

The Shelton Planning & Zoning Commission held a Regular Meeting on May 9, 2006 in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

The following members were present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Daniel Oraziatti
Comm. Jason Perillo (Alternate)
(sitting in for Comm. Papale)
Comm. Anthony Pogoda
Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Thomas Dingle, Zoning Enforcement Officer
Members absent: Comm. William Papale
Comm. Leon Sylvester
Comm. Karen Tomko-McGovern
Diana Barry, Clerk

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

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Thomas Dingle stated that there are standards 1-36 that all meet zoning standards. We recommend 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 # 1-36.

SEPARATES

5989, LEIF TREGGER, 39 MEADOWRIDGE DR., IN-LAW

This is an in-law addition , 864 square feet, stated Thomas Dingle. It will be a new addition over the garage. They received a variance, we have a survey, we have an affidavit and the renderings with the floor plan. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 5989.

6019, OTTO SCHILKOWSKI, 27 FORT HILL AVE., IN-LAW

Thomas Dingle stated this is an existing house with an addition. 864 square feet for the in-law and the other part of the addition will be to expand the living space. We have the affidavit and we have a floor plan of what does exist and what will be added. We have a concern with the front door on the addition. It is a very small house and they are showing the in-law on the end. This will be under the porch and the new front door is here, stated Thomas Dingle. The only option is to have this recessed but there is a rear door. The doors have been an issue of the Commission in the past, stated Richard Schultz. It is interior inside the porch, stated Comm. Perillo. The idea is so that the person driving by doesn't get the idea it is a two-family house, stated Anthony Panico. Can't we come in off the garage, asked Comm. Pogoda? That is not a garage, stated Comm. Harger. Anthony Panico goes over the plans with Thomas Dingle. We talked about recessing the door in 4-5 feet, which we have done on other houses, stated Thomas Dingle. This is all new construction, all new plans, stated Anthony Panico. We don't need two doors, stated Comm. Pogoda. We are opening up ourselves for something down the road, he added.

Anthony Panico stated that there should be an attempt to accommodate a reasonable reuse of older homes to allow the internal space to be divided for use by other family members without destroying the single-family character. You would expect that expansion to be designed to continue the character of the single family home but not introduce additional doors that on a quick view going by gives you the impression of a two family house.

We have seen the new larger family homes with two doors on the front now too, stated Richard Schultz. They are so long that there are doors going into the mudroom, and the family room. We see a lot of that. It is the Commission's call and you want to protect the integrity of the neighborhood.

In this case the elevation doesn't bother me, stated Chairman Cribbins. It is something that we should revisit because you are struggling with it, stated Richard Schultz.

Comm. Perillo questioned how far is this setback from the front of the porch? It is about 8 feet, answered Anthony Panico.

On a motion made by Jason Perillo seconded by Virginia Harger it was voted to approve Separate # 6019.

5996, DELYAN KOVACHEV, 436 LONG HILL AVE., HOME OFFICE

Thomas Dingle stated that this is for a home office. It is a travel agency on the Internet. This is a part-time venture. He needs to register a Trade Name Certificate. We explained no signs or people to the house.

On a motion made by Jason Perillo seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 5996.

6025, DAVID PHELAN, 152 WOOSTER ST., HOME OFFICE

Thomas Dingle stated that this person does home clean ups. He is trying to get a Trade Name for his bank. This will be part time. We explained no signs, no people to the home, no material or goods to the house and he will go out to do the work, to the client's address.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6025.

6031, GOOD EARTH, 296 WALNUT TREE HILL RD., HOME OFFICE

Thomas Dingle stated that this is for landscaping. The gentlemen has a CT. Home Improvers License. This is for a Trade Name Certificate. The information on the equipment was stated that there are no left over plows or lawn mowers at the house, stated Anthony Panico. You don't store any trucks or plow blades at the house, asked Chairman Cribbins? The applicant stated anything like that is stored in the garage. You can't do that, stated Anthony Panico. A home office doesn't allow commercial equipment on and off the property, stated Thomas Dingle. There is nothing wrong with the office business activity, it is the equipment, stated Anthony Panico. That requires an offsite location, the Commission doesn't want to see the equipment at the home, stated Thomas Dingle. Are those conditions you can accommodate, stated Richard Schultz? A compact excavator is stored in the garage and something like that can be hauled in and out on a trailer. That is something we don't want to see, stated Comm. Pogoda. If you have somewhere else it can be stored than it is something we can approve, he added. This is only part-time, added the applicant. It is the enforcement afterward and the landscapers are a big problem, stated Thomas Dingle. We will be monitoring this and there should not be commercial equipment on your property, stated Chairman Cribbins. The tractor I can use on a come and go basis, stated the applicant. Nothing on a trailer can come to your house, stated Comm. Pogoda. You have a garage big enough to accommodate that, asked Comm. Harger? Yes it is 6 bays, stated the applicant.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve, with conditions including monitoring, Separate # 6031.

6037, GAGANDEEP SINGH SACHDEVA, 170 BRIDGEPORT AVE., HOME OFFICE

Thomas Dingle stated again this is a travel agency over the Internet. This is a commercial zone but there is no off street parking. They understand no signage and no people coming to the house. It is a husband and wife and they do have a driveway for their car. Staff recommends approval.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6037.

6045, KYLE KONDRAT, 9 HILLTOP DR., HOME OFFICE

Thomas Dingle stated that this is for a sub-contracting tile business. Restrictions are no signs and no outside storage. Usually the tile is delivered to his customer's home.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6045.

5997, KINGS POINT CONSTRUCTION, 350 BRIDGEPORT AVE., COMMERCIAL CONSTRUCTION

Thomas Dingle stated that this is the commercial building, mix use. This is just the application for zoning compliance for the site plans that were previously approved. What is this for, asked Comm. Pogoda? This is the restaurant and the bank across from Curtiss Ryan, answered Thomas Dingle.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was voted to approve Separate # 5997. Comm. Perillo opposed.

5911, GLENMOOR CONSTRUCTION, LLC, 25 CHURCH ST., ADDITION

Thomas Dingle stated that this is St. Paul's Church. This is an addition to an existing building. We are required to proceed with a variance because they own three parcels. They have received a variance. The addition will be 22 by 40 feet. A one-story addition. They have plenty of parking, he added.

They had to get a variance and there was no opposition, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5911.

5809, F & R REALTY, LLC, 326 BRIDGEPORT AVE., PARKING EXPANSION

Thomas Dingle stated that this is for a parking expansion at Curtiss Ryan. This is storage of new vehicle inventory.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5809.

6024, CABLE VISION, 5 RESEARCH DR., BUSINESS

Thomas Dingle stated that this is for a call center. There will be 300 employees and they are opened 24/7. This is the largest of the tenants of Scinto's new acquisition 5. This the first of five tenants and they will occupy 64,000 square feet. They will be the key occupant.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6024.

5959, PIC & PORT REALY, LLC, 50 CENTER ST., BUSINESS EXPANSION

Thomas Dingle stated that this was previously tabled. This is the expansion of the restaurant on the second floor. This is a CA-3. The Commission tabled this so that Staff could get more discussion with the downtown sub-committee, stated Richard Schultz.

They want to occupy the second floor under the café license. Staff took the position that they need additional parking. They went to ZBA and they didn't feel they should grant variances for downtown merchants. We had time to review the studies that were done with regard to traffic. Back in 1989 there was ample parking to meet the need of the existing businesses. There was a need to expand to up to 100 parking spaces. Richard Schultz showed the map of all the downtown parking. While the Staff agrees the City of Shelton should determine where the parking expansion should occur. There is room over by the Conti building and the Post Office. Staff is of the opinion that the comfort level is there to accommodate this building to occupy the second floor. We are not expanding we are just occupying the second floor. Several of the Commissions felt we should not be to constrictive downtown because we want those buildings occupied. Staff is of the opinion that the Commission would act favorably but we need to expand the parking.

We have a tool at our disposal, we have a payment in lieu of parking, stated Richard Schultz. Comm. Perillo stated we discussed this with regard to the businesses that are getting the benefit from the Municipal Parking. So payment in lieu of parking seems to be appropriate. We don't have any regulations with regard to this but the Downtown Committee is pursuing this, he added. Any future approvals should be with the applicants understanding that if payment in lieu comes in to play they need to know that? I don't think we could do that, stated Chairman Cribbins. You can't make it retroactive unless you assess the others in the area, stated Anthony Panico.

The request is to occupy 1,121 square feet on the second floor. This is to expand the café and they will modify the second floor, stated Richard Schultz. This is to allow the café license to occupy the second floor, he added. You will be expanding the restaurant activity onto the second floor, stated Anthony Panico. Staff took a rigid approach.

Attorney Thomas stated the picture of the façade shows the proposal with 9 feet high rod iron framing and Plexiglas that would look like there is nothing there. There will be significant improvements to the façade, he added. We will look at the document that you have given us just now, stated Chairman Cribbins.

There was a study that was done when a proposal was submitted with apartments, condos and a hotel on the slab. They were going to put a parking garage between the Post Office and White Street. This is reflective to how it is now. You have plenty of parking but how do you get people to use it. My clients are willing to put something on their business, a parking sign that shows where to park. They believe that a lot of businesses that have regular customers coming in that could do that.

How many employees are there now and what would that be after the expansion, questioned Anthony Panico? Full time employees we have 4, answered the applicant. They park behind the building. There is ample parking there. Would it be reasonable to ask your employees to park a block away at the Municipal area, questioned Anthony Panico? That is not a problem, answered Attorney Thomas. Is that deck opened on the top, questioned Comm. Pogoda? You have no intentions of closing that in, he questioned? The wall where the sign is setback by this dimension, stated Anthony Panico. What you see is the upper part of the stairway, he added.

On a motion made by Jason Perillo seconded by Virginia Harger it was voted to approve Separate # 5959. Comm. Oraziotti abstained.

5958, PARAGON SLATE CO., LLC., 163 LEAVENWORTH RD., BUSINESS

Thomas Dingle stated that this was tabled from the last meeting.

Richard Schultz stated that I will do a chronological summary. This is Dr. Linden's office. Back in 1983 the Zoning Commission adopted regulations to allow offices in the R-1 having frontage on Leavenworth Road. This was by Special Exception and Dr. Linden had initiated that. Also in 1983, Dr. Linden submitted a special exception to convert the barn to offices for him and renovate the single family home in the back.

In 1994 Dr. Linden received a variance to expand the office to the second floor with no living quarters allowed and limited to Dr. Linden's office practice only.

In 1999, this is when it got heated, Dr. Linden received a variance to allow both a professional office and a general office within the barn building. This variance was appealed by the Planning & Zoning Commission and settled out of Court with the understanding, this was an agreement, to limit use on the upper floor to something with a low traffic generator such as a lawyer. The whole premise of the regulation was the professional office, low traffic generator. The Commission was displeased with the general office, stated Richard Schultz. That didn't fly because it included Real Estate offices and we were not going to tolerate it, he added.

Now we have a proposal for a management company that involves 2 owners and one employee. There are 13 parking spaces on site. There will be 3 for these people and 10 for Dr. Linden. The single family is rented out to people with one car.

The whole evolution of this was back in 1983 the Commission didn't want to see a mix use there, stated Richard Schultz. Now you have a use that flies with that agreement and Staff recommends approval.

Thank you for the research, stated Chairman Cribbins.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5958.

Anthony Panico stated you will make a note that if there is a change of occupancy from this tenant to another they will need to come back. I will call Dr. Linden tomorrow, stated Richard Schultz.

6043, JOHN SKORUPINSKI, 2 ENTERPRISE DR., BUSINESS

Thomas Dingle stated that this is a 45 square foot office space. He is a copy repairmen. Staff recommends approval.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 6043.

5564, C & D CART ENTERPRISES, LLC, 475 RIVER ROAD, COMMERCIAL CONSTRUCTION

Thomas Dingle stated that this is the actual building. This is across from Danny's. The 5 bay garage, stated Richard Schultz.

On a motion made by Virginia Harger seconded by Anthony Pogoda it was unanimously voted to approve Separate # 5564.

5980, ARTAN'S PIZZA, 488 RIVER RD., BUSINESS

Thomas Dingle stated that this for the A & P storage center. Lia's was there before. This is related to the people on Kneen Street. All signs are consistent down there. I want to see something before we approve the sign, stated Comm. Pogoda. That can be determined at a later date this is just for the business, he added.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Separate # 5980. This approval doesn't include a sign.

5986, KAREN FORLENZO, 97 CENTER ST., BUSINESS

Thomas Dingle stated that this is for Karen's Kitchen. She purchased Zap's Deli. This is a deli and catering replacement. This is same that the previous people had. It is 1400 square feet, 3 employees, hours of operation, 7 to 8 Monday through Saturday. There is onsite sandwiches and food. This is basically a transfer of ownership. There is no sign rendering.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5986. This approval doesn't include a sign.

5984, R. MATTO, 444 HOWE AVE., BUSINESS

Thomas Dingle stated that Mr. Matto has a tenant who would like to put a barbershop at this location. You would have to get Valley Health approval. This would be 1000 square feet. Hours of operation 9 to 8.

There is a lot for parking in the back and there is also a back door.

On a motion made by Virginia Harger seconded by Jason Perillo it was unanimously voted to approve Separate # 5984.

6020, JOANNE BARNARDINO, 507 HOWE AVE., BUSINESS/SIGN

End of Side 1A of 3A, Tape 1 of 3.

This is a dog grooming business. Hours of operation 9 to 5. 800 square feet. Two employees. Drop off and pick up, stated Richard Schultz. Everyone wants something different, stated Comm. Perillo. Could't they take the dogs off of there and stretch the words, asked Comm. Perillo? We know what it is, stated Comm. Pogoda. We need a better rendering because downtowns signs regulations and they don't consult with us before they bring them to us, stated Thomas Dingle. Did they discuss anything with you, prior to, questioned Comm. Pogoda? We tell them no telephone numbers, no hours of operation, just your name, stated Thomas Dingle. Can we speak to the applicant, stated Comm. Pogoda.

Is there any chance that you can remove the dogs and expand the sign, questioned Comm. Pogoda? I could, answered the applicant. We are trying to get that to look better and we would appreciate anything you can do, stated Comm. Pogoda? It is not made already, stated the applicant. You have to get to the graphics of the name, stated Anthony Panico. Colors are fine, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6020 with the modified sign.

6026, ARCHER SIGN SERVICED, 1077-1079 BRIDGEPORT AVE., SIGN

Richard Schultz stated that this is for Huntington Pointe. We are replacing the ground sign with a directory sign. This is at Exit 11. This is a directory sign that is intended to be viewed by the Public, stated Anthony Panico. We have always tried to discourage that, he added. You don't want people to slow down to read it. I don't have a problem with one on the site. That is a dangerous place, stated Comm. Pogoda. I would defy you to try to read this, stated Anthony Panico. Traffic is backed up there everyday and if you are looking for the building your are impeding traffic, stated Comm. Pogoda. The existing sign is just Huntington Pointe, stated Anthony Panico. If you tell them Huntington Pointe you can't miss it, stated Comm. Pogoda.

It is less than 7 feet tall and the letters are 3 inches high, stated Comm. Perillo. When you are driving in heavy traffic, it is difficult, stated Anthony Panico. The tenants are having problems with people knowing where they are, stated the applicant. If the tenant is worried about someone finding them without there name on this they should be more worried about them finding it with 12 other companies on it, stated Comm. Perillo. We have always tried to be consistent. We made that lady take her dogs off her sign, stated he added.

If there were one or two tenants with one or two names but every tenant gets a sign, stated Anthony Panico. That is not the intent of that, stated Comm. Pogoda. We need to go back to the drawing board, stated Chairman Cribbins. Maybe a bigger monument sign, stated Comm. Perillo. I will go back to my tenants and maybe I can get something different, stated the applicant. I can talk to them about one tenant stated the applicant. We are trying to discourage the menu signs and we try to keep it down to one or two, stated Anthony Panico. What we are saying is down the road at Split Rock are a number of things and the only thing that will be on the sign is two or three key tenants, stated Chairman Cribbins. It is location, he added.

Are there one or two major tenants, asked Anthony Panico? It used by to be Health South as a major tenant answered the applicant. What we have done with other facilities like that we urge the owner to create a name for the facility, which you have had all along, that is not a problem, the individual tenants have to concentrate on advertising that is where they are, stated Anthony Panico. The Commission allows individual signs showing tenant A and B inside, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to table Separate # 6026.

Chairman Cribbins stated I was in Texas a while ago and they had exactly what they said here. If you go to North Haven there is a sign exactly like here, green, red and it is awful, stated Anthony Panico.

6036, DARCIE RAY, 698 BRIDGEPORT AVE., SIGNS

The applicant stated that this one was approved at last meeting. There was the Outback Steakhouse sign. That is there national sign. No one sees the back end of the building, no one will see this there is a rock there, this phase no one will see this because of the grade, then here the cars are down 30 feet, stated Anthony Panico. This you will see it gets a lot of visibility, this side and this side, this faces Walgreen and this faces up the long parking lot, those are fine. This faces Trap Falls Rd and it is 60 feet away from the woods dropping down, you won't see this, stated Anthony Panico. This is on the backside of the building. This is facing up the parking lot that is o.k. This is one facing Old Stratford, you don't want that one, stated Comm. Perillo. The rear elevation faces the rock so you don't want that one.

So for starters we are going with the first two, stated Chairman Cribbins. That is your standard sign, stated Anthony Panico.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6036 (2 Outback signs).

6039, STORAGE DELUXE, 829 BRIDGEPORT AVE., SIGNS

Attorney Thomas, representing the applicant. These are modifications suggested by the Commission when we were reviewing the detailed development plans. With respect to the sign on the main building, we kept that same as we proposed so we wanted to show you the depth perception. The building is set back beyond the pond. You can see the sign will be on this corner of the building. The sign in the front, the monument sign, will be blocked out from people traveling North on Bridgeport Avenue. We had requested a sign on the caretakers building facing North and a sign on the caretakers building facing front. We were asked to remove the sign facing North and just have one sign facing Bridgeport Avenue. We did shrink that down 25% in size and a sign over the entrance. The sign on the front of the main building is the sign that you will see as you are traveling Northbound.

So how many signs are there, asked Comm. Pogoda? Basically 4, stated Attorney Thomas. Why do you need two signs on the caretakers building, questioned Comm. Pogoda? We wanted a sign on the other side, answered Attorney Thomas. We wanted a sign facing North and a sign-facing front, he added. It was suggested that we shrink them down and it was suggested the one facing North be put on the entrance, he added.

Is there one on the South wall of the caretakers building, also, questioned Anthony Panico? This is the South wall, answered Attorney Thomas. This is the plan location of the signs, he stated showing the Commission. This is the wall facing the North, stated Anthony Panico. Is there a sign on the wall facing South, asked Anthony Panico? No, answered Attorney Thomas.

So on the main building, what did we finally end up with, questioned Anthony Panico? That is fine, I am satisfied. It is up to the Commission, he added.

The owner addressed the Commission with regard to a sign that will be on the building. That is a bone of contention with some Commissioners, stated Comm. Pogoda. That is our logo and we have scaled it back after listening to your comments, stated the owner. The presence really is on the office, stated Anthony Panico. I was on site, you could have 6 buildings, does that mean you have to have 6 signs, no, he added. I would not mind Storage Deluxe being enlarged and get rid of the guy, that is my opinion, stated Comm. Pogoda. That is my personal opinion. To stand-alone it takes away, he added. By the time they see the monument sign and they see that, that is it, stated Comm. Harger.

We have a total of 4 signs, stated Chairman Cribbins. The rest of them look good and that is my perception. If the sign was enlarged I would be comfortable, stated Comm. Pogoda. You won't see things on the larger building until you are passed them, stated Comm. Perillo.

As we presented at the Public Hearings this is a major player, stated Attorney Thomas. The logo is in three places, stated Chairman Cribbins. It is on the end and two locations on the caretakers building. If we pass this thing tonight we have to take the main man off the building, the 4th man, because you have three signs, to show location, and if you move that up you might lose that in the brick, stated Chairman Cribbins. It will be lit, stated Comm. Pogoda. Your whole presence will focus on the entry way and what goes on there. Not on what happens on the big building setback 150 feet, stated Anthony Panico. Your caretaker is what will hit them first, so if that is done the way it is presented, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was voted to approve Separate # 6039. (Storage Deluxe minus the big guy on the Main Building)

6009, ATHERTON ASSOC., 450B HOWE AVE., BUSINESS

Thomas Dingle stated this is close to the Barber Shop. This is for a Real Estate Office, 1,000 square feet that will have 3 employees. Hours of operation are Monday through Friday, 9 to 5 including Saturdays. Most clients meet in the field. No company vehicles. These storefronts are 1000 square feet. The applicant addressed the Commission that this was changed because the space was previously promised to someone else. This is 1500 square feet and the sign shown there is not accurate. He passed the sign around. This is going where Valley Firearms was. When they come back in for the others the signs those have to be consistent, stated Chairman Cribbins. This doesn't include a sign, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6009. (Sign not included)

APPLICATION # 05-64, MDC INVESTMENT PROPERTY-XI, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: OFFICE BUILDINGS AND PARKING) ONE WATERVIEW DRIVE (MAP 65, LOTS 25 AND 26) LIP DISTRICT (PUBLIC HEARING CLOSED ON 1/10/ 2006)

Richard Schultz read letters, one from the Chief of Police and one from the City Engineer. (see attached) The Chief of Police subsequently now does supports the entrance drive to Constitution Boulevard with modifications. You have a favorably recommendation from the City Engineer for the Special Exception, stated Richard Schultz. This is a two-step process.

Anthony Panico stated we are dealing with this property at the corner of Waterview and Constitution Boulevard which is in total about 20 acres. Right now there are two vacant parcels. This is part of three parcels that were done years ago. The development is on the corner now and there are two 5-acre sites still opened for development. A major office building is being contemplated here of 120,000 square feet with supporting parking for some 650 cars. On the corner we know have development of 94,500 square feet. Of that 83,500 square feet is office and 11,000 square feet is warehouse. There is parking for 312 parking spaces. A few months ago the Commission approved the expansion of the parking to include another 99 spaces bringing that up to 411 spaces, more or less. About 30,000 square feet of this building is currently vacant. The current combined development is about 215,000 square feet with approximately 1000 parking spaces, give or take 50.

The main issue that Staff has had is that this direct driveway off Constitution Boulevard, while we might not favor it, it should be noted that the original subdivision approval had two individual lots there and when laid out, that each 5 acre piece would have its own curb cut for a individual driveway. Though we did have a lot of access control along Constitution Boulevard we would break that for a driveway here and here, stated Anthony Panico. The fact that this could be developed as one parcel, with one curb cut, is a step in the right direction.

We also talked about the need for an improved access to Waterview coming through the developed portion of the site. We didn't feel that would do it and we didn't feel this alone would do it. That could be the main access point but you need to be able to get in and out through here, as well.

A project of this magnitude will require a STC permit and I am sure they will have a lot to say, stated Anthony Panico.

Finally, the additional burden to be placed on the existing Waterview Drive and Constitution Boulevard intersection is a concern for Staff. Rick and I have had several technical sessions with the applicant, his engineer, the traffic people and at least one with the Chief of Police. We had discussed reservations and probably another light will go in. This is being proposed as office but it might be a data center that will not create much of a burden.

There was a traffic report done that concludes that assuming that all the projects proposed in this area are constructed, including Scinto's and others, when they are all developed the level of service for this section will be poor for the side street approaches without any further development of this site. This level of service will be F. If the intersection is signalized with proper pavement stripping adjustment made for exclusive left turns into this site and Ivy Brook then the intersection will operate at a level of service B, stated Anthony Panico. That is a significant improvement.

We did have discussions with the Chief of Police who didn't, at first, support signalization because of the impacts to the Long Hill Avenue intersections. Those discussions resulted with signalization being funded and the City determined when it would be signalized. The applicant understands the needs and is concerned with the future contributors to the traffic at these intersections. There could be as many as 6 undeveloped sites, stated Anthony Panico.

End of Side 1B of 3A, Tape 1 of 3.

In order for this sites development to proceed as a major office building they will need to provide a major share of the cost to ensure that signalization can occur when they are ready to occupy. If the use is modified to a low traffic facility the immediate need for signalization can be deferred at the request of the Chief of Police.

In conclusion, I think it is important to impose an impact fee on the pending applications approvals that will impact the traffic onto that intersections. Two I think we need to mandate that if there is going to be a 120,000 square foot office development on this site, at this time, they will be required to fund the majority of the signalization at the time of occupancy. Anything short of signalization of that site isn't going to be possible. It just won't work. I can understand that if this was something that would be put on the books but not built for 10 years well maybe there would be two or three additional sites involved. However, if this was the only one to go forward then unfortunately the major responsibility would fall on them. If the City could work out a program to help recoup some of the cost to signalization then it is beyond me as a planner to work out, stated Anthony Panico. I am convinced that a 120,000 square foot building will not work without signalization. This is a concern at peak hours but signalization can work at those times and be on flashing at other times.

Comm. Pogoda stated is there not a mechanism for the future, down the line, to be held, as in the sewer or water main projects, why should the City, I think that is something we should put in place, before we mandate these people to do this. I am concerned with the operating safely and you need the signalization, stated Anthony Panico. We did that across the street and we did get some support from Mr. Cumminotto.

When this goes in for the STC permit they will look at the interchange. The State will say if you want the certificate here you might have to do this down here. We will be talking about the project on the other side of the road and we will say that monies will be contributed for that intersection. We will have some money in the pot, stated Anthony Panico.

Comm. Perillo stated I am surprised that Chief of Police softened his opinion on the curb cut for Constitution. It has to be done safely with adequate site distance, stated Anthony Panico. If you can satisfy the engineering requirements then you can't say I don't want to see the curb cut. It has to be done safely, he added. You get better site distance when it was moved up the hill. You combine that with the development of third left turn lane. The center lane can be turns for this driveway and this. You have two parcels of land on an approved subdivision with a curb cut.

The action we need then is to direct the Staff to create a resolution within the positive resolution, stated Chairman Cribbins. We are talking about the traffic, not the layout of the building or the parking, stated Anthony Panico. We are talking traffic, he added. We are going to looking at a reasonable access from here to here, you can't just wonder through this parking. We will be doing more work at our technical sessions. If this is understood that the applicant has to address that, then you can go forward granting a favorable action.

Won't this be made clearer when the STC looks at this, they will voice the greater concern, over this, stated Comm. Pogoda. We are confining us to this because this is the City intersection. The State relies on the Chief of Police, stated Richard Schultz. We will be meeting with him a lot.

We will write this up for the next meeting, with the condition being the need for signalization, stated Anthony Panico.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve an extension on Application # 05-64 until May 23, 2006.

APPLICATION # 05-66, DOMINICK THOMAS FOR SITE PLAN APPROVAL (RETAIL COMMERCIAL CENTER) RIVER ROAD (MAP 66, LOT 1) CA-2 DISTRICT – DISCUSSION AND ACTION

Anthony Panico read the attached Staff Report. With the architecturals, you can see this well on the color drawings. This will be a desirable addition to that corner and it will look nicer than what is being constructed right now. There has been a reduction of 4 tenants and the office space enlarged on the second floor. There is the required parking and it circulates well.

I have three correspondence, one from the Fire Marshall, one from Valley Health and one from the City Engineer. (See attached)

The proposal right now is to upgrade Petremont Lane to a full City street standard along the street frontage, stated Anthony Panico. Where is the crest, asked Comm. Pogoda? We are taking the crest down a foot, stated Attorney Thomas. That is the danger point, stated Comm. Pogoda. That is the point coming either way, that makes that road, he added.

Attorney Thomas, for the applicant, when the initial comments were made from the City Engineer, we did meet with the Chief of Police and I did speak with him again, I represented that Petrmont Lane be made one way. The Chief of Police said there are issues that need to be addressed. The Engineer addressed the Commission about the drive coming out to the left. We agreed there is a site distance and shave the crest.

Is the City Engineer aware of this new proposal, before he wrote that letter, asked Comm. Pogoda? He wants to see the road totally improved and that is something that is beyond the scope of the applicant, it is a substandard road, stated Richard Schultz. Obviously, the applicant can turn his back on Petremont Lane and put a main entrance on River Road. Come and go out of the main entrance not even touch Petremont Lane. At the expense of putting a main curb cut on River Road that would save Petremont Lane, stated Anthony Panico. If someone is coming up River Road south suddenly realizing this is where they want to go, they have just gone by Petremont Lane, they can go through the Auto Place coming back through this to the site, stated Anthony Panico. The uses compliment each other.

Comm. Perillo stated refresh my memory on the adjacent parcel. We designed that so that cars are constantly in and out, so is that a barrier to effect the use of the curb cut to get in and out of this new area? It is not like there are 20 cars a minutes, there are 5 to 6 cars in and out in an hour, stated Anthony Panico.

We had discussions with the Fire Marshall but if you have a 26-foot lane they won't put the equipment close to the burning building, stated Attorney Thomas. They want the fire lane adjacent to the building but there is plenty of room to get around the building.

Chairman Cribbins stated we need site plan approval for this and a motion is in order.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Application # 05-66. A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 06-08, RALPH AND ELAINE MATTO FOR RE-SUBDIVISION APPROVAL (TRANSFER OF TITLE OF RIGHT-OF WAY), PORTION OF AUDUBON LANE, CORUM HILL DEVELOPMENT, SECTION SEVEN, (PUBLIC HEARING CLOSED ON 2/28/2006) – DISCUSSION AND ACTION

Richard Schultz stated I finally have a map to clarify everything. Audubon Lane is here and the right of way area is here. This is shown in a record map to the City of Shelton and he is proposing that the title go back to Matto giving him frontage. Richard Boulevard is down here and it is a temporary cul-de-sac with plans for that to go to Grove Street. There is an undeveloped piece that would allow that. Mr. Matto's property runs, this is the meets and bounds of his property, right here. What he is preparing to do on the property and how he is going to sequence that is, he would like to build two interior lots off of Richard Boulevard, Lot 1 and Lot 2, that takes away his legal frontage on his existing houses, which is down here. So he needs frontage on another street and this is where Audubon comes in. Right now he has an easement over his property to get to his house. His primary access is this way over here, Richard Schultz is showing all this on the map previously mentioned. What he wants to do is build two interior lots off Richard Boulevard, which is subjected to approval from P & Z. Interior lots have to be reviewed by this Commission. It is his opinion that the location of the interior lots do not impede the planned extension of Richard Boulevard. If you have two lots here, it takes away the frontage, he added.

End of Side 2A of 3A, Tape 2 of 3.

He would pick up the frontage over here, it doesn't have legal frontage because of this paper, unimproved portion of the right of way, stated Richard Schultz.

Chairman Cribbins stated why not take the cul-de-sac that exists there, the 150 feet, he would get the frontage he needs, he gets that for those 2 lots and the access. He agrees with that he doesn't want to live there when the cul-de-sac is extended into his property, stated Richard Schultz. You have his request before you, so what he wants to do with the remainder of his property, two interior lots that need frontage on Richard Boulevard, he needs his legal frontage over here, the day he subdivides the balance of the larger lot with the house on it, that he no longer wants to reside there, if the wording is done correctly with the Board of Aldermen, if they convey this title with the understanding that when the City determines the road needs to be extended, the title goes back to the City of Shelton, the cul-de-sac would be extended. It is how Ralph Matto would like to see his property evolve. Who would pay for that at that time, questioned Anthony Panico? You either buy into his sequence of things, or you deny it to say that the cul-de-sac be extended, stated Richard Schultz. The two lots off Richard Boulevard with the frontage, the language written would say the title goes back to the town when the town deems necessary to extend the road.

He wants life use of this thing, stated Chairman Cribbins. The cleanest thing is that twenty years down road someone will forget what we are doing, the cleanest thing would be to extend the road through the cul-de-sac and be done with it, he added.

Comm. Harger stated I drove up to that area, the house is right here, how is that person going to get into that? The cul-de-sac cuts right into the front yard, stated Comm. Perillo. The design was not to leave that cul-de-sac, he added.

Anthony Panico stated they don't want to see the road extended but if it is not extended then they don't get their frontage. They don't want to see the temporary cul-de-sac turned into a permanent cul-de-sac, you see that all the time, stated Richard Schultz.

He had 5 years to do the subdivision approvals, stated Anthony Panico. What if we were to approve it with the extension of the road? Oh no, he only has 2 years in our regulations, stated Richard Schultz. State Statues say 5 years, stated Anthony Panico. Our subdivision say 2 years, stated Richard Schultz.

Chairman Cribbins stated that this doesn't make any sense, we have to do it right, move the temporary into a permanent location. He wants to be able to file the two-lot subdivision and he can't do that, stated Anthony Panico. He could leave the cul-de-sac, stated Chairman Cribbins. He should come back in after he moves the cul-de-sac, he added. I need a motion then to deny.

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

APPLICATION # 06-20 ONE MT VIEW ASSOCIATES, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: LIGHT INDUSTRIAL BLDG) ONE MT. VIEW DRIVE (MAP 65, LOT 12) LIP DISTRICT (PUBLIC HEARING CLOSED ON 3/28/2006) – DISCUSSION AND ACTION

Richard Schultz read correspondence from the City Engineer and the Fire Marshall. Anthony Panico read the Staff Report. (all attached hereto)

Chairman Cribbins suggested putting a figure in there. (funding contribution number) What if we say \$25,000, he added. Barkan & Mess said \$120,000.00, stated Richard Schultz. That would be roughly 20%, stated Anthony Panico. Sounds good, stated Comm. Pogoda. That is the only issue I had with this, stated Richard Schultz. Size of the building be 45,563, stated Comm. Pogoda.

So what we are saying is that we are in the position to approve the Special Exception for a light industrial building, stated Chairman Cribbins. So I need a motion.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Application # 06-20. A roll call vote followed with all Commissioners voting I to approve.

APPLICATION # 06-28, JOSEPH MINGOLELLO FOR (MINOR) MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 30, (BOWLING ALLEY AND INTERIOR AND EXTERIOR ALTERATIONS) 784 RIVER ROAD (MAP 12, LOT 38) – ACCEPT FOR REVIEW

Richard Schultz stated that this is the main building and you go through the Pro Shop, Coffee Shop and playroom for birthday parties. On the left is where they want to convert the general-purpose room to a 5-lane bowling alley and then they will relocate that space to the right side of the building. They will be adding on as well. With the PDD you need to deem this as a minor modification, which is handled administratively no public hearing, or if you deem this as major modification which requires a Public Hearing. They have submitted an application hoping that the Commission will see this as a minor modification, he added.

What other activities are effected, questioned Anthony Panico? What are the bowling alleys replacing? The general-purpose room, stated Richard Schultz. People sat there for food and drinks, stated Comm. Pogoda. It is 6 lanes, stated Richard Schultz. This is full size lanes and it is duckpins, stated Comm. Pogoda. It is a hybrid bowling alley here. This is major, stated Comm. Pogoda. We are talking about serious traffic into this place, he added. How is the traffic, questioned Anthony Panico? We haven't had any issue, stated Richard Schultz. There is a lot of traffic if two hockey games are going on and additional traffic, stated Comm. Perillo. I was going to have Rick call the Chief of Police, stated Chairman Cribbins. I want him to tell us when the lanes will be in operation, at the same time there are events on at the rinks, stated Anthony Panico.

Lets just accept this for review, stated Chairman Cribbins. Do they have enough information to move right into a PDD modification, stated Anthony Panico. So there is nothing to accept and process, he added. So effectively we are not doing anything with this tonight because this will be deemed major, stated Chairman Cribbins. I will get them to withdraw Application # 06-28 and resubmit it as a Major to generate the Public Hearing, stated Richard Schultz. That is your call and there is everything from hours of operation, stated Chairman Cribbins. We should deny this as a minor modification stated Anthony Panico. Make sure the minutes show the discussion in regard to that, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to deny the minor Modifications on Application # 06-28.

APPLICATION # 06-29, COREY KEEGAN FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 9A (GARDEN CENTER AND BALE/PALLET STORAGE ENCLOSURES MODIFICATION) 465 BRIDGEPORT AVENUE (MAP 63, LOT 5) – ACCEPT FOR REVIEW

Richard Schultz stated that finally Wal-Mart is addressing the issues. There are storage containers that are being eliminated. Corporate is saying that they will be gone. They want to put a roof over the dumpster enclosures. Three things are happening they are complying with DEP for drainage going into the sewer system so it is storm water management. The Garden Center has a concrete floor and they have made an application to Wetlands. The other two are to put roofs over the dumpster area and the cardboard area. They have submitted drawings. When can you expect to see the containers gone, asked Anthony Panico? Tell them there will be no action taken until they gone, he added.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept for review Application # 06-29.

PUBLIC PORTION:

Chairman Cribbins stated that at the April 11 meeting, we received a letter from a resident questioning why the Public Portion was moved from the beginning of the meeting to the end. So I will respond to that, this is clarification of the Public Portion process change initiated by this Commission. The Planning & Zoning Commission changed the Public Portion to meet the needs of our customer. By that term we mean those Citizens who have paid between \$50 and \$700 to the City of Shelton to make applications that come before the Board.

In 2005, other than WER1, there were 5 citizens that spoke during our Public Portion on matters that were not on the agenda. That has always included old and new business. We have never allowed anyone to speak to anything that was on agenda rather it was old business or new business. There were hundreds of people who came to hear how their applications on the agenda would be ruled on. Tonight and today we saw how there were people hear to listen their applications that they have paid money for.

For certain complex applications our citizens have obtained professional support in the way of lawyers, engineers, surveyors, architects, etc. to help them prepare and protect their applications, stated Chairman Cribbins. Many of them were in attendance at our meetings and we could see that, tonight also.

The P & Z felt that we should make the process as efficient and productive as possible and not have our citizens paying for support people who are hanging around for additional time while they are on the clock causing them more money, stated Chairman Cribbins.

The P & Z Commission would hope that the items on the agenda would be the most important to the members of the press who attend our meetings and have early deadlines. It is our hope that our new process will be more efficient for them also.

As always the members of the Public are encouraged to provide input to the Commission through written communications. The Staff in the Zoning Office has a good response record, stated Chairman Cribbins. So those are the reasons we moved this from one place to another. It is just to support our Public who comes here to listen to application that don't want to sit here upwards of ½ an hour for things not on the agenda. That was well side, stated Comm. Pogoda. I concur with everything that you side, he added.

Is there anyone in the audience wishing to address the Commission on any item not on the agenda, questioned Chairman Cribbins?

Comm. Orazietti stated I would like to make a comment on something that I was discussing with Rick today. The traffic flow downtown coming from White Hills through the center of town. It is always backed up but today when you get to that corner where Mr. Butts is people park their cars. There are signs but I couldn't see it. They are not enforcing that, stated Comm. Pogoda. I sat there through 4 lights, stated Comm. Orazietti. I don't know what the solution would be, he added. I will send a letter to the Chief, stated Richard Schultz. You have to go back some feet for the stacking, stated Comm. Pogoda. If the sign says no parking, that should be enforced. You have to get an Officer to enforce that, he added. In New York City they enforce it and crack down hard on that, stated Comm. Perillo

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

I need a motion to add three items to the agenda, asked Chairman Cribbins?

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to add three items to the agenda.

We need to reschedule the Public Hearing on Applications # 06-24 and 06-25. They were scheduled for May 23 and they need additional time. We had the Public Hearing on that, stated Comm. Perillo. It wasn't closed stated Comm. Pogoda.

End of Side 2B of 3A, Tape 2 of 3.

On a motion made by Jason Perillo it was unanimously voted to accept for review Applications # 06-24 and 06-25 and reschedule the Public Hearing for June 27th, 2006.

90-DAY EXTENSION TO RECORD MYLAR MAP ON MOUNT LAUREL RIDGE SUBDIVISION

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve the 90-day extension to record the Mylar map on Mount Laurel Ridge Subdivision.

APPROVAL OF MINUTES 4/11/2006 AND 4/25/2006

On a motion made by Jason Perillo seconded by Daniel Orazietti it was unanimously voted to approve the minutes of 4/11/2006 and 4/25/2006.

8-24 REFERRAL: DISPOSITION OF 470 HOWE AVENUE

Richard Schultz stated that at the last go around the Commission reported unfavorable to disposing of the City property at this time. This is the Old Police Station. The Mayor's Office wanted this Commission to reconsider this. I got authorization from the Chairman to put this back on the agenda. The Aldermen really want to dispose of this property.

Comm. Perillo stated we discussed this last time and there was no resolution either way. I thought about this a lot and we talked about maybe having it as a Police Sub-station, which I don't think, is practical. We are pushing residential and commercial downtown but you don't need a Police Sub-station. This is a fine location in a mixed-use area, with residential all around, if you leave the building. Put it back on the taxes and let it be an active, vibrant participant in downtown's revitalization.

I will make the motion to report favorably, stated Daniel Orazietti. How would the City dispose of the property, would it go to the highest bidder, questioned Anthony Panico? We leave it to the Aldermen because when it comes to us it is in the best interest of the City, so we would say it is in the best interest put back on the tax rolls, stated Chairman Cribbins. The Plan of Development is on you side, stated Richard Schultz. The Aldermen know that and they should take the one with the best use, stated Comm. Orazietti. I would ask that they speak to the downtown sub-committee, stated Comm. Perillo.

On a motion made by Daniel Oraziatti seconded by Jason Perillo it was unanimously voted to report favorably on the 8-24 Referral: disposition of 470 Howe Avenue.

8-24 REFERRAL: REQUEST FOR WATER MAIN EXTENSION (FEDERAL ROAD)

Richard Schultz stated that the City Engineer endorses the request.

On a motion made by Jason Perillo seconded by Daniel Oraziatti it was unanimously voted to report favorably on the 8-24 Referral: request for water main extension (Federal Road).

8-24 REFERRAL: JONES FARM USDA GRANT (HOMESTEAD ACRES/JONES FAMILY FARM) ISRAEL HILL RD.

Chairman Cribbins stated that this next item is a piece of the Jones Farm and through the grant they will have development rights. It is 140 acres and it is what is called for in the plan of development. We did the Shelton Family Farm right next-door, stated Richard Schultz.

Tom Harbinson stated that this is 140 acres and it will be called Homestead Acres. There will be a barn.

The activity could still be on going, stated Anthony Panico.

Richard Schultz stated that we are going to say that you found the approval consistent with the Open Space Plan and you authorized Staff to send a letter to the USDA.

On a motion made by Jason Perillo seconded by Daniel Oraziatti it was unanimously voted to report favorably on the 8-24 Referral: Jones Farm USDA Grant (Homestead Acres/Jones Family Farm) Israel Hill Road.

APPLICATION # 05-41: REQUEST FOR ONE-YEAR EXTENSION TO COMPLY WITH CONDITIONS OF APPROVAL (BERKSHIRE COMMONS)

Richard Schultz stated this is Zuckerman. It is a 4-unit condo. WPCA in Stratford is dragging their feet.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve Application # 05-41: request for one year extension to comply with conditions of approval (Berkshire Commons).

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

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to adjourn at 10:05 P.M.

Respectfully submitted by,

Diana Barry
Clerk