR EXTENSION (APPLICANT REQUEST) AND RE-SCHEDULE PUBLIC HEARING

Richard Schultz stated that Wetlands had a hearing scheduled for the end of January and the legal notification had an error. Accordingly they have rescheduled their hearing to February 3, Thursday. The applicant wants to have the Wetlands hearing first. That is the proper way to do it. The applicant is authorizing an extension to this Commission and is suggesting February 22. That is the 4th Tuesday and that is our Public Hearing Meeting, he added.

When is our week off, I am not sure, questioned Comm. Sylvester? That is the week off because I am off, stated Chairman Cribbins. I would ask for it not to be held then, stated Comm. Sylvester. That is a good question who is going to be here, stated Richard Schultz. Let's take a look at the calendar, I think that there is another Tuesday, stated Chairman Cribbins. If we go to the following week that is March 1st, stated Anthony Panico.

There's a discussion concerning dates, scheduling, regular meetings and Public Hearing meetings including Comm. Pogoda, Comm. Sylvester, Comm. Tomko-McGovern, Anthony Panico, Richard Schultz and Chairman Cribbins.

I am wondering if someone on the Board of Aldermen should explain how to initiate an 8-24, I wondered if, I know that we respond to the 8-24 but I wondered if we could initiate an 8-24 referral, questioned Comm. Sylvester. An individual can't initiate an 8-24, Corporate Counsel stated that can't be done. The Board of Aldermen as an entity has to authorize that. The Mayor's Office can initiate it, the Boards, all the land use Boards as entities can initiate, stated Richard Schultz. In other words, this Board can initiate it, questioned Comm. Sylvester? No because we are the one that entertains it, stated Richard Schultz. It can come from Inland Wetlands, and Conservation. They can initiate it as a Commission, he added.

An 8-24 is associated with an action prior to the City or Town taking an action to purchase a piece of property or to make an encumbrance on a piece of property stated Anthony Panico. To buy it or sell it or lease it, he added. The only people who can do it are the Board of Aldermen or Finance.

The Parks & Rec. Commission does the 8-24 for lights, stated Richard Schultz. They are doing it in anticipation of the requirement of the Board of Aldermen, stated Anthony Panico.

I think that is for everyone's protection that it is not by individuals, stated Chairman Cribbins. I wasn't thinking that we could make an 8-24 Referral, stated Comm. Sylvester. I was asking if we as a Board, I am not sure but I don't think that I would get support for that, but if we could request from the Board of Aldermen an 8-24 Referral on a piece of property, he added.

You mean request to the Board of Aldermen that they ask for that consideration to us, stated Anthony Panico. If they would consider an 8-24 Referral, yes, stated Comm. Sylvester. I think the whole thing sounds convoluted, stated Anthony Panico. I think the whole issue is but that is all right, that is the way of the whole world, stated Comm. Sylvester. There has been some discussion on some elements of that and I will share that with you when I get it, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to accept the letter of extension and reschedule the Public Hearing until March 8, 2005.

APPLICATION # 04-46 HORIZON CAPITAL CORP FOR SITE PLAN APPROVAL (7,500 SQ. FT. LIGHT INDUSTRIAL BUILDING) 183 LONG HILL CROSS ROAD (MAP 51, LOT 31) LIP DISTRICT – DISCUSSION AND POSSIBLE ACTION

Richard Schultz reported that this is one of the last 12 homes on Long Hill Cross Roads. This is closer to Long Hill Avenue, it is near the Pavone property and it is near AMCO. There are 12 homes left in the LIP. He read reports from the City Engineer, the Fire Marshall's report will be here tomorrow, and he continued by reading his memo. (see attached)

End of Side 1B of 2B, Tape 1 of 2 at 8:30 P.M.

We have asked for additional landscaping and I do have that, stated Richard Schultz. Why are the 6 spaces being deferred, questioned Comm. Lopera? As I indicated there are two occupants proposed and they don't know who the second one is. Normally the Commission doesn't like to see unnecessary blacktop, answered Richard Schultz. The number of spaces that you are approving then are for the first tenant, basically, stated Comm. Lopera. Correct, answered Richard Schultz. We have done this before, we did it for Scinto's Health Net, he didn't need those spaces at first now a year later he needs them, he added.

You don't see anything negative coming from the Fire Marshall, questioned Comm. Pogoda? No, answered Richard Schultz. This is a local businessman who works out of his home, he added.

Richard Schultz read the attached draft motion.

On a motion made by Patrick Lopera seconded by William Papale it was unanimously voted to approve Application # 04-46. A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 04-49, DOMINICK THOMAS ON BEHALF OF CRABTREE CADILLAC, INC. FOR SITE PLAN APPROVAL (RELOCATION OF DEALERSHIP LICENSE) 417-419 BRIDGEPORT AVENUE (MAP 63, LOT 9) RB DISTRICT – ACCEPT FOR REVIEW

Attorney Dominick Thomas, addressed the Commission. We would like to make a brief presentation with regard to the site plan so that we might be able to move this along. The applicant lost about a month and is being pressured by Cadillac to begin this upgrading. He is moving the Cadillac dealership next door to where the Farm Market was. We have entered into a lease agreement for the property. The building will remain the same and be upgraded significantly.

There will be a canopy that people will drive up under to drop off their cars when they are being serviced, stated Attorney Thomas. The green is the landscaping that will be along here and here. This is the Blanchette property that is all existing pavement, the orange is a curb. The floor plans show the carport, there is a small addition for a business office and showroom, there is a conference room and an office off to the side.

What happens to the Blanchette Building, asked Chairman Cribbins? It is over here and is staying, stated Attorney Thomas.

The end result, he shows the Commission architectural plans. This will be a drop panel, the entire building will be stripped down, the siding taken off, and replaced with block. The corner will be drive it and this is a significant upgrade of the existing building. This is not a new dealership. A year ago you dealt with Curtiss Ryan and there is a theme dealership and building for Honda. They want to see all the buildings upgraded. They are moving Cadillac out to its own location, stated Attorney Thomas. It is a permitted use and this is just an addition to the existing building.

Is the carport behind the building, asked Comm. Pogoda? Yes, answered Attorney Thomas? The carport is not visible from the front, asked Comm. Sylvester? No it is not visible, stated Attorney Thomas. Are those windows or overhead doors where those 2 cars are parked, questioned Comm. Pogoda? Windows, there are no doors, answered Attorney Thomas. Is that an access road and are you showing lights on the opposite side of the road, questioned Comm. Pogoda? I told them the other day that there would be a question that I could not answer, stated Attorney Thomas. Oh Joe is here he could answer that question, he added.

(Joseph) Joe Crabtree, addressed the Commission. This is just a pretty picture. They don't belong there. These are street lights that don't exist, stated Joe Crabtree. These are computer generated drawings, stated Attorney Thomas. Are you showing extensive landscaping in front of that building, asked Comm. Pogoda? There is a raised area along the building that will have potted plants in the front, side and along here. The grass area will have some plantings. There won't be trees in the front, questioned Comm. Pogoda? They don't have room, stated Attorney Thomas. There will be some potted plants on a lower level and the building will be an enhancement here, he added.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to accept for review Application # 04-49.

APPLICATION # 05-01, HUNTINGTON WOOD, LLC FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE (THE CENTER AT SPLIT ROCK) BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 28, LOT 24) ACCEPT FOR REVIEW

Comm. Papale excused himself from this discussion, Comm. Sylvester abstained and didn't participate in either the discussion or the vote of acceptance for review.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was voted to accept for review Application # 05-01.

Monty Blakeman addressed the Commission and Pat Rose, Architect from Rose Tiso Co. presented the drawings.

This is a major retail facility with 3 stories. There is a brick on the lower level and a metal roof. Drive it on the upper areas. This faces Bridgeport Avenue and the rendering is actually the rear of the building, stated Pat Rose.

At what elevation, can you show the Commission, the brick and the drive it areas, asked Anthony Panico. Brick on this lower portion here, these columns will be masonry block, brick on the upper portion here, this area here will be drive it. It is the same as what you showed us on the other side just flipped around with another story down below, stated Anthony Panico.

There is retail on the lower level, retail on the second level which is this level and offices above, stated Pat Rose.

The colors, the green you just showed us is the color of the roof, asked Comm. Lapera? Yes, answered Pat Rose. The block is going to be white and red, stated Pat Rose. These are not finalized, stated Anthony Panico. That is the general scheme, stated Comm. Lapera. We are putting the other buildings in the same scheme, stated Pat Rose. The lower portion is brick, masonry columns with a brick band above. We will keep all materials and colors the same. This has to look good when it is finished, stated Chairman Cribbins.

The pharmacy is on the corner, they showed the drawings of Walgreen's. We carried the utilities all underground. This faces the intersection. All buildings will have the same metal roof.

The last picture shows Outback. Materials will be the same metal roof with the brick on the lower elevations. Outback has there own flavors but we will work with them, stated Pat Rose.

The materials look good, stated Chairman Cribbins. We have the motion and we had the second with no voting. The Commission then voted and Comm. Sylvester abstained from the vote, at that time.

APPLICATION # 05-02 R.D. SCINTO, INC. FOR RE-SUBDIVISION OF LOT 3 (2 LOTS) PARROTT DRIVE (MAP 28, LOT 17) PDD # 51 – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that this is the Renaissance property and they are splitting this from the U.I. property. I thought February 22 so there are conflicts and there are 4 more that require Public Hearings set tonight, he added. So put this on March 8th, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept Application # 05-02 and schedule the Public Hearing for March 8, 2005.

APPLICATION # 05-03, CT. COMMERCIAL INVESTORS FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS (SIKORSKY FCU WITH DRIVE-THRU) 705-711 BRIDGEPORT AVENUE (MAP 28, LOT 22) – ACCEPT, DISCUSS AND POSSIBLE ACTION

Anthony Panico stated that this is a modification to a PDD amendment that was passed some time back. As part of this there was to be a remote kiosk for Sikorsky's Federal Credit Union facility that is here. The applicant has renegotiated with Sikorsky's and locate them in the new building which would allow them to eliminate the kiosk putting that service window in the building, he added.

Other than that everything stays the same, they will put the new tenant in the existing Sikorsky's space. This makes the site more workable. The drive up window won't see the same service as a traditional bank. If there is congestion it will be to the back of the site, stated Anthony Panico.

I think we should take a motion to approve it, if there is no further comment or discussion, stated Chairman Cribbins. Are we accepting the use of the drive up window there or are we associating it with just the applicant, asked Comm. Sylvester? The approval was done several months ago with the kiosk, stated Anthony Panico. Instead of that they are moving that into the building itself, he added. The drive up was specific for this business, what I am asking now is are we opening the site to a drive-in occupant, stated Comm. Sylvester. The kiosk didn't do it and specifically this is if the bank moves out you have a drive up window and then the fast food restaurant comes, he added. This could not be expanded or extended to a fast food drive up window stated Anthony Panico. That is a good point, stated Comm. Pogoda. The kiosk should not present any problem because it is servicing the Credit Union, stated Comm. Sylvester. I would restrict this to the Sikorsky Federal Credit Union, stated Anthony Panico.

On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Application # 05-03 with conditions.

APPLICATION # 05-04 PETITION OF CUMINOTTO, INC. ON BEHALF OF DEKSON, INC. FOR PDD ZONE CHANGE (PROFESSIONAL/MEDICAL OFFICE DEVELOPMENT) 1 IVY BROOK ROAD (MAP 79, LOT 1) LIP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

Comm. Lopera excused himself for Application # 05-04, 05-05 and 05-06 and Comm. Perillo will sit in for Comm. Lopera.

This is for undeveloped land off of Ivy Brook Road. This is the last significant piece on the 4 Wind side. The applicant is here because of the uses. Right now because of the LIP zone the medical uses are restricted. They are wanting more medical office building than the LIP would allow so they are going for the PDD technique. Accordingly they need a hearing, stated Richard Schultz.

They are also going for a variance, questioned Comm. Sylvester? Yes, answered Richard Schultz. Items F and G are another piece on Ivy Brook. Lot 32 has to do with F & G stated Comm. Sylvester.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to accept Application # 05-04 and schedule the Public Hearing for March 22, 2005.

APPLICATION # 05-05 PETITION OF CUMINOTTO, INC. FOR ZONE CHANGE (LIP TO R-1) PORTION OF LOT 32, ROCKY REST ROAD (MAP 65, LOT 1) ACCEPT AND SCHEDULE PUBLIC HEARING

AND

APPLICATION # 05-06, CUMINOTTO, INC. FOR RESUBDIVISION OF LOT 32, (2 LOTS) IVY BROOK ROAD (MAP 65, LOT 1) ACCEPT AND SCHEDULE PUBLIC HEARING

Comm. Sylvester stated here is what I was going to bring up. It might be a technicality but if they are downstairs at ZBA asking for a variance on these particular pieces of property, should we be scheduling hearings before they decide. What is the nature of the variance that they are requesting, questioned Anthony Panico? They are requesting lot frontage and location of square and front yards, stated Comm. Sylvester. They are discussing the appropriateness of the buildings on the lots, he added. If they are down there tonight why are scheduling hearings before they do that, what if they don't get their variance, asked Comm. Sylvester? Then the applicant withdraws his application at the next meeting, stated Richard Schultz.

If I may say this is the thing that drives people crazy, we are in a hurry to accommodate rather than being patient and wait for things to happen, stated Comm. Sylvester. Everyone wants to crowd this Board into scheduling, hearing and that is why people are here asking for a moratorium, he added.

Here we are it is January 18th and we are talking about scheduling a hearing for the end of March, I don't know that I feel really rush by that, stated Comm. Perillo. We don't have information, we don't have information, he added.

I don't feel rushed by that, I feel rushed by the fact that they are here scheduling a Public Hearing when they don't know if the other Board has approved it or not, that is where I am coming from. I would not have a problem scheduling it if they weren't down at another Board discussing the appropriateness of the development of the property, stated Comm. Sylvester.

Would the failure of the variance be fatal to the application, asked Anthony Panico? Absolutely, answered Richard Schultz.

We could schedule because it is a good point. One Board has to do their job properly without feeling we have scheduled a hearing then they are under duress to hurry up and make a decision because we have scheduled a hearing, stated Comm. Sylvester. The appropriate thing to do is let them make their decision, once they do that, these people wait in line just like everyone else does, he added.

Richard Schultz showed the Commission what is going on. You just approved a Special Exception High Traffic Generator for these 2 buildings. They want to establish a residential building lot that is all in the LIP. Obviously you can't put a single-family home in the LIP, stated Richard Schultz. You have to do two things, rezone the back portion to carve out the acre lot. That triggers the resubdivision. He is requesting those 2 things before this Commission and also ZBA. One is rezone it and two is making the two-lot subdivision. He will maintain the two commercial buildings on one lot and create a house lot on Rocky Rest Road.

This parcel of land as big as it is has access from the end of Ivy Brook Road. It also jogs out to Rocky Rest Road, stated Anthony Panico. It is restricted into the Industrial area because it was inappropriate from Rocky Rest. There is an existing drive that is blocked off. What the applicant wants to do is take that projection that is an intrusion into the LIP making it R-1. That requires making it two pieces of land, so you have to go through the resubdivision process. If that had never been approved as a lot you would simply plot it as two lots, he added.

That is why before I made my comments I wanted to know what he was doing down at ZBA, stated Comm. Sylvester. My first comments when looking at this were it looked like it conformed, what is the exact request to ZBA, questioned Anthony Panico? It requires variances in lot frontage from 175 to 126 and location of square and front yard, stated Comm. Sylvester. That is for the LIP, stated Richard Schultz. To have a lot there he has to have adequate frontage, stated Anthony Panico.

I have no problem, it is not problematic that he is applying for is what he is applying for, he is trying to put everything in order. When you go before one Board asking for what you are asking for, at least give that Board the opportunity to make an intelligent decision. That decision then is taken to another Board where you take that information to make an appropriate decision on the other Board, stated Comm. Sylvester. Why put the cart before the horse, he added. That is all I am saying.

Vincent Cuminotto, addressed the Commission. We had the hearing and they are favorable. They have not finished their hearings. I get the sense that they will agree to this.

It is not a big deal, stated Comm. Sylvester. Your concern is a valid issue, stated Anthony Panico.

Another issue is that the applicant is preparing the site for the industrial development has the opportunity to start clear cutting trees on the residential lot because it is still zoned LIP I don't want any clear cutting of trees, stated Richard Schultz. That is, don't do that, effectively what that is saying is that we have made a decision, don't do that, stated Chairman Cribbins. It is prejudging the Zone Change that you have not even heard yet, stated Anthony Panico. I asked the applicant to prepare a letter, stated Richard Schultz. You don't know what the residents of Rocky Rest Road are going to say, stated Chairman Cribbins. You have to give everyone their opportunity, he added.

Richard Schultz read the letter from Vincent Cuminotto.

Here is what I think, we don't have enough information yet because we don't have the ruling from ZBA, stated Chairman Cribbins. We need to have the hearing before we can clear cut, whatever we would uncover when we are going through the hearing the process, we might uncover something that says this is the wrong thing to do and you will have an area all cleared and blasted. So, I don't think that is appropriate at this time, he added. We will however take this and put it on our March 22nd agenda. If something falls apart then we will just take it off the agenda. So I need a motion for 05 and 06.

On a motion made by Jason Perillo seconded by William Papale it was voted to accept Applications # 05-05 and 05-06 and schedule the Public Hearing for March 22' 2005. Comm. Sylvester was opposed for reason he had voiced during the discussion. Comm. Lopera had excused himself and didn't vote.

APPROVAL OF MINUTES

On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve minutes of 12/14/2004.

8-24 REFERRAL: EXTENSION OF TUXEDO AVENUE

We have a request initiated from the Board of Aldermen. I have several pieces of correspondence and he read the Conservation Commission letter (see attached) and the City Engineer's letter. The City Engineer doesn't endorse this 8-24 Referral and is asking this Commission to give a negative report.

End of Side 2A of 2B, Tape 2 of 2 at 9:15 P.M.

On a motion made by William Papale seconded by Daniel Oraziotti it was unanimously voted to report unfavorably with conditions on the 8-24 Referral: extension of Tuxedo Avenue.

8-24 REFERRAL: EXTENSION OF WELLS AVENUE

Richard Schultz read the City Engineer's report who doesn't endorse this 8-24 Referral.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to report unfavorably with conditions on the 8-24 Referral: extension of Wells Avenue.

8-24 REFERRAL: CITY ACQUISITION OF PROPERTY (WINTERGREEN LANE/LONG HILL AVENUE)

Richard Schultz stated this also came from the Board of Aldermen. This is the piece of property that was involved in the 4 house affordable housing proposal. The Zuckerman's carved out 2.4 acres as a free split. We denied an application for 4 houses and they did prevail in Court. The people buying Pinecrest did get an option to buy that. They are proposing to deed this to the City as Open Space. You need to act on that because the Board of Aldermen has accepted that contingent on this Board acting favorably.

Then the balance on Long Hill Avenue the Board of Aldermen has authorized an appraisal be done in order to take the property, stated Richard Schultz.

So this 8-24 is for both pieces, asked Comm. Pogoda? Yes, one is to accept the donation and the second is to acquire the 2nd piece, answered Richard Schultz. He then read the attached City Engineer's report.

Even though this is not next to any other Open Space it still makes a nice buffer, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to report favorably on the 8-24 Referral: City acquisition of property (Wintergreen Lane/Long Hill Avenue)

8-24 REFERRAL: DISPOSITION OF EXCESS RIGHT-OF-WAY (OLD STRATFORD ROAD)

This came from the Mayor's Office and it is a request from Monty Blakeman to purchase the access right of way. There is a map for the Commission to look at. This abuts the Spilt Rock project. Did we look at this when we had the hearing, asked Chairman Cribbins? No, answered Richard Schultz. So why does he want it now, asked Comm. Tomko-McGovern? For part of the parking lot to use as access, in particularly by Outback.

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

What are the options, asked Comm. Tomko-McGovern? Report favorably or unfavorably, answered Anthony Panico. This request came from the Mayor's Office, asked Comm. Sylvester? Yes, answered Richard Schultz.

This is on the right hand side over by the Hotel. It was involved with the State when they built Route 8 and it became part of the Right-of-Way, stated Anthony Panico.

When are they going to start the road improvements, asked Comm. Oraziotti? They are in the last part of their approval process, stated Anthony Panico. They won't start until they get final approval. The road work will be done very quickly. The biggest hang up is scheduling the delivery of the signalization and that usually sets the timeframe, he added.

You can report favorably, you can report unfavorably or you can report favorably with the City Engineer's conditions, stated Richard Schultz. The City Engineer is recommending selling the property at fair market value, the minimum shoulder should remain at 20 feet, slope rights should be 20 feet, the right to reconstruct the driveway in favor of the City should be maintained and a new map with the revisions, he added.

The slope rights are there if the City was to widen the road, stated Anthony Panico. They are limited to the buildings that were approved because it is a PDD, he added. This doesn't constitute anymore buildings on the site.

They don't have enough parking, stated Comm. Tomko-McGovern. They have enough parking, stated Anthony Panico.

The 8-24 referral is to accommodate a specific person, stated Comm. Sylvester. This has happened up and down Bridgeport Avenue. If this is beneficial to an abutter who is seeking the property that should be reflective in the price that they would pay. From a planning standpoint I don't know if that should enter into your deliberations.

I would like to see it maintained as a buffer, stated Comm. Oraziotti. That is my opinion.

What would the visual impact be from Old Stratford Road if the proposed parking was actually in place there, asked Comm. Perillo? It sits very high up, he added. My concern is more on the perception of there being a buffer there, stated Anthony Panico. The road improvements necessitate earthwork and that necessitates grading along the side. The parking if it were to happen would be 30 feet above the roadway, he added. There is no visual impact on the parking. The destruction or impact to the buffer would be during construction of the street improvements. I haven't looked at those plans.

Comm. Perillo asked to see the new plans that were just submitted? We just got a new submission tonight and it has nothing to do with the 8-24 Referral stated Anthony Panico. They were accepted for review tonight but they have been in the office for a month, he added.

The only thing I want to look at, I would like Tony to show me what is going on here, stated Chairman Cribbins.

The area he is asking to purchase from the City is up in the air and the pavement line. There is a lot of access land that was simply conveyed to the City when the State built the road, stated Anthony Panico. The buffer impact is there. To create the road improvements this is graded back into here anyway.

What is going to happen on the other side, stated Anthony Panico? There is no buffer over there, stated Comm. Orazietti. What happens over there is up to your Commission and rather you want to support or not support the disposition of the land, stated Anthony Panico. This is associated with your plans and if this will encroach on the buffer, you don't have to approve it. If he acquires the land he may not be able to use it. There is no guarantee. The use of the land will be governed by the plans. If he gets the land he wants to expand the parking and he does have enough parking for the whole facility.

Rather or not if we allow him to put in that parking that is a separate decision, stated Chairman Cribbins. Alright, so if we give him the 8-24 referral, we don't have to give him the approval to add additional parking, stated Comm. Pogoda. You could give him all of it, none of it or some part of it, stated Anthony Panico. What the applicant is saying, is that he can lay it out to work like this, he added.

Benefit to the City getting some money for land they can never use, land that is useless, they can't build on it, stated Comm. Pogoda. If this town will get some money for something that they don't need. Why not. Like he said we don't have to approve this, he added.

This is above the road and the retainage will be there, no matter what, stated Anthony Panico. Ownership of the land is immaterial. There is some buffering value in here and it is important if it should get lost or be retained, he added.

I sort of agreed with you Dan, but the question is the height difference if there would be a visual impact, stated Comm. Perillo. There is the roadway here and there is a gentle rise here, stated Anthony Panico. It is not 25 feet from here to here, asked Comm. Orazietti? There would be a grade change from here to here, added Anthony Panico.

Several Commissioners looked at the pictures Mr. Steiner left to get a handle on the visual impact.

This basically sits right by the 160, stated Comm Perillo. This is still set to be 20 feet higher then the road. This won't go anywhere. Rather than trees up there it will be parking. The question is does that have an impact from Old Stratford Road, asked Comm. Perillo?

This is a PDD, stated Chairman Cribbins.

There will be lights all over everywhere, stated Comm. Tomko-McGovern. You want to buffer this from the hotel, from the office buildings, stated Anthony Panico. The additional parking would come back here anyway, stated Chairman Cribbins. For the record, I have expressed my concerns about the ability to maintain a buffer and the expansion of the parking all the way out, stated Comm. Perillo. My concern is if the City or developer owns that will that PDD line move, asked Chairman Cribbins? The PDD line is in the middle of the road and I would have more faith in us that when we get to end of this that Rick would make sure something is done with that, he added. There is a lot of emotion with this thing and we should go along with the City Engineer's recommendations and what we want that to look like in the end.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was voted to report favorably including the City's Engineer's comments on the 8-24 Referral: disposition of excess right-of-way (Old Stratford Road). Commissioners Tomko-McGovern and Orazietti were opposed.

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to pay bills, if funds are available.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 9:50 P.M.

Respectfully submitted by,

Diana Barry,
Secretary