

The Shelton Planning & Zoning Commission will hold a Special Meeting on September 22, 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

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

Staff absent: Comm. Daniel Oraziatti
Comm. William Papale
Comm. Karen Tomko-McGovern

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

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 by establishing a new District Entitled MFHD (multi-family housing district) and related standards (public hearing closed on 7/26/2005) **DISCUSSION AND ACTION**
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) (Public hearing closed on 7/26/05) **DISCUSSION AND ACTION**

Chairman Cribbins stated that over the course of the last month or so we have had discussion on these two applications and we have given Anthony Panico, our consultant, many recommendations as to what we should do and put into the resolution that we are going to take this evening. I would ask for Anthony to read the resolution for us. Anthony Panico read the attached report/resolution for decision.

Thank you that is a very good summation of what we heard from the public, the community and also the members of the Commission, stated Chairman Cribbins. I believe we had a very thorough hearing on this process, we took a lot of testimony from the Community and the applicant and we have all, each of the Commissioners have either participated in the hearings or have made themselves sufficiently capable of voting tonight by virtue of the fact that they have reviewed all the documentation and hearings that we have had. I need a motion to pass the resolution then, asked Chairman Cribbins. I will make that motion, Mr. Chairman, stated Comm. Pogoda. Do I have a second, questioned Chairman Cribbins? I will second that, stated Comm. Lapera. Any further discussion, asked Chairman Cribbins? Hearing none then I will take a roll call vote, he added. Comm. Pogoda. I stated Comm. Pogoda. Comm. Lapera. I stated Comm. Lapera. Comm. Sylvester. I stated Comm. Sylvester. And Comm. Cribbins votes I also. This application then is denied, stated Chairman Cribbins. Thank you very much. Again thank you for a very good resolution and our thoughts on these applications.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated that there are Standards numbers 1-10. Staff has reviewed them and they are in compliance with the Shelton zoning regulations and staff recommends approval.

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 1-10.

SEPARATES:

5586 MARK WILLIAMS, 387 BUDDINGTON ROAD, RETAINING WALL

Richard Schultz stated that this is a retaining wall. The first one under our new regulations for retaining walls that are 6 feet or higher. We now control the esthetics. This is located at 387 Buddington Road and is a repair job. He passed around a photo and he had a drawing. Does the City Engineer have to inspect this or are there some instances where he might say this is not safe, questioned Comm. Pogoda? In some instance yes but this is a repair, answered Richard Schultz. This is a repair; it is an existing wall that was made out of only block. So you are saying that we are looking at this for esthetics not necessarily for the structure stated Chairman Cribbins. There might be a need to refer some of these to the City Engineer's office but this is a repair that is 6 feet and highly visible. Staff does recommend approval, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5586.

#5585 TODD DOHERTY, 15 ROULEAU LANE, HOME OFFICE

Richard Schultz stated that this is for retail jewelry sale. They will use their vehicle. They will have no advertising or visitors to the house. They will use 50 square feet for an office.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 5585.

5588 DENIS BEAUCHEMIN, 98 FAR HORIZONS DR., HOME OFFICE

Richard Schultz stated that this is a remodeling contractor who will use 70 square feet for an office. He will have no signs on his vehicle, he does have a van that complies with our regulations and there will be no outside storage that is spelled out on the application.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5588.

5589 S & S DEVELOPMENT, 846-848 BRIDGEPORT AVENUE, COMM. ADDITION

Richard Schultz stated that this is for the 9,200 square foot addition to the Staples building for Panera Bread/Bank and/or Retail. We don't know what the second store will be. This was previously approved for the building and signage at the last meeting.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 5589.

5598 DENNIS CUCCARO, 813 RIVER ROAD, BUSINESS EXPANSION

Richard Schultz stated that this is for the existing liquor store on the River Road by the Car Wash. They want to expand to use the second floor as part of the package store. There was an insurance office upstairs that is now empty. This will be a two-floor package store. They will lease an addition 800 square feet for a combined area of 1800 square feet.

Is this accessible at grade from the back, questioned Anthony Panico? No answered Richard Schultz. The building is on grade, he added. There is a center hall stairwell. We asked how they were going to set this up and he said he would probably put the wines upstairs on the second floor. There is enough parking there, questioned Comm. Pogoda? Yes, answered Richard Schultz.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5598.

5599 DAN SIMONETTI, 70 CENTER STREET, WALL – FLOOD HAZARD APPEAL

Richard Schultz stated that this is for a flood hazard appeal. Approximately 3 months ago Mr. Simonetti's mixed-use building, the cleaners and apartments, experienced deterioration of the wall. The brook, the Bearing Ground Brook, undermined the wall. He needed to make some repairs and it was determined that the repairs had lead to the replacement. Mr. Simonetti then had to comply with the flood hazard ordinance because it is in the flood way. It also requires Wetlands who will take this up at their October meeting, stated Richard Schultz.

Mr. Simonetti was advised to come to our office and we asked about an engineer. Mr. Simonetti wanted to do this all by himself but subsequently has hired an Engineer. We did receive a stamped drawing by O'Bymachow. This doesn't confirm that the work modifies the flood carrying capacity. As the administrator this won't change anything. Under the flood hazard appeal on the ordinance this has to come before the Commission. He did hire an Engineer; we have a seal from Alan Shepard. It identifies the location of about 50 linear feet and they have identified the construction method. Staff is satisfied that he went to this length. The Commission has to come to the findings that a variance is warranted on this issue, stated Richard Schultz. He is working on this and he is lucky we have not had any storms, he added.

What does the motion need to say questioned Comm. Sylvester? That a flood hazard appeal is being approved, he added. That a variance is hereby issued because it would not increase the flood heights, stated Richard Schultz. Or additional threats to public safety.

Comm. Pogoda questioned that Wetlands still has to look at this? He has made an application to the Wetlands Commission stated Richard Schultz. Is that a formality, questioned Comm. Pogoda? The property owner understands he has to make these two submissions. He is fulfilling the flood hazard requirements. You have the capacity to issue a variance, added Richard Schultz.

Are you or the City Engineer basically representing to the Commission that the placement of the wall is in the same location of the previous one, it doesn't constrict the channel and it won't have an effect on that, questioned Anthony Panico? My comfort level is where it is at because we received the PE stamp, stated Richard Schultz.

I will make that motion to grant the variance based on the fact that it is repairing a wall that has been there forever and ever, stated Comm. Sylvester. It needs to be repaired and I will make that motion to grant that variance according to regulations, he added.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to grant the variance on the Flood Hazard Appeal for Separate # 5599.

**# 5599 MICHAEL MONTANARO, 64 HUNTINGTON STREET – DENTAL OFFICES AND
5558 MICHAEL MONTANARO, 60 HUNTINGTON STREET – DELI**

Richard Schultz stated that this was tabled previously. I do have additional information to provide to the Commission. As you were made aware Dr. Montanaro recently purchased those two older colonial buildings, 60 and 64 Huntington Street. He has two separate applications for occupancy of those two buildings. One is for the dental offices. He wants to expand his professional dental office by occupying one of the buildings at 64. He wants to occupy 800 square feet for his dental offices. This will include three employees with hours of operation being 9 through 5. The equipment is dental related equipment, he added.

Are you saying that there would be a need to change the parking configuration or anything that is physical with these two locations, questioned Chairman Cribbins? The thing that is confusing is that there is a pending application with a hearing being held October 25th to relocate one of those two buildings, physically attaching that to the second one then reconfigure the parking, stated Richard Schultz. To attach what building, questioned Comm. Sylvester? 64 is where he wants to put his office, answered Richard Schultz. There are two white buildings, 64 is closest to his building. We have an application to relocate that building and attach it to the rear of the building so that he could reconfigure the parking on grade up on top, he added.

How can he conduct his dental business if the building is being physically relocated, questioned Anthony Panico? That is what the problem is and in addition the deli is a high traffic generator that triggers a special exception. He refused to make a special exception application, stated Richard Schultz. Food establishments that sell prepackaged foods require a special exception, he added. The dental office raises questions with you because there are a lot of unanswered questions with these pending applications. The hearing on Portebello's is continued to next week. Staff has recommended to the applicant as to denying the deli and the questions raised with the dental office, stated Richard Schultz.

That is such a key area there we really do need to understand what is going on there and we need to review parking, we need to review people getting on and off the property and I don't see any other way (inaudible), stated Chairman Cribbins. Now you know why we have the site plans even with re-occupancy because there are instances that you don't want to waive them, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to deny Separate # 5559 and not waive the site plan and Separate # 5558 because a special exception application was not submitted.

Comm. Pogoda stated that is a very critical area there. The parking is very critical and unless we see some site plan that shows the way he will reconfigure that area. That is a busy street with egress and ingress as a problem and that is why I am making that motion, he added.

5604 IMAGE PLUS, INC., 464 RIVER ROAD, CO2 TANK/DUMPSTER ENCLOSURE

Richard Schultz stated that this is the Cumberland Farms adjacent to Danny O's on the River Road. They wish to erect a CO2 container in the back and Staff recommends a fence around that as well the dumpster. They have agreed to do that. We have asked them to enhance the site. I took the opportunity to enhance the façade and the canopy. This will be done in the fall. Staff recommends that you waive the site plan and endorse the installation of the CO2 tank and the fencing in the area of that tank and the dumpster.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5604.

5607 RYAN HADA, 444 HOWE AVENUE, BUSINESS

Richard Schultz reported that this is new business downtown. This is Ralph Matto's building and they will be replacing an insurance company. This is a retail facility that sells smoking accessory, oils, Indian crafts, pipes, ashtrays and other accessory. They need a tobacco license. It is 1000 square feet with two employees. They didn't submit a sign application yet so that this is for occupancy only. This is similar to Mr. Butts, he added. They will sell oils and Indian Crafts. This is a replacement next to Liquid Lunch, the Chinese Restaurant and the business is a permitted use.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Separate # 5607 including the waiver of the site plan and the use.

APPLICATION # 05-33 DOMINICK THOMAS ON BEHALF OF SHIRRON ASSOCIATES FOR MODIFICATION OF SPECIAL EXCEPTION APPROVAL (EXISTING PROFESSIONAL OFFICE) 163 LEAVENWORTH ROAD (MAP 153, LOT 5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 8/9/2005) – DISCUSSION AND POSSIBLE ACTION AND APPLICATION # 05-34 DOMINICK THOMAS ON BEHALF OF SHIRRON ASSOCIATES FOR RE-SUBDIVISION APPROVAL (2 LOTS) 163 LEAVENWORTH ROAD (MAP 153, LOT 5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 8/9/2005) - DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated we will take C and D together but we do separate actions on them. The first is the modification of the special exception as indicated by the applicant this was approved in the mid 80's on a specific size parcel. They are requesting to subdivide and that triggered the modification. You need to act on the first one. They will allow for the resubdivision. This is a 2.4-acre of land. Staff has reviewed the site and these findings are noted read Richard Schultz, the existing building was approved in the mid 80's in a R-1 District. The application triggers the modification because the lot size is being reduced. The applicant is proposing to construct a single family dwelling and maintaining the office building on lot 1. There is sufficient parking that will be maintained. There was no public opposition. Valley Health recommends approval. There will be a conservation easement and abandon there interest to Old Leavenworth Road. Conservation wants access to continue and the applicants Attorney will provide a Conservation Easement. The zoning requirements have been meet and the applicant will respect the wishes of the abutting property owners. This part of the property has never been used and it is only a single family dwelling so that the character of the property will be maintained, stated Richard Schultz. He then read his prepared draft resolution.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Application # 05-33 with Staff's Recommendations. A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 05-34

Anthony Panico asked if we have the topo maps on these? I don't have them the City Engineer does, answered Richard Schultz. The site line is very good here and he continued by reading the City Engineers letter recommending approval with conditions. He then reads his Staff Report on this application as well as his Draft Motion. Anthony Panico questioned if that should reflect that the Commission has accepted the Conservation Easement and is satisfied with the Open Space? Yes I will put that in there, answered Richard Schultz.

End of Side 1A of 2A, Tape 1 of 2 at 7:55 P.M.

I don't have a problem with this application or the approval but when the approval took place for the dental office to occupy that site, I was just coming on the board then and there was a lot of discussion as to rather that service or type of activity was appropriate in that zone, stated Comm. Sylvester. There was a great deal of discussion both ways. Different applications have come back and it is important for future activities on pieces that were given special exceptions, I think the intent that was the special exception was allowed based on the entire parcel. 10-20 years later someone comes back to split this and do something else, I think it would be good to discuss what previous Boards have done with specific parcels. The Commissions through the years have wanted to maintain that, as R1 and I certainly don't have any problems with that, he added. It was the intention to the Board in those days.

My recollection was that the Board approved the Special Exception Dr. Linden 2, 3, 4 years later came into seeking permission to expand the commercial activity, lease out the second floor, stated Anthony Panico. For a long time the Commission denied it because they felt the Special Exception was to recognize his practice. I don't recall the strong feelings from the Commission with regard to the large oversize parcel, he added.

I don't think there were any stipulations that the whole piece had to be dedicated. I think that Special Exception should have special discussions and they should be part of the active record to be brought back some years later, stated Comm. Sylvester. They should not dictate the decision but it is important and interesting. I would say o.k. this piece has been utilized properly, that should be enough. This is should not be an expansion of the commercial site or it should be said that the commercial site was allowed on that very busy road that fatalities have taken place, it is a difficult place to have access and that should be scrutinized and this will show that the Board has taken a lot into consideration on these properties, he added.

Clearly, Mr. Chairman it has been processed correctly through the modification because Staff has had discussions with the applicant, stated Richard Schultz. We should learn from this that when we get a special exception on an over size piece of property we should have an understanding from the Commission as to rather or not they want to tie up the whole piece, stated Anthony Panico. Appropriate language needs to be in there, stated Richard Schultz.

I have been involved with something else and there was a special exception on the whole piece and I wasn't sure what the intent was stated Comm. Sylvester. Good notes left for the next people who sit at this table, he added. It is helpful.

There are some things that are only referenced in the minutes because the information has been thrown away, stated Anthony Panico.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Application # 05-34 with Staff's recommendations. A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 05-41, PHOENIX HOUSING OF SHELTON, LLC FOR DETAIL DEVELOPMENT PLAN APPROVAL AND PDD ADOPTION (4 UNIT MULTI-FAMILY DEVELOPMENT) AND CAM SITE PLAN, MURPHY'S LANE (MAP 31, LOT 76) – DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that the Commission directed Staff to prepare a Draft Resolution of which you all have copies. Anthony Panico read the attached report/resolution.

Thank you for that, stated Chairman Cribbins. Can I have a motion? I will make that motion, stated Comm. Lapera. I will second that stated Comm. Pogoda. Any comment, questioned Chairman Cribbins? The only comment I would make is that I find two things is the resolution is getting rid of that house and giving access to Tanglewood, stated Comm. Pogoda. The facilities will be in the ground and if they want to hook up they will then make the modifications as needed stated Anthony Panico. The applicant will install two low-pressure mains, he added. They will operate 4 units and 3 inch main won't handle that. His Engineer put a 3-inch line there and have the two line running parallel. Everyone is cooperating nicely.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to approve Application # 05-41. A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 05-45, JAMES P. BOTTI, SR. FOR DETAILED DEVELOPMENT PLAN APPROVAL AND PDD ADOPTION (MIX USE DEVELOPMENT) BRIDGEPORT AVENUE (MAP 77, LOT 18) – DISCUSSION AND POSSIBLE ACTION

Comm. Sylvester stated he has excused himself previously on this application and he will continue to do so. Richard Schultz stated the applicant is awaiting Wetlands approval on this application and that will be taken up on October 13th. There will be discussion and no action, stated Chairman Cribbins.

Attorney Thomas stated that I believe that you can take action conditional on Wetlands. We can't approve a site plan or anything similar without Wetlands acting or reporting, stated Anthony Panico. I did receive a letter that you don't do that, stated Richard Schultz.

One of the issues that were raised is the drainage on the property, stated Attorney Thomas. James Swift, can address the Commission, on that if needed.

There was a free standing bank and Staff was concerned with another large restaurant in that area. They have shrunk the restaurant tying all into one building with one or two additional outlets. The applicant has been working with some outlets on the other side of Bridgeport Avenue. The space across the street was originally owned and occupied by the automobile facilities that are not renewing leases for the outlet because they wish to occupy that space again, stated Anthony Panico.

The new space is consistent with the corridor and there will be two additional outlets. There is adequate parking ratio on the site. The original parking was predicated on the large restaurant, which is now pulled way down in size.

This is not representative of what is being shown here, stated Comm. Pogoda? That is the original stated Attorney Thomas. That is the styling that will stay and the material will stay the same, stated Anthony Panico.

Traffic flow on site is working well, stated Anthony Panico. What are all those doors see one, two, three, four, questioned Comm. Pogoda? We will need three depending on the restaurant. It is about this size and you can gather what it is. It is moving across the street, stated Attorney Thomas. The bank is about 4,000 square feet with another tenant here. There is a new retail tenant here, he added. It will be about 10,000 square feet available here, Comm. Pogoda.

Depending on the size of the restaurant and the smaller size of retail the less traffic, stated Attorney Thomas. You can monitor the parking ratio with the PDD, he added. A retail I can't think of one that will create the traffic.

The Commission is concerned with the driveway being signalized, stated Anthony Panico. In order to justify that you need warrants. The Traffic Engineer came up with marginal warrants based on the restaurant, retail and the banking. If you tinker too much you will destroy the warrants for the signal, stated Anthony Panico. DOT won't approve the signalization then. The applicant is making application to the DOT. The warrants are marginal. DOT has to say yes or no, stated Comm. Pogoda. You can take the retail out but then we won't have what we need for the warrants, stated Anthony Panico. We have applied to DOT for the record, stated James Swift.

Anthony Panico stated by having the signalization they will have access to the automobile agencies across the street. It is difficult to get into and out of that. Here is a curb cut that will line up. There is a curb cut here that is the southerly curb cut, he added. My understanding is that the automobile agency is going back into the space. It was once there space and was converted to what it is now including the pizza restaurant and the cleaners. The automobile agency will go back into there, stated Attorney Thomas.

When we get Wetlands approval, stated Chairman Cribbins. This is a change in the basic development plans and we made the point that any change had to be put on the table again, stated Anthony Panico. I like the looks of the building and I would tell you to create a resolution that is favorable, stated Chairman Cribbins.

From what I see it is encouraging the number of banks moving in. That is a very encouraging sign, stated Comm. Lopera. A lot of banks in town and coming into town and the banking industry is very popular, stated Anthony Panico. The site is close to Route 8 and the parking is adequate. They shrunk the restaurant and the bank is a good use, stated Comm. Lopera. I concur with everything stated Comm. Pogoda. It is not introducing new businesses it is businesses that are there already, stated Anthony Panico.

**APPLICATION # 05-48 CUMINOTTO, INC. FOR SITE PLAN APPROVAL (DATA CENTER)
LOT 32, IVY BROOK ROAD, 90 SHELTON TECHNOLOGY CENTER (MAP 65, LOT 1) LIP
DISTRICT – DISCUSSION AND POSSIBLE ACTION**

Comm. Lopera excused himself as he has done with any application concerning Cuminotto, Inc. in the past.

Richard Schultz reported that this is administrative and is a matter of right. He then read the Fire Marshall's and the City Engineer's correspondence.

It is very low traffic, high security, centralized data storage and it is all computer equipment, stated Anthony Panico. Minimum number of employees and it is very quiet. They looked for an idea site and this is as close to perfect, he added. Richard Schultz stated it will be a masonry building. It is a clean building with a minimum impact and there own generator, stated Anthony Panico. Richard Schultz then read his draft motion.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was voted to approve Application # 05-48 with conditions. A roll call vote followed with all seated Commissioners (Pogoda, Sylvester and Cribbins) voting I to approve.

NEW BUSINESS

APPLICATION # 05-55 SCOTT WASILEWSKI FOR SUBDIVISION APPROVAL (4-LOT CRD: ROBERT'S PLACE) WABUDA PLACE/EAST VILLAGE ROAD, (MAP 152, LOT 51) R-1 DISTRICT – ACCEPT FOR REVIEW

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to accept for review Application # 05-55.

APPLICATION # 05-56 RGR SHELTON, LLC FOR MINOR MODIFICATION OF DETAIL DEVELOPMENT PLANS FOR PDD # 49 (CRESCENT VILLAGE CONDOMINIUMS, PHASE I) 745 RIVER ROAD (MAP 21, LOTS 48 & 49) – ACCEPT, DISCUSSION AND POSSIBLE ACTION

Anthony Panico stated that this is a minor modification to overcome a situation that happened to convey away Open Space. Property lines that were established when there was PDD approval if the Open Space wasn't conveyed away. You know have to measure setbacks. It caused some constraints and what we are asking the Commission to modify the language to recognize the setbacks are reduced if the land there is permanently Open Space. There is a constraint right here and in the second Phase there also will be an additional constraint in the corner of this building, he added.

Phase I is the layout and building type, stated Richard Schultz. They want to start construction and Item C is to modify the setback, stated Richard Schultz. This line originally didn't exist but this was Open Space. We approved the plan and required these parcels get conveyed to the City, stated Anthony Panico. We need to amend the language that applies to this PDD to allow the setback to be reduced. It has been conveyed to the City, he added.

It is not unusual and we have done this before, stated Comm. Sylvester. If you are reducing the setbacks why are you adjusting the layout, questioned Sylvester? He doesn't know and they went back to the drawing board with a better solution to the layout. There is the Open Space lower walls and a better improvement, stated Anthony Panico. Staff was concerned with the visitors parking and parking by the units. They have moved the perimeter road and reducing the impact of the walls along the perimeter. There are larger chunks of Open Space. All in all the Staff is of the opinion that it was a good modification, stated Anthony Panico.

I was in L'Hermitage that is a very attractive complex, stated Comm. Sylvester.

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

They looked at everything and shifted some ranch units around. They know have a desired mix without a loss of units, stated Anthony Panico. Are there any significant changes here? What we did on the Phase 1, what we called the donut, we rotated that slightly. We had to get the 40 feet and we changed some of the units. We had a 4 unit in the middle that went to 2 and the 6 unit here went to a 4 unit stated the architect. Staff has spent a lot of time with the applicant, his engineer and his architects, he added.

You can take the action and there is a technical issue that won't go away until we take action on C. We won't give them a permit until we iron out some of those issues, stated Anthony Panico. It was that rotated with the required setback and the public hearing will address the specific area of the site and setback. Those are the little adjustments that had to be made.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept # 05-56 with the minor modifications.

APPLICATION # 05-57, RGR SHELTON, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD # 49 (CRESCENT VILLAGE CONDOMINIUMS) 745 RIVER ROAD (MAP 21, LOTS 48, 49) ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Patrick Lapera seconded by Leon Sylvester it was unanimously voted to accept Application # 05-57 and schedule the Public Hearing for October 25, 2005.

8-24 REFERRAL: HUNTINGTON STREET SIDEWALK

Richard Schultz stated that last May the Commission reported favorably on the Huntington Street Sidewalk. You pass Blueberry and it continues here and then there is Maplewood. There is a crosswalk on the reservoir side. This will be going to the Board of Aldermen under a Public Hearing. The Engineering Department wrote little notes. There is an overhang here, stated Richard Schultz. The hardest part is right in front of the shopping center, he added.

It makes sense, stated Chairman Cribbins. With the reconstruction of Bridgeport Avenue you will be able to walk all the way up Commerce Drive, stated Richard Schultz. They walk in the road now stated Comm. Lapera.

You reported favorably on the Portland cement but they are going with the bituminous material stated Richard Schultz. I will make that motion with a strong recommendation they use Portland, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to report favorably on the 8-24 Referral: Huntington Street Sidewalks with recommendations.

8-24 REFERRAL: ENCROACHMENT WITHIN CONSERVATION EASEMENT, 33 MURPHY'S LANE

Richard Schultz stated that this Hank Mali sky's private property. He wants to add a garage to the right of his house. He wants to place the driveway along the front of the house that runs along an easement. How does he purpose to have driveway access and what is the nature of the encroachment, questioned Anthony Panico? There is a plan drawing and the dark shaded is the addition. Here are the Murphy Lane new condos. His house is at the entrance of Waterview Landing, stated Comm. Sylvester. A portion of the driveway would encroach, stated Richard Schultz. The driveway is here and he wants the garage over here, stated Anthony Panico. What is on this side, asked Anthony Panico? This is was all dedicated to the City, stated Richard Schultz. Why don't we re-delineate and there won't be a lost, stated Anthony Panico. Come out here, or take a strip here, half of the building setback line, he added. I recommend a favorable report with no net loss, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to report favorably on the 8-24 Referral: Encroachment within Conservation Easement and to work with Staff in regard to the re-delineation.

DEANWOOD MEADOWS SUBDIVISION: REQUEST FOR PERFORMANCE BOND RELEASE

Richard Schultz read from the City Engineer's letter recommending the release. That is the subdivision on the corner of Maple and Soundview. There are 3 interior lots.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to release the performance bond on Deanwood Meadows Subdivision.

THE WOODS AT LAKE ROAD, PHASE I SUBDIVISION: REQUEST FOR ELIMINATION OF SIDEWALKS

Richard Schultz stated that this to eliminate the sidewalks. The Commission has been advised that the developer would like to have the sidewalk requirement eliminated. Staff prepared a map with the sidewalks in the area. The pink shows what is proposed and the yellow shows what is there now.

There are sidewalks that continue up to the High School. There are 16 homes by Shelton Lakes coming off Lake Road. It is internal that those two properties and once you got to the road, where would you go, questioned Chairman Cribbins? There are no sidewalks except what is highlighted in yellow, stated Richard Schultz. They don't walk this way because you are on Route 108, stated Comm. Sylvester. The only place to cross into where the sidewalks are is to come out here, he added. There is access to the recreation trail in here. If you put sidewalks here then there are no sidewalks from here to here. You can walk up to the sidewalks here then gets very narrow down to Wooster and Perry Hill which is all narrow. The sidewalk picks up here to the High School. It would be worth something if you could get a sidewalk in absence of this. Ideally the City needs a program stated Richard Schultz.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve the request for elimination of the sidewalks at The Woods at Lake Road.

AUDOBON PRESERVE AT HUNTINGTON SUBDIVISION: REQUEST FOR EXTENSION TO COMPLETE PUBLIC IMPROVEMENTS

Richard Schultz stated that this is Maler Avenue by Aspetuck. They got held up before the State for site line issues. They are ready to pave before the asphalt plants close this year. We have an agreement that this is to be done within the two-year period. They are requesting to go to June of next year but the Commission needs to act on it. They are going to pave all of Maler before the plants close. They will connect to Shelton Avenue, stated Richard Schultz. We now use a two-year agreement and if they go beyond that the Commission has to act on it. You are handling this as a technicality that you want to expand, questioned Anthony Panico? It is a modified agreement because the current one expires so this will go to June of 2006, stated Richard Schultz. The regulations say that this should be done in two years, he added. Why are going to June 1st, questioned Comm. Pogoda? You could give them a 6-month extension to the first of the year, stated Anthony Panico. I want it done and I don't want to wait until June, stated Comm. Pogoda. Make the motion to go until January 1st and if they need to come back, they will, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the request for the extension to complete the public improvements to Audobon Preserve at Huntington until January 1st, 2006.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 9:15 P.M.

Respectfully submitted by,

Diana Barry
Clerk