

The Shelton Planning and Zoning Commission held a Regular Meeting on April 11, 2006 at 6:30 P.M. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins  
Comm. Virginia Harger  
Comm. Jason Perillo (Alternate)  
Comm. Anthony Pogoda  
Comm. Leon Sylvester

Staff present: Richard Schultz, Planning Administrator  
Thomas Dingle, Zoning Enforcement Officer  
Raymond Sous, Assistant Corporation Counsel  
Diana Barry, Clerk

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

### **EXECUTIVE SESSION**

**On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to go into Executive Session at 6:40 P.M. and invite Assistant Corporation Counsel Raymond Sous and Richard Schultz to attend.**

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to come out of Executive Session at 7:00 P.M. There were no votes or action taken.**

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

### **APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

Mr. Dingle reported that there are 39 standard applications that includes pools, deck and sheds. They all meet requirements and staff recommends approval.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards #'s 1-39.**

### **SEPARATES:**

#### **# 5856, ENZO IANNI, 19 CLINTON DRIVE, ACCESSORY**

Mr. Dingle stated that this was approved at last months meeting. They are back with a modification for the in-law apartment over the garage. You had previously suggested relocating the door facing the road to the side. They are requesting a change to allow the door to face the road. It is recessed back from the garage but the architect is asking for the second review of the plans. The family is here tonight.

**The applicant, Enzo Ianni, addressed the Commission.** The reason I am asking for the door to be located there is this is for my Mother-in-law and to get furniture in from a side door is next to impossible. You have to turn and go up the staircase. I can't make the stairwell wider.

Chairman Cribbins asked can you reverse this and put the door so that what you see from the street is the siding and the entryway in the back going toward the front. Can you reverse that stairwell, questioned Chairman Cribbins? Enzo Ianni answered I don't know how that could be done. The way my property goes it is diagonally and towards the back here it gets tight.

The issue for the Commission is that in all the cases that we look at we prefer to have only one entry facing on the street so it doesn't look like it is a two family house, stated Chairman Cribbins.

Comm. Harger questioned you are asking about flipping from this way to this way? Correct, stated Chairman Cribbins. What can you tell me about the street, asked Chairman Cribbins? Mr. Dingle answered that they have somewhat of a pie shape piece so that you go further back you get closer to the setback line and they also have wetlands in the back. Traffic is minimal. When we talk about in-laws we always talk about what it looks like as you go by it. So it is a judgment call, he added.

Is there any other way to do it, like accessing it from the side, questioned Comm. Perillo? We had to make this larger to handle the door, stated the applicant. Is this stairwell in, asked Chairman Cribbins? We started and the foundation was poured today, stated the applicant. The inspector came out and gave us approval. So the new foundation was put in today, stated Chairman Cribbins. We gave them approval but we told them to hold off on the door, stated Mr. Dingle.

I know where you are coming from, stated Comm. Sylvester, but it serves a purpose that the Commission is trying to satisfy a need. We try to be consistent but we recognize a tough situation, stated Comm. Perillo. I don't have a problem with this and I will make a motion, stated Comm. Sylvester.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 58565.**

**5919, JEAN KOEPFLI, 42 WRIGHT STREET, HOME OFFICE**

Mr. Dingle reported that this is a "Jean of all Trades." This is arts and crafts creations. She needs to obtain a sales tax number and a commercial checking account. She does go to shows on weekends. You have to show the tax numbers to get into the shows. There is no public visiting on premises. It is a part time hobby. She has a 2001 Rav4. There are no deliveries.

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 5919.**

**# 5899, BRIAN LACEY, 34 LAUREL HEIGHTS ROAD, HOME OFFICE**

Mr. Dingle reported that this man is a carpenter, a subcontractor. He has a pick-up, he will not be storing anything outside, there will be no deliveries and staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 5899.**

**# 5914, LESLIE VASS, 20 WAKELEY STREET, HOME OFFICE**

Mr. Dingle reported that this is for a consultant, industrial automation. There are no trucks coming to the home. Staff has reviewed this application and recommends approval.

**On a motion made by Jason Perillo seconded by Leon Sylvester & Anthony Pogoda it was unanimously voted to approve Separate # 5914.**

**# 5907, CLARK BOLTON, 23 WINTERGREEN LANE, HOME OFFICE**

Mr. Dingle reported that this is for a Trade Name Certificate. He is a consultant. There is a computer, fax and phone. There will be one employee, himself. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Jason Perillo it was unanimously voted to approve Separate # 5907.**

**# 5890, PAUL SWEETMAN, 15 JUDSON CIRCLE, HOME OFFICE**

Mr. Dingle reported that he is a courier for a Courier Service. All couriers are subcontractors and they have to provide their own insurance. He has an unmarked van that has no signage. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5890.**

**# 5926, JOHN DEDAD, 65 INDEPENDENCE DRIVE, HOME OFFICE**

Mr. Dingle reported that the companies name will be Royal Service Cruises. This is an online travel agency. We explained that we don't allow visitors to the home. Everything will be done on the Internet. There will be no signage. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5926.**

**# 5928, JOHN FONTANA, 48 HURD ROAD, HOME OFFICE**

Mr. Dingle reported that we know this gentleman. He is a consultant for a Real Estate Construction. He is an appraiser. He is looking for a home office. He travels for his job. He does have a secretary who will be the only one coming to the house. He is a consultant for the banks. No signage and no visitors to the house. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 5928.**

**# 5937, JOHN GROGAN, 7 CHAUCER DRIVE, HOME OFFICE**

Mr. Dingle reported that this is a home office for a Handy Man. He has a van. He will be going for his Contractor's License and needs a commercial checking account. There will be no signage, no commercial deliveries and no visitors to the home. Staff recommends approval.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5937.**

**# 5921, SEAN MILLS, 444 HOWE AVENUE, BUSINESS**

Mr. Dingle reported that this is for a showroom. Ralph Matto is the landlord. The showroom is for windows, roofing tiles and windows. There will be 1000 square feet for retail area. There will be two employees with hours of operation Mon-Fri. 9A.M. to 7P.M. Hours on Saturday will be limited. They will need 1-3 parking spaces. Inside will have displays and tables. Previous tenant was the Shelton Insurance Co. It is a CA-3 Zone.

Chairman Cribbins questioned where the parking requirements will come from, the Post Office Parking Lot? The Post Office Parking Lot and in front of the building, answered Mr. Dingle. Richard Schultz stated that you are going to have a couple of applications for downtown tonight and you will have to use your judgment. You will take into consideration the previous tenants because there is generally speaking no on site parking. There will be some difficult ones tonight. The closest business to this in the same zone is the Siding King. He has a showroom and one vehicle. Except for some of the things on the building, which Staff will have to do some enforcing on, things are working out O.K., he added. How far up is this, asked Chairman Cribbins? It is Krieger's corner, yes, answered Richard Schultz.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5921.**

**# 5931, MODERN NAILS, INC., 4-10 HUNTINGTON PLAZA, BUSINESS**

Mr. Dingle reported that this is in the Huntington Plaza. This will be a nail salon and they will use approximately 1369 square feet.

Comm. Pogoda questioned what are they taking over? That is Show Biz, answered Richard Schultz.

Mr. Dingle reported that they have off street parking. There will be between 4-6 employees. Hours of operation are Mon-Fri 9:30A.M. to 7:00P.M.

This doesn't include the sign that will be taken up later, stated Richard Schultz. Staff recommends approval stated Mr. Dingle.

**On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5931.**

**#5954, MERCEDES PAVAN, 450 B HOWE AVENUE, BUSINESS**

Mr. Dingle reported that this is for a laundry mat in a building that is owned by Ralph Matto. This is where Valley Firearms was and the Commission approved Dominoes who choose not to go in there, stated Richard Schultz. This is a use that will generate more traffic, he added. Staff is raising the red flag on this though it is a permitted use normally by site plan approval. The previous use was retail, he added.

This is a low volume, high volume business stated Comm. Perillo. There is minimal parking on the street, stated Comm. Pogoda. You have the back door to the Post Office Parking lot, stated Mr. Dingle. You are encouraging apartments downtown and it is one of the services that the people will need, he added.

Is there a way to restrict parking to the rear entrance only, asked Comm. Harger? You will get people parking on the street, stated Comm. Pogoda. With Dominoes you restricted the take-out driver to the back lot, stated Richard Schultz.

Chairman Cribbins stated the only reason for that was that is a bus stop. That bus comes around the corner and parks there to let people on and off. It should be that you have cars parked there. Rather or not we could run a Laundromat out of the back door of that, he questioned?

That is just like Dominoes who came in last year for Center Street and we told them parking only in the rear, stated Richard Schultz.

When I look at what we are doing with apartments downtown there is something up the street that has a Laundromat near it and what we are approving on Canal Street is self-sufficient, stated Comm. Perillo.

I am concerned about the parking situation because most of the people who would come would want to park right in the front, stated Comm. Pogoda.

Richard Schultz stated that there is Staff concern with the type of use, the curbside parking and what you just stated about the bus stop, it is a concern.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to deny Separate # 5954.**

**# 5959, PIC & PORT REALTY, LLC, 50 CENTER STREET, BUSINESS EXPANSION**

Richard Schultz stated Mr. Chairman I will give you some background on this and there will be a presentation on this. This involves Porky's Café. Last year Staff met with the applicant and we were advised of the desire to occupy the second floor. The previous occupants were several café's and the older one was Primo's who did use the second floor.

The Commission has approved retail use over the last few years with a Karate School being the last. The Staff had to acknowledge when the applicant came in to explain why the use was grandfathered. It is the Staff's opinion that this is a new use and the old use was not grandfathered in. They would have to provide on site parking. The square footage at that time is 1400 and they will need 1 space per 100 square feet or 14 spaces.

They were advised that the only recourse was to go to the ZBA and they had made that application. The ZBA kept that matter opened for several months and last month they were advised by the Chairman that in all likelihood they would get a denial and they should withdraw. They did withdraw, stated Richard Schultz. Accordingly they are here tonight to seek relieve.

It is Staff's opinion that they need on-site parking because of what transpired, they had retail and now they want to go back to the café. Ultimately this Commission will make the final decision.

Also some other background, obviously there is a lot of Municipal Parking, stated Richard Schultz. That was there presentation to ZBA. There is Municipal Parking across the street, there is another by Cleto's Package Store. However, working with the Parking Authority, unfortunately, they don't have their total membership in place. The Downtown Committee has met with them and they do need to establish a Master Plan for the Municipal Parking Areas downtown. We know where they are and we have to determine who will use them, when they will use them, when they will need to be expanded and where do we create new ones. Those issues have not been addressed, he added. The Parking Authority is trying to get their membership to move on with the Planning Study, stated Richard Schultz. That is the background information and the applicants Attorney is here.

**Attorney Dominick Thomas, 315 Main St., Derby, representing the applicant, addressed the Commission.** With all due respect to the Staff I don't see the need and neither did the ZBA with the issue of a non-conformity or a variance requirement. The use is a permitted use so there is no non-conforming use.

The issue is parking. This building when the Zoning Regulations went into effect in 1952 it was non-conforming. It has been non-conforming as is 70 to 80% of your downtown buildings. They are non-conforming as to on-site parking, could be considered non-conforming. However, your regulations, I am not trying to give an argument for an appellate case. When you argue an appellate case one of the points made is the legislation should make sense. Your regulations, the parking regulations identify CA-3 zones specifically, stated Attorney Thomas. It sets up regulations for them talking about parking within 300 feet. It doesn't say parking that you own or that is dedicated, he added.

When you look at the zone, the CA-3 zone, it is in downtown that is obvious that they are talking about Public Parking. It is easy to say that there is plenty of parking or that there is not enough public parking. So that when I became involved in this case after the ZBA fiasco I instructed my clients to begin about March 17<sup>th</sup> and right through April 6<sup>th</sup> they took pictures of the Public Parking that is easily within walking distance, stated Attorney Thomas.

Circled are the 6 Municipal Parking areas on a print out that Attorney Thomas now passes around. These were taken when Porky's Business is in operation and they do have 4 on site parking spaces. In the rear of the building there is an apartment that has a garage that they park in. That then is adjacent to the lot behind Cleto's.

You have one up at the Donut Shop and one that is empty. You have plenty of off street and on street parking, stated Attorney Thomas. You just denied an application for the Laundromat and it could be considered reasonable since people with laundry are going to want to park close, he added. With this, though, parking a block away and walking is not a problem.

So what are we talking about is 1100 square feet added to what is there, which will be 11 spaces, stated Attorney Thomas. Prior to this it was retail and the whole area was used, which is about 1400 for the Karate School. So we are only talking about 3-7 more spaces in this entire area of more parking.

There is parking across the street, around the corner and even on the street. One suggestion that was made is that the restaurants in the area, I have been to places where they had signs where they didn't want you to park and other signs saying please park in appropriate places. There were signs showing you where to park.

They will do considerable renovations and I have asked my client if he would put a sign showing where to park. To identify those spaces, with the one across the street and by the Post Office, stated Attorney Thomas.

The presentation was done to show you that there is plenty of parking. There is street parking, there are parking lots, the pictures were taken at lunchtime, at nighttime, and during the day. Basically your requirement is that CA zone is one per 100 feet of patron floor area and 300 feet within the direct line of the building. Spaces that are available.

The other thing that clearly shows on the pictures, even on St. Patrick's Day, there is parking available. My client is willing to take any steps that are appropriate because this is a plan to update. It would be a benefit to downtown.

I think the reason ZBA didn't act is because you don't want to lose control with everyone going to ZBA for variances, stated Attorney Thomas.

Chairman Cribbins stated I think the things that bother me are one we could say it is an expansion of a non-conforming piece of property. The reason why is that you are going to put a patio up there with a different and more intensive use. We didn't even talk about what is downstairs. What you are talking here is an additional 11 spaces. Upstairs if I am reading your map I see 13 bar stools. It isn't just where we have the 11 spaces but our obligation is if the business can work there, stated Chairman Cribbins.

This whole area there could be tables up, you could have a banquet here, so what we are operating here is a business on two floors with a patio in the center of town, stated Chairman Cribbins.

You have chosen in your regulations and one thing it is not non-conforming. The use is permitted in the downtown area. The fact is that it has always been non-conforming as are all the buildings. Which would mean you would have to send almost everyone when there is a change of use, you would have to send everyone to ZBA. I don't think that is the intent, stated Attorney Thomas. Your regulations say 1 space per 100 feet.

If your thinking this is retail then it is 1 space for each 200 feet of ground level floor and 1 per 400 feet for an upper floor. The retail use didn't have any parking either. You can't take the regulation and look at it differently. There is no doubt you have plenty of parking that is why we produced the pictures.

Chairman Cribbins asked is that Public Parking behind Cleto's? Yes and there is a larger one by the Donut Shop, another one that is very large next to the Conti building, there is one across the street that is full during the day but empty at night. There is one by the Post Office and we are not counting White Street or the Bridge Street, stated Attorney Thomas.

If ZBA had voted on this there would be no issue, we would just say it is non-conforming for parking and we would be off and running, stated Chairman Cribbins. It is too bad they didn't take an action. ZBA's point what was is the variance, stated Attorney Thomas. How could this be a variance with the interpretation of the regulations, he added?

You keep talking about non-conforming, stated Attorney Thomas and he read from the regulations. He stated that this doesn't say that you own or dedicated. To salvage this is the Public Parking. Within 300 feet from the property includes a portion of the Conti Building, obviously the one directly behind it, the one that is next to the Donut Shop, the one across the street and the one at the Post Office. They are within in the 300 feet, he added.

Chairman Cribbins asked for input from the Commissioners. I think that the parking challenge has not been captured in those pictures, stated Comm. Perillo. The parking challenge for this establishment and the others like it exists at night, he added. That is on Friday's, Saturday's at 9p.m., 11p.m. and 1 in the morning. We don't really have that.

We do have pictures at night, during the day and we have people who took those pictures to testify, we have anytime that you want, that is why we sent them out there, stated Attorney Thomas. We have three weekends covered including St. Patrick's Day, he added.

Well, Attorney Thomas, you said at first that the nighttime pictures didn't come, so I am assuming that is true. You can see nighttime pictures here, stated Attorney Thomas. You can see spaces and as you see there was capacity even on St. Patrick's Day. When you are dealing as a Zoning Board you are dealing with the regulations.

Comm. Perillo stated there seems to be some confusion at ZBA and I would like to get a handle on their perspective.

Richard Schultz stated that the easiest way to resolve this was through ZBA.

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

Comm. Sylvester stated all the businesses downtown have an issue with parking. This is an opportunity to enhance your business to do more business in a competitive world. I have to say to him you know, I can't hold a businessman back because the Parking Authority doesn't have their act together, I can't do that. Let them do what they have to do and I think if we could, I think that Jason agrees with me, I think if we could work with this applicant we might come up with some solution that would help him. I don't think that a no is the answer. I think some compromise here until we can accommodate, until the City catches up to the infrastructure and what is going on. We are going to do the same thing with the property on Canal Street. We are not ready for Canal Street, infrastructure there, stated Comm. Sylvester. We want to revive the downtown and to say no is not what I want to do. I would like to support it based on what I believe.

I would like to see Staff spend sometime with the applicant and come with up something creative to mitigate the impact of the parking, stated Comm. Perillo. In the absence of that I am not inclined to support it.

I think the big step is the balcony and drinking on the second floor, stated Comm. Sylvester. I go and up down Howe Avenue and the parking. The Piermont block would not exist if we asked each and everyone to provide parking, he added.

Comm. Harger stated I like the proposal except for the balcony. The parking lots are in close enough range.

Comm. Pogoda stated I think the same with regard to the parking. I am concerned about the outdoor patio on the second floor. I would like to see us work with them on that.

Richard Schultz stated that normally the Commission has 14 days to act on this. It is important that you table this so that the applicant gives the Commission the timeframe to work on this because this won't happen before the next meeting. So they have a choice to withdraw without prejudice or give the Commission the timeframe. We should say the timeframe could we do this in 30 days or less, questioned Chairman Cribbins? The downtown Committee needs to have a meeting. Our second meeting in May is the 23<sup>rd</sup>.

We'd rather give an extension, stated Attorney Thomas. I am comfortable with the 9<sup>th</sup>, stated Comm. Perillo. Chairman Cribbins asked for a motion that would include allowing the Downtown Sub-Committee to get together to work with us for a solution to this.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to table Separate # 5959 with conditions.**

**# 5958, PARAGON SLATE CO., LLC, 163 LEAVENWORTH ROAD, BUSINESS**

**Attorney Dominick Thomas, representing the applicant, addressed the Commission.**

This is property owned by Dr. Linden. Paragon Slate despite there names is a commercial business that manages Real Estate for large Companies. There will be two owners, Mr. and Mrs. Mead and one other employee. Their space requirements are 3 parking spaces. Most of their business is done on the computer. There are two owners and a secretary.

The Commission has been denying applicants up there for years, stated Richard Schultz. You have been denying the use.

Chairman Cribbins stated I think that way back when Dr. Linden first went in there I thought that there was a restriction on the use of the second floor when he first went there. He advertised space on the second floor for ten years here. When the use was granted for that building they put a restriction on it. We could look it up to get an understanding of it. There was a restriction not to use the second floor. They didn't want an extensive use, they wanted something minimal. All I would like to do, since we are looking at this for the first time, get the history. Make sure we are not over looking something, stated Chairman Cribbins. We should ask for that. Go back to find out what the original intent would be, stated Comm. Sylvester.

**On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to table Separate # 5958.**

**# 5868, T.D. PROPERTIES, LLC, 329 BRIDGEPORT AVENUE, PARKING**

Richard Schultz stated we are still waiting for Wetlands approval, so that needs to be tabled.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to table Separate # 5868.**

**# 5909, DIMATTEO INSURANCE, 79 BRIDGEPORT AVENUE, ADDITION**

Richard Schultz stated that this is the modern building, two-story on Bridgeport Avenue. They are requesting a waiver of site plan. The lower right and left corners setback and they want to box that in. They will use the same material that is wood clapboard. They will pick up 200 feet and they will not pick up any additional employees.

Comm. Sylvester stated that there are no more employees. A couple hundred feet in an office building can mean a lot. Who is going to count that, asked Comm. Sylvester? I know that is a full use now, he added. I know how many employees are there now, stated Richard Schultz. I will make that motion stated Comm. Pogoda with the condition to keep an eye on it.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5909 with conditions.**

**# 5968, HSBC, 702 BRIDGEPORT AVENUE, SIGN**

Richard Schultz stated that this is the new Split Rock complex, it is the bank that is under construction. Mr. Dingle showed color samples. There are several signs that include the wall signs that are consistent. There is a roof-mounted sign that you have not allowed in the past so you can just put an x on that for non-approval, stated Richard Schultz. The Commission is only allowing the monument signs, there are two. The wall signs, the directional signs for the drive thru and the exits, that is all we are approving tonight, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5968.**

**# 5745, ED NEWMAN, 376 BRIDGEPORT AVENUE, SIGN**

Attorney Thomas stated we are proposing two signs that I guess you would call them monument signs. Here is Bridgeport Avenue and here is Platt Road. They want to put it on the corner, stated Richard Schultz. They want to stay with the same colors that are on the pillars and the other monument sign will be in the island, stated Attorney Thomas. That sign will be in the planter and the other sign will be on Bridgeport Avenue, stated Richard Schultz.

Comm. Perillo stated I thought we were only doing one sign? We had a Staff meeting and this is their proposal for proper identification, stated Richard Schultz. It is your call, he added. This is a corner area with no access to Bridgeport Avenue and the building as approved is pushed back so that when someone coming down Platt Road will go right by the building, stated Attorney Thomas.

This sign, this Commission said no at the last meeting, questioned Comm. Sylvester? That is correct, stated Richard Schultz. At the meeting before that, and that the meeting before that and they told you to take the sign down, the sign is still up, stated Comm. Sylvester. One sign is down and two are still up, that is correct, stated Richard Schultz. The blow up Mr. Green thing has been removed, he added.

How is the landscaping going there, Rick, asked Comm. Perillo? Landscaping was installed and falls short of what Staff recommended. That is another issue under my Staff report, stated Richard Schultz. The landscaping is very poor, stated Comm. Pogoda. That doesn't satisfy Staff so the Commissioners should go up to look at that, stated Richard Schultz. That balloon was just taken down, stated Comm. Pogoda. That was over a month ago that we requested that the applicant to take that down. It was just taken down less than a week ago, he added. I don't how many times we have told the applicant one sign and the landscaping is my problem. It is very, very poor. Staff recommendation is to naturalize the corner, stated Richard Schultz.

You know what the problem I have is that we come here week in and week out, we make decisions, we say something, it is like Wal-Mart, when we finally said to you tell them either they do what the Commission says, it is a mockery, stated Comm. Sylvester. Look if we say and vote that the sign should not be there then the sign should have gone down along time ago, he added. Yes there was and there was a directive along time ago, I drive by and laugh to myself, we sit here, we argue about signs hour after hour and we make a decision and it doesn't make a bit of difference anyway. It is a joke.

It was conveyed, stated Richard Schultz. It never came down, though, stated Comm. Sylvester. What are we sitting here for on Tuesday nights, week in and week out, 4 Tuesday nights a month making a decision when it doesn't make a difference what the decision was. It is a mockery, it makes the Staff look bad. I think that you should start all over. Take the sign down and start all over, stated Comm. Sylvester.

I don't want to stop anyone from doing business, I don't want to stop anyone from putting signs up but I want to send a message to the Community that time and time again, with all the criticism that we put up with, it doesn't help us help people when some people don't care what this Board says, stated Comm. Sylvester.

Richard Schultz stated it would be in the applicant's best interest to withdraw or deny it and Staff will issue a notice of violation tomorrow on the landscaping and the signage.

Comm. Sylvester stated I want to emphasize this I understand the small business guy and that you want to get your name out there. This is not about that, right now it is not about the sign, you asked us to work with you, then work with the Commission and try to help us do what, it is not about the sign, if we pay respect to you then pay respect to us, he added.

It is not only respect to the Board it is respect to the Community, stated Comm. Perillo. That parcel the snow has been gone for a month, I understand when there is snow you can't clean up your property, but that is a disgrace, he added. That is an absolute disgrace. The property owner wants some latitude from this Commission but is not living up to its end of the bargain. You are talking about the liter, stated Richard Schultz. Absolutely, stated Comm. Perillo. I live right around the corner and I see it. It doesn't matter if I see it once or more, this is a Community and the owner is not acting like a good member of this Community.

The applicant can withdraw, stated Richard Schultz. If you table it the applicant needs to (inaudible). This has been tabled once, you can deny, or the applicant needs to go on record if it is tabled they will not appeal it, he added. I will make that motion to deny stated Comm. Pogoda.

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

**# 5955, CHASE BANK, 675 BRIDGEPORT AVENUE, SIGN**

Richard Schultz stated that this is for the bank. They are just changing the logos and the colors are consistent. This is just a replacement of what is there.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5955.**

**# 5957, DARCIE ROY, 1001 BRIDGEPORT AVENUE, SIGN**

Richard Schultz stated that these are all replacements for the Residence Inn.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5957.**

**# 5956, DARCIE ROY, 700 BRIDGEPORT AVENUE, SIGN**

The applicant is here and she states the architect is here if we need him. Richard Schultz stated that these are all pretty straight forward but you have the logo in the main entrance, which is something that you struggle with.

The applicant addresses the Commission that there are 4 signs all facing Bridgeport Avenue. One is directional and we found no regulations for this zone. Normal is 10% and these are 4%.

Chairman Cribbins stated let me ask you about the lettering, color, and the size is that absolutely in concert with other Walgreen's, is that the Corporate? Yes, stated the applicant.

If we were to put this white behind it you would not see the sign. The top picture shows you the red on red. The bottom is the actual Walgreen site with the white background.

Number 5 sign is the interior sign. You can see it but it is not up against the window, stated the applicant.

Number 6 is the directional sign. It is 2.1 square feet. On the west side there will be 3 signs on the Old Stratford Road side. We did a calculation and it is 3% of the entire wall.

We have two ground signs, stated the applicant. I have some color drawings as well. There are two versus the three stated Richard Schultz. The sign on Old Stratford Road is the one I just passed out stated the applicant.

Comm. Perillo asked there are only going to be two? No your resolution says up to three, answered Richard Schultz. The only thing that Staff wants to remind you of is the uniformity of the background color. Try to get that and go with individual colors with the tenants.

You will have two here and nothing for the rest of the tenants, stated Comm. Sylvester. There will be two, one facing Old Stratford Road and one facing Bridgeport Avenue, stated Richard Schultz. The only thing that will be on there will be the three stores, the anchor, stated Comm. Sylvester. You want to see the uniformity of the panels, stated Richard Schultz. The signage for this is up to you.

Is that number 5 on all your stores, questioned Comm. Pogoda? Yes, answered the applicant.

The only issue that Staff has is that the Engineer has submitted numbers for 911, stated Richard Schultz. The range is 678-706. The sites usually have one number and we have to deal with that in regard to the Emergency responders.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5956.**

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

**# 5961, V7 COMPANY, 22 KNEEN/171 CORAM AVENUE, SIGN**

Richard Schultz stated that the owner of Video 7 Store is proposing another roof mounted sign. This would be an expansion of the non-conformity.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to deny Separate # 5961.**

**# 5964, RGR SHELTON, LLC, 745 RIVER ROAD, SIGN**

Richard Schultz stated that this is for Crescent Village.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5964.**

**# 5920, DON STANZIALE, JR, 101 MOHEGAN ROAD, COMM. CONST.**

Richard Schultz stated that this is for the Gas Station. ZBA granted the variance to allow for the canopy over the gas pumps. As the Commission is aware this is in an R1 Zone. The ZBA had a public hearing and the neighborhood showed up. The asphalt is consistent with the neighborhood. This took many years.

**On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5920.**

**# 5932, AJ'S CENTER SERVICE, 17 ALGONKIN ROAD, BUSINESS**

Richard Schultz stated that this is for AJ's. This is where they do the emission testing. They were doing that without the proper permits. They went to ZBA and the neighborhood said it was fine. They had a hearing and tonight we are waiving the site plans. The law was changed so that you decide on Motor Vehicle License. ZBA now won't entertain the Motor Vehicle License. This falls under Motor Vehicle License. They had a hearing under ZBA, stated Richard Schultz.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5932.**

**# 5950, HSBC BANK USA NAT'L ASSOC., 702 BRIDGEPORT AVENUE, BUSINESS**

This is for the business, we approved the sign earlier this evening, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5950.**

**# 5951, JOHN GUEDES, 917 BRIDGEPORT AVENUE, ART GALLERY**

Richard Schultz stated that this is the Old Tech Furniture Building. Where Image Graphics is. The location is the area that is shaded. The lease area is 2400 square feet and there is loads of parking. This is an art gallery and there is signage on the side of the building along with an awning. This is unique to Shelton. This is a high end art gallery, chandeliers and those types of things. Good use, stated Chairman Cribbins.

**On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5951.**

**APPLICATION # 05-65, PERRY PETTAS FOR BASIC DEVELOPMENT PLAN APPROVAL (MIX USE DEVELOPMENT) 356 AND 366-368 HOWE AVENUE (MAP 117B, LOTS 60 AND 61) (PUBLIC HEARING CLOSED ON 1/10/06) – DISCUSSION AND ACTION**

Richard Schultz read from the attached resolution.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 05-65. A roll call vote followed with all Commissioners voting I to approve.**

**APPLICATION # 06-09, WELKIN, INC. FOR PDD ZONE CHANGE (RESTAURANT) FAR MILL CROSSING (MAP 29, LOT 15) R-1 DISTRICT – REQUEST FOR WITHDRAWAL (APPLICANT INITIATED)**

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept the letter of withdrawal on Application # 06-09**

Chairman Cribbins stated that we have talked about this property during our review of our land use plan more than likely you won't get anyone to put a house on that piece of property. It could have another use and as we go forward we need to think that through. So as part of the land use plan, that is what we are doing.

**NEW BUSINESS**

**APPLICATION # 06-23, DOMINICK THOMAS ON BEHALF OF EXIT 13 CROSSROAD, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD # 50 (SPALSH CARWASH) 376 BRIDGEPORT AVENUE – ACCEPT AND SCHEDULE PUBLIC HEARING**

Chairman Cribbins stated I think that they really have to get their act together. This is a proposal to amend the statement of uses to allow oil lube services, stated Richard Schultz. Wasn't that specifically denied, questioned Comm. Perillo? If you read the minutes, it was discussed in detail, stated Richard Schultz. The applicant believes strongly that it should be allowed and accordingly has made a petition to modify it, he added.

You see the address of this is Bridgeport Avenue, questioned Comm. Sylvester? I thought it was Platt Road, he added. It has access to Platt Road but the Engineering Department gave it a Bridgeport Avenue address for 911 purposes, stated Richard Schultz. The next meeting in May is May 23. We have 3 already scheduled here.

What are our obligations here, questioned Chairman Cribbins? You have 65 days, stated Richard Schultz. We already said no so why are we going through, stated Chairman Cribbins. You have to acknowledge and accept it, stated Richard Schultz. I think the applicant has heard you loud and clear on the issues, he added. They want to hear us again, stated Chairman Cribbins. You are obligated to accept it and schedule the Public Hearing. I am suggesting May 23, stated Richard Schultz.

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to accept Application # 06-23 and schedule the Public Hearing for May 23, 2006.**

**APPLICATIONS # 06-24, DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATE INVESTORS, LLC/CROWN POINT ASSOCIATES, III, LLC/CROWN POINT ASSOCIATES, IV, LLC FOR SDA OVERLAY ZONE, 96 LONG HILL CROSS ROAD (MAP 51, LOT 13), ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 06-25, DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATE INVESTORS, LLC/CROWN POINT ASSOCIATES III, LLC/CROWN POINT ASSOCIATES IV, LLC FOR MODIFICATION OF PDD # 48 (PARKING EXPANSION/CONTRACTOR'S BUSINESS AND STORAGE FACILITY, ACCESSORY WAREHOUSING), 96 LONG HILL CROSS ROAD (MAP 51, LOTS 8, 9, AND 73 AND MAP 63, LOT 250 – ACCEPT AND SCHEDULE PUBLIC HEARING**

Richard Schultz stated that your policy has been to hold hearings to the second meeting of the month. Attorney Thomas stated we have some contractual obligations. Chairman Cribbins asked if this could be on first meeting in May the 9<sup>th</sup>. Richard Schultz stated I am suggesting May 23 we have a lot of business.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept Applications # 06-24 and 06-25 and schedule the Public Hearing for May 23, 2006.**

**APPLICATIONS # 06-26 DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATES FOR SDA OVERLAY, 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4) – ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 06-27, DOMINICK THOMAS ON BEHALF OF LAVAL REAL ESTATES FOR PDD ZONE CHANGE (MULTI-FAMILY) 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 39, LOTS 2, 3, 4) – ACCEPT AND SCHEDULE PUBLIC HEARING**

Richard Schultz stated that the applicant is asking that this be assigned to April 25<sup>th</sup>'s meeting. What is on the agenda for the 25<sup>th</sup>, asked Comm. Perillo? You have the proposal for 828 Bridgeport Avenue, the two restaurants and the bank, stated Richard Schultz. That is a Special Exception and the High Traffic Generator, he added. If you were going to do anything on the 25<sup>th</sup> why wouldn't you do Crown Point, asked Comm. Sylvester? The Engineer won't be ready yet, stated Attorney Thomas.

Chairman Cribbins stated that Comm. Pogoda will be away but he can catch himself up when he gets back by listening to the tapes.

**On a motion made Jason Perillo seconded by Virginia Harger it was unanimously voted to accept Applications # 06-26 and 06-27 and schedule the Public Hearing for April 25<sup>th</sup>, 2006.**

**PUBLIC PORTION: to hear any member of the Public wishing to address the Commission concerning any item not on the agenda**

**Anthony Gusto, a member of the Downtown Center Merchant's Group, addressed the Commission.** I would like to request an appointment on an advisory role on the Downtown Sub-Committee. Comm. Perillo stated that all our meetings are opened and I can acknowledge any attendee. We can use the SEDC office downtown, stated Richard Schultz. My only thought is that there isn't any mechanism for us to appoint anyone to any formal role, however, stated Comm. Perillo. This is only a sub-committee to this Board trying to take other inputs to feed to this Commission, stated Chairman Cribbins. We are concerned with the same things that you guys are signage, traffic and other things that concern this Committee, stated Anthony Gusto. You certainly can participate but I will struggle with an appointment, stated Chairman Cribbins. We encourage participation, stated Comm. Perillo. Comm. Sylvester stated why don't we get his mailing information and we will keep him informed. I will get his mailing and email information stated Richard Schultz. We just wanted someone involved and not necessarily advisory, stated Anthony Gusto.

**Comm. Perillo, read a letter from Irving Steiner.** The letter concerns the relocation of the Public Portion to the end of the meeting. He is concerned with wasting additional quality time. Since it has been read and there is a lot in there I will develop a respond and let you know by the next meeting, stated Chairman Cribbins. I will take up the points one by one and will acknowledge those, he added.

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

**OTHER BUSINESS**

**APPROVAL OF MINUTES: 2/28/2006, 3/14/2006 AND 3/28/2006**

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve the minutes of 2/28/2006, 3/14/2006 and 3/28/2006.**

**8-24 REFERRAL: DISPOSITION OF 40 WHITE STREET PROPERTY AND**

**8-24 REFERRAL: DISPOSITION OF 470 HOWE AVENUE**

Richard Schultz stated that this is the Old City Hall, which is identified as 65 and the old Health Dept is 61. These both came from the full Board of Aldermen. Richard Schultz read the City Engineer's letter dated March 18th.

Before you do that, can you tell me what are they asking for with this referral, questioned Chairman Cribbins? The Aldermen minutes show a motion with respect to 470 Howe Avenue sale, where the Health Department was and the 40 White Street is for the elimination of the building and consideration of on-site parking, stated Richard Schultz. One is for the sale to be put on the Grand List and the other is the demolition of White Street. Richard Schultz then continued to read the City Engineer's letter with regard to 40 White Street. So the question before you is if you want to see this building retained, stated Richard Schultz.

I would think it is too early to consider the sale of the building because we haven't finished with our downtown proposals, stated Chairman Cribbins. I would much rather have a refurbish like we did with the Pettas property rather than a sale of that particular building, the Old City Hall, stated Chairman Cribbins.

That is not for sale that is for demolition stated Comm. Sylvester. I just want to clarify that, he added.

I don't want to demolish it, stated Chairman Cribbins. Maintain it as a City property or demolish it, stated Richard Schultz. I think that it should be maintained and the reason they came to us for planning purposes. We are not there yet, future planning, we are not finished with our update and it should be maintained, stated Chairman Cribbins. From a planning perspective if we need parking, stated Comm. Perillo, you don't want parking on the corner and those corners should be thriving businesses.

That building is of historic significance and we don't have the history of Shelton, we have the Historic Society on Ripton Road they take pride in that, stated Comm. Sylvester. We have that downtown, it has been City Hall, it has been a center of Education and I know it was the Judge of Probate, but certainly it was City Hall, he added. It is a place of historic value of significance. I would not want to see it destroyed, I think it should be refurbished, some where people could visit to browse through the history of Shelton. I know it is not in good shape. I can't imagine how much value it would add if it were parking.

It is a beautiful building with tons of character, stated Comm. Perillo. Someone would have to find out how much it would be to refurbish it, stated Chairman Cribbins. I know things like that are expensive, stated Comm. Sylvester. If we could do it in one part of town then why not there, why not downtown, we need anchors, we could be role models for the rest of the Community, he added.

We should get the Historic Society involved and see what their take is on this building, stated Comm. Pogoda. The people who have been here for years know what that building is. If there is some historic significance we should get them involved.

The Board of Aldermen voted on that, questioned Comm. Sylvester? 6 to 0 stated Richard Schultz. Really what we are saying is the motion should be for retention in its existing state and allow further preservation, look at what other options for use, stated Chairman Cribbins.

Richard Schultz read a letter concerning the Historic Society's feeling about this building, they ask for permission to take pictures of the inside before demolition. They may have been contacted as a concern, stated Comm. Harger. I will make the motion to report unfavorably, stated Comm. Perillo.

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to report unfavorably on the 8-24 Referral: disposition of 40 White Street Property.**

#### **470 HOWE AVENUE**

Richard Schultz read the City Engineer's letter dated March 24. If this property is sold the City should consider a covenant for a lease on this building. If this building is leased the City should consider using a portion of this building. This was the site of the Valley Health Department for years. Comm. Sylvester stated that was rehabbed. Chairman Cribbins stated here again is another opportunity to look downtown and why would we say we need that downtown for the Police presence. What would we make on the sale of that property that would add value, questioned Comm. Sylvester? We should be looking at the Police and with people moving in and we then will need the Police downtown, he added. I don't believe there is any historical value left and the jail part was all removed.

**End of Side 2A of 2B, tape 2 of 2 at 9:30 P.M.**

**On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to report unfavorably on the 8-24 Referral disposition of 470 Howe Avenue.**

**8-24 REFERRAL: ACQUISITION OF PORTION OF 27 CYNTHIA LANE PROPERTY**

Richard Schultz stated that this is the house at the end of the cul-de-sac that we approved. They have an oversize parcel. The property owner wants to sell this. They went to Conservation then to the Aldermen. This abuts open space and abuts the Blue Dot Trail.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to report favorably on the 8-24 Referral: acquisition of a portion of 27 Cynthia Lane property.**

**8-24 REFERRAL: REQUEST FOR WATER MAIN EXTENSION (SORGHUM ROAD AND**

**8-24 REFERRAL: REQUEST FOR WATER MAIN EXTENSION (NORTH STREET)**

Richard Schultz stated that have we have seen the property owners have petitioned the Aldermen to extend water especially in Huntington. The Engineer is recommending approval on both, he added. I will make the motions for the both, stated Comm. Pogoda.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to report favorably on the 8-24 Referrals for water main extension on Sorghum Road and North Street.**

**ZONING ENFORCEMENT: 1 HILLSIDE AVENUE: AUTHORIZATION TO INITIATE LEGAL ACTION**

It is on the corner of Hillside and Coram. We have been zeroing in on that Community as a whole and this is the first one that has challenged us. There are five in that area. This is junkyard conditions and Staff is recommending taking it to the next level, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to authorize legal action on 1 Hillside Avenue.**

**PAYMENT OF BILLS**

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

**STAFF REPORT**

Richard Schultz went over the ZBA agenda. (His report is available in the P & Z office)

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

Respectfully submitted by,

Diana Barry,  
Clerk