

The Shelton Planning & Zoning Commission held a Special Meeting on February 16, 2006 in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

The following members were present: Chairman Alan Cribbins
Comm. Jason Perillo
Comm. Leon Sylvester
Comm. Virginia Harger
Comm. Anthony Pogoda
Staff present were: Richard Schultz, Planning Administrator
Maryanne DeTullio, Secretary
Members absent: Comm. William Papale
Comm. Daniel Oraziotti
Comm. Karen Tomko-McGovern
Staff absent: Anthony Panico, Planning Consultant

Tapes (2) 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.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated that there are 25 Standards that all meet regulations. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Standards # 1-9 and # 11-27.

5779 Beard's Cart Path, LLC 92 Rocky Rest Road, House/Deck

Richard Schultz stated that he received correspondence from the neighbor Ed Ostrowski. The application was tabled until the members of the Commission had time to review it and discuss the legal issue with the Assistant Corporation Counsel, which has been done. Both the City Engineer's Office and Inland-Wetlands have signed off on the application. One of the issues proposed is that the driveway be relocated along the cart path adjacent to property identified as unknown. The City Engineer would not sign off if that was done and the Assistant Corporation Counsel did not recommend that. The application is status quo. The applicant had his attorney and land surveyor present and it has been confirmed that it was an A-2 survey. The attorney was here to address issues raised by the neighbor regarding the legality of the property. Staff made that determination but neighbors were still questioning the legality of developing that piece of property.

Chm. Cribbins stated that a site visit was done on a very rainy day and they were able to get a feel of the water runoff from the property. He stated that he was in favor of moving the driveway and questioned how they were going to handle the runoff from the driveway and possible worsen the problem that the neighbor has. Mr. Schultz stated that if this approved, staff would recommend that applicant work with staff in submitting plans showing the improvement to the common driveway. The applicant has agreed to use gravel instead of paving which will be watched very carefully by staff and the Fire Department. The applicant will have to address the drainage concerns which will have to be reviewed by the City Engineer. The improvement of the common driveway and drainage is not addressed in this plot plan. Mr. Schultz stated that if it is approved staff will not issue a permit until those conditions are satisfied. Applicant has agreed to do anything to address those concerns.

Comm. Pogoda asked if there was any comment on why they did not recommend using the other property for the driveway. Mr. Schultz stated that they did not want to allow that because it is owner unknown. Atty. Dominick Thomas representing the applicant presented an affidavit from 1978 that was signed by owners of the property and addressed property known as Beard's Cart Path and Laurel Avenue which confirm the existence of the use of Beard's Cart Path. (Copy Attached). This confirms that this was used as access to the homes back there which have been there for quite some time.

Chm. Cribbins stated that he is concerned about the runoff and that has to be addressed. Ralph Matto, applicant, stated that the wanted to have the driveway where originally proposed but Corporation Counsel was opposed to that. He stated that both City Engineer and John Cook felt that there would not be anymore water going down then what is there now.

Chm. Cribbins stated that there are issues in the letter that need to be addressed. Mr. Schultz stated that all the issues have been addressed that are in the letter. Chm. Cribbins stated that this has been reviewed by the Corporation Counsel and he is satisfied that it is a legal lot but we need to make sure that we take care of the water runoff. Mr. Schultz stated that the common driveway apron improvement plan and drainage plans for the new driveway need to be submitted and would be stipulations of an approval. Comm. Perillo asked if the Fire Department has issues regarding the emergency access. Mr. Schultz stated that they will be monitoring it as it is being improved so that it can accommodate the heavy vehicles. Mr. Schultz stated that they are going to be as sensitive as possible and will work with all parties involved.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5779 with the condition that the common driveway apron improvement plan and drainage plan for the new driveway be submitted.

5787 RICK MONTANARO, 64 HUNTINGTON STREET, HOME/OFFICE

APPLICATION # 06-03, MICHAEL MONTANARO FOR SITE PLAN APPROVAL (OCCUPANCY: REAL ESTATE OFFICE) 64 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION,

APPLICATION # 06-04, MICHAEL MONTANARO FOR SITE PLAN APPROVE (OCCUPANCY: DENTAL OFFICE) 64 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION,

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

APPLICATION # 06-06, MICHAEL MONTANARO FOR SITE PLAN APPROVAL (OCCUPANCY: GENERAL OFFICE) 60 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT-DISCUSSION AND POSSIBLE ACTION

Chm. Cribbins read a letter (see attached) from Dr. Michael Montanaro withdrawing applications # 5787, 06-03, 06-05 and 06-06.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept the withdrawals of Standard # 5787, and Applications # 06-03, 06-04, 06-05, and 06-06.

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

Atty. Dominick Thomas asked that this application be tabled and if an extension is needed, the applicant will give that extension.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Application # 06-02.

5820 DAWN OUELLET, 52 SHINNACOCK TRAIL, HOME OFFICE

Richard Schultz stated this is for a home office for gift baskets. There are no signs or commercial vehicles and no storage. There is only on employee.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5820.

5794 EDWARD OSTROWSKI, JR., 82 ROCKY REST ROAD, HOME OFFICE

Richard Schultz stated that this is for music lessons and involves one person. There are no commercial vehicles and the area is 50 s.f. Comm. Perillo asked what type of music lessons will be given and Mr. Schultz stated that he would make it a condition of approval that no drum lessons be allowed.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5820 with the condition that no drum lessons are allowed.

5788 CT MORTGAGE GROUP, 319 HUNTINGTON STREET, BUSINESS

Richard Schultz stated that this is a mortgage broker who will be occupying 2000 s.f. Hours of operation will be 9-5 with one employee. Atty. Steve Bellis stated that in 2002 the Commission granted approval for use as a financial planning office and this is a similar use. Mr. Schultz stated that the Commission needs to use its discretion as this is a pre-existing non-conforming use and needs to determine if it is the same or less intrusive in a residential area. Atty. Bellis stated that they will be maintaining the house portion also. Comm. Sylvester asked if there has been any notification of this application to the neighbors. He stated that this is a sensitive area and this particular property has been the subject of much discussion in the past and wanted to make sure that people in the area were aware of the proposed change of use. Mr. Schultz stated that staff could make that notification. Comm. Pogoda asked if they intend to have clients come in and Atty. Bellis stated that he is a mortgage broker and not a large client base will be coming into the office. Comm. Perillo felt that it was less intensive use and Comm. Sylvester agreed but he wanted to make sure that people were aware of it.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to table Separate # 5788.

#5799 IQBAL MOHAMMED, 454 HOWE AVENUE, BUSINESS

Richard Schultz stated that this is for Domino's Pizza and it was rejected on Center Street last year. It will be atake out business and will be replacing the gun shop on Howe Avenue. Chm. Cribbins stated that there is a bus stop on the corner and it is a tight area for parking traffic. Comm. Harger asked if there are any tables and Mr. Schultz stated that it is only take out.

Comm. Pogoda asked if the delivery vehicles could be parked in the rear and Mr. Schultz stated that there are three spaces in the rear that could be used with a rear door. Comm. Perillo stated that this is a volume business and it is a tight area. Chm. Cribbins stated that they will have to come back for the sign and asked staff to work with them on that.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 5799 with the condition that parking be in the rear for delivery vehicles.

5804 M. MONTANARO, 60 HUNTINGTON STREET, RECONSTRUCTION

Richard Schultz stated that Mr. Montanaro took out a partial demolition permit for 60 Huntington Street, which is the first building closest to the shopping center. There are two sets of plans; one showing the existing conditions and you need to establish for the file the exact square footage and dimension. Then there is the reconstruction proposal which is a net reduction in floor area.

Atty. Dominick Thomas and Joe Mingoello were present. Mr. Mingoello stated that the existing house is three stories. The basement has always been a retail use; the first floor is level with Huntington Street and then there is the second floor. In the new submission there is still the basement as it exists and then there is a first floor for retail use and the second floor has been eliminated. Mr. Mingoello stated that they have added a small alcove partially extending the first floor over the space below. Existing today is 2371 s.f. and they are not going outside of the footprint.

Atty. Dominick Thomas stated that they are not going beyond the footprint and the current structure is termite damaged. They found that it is better to eliminate the third floor and take the existing basement foundation and cover it with part of the first floor. Mr. Mingoello stated that the south elevation is the prominent elevation and it is basically one story from Huntington Street and two stories in the rear. Atty. Thomas stated that it is a reconstruction only and not for any uses. Mr. Schultz stated that this is a high visibility area and the Commission needs to feel comfortable with it. Chm. Cribbins stated that it is much better than what is there now. He also stated that the applicant know that this is only a promise to replace existing structure that is in need of improvement and it is in keeping with the character of Huntington Center.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 5804.

#5811 PETER FRANCINI, 10-12 PROGRESS DRIVE, BUSINESS

Richard Schultz stated that this is a multi-use facility and the proposal is to lease 8000 s.f. with 20 employees. The hours of operation will be 6:30-5:30 and the use will be real estate development. It is a permitted use in the LIP Zone. Staff recommends approval.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5811.

5812 PETER FRANCINI, ONE TRAP FALLS ROAD, PARKING EXPANSION

Richard Schultz stated that the Commission approved the entire parking area as necessary but did not have to pave it. He will be renting the parking area to Raveis Real Estate and the regulation allows for shared parking. There is a walkway from the parking area. Mr. Schultz stated that it is consistent with what was approved.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5812.

5784 TOTAL TILE PLUS, 3 HIGH RIDGE ROAD, HOME OFFICE

Richard Schultz stated that this is a contractor occupying 100 s.f. in the home. There is no storage or commercial vehicles.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5784.

5772 DANIEL GREENBERG, TWO CORPORATE DRIVE, SUITE 234, BUSINESS

Richard Schultz stated that this is a law firm with six employees. Hours of operation will be from 8:30-5:00 and they will occupy 3358 s.f.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5772.

5795 WHITNEY BETH POTSUS, 44 CRESCENT STREET, HOME OFFICE

Richard Schultz stated this is for a free lance writer working out of her home. Hours are generally 8-5 and no commercial vehicles and no public visiting the site.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5795.

5805 JEANETTE LAMACHIA, 14 PEARMAIN ROAD, HOME OFFICE

Richard Schultz stated this is a contractor with no storage or commercial vehicles. The use will be 100 s.f.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5805.

5836 ANDERSON SCHIAVON, 801 LONG HILL AVENUE, HOME OFFICE

Richard Schultz stated that this is a painting contractor and he is the only employee. He has a van but it does not have any signs on it. The area is 150 s.f. and there is no storage.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 5836.

5823 BETA LOGISTICS, 2 RESEARCH DRIVE, BUSINESS

Richard Schultz stated that this is a new business which is a support service for Sikorsky Aircraft. There will be 40 employees and the area is 55000 s.f. for light manufacturing.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5823.

5825 RICHARD EGAN, 108 ASPETUCK TRAIL, HOME OFFICE

Richard Schultz stated that there is a letter of authorization from the Association. It is for a company called Focus Equity, which is a personal service with office equipment only. The area is 40 s.f.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5825.

5401 J & D COUNTRY BUILDERS, 23 CARRIAGE DRIVE IN-LAW/POOL/ADDITION

Richard Schultz stated that the lot complies and all approvals are in from Inland-Wetlands and Valley Health. The applicant has complied with all the requirements. Alan Shepard showed pictures of the house and indicated that the doorway is in the back of the house.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5401.

5834 ROGER SPINELLI, 92 KANUNGUM TRAIL, IN-LAW

Richard Schultz stated that this is a conversion of 877 s.f. It is a colonial style house. The applicant has complied with all the provisions. Entrance is in the rear.

On a motion made b Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 5834.

5745 ED NEWMAN, 376 BRIDGEPORT AVENUE, SIGN

Richard Schultz stated that they are proposing two sign locations and the Commission usually only allows one. This is a corner lot and he stated that he advised the applicant that a monument type style is what is preferred. He presented copies of the proposed signs. The applicant agreed to do the monument type sign and if the Commission wants to see the details the item can be changed. He is proposing a sign which also shows the time and temperature. Any signs that are up no are only temporary. Mr. Perillo felt that the time and temperature on the sign was unsightly and this is a highly visible area.

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

5543 ATCO SIGN & LIGHTING, 90 HUNTINGTON STREET, SIGN

Richard Schultz stated that this for the Zoots Cleaners which now has locations on Bridgeport Avenue and Huntington Center. Mr. Schultz stated that he has already received comments about the added text to the sign in Huntington Center. The one on Bridgeport Avenue just says Zoots Cleaners. Mr. Perillo asked if the sign was already up and Mr. Schultz stated that it was. Mr. Pogoda stated that he felt that the sign should be kept plain and simple and any additional information is not necessary.

Mr. Schultz stated that the black and white color scheme is consistent with the shopping center. The additional information on the sign should be removed.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve with conditions Separate # 5543.

5808 ARCO SIGN & LIGHTING, 515 BRIDGEPORT AVENUE, SIGN

Richard Schultz stated that this is for change of colors on existing sign and it will not conflict with other signs in the area.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5808.

#5817 ABC SIGN CORPORATION, 44 HUNTINGTON PLAZA, SIGN

Richard Schultz stated that this is for Hudson United Bank which is changing to BankNorth. This is for replacement of existing signs.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5817.

5826 HAWLEY LANE SHOES, BRIDGEPORT AVENUE, 2 SIGNS

Richard Schultz stated that they are progressing with the façade improvements. The main sign and these are individual panel letters. The second sign is proposed on the side where the storage area was. Mr. Schultz stated that they had a logo that they wanted to put on the front façade and he advised them that the Commission would have some difficulty with that and they then asked if they could apply for a sign on the sign at Armstrong Road. The side sign would be internally illuminated and the front sign would not be illuminated. Mr. Pogoda felt that there was not much exposure on the side. It was noted that there are no other side signs in the shopping center. The Commission felt that the side sign was not necessary.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve with condition Separate # 5826.

5830 FORTUNATO CONSTRUCTION, BRIDGEPORT AVENUE, COMM. CONST.

Richard Schultz stated that this is for Outback Restaurant and it is final approval of the architectural drawings. Vincent Fortunato was present and the Commission reviewed the drawings. Chm. Cribbins asked if the materials and constructions are consistent with other Outback Restaurants. Mr. Fortunato stated that the siding and roof are the same and they have added brick around the base. Mr. Schultz stated that there is a consistency with the brick in the whole shopping center and staff recommended that more brick be added to the front. Mr. Schultz stated that what is being shown tonight is what they feel is consistent with the area. Mr. Pogoda stated that this is a highly visible corner and felt that there should be more brick on the building. Chm. Cribbins stated that this is a compromise of what staff recommended. Staff felt that it should be wrapped around to the side of the commercial driveway and around the sanctions. Mr. Pogoda felt that three sides should have brick. Mr. Perillo asked about the color and style of the roof and Mr. Schultz stated that it is a metal roof which is the same as Walgreens. The Commission felt that it should be around three sides and the sanctions. Mr. Schultz stated that he will not sign off until the Commission sees final drawings.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Separate # 5830.

5836 GUERRERA CONST. CO., INC., PERRY HILL ROAD, TEMP. ROCK CRUSHER

Richard Schultz stated that the reconstruction project will begin and they will need a portable rock crusher. It will be for a four week duration and the hours of operation will be from 7-3:30. It will be located with the Perry Hill Road right-of-way and opposite Regan Circle. Comm. Sylvester stated that there are condos in the area. Comm. Pogoda asked if there was any other place to put this. Mr. Schultz stated that they could look at the area and see if there is another location for the crusher. Comm. Pogoda felt that they should find a more suitable location. Comm. Sylvester asked if the residents have been notified on this. Mr. Schultz stated that they have not been. The Commission felt that 7:00 a.m. was too early to begin work and would recommend that the hours of operation be 8-3:30.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Separate # 5835.

APPLICATIONS # 05-52 RONIC ENTERPRISES, INC. FOR MODIFICATION OF SPECIAL EXCEPTION APPROVAL (HUNTINGTON ESTATES SUBDIVISION: 50 LTO CRD) INDEPENDENCE DRIVE – (PUBLIC HEARING CLOSED ON 11/30/05) EXTENSION AUTHORIZATION, DISCUSSION AND POSSIBLE ACTION,

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

APPLICATION # 05-54 RONIC ENTERPRISES, INC FOR SUBDIVISION APPROVAL (4 LOTS: MOUTNAIN LAUREL RIDGE) INDEPENDENCE DRIVE (MAP 114, LOTS 46 AND 53) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 11/30/05) – EXTENSION AUTHORIZATION, DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that the front portion of the property is private open space as a result of the subdivision which is where the Latex Foam was ultimately put. The area abuts a 14 acre parcel that was created illegally in the mid 80's. The owner in the front is allowing access to the property in the back and that is what precipitated a modification of the special exception. That has to be modified because that is a planned residential community and because you are impacting private open space that triggers a re-subdivision by State Statute. They are also doing a subdivision to subdivide that 14 acre parcel. They also tried to create a fourth lot that was in part of the open space. Although there was no opposition from the neighbors, they raised concerns and staff expressed reservation in allowing development in private open space. Mr. Schultz read a report from the City Engineer which endorses this application with the condition that they obtain WPCA approval and also establish a homeowners/association agreement for the maintenance of the common sanitary sewer and common driveway. He also recommended that the applicant provide additional details for the common low pressure sanitary sewer force main. The common driveway shall be paved from Independence Drive to at least the boundary line of lots 2 and 4. The driveway retaining wall will be required since the height is in excess of four feet and the grade shall not exceed 10 percent. A performance surety is required.

Mr. Schultz stated that most of the comments received expressed concern but there was no opposition and the abutting neighbor indicated that there was going to be some exchange of land. Mr. Schultz read his staff report and draft motion (see attached).

Comm. Perillo asked about extending the conservation easements and Alan Shepard stated that they could do that and go to the end of the stone wall.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Applications # 05-52, 05-53 and 05-54 with stipulations. A roll call vote followed with all participating Commissioners voting I to approve.

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) – EXTENSION AUTHORIZATION, DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that this item was tabled until recommendations from the Fire Chief and the City Engineer were received. The letter from the Fire Chief was read which indicated that there needs to be proper width to accommodate the fire apparatus. Mr. Schultz read the City Engineer's letter which endorses the application with conditions. Mr. Schultz read the staff report and draft motion (see attached).

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve with conditions Application # 05-61. A roll call vote followed with all participating Commissioners voting I to approve.

APPLICATION # 05-62, SERGIO FERNANDEZ FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: FOOD ESTABLISHMENT) 60 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT (PUBLIC HEARING CLOSED ON 1/10/06) –DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that this is for the building (*is not being reconstructed). A public hearing was held for the donut shop. He read the Fire Marshall's letter which indicated that the driveways are considered fire lanes and shall be 26' in width. The plan does not meet this requirement. Mr. Schultz stated that the plans have been revised for 26' width driveways. The report also indicated that the parking lot is not of sufficient size for fire vehicles and they did not approve the site plan because it did not offer the proper access. Mr. Schultz stated that at the public hearing the Commission was made aware of the existing fence that surrounds two of the sides which restricts the use of the lower parking lot. He stated that because of that and other deficiencies staff is recommending denial because essentially the site plan was not complete. The architectural plans were also incomplete. A traffic report was not submitted and this is a high traffic generator and the applicant chose not to submit a report. Chm. Cribbins stated that at the time of the hearing it was discussed that the Commission did not want to take any action on this until the lawsuit was settled. Mr. Schultz stated that this is for 60 Huntington Street and it is the building that is under construction which further impacts this building. Comm. Sylvester stated that he was not present at the public hearing and did not hear the tapes and will be abstaining from voting.

On a motion made by Jason Perillo it was voted favorably to deny Application # 05-62 with Comm. Sylvester abstaining from the vote.

APPLICATION # 05-66 DOMINICK THOMAS FOR SITE PLAN APPROVAL (RETAIL COMMERCIAL CENTER) RIVER ROAD (MAP 66, LOT 1) CA-2-REQUEST FOR EXTENSION AUTHORIZATION (APPLICANT INITIATED)

Atty. Dominick Thomas stated that they are asking for an extension while the plans are being revised.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to accept the 65 day extension request for Application #05-66.

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 – REQUEST FOR WITHDRAWAL (APPLICANT INITIATED)

Chm. Cribbins stated that this is an applicant initiated request for withdrawal.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to accept the withdrawal on Application # 06-01.

APPLICATION # 06-09 WELKIN INC. FOR PDD ZONE CHANGE (RESTAURANT) FAR MILL CROSSING (MAP 29, LOT 15) R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz read a letter from Irving Steiner regarding this application (see attached). Chm. Cribbins stated that it is true that the Commission cannot act on this until Wetlands approval is received but the applicant has the right to file the application and it to be accepted. The applicant has advised staff that it should be accepted by the Commission. Staff recommends scheduling the public hearing for March 28, 2006.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was favorably voted to accept Application # 06-09 and schedule for Public Hearing on March 28, 2006. Comm. Sylvester voted no.

APPLICATION # 06-10 J & D COUNTRY BUILDERS LLC FOR SUBDIVISION APPROVAL (2 LOTS: TWIN MEADOWS SUBDIVISION) 227 THOMPSON STREET (MAP 109, LOT 1) R-1 DISTRICT – ACCEPT FOR REVIEW, DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that this is a simple two lot subdivision and all correspondence and appraisal report has been received. Mr. Schultz stated that Naugatuck valley Health has recommended approval subject to the public water supply being supplied. The Fire Department has no recommendation at this time. The Conservation Comm. has recommended fee in lieu of open space. Mr. Schultz read the City Engineer's letter and staff report. He also read a draft motion (see attached).

On a motion made by Anthony Pogoda seconded by Jason Poted to approve apperillo it was unanimously voted to approve with conditions Application # 06-10. A roll call voted followed with all participating Commissioners voting I to approve.

APPLICATION # 06-11 TICE BROTHERS BUILDING AND CONSTRUCTION CO., LLC FOR SUBDIVISION APPROVAL (2 LOTS: PICEA ESTATES) BOOTH HILL ROAD (MAP 96, LOT 22) R-1 DISTRICT – ACCEPT FOR REVIEW, DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that this property is partly in Monroe but the homes will be in Shelton. A referral was made to Monroe and it is also located in the watershed area; a letter was also received from Aquarion Water Co. They recommend approval, Mr. Schultz stated that all correspondence has been received and Naugatuck Valley Health recommends approval. Fire Department had no recommendations at this time. The Conservation Commission recommended accepting fee in lieu of open space. Mr. Schultz read the City Engineer's letter as well as the staff report and draft motion. Mr. Schultz noted that the existing home will be demolished.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve with conditions Application # 06-11. A roll call vote followed with all participating Commissioners voting I to approve.

APPLICATION # 06-12 DOMINICK THOMAS ON BEHALF OF F&R REALTY, INC. FOR SITE PLAN APPROVAL (PARKING LOT EXPANSION) 326 BRIDGEPORT AVENUE (MAP 91) R-1 DISTRICT – ACCEPT FOR REVIEW

Atty. Dominick Thomas representing the applicant stated that this is a simple site plan application for parking lot expansion but asked when the Commission would like to hear the presentation. Richard Schultz stated March 14, 2006 meeting would be better.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to accept Application # 06-12.

APPLICATION # 06-13 DOMINICK THOMAS ON BEHALF OF STROAGE DELUXE FOR DETAILED DEVELOPMENT APPROVAL AND ADOPTION OF PDD ZONE CHANGE (STORAGE FACILITY) BRIDGEPORT AVENUE (MAP 18, LOTS 14 AND 26) ACCEPT FOR REVIEW

Comm. Sylvester asked that this be put on the March 14, 2006 agenda. Mr. Schultz stated that it will be.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to accept Application # 06-13.

APPLICATION # 06-14 DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATE INVESTORS, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: TWO RESTAURANTS AND ONE BANK DEVELOPMENT) 828 BRIDGEPORT AVENUE (MAP 18, LOT 19) IA-2 DISTRICT – ACCEPT AND SCHEDULE FOR PUBLIC HEARING

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to accept Application # 06-14 and schedule for Public Hearing on March 28, 2006.

APPLICATION # 06-15 JAMES OSSO FOR SITE PLAN APPROVAL (BUILDING ADDITION) 511 RIVER ROAD (MAP 54, LOT 4) CB-2 DISTRICT – ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to accept Application # 06-15.

APPLICATION # 06-16 RGR SHELTON,LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 49 (CRESCENT VILLAGE CONDOMINIUMS: COMMUNITY BUILDING) 745 RIVER ROAD (MAP 21, LOT 48)-ACCEPT, DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that this is a minor modification with no additional units. There are minor changes proposed to the community building. This is the first main building seen when entering the site. There were some minor changes made to the building with a cupola, fire place and dormers. The configuration is now more of an "L" shaped building.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept Application # 06-16.

APPLICATION # 06-17 EDWARD D'AMICO FOR SITE PLAN APPROVAL (BUILDING ADDITIONS) 740 RIVER ROAD (MAP 21, LOT 50) IA-2 DISTRICT –ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to accept Application # 06-17.

APPLICATION # 06-18 KEY DEVELOPMENT, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD #34A (THE WOODS T LAKE ROAD, PHASE I) SPICEBUSH LANE-ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that the staff found that there were some ambiguities and the proper languages were not in there for accessory structures. This is a planned development district and we did not anticipate pools and sheds and the need to properly regulate them. This particular PDD states that unless the standards are specifically shown you resort to the R-1 and staff does not feel comfortable with that and feel that they should be spelled out. Staff recommended having the hearing and get this matter finalized.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted accept Application # 06-18 and schedule for public hearing on February 28, 2006.

APPLICATION # 06-19 PROPOSAL OF SHELTON PLANNING AND ZONING COMMISSION FOR MODIFICATION OF STATEMENT OF USES AND STANDARD FOR PDD # 35 (IL PALIO RESTAURANT) 5 CORPORATE DRIVE – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that Mr. Scinto, owner of the property, has agreed to allow the Commission to have the hearing to modify the state of use which states specifically that outdoor music is prohibited. Staff recommends that a hearing be scheduled and hopefully it can be opened and closed the same evening.

On a motion made by Jason Perillo seconded by Anthony pogoda it was unanimously voted to accept Application # 06-19 and schedule for public hearing on February 28, 2006.

PUBLIC PORTION:

Richard Audowski, 49 Christine Drive stated that he attended the Board of Education meeting and they spoke about the possibility of building a new school where the old intermediate school is on Perry Hill Road. They will be asking the Board of Aldermen to put it to referendum in May.

He brought up a concern that he has with regard to the Mas property and what is going to happen to that property. The Perry Hill Road property abuts that property. He is concerned with what is going to happen to that property since there will be young children there. He asked the Board of Education to approach Planning and Zoning to see what will happen there. He felt that it might be the best area for a school if the area is going to become a commercial area. Chm. Cribbins stated that if that is going to happen then a 8-24 referral will be made to this Commission. The Commission will get more information at that time.

Richard Schultz read a letter from Irving Steiner dated February 16, 2006 regarding 484 Bridgeport avenue (see attached). Chm. Cribbins stated that the standards and uses for that building can be checked and the ZEO can also check it out.

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

OTHER BUSINESS;
APPROVAL OF MINUTES 12/13/05 AND 1/10/06

Chm. Cribbins noted that Comm. Sylvester had an excused absence from 1/10/06 meeting.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the minutes of 1/10/2006.

8-24 REFERRAL: PROPOSED LAND SWAP AT FRANK DRIVE AND WIGWAM DRIVE

Atty. Steven Bellis representing Hugo Provenzano stated that the area in question is .38 of an acre. It is in the R-1 zone and is not a building lot. Mr. Provenzano is the only adjoining property owner. This is only a land swap. There is a large parcel of land to the right of Mr. Provenzano's land which has been targeted by the Conservation Commission for possible future purchase. He pointed out the swap that they are proposing and noted that it is not open space owned by the City. The area is .40 if an acre and equal in size. The strip is adjacent to a large parcel of property that may be acquired by the City. Any subdivision of that property would have conservation and pedestrian easements. When it is subdivided there are wetlands on the southerly portion and Mr. Cook said that if possible if everything can be pushed up and away from the wetlands that would be better. He also stated that without the swap he would still have a three lot subdivision but is trying to make a better project in the future. Atty Bellis stated that he spoke to Inland-Wetlands, Conservation, staff and the Mayor. Mr. Schultz stated that Conservation Commission does not see any benefit to the swap. He read the report from the City Engineer which recommends that the City reject the proposal. Chm. Cribbins stated that Mr. Panico has no objection to the Commission acting favorably on this as it has no negative impacts from a planning standpoint. Comm. Sylvester stated that Mr. Provenzano is a good friend of his and he has no interest in this. He stated that Mr. Provenzano is a very honest person and would not try to do anything. Chm. Cribbins stated that he is looking at it as who will maintain this property and if Mr. Panico is comfortable with this so is he.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was voted to report favorably on 8-24 Referral: Proposed land swap at Frank Drive and Wigwam Drive. Comm. Sylvester abstained from the vote. Comm. Perillo voted no.

ZONING ENFORCEMENT;
8 HAVERHILL ROAD: INITIATE LEGAL ACTION

Richard Schultz stated that this is a request to initiate legal action at 8 Haverhill Road- junk yard.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted unanimously to initiate legal action at 8 Haverhill Road.

7 MOLNAR DRIVE: MOTION TO WITHDRAW LEGAL ACTION

Richard Schultz stated that the matter has been taken care and staff recommends withdrawing legal action.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was voted unanimously to withdraw the legal action at 7 Molnar Drive.

THE WOODS AT LAKE ROAD, PHASE II – REQUEST FOR SECOND 90 DAY EXTENSION TO FILE RECORD MAP

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the request for a 90-day extension on the Woods at Lake Road, Phase II.

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to pay bills, if funds are available.

STAFF REPORT

Richard Schultz presented his report and noted the special meeting dates. He stated that ZBA has a unique application for Porky's Restaurant. They are proposing to occupy the second floor and make an outside patio. They want to cut out the front façade. Staff made a determination that because the karate store went in there they lost the previous non-conformity. They need 12 on-site parking spaces and they need a reduction from 12 to 0. There is curb side parking and municipal lots. Mr. Schultz asked for any comments from Commission members be made to him and he will convey those to the ZBA. There are some public safety issues that need to be addressed. There are also apartments in the area and this could be a disturbance to them.

Comm. Pogoda brought up the situation at Madison's Restaurant on Bridgeport Avenue with parking. Mr. Schultz stated that the owner of the property is suppose to be acquiring additional property to provide more parking. He stated that when the application was presented they met the parking requirements. The Commissioners felt that the situation is a disaster as far as parking. Chm. Cribbins asked Staff to get more definitive information from the property owner on the parking.

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

Respectfully submitted by,

*these minutes are being typed from the originals done by Maryanne DeTullio and are being used solely for updating the website. The Clerk, Diana Barry, was on medical leave at the time of this meeting.