

The Shelton Planning & Zoning Commission held a Special Meeting on March 14, 2005 at 6:30 P.M. in the Shelton City Hall, Auditorium and Room 303, 54 Hill Street, Shelton, CT.

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

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Pat Garguillo (Court Stenographer)

Members absent: Comm. Lapera
Diana Barry, Secretary

TAPES (2) AND CORRESPONDENCE ON FILE IN THE CITY/TOWN CLERK'S OFFICE AND P & Z OFFICE. ATTACHMENTS WILL NOT BE AVAILABLE ON THE WEBSITE.

The Chairman opened with the Pledge of Allegiance and stated the need to go into Executive Session.

On a motion made by Anthony Pogoda seconded by Daniel Orazietti it was unanimously voted to go into Executive Session at 6:45 P.M. and invite Corporation Counsel, Richard Schultz and Anthony Panico.

On a motion made by Anthony Pogoda seconded by Daniel Orazietti it was unanimously voted to come out of Executive Session at 7:10 P.M. (There were no motions made and no votes taken).

APPLICATION # 05-02, R.D. SCINTO, INC. FOR RE-SUBDIVISION OF LOT 3 (2 LOTS) 60 PARROTT DRIVE (MAP 28, LOT 17) PDD # 51 (RESCHEDULED FROM 3/8/2005)

Comm. Orazietti read the call of the hearing. There is no additional correspondence.

The Chairman reminded the audience they should follow normal Public Hearing rules and he asked that people speaking tonight please sign the sheet on the podium.

James Swift, Landscape Architect, Professional Engineer, representing Mr. Scinto, addressed the Commission. He presented the certificates of mailing.

This application is for a re-subdivision of a lot at the end of Parrott Drive. This particular re-subdivision contains the Renaissance parcel and an office building that had been renovated sometime ago.

The hearings were held to establish the PDD, stated James Swift, on the site for the Renaissance Apartments. This was setup so that this parcel could be subdivided.

One of the plans that were submitted show the existing lot at the end of Parrott Drive with the new construction building on the side of Parrott Drive. All paperwork that has been submitted and processed has followed this idea right from the beginning. This is the final step to divide that parcel into two (2) lots. There are specific rules for PDD that include setbacks, coverage, and so forth. These are respected in these plans. There are no significant changes to the re-subdivision plans to the mapping from the beginning of the project, stated James Swift.

Chairman Cribbins asked Staff, the Commissioners and the Public if anyone had any questions or wanted to speak for or against this application. Hearing no reply from anyone, he asked for a motion to close the hearing.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to close the Public Hearing on Application # 05-02.

APPLICATION # 05-13 KEY DEVELOPMENT, LLC FOR SPECIAL EXCEPTION APPROVAL FOR A 6-LOT CRD SUBDIVISION (THE WOODS AT LAKE ROAD, PHASE II) LAKE ROAD (MAP 115, LOTS 4, 5) R-1 DISTRICT (RESCHEDULED 3/8/2005)

Comm. Orazietti read the call of the hearing. One additional correspondence was read from the Shelton Conservation Commission approving the Open Space noted on the map for this subdivision. Chairman Cribbins noted that there was a third notice published in the newspaper the Friday before this meeting.

Michael O'Bymachow, Land Surveyor, with the firm of Nowakowski, O'Bymachow and Kane, representing the applicant, addressed the Commission. He presented the certificates of mailing.

The subdivision proposal shows 6 lots. Open Space is in this area. This is a proposal for a CRD stated Michael O'Bymachow and the Open Space then falls in this area. The reason we went for this CRD is to get this lot at the end of the road. (it is very difficult to hear Michael O'Bymachow)

The road area has been changed and turned this way. We do have approvals from WPCA and Inland Wetlands, stated Michael O'Bymachow.

Chairman Cribbins asked if any of the Commissioners had any questions and if there was anyone in the audience wishing to speak for or against this application. Hearing no response, Chairman Cribbins then asked for a motion to close the Public Hearing.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on Application # 05-13.

PROPOSAL OF SHELTON PLANNING AND ZONING COMMISSION FOR AMENDMENTS TO THE ZONING REGULATIONS BY CORRECTING AND AMENDING SECTION 24, PARAGRAPH 24, 12.4 (SETBACK EXCEPTIONS) SUBPARAGRAPHS A AND B FOR ACCESSORY BUILDINGS OR OTHER STRUCTURES (RESCHEDULED FROM 3/8/2005)

Comm. Oraziotti read the call of the hearing. There is no additional correspondence.

Richard Schultz, Planning Administrator, addressed the Commission. As the Commission is aware of the Commission adopted significant Zoning Regulations last November. These regulations dealt with everything from keeping of livestock to accessory structures.

We found out a couple of months ago that there was a typo pertaining to permanent temporary structures. We had advertised and adopted the regulations incorrectly. We left out one word, two.

A little history on what was done correctly and incorrectly. It was brought to Staff's attention that there was a word in omission. I advised the Chairman and the Chairman of the Board of Zoning Appeals, immediately. It was determined to address this as soon as possible, for the obvious reasons, stated Richard Schultz.

Under Sub-Paragraph A it reads currently, in any Residence R1, R1A, R2, R3 and Planned Residence District accessory structures, pools, sheds, etc, may be located within 10 feet. Once again the word two was left out. So that may be located within 10 feet means zero. Obviously that was not the intent.

Also under Sub-Paragraph B, in the R4 and R5 Districts, our heavier density areas now, it reads may be located within 5 feet of any rear or side lines. Once again the word two was eliminated.

Both of these Sub-Paragraphs were re-advertised correctly. It was pretty straightforward and it needed to be done and done correctly at this time, stated Richard Schultz.

Chairman Cribbins asked if there were any questions from the Commissioners and if anyone in the audience wished to speak for or against this application. Hearing no response he asked for a motion to close the Public Hearing.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on the Proposal of Shelton P & Z Commission for amendments to the Zoning Regulations by correcting and amending Section 24, Paragraph 24, 12, 4 (Setback Exceptions) Subparagraphs A and B for accessory buildings or other structures (rescheduled from 3/8/ 2005).

PUBLIC PORTION

Chairman Cribbins asked if there was anyone in the audience who wished to address the Commission on any item that is not on the agenda.

Joan Flannery, 8 Partridge Lane, addressed the Commission. I am very upset that this Commission is accepting applications for zone changes when the 10-year Plan Update is not even complete yet. Those applications should not even be entertained. Any application for a zone change should be automatically denied. The Citizens of Shelton have been very busy this year getting their input to the 10-year Plan Update Committee. We have been attending and participating in many meetings. Are our efforts in vain? Once the 10-year Plan Update is complete and in place then the Planning & Zoning Commission will have the appropriate guidelines to make sound decisions. Anything decided now would be considered a rash judgment. Thank you.

Chairman Cribbins asked if there was anyone else wishing to speak.

Gary Ferris, 229 Beardsley Road, addressed the Commission. I am here for informational purposes. I recently found out that my property is on the Shelton rubber dump. I also understand that there is an application to build next door to my house. I wanted you to know that when the application comes to you that there is documentation from the DEP concerning the property, he stated.

Chairman Cribbins asked if he wanted to present that information to us? Gary Ferris did that. Chairman Cribbins then asked if there was anyone else wishing to address the Commission.

William Bures, Division Avenue, addressed the Commission. I have been silent for over a year on the zoning counts that have been getting more controversial. I think I have two things to recommend to combat Avalon from entering Shelton, mobile homes should be figured into our obligations to have affordable housing for the State's 10% affordable housing law. This way Shelton's 312 mobile home units would count towards our 10% quote mandated from the State, stated William Bures. They are legitimate affordable homes. The 10% affordable housing law should be repealed to keep out developers like Avalon and others. This way we could stop Avalon and others from bullying there way into Shelton under this foolish State law. Other cities like Trumbull, Milford and Stratford are dealing with the same problem. Get on municipalities to have their State Representatives repeal this unfair law.

Another issue with Planning & Zoning is to increase the percentage of Open Space for large developments from 10 to 15 to 20%.

Also I think the Board should reverse its decision for the 17-story apartment building recently approved based on safety issues. It has created a Pandora box helping to attract the likes of Avalon and other high-rise buildings to Shelton. Is there anything in writing as to how our volunteer Fire Department can handle a fire in a 17-story building when the fire truck ladder can't reach the top of it, questioned William Bures?

Shelton is being heavily fined for spewing soapsuds from the Sewage Treatment Plant into the river because of the over development not being planned right. All future high-density developments should be put on hold until this City proves it can handle the additional strain on municipal services.

I have lived in Shelton for over 50 years and I wonder who decided Shelton had to grow from a small New England City to a major urban City like Stamford and Yonkers. If these high-rises keep going up Shelton will look like Coop City. For 30 years some leaders of both major parties have genuflected to large developers. This must stop and we should stop Avalon from building in Shelton at all costs. Everything in this letter makes sense and I would hope that some of it would be carried out, stated William Bures. Thank you.

For informational purposes, I am told that both State Senator Doc Gunther and Representative Larry Miller are proposing legislation this year to repeal the Statue for the 10% affordable housing, stated Chairman Cribbins. I apologize, then, I didn't know that, stated William Bures. Contact your legislatures, if you think it is a good idea, stated Chairman Cribbins. Chairman Cribbins asked if there was anyone else wishing to speak, this evening.

Irving Steiner, Co-Founder of WER1, addressed the Commission. I wish to speak tonight on the amount of clear cutting that is going on in the City of Shelton. When the first PDD was approved Richardson Vicks gave our group of Community watchdogs a promise that the old water driven sawmill on that development would be preserved. Unfortunately, the agreement was not in writing and as a result that beautiful early American structure in a quaint setting was almost immediately destroyed. Today it is even much worse. You can't believe the developers even when they put it in writing.

The developer for Wells Springs violates his own drawings with no more than a hand slapping. Split Rock is given a stop order for clear cutting and the stop order lasted only a couple of days, stated Irving Steiner. Just recently, the developer of the Rivers Edge clear-cut on someone else's property without City permission. This time we appear to have a proper response. Again, so much PDD's with tighter controls over developers. The P & Z is a broken record on this. When is this tighter control ever going to begin? Have you noticed the difference in the degree of the City's response to the violation of each developer? Even the developers don't have a level playing field with the City much less the residents. Has anyone given much thought as to why the Well Spring Developers stopped his clear cutting where he did, questioned Irving Steiner? I would like to take a moment to give you some pictures I recently took.

My research indicates that the remaining trees are also under easement protection by the Conservation Commission. These trees remained where they are. The P & Z therefore can't insure that such a violation if it were to occur would only appear in front of them and become just a hand slapping. That being the case it was not worth the risk for this developer to go there. If this had been a mistake out of ignorance the area that was clear cut that is not under Conservation Commission, would not have been done with such surgical procession. Ignorance didn't enter into this equation. Those houses behind the easement that you can see on the photos need that natural buffer to sell. They would have been bare right to the street.

Of course residents in the area didn't get anything equal to that at the mouth of Daybreak Lane. The developer, as you can see by the photos, has put in things that will reach up to my waist will take years to develop into good blockage of the view from Daybreak. The sun coming up blinds the drivers at the entrance of Old Stratford Road and creates a hazard. You have the sun in your eyes.

Getting back to Well Springs Estates, the neighborhood is totally dissatisfied with the replacement brushes that Mr. Wells calls trees. They are so out of harmony with the surroundings that it will take years for them to grow to any appreciative size. The neighborhood at least expects trees equal to those that the City and the Town of Trumbull required of such businesses as Wal-Mart and Target.

The developers surety bond should be withheld until the remedial action can be taken at Well Springs Estates. WER1 feels confident that this developer can make better restoration then is shown in these pictures.

If the P & Z wishes a supporting consensus from the neighborhood, WER1 will obtain such a consensus with a petition from the Old Stratford Road, Daybreak Lane and Partridge Lane residents. I thank you for your time, stated Irving Steiner.

Is there anyone else who wishes to speak during this Public Portion, asked Chairman Cribbins?

Richard Widomski, 49 Christine Drive, addressed the Commission. I attended a Planning & Zoning meeting in February. At that meeting I witnessed the (inaudible). The President of the Citizens Group WER1 spoke at the Public Portion of that meeting and Mr. Steiner presented to the board information regarding billing (inaudible). Mr. Steiner questioned the board on the status of the billing and was rudely interrupted by the Chairman. The Chairman be raided Mr. Steiner and indicated that he, Mr. Steiner was unaware of the facts. The Chairman informed all present that there were no outstanding bills and a meeting with the Chairman of the Plan Update Advisory Committee and the Chairman of Planning & Zoning had recently taken place. That everything was under control and that Mr. Steiner should not be wasting the time of the Planning & Zoning Commission.

There are a number of things wrong with the Chairman's statement. First, at the official meeting of the Plan Update Advisory Committee of January 31 there was an informal off the record meeting held. At that informal meeting, members of the Plan Update Advisory Committee readily admitted that they were not aware of the status of billing or the status of the work under the contract. A representative from the Planning & Zoning Commission was in attendance that night and was unable to shed light on the status of the billing or the contract status.

Well lo and behold at the Board of Aldermen meeting of February 10th there is no item on the agenda for payment of the invoices, stated Richard Widomski. Therefore, one would make the assumption that the bills were paid. And so this means that the President of the Board of Aldermen asked to add another item to the agenda. One of the items was added, you guessed it, payment of bills and additional monies earmarked for the Plan Update Committee. Well Mr. Steiner you are correct the bills hadn't been paid at the February 8th Planning and Zoning meeting. The bills were risked through as to avoid a lack of support for the City's plan and lack of paying for the Plan Update Advisory Committee.

Secondly, and this is most important to me, it is a sad state of affairs when a member of the public is treated so shabbily as Mr. Steiner always a gentlemen politely mentioned that he was unaware of the bills having been paid. As far as the comments of the Chairman of the Planning & Zoning Commission, I would think that he would be forthright in his explanation of the payment, stated Richard Widomski. There was no reason to try to embarrass a member of the public. Mr. Steiner was in fact correct that the bills had not been paid and the Planning & Zoning Commission Chairman could have explained the status of the Plan and payment in a more gentlemanly manner.

And lastly I would hope that the Planning & Zoning Commission and the Plan Update Advisory Committee would be more receptive to the public comment in the future. Thank you.

This is something that I want to address and after I heard Mr. Steiner talk about the clear cutting. It might not seem important to you but to other people it is important. I think it is time that not only the Planning & Zoning Commission but even the Board of Aldermen to take a look at other States in what they are doing as far as clear cutting. I could tell you what happened with a out of state, small piece of property on a lake. It is small piece about 60 by 100 feet wide. The person came in and clear-cut the trees. That person was arrested. He was taken to court and then he had to do a complete restoration on that property and hire a State Registered Professional Landscaper. He had to replace each tree, the smallest being 6 feet and the other trees were much taller, at least 12 feet. He replaced all the trees and paid the fines. He has to send pictures to the State to show that those trees are growing and if anything dies he has to replace it, stated Richard Widomski. That is the difference between Connecticut, Shelton and different States Conservation Commission. It is a shame as to what is going on here. I don't know what type of enforcement there is? What happens, will you do anything else? I know this is what is happening in other States. I think the City of Shelton should like at this, he added.

I would like to make a comment on the Plan Update Committee, the facts that I stated at the meeting last month were correct, stated Chairman Cribbins. Planametrics did submit and were paid for \$40,700.00 worth of bills. The next item that we wanted to work on with them was to do a study on traffic in a specific area. Yes there was an informal meeting at that particular time but it was agreed upon that \$15,000.00 was going to be spent on a traffic study with Barkan & Mess. That traffic study was going to carry us into the March timeframe. Then through the Mayor's Office and the Board of Aldermen funding for the balance of the Planametrics study from now to the end of this fiscal year, in the amount of \$35,000.00, was to be appropriated to carry them through. Subsequent to that there will be an additional appropriation to carry us through the next fiscal year that starts at the end of July and goes through the balance of the year.

It is the same plan and it is within what is written and signed for in the contract, stated Chairman Cribbins. We are going right along to the particular plan that is in place. People may come here and say that our facts are wrong, that something is different, but what you need to do is get good data and get your facts straight. Because those are the facts, he added. \$40,700.00 of work was done and then they took a hiatus why the traffic study was done. The work was completed right to plan and the work was done. So those are actually the facts, he added.

If there is anyone else who wishes to speak, if not, what we will do is go upstairs to continue our meeting, stated Chairman Cribbins. Unless you are going to speak to another issue, I will not get into any debates with you, he added. If you change to another subject and I will not debate you on other items. You wish to speak again, he questioned of Irving Steiner?

I wish to exercise Robert Rules and not address the Chairman, stated Irving Steiner, but address the Board. I think that I deserve the rebuttal. I am sorry but you opened this can of worms up, Sir. I am just responding to the gentlemen who said those were the facts. Yes, we did have our facts correct, stated Chairman Cribbins. Mr. Chairman may the public get the last word in, asked Irving Steiner? I appreciate that, he added.

My investigation of the situation and we are very concerned about the Plan Update Committee and its progress. They ran out of money in October and shutdown for approximately 3 months. Yes, \$40,000.00 was paid but they had used that \$40,000.00 by October 14th. When we found out about it they were sitting on their hands and so was the Plan Update Committee losing two or three months of time. You can't prove otherwise Sir, stated Irving Steiner. If it had not been for WER1 complaining about this nothing would have been done. There was some rapid shuffling going on in this Administration within the next weeks, he added.

Is there anyone else who wishes to address the Commission, questioned Chairman Cribbins?

Tom (inaudible) ,91 Toas Street, addressed the Commission. I won't take up much of your time but I have been listening here and I think that there should be more consideration given to the traffic problems in the City. One place in particular is on Route 110, there have been two accidents there recently. We have been told that there would be more parking but now people have said that they can't get parking. I would like people to take a look at that. At the Golf Center, questioned Chairman Cribbins? Yes, answered Tom

Another thing you talk about our tall buildings, I just got back from some other towns and there are restrictions that they can only go up so far. In Jupiter, Florida they can only put up a 6-story building.

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

We talk about affordable housing but is that for just the City of Shelton, questioned Tom ? I doubt it because it is not at the present time from the reports that I get. You take trade funds and they dictate what you have in those buildings. It is the same with our school system we complain about the cost of our schools, the State and Federal Government dictate to us because we take their funds. All of this should be taken into consideration before we step forward into anything of these that we are getting, for so called, nothing. You talk about the re-developers coming in, how much money we are going to get, we are going to get millions in taxes and yet our taxes, our mill rate is going up right now in spite of all of the building that is going on now. We were told we were going to get millions, so where is the money going that we are getting. Maybe there should be some accountability for that. The taxpayers and the homeowners here in Shelton are going to get the report on that. There are many things that we should know because it is personal concerning the residents. The cost of providing handicapped education. It is not handed out to everyone. There are many things that there could be money saving things on. They talk about running a survey on traffic. Look at what is being proposed for downtown now while we already have a traffic problem down there.

You have a very responsible job and I think that you should take a step back and look at. What is going on in Shelton here, the traffic is tremendous, fortunately I am not involved in that because I am retired. Thank you for your time.

We would like to get upstairs, is there anyone else who wishes to speak, asked Chairman Cribbins? We then will go upstairs and reconvene under Old Business. Thank you very much.

In the interest of time, I think what I want to do is jump down to take care of some of that New Business, stated Chairman Cribbins.

NEW BUSINESS:

APPLICATION # 05-14, SCOTT WASILEWSKI FOR SPECIAL EXCEPTION APPROVAL FOR A 5-LOT CRD SUBDIVISION (ROBERT'S PLACE) WABUDA PLACE/EAST VILLAGE ROAD (MAP 152, LOT 51) R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated Mr. Chairman we are going back to our regular schedule with the 4th Tuesday in April being, April 26th. We will be getting loaded up quickly, he added. So I need a motion, asked Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to accept and schedule Application # 05-14 for a Public Hearing on April 26th, 2005.

APPLICATION # 05-16 DOMINICK THOMAS ON BEHALF OF GREG SAVIGNANO FOR SUBDIVISION APPROVAL (3-LOTS: SAVIGNANO SUBDIVISION) WALL STREET (MAP 117B, LOTS 21, 22, AND 23) R-4 DISTRICT – ACCEPT FOR REVIEW

Attorney Dominick Thomas, representing the applicant, addressed the Commission. Per your regulations I am presenting the posting listing the property owners within one hundred feet. This is the third notice, we had sent out notices for tonight, we sent out notices for last Monday that had a mistake so we sent them out again and another set went out after that was cancelled.

So I need a motion to accept this, stated Chairman Cribbins. Didn't we deny this once already, questioned Comm. Oraziotti? That was different, it was not for three lots, stated Comm. Sylvester.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to accept for review Application # 05-16.

APPLICATIONS # 05-17 JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC, TO AMEND THE ZONING REGULATIONS BY ESTABLISHING A NEW DISTRICT ENTITLED MFHD (MULTI-FAMILY HOUSING DISTRICT) AND RELATED STANDARDS – ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 05-18 JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC TO AMEND THE BUIDLING ZONE MAP BY CHANGING FROM R-1/OPD TO MFHD, BRIDGEPORT AVENUE/HUNTINGTON STREET (MAP 8, LOT 8) ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 05-19 JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. FOR SPECIAL EXCEPTION APPROVAL (171 APARTMENT UNITS) BRIDGEPORT AVENUE/HUNTINGTON STREET (MAP 8, LOT 8) ACCEPT AND SCHEDULE PUBLIC HEARING

Chairman Cribbins stated that we have a letter sent to us addressed to Richard Schultz from Ronald Critten. This is to confirm our phone conversation that unless the two applications for Avalon Bay, that Bridgeport Avenue be scheduled first and neither scheduled until the third week in April. We know that it is not your decision to make but appreciate you sharing this with the Planning & Zoning Commission. The first one that we will take is the above-mentioned applications, he stated.

Richard Schultz stated we could start with April 26th. We have to get a consensus of the Commission or if you want to add this to another meeting.

Comm. Sylvester questioned before we do that, do we have to accept this, at this time? There was a question brought up downstairs at the Public Hearing because once we accept this we are opening ourselves up to a process that will be painful for everyone. What is our ability to handle this as opposed to this handling us, he questioned?

By the Statues, those applications, the clock started on those applications last Tuesday because that is the date of your first regularly scheduled meeting following the date on which they were submitted. So there 65-day clock started. So somewhere you have to work in a Public Hearing. The Statues say that you have to schedule the Public Hearing for the consideration of these 3 applications, stated Anthony Panico. So you do have to start the process, he added.

You must start the process, stated Comm. Sylvester. That needs to be clear to the Public as well as to ourselves.

The only separation that you can do to those applications is conceivably you could refuse, although it is contrary to how this Commission operates, you could refuse to process 05-19 because that is a Special Exception Application that is predicated upon the satisfactory decision on a Zone Change, stated Anthony Panico.

So 05-17 and 05-18, you have a legal obligation to have a hearing with a zone change, stated Comm. Sylvester. If we decided, I don't know what exactly would happen, but if we decide not to change the zone then we would not have to hear 05-19, he added. Theoretically, yes, answered Anthony Panico. Well we didn't change the zone, added Comm. Sylvester. The fact of the matter is the total discussion on the zone change and the zoning amendments is going to revolve around a physical plan that is 05-19, stated Anthony Panico. Rather than deal with an abstract discussion I am sure that the public wants to know what these amendments will mean and what is the project that these amendments will support. So you will get into a discussion about the project. By putting it on here and grouping it, it shows the official and formal project that is being contemplated. Otherwise, you can say that you are fantasizing and you don't know what it is going to be. In this case we know what the intent of the applicant is. His intention is to seek the zoning text, place those on map and within that zone file for this application. So you may as well process those all simultaneously.

It is further complicated by the fact that you are under the gun and it is affordable housing, oh no this is not I am sorry, he added. This is a request to change the zone, stated Comm. Sylvester.

This is to create a multi-family zone, stated Anthony Panico. Place that zone within a certain location within the City, he added.

I understand what you are saying and certainly I don't in a way disagree but it seems to me to take all three at once, I know you have to take the first two and you have said that publicly, stated Comm. Sylvester.

That is important that the Public understands that we as a Commission under the State of Connecticut Law and what we have to do, stated Comm. Sylvester. We do have a choice for number 3, he added.

You could argue on both sides of the coin because you can argue that on one hand that is good to include that, to have a physical picture of what they want to build to help you understand the regulation, stated Anthony Panico.

I personally feel and I don't know if I am feeling correctly but I feel overwhelmed, as always here, that we are doing it to accommodate the applicant rather than accommodate the well being of this Board by taking things in logical order, stated Comm. Sylvester. Reason through, revisit that issue, respond to that issue, then take the next issue, he added. It seems like always, but not always, it is the impression in the City, some people in the City, that we are always rushing to get things done for the benefit of the developer, he added. I personally, I would support the application, the acceptance of the application and the scheduling for 05-17 and 05-18 but not for 05-19 at this time.

The down side of that is that when you get to the Public Hearing on the two other applications, in fact that it does revolve around a specific plan, stated Anthony Panico. Rather you consider it a formal application or not that is entirely up to you, he added.

They can talk about their plan but we don't have to give approval for the special exception stated Comm. Sylvester. Well if anything the element of risk is on the applicant, stated Anthony Panico. He has gone through, prepared and submitted a fully engineered Special Exception Application based on some proposed standards that may or may not get adopted, he added. Or may or may not get adopted in the form that they would have been adopted. So if you were to modify and adopt something different the plans would not conform so that he would have to go back and redesign the plans.

That is all, stated Comm. Sylvester. I just feel we should be taking it step by step. Those are my feelings. Take a bite, examine it and move on to the next level, he added.

The motion would be individual on each application, stated Anthony Panico.

Chairman Cribbins stated based on the workload that is on this table today, should we do this one in May, he questioned? Anthony Panico stated it would be desirable because this is going to be a very complex and detailed project with a lot of discussion and deliberation. It would be advisable to delay this as long as you reasonably can so that you can clear the table of other pending materials out there, he added.

If you look at the calendar for the other three applications, this will put that in June, stated Chairman Cribbins. You have to have a hearing in May, stated Anthony Panico. May 17th, stated Richard Schultz, so we will need an extension. The recourse is for them if you don't have a hearing within 65 days they could go to Court and order you to have a hearing, stated Anthony Panico. If the Commission lays out a reasonable date and if it conflicts with the Statues you request it from the applicant and see if they agree.

I can't imagine a Court forcing a volunteer Committee working through difficult problems to meet nightly, weekly or whatever. We have scheduled meetings. Number one I don't think that we need to rush through this, stated Comm. Sylvester. Now based on the 65 days, I thought that there was something that was more deliberate that would happen. Mr. Chairman, I agree with what Tony said, this is going to be a very complex discussion, it is going to be a very emotional discussion in this Community, it seems to be already and it will be even more. I know that we have faced over the years, some things like this and I don't think we need to expose ourselves and make ourselves go through this process to torture ourselves, he added.

One thing that you need to be careful about, stated Anthony Panico, is that you don't create something that can be interpreted, in the eyes of the Court, as using stalling tactics. Of course, that is why I asked, stated Comm. Sylvester. Many Communities would try to do that because of the affordable housing issue, stated Anthony Panico.

I think that you have established that we must do it, stated Comm. Sylvester. I think that a Court in there wisdom would not punish us if we do it in a genuine way, he added. In a reasonable way to schedule within a few days, they would not be concerned but if you said you wanted to put it off for 65 days, they may, stated Anthony Panico. My suggestion is that you attempt to schedule the Public Hearing including the items that you want to proceed with and do that within the timely fashion within the 65 days for the meeting of May 24, he added. The second thing I would do, is the third application for Avalon Bay, I would schedule for the 24th to comply with Statues and if we could put that off for the next month, if they would give us that time extension, stated Anthony Panico. Does that make sense, he questioned?

That makes sense, stated Comm. Sylvester. Be prepared to do your due diligence and hear them all, even if in the same night if Avalon insists they be heard that way, stated Anthony Panico.

Then the next date would be, the first is for regular business and the second meeting of the next month, stated Anthony Panico. That is the 28th of June, stated Chairman Cribbins. That is our normal Public Hearing night in June, stated Anthony Panico. The actions tonight is to comply with Statues, is to schedule them both for May and a request to Avalon for the permission to hold off the second set of hearings until June. If not then we will have a long night, he added.

I need a motion then, asked Chairman Cribbins? I don't agree with that so I won't make the motion, stated Comm. Sylvester. What I am trying to do is set the tone that we take control of this thing and not worry about Avalon's business, he added. We are trying to conform to regulations, stated Chairman Cribbins. Except Leon if you don't attempt to comply with Statues, it might push the applicant to go before a Judge saying I have an application pending, they refuse to schedule a hearing within the 65 days limit, they will issue an order so that the Judge will tell you that you must have the hearing, stated Anthony Panico.

That will be great, stated Comm. Sylvester. Maybe that will show people that this Commission will stand up for them and the Community and that the Courts are controlling us. I don't think that people believe that. If we stand up and say wait a minute, we are working slobbs that come down here, we all work hard here and try to do a job and we are not employees. We are just a group of people from this Public that get slammed around because they don't feel we don't do whatever they feel we don't do and it is about time. We get slammed on this side and this side so let the Courts say we must do it. I don't feel like taking this anymore. I feel I want to make a statement that says that we are an elected body representing the Community and that we want to try to do the best job intelligently. To do this intelligently you have to take it, listen to it, step by step and I don't believe any Court in their wisdom would say that is wrong. That you have to hurry up and take this all on at once. If that is the way it is then let it be that, he added.

The only fear I have, I would have no problem with exactly what you have laid out, stated Anthony Panico. The only thing that disturbs me just a little bit, is setting a poor tune in the Court system over an affordable housing project, he added. That bothers me but that is your choice.

My issue is not about the affordable housing issue, my issue is about trying to manage, stated Comm. Sylvester. I have expressed myself. If someone can come up with another way to handle it, I just believe we should go step by step. Not put them off because they are affordable housing but lets sit down because they are affordable housing and look at the work schedule. If they don't like it, go to Court, he added.

Chairman Cribbins stated lets take the first two.

Comm. Pogoda questioned the fact that we are worried about the problem of the Courts coming at us about the affordable housing if we extend this to June, why not we take these three put these on May then take the other 3 Avalon's and put those on June? If we are worried about that, he added.

What would you rather consider first, questioned Anthony Panico? It makes no difference to me because we are going to have to consider both of them, stated Comm. Pogoda. If we are concerned and Leon has a good point, if we are concerned about the Courts or the Court looking at this that it is affordable housing, put that on the May agenda and take these first three and put them on the second half of that same agenda. If we don't have the time then we request an extension into the June meeting for the first three.

The worse case scenario is that you can do the first set of hearings and get into the second item, you can open it and adjourn it for 30 days. Once you open the hearing you have 35 days to close it, stated Anthony Panico. Either way you can get the meat and potatoes of the second application pushed a month further down the road, he added. It is conceivable though that one hearing might not be sufficient with both of these applications. Once we convene the Public Hearing, you have 35 days to conclude the hearings.

I don't think that there is anyone sitting here with any slanted views, it is trying to wade through this thing, stated Comm. Sylvester. To take all three here and then the other three and set the hearings, he added. I think that they would agree with that because they don't want to start off sparing with this Commission, stated Anthony Panico. Do it that way and set the schedule, he added. I would be happy with any motion like that, stated Comm. Sylvester. Lay that out and say to them this is what the Commission would like.

Do we have to set the schedule tonight, asked Comm. Sylvester? No you don't, answered Anthony Panico. Why don't we do this then, when is our next meeting, next Tuesday night, questioned Comm. Sylvester? Yes, answered Anthony Panico. Why not do this, ask Rick to bring a schedule back to us with a discussion, stated Comm. Sylvester. Why not go ahead and set the very first one and hold the others in a tentative schedule Rick will clear, stated Anthony Panico. Your starting point is the second meeting in May and don't schedule the others without the applicant granting additional time.

We will do 17 and 18th on May 24, so I need a motion asked Chairman Cribbins?

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to accept and schedule Applications # 05-17 and 05-18 for a Public Hearing on May 24th 2005.

Application # 05-19 you can accept the application without scheduling the Public Hearing unless it is your decision to reject that application but make that clear now, stated Anthony Panico.

I would think that if they will work with us to set the schedule and go through this logically, stated Comm. Sylvester. If you don't take them together you are saying we don't want to do anything on 05-19 until we make a decision on 05-17 and 05-18, stated Anthony Panico. True, stated Comm. Sylvester. That means keeping 05-19 hanging around passed the 65 days that you are suppose to have the hearing within, stated Anthony Panico. The position that the Commission can take is to not accept 05-19 based on the zoning determination that has not been made yet. It is an administrative rejection. It is based on zoning that doesn't exist, he added.

If you accept the applications 05-17 and 05-18 and reject 05-19 until 17 and 18, questioned Comm. Sylvester? Reject it because it is based on a zone change that doesn't exist today, stated Anthony Panico. Essentially we are saying reject 05-19, stated Comm. Sylvester. I will make that motion, then he added.

On a motion made by Leon Sylvester seconded by Daniel Oraziatti it was voted (6 to 0) to reject Application # 05-19 due to the fact that the application consists of an activity that has no zoning authorization and the application is unacceptable and returned to the applicant.

APPLICATIONS # 05- 20 JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. TO AMEND THE ZONING REGULATIONS BY ESTABLISHING A NEW DISTRICT ENTITLED MOD (HOUSING OPPORTUNITY DISTRICT) AND RELATED STANDARDS – ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 05-21 JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC TO AMEND THE BUILDING ZONE MAP BY CHANGING FROM R-1 TO HOD, ARMSTRONG ROAD/DAYBREAK LANE (MAP 19, LOTS, 2, 3, 4, 5) ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 05-22 JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. FOR SITE PLAN APPROVAL (302 APARTMENT UNITS) ARMSTRONG ROAD/DAYBREAK LANE (MAP 19, LOTS, 2, 3, 4, 5) ACCEPT AND SCHEDULE PUBLIC HEARING

We will accept these for review and wait for Rick to tell us next Tuesday what the scheduling will be, stated Comm. Sylvester.

On a motion made by Comm. Sylvester seconded by Anthony Pogoda it was unanimously voted to accept for review Applications # 05-20, 05-21 and 05-22. (The Public Hearing to be scheduled at a later date.)

OLD BUSINESS
APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Tom Dingle reported that there are 13 standard Applications for Certificate of Zoning Compliance. All meet regulations and Staff recommends approval. (see attached)

On a motion made by Jason Perillo seconded by William Papale it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards 1-13.

SEPARATES:
5118 KAREN SUTERA, 2 GREAT OAK ROAD, IN-LAW

Tom Dingle reported that this is for a in-law. Essential buyer of the house is converting the garage to an in-law and adding a second story to the garage. Meets all the regulations of our in-law accessory dwelling unit. Square footage is less than 1/3 of the total square footage of the house and is less than 900 square feet. Staff recommends approval. There are questions as to where the in-law would be. The yellow is carved out and not part of the in-law. The doorway is here for the in-law. The door is here for the access. Where is the doorway to the house, asked Anthony Panico? Is this a door to the garage? We have a provision that there be no more than one door as a front door to the house. The accessory dwelling will have a side door for the entrance, stated Tom Dingle. The driveway is on Great Oak Road, he added. I am trying to relate how this is and where the entrance is, questioned Anthony Panico? Tom Dingle stated that the entrance is on the side of the house facing Great Oak Rd. They won't be building another garage, questioned Anthony Panico? No they won't, answered Tom Dingle. Do they have room to park for both dwellings, asked Anthony Panico? Yes, they will answered Tom Dingle. Staff does recommend approval.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 5118.

4078 MARTIN CERNUCH, 281 CANAL STREET, BUSINESS

Tom Dingle reported that this is for a business at 281 Canal Street. Property owner is John Watts. The business is export and import of sporting and hunting accessories. There is one employee and the office is 216 square feet. Hours are Monday-Friday, 9 to 5. Staff recommends approval. Tom, it is just an office activity, questioned Anthony Panico? Yes, answered Tom Dingle.

On a motion made by William Papale seconded by Jason Perillo it was unanimously voted to approve Separate # 4078.

4081 DANNY O'S RESTAURANT, RIVER ROAD, FENCE

Chairman Cribbins asked Comm. Tomko-McGovern to sit in for Comm. Oraziatti on this. Tom Dingle reported that Danny O's is looking to put a fence 12 by 35 by 4 feet high. This is in the front by the top parking area to secure that area, stated Richard Schultz.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 4081.

4060 COUNTRYWIDE HOME LOANS, INC. 3 CORPORATE DRIVE, BUSINESS

Tom Dingle reported that this is mortgage banking. They will lease 6000 square feet. Number of employees is 39. Parking requirements are 36. There is plenty of parking and Staff recommends approval.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 4060.

5112 SCHAIBLE REALTY, 487 HOWE AVENUE, BUSINESS AND # 5111 SCHAIBLE REALTY, 475-501 HOWE AVENUE, COMMERCIAL RETAIL/OFFICE

This is for a commercial occupancy, the New Milford Bank, reported Tom Dingle. This is the old Connecticut National Bank. Schaible Realty is the leasing agent. It has a drive-up window, he added. Are they abandoning the PDD that was approved there, questioned Anthony Panico? It was not approved with the drive-up window there, asked Anthony Panico? The existing zone is the PDD, he added. We need to check this out to see what the zone is. So we will table this and find out if they are abandoning the PDD, stated Chairman Cribbins. We adopted the PDD and one of the things we wanted to get rid of was the drive-up window, stated Anthony Panico.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to table Separate # 5112 and 5111.

4082 AGNI THOLICI, 350 HOWE AVENUE, SIGN

Tom Dingle reported that this is to replace the awning that was there. This will be like Civitella's and the restaurant on Center Street. Is this consistent with the regulations, asked Anthony Panico? This will be the new one under the overlay zone. We wanted to go with solid colors, stated Richard Schultz. Is this a replacement of exactly what is there now, asked Anthony Panico? This is an upgrade and the original awning had been there for some 30 years, stated Tom Dingle.

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

It is important that you look at this and feel comfortable with this, stated Richard Schultz. Party World has done a lot of work, he added. Is there any additional signs on the awnings, asked Anthony Panico? No more wall signs, stated Richard Schultz. We explained to him no more phone numbers or logos, stated Tom Dingle. Solid color is in the right direction, added Richard Schultz. I think the number and the pizza has to go, stated Comm. Pogoda. I will make the motion to include with Staff modifications, stated Comm. Sylvester.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4082 with conditions (Staff modifications).

4094 ENTERPRISE RENT-A-CAR 484 BRIDGEPORT AVENUE, SIGN

Richard Schultz stated I received a Fed-Ex from Enterprise today. Corporate wants their sign to be simple. The 800 number should be allowed on the bottom. He showed what it looked like and this is exactly what they don't want. I called Corporate and the landlord is in support of the Commission. I would make the motion but with Staff's recommendations.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4094 with Staff's recommendations.

4093 PANACHE HAIR DESIGN, 484 BRIDGEPORT AVENUE, BUSINESS/SIGN

Tom Dingle reported that this is for a business. The Company wants to move in. It is a hair salon that will be next to Starbucks. 1400 square feet with 3-5 employees. Monday through Saturday. The black portion is an illuminated box sign, asked Anthony Panico? It looks like a box sign. I don't know if that is what it is, it just looks like it, he added. Richard Schultz read a letter from a business owner across the street at the Old Anson Reel building. He is concerned with the parking issues. There have been complaints sent to the owner of the property and the Mayor.

Attorney Thomas, representing the applicant and the developer, addressed the Commission. There was an incident where by some of the customers of Enterprise where parked on the other side. We notified Enterprises Corporate Headquarters and it did stop. They also parked in the State Right of Way. They are occupying the rear building and we are writing to them concerning the customer area of the left-hand side. This is a violation of their lease, stated Attorney Thomas. During the heavy construction in the back it was difficult for them to park there, he added. When you say customers are you talking about Enterprises customers because isn't so that 90% of the time Enterprise will bring the customers their cars, asked Anthony Panico? We are keeping track and keeping photos, there were 4-5 customers leaving their cars while they were having business with Enterprise, stated Attorney Thomas.

Those customer cars should be in the fenced in area where the rental cars are, stated Anthony Panico. That is exactly the letter they are getting, stated Attorney Thomas. Right now with construction still on going there is still some juggling going on. The restaurant is not opened and Enterprise has stopped parking where the bank, hair salon and Starbuck's are going, he added.

That is your issue, stated Chairman Cribbins. I need a motion to approve the hair salon.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 4093 with conditions.

5131 ROBERT MINGRONE, 28 HUNTINGTON PLAZA, BUSINESS/SIGN

Tom Dingle reported that this is for an Eye Doctor. This is where Quest Labs used to be. This is in the basement, in the back.

On a motion made by Daniel Oraziotti seconded by Jason Perillo it was unanimously voted to approve Separate # 5131.

Comm. Papale left and Chairman Cribbins stated Comm. Tomko-McGovern can sit in for him because Comm. Perillo is sitting in for Comm. Lapera.

5120 GARY & FRAN SCARPA, 100 CENTER STREET, SIGN

Tom Dingle reported that this is the sign. We approved the business last month. He passed around photos on the sign.

On a motion made by Daniel Oraziotti seconded by Leon Sylvester it was unanimously voted to approve Separate # 5120.

5122 JOY LEE RESTAURANT, 440 HOWE AVENUE, SIGN

Tom Dingle reported that this is for the Chinese Restaurant. When they relocated we explained the sign was inappropriate. It is 2 by 10 and Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 5122.

5125 GLENN BLAIR, 375 BRIDGEPORT AVENUE, SIGN

Tom Dingle reported that this is the Webster Bank building. We have a Doctor who wants to get his sign on the main sign at the front of the building. It is 12 by 48 inches wide, he added.

When we have a building with multi-tenants we don't want to have additional names on the signs. There are several there already but if you give one you will have to give it to all, stated Comm. Pogoda. It is easy to find 375 Bridgeport Avenue, stated Anthony Panico.

No one knows we are in there, the guy who is making the sign could not find us, stated the applicant. How many tenants are in there, asked Anthony Panico? We talked to the owner of the building and Webster Bank didn't care, stated the applicant.

Normally we try to keep it down to 3 at the most, stated Anthony Panico. I can't tell you if we do have the right. We try to be conservative, he added. The PDD's have more control.

I agree that if you do it in one area you have to be consistent, stated Comm. Sylvester. If we open it up there we are opening it up for other people in other areas, stated Tom Dingle. It has nothing to do with this issue but we should have someone do a study on the signs, stated Comm. Sylvester. It is inconsistent and it must be hard for you guys. These people are in the building and they have a right to let people know there business is there, he added. Can we do one and say that is it, he asked? You can go to the property owner and ask for another menu sign, stated Tom Dingle. Give them a time limit of a year then tell them the property owner has to come back, he added. If I am looking for a store I am not going to read that sign to find the store, stated Comm. Perillo. It is an office building, stated Anthony Panico.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to deny Separate # 5125.

4068 VILTON DIAS, 384 HOWE AVENUE, HOME OFFICE

Tom Dingle stated that this is for a home office. We have a letter from the landlord. This will be Simply Stone and there will be nothing done at the house. That includes no signs or materials at the house.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 4068 with conditions.

4087 RODRIG SILVA, 87 KNEEN STREET, HOME OFFICE

Tom Dingle reported that this gentleman is a painting contractor. He has one van that he parks on the street. No signage and we have a letter from the landlord.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 4087.

4076 CARL KOPF, 16 SPRUCE HILL ROAD, HOME OFFICE

Tom Dingle reported that this is a consulting business. It is a home office with no visitors to the house.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 4076.

4090 DAVID MORAIS, 140 DIVISION AVENUE, HOME OFFICE

Tom Dingle reported that this is a sales office. He is a traveling salesman. One, the owner is the only employee. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 4090.

4097 JOHN MILLER, 123 BIG HORN ROAD, HOME OFFICE

Tom Dingle reported that this is consulting. This is for a home office and Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 4097.

4098 PETER BOTTI, 6 MEADOW RIDGE DRIVE, HOME OFFICE

Tom Dingle reported that this is for a landscaping business. He has a pick-up and is asking for a home office. Staff recommends approval. There is no signage on the truck. Where does he keep his equipment, asked Comm. Pogoda and Anthony Panico? I don't know stated Tom Dingle. Landscapers are one of our biggest problems. Just make sure that the equipment is not stored on the property.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 4098 with the condition of no equipment on the property.

5162 RONALD MERKLE, 227 BUDDINGTON ROAD, HOME OFFICE

Tom Dingle reported that this is a mother and daughter who do consulting at the corporate level. They do have employee identification numbers. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5162.

5101 E & A DRYWALL, 30 BEECHER AVENUE, HOME OFFICE

Tom Dingle reported that this is for E & A Drywall. There will be signs or outside equipment. He is a subcontractor that needs a trade name for the bank.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5101 with conditions.

5102 MICHAEL LOPEZ, 218 MYRTLE STREET, HOME OFFICE

Tom Dingle reported that this is for a home office. Photography and I have no other information. 100 square feet, computer, and dark room, he added. There should be no signage and visitors to the house. It is explained that you can't have visitors, etc. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5102.

5161 KEITH MURATORI, 257 KNEEN STREET, HOME OFFICE

Tom Dingle reported that this is another photographer. We have permission from the Pine Hill Assoc. He has 2 vehicles and does this part-time. The work is done offsite.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5161.

5105 SARA MASSEY, 29 SIMS WAY, HOME OFFICE

Tom Dingle reported that this is for a home office. Real Estate and it was explained that there be no visitors to the house.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5105 with conditions.

5116 RANDY RIVERA, 63 COUNTRY PLACE, HOME OFFICE

Tom Dingle reported that this is for a home office. Bookkeeping services. We have a letter from the Association Manager. It is bookkeeping services done offsite.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5116.

5115 ALEXANDRIA WONG, 7 WALNUT TREE HILL ROAD, HOME OFFICE

Tom Dingle reported that this is for a home office. It is a husband and wife that do website designing. They go out to the client's house.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5115.

5119 LYNN REID, 513 ANTELOPE TRAIL, HOME OFFICE

Tom Dingle reported that this is for a home office. There is no letter in here from the Condo. Association. We should table this then.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Separate # 5119.

5124 LATRECE PRESTON, 19 JOSEPH COURT, HOME OFFICE

Tom Dingle reported that this is a family type business. It is book sales. They have a sales number application pending. The Promise is the name of the religious type sales. The books are stored in the warehouse storage on the River Road. They understand the conditions of having no one to the home.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5124.

5110 PAUL MANDULAK, ONE RESEARCH DRIVE, BUSINESS

Tom Dingle reported that this is for a business. It is an expansion for United Rental. There will be 120 employees. Monday through Friday. They are on site and will use 111 parking spaces. This is for the Old ITT building.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5110.

5108 PETER FUSS, 465 BRIDGEPORT AVENUE, BUSINESS

Tom Dingle stated that this is Wal-marts snack bar. McDonald's fell through so they are going with Stewart's as their food service people. They want to remodel what they have and there will be no signage. The employees complained the odor of McDonald's would be overwhelming, stated Richard Schultz. They understand they won't get an outside sign, stated Anthony Panico.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5108.

5121 H.J. KELLY GLOBAL, 738 BRIDGEPORT AVENUE, BUSINESS

Tom Dingle reported that this is the hubcap lady property. It is for a company that may not be going in and nothing is final. This is something to be considered. It is a consulting firm from New Jersey that will occupy the first floor at 11000 square feet. There will be 3-5 employees and they have 18 parking spaces on site right now. It is half of the building. It is consulting going out to the site, stated Tom Dingle.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5121.

5134 CT WASTE TRANSFER CO, 46 OLIVER TERRACE, BUSINESS

Tom Dingle reported that this is for a business. This is a recycling and volume reduction center. It is 3000 square feet. They have 15 employees, hours of operation are Monday through Friday, 7 to 5. This is a recycling business. Bailing of cardboard for recycling.

On a motion made by Daniel Oraziatti seconded by Karen Tomko-McGovern it was voted 5 to 1 to approve Separate # 5134. Comm. Sylvester abstained.

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) DISCUSSION AND REQUEST FOR EXTENSION

Richard Schultz stated we have an extension from the applicant until April 27th. The Sewer Administrator has advised this Commission that they are continuing to work with the Town of Stratford on their inter-municipal agreement for the service line. The Administrator is of the opinion this 4 unit multi-family dwelling won't be a problem. Staff's standpoint is to work with WPCA continuing to get extensions. We need to be directed for a resolution, he added.

I said the problem with the resolution was that if we could tie in with the Condos project across the street, this could be done, stated Chairman Cribbins. Tanglewood has no sewers and have come to talk to us. We felt that if we could mediate those issues this would be a good solution for the town and Tanglewood, he added. So you would like that to be part of the resolution, stated Anthony Panico. Tanglewood is at the end of their ropes, stated Richard Schultz. Without the approval of the connection for Tanglewood we want that clarified, stated Comm. Pogoda. If we can include the Tanglewood property then that is a compensating condition for over development on that piece of property, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve an extension until April 27, 2005 on Application # 04-23.

APPLICATIONS # 04-41 PETITION OF AUSTIN WOLF ON BEHALF OF SHELTON REALTY ASSOCIATES, LLC TO AMEND ZONING REGULATIONS BY ESTABLISHING AN AFFORDABLE ELDERLY HOUSING DISTRICT (R-6 DISTRICT) (PUBLIC HEARING CLOSED ON 1/25/2005) DISCUSSION ONLY AND APPLICATION # 04-42 PETITION OF AUSTIN WOLF ON BEHALF OF SHELTON REALTY ASSOCIATES, LLC TO AMEND THE BUIDLING ZONE MAP BY CHANGING FROM R-1 DISTRICT TO RESIDENCE R-6 DISTRICT, 628 LONG HILL AVENUE (MAP 41, LOT 45) (PUBLIC HEARING CLOSED ON 1/25/2005) DISCUSSION ONLY

Richard Schultz reported we have not received an extension but there are 3 issues of concern. The Board of Aldermen along with the Mayor's Office is continuing discussions on the City's acquisition of this entire property.

Secondly, the expiration date will expire after next Tuesday's meeting. So we will need an extension, if that is something that the Commission wants me to do I will get that or we need to act on this at our next meeting, stated Richard Schultz.

For me after going through the Public Hearing with all the facts that were generated that night, looking at our regulations, so if we wanted to do something we could accomplish it with what is already exists today as opposed to creating another district, which is specific for that property, stated Chairman Cribbins.

My concern is that if there are discussions with regard to acquiring the property, stated Anthony Panico, by the City, I don't know that we want to be in the position that we were in with Wiacek. We had to act on that because that was a matter of right. I think if we could get an extension, and leave it on the table, we should, he added. The purpose of the letter is to keep this going and the zone change doesn't happen automatically. Check base with the Board of Aldermen to see when they are going to act on this. We need to know when they will act or we will have to act, stated Chairman Cribbins.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to direct Staff to ask for an extension on Applications # 04-41 and 04-42.

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

APPLICATION # 05-07 FARMILL, LLC FOR SITE PLAN APPROVAL (18,512 SQUARE FOOT BUILDING ADDITION AND PARKING EXPANSION) 600 BRIDGEPORT AVENUE (MAP 39, LOT 13) LIP DISTRICT – DISCUSSION AND ACTION

Richard Schultz reported that this is at the bottom of Long Hill Cross Roads. He read from the Fire Marshall's letter, the City Engineer's letter, his Staff report and a draft motion. (see attached)

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Application # 05-07 with conditions.

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 – DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated Staff is recommends tabling this application. We are working very close with the applicant on this. He won't be using this as a contractor's storage yard. He is going with an addition to the right side of the building. He will be leasing this to a carpeting store. He'll take the fence down. Store room and customers coming in and out. Find out about the delivery situation, stated Comm. Pogoda. He won't get a trailer in there. Traffic backs-up in that area with deliveries are bad now, stated Comm. Sylvester. The turn at Platt Road adds to it, also, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Application # 05-10.

APPLICATION # 05-12 ED NEWMAN FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE (CAR WASH) PLATT ROAD (MAP 77, LOT 19) DISCUSSION AND POSSIBLE ACTION

Anthony Panico stated we have given approval for the basic development plans sometime ago. The plans were approved on June 8, 2004. It is 2.2 acres at the corner of Platt Road and Bridgeport Avenue. He read from his Staff Report.

Richard Schultz read from the City Engineer's letter and the Fire Marshall's letter.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 05-12. A roll call vote followed with all Commissioners voting I for approval.

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 (PUBLIC HEARING CLOSED ON 1/25/2005) DISCUSSION ONLY – IF TIME PERMITS

Chairman Cribbins stated he was not present at this meeting. I know that some Commissioners have concerns with an approval that would create a lot more than what they had as a matter of right, stated Anthony Panico. They felt that the Open Space was a concern and were concerned with the 8 or 7 lot approval. We need to spread the maps out and give it some lengthy discussion, he added. Chairman Cribbins stated we will put this on for our next meeting and give it the time and discussion it needs then.

APPLICATION # 05-15 PEOPLE'S BANK FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 7 (ATM SERVICE AREA) 1000 BRIDGEPORT AVENUE (MAP 8, LOT 22) ACCEPT, DISCUSSION AND POSSIBLE ACTION

Richard Schultz reported that this is the People's Bank at 1000 Bridgeport Avenue. We have a proposed third lane for the ATM. It is the left hand lane. We have a favorable recommendation from both the City Engineer and Fire Marshall.

People's have more customers who want to use the drive-through. They will lose 3 parking spaces but we have never had a problem with that location, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept and approve Application # 05-15.

15 CONTROLS DRIVE: REQUEST FOR RELEASE OF SITE BOND

Richard Schultz stated we have a request for release of the site bond. Staff recommends approval the project has been completed.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve the release of the site bond on 15 Controls Drive.

ZONING ENFORCEMENT: 449 WALNUT TREE HILL ROAD: INITIATE LEGAL ACTION

Richard Schultz reported that this is the property that built the very large garage. We see a resolution but I want to initiate the legal action, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to initiate legal action on 449 Walnut Tree Hill Road.

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to pay bills.

INFORMAL DISCUSSION: DOMINICK THOMAS, 606-4 HUNTINGTON STREET PROPERTY

Attorney Thomas, addressed the Commission. We are scheduled before ZBA again, for the third time. Every time we are scheduled before them there is opposition against this. There is a fence that has been put up. He is going to a 3,900 square feet just office building. This is the proposal with the rear entrance. We are negotiation with the Beards. If they are rejected again they will take the building all the way down and move it to the back. What is in question, the right to use the driveway, questioned Comm. Pogoda? Yes, but that is being decided now, stated Attorney Thomas. The only thing I am asking of this Commission is that you authorize your Staff to indicate to ZBA that the preference is for a rear entrance. If you want another curb cut we will do it. What good does that do, asked Anthony Panico? We are confident, stated Attorney Thomas. If the Commission says one way or another, stated Anthony Panico. We just want your preference, stated Attorney Thomas. We are negotiating with the Beards and we want to close this off and the landscape buffer here, he added. The only thing that we are asking you is your preference.

Comm. Sylvester stated that this should be a garden. It should not be there. It would just, if you put anything there, it will add to the congestion. It should be very limited, he added.

The footprint has changed, asked Anthony Panico? There are variances from here to here, answered Attorney Thomas. We have a street setback variance and we are asking for additional parking. I don't believe that we need the parking spaces.

If you are asking the best solution if the building is better closer to the street, stated Anthony Panico. It is better for the building to be closer to the street. What you are doing won't make it any better, stated Comm. Sylvester. All the way down the parking is in front of the buildings. We can limit the amount of development that will go there.

I would not make the decision to make additional spaces or relieve from zoning, stated Comm. Sylvester. Once again there is parking all the way down. Keep a limited amount of development on a very inappropriate piece of property, stated Comm. Sylvester. ZBA worked us into this box when they gave the original variances back then, stated Anthony Panico.

Chairman Cribbins stated the VETS that are going in on Huntington Street doesn't look anything like a residential building. It is huge because I voted against it, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to adjourn at 10:15 P.M.

Respectfully submitted by,

Diana Barry,
Secretary