

The Shelton Planning & Zoning Commission held a Regular Meeting on June 14, 2005 at 7:00 P.M. in the Old Shelton Intermediate School, upper gymnasium, 60 Perry Hill Road, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. Daniel Orazietti
Comm. Jason Perillo
Comm. Anthony Pogoda
Comm. Karen Tomko-McGovern

Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Pat Garguillo, Court Stenographer
Diana Barry, Clerk

Members absent: Comm. William Papale
Comm. Leon Sylvester

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

The Chairman opened the meeting with the Pledge of Allegiance.

AVALON BAY COMMUNITIES, INC. (SHELTON II)

1. Application # 05-17, Joseph Williams on behalf of Avalon Bay Communities, Inc. to amend the Zoning Regulations District entitled multi-family housing district) and related standards (continued from 5/31/2005)

2. Application # 05-18, Joseph Williams on behalf of Avalon Bay Communities, Inc. to amend the Building Zone Map by changing from R-1/OPD to MFHD, Bridgeport Avenue/Huntington Street (Map 8, Lot 8) (continued from 5/31/2005)

Comm. Orazietti read the call of the hearing. There were 2 additional pieces of correspondence one from Constance Schwartz and one from Heidi Price (?) both in opposition.

Attorney Joseph Williams, representing Avalon, addressed the Commission. After the last hearing we were approached by members of the Community. We have had discussion with these folks, we want to know if there is any way to address their concerns, and we are very enthusiastic to get to those discussion. It was asked of us to ask you to continue the hearing. We respectfully request that the hearing be continued, stated Attorney Williams.

Chairman Cribbins asked if there was anyone representing Voices of Shelton who wished to address the Commission.

Attorney Kevin Kelly, with Jackson & Kelly of Stratford, representing Voices of Shelton, addressed the Commission. I concur with what Attorney Williams has put on the record. We have asked for the 30-day continuation to see if we could reach some common ground.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to continue the Public Hearing on Applications # 05-17 and 05-18 until July 26, 2005.

Application # 05-26, Petition of S&S Shelton Development, LLC for Modification of PDD # 2 (bakery/café and bank, or retail), 850 Bridgeport Avenue (Map 18, Lot 23)

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

Attorney Stephen Bellis, Attorney for Panera Bread, addressed the Commission. He presented the notices to adjacent property owners as well as a letter from John Cook stating that there are no regulated Inland activities.

I would like to give a brief history of the property. This goes back to the Stop & Shop application and to the first PDD. This the left out portion of the land that went with that PDD when Mrs. Harris lived there. When she passed along then the P & Z Commission approved PDD # 2 which is Staples. That was in 1997. It was an unanimous approval and 24, 615 square feet was build for PDD # 2, Staples, stated Attorney Bellis.

We are here tonight for the part of PDD # 2 that was never built on. 8,000 square feet was never built on and we are proposing to build a 9,561 square foot building. He showed photographs with the location and where this addition would go. The grass area is where the new addition would go. This is the entrance, which was taken from Armstrong Road.

The applicant is proposing a Panera Bread. I am familiar with Panera Bread because there is one in North Haven. There is a representative from Boston from Panera Bread. There are 750 locations, 9 within the State of Connecticut.

Attorney Bellis stated that they have big loaves of bread. There is no frozen dough and bread is baked fresh daily.

Mark Crowley, 88 Holland Street, Somerville, MA, a Panera Bread Manager, addressed the Commission. We have 750 locations throughout the US and 9 within the State of Connecticut. We bake fresh bread everyday. We don't use frozen dough and we don't sell day old bread. We feel we have a quality product to sell to the public.

We are opened for three meals and hours are generally 6 to 9 daily and 7 to 9 on Sunday. We have fresh bagels everyday and we have just come out with new hot breakfast items everyday. We do have bakery offerings that include our bread. We have 20 varieties of bread. Our items are carry out.

We don't want to be a chain and emphasis is on the environment. There is area to sit and read the newspapers. We have book clubs and there are corporate meetings held at our locations. We wanted this to be a home away from home stated Mark Crowley. We didn't want the hustle and bustle of the city crowds. We wanted it to feel like it was a part of the Community. When we open a new location we get involved with non-profit organizations in the area.

We have worked with Children's Medical Center in Hartford. We tie the product back into the Community and at the end of the day we provide the products to local soup kitchens or food banks. We try to get involved in Community events and even offer tours for school children. Mark Crowley read a letter from a landlord of one of their properties in Rhode Island.

Chairman Cribbins explained that there was an application previously on this property for an Applebee's. The Commission didn't want that basically because of the liquor involved and the traffic. You won't be serving alcohol, he questioned? No answered Mark Crowley.

Attorney Bellis stated that we are very close to signing a lease with a bank. If that falls through we will use the extra area for retail. There will be no drive-thru with this bank but it will have an ATM on the side.

Jeff Pullman, Architect, addressed the Commission. There are proto-types showing the building. The roof won't be peaked where Panera Bread is going. There is red in the middle and there is tan to the left. Comm. Pogoda questioned the colors? We have been trying so hard to keep the colors consistent. We will continue to work with Staff on that stated Attorney Bellis. The same material will be used that were used for Staples. The building will be a textured area with solid wall and brick.

George Derrick, River Drive Center 1, Elmwood Park, NJ, addressed the Commission. Armstrong Road is to the right. The tan in the picture is where the new building will be in the front. The site area is vacant and we will add to the building in that area. All the parking that is there now is sufficient and we will not add any or subtract any. The lot coverage is the same and all the surfaces are the same. The utilities are there. The only change to the site is an additional lane on Armstrong Road. It will be added to the outside so that a left and right turn can take place.

Since the traffic was an issue, we did a study that shows with this additional construction there will only be less than one car added to the traffic during peak hours on Friday.

Anthony Panico asked about the signs? We set up a monument sign to identify the left hand turn, stated George Derrick.

Attorney Bellis stated that he went to Staples during the afternoon and the parking lot was big enough. The business that is there now is not a high volume traffic generator. There should be plenty enough extra parking to accommodate the bank and Panera Bread.

Attorney Bellis stated we wanted to bring this to the Community because this is a PDD and we will be using less than 1000 square fee. This is not a freestanding building like the proposed Applebee's was and we will not be serving alcohol. This will be a good addition to the Community, he added.

Comm. Lapera questioned that Staples lot and the parking volume does vary? Will you still have room if you put a bank in there? There is enough room to park the cars for the bank and Panera Bread.

Attorney Bellis stated that Staples does have a long-term lease and they will be staying for a while. I believe both tenants will do well.

Chairman Cribbins asked if there is anyone who wishes to speak for against this application?

Arlene Gray, 49 Pine Tree Hill Road, addressed the Commission. She asked what the seating capacity would be, the number of employees and the hours of operation? Jeff Pullman answered that the seating capacity would be 100. Mark Crowley answered that there will be 10 to 12 employees with hours of operation of Monday thru Saturday 6:00 A.M. to 9:00 P.M. and on Sunday 7:00 A.M. to 9:00 P.M.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing on Application # 05-28.

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

Application # 05-28. Deborah Petruzello for Special Exception Approval (addition to Appletree Daycare and Preschool Center) 117 Long Hill Cross Road, (Map 51, Lot 4) LIP District

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

Deborah Petruzello, the applicant, addressed the Commission. She presented the mailing receipts for adjacent property owners. I am not used to speaking to people over the age of 3. We are proposing an addition to the right side of the building. If you are looking at the building it is on the left. It is 500 square feet and it will be for 2 rooms. One will be a teacher's lounge and one will be a toddler room for 8 additional children. Do you need additional parking, asked Chairman Cribbins? Comm. Pogoda questioned additional Staff with this proposal? I will need 2 additional staff, answered Deborah Petruzello and I will need two additional parking spaces. Deborah showed Staff where the additional parking was on the map.

The exterior, questioned Chairman Cribbins? It will be red siding or the same material that is there now. The building is in an L shape, answered Deborah Petruzello.

How many children do you have now, questioned Comm. Pogoda? We have 48 children, Deborah Petruzello and with the 8 it will bring that to 5 students.

Richard Schultz asked Deborah Petruzello to explain how long she has been in business and to give some background to the application. She answered that she has been opened for 10 years. She is the owner/applicant. She is licensed for children 6 weeks to 12 years. We have rooms for infants, toddlers and preschool. The only bus children or bus route that we accept is Long Hill School.

There is not a problem with the traffic flow. We have a morning and afternoon pick up for kindergarten and we have a drop off around 3 p.m. The bus is in and out and a teacher from the school is always outside waiting for the bus.

Parking has been questioned with 40 students arriving all at once, stated Deborah Petruzello. Not everyone arrives at 7 a.m. We are opened at 7 and staff will arrive then. We usually will have about 8 children arrive then, at 8:30 we might have 5-6 more children and at 9 a.m. we may have 4 to 5 more children. I have been at this site for 5 years and have never had a parking problem.

Anthony Panico questioned what do you do when you have a special event and have extra cars to park then? We have a sign up sheet the day before so we know who is coming. If there are 5 families there is parking.

Comm. Perillo questioned on the left of the structure, it appears that you are putting in a new driveway and 2 employees parking spaces? She looks at the drawings and says that there is no driveway here. The addition is here and this will be a hallway. There is one room here and another here. There is a door between and the parking lot is here with handicap accessibility.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to close the Public Hearing on Application # 05-28.

OLD BUSINESS:
APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE (see attached sheet)

Richard Schultz reported that there are Standards numbers 1-71. All meet regulations and Staff does recommend approval. Comm. Oraziotti and Comm. Tomko-McGovern abstained from the vote for Standard # 39, Application # 5310 Timothy Connors, 187-189 Coram Avenue, remodel 2nd floor.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was voted to approve Standards 1-71. On # 39 Application # 5310 it was 4 to 1 vote with the 2 abstaining Commissioners noted above.

SEPARATES:
5321 RENATA SPATARO, 11 CRIBBINS AVENUE, IN-LAW

Richard Schultz reported that we received input from the neighbors that there is an in-law situation at this address. Richard Schultz has reviewed this and this in the basement. It meets all requirements.

The applicant is speaking without the use of the microphone.

Chairman Cribbins stated that the rules say that after your mother goes back home, we can't have a border someone who is not a relative, not family, move in there. Richard Schultz stated that he has reviewed this. It meets requirements and it should be noted that this is her mother.

Anthony Panico stated that the eligible floor space has to be above grade space? You can have finished rooms in the basement but you can't rely on that to the total requirements of the square footage. The regulations 5.2 state that no accessory dwelling should be located in the basement. The inspectors went out because of the problem with zoning, stated Richard Schultz.

Anthony Panico stated that if you are going to act on this it should be double checked with Staff and the Building Dept.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5321 with conditions that this meets all requirements and regulations.

#5112 SCHAIBLE REALTY, LLC, 487 HOWE AVENUE, BUSINESS

Richard Schultz stated that this is for a commercial bank, the New Milford Bank (NewMil Bank). This was tabled until the rezoning was done. The applicant has submitted detailed plan. The drive up window will be used with a right hand turn only coming out. There will be an ATM on the outside lane. Comm. Pogoda asked if we had communication from the Traffic Authority? I did talk with Chief and there will be no additional curb cuts, answered Richard Schultz.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 5112.

5165, GHI SIGN SERVICE, 475-501 HOWE AVENUE, SIGN

Richard Schultz stated that this is the proposed sign for the New Milford Bank. We have a wall sign here, a projected wall sign and a freestanding wall sign.

On a motion made by Daniel Oraziotti seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5165.

5135 ROSA CONNORS, 187-189 CORAM AVENUE, BUSINESS & SIGN

Richard Schultz reported that this was tabled until ZBA took action. They have approved this for a full hair and skin salon. Staff is recommending approve. We have no picture of the sign. It is the same post that will be used for the sign and it will be a replacement sign, 4 by 4.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was voted to approve Separate # 5135. Comm. Oraziotti and Comm. Tomko-McGovern abstained from the vote.

5294 BRUCE SCULL, 20 HUNTINGTON STREET, BUSINESS

Richard Schultz reported that this is the Gulf Station in Huntington Center. This is for new ownership.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to approve Separate # 5294.

5229 NORTH STAR, LLC, 88 TRAP FALLS ROAD, BUSINESS

Richard Schultz stated that this was tabled from the last meeting. This is for seminars and massage therapy. It is about 1200 square feet. They will have 2 employees, hours of operation are 10 a.m. to 6 p.m. Mon-Sat. They will have 10 assigned parking spaces and 12 spaces to the left with a total of 22 spaces. Comm. Pogoda questioned what would be left after this? The total is 5600 and they will use 1200 leaving 4400 square feet. They will leave 12 spaces, stated Richard Schultz. 6 spaces for the first and second floor. How many people will take up parking spaces as you work on them, questioned Comm. Pogoda? There will be the 2 employees and the people who attend the seminar so you have 10 spaces, stated Richard Schultz. We have to watch this carefully, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5229.

5265 PAUL MANDULAK, ONE RESEARCH DRIVE, BUSINESS

Richard Schultz stated that this is for the TIE Communication building that over looks the reservoir. This is for a Professional Ground Level Environmental Agency with a total of 9 employees. They will lease 50000 square feet. Total building size 155,000. There is plenty of parking and we will receive applications every time a new tenant comes in.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5265.

5315 LATRECE PRESTON, 61-65 HOWE AVENUE, SIGN

Richard Schultz stated that this is for a Specialty Coffee Shop and Book Store. It will be 700 square feet with 2 full time employees. The sign is a replacement and it is consistent.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5135.

5282 FRED MONAHAN, 83 SAWMILL CITY ROAD, DETACHED STRUCTURE/SIGN

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to table Application # 5282.

#5317 JOHN RAWLINSON, 27 HUNTINGTON PLAZA, SIGN

Richard Schultz stated that this is the building in the rear. It is a sign for the Commerce Park Dental Group. This is a replacement sign.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5317.

5266 HOPELINE PREGNANCY CENTER, 23 BRIDGEPORT AVENUE, SIGN

Richard Schultz stated that the Commission approved the occupancy at the last meeting. This at the Quick Pick location and Staff has been by to check this out. There will be an identification sign but there is a phone number on there now. We usually eliminate the phone numbers and addresses. Chairman Cribbins stated we should consider the number is needed for those who might need to use the facility. Although I agree with this situation I don't know the need of a dentist to put his phone number on a sign, stated Comm. Perillo. The purpose of the phone numbers not being on signs is because we don't want people slowing down to look at something, stated Comm. Pogoda. I will make the motion, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5266.

5228 CADCON, LLC, 884 BRIDGEPORT AVENUE, BUSINESS & SIGN

Richard Schultz stated that this is Shelton Square and Staff asked the applicant to tone down the sign. There are still graphics on there with multicolor. This is for the Children's Toy & Candy Store. Both Comm. Lapera and Comm. Perillo stated that the characters are still there.

The applicant addressed the Commission. The turtle is our mascot, Hallmark has their flag. I have tried to appease the Commission. I have done a lot of marketing.

Chairman Cribbins stated let him work with Staff to see if we can reach some sort of compromise.

On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 5228 with the condition he works with Staff on the sign.

5175 RHINO SPORTS, 15 HIDDEN POND LANE, LIGHTING

Richard Schultz stated that this is for a full-blown basketball court in a residential area. It is 17 feet tall and that does comply with the height standards. We did advise them that they didn't want to create a glare. This is a full size basketball court at a residents, questioned both Comm. Lapera and Chairman Cribbins. This would be a secondary activity to the house. It is 50 by 85 and the bulk standards comply. This is 17 feet tall stated Comm. Pogoda. I think we need to table this to allow us a site visit, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to table Application # 5175.

5230 EDWARD SUL, 259 WAVERLY ROAD, HOME OFFICE

Richard Schultz stated that this is for a Chimney Maintenance Operator. He will use 50 square feet for his office and he has one unmarked pickup.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5230.

5244 STEVE KINMAN, 4 OAK VALLEY ROAD, HOME OFFICE

Richard Schultz stated that this is for a Hair Salon in the residence. Thank you no, stated Comm. Cribbins. I recuse myself from this application, stated Comm. Tomko-McGovern.

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

Anthony Panico stated that this is not a home office, it is a home occupation. Let us table this so that we can get Staff to go out or get us additional information, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Separate # 5244.

5249 SEVVARAJU CHINNASAMY, 70 KATHERINE COURT, HOME OFFICE

Richard Schultz stated that this is a computer based service operation. One employee himself.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5249.

5287 EURO TILING, 116 CLIFF STREET, HOME OFFICE

Richard Schultz stated that this is for a home office. The applicant has an unmarked van and they advised the gentlemen that there be no materials on the site. He is a handyman.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5287.

5292 MARY BAOTIC, 36 LITTLE FOX RUN, HOME OFFICE

Richard Schultz stated that this is a computer consulting operation. She will use 100 square feet. Hours of operation are Monday to Friday 9-5.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5292.

5293 RALPH MALLOZZI, 14 COACHMAN'S LANE, HOME OFFICE

Richard Schultz stated that this is a home office for a construction business. They will use 65 square feet for the office. They will have one truck with commercial signs and no material on site.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5293.

5296 ANGELO ALLOCCA, 6 OLD DAIRY LANE, HOME OFFICE

Richard Schultz stated that this is a consulting firm. There will be one part time employee.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5296.

5312 CARRANO'S PAINTING, 14 HEARTHSTONE DRIVE, HOME OFFICE

Richard Schultz stated that this is a painting service. He will use 100 square feet. He has one truck that has no signs.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 5312.

5260 DAVID MALKO, HUNTINGTON STREET, WIRELESS COMMUNICATIONS FACILITY

Richard Schultz stated that Staff wanted to bring this to your attention. This is a water tank that is freestanding and well screened from all the trees. This is consistent with our regulations. It will be roof mounted and you won't see this from the road. We won't take any of the trees down.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5260.

A gentlemen from the audience addressed the Commission. He questioned putting a cell tower on top of a water tank? Richard Schultz stated this is a roof mounted tele-communications tower. Do want to see the plans, asked Richard Schultz? No, I want to oppose that, stated the gentlemen. The Shelton Zoning Regulations are to educate people that these structures exist in the Community, (inaudible) Mr. Scinto's building, flag poles and other areas can be used for these in order to prevent the construction of towers, stated Richard Schultz. How tall is the tower, asked the gentlemen? The tower is 73,566 and another 6 feet for the cell tower, stated Richard Schultz. We had a request to put a tower across the street and we didn't allow that stated Anthony Panico. This is not for a new tower it is for a roof-mounted tower.

APPLICATION # 05-04, PETITION OF CUMINOTTO, INC. ON BEHALF OF DEKSON, INC. FOR PDD ZONE CHANGE (PROFESSIONAL/MEDICAL OFFICE DEVELOPMENT) 1 IVY BROOK ROAD (MAP 79, LOT 1) LIP DISTRICT (PUBLIC HEARING CLOSED ON 4/25/05) – REQUEST FOR EXTENSION ON REVIEW PERIOD (PZC INITIATED) DISCUSSION IF TIME PERMITS

Chairman Cribbins stated that Comm. Lapera is recusing himself as he has in the past with this applicant. Comm. Perillo excuses himself from the meeting. He is off to a fire at the Spongex Plant.

Richard Schultz stated that the intent of the PDD is for two buildings. The Public Hearing was held and closed. Several issues came up with regard to traffic. The use is consistent with the park, he added.

Chairman Cribbins stated that there was not much opposition at the hearing. If we move to approve this we should direct Staff to write up a favorable resolution. I will make that motion, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to direct Staff to write up a favorable resolution on Application # 05-04.

APPLICATION # 05-08, PETITION OF DOMINICK THOMAS ON BEHALF OF JAMES BOTTL, SR. FOR SDA OVERLAY EXTENSION, 360 BRIDGEPORT AVENUE (MAP 77, LOT 18) OP DISTRICT (PUBLIC HEARING CLOSED ON 3/22/2005) –REQUEST FOR EXTENSION ON REVIEW PERIOD (PZC INITIATED) AND DISCUSSION IF TIME PERMITS

AND

APPLICATION # 05-09, PETITION OF DOMINICK THOMAS ON BEHALF OF JAMES BOTTL, SR. FOR PDD ZONE CHANGE (MIX USE DEVELOPMENT) PORTION OF 360 BRIDGEPORT AVENUE (MAP 77, LOT 18) OP DISTRICT (PUBLIC HEARING CLOSED ON 3/22/2005)- REQUEST FOR EXTENSION ON REVIEW PERIOD (PZC INITIATED) AND DISCUSSION IF TIME PERMITS

Richard Schultz reported that this is the two parts of the SDA overlay that is consistent with the Route 8 corridor. Staff needs to hear from the Commission on the proposed development.

The concern was that it was shown as two separate buildings and if the application for the perspective tenant was the combination of the two buildings, stated Chairman Cribbins.

There was some concern with the potential restaurant tenant. This building was to be the restaurant. The restaurant may not materialize and they may utilize this for retail, stated Anthony Panico. That retail needs to be consistent with the parking. The applicant needs to clarify that. There is a higher volume with the restaurant as opposed to the retail. If we go back we need to balance the parking.

If this changes from the restaurant they will need to come back to the Commission, stated Anthony Panico.

Chairman Cribbins stated the PDD was in place and we don't want any problems like we have on the other end.

Attorney Dominick Thomas is speaking to the Commission from the audience without the microphone and it is difficult to hear what he is saying.

Anthony Panico stated we need to know that the detailed development plans are one in the same that were approved in the basic development plans.

Chairman Cribbins stated we will draft a resolution for approval. You have direction, he added, to Anthony Panico.

APPLICATION # 05-14, SCOTT WASILEWSKI FOR SPECIAL EXCEPTION APPROVAL 5-LOT CRD SUBDIVISION (ROBERT'S PLACE) WABUDA PLACE/EAST VILLAGE ROAD (MAP 152, LOT 51) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 4/25/05) – REQUEST FOR EXTENSION ON REVIEW PERIOD (PZC INITIATED) –DISCUSSION IF TIME PERMITS

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the request for a 65-day extension on Application # 05-14.

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-REQUEST FOR EXTENSION ON REVIEW PERIOD (APPLICANT INITIATED)

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept the extension on the review period for Application # 05-16.

APPLICATION # 05-27, KEY DEVELOPMENT, LLC FOR CRD RE-SUBDIVISION APPROVAL (6 LOTS: THE WOODS AT LAKE ROAD, PHASE II) LAKE ROAD (MAP 115, LOTS 4 AND 5) DISCUSSION AND ACTION (IF TIME PERMITS)

Richard Schultz reported that this is the final step of a 6-step process. There are no special requirements. The City Engineer's office recommends approval. He read from his Staff report.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Application # 05-27. (Noted as Application 05-26 and hereby corrected) A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 05-29, MARK AND TERESA TAMBURA FOR SUBDIVISION APPROVAL (2 LOTS TAMBURO SUBDIVISION), 6 MAPLE AVENUE (MAP 125, LOT 38) R-1 DISTRICT – ACCEPT, DISCUSSION AND ACTION (IF TIME PERMITS)

Richard Schultz stated that the record map has not been filed yet. There is an existing house on the property and there is a barn that has a stone foundation. There will be individual driveways. The lots will be served by water. There are Inland activities and this is not located in a flood area. Family members will own both lots for a 2-year period. There will be an Open Space set aside. Staff has reviewed the interior lot and it does comply with the regulations.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve Application # 05-29.

NEW BUSINESS:

APPLICATION # 05-30 MUCCI CONSTRUCTION, LLC FOR 10-LOT PRD SUBDIVISION (TURKEY HILL ESTATES) BUDDINGTON ROAD (MAPS 39 AND 44, LOTS 51, 54) ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept for review Application # 05-30.

APPLICATION # 05-31 SMOLENSKY SHOE CORPORATION FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 2 (HAWLEY LANE SHOES) BRIDGEPORT AVENUE (MAP 9, LOT 14) – ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept for review Application # 05-31.

APPLICATION # 05-32 WESLEY HEIGHTS, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 26 (BUILDING ADDITION AND INTERIOR RENOVATION) 580 LONG HILL AVENUE (MAP 41, LOT 29) – ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept for review Application # 05-32.

APPLICATION # 05-33 DOMINICK THOMAS ON BEHALF OF SHIRRON ASSOCS., FOR MODIFICATION OF SPECIAL EXCEPTION APPROVAL (EXISTING PROFESSIONAL OFFICE) 163 LEAVENWORTH ROAD, (MAP 153, LOT 50 R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING AND

APPLICATION # 05-34 DOMINICK THOMAS ON BEHALF OF SHIRRON ASSOCS., FOR RE-SUBDIVISION APPROVAL (2 LOTS) 163 LEAVENWORTH ROAD (MAP 153, LOT 5) R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept Applications # 05-33 and 05-34 and schedule the Public Hearings for August 9th, 2005.

APPLICATION # 05-35 DOMINICK THOMAS FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: ADDITION TO RESTAURANT) 66 HUNTINGTON STREET (MAP 74, LOT 28) CA-2 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept Application # 05-35 and schedule the Public Hearing for August 23rd, 2005.

APPLICATION # 05-36 CUMINOTTO, INC. FOR SITE PLAN APPROVAL (140,000 SQ. FT. OFFICE AND DISTRIBUTION CENTER) LOT 32, IVY BROOK ROAD (MAP 65, LOT 1) LIP DISTRICT – ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was voted to approve Application # 05-36. Comm. Lapera abstained from the vote as he has done in the past with previous Cuminotto Applications.

OTHER BUSINESS:

8-24 REFERRAL – REMOVAL OF ISLAND FROM BUDDINGTON ROAD INTERSECTION WITH HUNTINGTON STREET

Richard Schultz stated that this came from the Board of Aldermen Street Committee. He read the City Engineer's letter. I understand that there are slopes and it would be difficult to remove that stated Anthony Panico. Chairman Cribbins stated do I have a motion to report favorably? There are conversations going on that are difficult to hear but the outcome is that this should be tabled.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to table the 8-24 Referral – removal of island from Buddington Road intersection with Huntington Street.

BEHUNIAK SUBDIVISION – REQUEST FOR RELEASE OF PERFORMANCE BOND

Richard Schultz read that this is the subdivision next to the school. Staff is recommending release of the bond.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to release the Performance Bond on the Behuniak Subdivision.

**ZONING ENFORCEMENT:
34 SHELVIEW DRIVE**

Richard Schultz stated that this is where a resident built a shed on the neighbor's line. Went to ZBA where they got a variance to remove the shed from within 5 feet away from the property line. The decision is June 1st and hopefully we will move along with that. I will need the Commission to authorize the legal action.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to authorize legal action on 34 Shelview Drive.

40 SURREY DRIVE; REQUEST TO INITIATE LEGAL ACTION

Richard Schultz stated that this is the horse farm on Christine Drive. We have had several meetings on this. Staff has the ability to request that the owner submit a drainage plan. The owner has contracted Nowakowski & O'Bymachow but the deadline is approaching. Staff wants the Commission to authorize legal action, he added.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to authorize legal action on 40 Surrey Drive.

Richard Widomski, addressed the Commission. You know that legal action was authorized back at the September 14th meeting. Will this continue for another 9 months, he added?

PAYMENT OF BILLS

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

STAFF REPORT

Richard Schultz reported that there is an application for an existing tower at the JJ Brennan facility. This will be a new pole.

We have been working on the draft amendments for the PDD and those went to Corporation Counsel.

We will have a Special Meeting on June 21 for the Avalon Bay Shelton I proposal. We will try to get the new Intermediate School. We will possible meet on the 28th for unfinished business.

Vincent Cuminotto, addressed the Commission. He presented an overview of his Application # 05-36.

End of Side 2A of 2B, Tape 2 of 2 at 9:25 P.M.

The applicant is Swiss Army Brands who wants to move their World Headquarters. We can't schedule this for the 21st because we will have Avalon Bay that night. It is scheduled for June 28.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to adjourn at 9:30 P.M.

Respectfully submitted by,

Diana Barry
Clerk