

The Shelton Planning & Zoning Commission held a Special Meeting on November 30, 2005 at 7:00 P.M. in the Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Daniel Oraziatti
Comm. William Papale
Comm. Jason Perillo
Comm. Anthony Pogoda
Comm. Leon Sylvester

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

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

Tapes (3) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website.

Chairman Cribbins opened the meeting with the Pledge of Allegiance and stated that the organizational meeting for this Board will be December 13th.

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

Chairman Cribbins asked if the applicant was here. Hearing no response and after waiting he moved on.

APPLICATION # 05-52, RONIC ENTERPRISES, INC. FOR MODIFICATION OF SPECIAL EXCEPTION APPROVAL (HUNTINGTON ESTATES SUBDIVISION: 50 LOT CRD), INDEPENDENCE DRIVE AND

APPLICATION # 05-53, RONIC ENTERPRISES, INC. FOR RE-SUBDIVISION APPROVAL (CHANGE TO OPEN SPACE AREA WITHIN HUNTINGTON ESTATES SUBDIVISION), INDEPENDENCE DRIVE AND

APPLICATION # 05-54, RONIC ENTERPRISES, INC FOR SUBDIVISION APPROVAL (4 LOTS: MOUNTAIN LAUREL RIDGE), INDEPENDENCE DRIVE (MAP 114, LOTS 46 AND 53) R-1 DISTRICT

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

Comm. Sylvester arrived at 7:10 P.M. Chairman Cribbins explained what the procedure would be for the Public Hearings.

Attorney John Fallon, representing Ronic Enterprises, addressed the Commission and introduced Roger Spinelli, from Ronic Enterprises, and Alan Sheperd, with Nowakowski, O'Bymachow and Kane. He then presented the mailing receipts for all three applications, a copy of the posting of the original hearing including photos and a copy of the legal notice.

Attorney John Fallon stated these applications involved basically two things. We are asking the Commission to modify the Special Exception approval with regard to the Huntington Estates Subdivision. As the Commission is aware of that was an approval for a 50 lot CRD some years ago. We are asking you to modify the Open Space dedication with regard to that. With regard to the subdivision application that relates to Parcel # 5 in Huntington Estates.

I would suggest to you that the ultimate result here is a win-win situation for everybody, stated Attorney Fallon. It certainly is a win situation for my client. It is a win for the area and the neighborhood.

He presented a chart that shows a comparison with regard to the Open Space showing what is there now under the previous approval and what it will end up if these applications are approved.

This is a 18.75 parcel and based upon the previous approval there is privately held Open Space of 5.37 acres. What we are proposing is combining the required Open Space and the private Open Space you get 6.75 acres. We are also proposing dedicating 6.175 of Public Open Space along with various Conservation Easement that will total 8.94 acres. On this site of 18.75 we will dedicate under Public Open Space and Easements 10.11 over half of the property. This will include a very serious and beneficial Public Open Space, dedicated to the City of Shelton as well as Easements.

Your record would indicate that there is a letter from the Conservation Commission dated October 18, 2005 to Mr. Schultz. It speaks more elegantly than I, then Attorney Fallon read from that letter.

We have improvements to the Open Space and the Easements. I would suggest to you that the improvements are going to be a vibrant, open and welcome Open Space. It compares with the area in question for the modification. Parcel 5 was a bulky waster disposal area that has been approved by the DEP.

The visual observation would be that it is not an enhancement to the environmental quality of the neighborhood. The proposal on the property has been approved by the DEP.

The lots here comply with all the standards of the R1 Zone as proposed, stated Attorney Fallon. They are significantly oversized with regard to those requirements. They are enhancement to the Open Space as well. At this point, I present Allen Sheperd who will walk us through these applications.

Allen Sheperd, a Professional Engineer with Nowakowski, O'Bymachow, and Kane Associates, addressed the Commission. Lot # 1 is in the open field, Lot # 2 has frontage on Independence Drive and comes back over here and has wetlands on either side of it. Lots # 3 and 4 will be coming up a common driveway. The terrain is classic New England terrain. We will split the driveways off here where it becomes flat. Conservation Commission has asked to keep the houses away from the ridgelines. There are existing trails here and crosses one spot here.

Allen Sheperd explains on the map that this is where there was a sponge rubber place years ago. You can see it from the raise in the mountains. It is not a hazardous waste it is a bulky waste. It won't hurt you, stated Allen Sheperd. We did some deep whole tests and bearing test, he added.

We picked out an area for the house (inaudible). It is very difficult to hear Allen Sheperd.

This is the privately Open Space and the additional Open Space along with the Easements are here. We have taken Open Space that was not comfortable and there is an enhancement there. This piece of Open Space has nice topographic relieve with ridgelines here and gentle slopes over here. You have huge Open Space in this area and it is an enhancement in that area. Attorney Fallon stated that Conservation was very pleased with regard to the Open Space dedication and the easements.

A technical comment that I wanted to make that during the work session there is a notation of a storage shed on the proposed property line. We have talked to the owner of the property and so that the record is clear there is an understanding with regard to the shed that will be removed and that could be a condition with regard to filing the Mylar map, stated Attorney Fallon. It could be a condition of approval, he added. We think this is a good application that will work well with the Open Space.

Chairman Cribbins questioned this is marked Open Space. That Private Open Space will go away. This is what is existing now, stated Allen Sheperd. This whole area goes along the back here and there is a strip back here that will have a conservation easement here. There is a buffer here.

The proposed Open Space why didn't you make that a lot, questioned Comm. Oraziotti? I have a layout back in the office from years ago showing the proposed road and the lots coming off of that. We could put a lot here but we wanted to put the driveway there. Once the subdivision gets approval the City will get this Open Space, stated Allen Sheperd. Comm. Oraziotti questioned the wetlands? Attorney Fallon answered we were trying to work with Conservation and they wanted that area preserved. The house is over here and when we back to the original plan this house satisfies the Open Space.

Comm. Perillo questioned how much of this is Open Space now? Attorney Fallon answered the private Open Space presently is 5.37 acres. That is the second line on the sheet. What is the remainder of that parcel, questioned Comm. Perillo? The status of it is, questioned Comm. Perillo? It is wetlands answered Allen Sheperd. This is an open field of the bulky waste area. This is the conservation easement area and there will be a house here with woody area here.

Anthony Panico questioned Lot #1, how much of that lot is buildable? I see a note on the map that references an area that shows wetlands encompassing probably 85% of that lot, he questions? Alan Sheperd stated it is a 2.58-acre lot. It is a larger lot. When we are doing a subdivision we are looking for the suitable house area, stated Allen Sheperd. What we are trying to find out is if there is constraints from the DEP over the use of a major portion of the lot, what is the line to where those constraints apply, questioned Anthony Panico? We have had the entire plan for Lot 1 reviewed by DEP and we can provide that for you, stated Attorney Fallon.

If you are successful at getting the approval what if any consideration will you give to the Conservation, questioned Anthony Panico? Attorney Fallon stated we approached the development here we wanted to make sure from Conservation they were supported with what we were doing. We wanted to create a subdivision that was created with lots oversized and generous Open Space. We wanted to make sure since we are R1 Zone that it would be the most straightforward thing with oversized lots.

Anthony Panico stated this is an important step to make sure that this is an eligible subdivision and that you have the basic right to subdivide. One of the considerations that I was looking at was the ridgeline here and that seemed to be a logic design. I looked down here for the slopes and the nice buffer, stated Allen Sheperd. The way the land was originally here I would suggest more conservation area here by the buffer with one house here and one house here, he added.

If there is a foot conservation strip along someone's property there will be fighting about it, stated Anthony Panico. People can go through that conservation easement but that is why I drew the lot line like this, stated Allen Sheperd. I didn't want to put it on the side of the hill, he added.

Comm. Sylvester stated I would like to go back to the existing Open Space. They are changing that into a lot and that lot is an appropriate lot? I don't want to give them approval for something that will come back from the Community to us later on, stated Comm. Sylvester.

Rod Chisholm, 61 Independence Drive, addressed the Commission. He handed each Commissioner a map of the original Toll Brothers Subdivision. (See attached)

End of Side 1A of 3A, Tape 1 of 3 at 7:50 P.M.

Mr. Chisholm stated there is water behind Lot 31; they were not allowed to build over there. I just would like an explanation as to why Toll Brothers or whatever the builder was was rejected to build there, why are we going to allow someone to build there now? I have one other question for the builder, all the names of the streets, Constitution Boulevard, Independence Drive, Lexington, Wellington and he wants to call his little area Mountain Laurel Ridge. You would think, he would think, I am building houses in this area with all these historical Civil War names that he would try to blend into the area. That is just a minor thing but it is a tell tale sign of what this builder is building, question Rod Chisholm? I don't know but thank you.

Comm. Perillo stated Mr. Chisholm you directed your first question to the Commission but it is a good question directed toward the developer. If then why not – why now, because we are trying to find out the answer to that question, also.

Bruce Stahl, 37 Independence Drive, addressed the Commission. I can answer that question as to why Toll Brothers didn't buy that lot. If you look at the map it is Lot 22 there is a lot behind that, Lot 21. That wasn't purchased by Toll when they purchased the whole development. I am not speaking for Toll Brothers I am speaking because I tried to buy that lot. I was told at the time, from Mr. Wells at the bank, that Toll didn't want the liability that came with the dump next to it. They left that out with the 5 acres and that was the bank's way of getting rid of the property. I have a question as well, what are the setbacks on the house closest to, what they call Lot 1? The way the development is planned it was a common setback and that there won't be a house there. It is doubled the required setback, stated Anthony Panico. If you have all the houses in a row and then there is one setback, how does that look, questioned Bruce Stahl? I would encourage you to walk the lot, I have walked it and it feels like you are walking on rubber.

Dolores Millet, 5 Independence Drive, addressed the Commission. My house is set way back. I am actually the one who borders up to the shed. It is actually a Quonset hut. My biggest concern with the building is the flooding. I would question if that area will be filled in. It varies in height. The area drains back there. There is a pond that borders Lots 5 and 9. I get drainage into my property into the pond. When they excavate where will all that water go. Are they going to have to blast that and will that also disturb the drainage? For me those are real concerns. I think I need to have some explanations from the contractor as to how they will fill that in? How will they protect the property (inaudible)? I would like to hear from the contractor.

Valerie Szondy, 25 Independence Drive, addressed the Commission. I am where the new driveway will be coming through the back lots. The first issue I have is that the new driveway is touching my driveway. (inaudible) Anthony Panico stated they will have to get permits before they do anything. I was promised that there will be no lights in the driveway. We have no parking on Independence Drive and I would not like to see the access to the Open Space other than where it is now. Who is going to maintain the Open Space? I would like to see access somewhere else, I would like to see the Open Space moved and the driveway kept where it is. Mr. Spinelli also told us there would be landscaping done and I would like final approval on what that landscaping will be, stated Valerie Szondy. Will there be blasting?

Joan Flannery, 8 Partridge Lane, addressed the Commission. During the presentation the applicant stated that this is R1 compliance. I didn't understand that and I would like that explained. I thought it was 50 units on 18 acres and I don't know how many units it is? The papers that were given to us tonight say there are 50 lots and I want to know how many houses on 18 acres.

Mrs. Flannery there are 4 lots, answered Comm. Perillo. What they were referring to was the existing subdivision that was developed already, stated Anthony Panico. That is the 50-unit development, he added. He is putting 4 houses on 18 acres, stated Joan Flannery.

I want to know how the sponge rubber plant property will be used? Is it going to be just dirt on top or grass on top. How are the people buying the house next to that, are they going to get any type of guarantee or protection from that?

As to the percentage of Open Space, how much of that is Wetlands and how much of that is rubber plant? Will there be a need for bridges for people to walk through the Open Space, questioned Joan Flannery? I would like to have this Open Space as something that can be used by the Public, she added.

Attorney Fallon stated there will be no bridges required. We have been involved with Conservation for over a year. Conservation has endorsed this. The bulky waste area will be contained following DEP regulations.

I will confirm a revision on the map showing the dedication to be there. We will abide by that and there will be no lights in the driveway. This will be City owned Open Space and so will be well maintained.

Attorney Fallon continued with comments on access. The access is in a proper location for pedestrian access. We have agreed to provide a landscaping plan along the property line. Our landscape architect was unable to get that to us for this meeting but I will have that to Ms. Szondy sometime next week.

Alan Sheperd answers Mrs. Millete's questions. It is very difficult to hear him. There is conversation between Allen Sheperd and Mrs. Millete's.

The tubes were something that we put in from DEP's instruction and were vapor samples. The results were in a report that show that it is not a volatile compound.

We are R1 compliant with regard to the setback. The history, the gentlemen who spoke about that, was right. Let me give you an overview, stated Attorney Fallon. The people who had original control was Derby Savings, I don't know whom they took it from, it didn't work out for someone. Toll Brothers then ultimately purchased the subdivision from Derby. When Derby Savings Bank was the owner of the property they held Lot 21. They wouldn't sell it to Toll Brothers or anyone else unless they bought the bulky waste area. Toll Brothers decided they wouldn't take Lot 21. Derby then took Toll Brothers money and decided to hold onto Lot 21. That is how it came to Ronic Enterprises and Mr. Spinelli.

Mr. Chisholm should be reassured we did name the subdivision Mountain Laurel Ridge, we didn't name the streets, and I think the street will be Independence. We like the street and the neighborhood, stated Attorney Fallon.

Attorney Fallon stated the Open Space is there and it might have a little stigma too it. We proceeded and the neighbors conceded that constructing this house here and leaving the rest of the homes back. The only thing that you should notice is a beautiful home. The large lot will remain undisturbed and the immediate neighbors sense a positive thing. This is a unique situation and there is a substitution for that space. It will be an enhancement for the City. We will provide a landscaping plan, he added. Mr. Sheperd is here and can define exactly where the disturbance area will be on Lot 1.

Bruce Stahl, Independence Drive, addressed the Commission. In regard to the plastic pipe, I have been there for 8 years so I am assuming that pipe was left there prior to that, I would like to know the sizes of the homes and I want to make sure they in keeping with the rest of the neighborhood.

Attorney Fallon stated I know that the driveways will be paved and the house sizes will range from 3,500 square feet to 5,000 square feet.

Rod Chisholm, addressed the Commission. Lot 21 has a home on there now. It was built after Toll Brothers left and I am sure they had to get a permit to build that house there. Why they didn't disturb the 5 acres, I don't know. There is a house there and it has been there for 5 years.

Open Space and the walkway, prior to my wife and I buying our house, the City had a referendum to buy the Open Space, it went out to Route 108, Shelton Intermediate School and the large lake. There is a walkway that goes behind all of this area. It might go to Willoughby, I don't know, and I don't know if it goes behind this property. I did read recently that someone somewhere, in our town, planted trees on that buffer. The Town decided the trees should be moved, stated Rod Chisholm.

There are three lines on that map that is where the walking trail is, stated Chairman Cribbins.

My main concern is that Lot 21 is occupied and why that 5 acres didn't go with it, I don't know stated Rod Chisholm.

Lot 21 was approved as part of the original subdivision, stated Attorney Fallon. Derby Savings took the whole thing back at one time. They made a decision that they would not sell the whole thing without taking that 5 acres. The guy who bought Lot 21 said o.k. I will take the Open Space was Mr. Spinelli. He designed the house and lives on Lot 21. That will brings us to tonight where he is saying could I do something good for myself, do something good for the neighborhood and could I do something good for the City of Shelton with regard to the Open Space, added Attorney Fallon. He was the only who would buy it.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing on Applications # 05-52, 05-53 and 05-54.

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

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

Chairman Cribbins asked the applicant if he would authorize a continuance until January 10th, 2006. We need to leave this hearing opened because ZBA (the Zoning Board of Appeals), that has your application has not acted on them yet. If you were not to authorize a continuation until January 10th what we would have to do is listen to your application, close the hearing then deny it because we would run out of time.

You have presented this too us and we have to wait for ZBA to take an action before we can give final approval, stated Chairman Cribbins.

Dr. Montanaro questioned the 65 days? For the site plan, stated Chairman Cribbins. My first question is that if you approve and they deny there is no difference. I don't have anything. So my first question to you is, why do you wait for them at all? Then my second question to you is that do you have 35 days or 65 days, questioned Dr. Montanaro?

Anthony Panico stated that you have 65 days from the date that site plan was accepted. Then my question to you would be that you have already delayed my application this long then why can't you just make a decision, because if you in fact approve it and ZBA denies it, then (inaudible). Is that correct or incorrect, questions Dr. Montanaro? It always seems like I get thrown against the wall, we get delayed anyway, then I come in and you want an extension. I really prefer not to do that unless there is some reason why you have to have a decision from ZBA before you give (inaudible).

Anthony Panico stated that you submitted a site plan that is predicated on certain variances being granted. The absence of those variances is fatal to the site plan. So you are asking the Commission to go through the entire process of reviewing, critiquing, commenting, and working out the issues on a site plan that may not be possible to execute.

Right, stated Dr. Montanaro. What difference does that make? My question to you then is if they deny me, I don't have anything, is that correct or incorrect? We can't give it to you without their approval, stated Chairman Cribbins. O.K. that is what I wanted to know, no problem, stated Dr. Montanaro. I made my application quiet a while ago and it always seems that when I come to this Board, give me an extension, you have taken long enough to bring it up and now you want more time. So now I have no choice and you have put me against the wall, stated Dr. Montanaro. You have (inaudible) time, stated Anthony Panico. Mr. Panico I will grant the extension, no problem, stated Dr. Montanaro.

I own two houses adjacent to Portobello Restaurant. First in the way of introduction, I am Dr. Michael Montanaro, an Orthodontist, for those of you who don't know me on the Board, Mr. Panico seems to think this is funny. It is not funny, you have put me through a lot of headaches here, Mr. Panico, not the least of which is calling the second floor the first floor. We won't go back twenty years, we will go forward, stated Dr. Montanaro. Buildings that we are discussing here are the buildings, one that is adjacent to Portobello and one that is adjacent to the Dan Beard property where there is the current grocery store.

Relative by review and to those of you who don't know what is going on, I did appear here, I filled an Application of Certificate of Zoning Compliance on the two houses after I received a building permit on those two houses. This Board elected to turn down a Certificate of Zoning Compliance on my two houses, on my land even though I had a building permit they saw fit to turn it down. It is in front of the ZBA also to see if that could be overturned or if I need to litigate, or in what direction this whole thing is going to go, stated Dr. Montanaro. So my Phase 1 is not to change a blade of grass, get two permits, get Certificates of Zoning Compliance, which you elected to deny, for whatever your reasons where.

Then there is Plan 2, which I might or might not enter into. Plan 2 is an option in the event with regard to the Beard's and my litigation with them, they are so friendly, who have put up a fence when Mrs. (inaudible) owned the property. They denied access and I know 25 years of access in the back of this property. That is something to be litigated and it is something that is in litigation, stated Dr. Montanaro. That is something that has no bearing at this point on this Board and your decisions. As a matter of fact, the Certificates of Zoning Compliance does or doesn't give me an (inaudible). I can access it through the street for my own property, this is basically Plan 2, where I would suggest, my wife owns the property where Portobello's is, to come from the Portobello's side enter on to my property creating possibly 14-15 parking spaces by moving two houses, which I have a right to use, because they predate Zoning Compliance. The Board is taking the right from me as opposed to an administration working to come up with a solution, he added.

Chairman Cribbins stated that there were a couple of applications presented. The first was the expansion behind the Portobello Restaurant. That is not my property, stated Dr. Montanaro. As part of that application we had to determine how many parking spaces in the front of that building and the spaces were in the back were associated and connected to this expansion. Then along came a second application for the property that you are now discussing. One of the options were to go through the front and we didn't understand how you could go through the front of those parking spaces and use that as access, questioned Chairman Cribbins? With the two adjoining properties we wanted to bring it here to see a site plan so that is what this is about from us. There is confusion about how you would have access through the Portobello, through you wife's property that is what we are talking about, added Chairman Cribbins.

If you are confused, I would suggest that you, I wasn't at, if we are talking Portobello, that has nothing to do with me, because they are making an application to expand it, stated Dr. Montanaro. Relative to their application, they show a site plan that you either approve or disapprove relative to their request. My site plan has nothing to do with theirs, he added.

We are handling them separately but we didn't understand your application, which one of the options is to come through the front taking away parking, stated Chairman Cribbins.

This is the first time that I have addressed this Board relative to coming through the front. My application might have been submitted and you took a long time with it, and if you had questions, you certainly knew how to get a hold of me to answer the question, stated Dr. Montanaro. So I don't understand, really, what the question is. The application is now in front of you and it has nothing to do with Portobello.

In order for us to act on your application, there were some questions, stated Chairman Cribbins. We are not acting on my application until January 10th, stated Dr. Montanaro. I understand, in order to act on your application, you needed several variances from ZBA without which we can't give a positive approval, stated Chairman Cribbins. So I said O.K. to January 10th, stated Dr. Montanaro. It is in ZBA, it could be denied, added Chairman Cribbins. Then this becomes mute, stated Dr. Montanaro. Meantime why don't we just finish, I am here. If ZBA grants a side and rear variance, I am moving the building that is adjacent to Portobello on the other side and it is one foot on my wife's property. The rear yard needs a variance with 14-15 slots of parking and would not go through the Beard's property. This is an option I may follow.

Chairman Cribbins stated you access your property through the other property that you call your wife's? Correct, answered Dr. Montanaro. You access it through there, stated Chairman Cribbins. We want to see that because it disturbs parking and the new application shows, (the applicant interrupts the Chairman). It doesn't disturb them, stated Dr. Montanaro. We have nothing to do with that, we will have the same amount of parking, may I approach and show you on the map, questioned Dr. Montanaro.

Dr.. Montanaro showed these are the 4 spaces for Portobello and what I do here is to be determined relative to our discussions, he stated.

End of Side 1B of 3A, Tape 1 of 3 at 8:35 P.M.

Dr. Montanaro continues I won't interfere with that, he states. Do you have written permission for now or in the future to you access your property through that property, questioned Chairman Cribbins? I do not but I can provide that for you, stated Dr. Montanaro. We have until January 10th and I can provide that to you.

I didn't understand stated Chairman Cribbins. Then subsequent to that we need to know the nature of the business that would go on, in that particular thing, because if it was a high traffic generator we would like to understand, it is a very busy, we would like to know how you are going to get on and off of that property, if there are many cars visiting, you will have traffic coming and going, he added.

There won't be a lot of traffic, stated Dr. Montanaro. You can come to my office any day all that you will see, the Beard side of the property with no available parking and my side of the property with plenty of parking availability. Any day, any time of the day, I have been there for twenty years, and I have owned the property, that building has been there since 1990's. There is no parking problem on that side, there is a parking problem on the Beard's side, he added. If you are on the Board all you have to do is go over any time of the day and take a look. So you are saying is there going to be a traffic problem on my side of the site, I don't think so, but if you feel that is a problem deny my application and tell me to come in from another direction. If I prevail with the Beard's I doubt if I will use this. This is Plan 2 that may or may not come to pass. It is just an option.

The other question is I think that this is a win-win situation if you allow me to fix the houses up to look appropriate for the center of Huntington. They look like a dump for a number of years that I have been next to it and approving them to use them in some fashion will allow myself, the landlord and the owner of property, to improve the nearby center of town, instead of fighting with the people who have been there for years. Mrs. Beard has been there for years and has opposed plans for the houses. The houses just stood there as a derelict visual impact on the town. I think that I can improve those and work together to some sort of resolution instead just ripping them down. Which doesn't make a lot of sense to me, stated Dr. Montanaro.

The previous owner proposed two very good-looking buildings and I stood up in front of the ZBA (inaudible). They had some issues with egress out of the back to deny them. I don't think the parking relative to the Beard situation is an issue because in this plan I am not even going to use it. If I get a Certificate of Zoning Compliance relative to using those two buildings where they stand and I prevail with Mrs. Beard, or I elect to enter the property from my wife's property or enter the property through Huntington Street, I would be in front of the Board to deal on all of this, stated Dr. Montanaro.

Comm. Orazietti questioned if you are given approval, before that approval we will want to see what those houses will look like after the approval. There is a site plan that shows where it will be, stated Dr. Montanaro. The houses will look like they do, if this gets approved by ZBA then I would like to hire Joe Mingolello to redesign it a little bit. Do a nice job, stated Dr. Montanaro. Do we need to have a design prior to approval questioned Comm. Orazietti?

The site will need to have engineering and other architectural information, stated Anthony Panico. We have no engineering information and we have a picture of a site plan. That is because at this point I am only saying that I am moving the houses, there are two existing houses, Mr. Panico, stated Dr. Montanaro.

This is an application for a site plan approval not just to move a house, stated Anthony Panico. (inaudible)

I want to move what is there, I own it and I want to keep it as it is. I own it and I applied for a Certificate of Zoning Compliance. You denied me. I want to move the houses, stated Dr. Montanaro.
P & Z COMM. NOVEMBER 30, 2005

There is conversation going on between Anthony Panico and Dr. Montanaro. Everyone is talking at the same time. Mr. Panico you should not wait, you should not put me against the wall for 65 days, stated Dr. Montanaro. Then when I get here you tell me you need something else. You should have told me that you needed something else. You should have sent me a letter 65 days ago, alright. So my position on that, you should have submitted something to me earlier if you wanted some additional information. The reason that there is no additional information is because I am moving, I am not building anything new. If I choose to come up with an exterior architectural change I will return with a new site plan for validation.

Anthony Panico questioned the height of the proposed retaining wall? In the rear are you talking about, questioned Dr. Montanaro of Anthony Panico? All I see is a proposed retaining wall and I know for a fact that having seen the property that there is a significant grade from the front to the back, stated Anthony Panico. That is correct in the event that Mrs. Beard prevails in Court I would not use that access and whatever connection I need to do relative to getting somewhat of a level parking lot, I think that it would be 8 feet or somewhere around there, Joe thought maybe interlocking blocks.

So you are asking this Commission to give you carte blanche approval to create something that looks like this picture, questioned Anthony Panico? No not carte blanche, stated Dr. Montanaro. You can maybe say subject to telling me what the retaining wall will be made out of, he added. Or you can make the list of questions and I have until January 10th to respond. All these questions if you give me a list of what you would like I am sure that Joe Mingolello can give it to you.

We don't have to make you a punch list Doctor, you are suppose to submit a fully engineered site plan, stated Anthony Panico. This has no engineering on it what so ever.

Why didn't you send me that letter when I made the application, questioned Dr. Montanaro? This is the first time I have seen it, I don't see things in advance, stated Anthony Panico.

Comm. Perillo questioned are we able to vote on this without approval from ZBA? No answered Dr. Montanaro? Thank you, stated Comm. Perillo. Would we be able to vote on this if we had approval from ZBA, questioned Comm. Perillo? Yes, if we had approval from ZBA, stated Chairman Cribbins. So we could have approved it this evening, questioned Comm. Perillo? Or denied it, stated Chairman Cribbins based upon, there are a lot of factors here. You can't access one property through someone else's stated Chairman Cribbins.

Would we be able to vote on it if it was not at ZBA right now, questioned Comm. Perillo? Yes, stated Chairman Cribbins. Well then who brought it to ZBA, questioned Comm. Perillo? The applicant, answered Chairman Cribbins. Why did you do that, questioned Comm. Perillo? They need to approve, the whole idea of getting a rear and side yard variance had to get approved before this, stated Dr. Montanaro. Otherwise you have to deny this, stated Chairman Cribbins.

The idea is this that there are two existing buildings and all I want to do is move one of them on the site. All of the questions with regard to the retaining wall in the back can be, we can give you a retaining wall drawing if that is what you would like, Joe recommended interlocking blocks. If that is the only question from Mr. Panico after I have waited 65 days or more to be in front of you, we will respond to that by January 10th, stated Dr. Montanaro. It could be mute anyway if ZBA turns it down, he added.

That comment was simply to illustrate that the drawing lacks the engineering information, stated Anthony Panico. Don't hold me to the information only on the retaining wall, he added. You can innumerate when you would like to, stated Dr. Montanaro. I will not innumerate, I will innumerate after you give me a fully engineering drawing with an engineering stamp on it, stated Anthony Panico. Then I will innumerate. I will not design it for you, Dr., he added.

No, Tony, don't, I would prefer that you don't stated Dr. Montanaro. You have to work in tandem with me, instead of head to head as we have always worked.

Chairman Cribbins questioned is there any other information that you want to add? I said that I would grant the extension until January 10th. If Mr. Panico would like that information, Joe Mingolello will provide it as well as another drawing, answered Dr. Montanaro.

Conceptually first of all I own two houses that are there, if I want to move one from A to B, if we need to say, no parking lot, I don't know how to deal with this problem. This problem has been before ZBA for a couple of years. They have turned nice drawings down so I elected to go with not changing anything, they turned the Certificates of Zoning Compliance, don't change a blade of grass that gets turned down. I come in here with moving building one behind building two conceptually so I can proceed. (inaudible the ZBA?) Mr. Panico goes head to head with me like he always does, he tells me bring me more engineering. You know how many times I engineered a plan for Mr. Panico on the building at Portobello's maybe ten times. Mr. Panico had the audacity to call a plan I brought in on the second floor the first floor. We are not talking about that, stated Chairman Cribbins.

He and I don't get along so I will put it up front, stated Dr. Montanaro. I wonder why, stated Chairman Cribbins. This is America even in Shelton, don't I have the first amendment, or I don't questioned Dr. Montanaro?

P & Z COMM.

NOVEMBER 30, 2005

Bill Wensell, an Attorney with Pullman & Comley, representing Dan Beard Associates, the owners of the Huntington Plaza Shopping Center, addressed the Commission.

I think the questions that have come up so far highlight some of the significant concerns with this application. First the initial question was raised by this Commission with regard to an extension because of the time problem. I want to point out that under procedure in the Zoning Ordinance if the applicant consents to any extension of time that should be in writing. There is such a concern with Dr. Montanaro rather this was voluntary or if he was being forced into this, we would ask the Commission to require that consent in writing pursuant to your regulations.

With all due respect to Dr. Montanaro, I think that the Commission is being asked to approve what in essence is the pig in the poke. He doesn't know if he really wants this plan approved. He doesn't know what is going to be there. He doesn't know how it will be used. He doesn't know how he is going to get access.

All he knows is that this might be an option at some point with the many other issues in play, there is litigation, as you all know, there is the proposal before the ZBA, when all those things sort themselves out, stated Attorney Wensell. I don't think that is the way, with all due respect, that this Commission should be proceeding with this property or really in this area.

You are all familiar with this street that is going through Huntington Center, with some historical features including churches, residents and it is a very active street that could become congested. I don't know if this Commission has ever looked at what should be occurring in this area.

The reason I raise that concern is that I don't know the uses discussed by Dr. Montanaro with this Commission. I had the pleasure of taking his deposition with regard to the litigation that is taking place and I asked him what he had planned for this site? He told me one floor at 64 would be an extension of his dental practice next door. The other building would be used for a food service facility, a delicatessen, a caterer, and even mentioned that he was having a discussion with a Subway Franchise at 60. All of these uses are high traffic, high activity uses under the Zoning Regulations, Section 5.18. If we have a Subway there that is going to drastically change the nature of this part of the City of Shelton. In fact we will have an establishment that is opened late, where volume is the essence of the business. Not people stopping in for a leisurely dinner but people coming in whipping through the line and getting out. We have all been to a Subway we know how they work, how many people they have working for them, we know how the line backs up, we know how they grab a sandwich and get back out, stated Attorney Wensell.

Look at the configuration of parking, we are going to have people pulling into lot this when there are no spaces, we are going to have people backing out of the lot onto on Huntington Street, we are going to have people going the wrong way on Huntington Street probably going right over the retaining wall in the back. Who knows how they are going to get off that site once they are there? It is like the roach motel, you can get in but you can't get out.

The Subways stay open late and have neon signs. The bad part is that we will have high traffic and high business stacked up on Huntington Street. At 70 there is Portobello's whose new advertisement in the Yellow Book will bring a lot of activity because it advertises take out. Right next door, Dr. Montanaro wants to have a food service, a high volume dental practice and other uses that he doesn't know what they will be just two weeks ago.

Right next door to that is Beechwood Market. That is a grocery and that is a high volume, high traffic use. Next to that is the Gulf Station that also meets the definition of a high traffic use, stated Attorney Wensell. We then go into an intersection, so that will cut down the problem. I would suggest that the Commission needs much more specificity as to what is going to be there and how it will be used.

The proposed method of ingress and egress into this parking area is going to be a problem. I can't tell, I think that the proposed parking plan shows 20 spaces, with 4 being on the other property. I know you have an application coming up later and I believe Portobello has counted those 4 spaces. They need to figure out who is claiming those 4 spaces.

The proposal that is being asked to be approved is for the relocation of a building. The Commissioners have raised the question of the site plan showing non-compliance with regard to the regulations on setbacks. Without the variances from ZBA this simply can't be approved, stated Attorney Wensell.

Even if this was to be approved the setbacks are going from, in the rear, 40 feet to 21 feet and from 12 feet on the side to 3 feet. If you don't have those that building just doesn't fit. The proposed site plan shows a very intensive use, maximize the spaces and maximize the use for those two buildings.

The Commission and anyone who has been there knows Dr. Montanaro's description of these as dumps is an adequate description. The building next to Portobello, 64, had an extensive fire and I don't know if that could be moved. If you move it how are you going to move it? It already encroaches on the next property and I don't know how you would get a truck in there, questioned Attorney Wensell. You are going to have

to get one of those extensively long trucks on Huntington Street and I don't know how they going to get within 3 feet of the shopping center? It doesn't seem feasible and why would you want to move that building? Really as is the Dr. seriously suggesting that dump should be moved and preserved?

P & Z COMM.

NOVEMBER 30, 2005

I don't think that is the type of use that should be made at that location, stated Attorney Wensell. I don't think that was truly the intent and this Commission is entitled to hear the use he intends. There are main other sources of concern with regard to the site plan, the lack of (inaudible), the lack of architectural renderings which the Commission has already brought up and is aware of.

With all due respect, to the Commission I think it is appropriate to deny this application without waiting for the results of the ZBA. Even though these waivers might be approved this is not a site plan that is ready for meaningful consideration. It is not a site plan that should be approved. I would suggest that the wisest course is to deny this as quickly as possible, stated Attorney Wensell.

Attorney John Scanlon, representing the owners of Beechwood Market. We do agree with the comments of Attorney Wensell. Our primary concern at Beechwood Market is the parking spaces in the front of the market. The property is being applied for now has to access this by going all the way around the green and coming around to the property. If you look at the plans there are two access points directly in front of the market. Right now there is a fence that goes up and there is litigation that might force the Beards to remove that. That would allow Dr. Montanaro then to have direct access. We are concerned that people will park in our area and walk over. You asking people to drive all the way around the green to access the Subway. If you consider this Dr. Montanaro should be ordered to put a fence separating the shopping center. There is no parking and I don't believe this is asking the Commission to go beyond its power.

Dr. Montanaro, addressed the Commission. Mr. Wensell is a lot better then the other lawyer who was here who recommended I tear one house down as a solution. Mr. Wensell has a better idea he says that Dr. Montanaro has a high traffic CA-2 area. What will be there will come to this Board so therefore that is a non-issue. The real issue that Mr. Wensell is trying to point is, first I want to go back to the high traffic idea. He is saying that Dr. Montanaro has a high traffic area and therefore he should be able to use it. However, Ms. Beard has a high traffic area with a lot of parking, jammed, crowded a lot of traffic, the Beechwood, a lot of traffic at Pagliaro's but Dr. Montanaro should have two empty buildings with building permits to rehab it and this Board has denied me the right to use in any way so far. His client should use their property any way they want. That is absolutely American in the CA-2 Zone. That is beautiful.

The thing that Mr. Wensell is really talking about is that he doesn't want this Board to give me any use of that property at all so when I sue his client for damages and punitive damages and everything else he will try to report that I can't use my property. Very smart, very smart, stated Dr. Montanaro.

If you can see through what is going on here Board you need to take Dr. Montanaro in America to use his own property in some fashion or should he be denied to use his property in every fashion?

Now we will talk to the issue of traffic. What exists there and every body else. What is indigenous to my site, traffic, crowding, stoplights and problems getting around the circle exists for all people in that Center, stated Dr. Montanaro. Mr. Wensell is talking about the whole center when he talks about my problem indigenous to only me.

I presume he was an English Major because he clouds everything up terrifically without any scientific basis for his verbosity. Relative to the site be used correctly Mr. Scanlon secondarily said why not put up a fence. His clients already have a fence up and that makes a lot of sense. In an area that really works as a mall. You should deny no fences in that area because really what exists on the opposite side of the Beard building she is 13 feet off her property. If the person on the opposite side of her put up a fence that would stop traffic coming in and out on the opposite side. What she wants is a no fence on Ted's Appliance side and fence the entire Montanaro property side. Don't let him get in and stop the rest of people use it and take the rights that are mine as American to use my property in this Town.

So the issue in front of you is really, I will address Tony Panico's issues, we should have details. If Mr. Panico wants details, if you should approve this, in some fashion, if it is only conceptual, I am sure Joe Mingolello will be able to provide any and all details that you will need.

I can't come here 47 times with 47 plans, which I did in round 1 with my dental offices. I don't know how many tens of thousands of dollars I spent when Mr. Panico would find something wrong with it in every instance. That is why I am suggesting o.k. I won't do anything. Let me use what exists. Stop me from using it in the form that it is at then allow me to move it behind. Can you move it? Well that is a scientific issue and if it is not moveable then the other issues are we can rebuild it exactly the way it is. You get approval to rehab and rebuild the whole house. We can manage that issue, stated Dr. Montanaro.

Relative to a decision, I wish that this Board would A wait for ZBA relative to the setbacks and B if they have any ideas other than using the buildings just the way they are, you can deny me for that, and I don't know what I can do.

Chairman Cribbins asked Dr. Montanaro for the consent to the extension in writing. Yes, I will, stated Dr. Montanaro. Until January 10, 2006. Thank you.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to continue the hearing on Application # 05-50 until January 10, 2006.

P & Z COMM.

NOVEMBER 30, 2005

APPLICATION # 05-61, DOMINICK THOMAS FOR DARBY BUILDERS, LLC FOR RESUBDIVISION APPROVAL (2 LOTS) LOT 3, WINTERGREEN ESTATES, 781 RIVER ROAD, R-3 DISTRICT (MAP 12, LOT 29)

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

Attorney Dominick Thomas, representing the applicant, addressed the Commission. This is a simple resubdivision of a previously approved lot. This is an R3 Zone. When the subdivision was approved the oversized lot on the River Road contained a foundation. It is right across from the driving range. When I posted the property, I parked toward the ice skating rink and I was directly opposite.

This is off Long Hill Avenue and take a right hand turn on Wintergreen, it is at the end of the cul-de-sac, stated Chairman Cribbins. It doesn't access off Wintergreen it accesses off River Road, stated Attorney Thomas.

This was a large lot with a foundation and there was a duplex proposed on it. The client was committed to a duplex, had a driveway put in and came back for two single-family homes. I have outlined the two lots with the water, stated Attorney Thomas. Those two lots measure, 21,100 square feet and 26,116 square feet. On the maps to the left of the record subdivision shows the R3 Zones. There are no variances required.

Topographically, this driveway off Route 110 was approved to this point and I have highlighted where the foundation was. This was approved by the City Engineering Dept. The two houses would have a spur off to Lot 4 with a turn around to Lot 3. This is a subdivision that allows us to go back to the single-family homes, stated Attorney Thomas.

Chairman Cribbins questioned what are writing into the deed that allows access? A driveway easement, answered Attorney Thomas. Chairman Cribbins questioned blasting?

Mark Darby, Southbury, Ct., addressed the Commission. Yes there will be blasting. The DOT is recommending we go perpendicular to Route 110 then perpendicular to the corner and then again to Route 110. There will be 20 feet of distance into the lot of Route 110 for blasting.

This driveway was already approved for the duplex, stated Attorney Thomas. The only addition is the spurs, he added.

When we had this approved, the main focus was to access these lots. It is an R3 Zone and you approved a 3-lot subdivision. The original lot was 47,000 square feet.

Joe Mouzzer, 4 Wintergreen Lane, addressed the Commission. I live in the house that is to the right of this piece. When the plan was put on the table, we decided to support the plan because these were large lots and that would limit the number of houses. My main concern, is when you take these lots, I will have this little strip and these people will be all over this slice. I will have to baby sit that piece for sheds, etc.

Mr. Mouzzer shows his lot to the Commission on the map. We supported this when it was 3 houses and if not we would have had 5 neighbors arguing. This is not paved and I shoveled all this dirt area on Thanksgiving.

We were in favor of the original proposal and we let the three go. It was a dead end, stated Joe Mouzzer.

End of Side 2A of 3A, Tape 2 of 3 at 9:20 P.M.

I would like the driveway paved before the winter. We were naïve enough to take the plan.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on Application # 05-61.

APPLICATION # 05-35, R.D. SCINTO, INC. FOR PDD ZONE CHANGE (CORPORATE OFFICES) RESEARCH DRIVE (MAP 28, LOT 1) LIP DISTRICT

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

Robert Scinto, One Corporate Drive, addressed the Commission. I have an application before you this evening on a piece of property that I have recently been involved in the purchase of. This piece was a part of a large facility that was 300,000 square feet approved. They built out half of the property and they have 7 acres left not built out. They did get approval for 150,000 square feet along with the State of Connecticut DOT work. They did come to this Commission about a year ago for approval to do some apartments here but this Commission turned them down, stated Robert Scinto. I bought the property because I would like to build a first class building there. I would like to introduce James Swift to go over the project with you.

James Swift, Professional Landscape Engineer, representing Mr. Scinto, addressed the Commission.

He presented the receipts for mailing. The property in question is on Research Drive. It is Phase 2 of the Reservoir project. The original project is on the right side. Phase 2 is this parcel.
P & Z COMM. NOVEMBER 30, 2005

The entire piece has been cleared and prepped. There has to be some wetlands mediation. It is a special development area. We want to reestablish the PDD. We are not going to reinvent the wheel what we plan to do is start with the detailed plans. These are similar to the original. It will save some time, stated James Swift. These are not preliminary.

This will be 6 stories in this vicinity, it is 5 stories in the front and 6 in the back. There will be loading and service areas in the back. On the other side of the project there is a large parking area. We are continuing with the details that were approved previously. We will continue the walking trail.

The grading and engineering is similar to what was approved previously. There will be a retention basin in this location and service basin in this area. It is similar to what was approved.

We have sewer and water available. Sewers will come across on Research Drive.

Parking requirements will be 4 per 1,000. The only difference with the parking is that the previous developer would have used the lower level for parking.

I understand that there should have been a traffic report so Mr. Scinto presented each Commissioner with his report. This will be a high class interesting building. I don't have any square feet to rent. That is not good to have a whole organization with nothing to run. I wanted a building close to the park and architectural it will be a gem. This will be white limestone 6-9 inches back with glass that rises through here. It will have glass planes running 6 inches deep. The glass wall will float off the building. In here and in here we will flat black paint for depth perception. This glass will be a clear glass. This will be a stainless bar. That is the front of the building.

Around the back, will be 6 stories. That will be the main entrance to the building. We wanted to create a base with these pieces of glass. This canopy parafit will be up in the sky so when you come to the building you will see the blue sky. On the side of the building there will be a retaining wall and there will be a deli here. On the front where there is no glass there will be a health club and a conference facility.

In the front of the building there will be a stainless steel revolving door. This will be a two-story lobby in here. You walk through you will look down to the floor below. Coming in from the other side this will be opened below. This is an amazing floor plan that wraps the floor around for smaller tenants or larger tenants, stated Robert Scinto.

This is the entrance from the driveway and this is the entrance from the parking lot. I am excited about it. This was done by a New York Architect. It has to be a great architectural building. If you get tenants that are growing and move off campus I need a superior product, stated Robert Scinto.

I would like to comment on this property, the previous owner had proposed 318 condos in the middle of the nice area of the office park. The Commission thought that it should be turned down and someday someone would come with a nice Corporate Park. We had to go to Court on this and this is exactly what we had hoped for when we denied that previous application, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on Application # 05-63.

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 – (PUBLIC HEARING CLOSED ON 9/27/2005) – DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that we have favorable reports from the Fire Chief, Fire Marshall and City Engineer. The Commission directed Staff to find out additional information on the parking spaces. There are 48 spaces in total. There are 13 spaces for Dr. Montanaro, 7 spaces for the Attorney, 22 for restaurant. This then complies with the parking requirements. There are adjustments on the site. There are two spaces at the front door. We tried to work that into three spaces but we didn't like that, stated Anthony Panico.

There is a sidewalk program in place for the City and this area will be part of that. The sidewalks will be concrete. There are minor site plan changes.

Richard Schultz read from a draft motion.

Comm. Sylvester stated we have discussed this in ample fashion trying to get people in and out of this area. The issue is not about rather or not the restaurant should expand. Parking is important and how do you get people in and out of that area. That type of business attracts people coming and going. I am not speaking against this. I think that we need to pay attention to this area. More so then the dumpster location, stated Comm. Sylvester.

There are 40 spaces so that there is enough, stated Anthony Panico. That is exactly my point, parking is an issue of concern, stated Comm. Sylvester. We have perimeters for parking and maybe we should consider other perimeters so as not to add burdens on the streets in this area.

P & Z COMM.

NOVEMBER 30, 2005

Comm. Sylvester stated our infrastructure can't keep up with the development that is going on. We talked about this when we talked about downtown and reopening the drive-thru windows. People in town are frustrated with the burdens we put on them, ourselves and the infrastructure. To add more traffic, stated Comm. Sylvester.

Anthony Panico stated there is an obligation on the municipality to maintain its infrastructure in support of the development and what zoning allows. If we change the zones that becomes less effective and makes more traffic in the streets. If you allow certain zones, which will allow certain types of development, then you automatically assume the responsibility of maintaining your infrastructure. That is how the Courts will look at that, he added.

Comm. Perillo stated Leon made a great point about traffic. Back to this development we were concerned about parking at the public hearing and we are here now approving this but nothing has changed. So my question is how are we approving this?

Anthony Panico stated Staff can prepare the parking ratio and if this complies. Does this meet that, questioned Comm. Perillo? Yes, stated Anthony Panico. There were more spaces with the original, he added. What we are taking away won't impact anything, when the new structure is done there will be what they need, stated Comm. Perillo. The higher ratios change with the activity, stated Anthony Panico.

Chairman Cribbins stated that Comm. Harger will not vote on this because she was not seated at the time of these hearing.

On a motion made by Jason Perillo seconded by William Papale it was unanimously voted to approve Application # 05-35. A roll call vote followed after the noted conversation with all Commissioners voting 1 to approve.

Comm. Perillo questioned what about the concerns for the parking issue? Chairman Cribbins stated if we look at this and say those 4 spaces at the top are reserved or are being used in our deliberations for this particular restaurant there can't be any access to the other property through that if we are going to make sure we maintain a good flow. I think that is what we should have in our motion stated Chairman Cribbins. Comm. Sylvester stated this whole thing started years ago and he is not interested in building a building that would fit in Huntington Center. The Board back then stood up to him. I don't think that we thought a restaurant would be on the bottom of that building, he added. Our mistake was the approval of the building when you go through the building to go to the restaurant. That is when the confrontation between the Beards and Dr. Montanaro started, stated Comm. Sylvester. How do you stop it?

APPLICATION # 05-44 DOMINICK THOMAS ON BEHALF OF C & D CART ENTERPRISES FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: MOTOR VEHICLE SERVICE/MIX USE FACILITY) RIVER ROAD (MAP 66, LOTS 1 AND 2) CA-2 DISTRICT (PUBLIC HEARING CLOSED ON 9/27/2005) – DISCUSSION AND POSSIBLE ACTION

Chairman Cribbins stated we asked the Staff to go back to further search the use line for this project. We have consulted with Corporation Counsel.

This application goes back to use line 37 and this is something that goes back 40 years ago. It is an outdated concept, stated Anthony Panico. A repair garage is associated with a repair service station. This is something that is independent from the service. Specialized automotive repairs were not independent back years ago. Use line 37 was to recognize gas stations that did the limited repairs.

I conclude that you take a hard line on Line Use 37 then you are saying you need the gas station too, stated Anthony Panico. The use is an accessory use and then we look at the uses for this specific use.

There was a modification to the building that reduces it by 9 feet. When you take the 9 feet you will generate enough room and then bypass around. There is about 21 feet to play with.

The 5 overhead doors have been reduced to 4. The visual is approved with the second story office that was originally proposed on the right hand side. They should reconsider that.

End of Side 2B of 3A, Tape 2 of 3 at 10:10 P.M.

We wanted to eliminate one of the overhead doors. My suggestion was to push the doors back 3-4 feet. The building will be more attractive stated Chairman Cribbins.

There are several conversations all going on at the same time.

Anthony Panico stated an alternative is to suggest that the applicant seek relieve on the rear line setbacks. I didn't prepare a resolution because we need to know how the Commission feels.

Chairman Cribbins stated you are looking for some direction. I like the reduction in the building, I like the buffer and I like the material that was talked about. There will be additional properties developed here and we have to be careful.

P & Z COMM.

NOVEMBER 30, 2005

When you reduce the building it does soften how we treat the side lines, stated Anthony Panico.

Comm. Harger questioned the doors? Anthony Panico stated they are clear glass. They are partial glass stated Richard Schultz. Anthony Panico stated no matter what you do they will be metal doors. Some of the visual impact will be mitigated from Route 110 and there is 40 feet from the curb line.

Comm. Sylvester stated I don't know if I agree with you on the second floor. That is my opinion I like the single story approach. The second floor on the car wash on Route 8 is something that doesn't fit, to me. It is like a fish out of water. Comm. Perillo stated that the architectural, I like them. It breaks up the site.

We want to work with it and get some direction, stated Anthony Panico. Two story or one story I think from what I am thinking is there are businesses across the street. There is a lot going on all over that strip, stated Comm. Sylvester. There is other property to be developed in that area.

Chairman Cribbins stated Tony will prepare a draft and meet with the applicant. I agree with you, Tony, on the second floor. I like it.

APPLICATION # 05-47 ONE MOUNTAIN VIEW ASSOCIATES FOR TEMPORARY SPECIAL EXCEPTION (EARTH REMOVAL) 1 MOUNTAIN VIEW DRIVE (MAP 65, LOT 12) (PUBLIC HEARING CLOSED ON 9/27/2005) – DISCUSSION AND POSSIBLE ACTION

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept the letter of extension on Application # 05-47.

APPLICATION # 05-58 DOMINICK THOMAS ON BEHALF OF STORAGE DELUXE FOR SDA OVERLAY ZONE 811-829 BRIDGEPORT AVENUE AND 2 TRAP FALLS ROAD (MAP 18, LOTS 13, 14, 15 AND 26) (PUBLIC HEARING CLOSED ON 10/25/2005) DISCUSSION AND POSSIBLE ACTION AND

APPLICATION # 05-59 DOMINICK THOMAS ON BEHALF OF STORAGE DELUXE FOR PDD ZONE CHANGE, 823-829 BRIDGEPORT AVENUE (MAP 18, LOTS 14 AND 26) LIP-IA-2 DISTRICTS (PUBLIC HEARING CLOSED ON 10/25/2005) – DISCUSSION AND POSSIBLE ACTION

Anthony Panico stated Rick and I had a lot of discussion and we didn't know where the Commission was going. This is the Route 8 corridor and I prepared a draft for the special development area. This is a proposal for an SDA on 13.8 acres. There was a hearing and there was no opposition. There are sewers in the area. There is limited access to Bridgeport Avenue. The special development area should be applied in the Route 8 corridor. Anthony Panico continued to read from his draft.

We are discussing the SDA overlay now, stated Chairman Cribbins. That makes a lot of sense for me.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve the SDA Overlay Zone on Application # 05-58. With all sitting Commissioners voting I to approve. Comm. Harger was not seated at the time of this hearing.

Chairman Cribbins stated does everyone feel strongly on the discussions we have had and architectural to take a vote. Anthony Panico stated that this is for the basic development plans.

Chairman Cribbins stated we have a motion that Comm. Pogoda made and Comm. Oraziatti seconded. Comm. Sylvester stated you made a motion to approve and now we are discussing. Chairman Cribbins stated we are discussing. There is a motion to approve and from my standpoint this building is vacant. It has been vacant for 3 years and I like what I saw. There is no other business to go there. It is important for the preservation of that building, stated Anthony Panico. They made a lot of changes from what they first brought in to what is on the table now.

Comm. Pogoda stated I feel like you do. When we first saw this I didn't want that particular type of business there. There is a need for this. A storage on the main road but this area and this business won't take away from that area, are my thoughts, added Comm. Pogoda.

Comm. Perillo stated I have thoughts plus and minus. I am concerned with the road. This has a low parking need and I am concerned with what happens if we have to turn that over to someone else. On the plus side it is a big plus. It is a balance and it is appropriate tenant so it makes sense. The lack of balance leaves you at the mercy of any application and this tenant will provide that balance.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve Application # 05-59.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to adjourn at 10:45 P.M.

Respectfully submitted by,
Diana Barry, Clerk