

The Shelton Planning & Zoning Commission held a Regular Meeting on April 12, 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
(arrived late)
Comm. Daniel Orazietti
Comm. Jason Perillo
Comm. Anthony Pogoda
Comm. Leon Sylvester
(arrived late)
Comm. Karen Tomko-McGovern
(arrived late)

Staff present: Richard Schultz, Planning Administrator
Patrick Tisi, Assistant Planning Administrator
Diana Barry, Clerk

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website. Chairman Cribbins opened the meeting with the Pledge of Allegiance.

PUBLIC PORTION

Chairman Cribbins asked if there was anyone from the audience wishing to address the Commission on any item that was not on our agenda. Hearing none he asked for a motion to close the Public Portion.

On a motion made by Anthony Pogoda seconded by Daniel Orazietti it was unanimously voted to close the Public Portion.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Patrick Tisi reported that there are standards numbers 1-27. They all meet requirements and he recommends they be approved.

Chairman Cribbins questioned if someone comes in for an addition or a garage would they also need a permit for excavation, drainage and all that stuff? That is all-inclusive, answered Patrick Tisi. They have to go through wetlands if there are any wetlands, the building department for a permit, wetlands signs off, the City Engineer has to sign off if there is anything to do with a driveway and make sure that there is sediment erosion control measures in place, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Applications for Certificate of Zoning Compliance, Standards 1-27.

SEPARATES

5166, LIQUID LUNCH, 434 HOWE AVENUE, EVENING LIQUOR PERMIT

Patrick Tisi reported that this is in a commercial zone. They are looking for a Beer & Wine Permit, which is different from a regular liquid permit. That is not what it says here, it does say evening liquor permit, stated Chairman Cribbins. This is something different, it is not like you go in for a scotch and water or something of that nature, stated Patrick Tisi. If you want to have wine or beer, he added. It is like what Shelton Pizza has stated Comm. Orazietti. My recommendation is that it be approved, stated Patrick Tisi.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5166.

Comm. Karen Tomko-McGovern arrived at 7:05 P.M.

5164 GARY FEIGENBLAT, 22 FAIRLANE DR., ACCESSORY DWELLING

Patrick Tisi stated that this is for an in-law set-up. This is within the regulations and we have approval from Valley Health as well as the affidavit concerning this being a family member. Comm. Pogoda questioned if there was any change to the front of the structure? It will all be done within the house, stated Patrick Tisi.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5164.

5171 S. KUDEJ, 418 RIVER RD., LIGHTING FOR SPORTS FIELD

Patrick Tisi reported that this is lighting for the Sports field. It is City property but they always come before us when they are adding additional lighting. It will be 4 poles with a total of 12 lights on the infield and 8 on the outfield. I recommend it be approved, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5171.

5170 ENTERPRISE RENT-A-CAR, SIGN

Patrick Tisi stated that this is for a sign. There were 2 options submitted. One is a box sign that even though this is a PDD and we have more control the box sign is one we consistently don't want. You would establish a track record if you approve this and if you approve one then you are going to have the others, he added.

We have already approved 2 signs at that location in the front section which are not box signs, stated Comm. Perillo. This is the one I recommend, stated Patrick Tisi. You don't need a phone number on the sign and I think it is tacky. This seems fair stated Comm. Perillo. Their logo is there.

John Petrie, Enterprise Rent-a-Car addressed the Commission. Thank you for hearing our application tonight. This is not our federally registered trademark and I don't know where this came from but it was submitted without our approval. The drawing doesn't do this justice. This shows more a three-dimensional cut. Do you have a sign like this anywhere else, asked Comm. Tomko-McGovern? We have internal signs, stated John Petrie. We have tried to be consistent, phone numbers aren't what we are looking for, stated Comm. Pogoda. This is something that we would accept.

Unfortunately with a registered trademark there is very little flexibility to alter a logo, stated John Petrie. I understand you want to be consistent throughout the Country and we are getting away from that. This is a PDD and we can exercise a little control over it, stated Comm. Perillo. It does have your logo on it and it is done in the same font as your proposal, he added. It is a good compromise.

I don't have the authority to go back and alter a logo, stated John Petrie. This is a PDD and if we allow a sign of that nature what is to say that someone else won't come in with the same type of sign. We are trying to have consistency throughout the complex, stated Patrick Tisi.

Something like that I would never get the Corporate Office to approve, stated John Petrie. Where did we get that other one, asked Chairman Cribbins? That is from Crown Point, the owner of the property, stated Patrick Tisi. If you want to give us some other renditions, I can't accept the box sign, stated Comm. Pogoda. I recommend that you take this back to who makes those decision to see if you can get them to approve something similar in nature, stated Comm. Perillo. Can I ask that you make a decision on what I proposed stated John Petrie?

I will make that motion to deny for reasons noted and discussed stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to deny Separate # 5170.

5142 JAMES BOTTI, 504 BRIDGEPORT AVE., BUSINESS

Patrick Tisi stated that this is for Naugatuck Valley Bank. You have already approved this as part of this site. There are no signs with this application and they will have to comeback to us for the sign. This is just for the business.

The light is not up there, questioned Comm. Orazietti? Not yet, it is up to the State, stated Patrick Tisi. I thought there would be no businesses moved in until the light was up, stated Comm. Orazietti. The parking lot is paved, it has to be stripped and the State dictates when the light will go up, stated Patrick Tisi. There was suppose to be no occupancy until the light goes in, stated Comm. Orazietti. I thought nothing was suppose to happen until the bridge and the light were there, stated Comm. Pogoda. I will look into that tomorrow and call you all, stated Richard Schultz. The Commission wants to hear dates, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5142.

5146, BRYAN LIZOTTE, 165 CENTER ST., BUSINESS

Patrick Tisi stated that this is for a business and sign. It is a magic shop. This is the front and this will be on the side of the building. Has he been notified about everything on the sign, questioned Comm. Pogoda? I have not spoken to him, Tom took this in, stated Patrick Tisi.

This is too much and it needs to be toned down, stated Anthony Pogoda. We can approve the business but we don't need all the other things, he added. Let Staff work with him on the sign and I will make that motion, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5146 with the condition that the Staff works with the applicant on the sign.

5173 THOMAS STEIZ, 411 BRIDGEPORT AVE., BUSINESS

Patrick Tisi reported that this is a machine shop. This is in the back of the car dealers. It is where the landscaping business used to be. The right of way between Crabtree and 4 Seasons. It is industrial there.

P & Z COMM.

APRIL 12, 2005

Comm. Sylvester arrived at 7:20 P.M.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5173.

3246 WAL*MART, 465 BRIDGEPORT AVE. BUSINESS

Patrick Tisi reported that this is for Wal-Mart's outside garden area and to extend the hours on Sunday. This is something that they come in every year for.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3246.

5149 TAP ENTERPRISES, 70 BRIDGEPORT AVE., 1-DAY TOOL SALE

Patrick Tisi reported that this is for a one-day tool sale and they come in every year to do this.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5149.

5143 HENRY PRUSIK, 42 BASKING RIDGE RD., HOME OFFICE

Patrick Tisi reported that this is for installation of floor tiles. This is full time and there is just one employee, himself. Nothing will be stored on the premises, he goes out to the client's home and he has an unmarked van.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5143.

5145, TRENT CHAVEZ, 82 WILLOUGHY RD., HOME OFFICE

Patrick Tisi reported that this is Internet sales. There is nothing stored on the premises. It is part-time.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5145.

5153 SAMUEL BOCCHINO, 238 LEAVENWORTH RD., BUSINESS

Patrick Tisi reported that this is for a home office. It is full-time. It is for a limo service. It is an 8-passenger vehicle that will be stored at 17 King Street in the driveway. He stores it in another location, questioned Comm. Perillo? Can we check that out, questioned Comm. Pogoda? I will make a motion to table this until we get additional information, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Separate # 5153.

5155 MARIA WOJSLAW, 35 SOUNDVIEW DR, HOME OFFICE

Patrick Tisi reported that this is for a home office. It is electronic services and equipment. They go out to the client's home to do the repair work.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5155.

5174 MICHAEL TALMADLE, 42 WAKELEE AVE., HOME OFFICE

Patrick Tisi reported that this is a home office. It is design, light assembly, and packing computer accessories. There will be no visitors to the home.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5174.

5176 MIGUEL PINHO, 12 FAWN HILL RD., HOME OFFICE

Patrick Tisi reported that this is a home office for a remodeling contractor. He has a F150 pickup that has no signs.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 5176.

5178 MARIOLA ZYGART, 100 TEN COAT LA., # 48, HOME OFFICE

Patrick Tisi stated that this is Internet Sales. Everything is done over the computer and they have approval from the Condo Association.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5178.

5179 SHAUN MARTINEZ, 49 MILNE AVE., HOME OFFICE

Patrick Tisi reported that this is for a home office. This is for a home inspection business. They go out to the client's home.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5179.

5196, 14 HIGH RIDGE ROAD, ACCESSORY DWELLING UNIT

Patrick Tisi reported that this is for an accessory dwelling unit. There is no new construction. It is in a 3000 sq. ft. house. They are not expanding the footprint of the house. It has Valley Health approval. Does it meet our design requirements, asked Comm. Sylvester? Yes, it does, answered Patrick Tisi. Is there enough parking, questioned Comm. Pogoda? Yes, answered Patrick Tisi.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5196.

WAIVER OF SITE PLAN

5177, PATRICIA QUARTUCCIO, 23 BRIDGEPORT AVE., RESOURCE CENTER

Richard Schultz stated that we are going to be doing this a little different. We are experiencing uses that require a lot more discretion. You have the ability to waive a site plan or not, especially in the downtown area. If it generates more traffic and you think the Commission should review it at a higher level, you will not waive any site plan, he added. It gives you an added level of scrutiny.

Patrick Tisi reported that is for 23 Bridgeport Avenue. It is the Quick Pick Crane property, stated Richard Schultz. It is a resource center for pregnant teens, stated Patrick Tisi. It is about 300 sq. ft. of office space. It will be under 25 hours, he added.

Parking requirements is stated to be on John Street or on the site, stated Patrick Tisi. What are the hours, asked Comm. Sylvester? They say 25 hours, no actual time. It depends on the response as to how many people they will deal with, stated Patrick Tisi. You are probably talking late in the afternoon or early evening, he added.

It is 300 sq ft, so it isn't that big, stated Comm. Perillo. It is about the size of a shed, stated Patrick Tisi. It doesn't sound like much but I think it would be a good time to get to see what is happening over there and meet with George, stated Comm. Sylvester. I am not trying to impede his business but it seems like a good time to sit down to talk about some of the things that we see happening over there, he added. The issues are obvious. It is not about him or to give anyone a hard time. It is about the issues, with the deliveries, the deliveries time, what is out there and what is on the grass over there.

He has been in the office various times trying to find a parcel stated Patrick Tisi. It is a perfect time for you to try to work this out, stated Comm. Sylvester. He is donating the space, stated Patrick Tisi. It is a good idea and it is a critical area, stated Comm. Pogoda. We will leave it up to Staff to work with the owner, stated Chairman Cribbins. I will make a motion to leave the site plan up to Staff and have conversation with the owner with the concerns expressed stated Comm. Sylvester. Delivery time, you know, he added.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to waive the site plan on Separate # 5177 and allow Staff to work with the applicant on the Commission's concerns with the site.

5172- A CHILD'S GARDEN, 20 IVY BROOK RD., STORAGE BLDG.

Patrick Tisi reported that you have before you a storage shed, storage building. He passed around a picture. This will be to the rear of the building near the enclosed playground area right up against the fence area, stated Richard Schultz. It is 220 sq ft, stated Patrick Tisi. I recommend it be approved.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to waive the site plan on Separate # 5172.

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 ACTION

Richard Schultz read the attached resolution.

This will utilize the Long Hill Avenue sewer system that goes to Stratford.

This is just step one and no final approval will be given without a CAM application, stated Richard Schultz.

The City Engineer has reviewed the application and together with the applicant's Engineer are working on a design for the sewer design. The applicant can't go down River Road and Tanglewood is hoping to hook into that. When a septic system or well fails, the State will intervene with the City having to fix it, stated Richard Schultz. The City has to come up with a resolution. This part of Shelton is served by Stratford. All parties are confident that this can be done. If Staff didn't feel comfortable we would not be suggesting this resolution.

If this fails the application for the 4 units would fail, questioned Comm. Pogoda? That is correct, answered Richard Schultz. The day that this Commission accepts the detailed development you will know that the water pollution control has been settled, he added.

Tonight I can confirm that we received a current A-2 survey, stated Richard Schultz.

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

On a motion made Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 04-23. A roll call vote followed with all Commissioners voting I to approve.

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

APPLICATION # 05-02, R.D. SCINTO, INC. FOR RESUBDIVISION OF LOT 3 (2 LOTS) 60 PARROTT DRIVE (MAP 28, LOT 17), PDD # 51 (PUBLIC HEARING CLOSED ON 3/14/2005) – DISCUSSION AND ACTION

Richard Schultz read correspondence including a memorandum, the City Engineer's letter and a draft motion all of which are attached hereto.

This seems like the next logical step with regard to the Renaissance stated Chairman Cribbins.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was voted to approve Application # 05-02. Comm. Sylvester abstained from the vote and a roll call vote followed with the voting Commissioners all voting I to approve.

APPLICATION # 05-13, KEY DEVELOPMENT, LLC FOR SPECIAL EXCEPTION APPROVAL FOR 6-LOT CRD SUBDIVISION (THE WOODS AT LAKE ROAD, PHASE II) LAKE ROAD (MAP 115, LOTS 4, 5,) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 3/14/2005) DISCUSSION AND ACTION

Richard Schultz read from the attached staff report. Chairman Cribbins stated we are putting in 6 lots. A subdivision application will be received after this is approved. The project is on the right side facing Shelton Lakes. There will be 5 acres of Open Space mostly to the right but a little area to the left shown on the map on the table. Staff felt comfortable with the road reduced to 26 feet wide, stated Richard Schultz. There is a 120 foot turn around which can accommodate a school bus. You will get another shot at the subdivision application.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 05-13. A roll call vote followed with all Commissioners voting I to approve.

PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION FOR AMENDMENTS TO THE ZONING REGULATIONS BY CORRECTING AND AMENDING SECTION 24, PARAGRAPH 24, 12.4 (SETBACK EXCEPTION) SUBPARAGRAPHS A AND B FOR ACCESSORY BUILDINGS OR OTHER STRUCTURES (PUBLIC HEARING CLOSED ON 3/14/2005) DISCUSSION AND ACTION

Richard Schultz once again Staff left out the word to. Our apologies but the Commission did adopt a lot of text and this was proofread many times by both parties. A resident found this and brought it to our attention. He read from a resolution.

On a motion made by Patrick Lopera seconded by Leon Sylvester it was unanimously voted to approve the Proposal of Shelton Planning & 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. A roll call vote followed with all Commissioners voting I to approve.

PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION TO AMEND THE BUILDING ZONE MAP BY CHANGING PDD # 31 TO LIP (20 COMMERCE DRIVE) AND CHANGING A PORTION OF PDD # 32 TO LIP (6 RESEARCH DRIVE) (PUBLIC HEARING CLOSED ON 1/25/2005) – DISCUSSION AND ACTION

Chairman Cribbins stated what we are doing here is to put these PDD's that were never utilized back to their original zones. Richard Schultz read the attached report/resolution.

LIP has been very good to Shelton with light manufacturing and for Corporate Offices, stated Richard Schultz. We are telling the property owner that the ability to come in for a PDD Zone Change is and always will be available, he added, as he continued to read from the resolution (# 6).

Comm. Perillo questioned the remaining portion of Lot 32 that abuts the used portion. The official line will be adjusted and we will follow the lease lines, answered Richard Schultz.

How does the appeal affect this, questioned Comm. Sylvester? Obviously they didn't want it to go back to LIP, answered Richard Schultz. It was the consensus that there be no more extensions and to bring this back, it is the policy of the Commission. The appeal stands alone, he added. This is consistent with the way the Commission wants to go. If you have a PDD out there without any development plan you are going to eliminate it or extend it. We have said that is it on extensions.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the Proposal of the Shelton Planning and Zoning Commission to amend the Zoning Regulations and Building Zone Map by replacing PDD # 31 and part of PDD # 32 to LIP (6 Research Drive). A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 05-10, ZAIM MURTISHI FOR SITE PLAN APPROVAL (BUILDING EXPANSION AND MIX USE OCCUPANCY) 82 BRIDGEPORT AVENUE (MAP 117D, LOT 8) CB-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Richard Schultz read the attached Fire Marshal's letter, the City Engineer's letter, and his Staff memo.

It should be noted this backs up to the Burying Ground Brook.

Once again this used to be a 2 family dwelling, they want to maintain the apartment on the second floor with retail on the first floor and a second floor addition, stated Richard Schultz. You can see the outline of the building with a driveway that currently exists on the left with parking wrapped around with a driveway on the other side, he added.

We asked them to put the fence up with the unregistered vehicles behind it. There are 10 parking spaces and that is the maximum that can be utilized on this side. There is a garage back there. The material will be consistent with what is there now, stated Richard Schultz.

This owner was taken to Court to resolve both Wetlands and Zoning Enforcement. That has been resolved. This is the last permit to be taken from a land use Board in Shelton for that property.

What is by right, what does the owner of this property have to do by right, by right of zoning, questioned Comm. Sylvester? He has to provide on-site parking and the maximum he can do is 10, stated Richard Schultz, before he can get the occupancy. We are not approving any specific occupancy. I am going to get into my report because Staff has a concern with the 2-story addition, he added.

He has a right to put an addition on, questioned Comm. Sylvester? As long as he complies with the setbacks, which he does, and the parking, answered Richard Schultz. He doesn't need any variances, questioned Comm. Sylvester? No but the 2-story is pushing the envelope because of the parking, stated Richard Schultz. The addition is of right and he has said he wishes to create a commercial use on the first floor, which is also by right, stated Comm. Sylvester. That is correct, stated Richard Schultz, in CB-2 Zone and maintain the apartment on the second floor. He can maintain the apartment on the second floor, stated Comm. Sylvester. Then what we are reviewing is not his right to put the addition on, the size of it obviously, nor his right to conduct a commercial business on that site, stated Comm. Sylvester. That is correct, stated Richard Schultz.

It is a 2-story addition and there are maps on the table. See the elevations, this is the house and this is the addition and they want to use both floors for the retail component. The upper floor is not connected to the apartment, stated Richard Schultz. What is on the bottom of the existing building, questioned Comm. Pogoda? That is also retail, answered Richard Schultz. He has indicated to Staff someone is preparing to come in for occupancy, to occupy the entire first floor, he added. If the Commission were to approve the 2-story addition and occupy that portion, it would be the same one occupant.

Would the bottom floor of the existing and the bottom floor of the new structure be connected or be wide opened, questioned Comm. Pogoda? Here is the front, porch and porch. You would come in here and this is the rear with three doors here. This interconnects here and here with the stairs here, stated Richard Schultz. The top floor on the existing structure would remain residential, questioned Comm. Sylvester? That is right, answered Richard Schultz. The top floor on the new part would be part of the retail, questioned Comm. Sylvester? That is correct, stated Richard Schultz. With this approval then could it be more than one retail, questioned Comm. Sylvester? That is Staff's concern, stated Richard Schultz. I will get into that in my report, he added.

Under # 7 on the report, there are 10 spaces allowed that are very tight. Staff is saying the 2nd floor should be eliminated. If down the road there may be multiple uses you would struggle with it, stated Richard Schultz.

Chairman Cribbins stated this should be used for storage area and there should be no active business on the 2nd floor. Staff has had issues in the downtown area. We are concerned with the lack of parking.

I think that we will see pressure for change on that street stated Comm. Sylvester. That lower portion stated Comm. Perillo. Until we build a southbound ramp, that is the only way in and out of Shelton, stated Comm. Sylvester. What we have is a very tight development all the way up and down, he added. It would be better to send a message that we need to have space to accommodate traffic and parking.

Did you mention what the retail was, he questioned? We have had calls concerning a carpet showroom and business, they have not submitted yet but that is what we are hearing, stated Richard Schultz. I had occasion to conduct our business, Tony & Leon, next to a carpet business. They require an incredible amount of space for storage. For product coming in, remnants, and deliveries stated Comm. Sylvester. We won't make the approval on that applicant but if you put that activity on there you will be squeezed for space, he added. If there was area to defer parking down the road, we have done that in the past on other sites, but there isn't any other area, stated Richard Schultz. There is not enough parking, he added.

Are they providing any space for trash, stated Comm. Pogoda? They are saying they don't need it, stated Richard Schultz. They will deal with individual containers. Trash cans, questioned Comm. Pogoda? That would eliminate one parking space, he added. Then what is the reason for the current garage to stay, questioned Comm. Pogoda? The current owner uses it for storage and he is a contractor, stated Richard Schultz. You can pick-up more spaces if that wasn't there, stated Comm. Pogoda.

You uncovered an important part of the deal here, stated Comm. Sylvester. If the owner is going to use the site for his own business then you have another business activity going on at that site, he added. He is in the construction business, the problems were his equipment and storing of his equipment.

You can't approve it on what is going in there but if it is a carpet store generally something small would not store anything on site. They generally go with a warehouse storage, stated Comm. Pogoda. You are talking about trailers stopping on Bridgeport Avenue. They can't get in and out of those driveways, he added. We have to consider that now.

Comm. Perillo stated my concern is that this is a square peg in a round hole. We have problems already there and I think we need to push owners or developers to do it right. I don't think that this is the road to that, he added.

Comm. Sylvester stated it is worth something and it is hard to say no to people who clearly want to invest money into their properties. Clearly there is an interest to improving this site, stated Comm. Perillo. It is an interesting site and it is an attractive site to do business on. I frequent the ice cream business across the street and they have parking, easy access in and out, they have a building in the back, there is a lot of open space and there is nice parking there, stated Comm. Sylvester. They have done some nice work in improving that site. I look at the 10 spaces, the two businesses and the apartments parking and I wonder if there is enough. I think the site can accommodate the original building and I don't see any reason to allow the expansion.

It is the call of the Commission and you can approve it with modifications, Staff is recommending elimination of the 2nd floor with regard to the parking. You can deny it but you can approve it with conditions, stated Richard Schultz.

Chairman Cribbins asked Richard Schultz to go over square footage? The total square footage in the 2 story combined is 780 square feet. 390 square feet on both floors, stated Richard Schultz. So if you go to the existing first floor, do you know how much is on there, questioned Chairman Cribbins? That is 26 by 44, which is just less than 1200 square feet, 1144, answered Richard Schultz. So if you have something that is 1900 square feet what would be the comfortable ratios in our regulations for commercial activities, questioned Chairman Cribbins? We require one space for each 150 square feet, answered Richard Schultz. You have the preexisting residential unit, he added. So it is off by 3 or 4 spaces, stated Chairman Cribbins.

Comm. Sylvester stated I drive by it all the time and it is a confining space. He is keeping the building behind for his own activities you will end up with a busy site, he added. With some real planning we should encourage people to take the property to a higher level.

Chairman Cribbins stated we can deny this. Each floor is two parking spaces, stated Comm. Perillo. I would be concerned about the addition, stated Comm. Pogoda. He is using the garage and maybe if he came in with some parking spaces but if he could use the existing portion on the bottom floor I would feel comfortable without the addition, he added.

Comm. Sylvester stated we should make a motion to deny the addition recognizing that the site accommodates what is there plus the building in the back. The message to send is that if you intend to add on to this facility, you will need to be more specific as to how and what the goals are to improve the site. I will make a motion to deny the addition, he added. I will second it stated Comm. Pogoda.

We are really not saying that we will not allow the use on the site, we are saying that parking ratio doesn't work, stated Comm. Sylvester. It is a judgment of the Commission that the parking doesn't work stated Richard Schultz. You can't have on the street parking there, stated Chairman Cribbins.

On a motion made Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to deny the addition of the second floor on Application # 05-10 and authorize Staff to work with the applicant on the mix use occupancy.

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 – RESCHEDULE PUBLIC HEARING

Richard Schultz stated we scheduled this on the 26th and I need to clear that to show April 25th, he added. We can't have the auditorium on April 26th because the Aldermen have hearings scheduled and they asked that we find alternative nights since we are running into conflicting schedules.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to reschedule the Public Hearing until Monday, April 25, 2005.

AVALON BAY COMMUNITIES, INC. (SHELTON 1)

APPLICATION # 05-20, JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. TO AMEND THE ZONING REGULATIONS BY ESTABLISHING A NEW DISTRICT ENTITLED HOD (HOUSING OPPORTUNITY DISTRICT) AND RELATED STANDARDS- REQUEST FOR EXTENSION (APPLICANT REQUEST) AND RESCHEDULE 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) – REQUEST FOR EXTENSION (APPLICANT REQUEST) AND RESCHEDULE 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) REQUEST FOR EXTENSION (APPLICANT REQUEST) AND RESCHEDULE PUBLIC HEARING

Chairman Cribbins stated that this is for an extension. We actually asked them for this and they refused, stated Comm. Sylvester. We got a letter dated March 29, stated Richard Schultz. He read from the letter that consents to the extension until May 31, 2005. The applicant has to authorize the extension. We were going to open both sets of hearings on May 10th, they saw the importance of not having them opened together and we got the letter, he added.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve the letter of extension and reschedule the Public Hearing until May 31, 2005 on Applications # 05-20, 05-21 and 05-22.

PROPOSAL OF SHELTON PLANNING AND ZONING COMMISSION TO AMEND THE BUILDING ZONE MAP BY CHANGING PLANNED DEVELOPMENT DISTRICT # 40 TO COMMERCIAL CA-3 DISTRICT, HOWE AVENUE/WHITE STREET – SCHEDULE PUBLIC HEARING

End of Side 1B of 2A, Tape 1 of 2 at 8:45 P.M.

The Commission has tabled an application for the New Milford Bank and the PDD is in effect. They want to bring it back to CA-3 and their intent is to bring the bank there.

Comm. Sylvester questioned if we voted to make this a PDD and under the PDD it gives us greater control in the development of this particular parcel, are we obliged in anyway to return it to a commercial zone? It is the policy of the Commission if the developer who has the project decides not to fulfill the PDD, the Commission then puts it back to the original zone like we did with David Mack, stated Richard Schultz. I think that with David Mack we did that because we wanted to insure the kind of development that we didn't want to take place there. Here we are in downtown Shelton and we have an important piece of property that is a PDD that we thought was a good move, stated Comm. Sylvester. It was a project that was consistent with the long-range plans, added Richard Schultz. Now we want to go back to commercial we lose guidance and control over an important parcel in downtown, stated Comm. Sylvester. Well they can occupy there building under the PDD, he added. They would have to modify it, stated Richard Schultz. You can do everything under one zone you can do under the other, stated Comm. Sylvester. I am not proposing that we don't have the Public Hearing but I think it is food for thought, he added. We want to use the PDD downtown, stated Richard Schultz. We are telling people all the time that the PDD is an important tool for us, we have an important tool downtown and we are trying to work with it, stated Comm. Sylvester. They have a right to the Public Hearing, he added. Comm. Pogoda stated it is a good point in an area that is critical we are trying and working hard to make it look good to close that control. It is interesting there is drive-in window and how does the Commission design that, stated Comm. Sylvester.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to schedule the Public Hearing on Monday, April 25th, 2005.

APPLICATION # 05-24, ROYAL WELLS FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: DRIVE THRU) BUILDING III, WHITE HILLS SHOPPING CENTER, LEAVENWORTH ROAD (MAP 144, LOT 15) CA-2 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to accept Application # 05-24 and schedule the Public Hearing for Monday, April 25, 2005.

APPLICATION # 05-25, PETITION OF JOHN GUEDES ON BEHALF OF BIRMINGHAM DEVELOPMENT FOR APPROVAL OF DETAILED DEVELOPMENT PLAN AND ADOPTION OF PDD ZONE CHANGE (100 CONDOMINIUM UNITS: AND AUTHORIZATION TO BEGIN BRIMINGHAM ON THE RIVER) 5 BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22, 23) – ACCEPT FOR REVIEW AND AUTHORIZATION TO BEGIN RENOVATION WORK

Richard Schultz stated that this has been reduced from 110 units to 100 units. They are moving ahead with the Mayor's Office and the State to get the lease areas under the bridge from the State DOT. The City of Shelton will be adding more parking spaces on White Street. We need the parking to make this project work within walking distance. There will be a two-tier parking garage directly across the street, parking under the bridge and the City will provide additional parking on White Street parallel with the train tracks.

The applicant is also requesting the Commission to allow them to take out demolition permits next door at the Building Department, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept for review Application # 05-25 and give the applicant authorization to begin renovation work.

Chairman Cribbins stated I am excited about this. I hope it comes out the way the artist rendition is and it will be a welcome addition down there.

APPLICATION # 05-26, PETITION OF S & S SHELTON DEVELOPMENT, LLC FOR MODIFICATION OF PDD # 2 (BAKERY/CAFÉ AND BANK) 850 BRIDGEPORT AVENUE (MAP 18, LOT 23) – ACCEPT AND SCHEDULE PUBLIC HEARING

Attorney Stephen Bellis representing the applicant is present this evening.

This is the economic development site next to Staple's where the Commission denied the Applebee's Restaurant several years ago. This is a significant change from the detailed development plan for just retail and the applicant has to modify the PDD, stated Richard Schultz.

Richard Schultz stated we have a full agenda on April 25, then you get into May and that is Avalon. The 65 days will take us to June 10th, which is the second Tuesday of the month and our regular meeting. If you wish to go beyond that is June 28th and we would have to get an extension from the applicant.

Chairman Cribbins questioned can we do June 10th? Comm. Perillo questioned will we catch run off from the other meetings? Avalon starts in May and it will be the middle part of June, I suggest doing this early in June, stated Richard Schultz. I suggest the 3rd or the 10th, he added. Put it on for the 10th, stated Chairman Cribbins. The Commission will spend time on the traffic with this application, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to accept and schedule the Public Hearing on Application # 05-26 for June 10th, 2005. (June 10th is actually a Friday and the date was corrected the next morning to June 14, 2005).

Chairman Cribbins stated that we should flow out to have scheduling reflect one meeting in July and one meeting in August. We have to flow these things out so you and Tony don't get over burdened, he added. We have a lot of work to do and every facet of planning will be involved with Armstrong Road, stated Richard Schultz.

APPROVAL OF MINUTES: 1/25/2005, 2/8/2005, 3/14/2005 AND 3/22/2005

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the minutes of 1/25/2005, 2/8/2005, 3/14/2005 and 3/22/2005.

8-24 REFERRAL: DISPOSITION OF CITY PROPERTIES:

1. TUXEDO AVENUE (2 PARCELS)
2. OROWOC TRAIL
3. KANUNGUM TRAIL

Tuxedo Avenue:

Richard Schultz reported that this is Lots 29 & 31 on the map in front of the Commissioners. The lots are City owned. The Commission can't get their bearings on the map.

A developer is asking to purchase these two lots. The developer owns Lot 30. The road will be extended, stated Richard Schultz. Comm. Sylvester disqualified himself because he owns a lot up there.

George Sender, who owns Lot 30, addressed the Commission.

I am the one who owns Lot 30. This lot, the last one doesn't belong to me. I want to extend out here but the topography drops off badly here. We can extend here and put a house here. My intent initially here was to split here and put two houses but topography doesn't lend itself to that. The City Engineer agreed. So if I can merge all three as a deeded one building lot using this for additional property. Conservation Commission wants to swap these lots, giving me this and the City then would have contiguous lots. I am saying why not take and put these back on the tax rolls giving the City some more money on the budget this year and the other item the road won't be extended through. This is all wetlands through here with a drop off here, stated George Sender. I am opened to either one but I would prefer to merge all three into the one building lot, he added.

The City Engineer is recommending the two City parcels be sold to the abutting property owner of Lot 30, Mr. Sender with covenants and restrictions. All three would be combined to make one lot with one single family home and sheds, etc. to be allowed, read Richard Schultz.

So you are saying three would become one and the road would be extended to be a cul-de-sac and what happens with these 1, 2, 3 here, questioned Comm. Sylvester? There is no problem with this and they are all existing building lots, stated George Sender. I will end up with three building lots and I am not the owner here so I can't make any comments with regard to that, he added.

The City Engineer is saying that this is it and it will become a dead end street, stated Richard Schultz. The Engineer is recommending this and to report favorably.

I am having conversations and I will say that I do own this lot here, stated Comm. Sylvester. I am interested in what they will do there because it has been such a hodge-podge over the years, he added.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was voted to report favorably on the Disposition of City Properties: Tuxedo Avenue (2 parcels) consistent with the City Engineer's recommendations. Comm. Sylvester abstained from the vote.

Orowoc Trail:

Richard Schultz reported that this in Pine Rock Park. He read the City Engineer's recommendations. This is Lot # 18. A single-family lot can be developed on this lot and this lot should be sold to the abutting property owner. I recommend to report favorable and incorporate the City Engineer's comments into our approval, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to report favorably on the Disposition of City Properties: Orowoc Trail consistent with the City Engineer's recommendations.

Kanungum Trail:

Richard Schultz read the City Engineer's letter. He recommends that you sell this property to the abutting owner with no development of a single family home just a shed.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to report favorably on the Disposition of City Properties: Kanungum Trail consistent with the City Engineer's recommendations.

8-24 REFERRAL: EXTENSION OF WELLS AVENUE

Richard Schultz we reported unfavorably last month. The City Engineer's letter recommends reporting favorably as read by Richard Schultz. It all boiled down to design and the City Engineer finds it acceptable. They still have to go to Wetlands, added Richard Schultz.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to report favorably on the 8-24 Referral: Extension of Wells Avenue consistent with the City Engineer's recommendations.

8-24 REFERRAL: EXTENSION OF TUXEDO AVENUE

Richard Schultz reported that this is for the extension of Tuxedo Avenue. The City Engineer recommends approval as stated in a letter read by Richard Schultz. Comm. Sylvester stated show me these lots. There are only 3 lots and the developer will combine the two lots into one with two across the street.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to report favorably on the 8-24 Referral: Extension of Tuxedo Avenue consistent with the City Engineer's recommendations. Comm. Sylvester abstained from the vote.

#10 CONTROLS DRIVE: REQUEST FOR RELEASE OF SITE BOND

Richard Schultz reported that the project has been completed. It has been a success story up there with light manufacturing expanding. Staff recommends approval. Most of the trees were preserved.

On a motion made by Leon Sylvester seconded by Patrick Lopera it was unanimously voted to release the site bond on 10 Controls Drive.

VISTAS AT WHITE HILLS SUBDIVISION: REQUEST FOR 90-DAY EXTENSION

Chairman Cribbins stated this is going to the Aldermen on Thursday. They are unable to record the map until some issues get resolved. What are the hang-ups, asked Comm. Sylvester? One of the property owners took a lot of time in their negotiations with regard to the 50-foot right of way, stated Richard Schultz. I know we approved the development, added Comm. Sylvester. That was a condition of the approval to fulfill the deed and conveyance, stated Richard Schultz.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve the request for a 90-day extension on the Vistas at White Hills Subdivision.

APPROVAL OF 04 ANNUAL REPORT

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve the 04 Annual Report.

PAYMENT OF BILLS

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

STAFF REPORT:

SEE ATTACHED ZBA AGENDA

Richard Schultz went over the ZBA agenda and on the second page of that agenda there is a proposal for an automotive repair business. Staff has authorized me to write a letter asking that be kept open. This is directly across the street from the A & P. I ask that the Commission give me authorization to write that letter. The last item on the agenda is the two buildings in Huntington Center.

Chairman Cribbins stated that we need an extension on Turkey Hill Estates. Attorney Thomas has requested this. By Statute our time will expire on April 14th.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to add # 04-47 Turkey Hill Estates to the agenda.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve the extension on 04-47 Turkey Hill Estates.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to adjourn at 9:20 P.M.

Respectfully submitted by,

Diana Barry,
Clerk