

The Shelton Planning & Zoning Commission held a Regular Meeting on January 10, 2006 at 7:00 P.M. in the Shelton City Hall, Auditorium and Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Daniel Oraziatti
Comm. Jason Perillo
Comm. Anthony Pogoda
Comm. Karen Tomko-McGovern

Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Patrick Tisi, Assistant Planning Administrator
Pat Garguillo, Court Stenographer

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

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

Public Hearings

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 – REQUEST FOR WITHDRAWAL

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept the letter of withdrawal on Application # 05-50.

APPLICATION # 05-62, SERGIO FERNANDES FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: FOOD ESTABLISHMENT) 64 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT

Comm. Oraziatti read the call of the hearing. There was one additional piece of correspondence from Wendy Montanaro.

Sergio Fernandes, 172 (inaudible) Road, (inaudible) Conn., the applicant addressed the Commission. The applicant stated the proposal I have for you tonight is for a small business on Dr. Montanaro's property. There will be 2 employees with no baking on site. It is strictly food service, bakery goods and coffee.

Could you tell us a little more, questioned Chairman Cribbins? Like the hours of operation, he added. Hours of operation will be 6 A.M. to 6 P.M., answered Sergio Fernandes. Anything else, questioned Chairman Cribbins? I am opened for any questions, stated Sergio Fernandes.

Sergio because you have made your application, we have to hear it, a public hearing had to be scheduled, we have visited the property at 60-64 Huntington Street, stated Chairman Cribbins. There is a chain link fence that has been installed by the owners of Shopping Center that prohibits the egress and ingress of motor vehicles to the rear parking lot of 60-64 Huntington Street. It is now a civil matter between the two property owners and the City of Shelton has been advised that this matter is scheduled to be heard in Court sometime in May of this year, 2006.

The Commission cannot, by its own regulations, allow the occupancy of these two buildings without access to the rear parking area. Both the Fire Marshall and the Fire Chief have expressed concerns to the Staff of this situation. Section 31.4.2 of the Shelton Zoning Regulations reads provisions shall be made for vehicular access to the lot in such a manner as to avoid undue hazards (inaudible) and undue traffic congestion on any other highway, stated Chairman Cribbins.

I believe the entire Commission would find this application to be in noncompliance with the regulations. The applicant needs to be advised so that he can decide, on his own, rather to withdraw this application, without prejudice, or possibly face denial based on this regulation.

The regulations make it perfectly clear that all applications should conform to the standards before they can be approved. So there is an issue right now that needs to be resolved and this won't be resolved until May. If it comes to some sort of resolution then you can come back and make another application, stated Chairman Cribbins. At this point I would advise you to just withdraw this application (inaudible) before we have to deliberate on it. Right now we would have to deny this application for the reasons that I just stated, he added.

Dr. Michael Montanaro, addressed the Commission. Although I can't stop people who live in Shelton from violating the law, they put their fence up, they could do that, by the same token you cannot tell who has violated the law and who has not, stated Dr. Montanaro. It is your decision to assume, this has been opened for 50 years, here. If there is a fence up and someone has violated the law it really its not your problem at this point. However, I have another potential solution, right in my hand for you, relative to that.

Number 1, if Mrs. Beard elects to violate the law and put a fence up just like if someone put a fence up in front of your house or anyone, if its on your property, I don't want to overstep the law and cut it down. I could demolish it tomorrow. If you are saying it is not opened I can open it tomorrow morning, it is not a problem. Just like she put it up, I can take it down, stated Dr. Montanaro.

Perhaps that would be a quicker solution but I am willing to go the way that this is going right now. Namely, I am charging her with punitive damages and damages. I am saying to this Board you have a mandate in front of you that says either this does comply or this doesn't comply, rather she has that fence up or down, I think you know that this has been opened for 50 years, she has been around this town for a long time. Number 1.

Number 2, I have a second set of plans, right here, that show egress into and out of the site that I want to show the town because I have a site plan in front of the town right now with egress only. I have added to it a temporary access from the site to my wife's site, we have a letter here, stated Dr. Montanaro.

Relative to your decision to say I cannot use my property (inaudible) this Board would act as a German Gestapo Board to stop me from using whatever I am using that is mine, in my opinion, perhaps I am wrong.

That shows egress in and temporary egress out and since we have already waited 65 days and you waited until the day of the meeting to tell me that you think that this is a problem. That is a solution that I am pointed out to you today the same day that you pointed out the problem.

Now I believe that this Board should step up and say go ahead and we will approve it or deny based on that site plan that you see right there because that is a solution. What Mrs. Beard intends to do is, continues to violate the law, well I can violate the law (inaudible). So if we are going to make this a contest of power instead of following the law because I would be happy to take it down tomorrow, if that's what you want, an opening. You know that is incorrect, stated Dr. Montanaro.

I believe that you should step up and say that I can renovate the building even though she has damages already. The fact that she put the fence up I have second thought about even renovating either of those buildings. The buildings exist, she has stopped me, that will come to Court, that will have its passing.

In the meantime, this Board has to step up to say O.K. there is a way on and off of the property and I shouldn't stop Dr. Montanaro from using his property at all. Then that is a taking and I checked this in the land records here and this has been used as an office since the 60's. Office and multi-tenant use since the 60's. So even if I wanted to use this as a multi-tenancy the Board would stop me by saying I am not going to give access to your own property, stated Dr. Montanaro. I went before Bob Kulacz, the Town Engineer, said he would not issue me a permit for a driveway to my own property. That is a taking. He said go before P & Z. I am here.

I am showing you an egress. I am showing you an access out so what right is donuts, a coffee, a dental office, a real estate office or anything I choose to use it for, this Board can't stop me from using it, stated Dr. Montanaro. That is what is occurring, right now. Would you like to address that Mr. Chairman? After we get additional information and we get an opinion (inaudible – there is a cell phone ringing in the background making it difficult to hear Chairman Cribbins).

Also, on behalf of my wife, who didn't care to attend this meeting, she said being an adjacent property owner she is in favor of this proposal. She has given you a letter and we can park 10 cars over there, permanently or temporary, what ever way you want to take that but she has given me access on and off of her property. I have given you a map that shows that. We don't have to wait 65 more days for this, stated Dr. Montanaro.

Thank you, stated Chairman Cribbins. Is there anyone from the public wishing to address this proposal?

Attorney James White, an Attorney with Pullman & Comley, in Bridgeport, representing the Dan Beard Assocs., the owners of the adjacent Huntington Shopping Plaza.

The application states the property owner is Michael Montanaro, in other places states that Sergio Fernandes is the owner. Now our records show that your records show, from prior applications, that the owner of this property is an L.L. C., a limited liability corporation, called (inaudible) an Arizona limited liability corporation. I am not sure that the applicant is correct on the application, stated Attorney White.

This is an application for a Special Exception Permit. Special Exception Permits are usually, is for a formal activity that may require the regulations be adhered to. The regulations have standards. Section 33 of the regulations, in going through this, and preparing for this, the application is fatality deficient regardless of the issues that the Chairman stated.

In 33.2.1 the application should provide a statement describing the proposed uses in sufficient detail to determine compliance with the permitted use provisions. As far as I can tell the permitted use in this is a Donut Shop. A donut shop is a Dunkin Donuts, a place where they sell donuts and with all due respect Mr. Fernandes would not elaborate on that, stated Attorney White. They are going to sell donuts and coffee.

Under 23.1 and Schedule A which list the permitted use under # 35 is where I think this comes. Restaurants and other food service establishments where customers are served only when seated at tables or counters. There are no tables or counters indicated on the site plan which is supposed to be a detailed site plan.

It goes on – where food is served on porcelain dishes by waiters and waitresses. So the kind of restaurant that it seems to me to be envisioned here, to me at least, is a luncheonette, like the one in the shopping center where there are tables and people served at the tables, stated Attorney White. It doesn't envision a Dunkin Donuts type of a place or I submit a place that serves donuts and coffee. Where people run in and run out.

Further in 35 it states that the restaurant may include a take out service such as Portobello. Where it is incidental to the primary use but shall not include establishments where customers are served primarily at take out counters. A side from everything else, I think this is a take out, it is Dunkin Donut type of a place, where you run in grab a cup of coffee. You run out and get in your car, I don't know where your car is going to be parked. There are 4 parking spaces up by the street and I can't tell if they are in the State Right of Way or not. They are indicated on the primary plans and there are 7 parking spaces in the rear. There is no access to them.

There is a fence on the Beard property and they have a perfect right to put a fence on their property. They have a perfect right to not let anyone go on their property without permission. So there is access or egress to those 7 spots in the back, stated Attorney White.

So you have a potential high traffic generator. I don't think it is a proper permitted use within Section 23.1 and it has 4 accessible parking spaces that won't be enough for that use. If it were a quiet use like an office like in the past.

Going back to the Special Exception requirements of the Regulations in Section 33.2.2 requires a site plan. When you review that Section you will see that the site plan has to be detailed and it has to be drawn to scale. This site plan doesn't have a scale, stated Attorney White. It has to show contours and other lines and details that one would expect from a professional job on a site plan. This one doesn't show the fence and it doesn't show that. It doesn't have any dimensions and it doesn't comply with the site plan requirements.

33.2.3 requires architectural plans. There are no architectural plans. Mingoello & Hays are architects but I don't think they would submit that there is an architectural plan on this. All there is, is a drawing of a floor plan that doesn't have dimensions, it does have donut cases and service counters but it doesn't have table chairs. So they won't be serving people. It has no details at all. There are no architectural plans, stated Attorney White.

Also under Section 33 the Commission must consider those items set forth under Section 33.4 such as the effect on the comprehensive plan of development, passing of the streets during peak traffic loads, the effect on property values, the number of parking spaces and vehicular access to the lot. There is no information on this. I know that when I prepare these with an applicant we give the Commission all the information to help them in their deliberations on these. There are a couple of other standards in there that have not been addressed. Fire protection and emergency access, and safety requirements.

I won't be labor the point but the Chairman stated that Dr. Montanaro in one form or another has several lawsuits going against Dan Beard Associates relating to this property and the Portobello property having to do with access. Until the lawsuit with regard to access to the rear of this property is decided and it won't be until May, it is scheduled for May, I don't how the Commission can even consider this. The parking spaces are totally unacceptable, stated Attorney White.

One of Dr. Montanaro's other applications that is proposed the first one that was withdrawn, he had a plan for 16 spaces on the property and to build the property up in back. The plan indicated he would not use the access and we didn't have a problem with that. If he did something like that with this building that he is talking about with 60 Huntington Street, he may have a conforming situation. This is a non-conforming building and he wouldn't have to show any uses. He would have adequate parking to access. He would have enough spaces without going out the back. So there is a way to do this. The way he has applied for it here is not the way to do it in terms of using the property. There are uses that could be made for the property with the building the way it is, in my opinion.

The lawsuit with regard to the access through the shopping center gets decided we don't think that the Commission is going to be in any better position. It will be in the same position as it is now. It could change and if it does change then we will continue to wrestle with this.

I will also point out that the use on this, the donut shop, is a new use and it is an intense use much more than has ever been carried out on this property. Furthermore it is a high traffic generator by definition because it is a food establishment. There are 4 high traffic generators that I can think of Portobello's, the Beechwood Market, the Bakery and the Luncheonette in the back that are within 100-200 feet of this, stated Attorney White. That is a lot of traffic to be considered and juggled. This will be adding another one to the mix within a couple 100 feet with driveways and entrances right near each other. In regard to that before the City grants new uses, so we consider this a new use, I think that is the way the regulations say and it is a more intense use, it is a major change with respect to the intensity of the use, the amount of the traffic and the amount of parking that is required.

Before the City does that the City should under take a comprehensive impact study to determine the kind of development that would be appropriate for the Huntington Green Area stated Attorney White. The Huntington Green is one of the most valuable assets the City of Shelton has with the lovely New England environment up there and it should be used and protected properly. There are two churches and several residential homes on the other side along with a Fire Department that has to have access to Huntington Road here and be caught up in the traffic congestion as result of a fire or emergency.

We would urge the Commission to hold off on expanding the types of business that have been allowed on this property and the Huntington Green until there is a land use (inaudible), stated Attorney White.

Our interest of course is to make sure whatever kind of use that is to be carried on this property and we don't want the type of use that would ultimately create a spill over into the Shopping Center. The Shopping Center needs its spaces for its tenants. So whatever use becomes of this property, there are some with light intensity, such as office, the uses should be limited to those that can exist on this property including their customers, patient and employers. It should not spill over particularly into the Shopping Center, stated Attorney White.

Anyone else who wishes to address the Commission, questioned Chairman Cribbins?

Attorney John Scanlon, 242 Beard Hill Road, Bethany, representing the owners of Beechwood Market, Sharon and Robert Scanlon.

I had many things to say prior to coming here tonight but after reviewing this application in its present form. I think it is clear even without the issue of the high traffic generator, this property does not meet the most simplistic concept of zoning. There is no access and if this is to be approved the patrons from this establishment would park in the nearest parking lot. Our concern is that parking lot is the Huntington Shopping Center parking lot. We are not looking at a (inaudible). It goes beyond that point. We are looking at Regulation 52.2.2. we are looking at the intensity of traffic. We are looking at off street parking with regard to vehicular access. We are looking at fire safety.

This is a particular situation where Dr. Montanaro purchased these as a corporation and purchased a lawsuit. That litigation and it is not a surprise to Dr. Montanaro, it is not a surprise to me and it is not a surprise to any of the parties.

This application is clearly deficient.

In regard to the letter from Wendy Montanaro, I don't believe that any of the zoning regulations permits parking on an adjacent business to support another business, stated Attorney Scanlon. Each property has to support it's own parking. So that particular letter has no merit and no value.

Lastly the most recent application, I don't believe it meets the due process standard. You have to be given some (inaudible). I haven't seen the latest application regarding the parking access into 60-64. That hasn't been applied for, there have been no notices and I am not even sure how to respond to that. We don't know what that is all about, stated Attorney Scanlon. He keeps changing, like a moving target. Certainly this applicant has to follow the regulations. If he is going to change it, he should file it and we will look at it and address it at another time. He just can't come up to the Board with a new one that addresses your concerns. It doesn't meet the due process, he added.

Dr. Montanaro, addressed the Commission. Can you clarify who owns the property, questioned Chairman Cribbins? That application is not for who owns the property but the application is for the Donut Shop that is in the name of Sergio, stated Dr. Montanaro. I made the application out with Rick Schultz and the owner not of the property but of the Donut Shop. So I think that for the Certificate of Zoning Compliance and if there is some error there it is in either my understanding or in Rick's explaining. Sergio is the owner of the Donut Shop. I got some applications with NHFP which is also me.

I would like to start by saying the Board is basically being held hostage to the lawsuit between two parties in town and I don't think that is correct. I think you need to step up and make your decision regardless of what happened. This is years, stated Dr. Montanaro. First off the Beard's say we have a trial in May, well they held the last trial date off. We had a trial date in November and they begged the Court to give them more time and more time to basically jerk me around some more, if you will. They set it for May and when May comes they will probably try to jerk me around some more. Whenever we get the decision rather it is May or not the Judge has another 120 days. That will make it another 3 – 4 months to make a decision. Then after that there will be appeals so this is not going to end very easily. It is going to end by me getting a bulldozer and ripping her fence down so that she will arrest. Which I don't want to do and I won't do. Or this Board needs to step up to tell me I can use my property. Or they can step up and buy my property. Those are the choices that this Board has, stated Dr. Montanaro.

Now lets start with what is going on there. It is nonconforming, existing. That means what is is. This Board has discriminated against me multiple times, it is just one more in a litany of discrimination that I can see with this Board and ME, stated Dr. Montanaro. It is a nonconforming and it exists. When people come into this town and it already exists they don't general give site plans. This building has been used by Doctors over the last twenty years. I don't think that any of them have come here for a Certificate of Zoning Compliance, you can ask Rick Schultz about that, but I doubt it. You have denied me to use this as a dental office. When Doctors have been there for twenty years. Is that discrimination? You pick it.

We talk about safety. Well you know what you need to give me driveway access in case this place burns I want to have safety so that some fire trucks can get to my property. She is obstructing me. Bob Kulacz won't give me access because he won't give me egress to my own property with a driveway permit. You must (inaudible) tell me I can get onto my property and look at that plan to say O.K he made an objection that this is a new plan. There are already 14 site plans in front of you. I want to get on and off my own property. I don't need to wait 65 days to get an access from you to say Bob Kulacz give this gentlemen access so that he can get to his own parking lot. It is fire safety for me not to have access.

Oh by the way this high traffic generator, yeah, Portobello, Dan Beard and the Scanlon's Grocery Store, the Bakery, and Pagliaro's. But Montanaro right in the middle gets x'd. Is that discrimination? Look yourself in eyes didn't we Pledge Allegiance to the Flag and use some American terms. (inaudible) Should I be denied or is that discrimination? Tony Panico over the years since I have known him follows the following rule, if I like the guy or I want the application to pass then we accept it and we work out the modification problems later, stated Dr. Montanaro.

Speak to this application, stated Chairman Cribbins. Do not attack Tony Panico, he added. I am telling you I have seen it happened it is not an attack stated Dr. Montanaro. This is how it goes down in this town. If it is going to be approved the Board says we approve it. The modifications will be gone over with Tony Panico or the Town Engineer and they will decide anything that is not on the plan. You know that is true and I know that is true.

They said well what if Montanaro parks all over my property, stated Dr. Montanaro. Well she has her fence up and I don't think I am going to have too many pole-vaulters coming over to my property, number 1. Number 2 if that doesn't protect her enough she then subsequently puts up no parking signs all over the place which is her prerogative to do that. So step up and enforce it if you think there is a problem. Step up and enforce it don't ask this Board to enforce your thing, your problems.

He says there is no such thing as parking off site. There is such a thing called shared parking in this Town and that is what that is. My wife is giving 10 spaces I can use from 6 a.m. to 5 p.m. All day everyday because Portobello doesn't even come in until later. On top of that I don't even know if Portobello's has an approval for their expansion.

I don't even know if that will be going forward or not. So for the moment if you go over there any day of the week there is a multiplicity of vacant parking on my site and no parking on their site. That is why there are here. Thank you for putting up the fence so that they don't park on my side and walk to your Pagliaro, and to your Bakery and to your Grocery Store, stated Dr. Montanaro. Thanks for the fence.

If the Board doesn't see that I am being treated unfairly in this case because I am being stopped from developing, I am being stopped from rehabilitating, I have two building permits on the property. For you to deny me, I want to go ahead and rehab those buildings. I am not going to move Building A behind Building B. That was one of the proposals that I put in front of this Board and ZBA turned me down. I didn't really care to do that anyway. These buildings are going forward and they will get rehabbed right where they are at, stated Dr. Montanaro. I can't come in by helicopter and I need safety. You need to o.k. that plan for egress and access out of my own property. Just so, even if I decide to use them as houses, you can't deny me the access or you own it. That is how this is going down here.

If you look in your own property values, you look in your own Assessor's Office, this has been used since 1965, at least that I know of, for office and multi-family. So for you to deny me access to my own property, again, I beg you to some how work out a solution with me, Bob Kulacz and Mr. Panico to say you know what Dr. Montanaro deserves to use his own property. He is paying \$ 4000. a year in this town to use. Should I (inaudible) is this Boston? Taxation without representation or taxation without use. Is this America or do American values still hold true in Shelton, stated Dr. Montanaro?

Thank you. Is the applicant finished, questioned Chairman Cribbins? Can I have a motion to close the hearing then, he added?

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to close the Public Hearing on Application # 05-62.

APPLICATION # 05-64, MDC INVESTMENT PROPERTY XI,LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: OFFICE BUILDINGS AND PARKING) ONE WATERVIEW DRIVE (MAP 65, LOTS 25 AND 26) LIP DISTRICT

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

Attorney Dominick Thomas, Cohen & Thomas, representing the applicant.

He wanted to point out that two of the previous speakers had signed under this hearings sign-in sheet. He presented the notification letter receipts. This is a proposal to receive approval for permitted uses. We are here for the Special Exception because of the size and the amount of parking. This proposal is for 2 60,000 square foot Office Buildings adjacent to an existing development of a warehouse and office building. This will take existing parking and expanding it to accommodate the additional office. We will have access to the property, stated Attorney Thomas.

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

We understand that we will come back with a site plan modification. This is a straightforward use and I will call on Patrick Rose to explain our site plan proposal.

Chairman Cribbins asked Attorney Thomas a question (unable to hear) to which Attorney Thomas answered back it is permitted that there be one access. We have a proposed access off Constitution Boulevard right now and we wanted to state for the record that we contemplated that possibility. There is a note on the map.

Anthony Panico stated that (inaudible) evaluation of a major traffic generator. If the parking can't be supported, he added. Attorney Thomas stated it is not part of the application. There is a note on the map. We are showing this map and Patrick Rose will explain further with an access possible up here. We realize that at this present time we are not proposing this. We are proposing access through the existing parking area. You would come down this way, he added.

Our point being that we may have to address the needs of the tenants and we realize then we would have to come back to you with a modification then of the site plan.

You understand that the major thrust of your application the reason for its Special Exception is to try to evaluate the potential impact of a major traffic generator. Yes, answered Attorney Thomas. We have no alternative but to proceed with our evaluations based on what you have submitted, stated Anthony Panico. Based on what we have submitted, stated Attorney Thomas, yes. Future access is the way you might address this, but for purposes of this meeting, this discussion, and this review is predicated on what has been submitted, stated Anthony Panico. If we were coming back for a, at a later time, for an access point it would be a modification of the Special Exception, it would not be to increase the parking or the square footage, stated Attorney Thomas. If it did then it would be a new application other than it would be the modification, he added.

Patrick Rose, a Principal in the Firm of Rose Tiso & Co., 418 Meadow Street, Fairfield, addressed the Commission. I want to talk to you briefly about how we have located these two facilities on the Waterview Drive site. Waterview Drive is here and Constitution Boulevard is where the current (inaudible) square foot building with (inaudible) parking spaces resides. The site itself is 14 acres. There is access from Waterview Drive and we want to access this through the parking on the south.

The topography on the site is significant and it has slopes from the North to the South. We have sited our buildings on the North side of the site and we have partially buried one floor into the hill in order to utilize and access the location of the parking.

Parking then slopes down to the edge of the pavement at 5% and there is a grade change near Constitution Boulevard in this location. There will be grading in this parking lot area here, stated Patrick Rose.

As far as meeting the criteria for zoning, it meets all the requirements for the LIP Zone such as coverage's and setbacks. It exceeds the parking perimeter. We have provided gated areas around the buildings between these two lots.

There is a sanitary sewer easement on the Pitney Bowes side. We are avoiding that area with that parking lot and building. Over a portion of that sanitary sewer easement is the Wetlands. Also there is a small pond at the bottom for detention. We have maintained a 75-foot buffer around that Wetlands area with no encumbrances.

As far as the building themselves, they will be very similar to the existing buildings. They will be precast with ceramic tile inserts and gray glass. There will be a center entrance with a glass atrium. You will see the grade differential on the site, stated Patrick Rose.

Any Commissioners or anyone from the audience wish to address this application, questioned Chairman Cribbins?

Chairman Cribbins stated this is pretty bland, not too much excitement. Now that it is before us, is that the best alternative that we can get on to that particular site. Through the parking lot of the building next door.

Attorney Thomas asked Patrick Rose to put up the topo maps. He stated I would like to address one point, that is that concern recently has been generated on several of the Constitution Boulevard projects concerning traffic study and the STC. We have commissioned a traffic study to be done. In fact, it is not completed. We believe that based on our analysis there is not going to be any significant requirements by the STC. We have the opportunity to review the recently approved one, in December 05, for the Ivy Brook Project, stated Attorney Thomas.

Our position is two fold, one we would have no problem with the Commission closing the hearing tonight and receiving the traffic report afterward. Which you can do. Then any issues can be discussed by Staff and myself. We believe that there is not much more to add to it from the traffic study.

Patrick Rose, addressed the Commission. (It is very difficult to hear him as he is away from the microphone at the topo map.) There are 230 spaces in this location at the top of the hill. There are 300 here in the back of the building.

Along the edge, is that an existing parking facility, questioned Anthony Panico? If you incorporate part of the green belt or the circulation of the upper parking lot, I do feel that it is doable.

We access this through the top, stated Patrick Rose. You are proposing a significant amount of office building and accessing through the parking facility of another office building, first of all it doesn't blend with the character of the building for individuality, stated Anthony Panico. Secondly at best it is a precarious way of getting all that traffic in and out. Chairman Cribbins stated I do feel the same way you do.

As you try to go the other way, I just can't picture the employees driving through an access the driving through a truck service area only then to bend to the left and right through a parking lot to get to the second office building, stated Anthony Panico. It leaves a lot to be desired.

Not to mention, once you get past that first building, that main access has perpendicular parking all the way through on both sides, stated Comm. Perillo.

If you look at the site plan again, I think the linkage between the two buildings could be improved, stated Anthony Panico. We need to have a lot more dialogue on this between the applicant at the Staff level, stated Chairman Cribbins.

Attorney Thomas stated I believe you are better getting information from the non-public hearings without xing out the public, as you did with Toll Brothers. It is an area that is experiencing tremendous growth, he added. We can adjust and address the issues with Staff.

We can close the hearing and allow you to get the technical data to Staff, stated Chairman Cribbins. Is there anyone from the Public who wishes to address this application, questioned Chairman Cribbins? Hearing none then I will ask for a motion to close the Public Hearing.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing on Application # 05-64.

APPLICATION # 05-65, PERRY PETTAS FOR PDD ZONE CHANGE (MIX USE DEVELOPMENT) 356 AND 366-368 HOWE AVENUE (MAP 117B, LOTS 60, 61)

Comm. Pogoda read the call of the hearing. There was one additional piece of correspondence from the Parking Authority of the Town of Shelton.

Mr. Larabee, representing the applicant, addressed the Commission. (He is away from the micro and it is difficult to hear him until he moves back to the micro.)

This is a proposal on a parcel that has an existing wood frame structure that houses the Donut Shop with a vacant one-story structure. There is proposed parking in this area. There will be an area that will house a retail establishment.

Chairman Cribbins asked Mr. Larabee to move near the micro so that we could pick his voice up better.

Mr. Larabee continued the parking for the property will be accessed from the Municipal Parking lot with one egress and entrance to the site. We will have total of (inaudible) parking spaces with the existing structure and new structure. There is one existing structure in the back that is used now as an office/garage space.

We will be providing on site dumpster stations. We will maintain City sewer and water on the site. We have not done any site engineering, stated Mr. Larabee.

One of the improvements to be done is the sidewalk along Howe Avenue. The building is close to Howe Avenue and there is an overhang on the second floor. The new structure will be a brick façade and we will have ornamental structures. We will use material such as painted wood or other material that will be maintenance free. The brick has not been selected but that will drive the color scheme.

The apartments on the second floor will be one bedroom approximately 600 square feet. The construction will be steel frame noncombustible material. The third floor will have cathedral ceilings and skylights, stated Mr. Larabee.

Comm. Perillo questioned the external architecture? Can we talk more about? I would like to know about the look, it is tough to tell from here, he added. The façade will be brick and we will use a soldier cursing. The upper level will have a bay window. This will be low maintenance with a small roof above it. That will go into the metal roof. We will have some ornate trim around the window areas. We want to vary the facades so that it looks more Victorian. The Donut Shop will be a Phase 2, stated Mr. Larabee.

What about the cornice, questioned Comm. Perillo? It looks plain there and if you notice looking downtown Danny O's is a perfect example of some beautiful cornice work. We are looking to continue that, he added. This is simplified and it is of masonry, stated Mr. Larabee. We are going to bring the roof up about 16 inches and there is no wood. We will bring the brick out to create a shadow line with the soldier cursing, he added.

Is it possible that you can get or do you have a Master Plan for both of these properties, questioned Comm. Pogoda? The Commission could probably better evaluate this if we had a Master Plan on both properties, he added.

Comm. Pogoda also questioned the dumpster stations? Will there be an enclosure for them, he questioned? The dumpsters right now are tucked under stairs and there will be a low enclosure for them answered Mr. Larabee. Mr. Pettas is here and we can ask him about the Master Plan, he added.

Mr. Perry Pettas, 5 Cranberry Lane, addressed the Commission. Comm. Pogoda questioned do you have a Master Plan on both properties? It would make it easier for the Commission when we start looking at this to get a better picture of what is going to be there. Mr. Pettas stated I can get you something later on. What he is trying to say is that we would like to understand your vision for that total property, stated Chairman Cribbins. Eventually some time I will move the lady as soon as possible, stated Mr. Pettas. (difficult to understand Mr. Pettas). I understand stated Comm. Pogoda. Even if you do something in a year, he stated. You must have some concept or idea in your mind, even if it is two years down the road, it is only conceptual and it doesn't mean that is what it will look like. We will have a better idea and maybe you can do this in Phase 1 and then we will have a better understanding.

Mr. Pettas stated my vision is to carry through the same as always. Whatever you feel you want and what is in your mind, stated Comm. Pogoda.

As you get more into downtown we are trying to get a picture of how this vision is going to carry through, contrary to what I have read in the papers, stated Comm. Perillo. A lot of people, especially from the Public, have put in a lot of time, effort, thought and contribution into what this should look like and we are trying to see if this will be consistent with that vision, he added.

Mr. Larabee stated that this is the concept and we would like to follow the tradition of that building. Once you take that existing building out of there, now you have the proposed building projecting out in to the cordico which might have been a continuation of a wider walkway through there, stated Anthony Panico. Which leads you to reconsider how to deal with that stairwell. Absolutely, stated Mr. Larabee. This presents issues and solutions.

I would like to ask you to elaborate a little more on the use of the garage in the back, stated Anthony Panico. Right at the present time that will be left as it is, stated Mr. Larabee.

Does this house vehicles, questioned Anthony Panico? The storage of materials and an office, stated Mr. Larabee. Monaco Electric is using it right now, it is like an office right now, stated Mr. Pettas. What this does is put another demand on parking on the site, stated Anthony Panico. Obviously when someone is associated with that business there comes to work they will be parking their vehicle there, he added. Even if it is a one-person operation that person will have a vehicle and you will have to set aside one of your parking spaces for that person.

But these plans show two parking spaces there, so is that coming down, questioned Comm. Perillo? There is an existing garage and the plans show call for Number 67 in that garage space, he added.

Is that a garage that you can park a vehicle inside, questioned Anthony Panico? No answered the applicant. It is another building, stated Anthony Panico. The applicant stated there is City water there with the 3 overhead doors. So there are 3 overhead doors and you are eliminating 2 because of the parking, stated Comm. Perillo.

May I make a suggestion, you should think about the next Phase and rethink the whole garage issue, stated Anthony Panico. The garage is a space that makes a demand on the parking, he stated. I am happy to see this and it is a nice change, stated Comm. Perillo.

Is there anyone from the Public who wishes to speak for or against this application, questioned Chairman Cribbins?

Sal Matto, I own adjoining property to the rear of this. I have no objection to this proposal at all. However, I would like the Commission to consider, when other projects come in, that we don't count those parking spots in public parking areas twice. I am concerned about running out of spots as more applications come in for more buildings. I use some of that as overflow same as everyone else. I don't want to run out, stated Sal Matto.

I am (inaudible) * Marti, co-owner of (?) Cornell St., and adjoining landowner, addressed the Commission. Our major concern is that our property is slightly high than 356 Howe Avenue. There is a small retaining wall there now and I am concerned when demolition starts what is going to happen. I don't want my backyard in their backyard.

We also have a concern with regard to what this building will look like from the rear, she stated. We are concerned about the garbage disposals also. We already have a property at 59 Cornell that was burned down years ago and that property is being used for dumpsters from another Howe Avenue facility rather legal or illegal, I am not sure. Come summer that really smells and the flies in my backyard are tremendous from this. We have complained and nothing has happened so I am concerned with the garbage disposal and how that will be maintained and cared for.

The dumpsters for this are sited as far away from your house as they can be, stated Comm. Perillo.

I do have the retaining wall and how this will look from my backyard is a concern, she stated. I don't want to look at a series of fire escapes, she stated. We have been working very hard on our home to put it back to the Victorian stage. I am sad to see that house disappear it is one of the three sisters that were all built in 1920. It is a piece of history and we are really working hard to bring our house back to the Victorian age.

*** Can you just spell your name for me, asked the Secretary? Leslie M a r t i, stated Leslie Marti.**

Anyone else from the Public, questioned Chairman Cribbins?

Jim Austin, I am property owner, directly behind this, addressed the Commission.

If I am standing on my back porch I have a nice view. I am concerned that I won't have that anymore. I am not opposed to that but I want to know what the back of the building will look like, he added.

Comm. Tomko-McGovern questioned the fire escapes being outside? The fire escapes will be internal stated Mr. Larabee. How big are those retail spaces, questioned Chairman Cribbins? These will be retail at approximately 1000 square feet each, answered Mr. Larabee.

Anyone else from the Public wishing to address the Commission on this application, questioned Chairman Cribbins?

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing on Application # 05-65.

RECESS AND RECONVENE TO ROOM 303

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated you have the Applications in front of you that are broken down into standards, separates and 4 waivers of site plan. The 14 standards have been inspected by Staff and are all in compliance. Staff recommends they be approved.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards #'s 1-14.

Patrick Tisi is not in the Room and Richard Schultz stated we could go to the Waivers of Site Plan at the bottom.

WAIVER OF SITE PLAN

5780 RIC & M MONTANARO, 60 HUNTINGTON STREET, BUSINESS

5781 M. MONTANARO, 64 HUNTINGTON STREET, BUSINESS

5782 M. MONTANARO, 60 HUNTINGTON STREET, BUSINESS

5783 M. MONTANARO, 64 HUNTINGTON STREET, BUSINESS

Richard Schultz stated that Mr. Montanaro submitted 4 applications, these same applications are under New Business. His position is that he wanted this Commission to Waive full site plan submission. He was advised by Staff that if he does so he would probably face the same situation at the last meeting when the Commission rejected. He went to the Zoning Board of Appeals who upheld this Commission's rejection. So he has decided to make 4 applications that need various components of the site plan, waiver of the site plan submission, stated Richard Schultz.

While we were preparing for the hearings downstairs I read a four paragraph statement that talks about the chain link fence, the owners, we talked about the Civil Matter between the property people, stated Chairman Cribbins.

End of Side 1B of 2B, Tape 1 of 2 at 8:50 P.M.

I will make that motion stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to deny the Waiver of Site Plans for Applications # 5780, 5781, 5782, and 5783.

SEPARATES

5771 SHARON WELSER, 154 HOWE AVENUE, HOME OFFICE

Patrick Tisi stated that this is for a home office. The person is a writer and does crafts. I recommend it be approved. No one to visit the house and banks now require them to get approval from zoning.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5771.

5774 PAUL PAPADIMITRION, 82 BROWNSON DRIVE, HOME OFFICE

Patrick Tisi stated that this is another home office. This is for a mortgage broker and everything is done over the computer. No one comes to the house. Recommend it be approved.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5774.

5767 SCOTT SHERBO/KEVIN TYMON, 1 ALLYNDALE COURT, HOME OFFICE

Patrick Tisi stated that this is a home office for a landscaping service. They have rented space in Ansonia for their equipment. Comm. Pogoda questioned that they own the property? Yes, answered Patrick Tisi. We do have a copy of the agreement for the storage space.

On a motion made by Anthony Pogoda seconded Jason Perillo it was unanimously voted to approve Separate # 5767.

5760 CARMEN COSCIA, 27 RODIA RIDGE ROAD, HOME OFFICE

Patrick Tisi stated that this a heating and cooling service. Strictly part time, he has an SUV, with no outside storage or signage.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5760.

5749 SYLVIE GAUTHIER, 50 BASKING BROOK LANE, HOME OFFICE

Patrick Tisi stated this is another home office. Consultant and technical writing on the computer. Recommend it be approved.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5749.

5740 KIMBERLY BENSEN, 66 NICHOLDALE ROAD, HOME OFFICE

Patrick Tisi stated that this is another home office. This is for a website, everything is done on the computer.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5740.

5745 ED NEWMAN, 76 BRIDGEPORT AVENUE, SIGN (2)

Patrick Tisi stated this is for two signs and I recommend that this be tabled, we didn't get a rendering of the sign.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted table Separate # 5745.

5747 KEN SCHAIBLE, 475-501 HOWE AVENUE, BUSINESS

Patrick Tisi stated that this is for a commercial office. This is strictly for the building, it is 11,500 square feet. It is a commercial building. It is the old CNB Bank. They are working on it, presently, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 5747.

5750 VERIZON WIRELESS, 70 PLATT ROAD, TOWER EXT.

Patrick Tisi stated that this is Platt Road, it is the tower. The Citing Counsel has approved this. I attended the meeting along with one City resident. I explained that there were other alternatives but they approved this, stated Richard Schultz. The Mayor's office sent out notices so this was well advertised.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5750.

5773 CHRIS COSTA, 700 BRIDGEPORT AVENUE, COMMERCIAL CONSTRUCTION

Patrick Tisi stated this is a 2-story retail establishment at Split Rock. This is what was approved on the application and it is the same as was sited.

On a motion made by Jason Perillo seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 5773.

5751 HAWLEY LANE SHOES, 862 BRIDGEPORT AVENUE, STORAGE AREA

Richard Schultz stated that at the time the Commission approved Hawley Lane Shoes Staff advised the Commission that something needed to be done with the outside storage area where the storage containers were dumped. They have addressed that by removing the chained link fence and replacing it with wooden timbers. They put some landscaping in the front. That provides a nice location for the employees to park.

Why does it say storage area, asked Anthony Panico, that is not the proposal? It was the former storage area of Bradlees. It is to renovate it, stated Richard Schultz. We have a bond on the project. It maintains it grades with a slight embankment. There is a parking area for St. Vincent's and then it goes up a little. There are about 13 spaces there, he added. Staff will continue to monitor that and we won't allow storage there. These are dynamic stores that don't have room for their merchandise.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 5751.

5752 TONY BONACCI MACK-CALI, 1000 BRIDGEPORT AVENUE, INTERIOR RENOVATIONS

Patrick Tisi stated that this is the People's Bank building. Third floor is Hometown Publications, second floor is Avalon Bay. Richard Schultz stated that this is People's Bank renovations of the third floor.

On a motion made by Jason Perillo it was unanimously voted to approve Separate # 5752.

5731 NICKIE O'TOOLE, 172-176 CORAM ROAD, SIGN

Patrick Tisi stated that this is the new office building on the corner of Kneen and Coram. We approved the business that is going on there. It is a lawyer's office and this is for the sign.

On a motion made by Jason Perillo seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 5731.

5770 DISANTO TECHNOLOGY, INC, 10 CONSTITUTION BOULEVARD SOUTH, COMMERCIAL CONSTRUCTION

Patrick Tisi stated that this is for DiSanto Technology's for 29,000 square foot industrial building. This was acted on but we need an approval for the certificate.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5770.

5779 BEARD'S CART PATH, LLC 92 ROCKY REST ROAD, SINGLE FAMILY HOME

Patrick Tisi stated that this is for a single-family home. The reason it is under Separates is because there have been questions raised about the house and the right of ways. The neighbors are here as well as the applicant. All the Commissioners received a manila envelope saying that in his opinion the City Engineer erred on the frontage. The City Engineer has signed off on the plans, Wetlands has signed off on the plans and the third step is Planning & Zoning. The applicant is here along with his land surveyor and his Attorney. The neighbor is here as well. This is a situation where the Commission needs to evaluate all the issues in front of them and make a determination.

Attorney Thomas, Cohen & Thomas, representing the applicant, addressed the Commission. I was brought into this prior to discussion the issue was raised by the City Engineer and referred to Assistant Corporation Counsel Raymond Sous. At that time, I was asked to do an opinion letter. (See attached)

The City Engineer has signed off and Wetlands has signed off. I was presented some copies of correspondence eliging that there is no frontage. This is a situation where there is frontage on Old Coram Road. This is the point where Old Coram Road by Nature's Lane via off. Old Coram Road where the property borders it is frontage. It is more then the 20-foot frontage. The access to the property is dealt with and the access is over the Beard's Cart Path.

When you look at the map, it comes off of Rocky Rest Road and there are currently 4 houses that access from Beard's Cart Path. There is a map from 1906 that show all the individual lots and individual streets.

The concern that was initially raised so you understand it is a big piece, rectangular that says owners unknown. Up top. The initial driveway to the property went over this. There was some discussion and since Beard's Cart Path owns everything within the black. The understanding with the City Engineer was that we would redirect this following along the existing driveway creating a proposed paved driveway off of the driveway that services this, stated Attorney Thomas.

Now I was given a letter from one of the neighbors that illegibly states that there is no frontage. There were some exhibits with that, one of which was what he called the Murphy deed. Now the property went from Hackey to Murphy to Beard's Cart Path, LLC. I looked at it and the property that went from Hackey to Murphy. Some of that property down here went to Brewster. So to square off his lot. The yellow was sold to Beard's Cart Path.

When you read the Schedule A you can easily think that this rectangular piece was the only thing given. Attorney Thomas proceeded to read the Schedule A and went along on the map. Anthony Panico then asked Attorney Thomas to show the Commission what he is relaying on the map the Commission had on the table with regard to this Application. Attorney Thomas went along on the map on the table. They over lapped the two maps then with Attorney Thomas explaining. When Mr. Murphy then deeds this out to Brewster. As a result a survey was done before he deeded to Beard's Cart Path in 2004. That survey is what we are looking at that incorporates this piece here. This is the frontage and why it was approved. The final question in the memorandum then is the access on to Rocky Rest Road. The access has been longer than adverse possession. It comes down to here and the choice was made to follow the existing driveway and that is when the City Engineer signed off. There is another house here.

The existing travel way is owned by whom, questioned Anthony Panico? That is owned by Beard's Cart Path, LLC and subject to the existing rights of way. The driveway comes under his property. You see the travel way and the driveway stays all within his property. There was a thought of a quiet title too, stated Attorney Thomas.

Was there an opposing point of view here, questioned Chairman Cribbins? Obviously, stated Anthony Panico. You are the opposing point of view, questioned Chairman Cribbins? You have to state your name for the record.

Edward Ostrowski, 82 Rocky Rest Road, addressed the Commission. He read a prepared statement.

Chairman Cribbins asked where Mr. Ostrowski's property is? Mr. Ostrowski pointed out his property. Showed where his house is. At the widest point the path is here and the majority of the Cart Path is 8 to 9 feet. We come off Rocky Rest Road onto to the Cart Path, stated Attorney Thomas.

Is the Cart Path crushed stone, is it dirt, questioned Chairman Cribbins? Good question, stated Edward Ostrowski. Did anyone do a driveway, questioned Edward Ostrowski? I have not had time, stated Chairman Cribbins? Did anyone, questioned Edward Ostrowski.

What we have is a very unique situation in Shelton, stated Edward Ostrowski. It is an 8-10 foot path. There is a home here, there is a home here, and a home here and here. Do they all access by the Cart Path, questioned Anthony Panico? Yes, they do, answered Edward Ostrowski.

The question was put to me that they allowed me to build there, stated Edward Ostrowski. The fact is that no one opposed it and it would bring up the value of their homes. However, since we moved in and the neighbors realized because we are saturated with cars. Not only our own cars but every home, each home is a multi-vehicular home and not only does the Cart Path support our cars but any support vehicles coming in, any trucks and relatives.

The reason I am here is that the Fire Department, in the Spring of 2000, we came back from Church. They identified themselves and they said they realized there was a new home here, which was ours, and they asked if they could do a fire drill. They were very concerned for the fire safety of these homes. So I said of course, stated Edward Ostrowski. Within two weeks they had 45 Firemen there.

If you want to talk about egress and access of this Cart Path. What I am asking you people to do and I think it is a reasonable request, whoever plans to vote on this, that you visit, I will even pick you up, I will hire you a bus so that you can actually drive on that Cart Path. You tell me if you were living there, it is a dangerous situation. I will address the frontage, as far as the frontage it is dangerous, stated Edward Ostrowski.

Comm. Pogoda questioned what is the length of the Cart Path, where it begins? So you are the lucky one, stated Comm. Tomko-McGovern. I don't own that 1/4 acre and I do it, stated Edward Ostrowski. Here is where the proposed drive is.

There is a veneral pond here, he added. I have addressed that point too. That pond the water escapes too. Please go by in the next couple of weeks. I will pay for your transportation. I think that you owe it to me and the neighbors to see the condition of that and see if you think it would support a 5th house. There is a definite safety problem, stated Chairman Cribbins.

Who maintains that Path, questioned Chairman Cribbins? We all do, stated Edward Ostrowski. During the summer I was spending 3-4 days with my Matic. There are so many potholes one about the size of this table. Beyond my property there are potholes all the way through. You will see the water problem coming into the Tristine's home. You have a serious problem. With all due respect to you Mr. Matto, you are a nice man but the thing is, stated Edward Ostrowski.

Attorney Thomas stated I have stood before you, when I felt that the City Engineer has (inaudible) I have said it. The City Engineer has looked at this. When I first became involved in this, Beard Cart's Path had proposed to pave this. We were told through Corporation Counsel that Mr. Ostrowski threatened to sue if we paved this.

He is the only one here if you notice. The other 3 people are not. Mr. Tristine wrote a letter addressing Wetlands issue and those are not before you, stated Attorney Thomas.

With respect to traveling out there, it really is immaterial. The City Engineer has the jurisdiction over driveways as he is finding out right now because we are suing him on another case where he won't sign a driveway permit, stated Attorney Thomas. In this case after studying it he did.

We proposed to pave it and because of the access it isn't the situation where we would have the absolute right to pave it. We would have the right to pave everything from the point where it turns into our property. The part that runs along Mr. Ostrowski's property we would need his permission. We offered to pave it.

The interesting thing is that I am in a battle in another town where you have multiple situations like this. A town that has multiple old logging roads. Before zoning came about people built houses off the old logging roads and there is a family that now wants to build a house for one of their kids. They are making them pave a driveway in as a safety feature. That is what was offered, stated Attorney Thomas. We where told no you can't do it.

The position is this, we showed the issue on the frontage and I wrote a legal opinion to Corporation Counsel and he had the opportunity to challenge. He agreed with me with regard to the access. Finally after analyzing all the issues the City Engineer did sign off on the permit. The comment in regard to it being a Civil Matter means with regard to the portion from my client's property line back. If Mr. Ostrowski wants to, clearly that has been used by all 4 up to Mr. Ostrowski's house, the other 3 people have used this and they will welcome. I have written a letter to all the property owners that there be some sort of an agreement between all of the property owners. My client has agreed to pave the driveway you can't ask for anything more. I understand that a 700 foot driveway. I invite you to drive to Oxford. They fight fires all the time at the end of the 700-foot driveways, stated Attorney Thomas.

I don't think that the Oxford Fire Department is any better then Shelton. They fight the fires with pumpers and tankers. It would be a lot safer for everyone if the road was paved and we can't do it in the first 700 feet without Mr. Ostrowski's approval.

You also have a jurisdictional issue here. Wetlands has addressed his issues, I have shown you the frontage, and the City Engineer, as you all know, he and I don't always see eye to eye. It took us a while but we did.

I have some points would you address Attorney Thomas on the driveway issue, questioned Comm. Perillo of Edward Ostrowski.

Edward Ostrowski, addressed the Commission. Mr. Thomas you went off on a tangent with your last few statements inviting everyone up to see property in Oxford. I am saying come see this property. This is the one we are talking about.

Number 2, I take offense to some of your comments that I didn't want the driveway paved. That was an early remark that was taken out of context, stated Edward Ostrowski. That was a verbal comment made to the City Engineer. We didn't want a house there for safety reasons. Mr. Kulacz said that the path would have to be two lanes so all of us said no that they were taken away the quality of life.

Anthony Panico stated the interior driveways that are a certain length have to have a bypass area.

I can't sue the City stated Edward Ostrowski. If there is an accident and that truck is delayed so that someone gets hurt there will be problems. I invite you to visit the Path.

Chairman Cribbins stated I will let Comm. Perillo ask his question then I will make my comments.

There is a lot here stated Comm. Perillo. I am trying to bullet point the issues. We have the question of legality with regard to the frontage. We have a question to the amount of traffic and rather or not a 5th house is appropriate. We have the question of safety. We have the question as to the condition of the road. We seem to have the offer to pave the road. So that takes care of that condition and the traffic maybe. The issue of safety and to run a 1000 feet of hose is not an easy fete. It can be done. We have some issues with safety. The legal issue, can I hear from the surveyor on this, questioned Comm. Perillo.

Tracey Lewis, 260 Main Street, Monroe, addressed the Commission. Can you validate what we are hearing, questioned Comm. Perillo? Yes, answered Tracey Lewis.

So we have the signatures of two Engineers and the Surveyor that says this is good. So that takes care of the legal issue, stated Comm. Perillo. Also brought up is the veneral pond and I see John Cook's signature. We can check off the Wetlands issue, we can check off the legal issue, we can check off the condition of the road, and then we have the safety issue.

The next question is that do we have any comments from any of the other homeowners or comments to this office regarding the additional home coming in, questioned Comm. Pogoda? I have not received anything, stated Richard Schultz.

Mr. Tristine raised issues with regard to Wetlands and his letter was written very early. His letter was written early on when he thought there were two houses. The existing travel way comes off here. He bought the Eldridge house and he had some concerns, stated Attorney Thomas.

End of Side 2A of 2B at 9:35 P.M., tape 2 of 2.

The Cart Path is 8-10 feet wide, stated Edward Ostrowski. If someone wanted to put a City Road back there they would condemn your property, stated Attorney Thomas.

It has to be established as an adequate driveway and every 200 feet it has to be wide enough for two vehicles to pass, stated Anthony Panico. If your driving down the street one car has to pull over so that one car could pass, he added.

If what you are saying it is critical to see the veneral pond. It is adjacent to the Path here along my property. There is a troll that comes along here and that is on my side, stated Edward Ostrowski.

There is an engineering alternative to putting in a paved driveway and that is to construct a proper gravel driveway. Much of the Cart Path has developed with vehicles going over it for years. It would be easy to maintain, stated Anthony Panico.

Basically as far as quality of life, it is gorgeous and that is how we all feel, stated Edward Ostrowski. There are many conversations all going on at the same time.

Attorney Thomas stated Mr. Cook prefers not to see it paved. A gravel driveway would suffice for the amount of traffic, stated Anthony Panico. Most of the area is passed Mr. Ostrowski's house, stated Attorney Thomas. We want to retain the look of this whole thing, stated Edward Ostrowski.

Chairman Cribbins stated I am going to do a site visit. There is an existing subdivision that used the wrong points on their map, stated Attorney Thomas. Are you of the opinion that improvements can be made to the Cart Pathway, questioned Anthony Panico? We don't want to litigate and we could do an easement by prescription, stated Attorney Thomas. Here is Map # 97 from 1906 and you can see the Cart Path, he added. The property we are talking is in the center, stated Anthony Panico.

Mr. Matto if you have frontage on this, would it be possible for you to have access from here, asked Edward Ostrowski. I am entitled to use my land and I have the same rights as anyone else, stated Mr. Matto. I want to use it. Mr. Matto stated you are being the bad guy. I am not being the bad guy, stated Edward Ostrowski.

Chairman Cribbins stated enough, so here it is what we are going to do, over the course of the next two weeks prior to our next meeting, the Staff will research that we are on firm legal ground. They have frontage and everything is signed off. If I had to vote today I would go off on what I have. I will take my counsel up there with me. Meanwhile I wish that you would continue to work Attorney Thomas for the benefits of all the neighbors. We will vote on this thing in two weeks. It meets all the requirements, added Chairman Cribbins. We will do our due diligence.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Application # 5779.

Dr. Montanaro, states he wishes to address the Board. I didn't know that I could talk at this meeting. So when you brought up my applications, I made 4 applications with Rick, 4 with site plans and 4 without site plans. The reason being Bob Kulacz is not, I just want a driveway, I don't need a site plan, I want to be able to get on my property. On one hand your telling me the Beard's put up a fence and we can't act, stated Dr. Montanaro.

Here is the issue that we have, stated Chairman Cribbins. Please understand us. Understand me I just want to get a driveway on my own property, stated Dr. Montanaro. That whole property including the new Portobello, stated Chairman Cribbins. Portobello's is not going up, stated Dr. Montanaro. Please, Portobello's with the expansion and how they want to address their parking is very critical that becomes part of that. You can't give away those parking spaces to parking on those things, you can't give those away and transfer them to the other thing, stated Chairman Cribbins.

Anthony Panico stated you are now getting into a discussion that involves a Public Hearing that was just closed and there should be no type of dialogue with the applicant. O.K. Thank you, stated Chairman Cribbins.

All I am saying is that we have to take that part of town and we have to have a complete plan and that is all we are trying to understand, stated Chairman Cribbins.

Well let me ask you a question, I just want a driveway onto my own property to access it stated Dr. Montanaro. For safety like I told you and to use the houses.

Mr. Chairman it is under B under New Business, stated Richard Schultz, we will accept it tonight. We are going to accept it, stated Chairman Cribbins. I think that we are finished on that particular page and what we are going to do under new business we will table B, C, D, and E, stated Chairman Cribbins.

Excuse me, Mr. Chairman, could I just say one thing, one of the applications say for one person, 4 off street parking spots, you didn't even look at the site plan, you just denied me. One of the applications is for a real estate office for one person, so Mr. Chairman you denied it, stated Dr. Montanaro. You will accept it, stated Richard Schultz. We will accept it, stated Chairman Cribbins. Those are for site plans, I made one for each, stated Dr. Montanaro. We will accept it tonight then we are going to look at it, stated Chairman Cribbins. But we are not waiving the site plan, stated Richard Schultz. We are not waiving the site plan, that is correct, stated Chairman Cribbins. O.K. for one person you are not, with off street parking, you are not giving me a Certificate of Zoning Compliance, even though the Beards have never gotten a Certificate on their side, stated Dr. Montanaro. Did you read the paper this morning, questioned Chairman Cribbins? Let me finish, stated Dr. Montanaro. There is a letter in there and Mr. Steiner wants to know why we don't have Public Hearings. It is quarter of ten and we have not stopped talking since 7 o'clock, stated Chairman Cribbins. Why don't you let me finish then, a real estate office for one person, there is 4 off street parking, stated Dr. Montanaro. We need to finish our job too and you can't keep arguing your particular point, stated Chairman Cribbins. I am not arguing, you didn't even look at, you didn't read the applications, this is for one person, stated Dr. Montanaro. The applications are right here, they are on the next page, stated Chairman Cribbins. No, no I have 8 applications, stated Dr. Montanaro. 4 for certificates, he added. You know what is going to happen now, please, stated Chairman Cribbins. Deny me, whatever, do what you want, stated Dr. Montanaro.

If you can't let us have good discussion and dialogue to get an understanding of what is happening with all your properties in that particular area we will have no choice but to deny all this nonsense, stated Chairman Cribbins. You voted no without even looking, stated Dr. Montanaro.

The no vote is relative to waiving the site plans. That is what was voted no. The actual requests for approvals is Application # 06-02 under New Business and it has not even been put on this table so you can't accuse this Commission of already deciding on it, stated Anthony Panico.

That is enough, thank you, stated Chairman Cribbins. Yeah cut me off too, thank you, stated Dr. Montanaro.

We need to table B, C, D, and E, so I need a motion, stated Chairman Cribbins.

APPLICATION # 05-52 RONIC ENTERPRISES, INC. FOR MODIFICATION OF SPECIAL EXCEPTION APPROVAL (HUNTINGTON ESTATES SUBDIVISION 50 LOT CRD) INDEPENDENCE DRIVE (PUBLIC HEARING CLOSED ON 11/30/05) DISCUSSION ONLY

AND

APPLICATION # 05-53 RONIC ENTERPRISES, INC. FOR RE-SUBDIVISION APPROVAL (CHANGE TO OPEN SPACE AREA WITHIN HUNTINGTON ESTATES SUBDIVISION) INDEPENDENCE DRIVE (PUBLIC HEARING CLOSED ON 11/30/05) DISCUSSION ONLY

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 (PUBLIC HEARING CLOSED ON 11/30/05) DISCUSSION ONLY

AND

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) (PUBLIC HEARING CLOSED ON 11/30/05) DISCUSSION AND POSSIBLE ACTION

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to table Applications # 05-52, 05-53, 05-54 and 05-55.

APPLICATION # 05-63 R.D. SCINTO, INC. FOR PDD ZONE CHANGE (DETAILED DEVELOPMENT PLANS: CORPORATE OFFICES) RESEARCH DRIVE (MAP 28, LOT 1) LIP DISTRICT (PUBLIC HEARING CLOSED ON 11/30/05) - DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated all members have a copy of the draft resolution.

You know, while everyone is grabbing it out, if you came with your site plans that were professionally prepared and you did the right thing on all your applications, you would have a far easier time then the nonsense that you make us go through, stated Chairman Cribbins.

This isn't a sign what do you want, you passed 4 things, me you put me through a loop, no problem, stated Dr. Montanaro.

Anthony Panico read the attached draft motion.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was voted to approve Application # 05-63. A roll call vote followed with Comm. Perillo, Comm. Oraziotti, Comm. Harger, Comm. Pogoda and Chairman Cribbins all voting I to approve. Comm. Tomko-McGovern abstained from the vote stating she was not at the Public Hearing.

APPLICATION # 06-01 ONE MT. VIEW ASSOCIATES, LLC FOR PDD ZONE CHANGE (BASIC DEVELOPMENT PLANS: OFFICE BUILDING) ONE MT. VIEW DRIVE (MAP 65, LOT 12) LIP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept Application # 06-01 and schedule the Public Hearing for February 28, 2006.

APPLICATION # 06-02 MICHAEL MONTANARO FOR SITE PLAN APPROVAL (NEW DRIVEWAY) 60-64 HUNTINGTON STREET (MAP 74, LOTS 27 AND 28) CA-2 DISTRICT – ACCEPT FOR REVIEW

APPLICATION # 06-03 MICHAEL MONTANARO FOR SITE PLAN APPROVAL (REAL ESTATE OFFICE) 64 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT – ACCEPT FOR REVIEW

APPLICATION # 06-04 MICHAEL MONTANARO FOR SITE PLAN APPROVAL (OCCUPANCY: DENTAL OFFICE) 64 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT – ACCEPT FOR REVIEW

APPLICATION # 06-05 MICHAEL MONTANARO FOR SITE PLAN APPROVAL (OCCUPANCY: NAIL SALON) 60 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT – ACCEPT FOR REVIEW

APPLICATION # 06-06 MICHAEL MONTANARO FOR SITE PLAN APPROVAL (OCCUPANCY: GENERAL OFFICE) 60 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT – ACCEPT FOR REVIEW

On a motion made by Jason Perillo seconded Daniel Oraziotti it was unanimously voted to accept for review Applications # 06-01, 06-02, 06-03, 06-04, 06-05 and 06-06.

May I address the Commission on this, I wanted to say something, this is a Public Hearing, stated Dr. Montanaro. No this isn't a Public Hearing, stated Chairman Cribbins. Please, he added. Well don't I have a right to speak, stated Dr. Montanaro. Make your one statement and let's go, stated Chairman Cribbins. The site plans that I have given are on file here show 4 off street parking and the ones in the back we know we can't get to with the Beard's fence in the back, stated Dr. Montanaro. Since I won't rip it down I want to be able to access it. I have given you a driveway, I just want a driveway in, Kulacz said he won't give me a driveway permit to get to it unless you approve it. Can you (inaudible) the driveway existing parking, that is what I want, does that sound unreasonable, questioned Dr. Montanaro? I will let you know in two weeks, when we pull out the site plans, when we look at them, and stated Chairman Cribbins. Two weeks fine we are not going to wait 65 days on these things, questioned Dr. Montanaro? It will be longer than that, stated Richard Schultz, February 14. The Board of Aldermen at the end of the month, he added. It will probably be February 14, stated Chairman Cribbins. Well why do I have to wait a month for a driveway, stated Dr. Montanaro. We need Staff to take a look at what you have presented then they make a recommendation to us, stated Chairman Cribbins. Can you recommend to me what you, can I get a driveway to my property and out of my property, questioned Dr. Montanaro? I don't know I have not seen it, I don't know what you are talking about, stated Chairman Cribbins. Staff makes referrals to Fire, Police, stated Richard Schultz. We have to get some recommendations from the Fire and the Police and everything else, stated Chairman Cribbins. They give us a sign off and it comes here. We get recommendations from the City Engineer, the Fire Marshall, all the rest of these people, then we look at it, stated Chairman Cribbins. Of course you would not understand that, he added. I understand that, I just want a driveway to my property, but I am going to revise that plan that you have here so I have a driveway on and off since I, stated Dr. Montanaro. So you are going to revise your plans that you have already submitted, questioned Chairman Cribbins? I am going to revise the plans, I submitted one for all of those that only show the driveway on and the access through the fence way so if you don't like that I am going to change that to have a modification, stated Dr. Montanaro. See what your issue is, stated Chairman Cribbins. There is no issue, stated Dr. Montanaro. The issue is that I need to know what you want, he added.

APPLICATION # 06-07 MICHAEL MONTANARO FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: FOOD ESTABLISHMENT) 64 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that this is for a Chinese Take Out Restaurant. There at 64 Huntington Street, stated Comm. Tomko-McGovern. See this, stated Chairman Cribbins. It is accepted so we are going to hear the same things because of the regulations and requirements. People are allowed to submit things like that but it won't meet the regulations. We will end up saying that you can't have a Chinese Take Out in Huntington Center then you will get all excited and say we are picking on you.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to accept Application # 06-07 and schedule the Public Hearing for February 28, 2006.

PUBLIC PORTION

There was no one from the Public wishing to address the Commission, at this time.

IVY BROOK MEDICAL CENTER/SHELTON OFFICE PARK TWO; REQUEST FOR MODIFICATION OF CONDITIONS OF APPROVAL

Richard Schultz stated that you all have a letter from Cuminotto, Inc. Essentially this is the Medical Office Building at Ivy Brook Road. They have to do off-site improvements as required by STC permit. Their estimate is for \$31,710.00. We have the estimate and the road-widening plan. They have to widen the road as you go over the Route 8 overpass on Bridgeport Avenue. The Commission had the requirements for two of his projects to earmark \$15,000.00 to a Special Fund Account for a new traffic light. So the applicant wants to combine the Accounts for \$30,000.00 for the unanticipated off site improvements. So it requires the modification on both those projects identified as Ivy Brook Medical Center and Shelton Office Park Two, stated Richard Schultz. All we need is the authorization then, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the request for modification of conditions of approval on Ivy Brook Medical Center/Shelton Office Park Two.

COMMERCE DRIVE RECONSTRUCTION: AUTHORIZATION FOR A PORTABLE ROCK CRUSHER

As you know the Commission does authorize portable rock crushers within the Town. This is a State job but you need to authorize this and they will probably be done by the end of the month. It is in the State Right of Way, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to authorize the Portable Rock Crusher at Commerce Drive reconstruction site.

APPROVAL OF MINUTES

Comm. Pogoda stated that the minutes of 12/13/05 should reflect that his name was eliminated from the heading. I want to make sure those were corrected to show I was there.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve the minutes of December 13, 2005 with the corrections as noted.

Just a personal experience – Sunday morning Woodside Diner, I pulled out and almost got killed because of the Dunkin Donuts signs, stated Comm. Pogoda. We need to do something about those, tomorrow, stated Richard Schultz. Comm. Harger had the same experience.

P & Z COMM.

JANUARY 10, 2006

We will be having a combined Board of Aldermen, P & Z, Plan Update and Planometrics. We will schedule new meetings to go through this with the Board of Aldermen, stated Chairman Cribbins. The first one is January 30, 2006 in the auditorium, he added. The second meeting in January will be a joint meeting.

ZBA agenda shows that F & R Realty wants to expand the parking lot where Curtiss Ryan's storage area is. Between the parking lot and Curtiss Ryan is access State land. There is no access to the parking lot or Bridgeport Avenue, stated Attorney Thomas.

Richard Schultz stated we need a motion to add Application # 06-08 Audobon Lane to the agenda and schedule the Public Hearing.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to add Application # 06-08 to the agenda.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept Application # 06-08 and schedule the Public Hearing for February 28, 2006.

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

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to adjourn at 10:25 P.M.

Respectfully submitted by,

Diana Barry
Clerk