

The Shelton Planning and Zoning Commission held a Regular Meeting on February 8, 2005 at 7:00 P.M. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

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

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

**Tapes (2) and correspondence, including the attachments to these minutes, are on file in the City/Town Clerk's Office and the Planning & Zoning Office. The attachments are not available on the City Website.**

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

**PUBLIC HEARING:**

**APPLICATION # 04-47, SHELTON DEVELOPERS, LLC FOR PRD OVERLAY ZONE (10-LOT SUBDIVISION: TURKEY HILL ESTATES) BUDDINGTON ROAD (MAPS 39 AND 44, LOTS 51 AND 54) R-1 DISTRICT (CONTINUED FROM 1/24/2005 MEETING)**

Comm. Pogoda read a letter from Earl and Judith Augusta.

Chairman Cribbins who was not in attendance at the last meeting asked why the meeting was kept opened? Anthony Panico answered to allow them to address the questions concerning the Open Space.

**Attorney Dominick Thomas, representing the applicant, addressed the Commission.** There was a question about the Open Space and several other questions that we felt we could better address with the hearing still opened, he stated.

The first thing I would like to do is address Mr. and Mrs. Augusta's letter. It is amazing what one letter of the alphabet can do. This is not a PDD, this is not a zone change. This is a PRD, which is a residential proposal per your regulations that is to be used only in an R1 or R1A District. This is an R1 District.

To often people say don't grant this but if you don't grant this, this is what you will get. 8-lots, large lots, a subdivision with minimum Open Space and an easement along the creek with the lots covering that.

This is not a PDD this is a PRD that is in your regulations, Section 35. It is allowed in this type of district because we have sewer and water. It allows for a multiplier of 1.2 and in return for that 1.2 the town ends off with a substantial more open space, stated Attorney Thomas. This is tripling the amount of Open Space and keeping the connection that encompass the whole stream.

Also addressing the letter and the concern about blasting. Mr. Valko will explain to you about the drainage. Several of the people constantly brought up the problems with blasting and there well concerns. I was on the site and recycling my signs, people talked about the blasting when Mr. Scinto did the Towers. When you stand on the site you can see the Towers.

During the break at the hearing, I was asked if there would be blasting. I answered no because there was no necessity to do site blasting. In the interest of being completely honest with people we said you have to put the utilities underground. There might be trench blasting for those utilities but there is no site blasting, but there is no blasting required to develop the site as it is, stated Attorney Thomas. We could probably do everything by machine.

This is City water and in order to get the PRD, in order to get the 1.2 multiplier we have to have sewer and water. With this there won't be wells. There will be City water and there will be no digging of wells. All the people around there who complained about wells will have no additional problems as a result of the PRD. Your regulations substantially address the concerns.

**Paul Valko, Licensed Land Surveyor, addressed the Commission.** The question came up at the hearing about the Open Space taking into account the slopes and the Wetlands. What we did is re-looked at the site, pointing to a map he shows this is the permanent Open Space, take out the 30% slopes, that are right in there, take out the Wetlands, that are right in here and a tiny bit here, we would end up with 1.3 acres of contiguous Open Space. That in non-wetlands and non-30% slopes, stated Paul Valko. That was the major question and the reason for keeping this Public Hearing opened.

After a meeting with Mr. Schultz, he mentioned putting a Conservation Easement along the backs of these lots, along the stream. We can do it. It is not mandated. This area is about 1.6 acres total including the slope areas. The pond is in this area, now, with grading at the end of the turn around, stated Paul Valko.

If you look at the 10-lot subdivision the grading is reduced and we still have about 730 feet of road with the 8-lot subdivision. Here we are down 648 feet. The grading is reduced and we don't impact the wetlands or come closer to the buffer, at all.

Also there were questions regarding the grading on Lot 7. We moved the house back and I was able to get 3 to 1 slopes and reduce the amount of grading on the lot. Before we had grading coming up to the property line and now we have moved the line back 40%, stated Paul Valko.

In a conversation with the Town Engineer he wanted this pond area the sloping made to a 3 to 1 slope. This is now 3 to 1 and I moved the house a little bit. Those are primarily the changes that have been made since the Public Hearing and conversations with people in the Town.

Also, the Town Engineer was very adamant about not having a right hand turn around. I looked at the possibility of the left hand turn around. This drawing is not finished but it shows the small curb moving the road that was straight through more to the right. With the left hand turn around that will satisfy the Town Engineer.

The lot areas are the same but we lost 500 sq. ft. on this lot but they are all greater than 20,000 sq. ft. The grading really doesn't change that much all along this area. Those are pretty much the changes that have been made, stated Paul Valko.

Attorney Thomas stated one of the proposals that were made obviously the retention pond is here, along the Open Space boundary as it borders, not along here because the roadway that the Town Crew will use to maintain the pond, but along here there is a guardrail and along the other opened areas there will be stone walls, regular farm type, stone walls constructed to mark the Open Space. A natural buffer like that will create a real barrier instead of signs on trees as you go along now.

The questions were also raised about the size of the houses and the lots. The footprints of all of these houses are maximum size to show you that they could fit. Not that they will be that size. In order to show that properly we put the maximum size width and depth house. The house is 62 by 38. You could have a second floor to that, stated Chairman Cribbins. The question was not the square foot of the house but that the house could fit on the lot. The purpose of the PRD is to create smaller lots with more Open Space, stated Attorney Thomas. So the question was how would the bigger houses that are being built in Shelton, fit on these smaller lots, he continued. These are the larger footprints and we believe they fit comfortably on the lots.

Comm. Perillo questioned the difference in the slopes and wetlands? Paul Valko answered that this slope in here is 2 to 1. Everything else on the site is 3 to 1. All the grading around the houses, the pond and the street is 3 to 1 which is the standard subdivision requirements. In this area we can go to a 2 to 1 slope if the Commission agrees to it.

What size lots would be created by the 10-lot subdivision, questioned Comm. Oraziotti? 20,000 size lots, or half the size answered Paul Valko. This is 20,003, 21,002, 21,004, 31,008, 30,009, 20,007 and this 41,007, he continued. They are almost full size lots. Traditionally R1 is 40,000, questioned Comm. Oraziotti? 43,560 is what they call a Builders Acre, answered Attorney Thomas.

Chairman Cribbins asked if there were any other questions, if no further questions, can we have a motion to close this hearing.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to close the Public Hearing on Application # 04-47, Shelton Developers, LLC for PRD Overlay Zone (10-lot subdivision: Turkey Hill Estates) Buddington Road (Maps 39 and 44, Lots 51 and 54) R1 District.**

**PUBLIC PORTION:**

**Irving Steiner, 23 Partridge Lane, addressed the Commission regarding his concerns with a letter issued by this Commission to John Anglace, Board of Aldermen.** He voiced his concerns with a vote taken with an 8-24 Referral. He also stated his concern with the 10-year update Commission. (see attached letter)

Chairman Cribbins stated that the facts you have are not correct. Planometrics is in a contract with the City of Shelton to do a plan update. To date everyone is working on invoices that total \$40,832.00, for which they have been paid up to and including that \$40,832.00. Those are the invoices that we have reached to date.

There was some question to rather a \$15,000.00 traffic component was going to be paid for by the City or if it was going to be paid for by the P & Z out of its budget for studies, he stated. We have authorized Barken & Mess to do the traffic component for \$15,000.00.

So to date we have authorized people to do work totaling \$55,000.00 and a little extra, stated Chairman Cribbins. At Thursday nights meeting according to the plan that we have worked out with Planometrics, PUAC, the Mayor and the Board of Aldermen, the Board of Aldermen are now going to fund an additional \$35,000.00 from March 1<sup>st</sup> to the end of this fiscal year. At the end of the fiscal year, there will be for next year, the 2005-2006 fiscal year, there will be a budget in there of approximately \$41,000.00, an additional that brings us the funding requirements we worked out with Planometrics. They have not done more work then invoiced and we have not asked them to do more work then invoiced. We are right on the plan and as of Thursday's meeting when the Board of Aldermen will issue the additional funding of \$35,000.00 that will carry us through the end of this fiscal year, he continued.

I hate to disagree, stated Mr. Steiner. There is a contract with dates and a schedule. The work they have done according to the amounts assigned to that work exceed the \$40,000.00.

They have not completed all of that work, stated Chairman Cribbins. They were stopped because we gave funding over, instead of giving additional funding to them, based on a plan that we worked out with the PUAC we gave that money for a traffic study. We all agreed on that at a meeting in the Mayor's Office that I attended with Planometrics, the Mayor and heads of PUAC. We are right on the plan. The plan is going to be done and we will bring this to Public Hearing by the end of this year. Those are the facts.

Comm. Cribbins the situation is that I am a resident and I have access to certain information, much of which I have not been made aware of, according to what you are saying, stated Mr. Steiner. All you have to do is ask but typically you come here and say things that are full of non-facts and waster our time, stated Chairman Cribbins. I have a contract stated Mr. Steiner. I am sorry they have not invoiced more than \$40,832.00, stated Chairman Cribbins. I know that they have not because the money is not available.

Mr. Steiner continued to read from the previously attached statement.

Chairman Cribbins stated I can only tell you that everything is going along according to the plan. I just had a meeting tonight with Mr. DeCarlo and Mr. Osak. We are working right on our plan and soon we will be having a double meeting the Plan Update Committee and P & Z, he continued. Funding is in place, or will be in place after Thursday with the following year to be submitted with next years budget. We are going ahead.

It is obviously a lost of communication between the Commissions and the Public, stated Mr. Steiner. I am going with what is available.

I think if there is an issue there that you should probably take it up with the Plan Update Committee, stated Anthony Panico. They are running the show. It was taken up with the Plan Update Committee, one of the members of the Public did, stated Mr. Steiner. It was after the meeting and turned into a rather warm discussion, he added. I don't know what our roll is, stated Anthony Panico. I only know the facts because I went and got the money, stated Chairman Cribbins.

Chairman Cribbins asked if there was anyone else wishing to address the Commission, hearing none he asked for a motion to close the Public Portion.

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

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE:  
STANDARDS**

Patrick Tisi stated that the standards, numbers 1-15, all conform to regulations.

**On a motion made by William Papale seconded by Patrick Lapera it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards 1-15.**

**SEPARATES:  
4063, J. BOTTLI, 504 BPT AVE., COMM. CONST.**

Patrick Tisi reported that this has been previously approved. This is for the Certificate of Compliance.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 4063.**

**#4052, MARCOS DASILVA, 94 ROBERT ST., HOME OFFICE**

Patrick Tisi reported that this is for a home office. He has a tractor-trailer that is stored on Canal Street. I recommend this be approved. As long as the trailer stays on Canal Street and that is in the approval, stated Comm. Orazietti.

**On a motion made by Daniel Orazietti seconded by William Papale it was unanimously voted to approve Separate # 4052 with conditions.**

**#4061 MICHAEL SKETIC, CANAL ST (APEX BLDG) BUSINESS**

Patrick Tisi reported that this is for a stained glass business that has moved from Howe Avenue. They need more area.

**On a motion made by Daniel Orazietti seconded by William Papale it was unanimously voted to approve Separate # 4061.**

**# 4066 SHELTON OFFICE PARK TWO LP, 28 SHELTON TECH. CTR., TRADE NAME CERTIFICATE**

Patrick Tisi reported that this is the Shelton Tech. Center, Shelton Park Two. It is for a name that is required. Comm. Lopera abstained.

**On a motion made by Anthony Pogoda seconded by William Papale it was voted to approve Separate # 4066. Comm. Lopera abstained from the vote due to a conflict.**

**#3994 MIDLAND DEV./EXCAVATION LLC, 153 BPT AVE., PARKING/TEMP, FENCE**

Richard Schultz reported that this had been tabled from a previous meeting and it has to be tabled again.

**On a motion made by Patrick Lopera seconded by Daniel Orazietti it was unanimously voted to table Separate # 3994.**

**# 4056 LORETTA FALLON, 1 WATERVIEW DR., BUSINESS**

Patrick Tisi reported that this is for a Café at Waterview Drive. It is a food service that already exists and it is just a name change. I recommend that it be approved.

**On a motion made by William Papale seconded by Patrick Lopera it was unanimously voted to approve Separate # 4056.**

**# 4065 SHANNON ACKLEY, 47 TUXEDO AVE., HOME OFFICE**

Patrick Tisi reported that this is for direct sales. It is party planning and there will be no signs or customers to the house. It is evenings, part-time.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate # 4065.**

**# 4058 PETER FRANCINI, ONE TRAP FALLS RD., BUSINESS/SIGN**

Patrick Tisi reported that this is for a sign. He passed around pictures of the sign that will be at One Trap Falls Rd. It will be a Salon and Wellness Center.

Is this on the side of the building, questioned William Papale? Yes, answered Richard Schultz. Is this, a salon, a permitted use, questioned Anthony Panico? Yes, answered Richard Schultz.

**On a motion made by Daniel Orazietti seconded by William Papale it was unanimously voted to approve Separate # 4058.**

**# 4064 PERRY PETTAS, 737 BRIDGEPORT AVE., SIGN**

Patrick Tisi stated that this is for a wall sign at the Diner on Bridgeport Avenue. This conforms. What are the colors they questioned Chairman Cribbins? It is not orange, he questioned? There are reds there, answered Patrick Tisi. We have to do some work on the signs and we need standards.

**On a motion made by Daniel Orazietti seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 4064.**

We need to do some work on the regulations with regards to signs, stated Chairman Cribbins. It conforms and our hands are tied because of the Statues, stated Anthony Panico.

**#4067, JOSEPH COCI, ONE WATERVIEW DR., BUSINESS/GENERATOR**

Patrick Tisi reported that this is for an emergency generator for their Data Center. It is 8 by 15 by 10 feet tall. There is a picture going around that shows where this is going highlighted. It is behind the building and you won't see it from the road.

**On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 4067.**

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

**#4062 ALLSTATE, 11 CONST. BLVD SOUTH, TEMP TRAILER**

Patrick Tisi reported that this is for a temporary trailer for one year. They are doing renovations and will rehab the building. This is across from Latex. It is the trucking company and this will be a classroom and office with a time limit of one-year.

**On a motion made by William Papale seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 4062.**

**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) R1/IA-3 DISTRICT – REQUEST FOR WITHDRAWAL**

Richard Schultz stated that there is a letter requesting the withdrawal. This cancels the March 8<sup>th</sup> hearing for this application. This will comeback through the process, they want to go through Wetlands first, I expect it back later in the spring, stated Chairman Cribbins. The letter is dated February 2<sup>nd</sup>, 2005, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept the letter of withdrawal on Application # 04-44.**

**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 – DISCUSSION AND POSSIBLE**

Richard Schultz stated that he has correspondence and his Staff Memo. (see attached) He continued by reading the Fire Marshall's letter, the City Engineer's letter and his Staff Memo.

This was recently rezoned to the Restricted Business District that allows the dealership, stated Richard Schultz. They will be renovating these two retail spaces.

Four Seasons had an informal parking area and this will be reduced to 5 spaces and it will be lined, stated Richard Schultz. It will be more controlled and a net reduction of those spaces. I am asking that Staff go out one more time with the applicant.

They are adding a lot of green and will have large flowerpots out front. We need to determine the best location for those, stated Richard Schultz. There are pictures of the sign, he added.

We need to point out to the Commission that the parking spaces would not be allowed if we were doing this from scratch but they are preexisting, stated Anthony Panico. It is a net reduction, stated Richard Schultz.

Comm. Sylvester arrived at 7:50 P.M.

**On a motion made by Patrick Lapera seconded by William Papale it was unanimously voted to approve 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) – DISCUSSION AND POSSIBLE ACTION**

Comm. Tomko-McGovern and Comm. Perillo will sit in for Comm. Papale and Comm. Sylvester who will not sit in on this, as they have done in the past discussion.

Anthony Panico read from the attached draft resolution.

The balance of the site is the Office Condo facility that is backed in this area. The last building is where the gas station was eliminated.

To come in here and make a shape turn interfering with walking on the side walk we figured it would be better if the driveway was made adjacent to the sidewalk picking up 5-6 more spaces, stated Anthony Panico. Chairman Cribbins questioned if parking is here and people will cross the traffic before they get to that sidewalk? That is true, I felt that by bringing the driveway up along the sidewalk you could stop and let your passengers off then going to park your car. I don't like parking against the building, if I can avoid it, stated Anthony Panico. It does need to be looked at again.

I was concerned with the trash enclosure and I wanted to move it to the North side and the enclosure material has to be consistent with the building material. They need to eliminate the lanes for the Drive Thru and parking reorganized.

We need to get more detail for the overhang on the Pharmacy.

Uses and standards plus the detailed plans govern how this land is developed, stated Anthony Panico.

The Commission was concerned that one of the service stores could turn into a bar and wanted controls in there to prevent that from happening. You want to recognize that so if you have a Pizza Restaurant you can still have a glass of wine, stated Anthony Panico.

The drive up windows were a concern and language is here to clarify so that there will be no fast food restaurants. There is language in here concerning the window signs and this will help with those issues, stated Anthony Panico.

We picked a time that is days down the road so that the Statement of Uses could be cleaned up and filed with the Adoption.

For purposes of discussion, can I have a motion, asked Chairman Cribbins? Is there anyway we could table this so that we can digest this, asked Comm. Tomko-McGovern? This is the problem with this resolution in front of us, I would like to digest this, look at it, and think about it she added. Already on Page 3, you don't know if he is purchasing the property from the City. The plan has to stand without it and until such time that happens this has to be taken off of the drawings, stated Anthony Panico. That is a nonentity, he added.

On Page 4, you have reexamine the site line, relocate and reorganization, stated Comm. Tomko-McGovern. These are all minor modifications stated both Chairman Cribbins and Anthony Panico. This is going to be congested and this is a major project, stated Comm. Tomko-McGovern.

There are a couple of things, for thirty years we have said we want to do our major developing in the Route 8 Corridor and downtown. Those are our major things and for the most part that is what we have been holding too. I realize that this is a major project, stated Chairman Cribbins. We have had discussions for this, 10-12 sessions or so, this is just the next step in the implementation of this project. For me, one of the keys is getting started on the road improvements that they are going to have, as quickly as we have because I think it will be an improvement to the corner of Old Stratford Road and Route 8. I think we need to get the work started on those lanes because to me that is another key, he added.

When will that start, questioned Comm. Orazietti? It has been approved, stated Chairman Cribbins. The work has been approved, the drainage has started and the bonding is in place, stated Anthony Panico. Lets continue on this thing, get the improvements in here and get this where it is going, stated Chairman Cribbins. As it looks without additional parking, this is out of our hand for a Board of Aldermen meeting, he added. We are not including this with the parking, this won't go across the street and there is allocations for that here, stated Anthony Panico.

Comm. Orazietti asked if these will be occupied before this is done? I would assume they would occupy as they construct along with site improvements but those have to be serviceable answered Anthony Panico. Do you need a recommendation that the road improvements be done, first, asked Comm. Orazietti? Absolutely, but it is in here, answered Anthony Panico. I can stipulate again but it is in here, he added. The method of controlling it is you tell Staff don't issue any Certificates of Occupancy without it. At the time, lets say the sequence is such that this building gets under way, they would have to get all of this paving done so that this could function. They would have exits and entrances in both way, etc. and the roadwork would have to be done. We have been saying all along that nothing opens here until the roadwork is done.

I remember the parking issues, will he have more parking here, questioned Comm. Tomko-McGovern? When they revised it, eliminating the Gas Station, it cleaned up this whole area with a more efficient parking layout and they did pick-up more spaces, stated Anthony Panico. In fact when they clean this up they will pick-up more that brings higher than what were in the earlier plans. I looked at the buildings that are by themselves. I looked at what you assign to each building but I combined these two buildings, he added. I am satisfied with the distribution and total amount of parking spaces.

The Drive-thru should be out of here, questioned Comm. Lapera? That is where the bank is going, answered Anthony Panico. This was a very awkward arrangement and when they decided to do that and this feeds the drive-thru.

A truck can pull under here so that it won't be out in the open. What is that building, questioned Comm. Tomko-McGovern? That is general retail, answered Anthony Panico.

You have several distinct plans of development, you have this plateau, then it raises up and you have this plateau, then it raises up and you have this plateau, and then this raises dramatically to this plateau. Even when this is all said and done and prepared it will be 30-35 feet above the elevation of Old Stratford Road.

I believe that there is a natural buffer over here when we discussed the sale of the property, my question is, what options do we have assuming that, in the event that the sale of that property goes through, what options do we have, with this parking, what are our next steps, questioned Comm. Perillo?

There are a couple of things, stated Chairman Cribbins. They could allow the sale of that or they could allow easements, or whatever action the Aldermen take that is fine, he added.

Based upon that action we can go back with the Staff to rearrange that area to still have a buffer, stated Chairman Cribbins. From a visual point of view, after the grading is all done, you can create an attractive landscaping plan, stated Anthony Panico. Understanding when you come to this point, there is a wall needed to retain that grade. When they first started they thought that would be all rock back there. It won't be rock and they need to do a retaining wall.

What is your pleasure, asked Chairman Cribbins, because I am comfortable. I like the commercial better than I like the other buildings, the gas station, stated Comm. Lopera. I think this is a great place for the bank, he added. Are you comfortable with putting this on tonight, asked Chairman Cribbins? As long as we have clearly delineated this out and retain the buffer, as long as we could do that, stated Comm. Perillo. As long as the applicant can retain rights or whatever he can come back in with a modification of that corner. We will look at the final grading and landscaping when that happens, stated Anthony Panico. I would like to see the visual buffer maintained there, stated Comm. Perillo. That was the original intent. Understand that from corner to this driveway there really is no residual buffer when you get done with the road widening and slope rights, stated Anthony Panico. When you get past this point you will then deal with the buffer. This is higher than Old Stratford Road and I don't want you looking off the edge, stated Comm. Perillo.

We have standard notes on the landscaping plans and if we find a condition that would make for additional plantings then they would have to do it, stated Anthony Panico.

Access to the third level is right up here, asked Comm. Lopera? The access is right through here and one big building will be here. Is that on the same plain that the restaurant is on, questioned Comm. Lopera? No, answered Anthony Panico. See this shaded area this is another level, he added. There will be a grade change here.

Can I make a suggestion, can we put in speed bumps, questioned Comm. Tomko-McGovern? There were a couple of spots where I thought we could put in speed bumps, stated Anthony Panico. In most cases because of the isolate plateaus there are not a lot of long stretches, he added. You will have people coming in here to beat this light, stated Comm. Tomko-McGovern. The whole idea is to allow those cars to come this way, it was designed to do that. Someone who wants to go out to Route 8 they will make a right hand turn here out to Route 8, stated Anthony Panico. This is controlled because there is a raised island here. They have to turn right just as they did at Staples, he added. The islands have been approved by STC, asked Comm. Lopera? Yes, answered Anthony Panico. We could put speed bumps here because that is the only place that makes sense. The main drive is here and you would not want a speed bump here. There will be stop signs here and this is a collective drive with no parking here to keep it moving smoothly. The lane in here was mandated to satisfy STC.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to discuss Application # 05-01 further. \***

I can put specific stipulations concerning the road improvements and certificates of occupancy. I will add that under #4 on Page 6, stated Anthony Panico.

**End of Side 1B of 2A, Tape 1 of 2 at 8:40 P.M.**

There are safety measures at the pond. There are slopes here, stated Anthony Panico. There is a watercourse that will feed into the pond and an enclosed chamber here, he added.

Lets move the question then, stated Chairman Cribbins.

**\*After further discussion a motion was made by Anthony Pogoda seconded by Jason Perillo it was voted to approve Application # 05-01. Comm. Sylvester and Comm. Papale had excused themselves from both the discussion and the vote. A roll call vote followed with Comm. Perillo, Comm. Pogoda, Comm. Lopera and Chairman Cribbins all voting I to approve. Comm. Oraziotti and Comm. Tomko-McGovern opposed this Application. I would like to thank you for that additional stipulation in there stated Comm. Oraziotti.**

**NEW BUSINESS**

**APPLICATION # 05-07, FARMILL, LLC FOR SITE PLAN APPROVAL (19,700 SQ. FT. BLDG. ADDITION AND PARKING EXPANSION) 600 BRIDGEPORT AVENUE (MAP 39, LOT 13) LIP DISTRICT – ACCEPT FOR REVIEW**

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to accept for review Application # 05-07.**

**APPLICATION # 05-08, PETITION OF DOMINICK THOMAS ON BEHALF OF JAMES BOTTIS, SR., TO EXTEND SDA OVERLAY ZONE, 360 BRIDGEPORT AVENUE (MAP 77, LOT 18) ACCEPT AND SCHEDULE PUBLIC HEARING**

**AND**

**APPLICATION # 05-09, PETITION OF DOMINICK THOMAS ON BEHALF OF JAMES BOTTI, SR FOR PDD ZONE CHANGE (MIX USE DEVELOPMENT) PORTION OF 360 BRIDGEPORT AVENUE (MAP 77, LOT 18) OP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING**

This is the piece of property that is between Griffin and SBC on Bridgeport Avenue stated both Chairman Cribbins and Attorney Thomas. Since you have a vacancy on March 8<sup>th</sup>, could we fill that in for you because we have some contractual issues, he added.

The Staff will help me out with our schedule stated Chairman Cribbins. We are not meeting again in February. March 8<sup>th</sup> is our regular meeting and we have one Public Hearing set for that date for two-lot subdivision on Parrot Drive. We have 3 Public Hearings set for March 22. We have Ivy Brook for Professional Office, we have the zoning map amendment to rezone a lot on Rocky Rest and another 2 lot subdivision for Vincent Cuminotto, stated Richard Schultz. The 8<sup>th</sup> is our regular meeting and we like the hearings to be on the second meeting, he added. Then lets do this for the 22<sup>nd</sup>, stated Chairman Cribbins.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept Applications # 05-08 and 05-09 and schedule the Public Hearing on March 22<sup>nd</sup>.**

**APPLICATION # 05-12, ED NEWMAN FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE (CAR WASH) PLATT ROAD (MAP 77. LOT 19) – ACCEPT FOR REVIEW**

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept Application # 05-12 for review.**

**APPLICATION # 05-10 ZAIM MURTISHI FOR SITE PLAN APPROVAL (BLDG. EXPANSION AND MIX USE OCCUPANCY) 82 BRIDGEPORT AVENUE (MAP 117D, LOT 8) CB-2 DISTRICT – ACCEPT FOR REVIEW**

Richard Schultz reported that this is the two-story colonial next to Rad Rod's. It had some Zoning Enforcement Issues there. They want to put an addition onto the building. He did work without permits so this is to enforce the zoning issues. He did come in with an aggressive plan 3 years ago.

What do you do when you accept for review, asked Comm. Sylvester? That starts the 65 days, stated Richard Schultz. What you are saying is that this acceptable, complies, stated Comm. Sylvester. It requires a site plan approval stated Anthony Panico, The Chairman expressed concern on that site, stated Richard Schultz. He is not the only one who expressed concern on that and the whole strip, stated Comm. Sylvester. He just got Wetlands Approval which included the addition but that approval was more for the illegal fill-in of the brook, stated Richard Schultz. So what he is doing is a matter of right, questioned Comm. Sylvester? Yes, Richard Schultz, answered. What he is doing is a single story addition for the business part. The upper floor has a rent in it, he added.

Zoning took action, stated Richard Schultz, he is in Court. On this piece, questioned Comm. Sylvester? He did all the fill without the benefit of Wetlands, stated Richard Schultz. He was placing his trucks on the property without Wetlands approval. He does have Wetlands approval now and this is to satisfy the zoning issue, he added. What he is doing there is a permitted use, stated Comm. Sylvester. That may well be but he still has to have this application and it was compounded by not having a permit or Wetlands, stated Anthony Panico. Everything he has submitted is permitted stated Comm. Sylvester.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept Application # 05-10 for review.**

When we accept for review, one last thing, can you limit the time of delivery to a business. Can you say what time deliveries can take place, do you have control over that, asked Comm. Sylvester? That is a mix use and there is a problem with deliveries shutting down that road. It backs up all the way to Center St, stated Comm. Sylvester. Where the crane guy is blocks the road and my business, stated Comm. Papale. This has to be reviewed very carefully, stated Richard Schultz. We have to be very careful there, added Comm. Sylvester.

**APPLICATION # 05-11 ONE MOUNTAIN VIEW ASSOCIATES, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR – 46,060 SQ. FT. OFFICE BUILDING) ONE MOUNTAIN VIEW ROAD (MAP 65, LOT 12) LIP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING**

Richard Schultz reported that this is the last lot left in the Shelton Development Park. This is right next to the other application, the PDD. We can handle them together on March 22, he added. This is an office building that is permitted because of right. This backs up where the Child Daycare was going. There is a lot of traffic coming out of there.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept Application # 05-11 and schedule the Public Hearing for March 22, 2005.**

**On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to add Application # 05-13, Key Development, LLC for Special Exception Approval, CRD Subdivision, 6 Lots, the Woods at Lake Road, Phase 2, R-1 District, Lake Road, Maps 115, Lots 5, accept and schedule Public Hearing to the agenda.**

This is the undeveloped piece to the left of Shelton Lakes. This is 6 lots with no density increase. They will do a CRD technique. It is the CRD instead of the conventional. It is one for one. March 22 is alright? This will make 6, stated Comm. Pogoda. Put this on March 8, stated Chairman Cribbins.

**On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to accept Application # 05-13 and schedule the Public Hearing for March 8.**

**APPROVAL OF MINUTES**

**On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve the minutes of 1/18/2005.**

**8-24 REFERRAL: CITY DISPOSITION OF PROPERTY (KANUNGUM TRAIL)**

This came from the Board of Aldermen. This is a City owned lot in the Pine Rock Park area. The City Engineer did a detailed report on this. Richard Schultz read from the attached Engineer's report. Language should be set-up so the approval doesn't constitute the right to build on this, stated Anthony Panico.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to report favorably on the 8-24 Referral: City Disposition of Property (Kanungum Trail) and include the conditions in the City Engineer's letter and by the Commission.**

**AUTHORIZATION FOR REFERRALS TO WPCA:**

**APPLICATION # 04-23 (PRD ZONE CHANGE – MULTI-FAMILY) MURPHY'S LANE**  
**APPLICATION # 04-47 (PRD OVERLAY ZONE 10-LOT SUBDIVISION) BUDDINGTON ROAD**  
**APPLICATION # 05-04 (PDD ZONE CHANGE-PROFESSIONAL/MEDICAL OFFICES) 1 IVY**  
**BROOK ROAD**  
**AND**  
**APPLICATION # 05-09 (PDD ZONE CHANGE – MIX USE) BRIDGEPORT AVENUE**

Richard Schultz stated that this is consistent with the regulations with the new zoning process. One is Zuckerman's and I wanted there to be a record. Comm. Sylvester asked if sewers serve all these now? No stated Richard Schultz. The first one is Zuckerman's, that is not served by sewers, the 2<sup>nd</sup> one is a pending application on Buddington Road that you just closed the hearing that is served by sewers, the 3<sup>rd</sup> is off Ivy Brook Rd and the last one is the one for Botti on Bridgeport Avenue that is served by sewers. So one is served by sewers and 3 are not stated Comm. Sylvester.

**On a motion made by William Papale seconded by Anthony Pogoda it was voted to authorize referrals to the WPCA on Applications # 04-23, 04-47, 05-04 and 05-09. Comm. Lapera abstained from the vote on # 3.**

**PAYMENT OF BILLS**

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

**STAFF REPORT**  
**SEE ATTACHED**

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 9:10 P.M.**

Respectfully submitted by,

Diana Barry  
Clerk