The Shelton Planning & Zoning Commission held a Special Meeting on June 28, 2005 at 7:00 P.M. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present:  
Chairman Alan Cribbins  
Comm. Patrick Lapera  
Comm. Anthony Pogoda  
Comm. Leon Sylvester (arrived late)  
Comm. Karen Tomko-McGovern

Staff present:  
Anthony Panico, Planning Consultant  
Richard Schultz, Planning Administrator  
Diana Barry, Clerk

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

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE (see attached list)

Richard Schultz reported that in an attempt to lighten the load in July, I put these on the agenda for this evening. Staff has reviewed the standard applications and recommends approval, he added.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards 1-18.

SEPARATES:

# 5326 ELRAC, INC. D/B/A ENTERPRISE RENT-A-CAR, 514 BRIDGEPORT AVENUE, SIGN  
AND  
# 5318 ELRAC, INC. D/B/A ENTERPRISE RENT-A-CAR, 514 BRIDGEPORT AVENUE, REPLACEMENT SIGN

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to table these applications and place them on the July 12th, 2005 agenda.

# 5351 LOUISEA PETRAZZUOLI, 15 REED LANE, IN-LAW

Richard Schultz reported that this is for an in-law, accessory dwelling after the fact and Zoning Officer Tom Dingle has been out to visit the house. This is a conversion above the existing 3-car garage and it has 2 means of ingress and egress. It is 800 square feet and it has been there for over 5 years. They do have approval from Valley Health. A family member is living there now, the mother. It was done without the permits and they are looking to sell the house. They are aware that this, if the house sells, this is non-transferable and it is not to be rented, stated Anthony Panico. The new people will have to come back questioned Chairman Cribbins? Yes, answered Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5351.

# 5340 EDWARD NEWMAN, 85 PLATT ROAD, COMM. CONST.

Richard Schultz reported that this is commercial construction of a 6,500 square foot car wash and parking located at 85 Platt Road. The buffer area has been preserved and they will be doing some selective cutting that we will be watching carefully. The bonds have been received, he added.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5340.

# 5385 LAURETANE SIGN GROUP, 25 OLD STRATFORD ROAD, SIGN

Richard Schultz stated that the Hilton Garden Inn is changing their logo. There will be a smaller ground sign within wall. It is consistent, it is smaller and it is a non-internally illuminated sign.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5385.

# 5388 MICHELLE HUNT & JOSE CORA, 425B RIVER ROAD, RESTAURANT

Richard Schultz reported that this is next to Lia’s. As you know that the Commission previously approved a specialty coffee shop after having previously denied a Sushi take-out. I was there on Friday because he still has some landscaping to do and we still have a bond on the property. The building overall is 2100 square feet and the applicant is proposing to use 900 square feet. There are 32-stripped parking spaces total. As you know Lia’s is mainly take out. He has 2 tables and they didn’t want the sit down. The hours of operation for the Spanish Restaurant are Monday thru Saturday, 10:00 A.M. to 11:00 P.M. and Sunday 10:00 A.M. to 10:00 P.M. There are 3 fulltime employees including 2 cooks and 1 driver. No tables, questioned Comm. Pogoda? They are proposing 3 tables to accommodate 9 customers, answered Richard Schultz. Once again we have 32 parking spaces. I talked to Emilio the owner of Lia’s who explained that they both are take-out and they will come and go. We have 5 cars maybe at one time. How many employees does Lia’s have, questioned Comm. Pogoda? When I was there they had 3 full time employees and the part time is on an as needed basis, answered Richard Schultz.
What about the activity getting on and off the site, questioned Anthony Panico? The site line is very good there, stated Richard Schultz. I was there last Friday looking at the landscaping. The peak hours with Sikorsky traffic, you have to deal with it. The right hand turns are better, he added. The owner has to understand that we will monitor this because we definitely don’t want any additional parking on River Road, stated Chairman Cribbins. The only violation was the sign but Lia assured me that when the other restaurant comes in he will come in with a better sign, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5388.

# 5346 ABBOTT & SHAPPARO, 738 BRIDGEPORT AVENUE, BUSINESS

Richard Schultz reported that this is the office building across the street from Woodside Plaza. This is James Fracker’s place and finally we have an office use for a computer type business. They will lease the whole 2600 square feet with 8 employees and hours of operation are 9:00 A.M. to 5:00 P.M. How many parking spaces on site, questioned Comm. Pogoda? 20 parking spaces, answered Richard Schultz. Computer service or sales, questioned Anthony Panico? Computer service stated Richard Schultz. They will be leasing the whole building, all three levels, asked Anthony Panico? Yes, stated Richard Schultz. Glad to see it is rented stated Comm. Pogoda. There are no signs requested at this time, added Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5346.

# 5391 PT. JORGE GARCIA, RIVER ROAD PLAZA, TENT REVIVAL

Richard Schultz stated that this is at River Road Plaza. We have done this every year, this is about the 4th year. The dates are 8/14-8/27 and it goes from 7:30-10:00P.M. As long as we monitor it and we have not gotten any complaints, I will make that motion, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5391.

# 5393 ELLEN SALERNO, 10 CATLIN PLACE, HOME OFFICE

Richard Schultz reported that this is for a home office for beading jewelry. She goes to different events throughout the country. She resides at the address, is one employee and she uses a computer for sales.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5393.

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 4/25/2005) – DISCUSSION AND POSSIBLE ACTION

Chairman Cribbins stated that we are not adopting the PDD tonight. Comm. Lapera recused himself as he has done in the past. You are approving the detailed development plans for Phase I tonight, not the PDD. Anthony Panico read the attached report and resolution that stated approval for Basic Development Plans. Will we see this again, asked Comm. Pogoda? Yes, answered Anthony Panico. Chairman Cribbins stated that Comm. Lapera is not voting on this as he has done in the past.

On a motion made Anthony Pogoda seconded by Karen Tomko-McGovern it was voted to approve 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. Comm. Lapera had recused himself from the discussion and vote as he has done in the past with all the Cuminotto applications.

APPLICATION # 05-36, CUMINOTTO, INC. FOR SITE PLAN APPROVAL (OFFICE/DISTRIBUTION CENTER) LOT 32, IVY BROOK ROAD, LIP DISTRICT – DISCUSSION AND ACTION

Comm. Lapera recused himself and Anthony Panico read from the attached staff report. Anthony Panico read the report he stated that he could find no mention of what the exterior material will be. Vincent Cuminotto sitting in the audience answered it will be precast.

Anthony Panico also questions STC approval for the number of parking spaces. He will need to get that from Vincent Cuminotto.

Our concerns are about the 5 feet sidewalks, there is an overhang that might be involved with some parking, and what the Commission tries to get in that case is 6 feet of sidewalks, stated Anthony Panico.
The statement of uses has to go a little further than what it does now.

The site drainage is supposed to go to some drainage structure here but it goes into a plunge pool and a discharge ditch. We have had problems before and that needs to be strengthened and we have to be careful what happens down the road. I haven’t read the City Engineers report, stated Anthony Panico and he reads from the resolution his suggestion to require a maintenance bond.

Parking and access crisscrosses the line and the intent to deal with this is one parcel and there should be no dividing line. This should be one parcel.

The City will get 4.2 acres and Mr. Cuminotto didn’t want to convey that until all lots are conveyed. He does have that obligation and it is covered by a Conservation Easement and that should be conveyed before occupancy of any building, stated Anthony Panico.

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

Anthony Panico stated I don’t know if the Commission needs to see anything more about the architecturals. The applicant informed us this evening the material will be precast panels. There are photographs stated Vincent Cuminotto from the audience. You told us your intent to stay within the 40-foot height requirement and that has to be confirmed along with some other architecturals. We will need a cross section through the building at a reasonable scale, floor to floor, so we could read it, including the building materials stated Anthony Panico. No surprises, stated Richard Schultz. Comm. Pogoda stated he has been very good and I feel comfortable. Chairman Cribbins stated I feel comfortable too. It is an excellent use of the property and it is less intensive than what we could have had there. We get to maintain an excellent corporate person in town, Swiss Army.

On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was voted to approve Application # 05-36, Cuminotto, Inc. for Site Plan Approval (office/distribution center) Lot 32, Ivy Brook Road, LIP District. Chairman Cribbins stated let the record show that Comm. Lapera had recused himself and that Comm. Pogoda, Comm. Tomko-McGovern and myself (Chairman Cribbins) had voted on this application.

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 (PUBLIC HEARING CLOSED ON 6/14/2005) – DISCUSSION AND POSSIBLE ACTION

Richard Schultz read the Fire Marshall’s letter, the City Engineer’s letter, and his Staff report. The applicant has provided as many parking as they can provide. The Commission is ready to act favorably and Staff would recommend that you adhere to the Fire Marshall and the parking should be provided to be adequate at all times. All improvements should be finished before occupancy, stated Richard Schultz.

I will make that motion but I want the parking to be monitored. There has been no problem but because of the traffic along that road I would watch that, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve 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 with the condition that the parking be monitored.

APPLICATION # 05-08 PETITION OF DOMINICK THOMAS ON BEHALF OF JAMES BOTTI, SR. FOR SDA OVERLAY EXTENSION, 360 BRIDGEPORT AVENUE (MAP 77, LOT 18) OP DISTRICT (PUBLIC HEARING CLOSED ON 3/22/2005) DISCUSSION AND ACTION

APPLICATION # 05-09 PETITION OF DOMINICK THOMAS ON BEHALF OF JAMES BOTTI, SR., FOR PDD ZONE CHANGE (MIX USE DEVELOPMENT) PORTION OF 360 BRIDGEPORT AVENUE (MAP 77, LOT 18) OP DISTRICT (PUBLIC HEARING CLOSED ON 3/22/2005) DISCUSSION AND ACTION

Anthony Panico read the attached report.

The parking is in access of 10 per 1000. The restaurant building is here and the side is where the bank will be. It is single story and we have to talk about how far around brick has to be carried, stated Anthony Panico. It is not a replica with what he is doing on Bridgeport Avenue but it is consistent, he added.

The applicant’s traffic study was very serious about the left hand turn problem. A request should be made to Comm. DOT. There is 800-900 between other lights on Bridgeport Avenue. The traffic professional hired by them stated it should be looked at. The State will make that determination. We had a problem with Split Rock where we felt that should be signalized and the State refused it.

We want to put this back on the owner with what should be on the signs and color. The real strength lies with the owner. When the owner comes for the approval on the PDD the burden should be back to them.
If they should propose to expand the retail they will have to come back here to the table, stated Anthony Panico. When they come back with detailed development plans then we will work that out on those plans.

The applicant has requested to do site preparation work.

Comm. Tomko-McGovern asked about a buffer between SBC and this property? There will be a buffer of trees along there but nothing substantial, answered Anthony Panico. There is existing vegetation on the side of SBC but there won’t be on the side of the applicant. There will be a wall of landscaping trees, he added. You can’t see it right now, stated Comm. Tomko-McGovern. The retail shell is just for one, questioned Comm. Pogoda? It looks like one showing 2300 square feet of useable floor space, stated Anthony Panico. I am concerned if they expand anything, stated Comm. Pogoda. If you look at the traffic generation the retail was higher not the restaurant. Which surprised me, stated Anthony Panico. I have concerns about the site driveway with regard to the activity on Bridgeport Avenue. On and off, stated Comm. Pogoda. There is no ability to stack without driving on the shoulder, stated Anthony Panico. That is my concern especially with on and off and the turn there, added Comm. Pogoda. It seems that something is warranted there, stated Anthony Panico.

On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Application # 05-08 Petition of Dominick Thomas on behalf of James Botti, Sr. for SDA Overlay Extension, 360 Bridgeport Avenue (Map 77, Lot 18) Op District and # 05-09 Petition of Dominick Thomas on behalf of James Botti, Sr. for PDD Zone Change (mix use development) portion of 360 Bridgeport Avenue (Map 77, Lot 18) OP District. A roll call vote followed with all Commissioners voting I, Comm. Pogoda, Comm. Tomko-McGovern, Comm. Lapera and Chairman Cribbins.

Chairman Cribbins stated that this was in the OPD District back in 2000 most of the major parcels were put into the OPD District including the area of Split Rock, this property and a number of others. We did that because if this was to become commercial anyone could go in there and put up a McDonald’s or anything else and we would have to live with it because it was in a commercial zone. So what we did was to reserve all that stuff for the Office Park so that we could say how do we consider the different applications. When people look they say it was an Office Park so why is a restaurant going in there. It is a restaurant with no take out and it is different. With Split Rock it is a restaurant and there we ended up with 60% of that property being office. Which is a good compromise there, stated Chairman Cribbins.

APPLICATION # 05-14 SCOTT WASIELWISKI FOR SPECIAL EXCEPTION APPROVAL FOR 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) DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated this is adjacent to the Wabuda Farm. He continued by reading from his Staff Report. This is a non-service area with no sewers. This is a CRD and will have 5 lots and meets regulations and requirements.

The property does abut other Open Space. Unfavorable recommendations came in from Open Space and Conservation, stated Richard Schultz. There opinion is that if it is not 10 acres it is not worthy of a CRD. The Commission can consider the lesser size parcels.

The applicant has requested payment in lieu and will convey to the City 2.3 representing 25%. The Open Space will allow the hiking trail to continue through to French’s Farm.

There was no public opposition at the hearing and Valley Health has given their approval.

3-4 of the lots will be accessed from Wabuda and one will be accessed from East Village. The applicant did participate in the reconstruction of Wabuda Place.

All utilities will be underground, stated Richard Schultz.

We are into Step 1 and we did receive those unfavorable recommendations. To compensate for that we are getting fee in lieu of and the 2.3 acres, stated Chairman Cribbins. The developer did participate in the reconstruction of the road, stated Comm. Pogoda.

The pent road is to the right there and both owners, Wasilewski and Toll Brothers, will give their rights to that, stated Richard Schultz. It is a win/win, stated Chairman Cribbins. Everyone was concerned with the preservation of the pent way, stated Anthony Panico.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Application # 05-14 Scott Wasilewski for Special Exception Approval for 5-lot CRD Subdivision (Robert’s Place) Wabuda Place/East Village Road (Map 152, Lot 51) R-1 District, with conditions.

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 – DISCUSSION AND POSSIBLE ACTION
Richard Schultz stated that the Engineer recommends tabling this until July 12\textsuperscript{th}. The Engineer has received plans and Staff has been working with the Project Engineer. There is a retaining wall that we are dealing with. All variances have been received. They are small lots downtown. The wall is an issue with the City Engineer because he will have to sign off on this.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to table Application # 05-16 until July 12\textsuperscript{th}, 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) (PUBLIC HEARING CLOSED ON 6/14/2005) DISCUSSION AND POSSIBLE ACTION**

Richard Schultz stated we had the hearing for a 4700 square foot building for the Panera Bread and bank and or retail facility. There were no comments at the Public Hearing. We want to try to match the colors that is previously proposed on this application, stated Chairman Cribbins. I want that in the resolution that this is less intense then what we felt the other application would be.

Comm. Sylvester arrived at 8:37 P.M.

I don’t have an issue and it is a good use for the site, stated Chairman Cribbins.

The internal circulation is good there, stated Richard Schultz. There has been concern with exiting onto Bridgeport Avenue. When the building went in there the second building was approved, stated Chairman Cribbins.

**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) –DISCUSSION AND ACTION**

Richard Schultz stated this is an application to relocate Hawley Lane Shoes at the end of the Bed, Bath and Beyond facility. The Fire Marshall recommends approval. He then read from his report.

There is sufficient parking. There is a fence enclosure that will be removed. The elevation should be looked at again. Tony suggested that they (2 and 3) should be lowered, stated Richard Schultz. Let the architect handle that, stated Chairman Cribbins. The 3\textsuperscript{rd} occupant will be more challenging, stated Richard Schultz. When discussing the height, you don’t want this one being higher, stated Comm. Sylvester. The parking lot is never near full, stated Comm. Pogoda.

**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) DISCUSSION AND ACTION**

Richard Schultz stated that this is a proposed addition to Wesley Heights. Fire Marshall recommends approval and he continued to read from his staff report. This is part of the Capital Improvement there. It is a nice complex stated Comm. Sylvester. Different Commission members have had their family members there, stated Comm. Pogoda.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve 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)**
8-24 REFERRAL: REMOVAL OF ISLAND FROM BUDDINGTON ROAD INTERSECTION WITH HUNTINGTON STREET

Richard Schultz stated the Commission asked that I call the Chief of Police. He is recommending a T intersection. This came from the Board of Aldermen’s Street Committee. I for see the problem with the T intersection, trying to make that right hand turn in the winter. There is no lane and they are always backed up there, stated Comm. Pogoda. I use it a lot and I see the problem, he added.

Chairman Cribbins stated you would hope that a traffic Engineer looked at this. I like the way it looks now and if they are changing it I hope we are using the Police Department and some Engineer’s traffic report, he added.

I don’t feel comfortable with it, I am not a traffic expert but I use it, stated Comm. Pogoda. There is substantial changes stated Richard Schultz. I like it the way it is, stated Comm. Sylvester. So do I, stated Comm. Tomko-McGovern. I am not for it, stated Comm. Sylvester.

They didn’t provide you with a site plan or anything, questioned Anthony Panico? Tell them we need a design plan or a safety analysis, from a traffic Engineer, stated Chairman Cribbins. We will report unfavorably then we can revisit it again if we get that additional information, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to report unfavorably on the 8-24 Referral: Removal of Island from Buddington Road Intersection with Huntington Street until we get further information or documentation.**

SCENIC LANE ESTATES: REQUEST FOR RELEASE OF PERFORMANCE BOND

Richard Schultz stated that this is the extension off Lane Street. The road has been accepted into the road network. Comm. Pogoda asked if the gate was installed? There is a gate on Wesley Drive and Lane Street that has been installed. There is one for cars and one for pedestrians, stated Richard Schultz. This Commission has $60,000, in an escrow account from Huntington Woods, to be used for beautification efforts. That is part of the rec. path.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the request for release of the Performance Bond on Scenic Lane Estates.**

SHELTON SCIENTIFIC PARK PHASE II: REQUEST FOR REDUCTION OF SITE BOND

Richard Schultz reported that there is $50,000 being held. He is asking that it be reduced to $45,000 so that he could use the $5000 towards his building lot. Staff recommends approval, he added.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was voted to approve the request for reduction of the Site Bond on Shelton Scientific Park Phase II. Comm. Lapera recused himself as he always does with the Cuminotto Applications.**

8-24 REFERRAL: EMERGENCY WATER SERVICE TO 3 HOMES ON LANE STREET

Richard Schultz stated that we have an emergency add-on. 3 homes at the end of Lane Street have had trouble with the Wells. Water goes down Lane Street now from Wesley Drive.

The City is obligated to provide water and we have a referral that effects homes at 97, 99 and 103 Lane Street have been impacted by blasting. The well at 97 has failed. The City installed today a temporary service at 97. The permanent solution will require a water main extension from the new Lane Street cul-de-sac.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the 8-24 Referral: Emergency Water Service to 3 homes on Lane Street.**

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

Respectfully submitted by,

Diana Barry, Clerk