

The Shelton Planning & Zoning Commission will hold a Regular Meeting on September 13, 2005 at 7:00 P.M. in the Shelton City Hall, Room 104 and Room 303, 54 Hill Street, Shelton, CT.

The Chairman reserves the right to take items out of sequence.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. Daniel Oraziatti
Comm. Jason Perillo (arrived late)
Comm. Anthony Pogoda

Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Patrick Tisi, Assistant Planning Administrator
Pat Garguillo, Court Stenographer
Diana Barry, Clerk (arrived late)

Also present was Marge Cunningham from United Reporters, LLC for Avalon Bay Communities.

Tapes (2) and correspondence on file in the City/Town Clerk's Office and Planning & Zoning Office. Attachments are not available on the website.

**PUBLIC HEARING:
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 (RESCHEDULED FROM 8/23/2005)**

Comm. Pogoda read the call of the hearing and one piece of additional correspondence.

Attorney Thomas stated that we initially noticed this hearing and there was an additional notice sent for this hearing. Attorney Thomas addressed the correspondence and there is an application ready to be filed. Wetlands has approved this site and there is a condition for additional impervious surfaces. However since that application we would like to have that reviewed.

I have a zoning analysis of the proposal. This contains a list of relevant zoning regulations. I have eliminated the dwelling regulations because this is a restaurant.

This is the existing 66 Huntington Street, this is the existing building presently occupied by a dental office, a restaurant, and an attorney's office. We will go out from the back of the building where there is now 7 (seven) parking spaces. The architect will address the parking issue, stated Attorney Thomas.

The existing restaurant area where you have your tables and kitchen is a very confined area. There won't be any patron area other than for a little area for pick up from the take out. The kitchen will be expanding in this area. There will be a larger area for patron's bathroom, a larger area for employees both and that area will be taken up with that and storage. The addition on the first floor then will have the sit down restaurant area. The second floor will be opened with an atrium and a balcony will have a small 12-person bar and a seasonal patio that is outside.

We have analyzed and studied your parking requirements and we believe that for every 75 feet of patron area we will comply with the parking when you also consider the other two uses, stated Attorney Thomas. The one thing that you have to keep in mind is the primary timeframe for the use of the restaurant doesn't mesh with the other two uses presently there. The restaurant prime customer time is from 5 on with a minimum lunch business. I will say the other two uses prime time is during the day. In order to address this I would like to put these into the record, last time without a quorum we were able to have a discussion with some of the interested people who were in the audience that evening, that everyone raised this pertinent issue.

Rather you are dealing with a chart or your own regulations sometimes it is helpful to look at actuals. So my client went out over the past 30 days, three times, twice a day, has taken pictures of the parking so that you can see that there have been no parking issues over the past 30 days. We have plenty of spaces within this area to accommodate these multiple uses, stated Attorney Thomas. I will represent that the pictures have been taken since the date of the last scheduled hearing. This is from the upper part of the driveway to the right and rear of the building.

Mario Pinechi, an Architect with the Firm of (inaudible) located in Bridgeport. We went to the site initially we were not involved with what is there today. We were retained to put the addition on this restaurant and our initial concern was not to impact the wetlands or the configuration as it exists.

The plans are to make the addition in the area where there are 7 parking spaces now. We lost those 7 spaces but we have gained 2 more in reconfiguring the handicapped. One in this area and one in this area for a net lose of 5 spaces. We will end up with 43 cars in the new scheme.

We maintain all the setbacks and all the zoning requirements that you can see from the data that Attorney Thomas has given you. Getting back to the Wetland issue, this area is impervious and we are not adding anything to those Wetlands, stated Mario Pinechi. We will prepare a wetlands application but we aren't impacting the wetlands anymore at this point.

While preparing the addition we are also correcting some conditions that are lacking in the present building including the issue with handicapped parking. That is not in an area that is level or up to the standards of today so we placed the handicapped spaces in this location. There will be an elevator in this area that will help connect them to the main building access. We are not sure if we will connect the second floor because of tenant issues. We will maintain the same ramps and stairs. We have the restaurant in the rear of the building and the solution to get to the front is that there is a dual entrance. The rear elevation shows the entrance and if we adjust the parking in this area that is the right side elevation. There is another entrance here that we interconnected the two entrances so that a patron comes in here is routed back to the main entrance.

In this location you go up stairs and there is a large area in the center. The elevator is in this area. You walk around into the seating area.

What you see in green here is a seasonal terrace area, stated Mario Pinechi. This is all for the summertime and there are some tables out there. On right side elevations and in the rear is this area here. We will blend the materials that will be masonry and a Mediterranean solid stone material.

Comm. Pogoda questioned where is the addition and how much additional seating will that addition create? From the front you won't see the addition. You will see the terrace here. This is the existing area and this is where we lose the 7 spaces picking up a space here. Over the present the additional seating is none. There won't be a change in the number of spaces, there are 48 spaces now comprised of 14 tables. There is no change compared to what is there now, stated Attorney Thomas. I thought your were asking for the restaurant. There are 12 seats at the bar and we did the computation from your own regulations at 75. There is no patron area back in the old space. That will be a larger kitchen, a wine storage area, line stations, and there really is no patron area, he added.

A larger kitchen usually means that you are anticipating a bigger business; otherwise why make the kitchen larger, questioned Anthony Panico? The larger kitchen is for the type of food that you want to prepare, answered the owner of the restaurant.

The owner of the restaurant, Angelo (inaudible) addressed the Commission. We have no space to do everything with the food, we have a little shed outside to keep the canned goods and we want to make a storage area for our dry goods and everything like that, he answered.

If you are having the same number of seats but you took those 5 parking spaces out of there, it is less parking, questioned Comm. Pogoda? There has honestly never been a parking problem, stated Attorney Thomas. We used 75 feet of patron area according to your zoning regulations. The other two uses don't conflict with the busiest time of the restaurant. If you have eaten up there you know that the busiest time is primarily dinnertime. We do have a lunch business but it is not that busy. We did the computation using the patron area that equals about 24-25 spaces. The pictures show that we don't have a parking problem. Even from 5p.m. on you will have 43 spaces which are 20 more than the computations, your regulations show, we need, he added.

You didn't count the bar in your parking computation, questioned Anthony Panico? We counted the 75 feet for patron area. We counted the patron area, the bar and the seasonal area for square footage, stated Attorney Thomas. Formulas that people throw in are nice but in practicality there has been no parking problem, he added.

The issue is that we have had tremendous issues with people parking and walking over, stated Chairman Cribbins. It wasn't an overflow problem and I am very familiar with the parking issues, stated Attorney Thomas. People would park in an inappropriate area to access what they wanted, he added.

The problem is not in the numbers it is in the distribution of the spaces, stated Anthony Panico. No what I am saying is that delivery trucks would pull into the shopping center and because there was no fence they would use that as access. There is a fence there now, stated Attorney Thomas. We may even put a picturesque wall along there. We are not interested in using their parking, we don't need it, he added. It wasn't a problem that this lot was full so people parked here.

That wasn't the problem. The problem is when you are coming down Huntington St. the sign is right after the driveway with a tiny sign. If they go by the entrance, you would turn at the entrance to the shopping center, park in the back and walk across the little island. The same thing would happen to trucks. That won't happen anymore because the people who own the parking lot have put up a fence, there are legal issues, we are not counting on that, the point is on this site using your computations there is enough parking, stated Attorney Thomas.

We can't have people parking on Huntington Street, stated Chairman Cribbins. If the parking requirements need additional 12 patrons or so, our question will be does it all fit on the site, he added. We would like it all to be full but we want to make sure there are no safety issue with people parking there.

Comm. Pogoda questioned the shell of the building, right now it is brick, and the rest of it will be brick? The architect stated it is a classic column coming down, there will be brick or stone, it will be ash and the masonry will depend on the cost.

Will you show me where the dumpster enclosure is, questioned Comm. Pogoda? That stays the same, the existing is here, answered the architect. There really isn't one, stated Comm. Pogoda. That looks to me like a dumpster placed in the middle of the parking lot and that looks terrible, he added. It has to be enclosed, stated the architect. That is what we require an enclosed space with some sort of masonry wall, stated Comm. Pogoda. That is the area someone will see when the truck is pulling out, he added. The dumpster area as part of any new application extends to correcting those issues, stated Attorney Thomas.

Attorney John Scanlon, representing the owners of Beechwood Market, addressed the Commission.

As we have no objection to the expansion of the building and the business itself. We are concerned with the use of the restaurant that it will potentially be put to. What we are concerned with is the special parties, large gatherings, and the catering business that will draw a large amount of people, standing, drinking, and even standing around upstairs at the bar. This area is very narrow, it is difficult to drive into, it is difficult to access, and it is difficult to turn around in, stated Attorney John Scanlon.

In fact I would question rather any fire equipment can drive down there and turn around. This building has had fires on other occasions and they did access through the Beard property on the other side of the fence.

Attorney Scanlon stated so our concern is that the use this will be put too in this particular area. We don't believe the parking is sufficient for large parking, we don't think it is safe for patrons, and we agreed with Counsel that people drive and park in the space of least resistance. Essentially you have a one-way street and the greatest difficulty is that to access it they go all the way down to the fire station, go all the way around and then pull in. They don't do that they go into the shopping center. I would ask for a restriction with this application preventing these special events, special events of catering, and special events of gatherings and parties. They can have there restaurant but these special events are what we are concerned about because once this parking lot fills up they will go to the closest area, that we are concerned with, is the shopping center, stated Attorney Scanlon. If that is unacceptable then we request a time restriction of 8p.m. on these special parties.

I think that the Board has picked up on this and if they weren't going to do special parties you wouldn't need the bar or the second story. This is a much different project going in there and you will find with one probe that is going in with the hope of getting that in. There are not any places in Huntington Center to compete with that, stated Attorney Scanlon. If you put that in on a Saturday afternoon you will have a lot of problems. The size and intensity will have to be looked along with the capacity of the streets in the area to handle the traffic flow. This is not appropriate for this type of area. The other concerns are the fire safety issues, stated Attorney Scanlon.

Jill Bishop, 180 Leavenworth Road, addressed the Commission. I would like to bring something up. I am not for this or against. Jeremiah's is a restaurant bar next to me at the White Hills Shopping Center. They have approximately 12 seats at their bar. Any given night there are 50 to 60 people in there. Everyone goes to that bar. Mr. Wells's shopping center can accommodate that they have the parking spaces. If you have been by there though you see it yourself. It is packed there. They walk around outside and smoking is outside on the patio. I think the bar is an issue. At 2p.m. on Saturday on the weekends you hear the motorcycles as they leave. The same thing could happen here with the neighbors.

Attorney James White, an Attorney with Pullman & Comley, representing Dan Beard Associates, addressed the Commission. We are neither for nor against this project. There is nothing wrong with having a restaurant in town, it is a great idea. The restaurant as a use doesn't effect the shopping center, which Beard's owns.

Our concern is because of some of the problems we have had in the past with this property, not this applicant, and with the parking problems, we are raising them as concerns, so hopefully you can address them in your deliberations and or your decision.

With respect to the plan, one thing I noticed that in front of Portobello, I will call it the Montanaro Building, there are 4 parking spaces indicated. You have another application here tonight from Dr. Montanaro, I haven't seen the application here tonight but I have seen the Board of Zoning Appeals application for the same property. The property is next door, it is 60-64 Huntington Street, he is coming with a proposal to move the building and realign the parking, stated Attorney White. On his proposal these 4 parking spaces appear. I didn't see this until the architect was going over this and I would suggest that those spaces not be counted for two projects, he added. It impacts the 43 spaces and I don't have a problem with the numbers it is rather it works and protects Huntington Street. Certainly though these 4 spaces should not be counted twice, they should be for one project or another.

The other items we are concerned with is the spill over from this property onto the shopping centers parking, stated Attorney White. Those types of things we hope that you will address in your decision making process.

I think Mr. Scanlon mentioned the hours and days of operation along with the large-scale parties. If you have a party of 100 people you will run into extra employees, a band and a lot of things that will impact the neighborhood. The neighborhood is a mix of commercial and residential. There are two churches on that green, a recreation center with a lot of kids coming and going, and so a restaurant with 12 tables, a small bar that can generate a lot of traffic. The expansion and the intensity of the use I would hope that you will add some protections to, stated Attorney White.

I would point out that there is no real traffic study here. It is just looking at the plans. There is no professional addressing of the traffic. This is a high traffic generator at this location. There was no mention of noise, music or entertainment here. If they are going to have a band or a jazz group that will create a lot of noise. There may be church services at those churches, there might be something going on at the green, and there are people living across the street that could be effected by the music. If it is a restaurant wanting to serve drinks to the patrons waiting for a seat that is o.k.

There was mention of the take out area but I thought I saw the take out area, way behind the building, on the shopping center side, stated Attorney White. I am not to sure how to get to that take out area unless you walk all way around the building. At Portobello's the take out is a good business and I don't know what message that sends? It is just a question not a criticism. If you are taking out you want to be close to the building you don't want to walk all over the parking lot.

So take out, noise, entertainment, are the issues that should be addressed. The size of the bar and the way it is used, extending the bar can impact the parking and the use might be able to be frozen based on the representations along with the large parties, stated Attorney White.

Chairman Cribbins stated what we will do is keep this opened until September 27 so that we can have the Fire Chief's comments.

Attorney Thomas, addressed the Commission. We don't have a catering area. The people for take out will come through the restaurant and we will take care of the dumpster area. The concerns are not concerns. This is a restaurant established a very upscale restaurant with a bar to make this marketable. These are new people who have purchased this business. They want to be able to expand the kitchen area. You have a definition of traffic generator and when you sit on a Commission like this you don't throw your common sense out the window. You are welcomed to look at it, drive by, and visit on a Friday evening, stated Attorney Thomas. There are no parking problems here.

Anthony Panico stated the major concerns we are hearing here tonight is the unknown about the bar and how do we know it will be limited to only serving the needs of the dining area. It is about 278 square feet, stated Attorney Thomas. There is a balcony here and I don't think that you will have softball players like at Jeremiah's. I thought that all the softball players went to Downtown Danny O's. This is a bar to service the restaurant. Will there be someone who will go in there just to have a drink? Of course, two to four could meet to have a drink, two will stay for dinner. On a Friday night people will call up for a reservation, sit in the bar to have a drink or sit on the patio, he added.

End of Side 1A of 2B, Tape 1 of 2 at 8:00 P.M.

The architect addressed the Commission. The access in the front has not changed. The balcony will make egress to this building easier.

Chairman Cribbins stated we will recess this until September 27th to enable the Commission to receiver the Fire Marshall's report.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to recess the Public Hearing on Application # 05-35 until September 27th, 2005.

AVALON BAY COMMUNITIES, INC. SHELTON 1

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 (public hearing closed on 7/21/05) discussion only
2. **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) (public hearing closed on 7/21/05) discussion only
3. **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) (public hearing closed on 7/21/05) discussion only

Chairman Cribbins stated we directed Staff, actually we have had numerous discussions about this particular application and we have heard testimony from the public and the applicant on three occasions. We are down to the point where the Staff has prepared a resolution upon our direction for our action. Tony will you walk us through the resolution.

Anthony Panico stated that the bulk of the final report resolution was built around the preliminary draft material that we went through at our last meeting, subsequent, we incorporated additional thoughts of the Commission from that evening and as directed by the Commission the Staff consulted Corporation Counsel to review the decision to make sure he was satisfied with how this was done. There was one section that he asked be deleted because it was not necessary. So we did. There are some cross-references in there so someone looking at this can understand the action. We did all of this and put together what you see tonight as the final draft for your consideration. (See attached report and resolution of decision) Anthony Panico then read from the 11-page report.

On those 20 comments then the Commission drew their specific findings, stated Anthony Panico as he continued to read from the report.

That all being said then the motion for consideration is as follows, stated Anthony Panico, as he continues to read from the report.

Thank you very much, stated Chairman Cribbins. Can I have that motion, he questioned? So moved, Mr. Chairman, stated Comm. Pogoda. Second, stated Comm. Perillo. I have a second, any further discussion, stated Chairman Cribbins. Comm. Orazietti. I stated Comm. Orazietti. Comm. Pogoda. I stated Comm. Pogoda. Comm. Perillo. I stated Comm. Perillo. Comm. Lapera. I stated Comm. Lapera. And the Chairman votes I. That is a vote to deny all three applications, stated Chairman Cribbins. I would like to say thank you to the Commissioners and especially to the staff for the summation of the 15-page resolution that clearly captures all the comments from the Public and also the feelings of the Commissioners after we reviewed all of the documentation that was submitted. It is unanimous to reject the applications. Although Comm. Sylvester could not be here tonight he did express his support to me for the denials on these applications. If you are wondering where we go from here, there are a couple of things that can happen the applicant can say yes we agree with your denial. They can also say that we will take you directly to Court, which we have prepared as best we can for that alternative. There is also something that I would like to read to you here, stated Chairman Cribbins, following a rejection of an affordable housing application the affordable housing appeals statues allows the applicant to submit a modified application responding to all or some of the objections and restrictions outlined in the Commission's denial which will be treated as an amendment to the original proposal. The date of the received will be the acceptance of the Commission at its next meeting following submission of the said (inaudible).

The filing of such modified applications shall stay or delay the period for filing an appeal of the decision of the Commission on the original application. The Commission should hold a Public Hearing and record the decision on the proposed modification no later than 65 days after the review of such modified applications. Failure to render a decision within 65 days shall constitute a rejection of the proposed modification. So they have another shot upon the Statutes and answer every rejection here, stated Chairman Cribbins. If they can come back with a proposal that meets all those rejections then we have to hear that at a Public Hearing and go through the process again. Thank you for now it is off the table.

AVALON BAY COMMUNITIES, INC. SHELTON II

4. **Application # 05-17**, Joseph Williams on behalf of Avalon Bay Communities, Inc. to amend the Zoning Regulations by establishing a new District Entitled MFHD (multi-family housing district) and related standards (public hearing closed on 7/26/2005) discussion only
5. **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) (public hearing closed on 7/26/05) discussion only

Chairman Cribbins stated we are in the process of directing Staff to prepare the next resolution for the property on the back of Huntington Street and Bridgeport Avenue. As we have discussed I felt that Attorney Kelly on page 273 of our July 26, 2005 minutes, gave a summation of 16 points of why he believes we should reject this proposal. I felt the same that I would reject this proposal based on those reasons, he added. So I want to take a look at these, they are from July 26, 2005 pages 273 and 274. There are 16 items. Chairman Cribbins read from Attorney Kelly's 16 reasons. One of the reasons he reads is that it failures to protect the neighbors. The issue is that in this R1 property it is a mixed-use area. He continues to read from the 16 reasons. We want to protect Huntington Street and its residential character. If we had a 4-5-story building it would just tower of these residential homes. We had talked the last time about Shelton as a good neighbor to the surrounding towns, in this case the Town of Stratford, would be the one impacted along with Trumbull, stated Chairman Cribbins.

End of Side 1B of 2B, Tape 1 of 2 at 8:42 P.M.

Chairman Cribbins continued to read from Attorney Kelly's 16 reasons for rejecting these applications. The Valley Council of Governments recommends against this proposal. Those are some of the items that were on there.

Anthony Panico stated as you know this was a multi-part proposal with the creation of a generic zone and rezoning of the property. I know that the Commissioners voted on a similar multi-zoning proposal on Long Hill Avenue. They voted that down unanimously and I wanted hear from the Commissioners based on those activities. Do you concur with the findings that were stated at the hearing, questioned Chairman Cribbins? There were other comments that were stated at the hearings that we had the opportunity to look at and I continue to go over the material, he added.

I know at that time that we had other zoning mechanisms then to create a special zone, stated Anthony Panico. We have been very consistent we have talked about this 3-4 times, stated Chairman Cribbins. This is a very high-density residential development, stated Anthony Panico. We have done some nice multi-family work in the last two years and that is the direction we should move in, stated Comm. Perillo. The Birmingham downtown and Scinto's 7 stories is a good project. This is not what we are asking for and it is not the real direction, he added.

What you have there is some industrial land there on Bridgeport Avenue, stated Comm. Lapera? The rear is a former industrial zone, stated Anthony Panico.

I don't see any reason for the high-density multi-family there and give up the industrial property, stated Comm. Lopera. I don't see any reason to give up industrial land. The economic study indicated that the residential is not as valuable as industrial and you have to take into account the taxes. I don't see any reason to change what we have there, he added.

I feel the same way, stated Comm. Pogoda. I am involved with the long range committee and I realize the need to protect our industrial zones is one small portion of that. The findings of Attorney Kelley summarize my feelings. We have existing zone mechanisms in our zoning regulations that are available to the applicant if he wants to go by them.

Anthony Panico stated one comment he made was the threat to the zoning of the area with regard (inaudible). I am desirable of siting your decision when the Commission is aware and you are preparing to change the regulations so that you preserve the integrity of this area, he added.

Comm. Oraziotti stated I agree with Tony about changing the zone that doesn't go along with the long-range plan.

I think then the feeling that I am getting is to direct Staff to draft a resolution in the hopes of being here in the next 10 days, stated Chairman Cribbins. This won't be nearly as difficult as the other, it is clearly a legislative action with the burden of proof being on the applicant for this one, stated Anthony Panico. We will prepare some comments and draft a resolution, he added.

PUBLIC PORTION - to hear any member of the public wishing to address the Commission concerning any item not on the agenda

Chairman Cribbins asked if there was anyone in the audience wishing to address the Commission on any item not on our agenda.

A women addressed the Commission as to if her Application for Certificate of Zoning Compliance was on the list under D. Yes, answered Chairman Cribbins.

Theodore (inaudible) a taxpayer and resident of Buddington Road, addressed the Commission. I would like to first thank and congratulate the Commission on rejecting the Avalon project. I am impressed by the thoroughness and serious approach. I think that you did a good job. I would like to attend these meetings more often. Is there anyway I can get an agenda ahead of time, he questioned? The best way to get the agenda with meeting dates and time. Go on the computer the City has a website that is www.cityofshelton.org, stated Chairman Cribbins. Richard Schultz stated it is also available in our office, Room 303. It is available on most Fridays before the meeting, stated Chairman Cribbins. Also in the Town Clerk's Office, stated Diana Barry.

I don't intend to delay your meeting, stated Theodore, my chief concern is the increase of development on Buddington Road. I have been here for 70 years of which 50 years on Buddington Road. Buddington Road is a 1930 road not made to hold the traffic. We have English Lane now as well as Heritage Pointe with 40 new houses. Traffic for those 40 years. Buddington Road is not safe and really is a safety hazard. I wanted to speak to the increase so that you will follow this closely. I am a taxpayer and long time resident. I would like to thank you and what I observed this evening was very impressive. Thank you very much. I hope to be able to follow the agendas. Do you foresee any consideration relating to the Buddington Road area, he questioned? Many of the area that we looked at on Buddington Road we are doing a few things. If anything else comes up as future development we will have a Public Hearings like this and we welcome testimony from you on that. We will discuss the Buddington Road area also in our huge plan of development for the City that we will be having hearings on at the end of the year or beginning of next year, stated Chairman Cribbins.

Theodore stated that you take facts and opinions into your considerations. It does weigh very heavily stated Chairman Cribbins. Buddington Road is still a 1930 road with no shoulders. The developers should be required to put the shoulders in or improve that road.

Anthony Panico stated I think we do that when we can but when someone comes in to develop property according to how it is zoned there is an assumption that it is a City Road that we do what we have to do it. It is an as of right development then our hands are tied, he added.

Nothing will be discussed this evening on Buddington Road, stated Chairman Cribbins. Thank you members of the Commission and Mr. Chairman, stated Theodore.

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

There was discussion as to moving the meeting as the agenda states to Room 303 but general consensus was to stay in Room 104.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Patrick Tisi reported that there are standards numbers 1-55 that all meet regulations. I recommend they be approved.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards 1-55.

SEPARATES:

5545, PAUL FERRIGNO, 28 COURTLAND DRIVE, IN-LAW/DECK

Patrick Tisi reported that this is for an in-law. They all meet the requirements, the setbacks, they meet the square footage and we have the affidavit. I recommend it be approved.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to approve Separate # 5545.

5569, GERALD GLOVER, 23 BIG HORN ROAD, IN-LAW/DECK

Patrick Tisi reported that this is for an in-law. Meets all requirements and the affidavit.

On a motion made by Patrick Lapera seconded by Jason Perillo it was unanimously voted to approve Separate # 5569.

#5535, WYATT CROTTA, 431 HOWE AVENUE, BUSINESS

Patrick Tisi reported that this is for a home office. This is for a contractor's license for himself. He has a pickup, no lettering and he needs this for a checking account.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to approve Separate # 5535.

5531 ANDREW TORRACO, 40 RICHARD BLVD., HOME OFFICE

Patrick Tisi reported that this is for a home office for a contractor. Meets all the conditions. Will not have signs on the truck, a Chevy S10 pickup. Recommend it be approved, he added.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to approve Separate # 5531.

5510 FRANK NEMERGUT, 15 GREENFIELD DRIVE, HOME OFFICE

Patrick Tisi reported that this is for a home office. Contractor with a pickup truck and no lettering.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5510.

5520 DW HOME IMPROVEMENT, 83 CORAM ROAD, HOME OFFICE

Patrick Tisi reported that is for a home office. He has a letter from the homeowner. He is a contractor same as above. 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 # 5520.

5532, GEORGE BRIA, 88 PERRY HILL ROAD, HOME OFFICE

Patrick Tisi reported that this is for a home office. He does videos for golf instructions and all he needs is his home office, desk, etc.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5532.

5565 JOBAGRAPHICS, 85 MAPLE LANE, HOME OFFICE

Patrick Tisi reported that this is for a home office. There will be one employee. This is a telephone email website, etc.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5565.

3611, ROYAL WELLS, 192 LEAVENWORTH ROAD, COMMERCIAL BUILDING

Patrick Tisi stated that this is something that was approved but you have to approve the Certificate. It is the building (commercial) in the back.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3611.

5242, DEBORAH PETRUZZELLO, 117 LONG HILL CROSS ROAD, ADDITION

Patrick Tisi reported that this had been approved previously. This is for the Certificate stated Patrick Tisi.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5242.

5562, E.G. LIA, 425 RIVER ROAD, BUSINESS

Patrick Tisi reported that this is for the other part of Lia's. This is another application, two or three, before us to occupy the other square footage. He decided he himself wants to make use of it and keep it all one operation. It would be a catering, meeting and special parties, he added.

How many parking spaces are there now, asked Comm. Perillo? He has a total of 30 spaces, that is what is there now, stated Patrick Tisi. He was concerned with the Commissions feeling and you can impose a cap. Staff recommends that you do that, stated Richard Schultz. This will be for small parties and we can cap that, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5562 with conditions.

5558, MICHAEL MONTANARO, 60 HUNTINGTON STREET, BUSINESS AND # 5559 MICHAEL MONTANARO, 64 HUNTINGTON STREET BUSINESS

Patrick Tisi stated that this is a coffee shop, deli, and pastry type business. Where is this, asked Comm. Pogoda? This is Dr. Montanaro who recently purchased the two buildings adjacent to his business and Portobello. He wants to occupy the building closest to it, # 64 for the expansion of his dental office. The second building will be the deli, stated Richard Schultz.

I think we need to research this especially after we heard that comment at the previous hearing this evening about those 4 parking spaces, stated Comm. Pogoda. We are very concerned about that area even before these applications so I will make a motion to table this, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Separates # 5558 and 5559.

5580, MELISSA BOYNTON, 515 BRIDGEPORT AVENUE, BUSINESS

Patrick Tisi reported that this is where the Bridal Salon used to be. It is a dry cleaning business that is pick up and delivery only. This is the Old Anson Reel property. It is zoned for that, stated Patrick Tisi. It is drop off and pick up.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5580.

5509, STEPHEN BELLIS, 3 ARMSTRONG ROAD, SIGNS

Patrick Tisi reported that this for the Panera Bread locations signs. Attorney Bellis is not here right now so we will come back to this.

5515, SIGN A RAMA, 505 HOWE AVENUE, SIGN

Patrick Tisi reported that this is the replacement sign that the Commission didn't want the graphics on. There is no phone number on it, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5515.

5353 CONTI ASSOCIATES, 415 HOWE AVENUE, SIGNS

Patrick Tisi stated that this was tabled from one of your last meetings. We still have it on the agenda. Have they come back with anything new, questioned Chairman Cribbins? Rick I don't have anything, do you, questioned Patrick Tisi? No stated Richard Schultz. I will make a motion to deny, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to deny Separate # 5353.

5484, RICHARD RIZZO, 502 HOWE AVENUE, SIGN,
5485, RICHARD RIZZO, 375 BRIDGEPORT AVENUE, SIGN
AND # 5486 RICHARD RIZZO, 506 SHELTON AVENUE, SIGN

Patrick Tisi stated that these 3 applications are all replacement signs. These are for the bank, Webster Bank. Did they come back in with something, questioned Chairman Cribbins? Yes they responded to all of the Commissions concerns, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separates # 5484, 5485 and 5486.

5260, OMNI POINT COMMUNICATIONS, HUNTINGTON STREET, WIRELESS COMMUNICATION FACILITY

Patrick Tisi stated that this is the communication that will be on the water tower.

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

APPLICATION # 05-46, MDC/INVESTMENT PROPERTY XI, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: PARKING EXPANSION) ONE WATERVIEW DRIVE, (MAP 79, LOT 16) LIP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that this could be put on the 27th's meeting.

On a motion made by Patrick Lapera seconded by Jason Perillo it was unanimously voted to accept Application # 05-46 and schedule the Public Hearing for September 27th, 2005.

APPLICATION # 05-50, MICHAEL MONTANARO FOR SITE PLAN APPROVAL (RELOCATION OF BUILDING/PARKING CONFIGURATION) 60-70 HUNTINGTON STREET (MAP 74, LOTS 27 AND 28) CA-2 DISTRICT – ACCEPT FOR REVIEW

Richard Schultz stated that Staff recommends you hold a Public Hearing. That could be on October 25th, 2005, he added.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept Application # 05-50 and schedule the Public Hearing for October 25th, 2005.

APPLICATION # 05-51, SAL MATTO FOR SITE PLAN APPROVAL (BUILDING ADDITION) AND CAM SITE PLAN, 500 RIVER ROAD (MAP 54, LOT 33) IA-3 DISTRICT – ACCEPT FOR REVIEW

That is the little industrial building off Fanny Street stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept for review Application # 05-51.

APPLICATIONS # 05-52, RONIC ENTERPRISES, INC FOR MODIFICATION OF SPECIAL EXCEPTION APPROVAL (HUNTINGTON ESTATES SUBDIVISION: 50 LOT CRD) INDEPENDENCE DRIVE – ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 05-53, RONIC ENTERPRISES, INC FOR RE-SUBDIVISION APPROVAL (CHANGE TO OPEN SPACE AREA WITHIN HUNTINGTON ESTATES SUBDIVISION) INDEPENDENCE DRIVE – ACCEPT AND SCHEDULE PUBLIC HEARING AND

APPLICATION # 05-54, RONIC ENTERPRISES, INC. FOR SUBDIVISION APPROVAL (4 LOTS MOUNTAIN LAUREL RIDGE) INDEPENDENCE DRIVE (MAP 114, LOTS 46 AND 530 R-1 DISTRICT – ACCEPT FOR REVIEW

Richard Schultz stated that Staff recommends a hearing for Application # 05-54 and the applicant has agreed to a 65-day extension. The applicant owns the private Open Space area that is the remaining of the B F Goodrich property. He is working with the owners on an abutting piece of 15 acres that triggers the modification since this is touching Open Space. It makes sense to have the hearing, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept Applications # 05-52, 05-53 and 05-54 and schedule a Public Hearing on October 25th, 2005.

APPLICATION # 05-40, HUNTINGTON WOOD, LLC FOR MINOR MODIFICATION OF DETAIL DEVELOPMENT PLANS FOR PDD # 52A (THE CENTER AT SPLIT ROCK, PHASE I) 700 BRIDGEPORT AVENUE (MAP 29, LOT 24) – DISCUSSION AND ACTION

Anthony Panico stated that the Commission had acted on and gave preliminary approval on the detailed development plans. The bank had the drive-in in the wrong way. We didn't have final input on the materials and we have further revised plans. We wanted to wait for final revision. There are no subsequent change. The drive-in was in the wrong end. They wanted a more provisional plan. There is some grading that can occur with more space where the Outback will go. The parking stays within the property line, original plans had it spilling out but there will be none of that. We are in good shape, stated Anthony Panico.

We have architectural and I don't want any building permits issued until we see all of the architectural, stated Anthony Panico. What is the net change on the parking, asked Comm. Perillo? I have to go back to check that answered Anthony Panico. We gain a couple of spaces, stated James Swift.

We were concerned with the canopy on the front of the building, stated Anthony Panico. It was cheap and we told them about. Mr. Rose the architect has responded with a different treatment that is consistent with the other material. The additional thing that we didn't discuss at the work session the other day is the columns supporting it. The least that it should be is the similar treatment that is there, he added.

Did you bring any samples, questioned Comm. Pogoda? It will be a red brick, stated Mr. Rose. The darker green is the roof. You won't see the structure, it will be closed off, stated Anthony Panico.

This is not a typical elevation. The canopies won't be seen from the walkway, stated Mr. Rose, the architect.

The loading spaces are in the back, stated Anthony Panico. Those things will be shielded and these will be very visual, he added as he points to a map.

This is a good radius and could you line it with a berm, questioned Anthony Panico? James Swift stated that you will not notice that because you are going up a 10% slope. The adjustments with the Outback is a good one. There is 50% here and 50% down here for parking, stated Anthony Panico.

The sign is a ground sign. The regulations that we approved limit it to two tenants, stated Anthony Panico. My recollection is that it is 3-stated James Swift. My draft that I marked up says 3 sign, I am sorry, I changed it from 2 to 3, stated Anthony Panico.

The utilities are looking for slope plans from you, stated James Swift. They won't do anything for us unless we have those. They won't send me a contract, stated the applicant. An endorsed plan, is that good enough, questioned Anthony Panico. They have had my money since May and they aren't doing any work, stated the applicant.

P & Z COMM.

SEPTEMBER 13, 2005

On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to approve Application # 05-40 with conditions. Comm. Orazietti voted against this. It was then a 4-1 vote.

APPROVAL OF MINUTES OF 4/12/2005, 4/25/2005, 5/3/2005, 5/10/2005, 5/31/2005, 6/14/2005, 6/21/2005, 6/25/2005, 6/28/2005, 7/12/2005, 7/26/2005, 8/9/2005 AND 8/30/2005

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the minutes as listed above.

PAYMENT OF BILLS

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

SEPARATE # 5509, STEPHEN BELLIS, 3 ARMSTRONG ROAD, SIGNS

Patrick Tisi reported that there are 2 wall signs. Attorney Bellis stated that the architect wanted me to replace this sign. They are getting rid of the pole sign. This will be a small 12-foot sign.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5509.

On a motion made by Patrick Lapera seconded by Jason Perillo it was unanimously voted to adjourn at 9:40 P.M.

Respectfully submitted by,

Diana Barry,
Clerk