

The Shelton Planning and Zoning Commission held a Regular Meeting on June 13, 2006 at 7:00 P.M. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins  
Comm. Virginia Harger  
Comm. Daniel Oraziotti  
Comm. Jason Perillo (sitting in for Comm. Papale)  
Comm. Anthony Pogoda  
Comm. Leon Sylvester (\*arrived late)  
Comm. Karen Tomko-McGovern  
(sitting in for Comm. Sylvester)

Staff present: Richard Schultz, Planning Administrator  
Anthony Panico, Planning Consultant  
Diana Barry, Clerk

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

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

### **OLD BUSINESS**

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

Richard Schultz stated that there are 64 standards that all meet regulations and accordingly I 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, 1-64.**

### **SEPARATES:**

#### **# 6055, LARRY ELLIS, WESTMINSTER AVENUE, HOUSE/DECK AND # 6056, LARRY ELLIS, WESTMINSTER AVENUE, HOUSE/DECK**

Richard Schultz stated that in your mail slots you have a legal opinion from Corporation Counsel. These are two pre-existing, non-conforming lots. He passed out a location map, a zoning acknowledgment letter signed by Staff, a non-conforming building lot questionnaire that they all fill out now and the assessor's map.

Richard Schultz stated that in the City of Shelton there are distinct neighborhoods where the properties were subdivided and a record map filed, Corum Gardens, Pine Rock Park, Birchbank and some other areas throughout the Community. The Supreme Court has upheld that once a record subdivision map has been filed these lots are lawfully existing even though you have changed the zone, they are lawfully existing.

In the City of Shelton, we have zoning regulations that say that you need a minimum of 5,000 square feet even if you have an undersized lot that is pre-existing you can't build, provided you have City sewers. Lots that require septic you need a minimum of 10,000 square feet. Those are distinct zoning regulations that allow individual Communities to deal with this issue, stated Richard Schultz.

Now getting back to this issue, this Commission has dealt with these pre-existing, non-conforming lots, processing them, if not weekly then monthly. We are running out of lots in the neighborhoods.

Recently we had a situation going on, these properties that have single family dwellings on them that may have encroached on the second lot, are now being removed and accordingly developers or property owners are saying does your office now recognize these as individual lots, where you didn't before because the house had encroached on the second lot, stated Richard Schultz.

We had a situation with the two lots before you where a zoning acknowledgment letter had been signed off on recognizing these two lots. As the Commission is aware all three of us in the department have Zoning Enforcement Officer designation, stated Richard Schultz. You have delegated that to three of us, all of us have the ability to do that. As the Administrator, on these non-conforming lots, if I don't sign off on the acknowledgment it does come to my desk. You heard loud and clear at Pine Rock Park that they believe that enough has occurred there and that the Commission should consider other avenues to deal with it.

So when this came before me, I consulted with all three of us in the department, two out of the three determined that we would not have acknowledged this. I took it upon myself then to make sure the Application for Certificate of Zoning Compliance was not issued on the spot as it may have been in the past. I wanted to bring this to the Commission in a public form to explain what is going on here. In light of the fact that the acknowledgment letter had been issued, I am suggesting that the Commission act favorably on it. However, if you act favorably I would advise you to impose the Policy of the Planning & Zoning Commission that if the single family principal dwelling does encroach on the adjoining lot that by itself merges the two lots together.

I think that if you read Corporation Counsel's letter he does support that. Furthermore, if the Commission is willing to resurrect a merger provision that essentially merges two lots that are owned by the same property owner, Corporation Counsel has the regulation already drafted up and ready to go. He does make reference to the City of Milford that has already done this, stated Richard Schultz. A lot of the shoreline Communities has done this. You have the legal opinion and the situation where the acknowledgment letter has been signed off on, the house did encroach, you saw the map, the lots did exist there, all of the background data is there.

Chairman Cribbins questioned how did this exist on the tax rolls? The tax roll has it as one lot, stated Richard Schultz, but that is not the final say. Over the last 50 years the Assessor's has done this at the request of the owner or they did it on their own. It is what is recorded on the land records and if the dwelling does encroach on the second lot, third lot, or fourth lot. We did have a house that straddled four lots.

We had an applicant come here, he got an approval recognizing those lots, he purchased the property, knocked down the existing home, and since he had the document authorizing the two 50 by 100 lots, he went ahead purchased the property and intended to put two different structures there, stated Chairman Cribbins. Rick raised his hand and requested a legal opinion from Corporation Counsel so that we can make it very clear in the future exactly what this is. We need to have a training session with Staff. The applicant had purchased these two lots and I am of the opinion that we should approve Separate # 6055 and 6056. As we go forward and heard from people in the neighborhoods involved we should have Corporation Counsel come here to describe what should happen next in the process with the document, he added.

I agree with that, stated Comm. Perillo, but having visited Pine Rock Park, those people are getting killed. They are taking down moderate size homes that fit on small lots, they get leveled, and then two large homes are going up in there place. It is just unfair to people who have been living there for years and years. They expected something specific out of their neighborhood and now it is not the intent.

We used to take a stronger approach years ago, stated Anthony Panico. Someone can say they had their house with the other lot here, that I owned here, I thought that I would build my son or my daughter a home here and now you are going to tell me I can't use that. It was debated quiet a bit in the early 90's, stated Richard Schultz.

Case law goes to intent, stated Comm. Perillo. In this case the house sits in the middle of two parcels. I am with everyone on this because what is done is done. The developer made a decision invested the funds but if the house sits in the middle of two parcels, that indicates intents, he added.

Anthony Panico stated what if the owner took the property, this is different because there is a third party involved, the owner could have demolished the house, sat on it for four years then said I have two lots. That is why we have Counsel, stated Comm. Perillo.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to approve Separate # 6055 and 6056. Comm. Harger voted in opposition.**

\*Comm. Sylvester arrived at 7:15 P.M.

**# 6125, SHELTON HISTORICAL SOCIETY, 70 RIPTON ROAD, CARRIAGE BARN**

Richard Schultz stated that the Historical Society has purchased an old school bus so they need to create a carriage barn. The barn will be build out the traditional material. This does comply with standards.

**On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 6125.**

**# 6120, PT. JORGE GARCIA, 472 RIVER ROAD, TENT REVIVAL**

Richard Schultz stated that this is the Flowing Spirit Ministries on the River Road. This is the fourth year that we have done this and we have not received any complaints.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6120.**

**# 6060, MONARCH LANDSCAPING, 8 BRIARCLIFF ROAD, HOME OFFICE**

Richard Schultz stated this is for a landscaping business. There will be one employee, himself. Hours will vary and there will be no equipment on the premises or signs on a vehicle. Staff recommends approval with the standard conditions.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6060.**

**# 6100, RALPH CASTLE, 44 PARK AVENUE, HOME OFFICE**

Richard Schultz stated that this is another landscaping business. Hours of operation will be Monday through Saturday, 8a.m. to 6p.m. He has a truck with no lettering and no storage of equipment.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6100.**

**# 6094, KEVIN LANTOWSKY, 54 PERRY HILL ROAD, HOME OFFICE**

Richard Schultz stated that is for a home office. This is for a subcontractor, carpentry and repairs trade. He will use 50 square feet for his business area. There will be one employee himself and he just drives his personal car. No equipment or storage on the premises.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6094.**

**# 6114, LATISHA MOSELEY, 59 WOONSOCKET AVENUE, HOME OFFICE**

Richard Schultz stated that this is another subcontractor. 80 square feet is the business area. There will be one employee. He does own a van, no lettering. He is a handyman. Once again no commercial vehicles or equipment stored on the premises.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6114.**

**# 6058, CHRIS JONES, 91 CENTER STREET, BUSINESS**

Richard Schultz stated that this is where the Democratic Headquarters was and he will be starting his business. This is 400 square feet. There will be one employee, himself. He will have one truck and there is curbside parking there. This is a hardwood flooring business. The area is CA-3 and this is permitted as of right.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 6058.**

**# 6064, PASQUALE FEDERICI, 549 HOWE AVENUE, # 301, BUSINESS**

Richard Schultz stated that this is in the Mill where there are multiple tenants. This will be Ultimate Printing, graphics and printing. This is a permitted use. It will be 800 square feet. There will be two employees. They have off street parking to the left. Normal office furniture including a computer. This is without a sign.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6064.**

**# 6106, R.D. SCINTO, INC. 100 PARROTT DRIVE, RESIDENTIAL DEVELOPMENT**

Richard Schultz stated that this is the Renaissance. This is just standard.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6106.**

**# 5854 R.D. SCINTO, INC., 5 RESEARCH DRIVE, PARKING EXPANSION**

Richard Schultz stated that this is the parking expansion that we had already approved so that this is just for the certificate. This is for the data center that went in there.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5854.**

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

Richard Schultz stated that this for D'Addario's. This is where they paved the lot to the right. They had put in a drainage system that had to go through Wetlands and the City Engineer. They are doing drywells on site. This took two months to go through Wetlands. They are just paving this and then they had to deal with the storm water management. The dealership was approved 5 years ago.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was voted to approve Separate # 5868. Comm. Perillo abstained from the vote.**

**# 5496, JOSEPH COCI, ONE WATERVIEW DRIVE, PARKING**

Richard Schultz stated that this is Waterview where we approved the first step of the office complex. They needed additional parking so this is for 44 spaces. We only approved step one of the office complex and they will have to submit the detailed plans.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5496.**

**# 5183, SCHAIBLE REALTY III, LLC 25 BROOK STREET, BUSINESS**

Richard Schultz stated that this is for the new occupancy at the Schaible building by the Boys and Girls Club. This is for the Northeast Mortgage business office. This is 6300 square feet with 16 employees. No company vehicles and this is replacing Mortgage Company of America. The same type of business. Staff recommends approval. The parking has been sufficient.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5183.**

**# 6091, SCHAIBLE REALTY, LLC, 475 HOWE AVENUE, BUSINESS**

Richard Schultz stated that this is the Mortgage Company of America and they are moving here. There was business retention.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6091.**

**# 6071, TURNER CONSTRUCTION, SHELTON OFFICE PARK TWO, IVY BROOK ROAD, TEMPORARY SHED**

Richard Schultz stated that Staff was informed of the need for a temporary shed and construction trailer at the end of Ivy Brook Road. This is for the Data Center. This is such a large project. Please go out there to see this. They will need this. It is a well-secured area. It was not obtrusive. They are attractive trailers.

**On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6071.**

**# 6089, WILLIAM RAVEIS REAL ESTATE, 2 HUNTINGTON STREET, SIGN**

Richard Schultz stated that this is the most subtle change to a sign he has ever seen. He passed around a picture of the sign. The change is minor. Existing is on left, proposed on right.

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 6089.**

Richard Schultz stated take # 6026 Archer Sign off the agenda. This is still on hold.

**# 6065, ED NEWMAN, 376 BRIDGEPORT AVENUE, BUSINESS**

Richard Schultz stated that we do have a pending application for next Tuesday's Public Hearings, which would be to amend the statement of uses and standards for the Platt Road Car Wash. This is to allow vehicle oil and lubricating as a permitted use. The applicant choose to make an application today based on his interpretation of what the Commission approved within the statement of uses and standards.

It is Staff's opinion that a modification is needed to allow this use and that is why there is a pending application. The applicant made application tonight, which is inconsistent with where Staff is coming from. You have to determine that.

Comm. Sylvester stated explain that to me, I don't understand where you are coming from. Richard Schultz stated Staff made a determination that if they wanted to make an application for a vehicle oil and lube area at the new facility they would need to petition the Commission to modify the statement of use and standards making it a permitted use. Staff's position is that it is not a permitted use. The applicant believes that it is a permitted use as an accessory use.

Comm. Sylvester stated that Staff's recommendation is that it needs a modification to the statement of uses. Does that require a Public Hearing, he questioned?

Yes that is scheduled for next week, stated Richard Schultz. You accepted the application and that is scheduled for next Tuesday, he added.

Has this Board decided rather or not Staff is correct or not, questioned Comm. Sylvester? You will have the opportunity tonight to accept it for review and possible act on it or dismiss it that is your call stated Richard Schultz. We can refer that to the Public Hearing, stated Comm. Sylvester. If you choose to do that, stated Richard Schultz. It is Staff's recommendation to go to a Public Hearing, stated Comm. Sylvester. Absolutely stated Richard Schultz. The applicant choose, because of tonight's meeting, for you to consider this as a permitted accessory use, he added.

Richard Schultz stated these are the uses, oil and lubrication services accessory to full service car wash. Two bays will be used, right now there are five bays on the right hand side. They will use two bays that will involve oil and lubrication to service vehicles as an accessory use to the principal use which is the car wash.

I think this particular property has been debated for years, stated Chairman Cribbins. We most have turned this down 10 times. When they first came before use they wanted to put a car wash, a restaurant, they wanted a couple of different things including detailing, then after months and months of discussions it was decided all they wanted was a car wash. We said that if that was it, we wanted to make sure of the buffer for the neighbors, we passed this thing because we were concerned with the traffic and a whole lot of other issues on the property. So now they are coming back with this. Maybe instead of retail they want to have oil. Once we start with this we will chip away and next thing they will want offices upstairs. If we pull out the information from previous discussions we will be clear rather we want additional expansion. Counsel may say that it is a matter of right, thank you very much and go away. He was looking for us to say yes so that they won't need to go to the Public Hearing. I would like the Commission to share their thoughts, he added.

Comm. Pogoda stated that I agree with 100% of what you are saying. The applicant himself has not worked well with the Planning & Zoning Commission. It has been requested numerous times to clean up, to fix up the landscaping, he has been sent a letter from our Planning Administrator to remove the sign, a written letter was sent to him and he has chosen to ignore the letter, the sign is still there, and the plantings have not been updated. As you said this is a PDD and I don't think this should be done as a Separate I think that it should go to a Public Hearing, he added.

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

I have prepared for each Commission members a copulation of the minutes with regard to this application when it was approved as a PDD. Is this the one and only, questioned Chairman Cribbins? Prior approvals, the initial application, prior to myself, was for a PDD, and the gentlemen never made an application for the car wash alone. He was informed that the best chance that he had for a car wash was to combine it with something else. The initial proposal then was a car wash, self-storage facility, and bank with some small offices above the bank. Upon that presentation the Commission was shocked with the traffic generation of a bank. We were discussing the issues related to the non-access line. That application then was turned down, stated Attorney Thomas.

Subsequent to that, an application was made for the small set of retail stores and small offices. The parking was in accordance to the regulations. That application was determined to be intense with the other use, not the car wash, but the other proposed uses. During the course of that application, a restaurant became interested in that property. In fact, subsequent, to the conclusion of the Public Hearing a design was submitted to Staff turning the front building into the restaurant. The Commission felt they should act on what was proposed and I forget rather it was denied or not.

A third application was made with the car wash and the restaurant that had come in during the second application. During the Public Hearing the owner of the restaurant testified.

There was very little discussion on the use of the bays other than, at that point, utilizing the bays as self-washing bays. Several of the plans had self-washing bays and there was even a three-tunnel plan. When the final detail plans were done the bays were listed as detail bays.

Rather or not we will go forward next week or have it determined another way is the result of the, I will admit that the initial impression of Staff was well it is a Separate use but when I did some thorough research, we believe, it should be handled this way, it most be handled this way, stated Attorney Thomas. This is being done based on a precedence set by this Commission. In fact this is a car wash operation and a full car wash includes services that if they are under the same umbrella of ownership including detailing such as electronics (installing radios) and oil and lube services.

In the letter that was sent we specified that limited to operation by the car wash operator not as a separate business entity and would therefore be a permitted use under Section 5. If you look at Section 5 under PDD 53 it contains your usual language that says accessory uses are permitted including but not limited.

So what I did first of all, I entrust that this is an appropriate accessory use to the car wash, we have a letter from the current President of the Connecticut Car Wash Association. Oil and lube facilities are in fact parts of car wash, not a separate business entity but as part of the ownership of the car wash, stated Attorney Thomas.

Then I did some homework and obtained how you treated Shelton Car Wash in 1994. I will grant you that was not a PDD but I think the interesting thing when you look at this, the car wash was approved in 1989 by site plan. It was approved with four bays in 1989. An individual came in with a site plan application to modify the site, to expand existing services. Request to perform oil change and lube service in existing bay, no alterations to the building. In fact in Shelton Car Wash circumstance there is an under ground pit dug in order to facilitate the oil and lube facility. In ours we will use all portable lifts and portable equipment within the bays. We are not planning to change the structure or digging a ditch.

A letter accompanied the application, the Newman's in this letter are related but Mr. Newman was not involved, the nature of the business states that Shelton Car Wash intends to add to its service line. You can check with anyone that oil and lube service is part and parcel and the important part of that letter says the oil and lube in car wash is minimal for people coming in just to use that. They usually come in for a car wash then the oil.

In 1994 they intended to add an additional service line, he will install that with the customer being in the same waiting area. He also talks about additional employees and it is not our intention to have any more employees. They will be trained in both places and there is not intent to hire additional employees, stated Attorney Thomas.

**End of Side 1A of 3A, tape 1 of 3 at 7:45 P.M.**

Attorney Thomas read from the minutes with regard to the approval of the Shelton Car Wash. When we look at what we propose which is not a separate business entity and given the fact that accessory uses are permitted within the PDD, this is what we are proposing a very limited use of the two bays for oil and lube under the same ownership. To be advertised with the services, not separately. No extra employees and we will not even put in a ditch. It is in fact an accessory use, stated Attorney Thomas. We are not in anyway changing it and accessory uses are permitted. We have presented evidence including the letter to show you how the Shelton Car Wash was treated in 1994 and the way that the application was made identifying it as an extension of services. It is an accessory use and it is as of right.

I was not here for the initial approval but thank you for providing this information, stated Comm. Perillo.

On May 11, 2004, then Comm. Cribbins states I would vote for an application for a car wash. We have to really understand the restrictions and the uses within the property so that we don't get another use and another use, Comm. Perillo reads from the minutes that Attorney Thomas presented. The thing that real bothers us is bringing a lot of traffic on and off of that property.

He then continues to read that Mr. Panico decided to approve just a car wash. The applicant will need to decide if he can survive with just a car wash. This is the end of the road and there is no guarantee that anything more will be approved later. Comm. Perillo stated that this is only the second or third page and there is a lot in here. I have never heard anything so dangerous that we can't talk about it maybe we should have a Public Hearing, he added.

No, stated Attorney Thomas, what we are proposing is an accessory use to the car wash. That discussion that took place throughout the entire thing had to do with rather you wanted a car wash and a restaurant, and rather or not the individual could survive without the restaurant.

Chairman Cribbins stated I believe that the issue was let us have the bays and everything would be done inside. The neighbors didn't want the trash, they didn't want the cars outside, they didn't want to see a bunch of cars being waxed, etc. They said, at that time, the detailing would be done in the bays.

No, stated Attorney Thomas. In the initially application there was concern about that because of the orientation of the first car wash that was perpendicular to Bridgeport Avenue. A proposal was made for the tunnel for drying. By the time we get to Chapter 3, reorienting the car wash so that it is parallel to Bridgeport Avenue, it is made clear even in the plans that the tunnel was shrunk. We went to detailing outside and the detail definition within the car wash industry includes shampooing, air cleaning of the vehicle, which takes place outside. They have services where you leave the car for two hours, in fact, look beyond what I gave you and there was very little discussion on the bays being self-washing bays. That is the way bays were proposed initially in the Shelton Car Wash. It is in the application in 1994, he added.

There are differences here, stated Chairman Cribbins. There is no office being proposed except for what they use now which is their office. Office use is not accessory to the car wash. The bays are within the perimeter of the car wash use and basically what we are saying is that you have established the precedence from before. The application has been made as an expansion to an existing service. In this case, what we are saying, is that that is accessory to the car wash. It won't be a separate entity. We will not need employees, we won't change the bays, and the letter from the Ct. Car Wash Assoc. states they will use the same bays, stated Attorney Thomas.

Maybe we need a little more clarity from a Public Hearing, stated Comm. Perillo. I understand what Attorney Thomas is saying. I hear him on this but this is a judgment based on what is accessory and what is not.

Did anyone ask the question what the plans are, is it the same building, or what, questioned Comm. Orazietti? The plans were submitted with the application, answered Attorney Thomas. There is no addition to the building, questioned Comm. Orazietti? No, stated Attorney Thomas. This is from the approved detailed development plans. I am calling this detailing, this is clearly an accessory use. Comm. Orazietti asked you are changing from detailing to oil and lube? Just the two bays out of five stated Richard Schultz.

If this is treated as accessory use no Public Hearing is required but the Commission always has the opportunity to bring anything to a volunteer Public Hearing, as long as the Commission reads Jarolick from Ansonia. You don't trigger the 65 days, volunteer Public Hearings go under the original application timing. A hearing is not warranted, stated Attorney Thomas.

There are Court Cases one from Shelton, in fact, in which the applicant submits to the jurisdiction and once you submit the application you are submitted by the line of jurisdiction, stated Attorney Thomas.

Comm. Harger asked about the 20 employees and no extra employees for the accessory use? At a peak time I have been out there getting my car wash, when it is a peak time, there could be up to 20 employees. They could have 3 people working the cash register, 4-5 working the vacuums, 2-3 working on the shampoo of the carpeting, and 2-3 drying. They have two tunnels, one of which is the express, and the second tunnel is the hand wash. So when you have a busy day I choose the maximum amount of employees. Not everyone will go there to have their oil changed and as there are in many places there will be a cross involvement with the oil change such as a coupon, stated Attorney Thomas.

We just passed an oil and lube on River Road, questioned Comm. Sylvester? That is Precision Oil and they are basically computer tune-ups, stated Attorney Thomas. I believe it was presented as an oil change facility does that mean that with your presentation that they could come back here for a car wash, questioned Comm. Sylvester? No, the car wash would not be accessory to an auto tune-up, answered Attorney Thomas.

You are saying oil and lube, we have to be very clear here, because this is not about this issue it is about the total decision making that we do, is that we make a decision and later on an Attorney comes back saying that you approved this and then this is accessory to that, stated Comm. Sylvester. I think that is a dangerous issue and what I am trying to do is understand that so that if someone comes before us saying that approval was not only for that but this is accessory to this particular business is a car wash and all those things blend together. They can't have a car wash there because of the zone, stated Attorney Thomas. Comm. Sylvester stated they could not have a car wash where you are so we will change the zone. The zone would be changed to accommodate a proposal.

Attorney Thomas stated that you have a PDD where the car wash was approved and it says accessory uses. Please go back to my question stated Comm. Sylvester. My question has to do with River Road, he added. They are interchangeable, answered Attorney Thomas. If I came into you asking for a jiffy lube it would not be accessory to a car wash. What we are saying an oil and lube service under the same ownership as a car wash, in the same structure as the car wash, not owned by a separate business entity is accessory. In fact the other zone, the River Road zone, if we went in there was substantial discussion, we went under the CA-2 zone, line 37 with regard to motor vehicle service stations have a limited repair license issued by the State of Connecticut. We had a lengthy discussion with regard to what a limited repair license and Mr. Panico stated that you needed to look at that block of regulations to see where you would put a jiffy lube type business. In fact that catch all section (36) says that car washes. In that zone on River Road that is not listed as a permitted use but in the CB1, CB2, IB1 and IB2 it is, stated Attorney Thomas.

Mr. Panico stated that the whole question of accessory uses is a constantly evolving science. When we first did the zoning regulations 40 years ago no one ever heard of a jiffy lube. No one provided this specialized service. When we talked about the other zone we told Dominick he could put in a repair garage. A repair garage could do the same service but does that mean you force the guy to do the gas station to do the accessory. I thought it was primarily the oil change because you had explained that to us, stated Comm. Sylvester. Years ago when you had your service it was gone for days but now you have your car serviced and you get it back nice and clean, stated Anthony Panico. They have washed your car. They provide a car wash service and they have that accessory service. Within their bays they have that car wash bay.

Lube is accessory to a car wash and a precision tune-up is accessory to a lube and if people are having their car washed maybe they want popcorn and when I eat popcorn I want to watch a movie so lets build an IMAX theater, stated Comm. Perillo.

There is no basis to say that any other use is formatted, the key piece of evidence to consider is the letter from the President of CT. Car Wash Association, you treated this is 1994, stated Attorney Thomas.

That is a separate property and thank you Jason for reading that particular portion. I only agreed to this and there are a small handful of votes that I wished I had taken back over the course of my career here. This may be one of them. When this started out we said that is all we want, that is all we want and we knew there was tension. When we got all through with the discussions it was that is all I want. Give me that on that particular property. So we said that is all and we will do more. I was very clear what my position was and I voted for that. I now regret that, stated Chairman Cribbins.

Comm. Perillo questioned rather he could make a motion to deny Separate # 6065? You may stated Chairman Cribbins. Do I have a second? Second, stated Comm. Pogoda. So the motion is to deny 6065, stated Chairman Cribbins. So is that motion saying it is going to Public Hearing, questioned Comm. Sylvester? It is scheduled for a Public Hearing, answered Richard Schultz. No, answered Attorney Thomas. No by saying no tonight does that automatically put it to a Public Hearing, questioned Comm. Sylvester? No it just puts to bed the request for the issuance of a certificate for that use as an accessory use, stated Anthony Panico. I will tell you right now that you won't have a hearing next week, stated Attorney Thomas. We will not submit to the jurisdiction as in fact it is your determination to treat this as a separate use. Our position is that this is an accessory use and that is how we made that do to case law, he added.

I will take a roll call, stated Chairman Cribbins. Comm. Harger. I she stated. Comm. Pogoda. I he stated. Chairman Cribbins votes I, he stated. Comm. Perillo. I he stated. Comm. Sylvester. I recused myself on this and abstain from the vote allowing Mrs. McGovern to vote for me. Comm. Orazietti. I he stated. Mrs. Tomko-McGovern. I she stated.

**WAIVER OF SITE PLAN:**  
**6115 JASPAL SINAH, 61 CENTER STREET, BUSINESS/SIGN**

This is the former Schuster Garage on Center Street. The applicant came in for a Laundromat and associated retail element. This is a permitted use subject to site plan approval. This is located in our central business district downtown. If a site plan was submitted the Commission has 65 days to review it and act on it, stated Richard Schultz. I suggested to the applicant that he request a waiver of site plan so that he could get some feedback from the Commission. This is an occupancy request.

This falls in the Central Business District and you have had several applications over the last 6 months where you have denied the application including a pizza restaurant, and another Laundromat on Howe Avenue. This particular site does have onsite parking. It is zoned CA3 which then would need one parking space per 200 square feet. The building size is 2460 so you would need 12 parking spaces. This is a use issue in our Central Business District, stated Richard Schultz.

He then read from the regulations for downtown. The 2006 long range plan addressed downtown with eliminating drive-through windows, residential units except PDD, daycares, motor vehicle sales, (Schuster is grand fathered in) wholesale laundry and dry cleaning plants, warehousing, commercial storage, contractors storage, freight and material trucking business and bus terminals. You are being asked tonight to waive the site plan for the Schuster Garage occupancy for a good size laundry facility with on site parking, stated Richard Schultz.

Comm. Orazietti stated I think it is a step in the wrong direction. Like you are going backward. Chairman Cribbins stated that at a minimal we would need to see a site plan. The applicant wants to hear what we have to say about the use, stated Comm. Sylvester. You denied one two months ago and the restaurant 6 months ago, stated Richard Schultz.

The owner/applicant addressed the Commission. The site plan is the same it has been for the last 40 years. There is no change to the building except the internal site plan, which is here. Here is where the washers and dryers will go. Here is the office. There will be no change to the driveway, no change to the building, and no change to the parking lot. It is completely the same as it has been for at least 40 years. There was an addition put on in 1950. It has been a garage for 100 years, stated Mr. Schuster. I am saying that it is not a car wash, it is a Laundromat, it will generate less traffic as it has in the past.

Chairman Cribbins asked if the gentlemen speaking had given his name? No, answered the Clerk. I am Edward Schuster. I am the owner of 61 Center Street. As far as site plan it is the same, stated Mr. Schuster.

Is the exterior of the building, what does it look like, asked Chairman Cribbins? We would like to see the site plan. It will look exactly the same with some windows for lighting, stated Mr. Schuster. There will be no changes to the building.

I share Comm. Oraziotti's comments, stated Comm. Perillo. I didn't hear his comments, stated Comm. Sylvester. The implication is that it is a step in the wrong direction given the vision we have and I would agree with that, stated Comm. Perillo.

The vision, questioned Mr. Schuster? We have already denied a Laundromat for similar reasons, stated Comm. Perillo, including the traffic and the fact it won't be a lower traffic generator. The parking is still an issue and the use is not consistent. This is an excellent location and I would urge the owner to do much better. You have a great spot for great things and you know that. This application, with due respect, doesn't live up to that, he added.

What would you recommend, what is a good use, questioned Mr. Schuster? I don't want to get into that, stated Comm. Perillo. This is not the scope of this discussion, he added. You seem to have a definite opinion. Do I go back and open Schuster Gas Station, it is grand fathered in and I have every right to do that, he added? You certainly do, stated Comm. Perillo.

We have parking on premises for enough cars. You have approved two businesses downtown connected to Mr. Oraziotti that don't have parking. Two bars, stated Mr. Schuster. That also existed for 100 years, stated Comm. Sylvester. One is as good as the other. Sylvester's restaurant existed for 50-60 years without parking and it is no different now. It is downtown Shelton. Bringing up Mr. Oraziotti's activities is not appropriate, he added. That has nothing to do with what you are doing.

I think personally, the problem I have is that when I got the agenda this was not on there. I think it is a hot topic and we are stuck in a very difficult discussion without even an opportunity to think about it. I don't want to be rude but Rick in a rush to accommodate getting people on the agenda we end up with something like this, stated Comm. Sylvester. Mr. Schuster has great things to say, I have great respect for him and his family, he has been at the heart and sole of Shelton for 100 years, but for him to stand here fumbling, this and that, it is difficult for him and it is difficult for me, I don't like having to say no to a guy like this that I know has been part and parcel of our town and has lived up to the reputation of a small business man improving his property. It is clean and I think we should have an opportunity to think about this, talk about this, and be prepared for a good discussion. I don't like to answer his questions without having time to think about this.

I think you are missing ingredients that a site plan would provide, stated Richard Schultz. The applicant is willing to provide that and you can accept that tonight. Once again if you don't accept the site plan application and you determine it is in your best interest for him to submit one it will just delay this. The applicant has a right to request a waiver of site plan submission, we do that for downtown because usually that is just for occupancy. If you were to accept the site plan tonight that will start the 65 days for review, stated Richard Schultz. You then have to act on that by August 8<sup>th</sup>.

I think that is great stated Comm. Sylvester.

You have the right to say applicant submit your site plan application # 06-36, stated Richard Schultz, and start the review process.

The applicant would like to hear our opinions as to rather this was a good idea, stated Chairman Cribbins. People can submit anything they want, we have our own opinions, we then take it to Public Hearing and we announce our opinions. If the applicant wants to hear from the Commission, let us at least voice our opinions. In my case I would say I don't think that is a good use and it would not be the use I would like to see on that property, he added.

I would like to hear some recommendations for use, how do I screen my participants, asked Mr. Schuster? We are talking about traditional retail uses consistent with the downtown atmosphere, stated Anthony Panico. Retail that's consistent with downtown. I would love to see what is in downtown Westport, stated Comm. Sylvester.

Have you had other interest, questioned Comm. Oraziotti? I have a lot of interest as far as the garage, dealer and repair, stated Mr. Schuster. There are a lot of things that we want to see there and we are getting excited with the other projects going on down there. When we get foot traffic down there it will be great for that Community. We want to make ours as nice as the small New England downtowns that you see, stated Chairman Cribbins. That is my opinion and I would like to take you recommendations or a motion on the site plan. I will deny the waiver, stated Comm. Perillo. So when we deny the waiver are we accepting this then for Public Hearing, questioned Comm. Sylvester, because that is not on this agenda? You would have to have a motion to add that on so that you can accept it for review, stated Richard Schultz.

**On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to deny Separate # 6115 waiver of site plan.**

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to add # 06-36 to the agenda.**

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to accept for review the site plan on Application # 06-36.**

**APPLICATION # 06-24 AND 06-25, RESCHEDULE PUBLIC HEARING DATE FROM 6/27/06 TO 7/25/06 OR OTHER DATE (APPLICANT INITIATED)**

This is the Botti application in back of Madison's, stated Richard Schultz. Attorney Thomas stated that we had the property surveyed by a soil scientist. It is filled with wetlands.

**End of Side 1B of 3A, Tape 1 of 3 at 8:30 P.M.**

I really think that after talking with my client that this more than likely will be withdrawn. We might just end up purchasing just the driveway. If you continue this to 7/25/2006.

What dates do we have meetings in July, asked Comm. Sylvester? Just the 25<sup>th</sup>, answered Richard Schultz. So if you have one thing on the 25<sup>th</sup> you will have people coming forward asking to be put on that meeting. Second Tuesday of August, then, stated Richard Schultz.

**On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Applications # 06-24 and 06-25.**

**APPLICATION # 06-30 AND 06-32 RESCHEDULE PUBLIC HEARING FROM 6/27/2006 TO 6/20/06**

Richard Schultz stated that back in May we scheduled this but there is a conflict with Commissioners.

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Applications # 06-30 and 06-32.**

**APPLICATION # 06-14 DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATES INVESTERS, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: TWO RESTAURANTS AND ONE BANK DEVELOPMENT) 828 BRIDGEPORT AVENUE (MAP 18, LOT 19) IA-2 DISTRICT (PUBLIC HEARING CLOSED ON 5/23/2006) DISCUSSION ONLY**

Comm. Sylvester stated that he would not sit in on this and asked that Comm. Tomko-McGovern sit in for him. Comm. Pogoda stated that he was not at the first part of this but he had heard the tapes and feels he is qualified to sit on this application.

Richard Schultz stated that the applicant has complied with the fire lanes being 26 feet. I have a meeting tomorrow regarding the curb cuts.

These uses are through the Special Exception and they function in an administrative way. The types of regulations allows you to consider the size and intensity of the use, how does it relate to the area, how does it relate to the character, what is the effect on any adopted plan of development, and you can examine the street system. The traffic work shows that there are no problems. The other area of consideration is the effect that this would have on property values and taxable generation in what is out there now, stated Anthony Panico.

Richard Schultz stated Mr. Chairman it is 5.4 acres and I will change that for the file.

Anthony Panico stated that you are also allowed to look at parking adequacy and access arrangement on and off. You can look at Police and Fire protection and water supply. Those are the areas that you can take into consideration and if you make positive findings that you need to grant the approval. If you want to deny it then you have to come up with negative findings on one or more of these considerations.

The comments at the hearings we had a lot comments from people who were concerned with the proposal and we had a lot of comments from people who were supportive of the proposal. We had more in favor then opposed. The concerns were traffic, there was concern with sewage capacity, there was a question for the need of this, they were concerned with the adverse impact to the property values, they pointed out the inconsistency to the plan of development, they were concerned with the use of the remaining rear portion of the parcel, and they raised issues about security, noise and lighting.

The other side of the coin, the supporters expressed the need for additional dining opportunities, they expressed the market evidence that shows the facilities in the area now are overtaxed, they argued the location on Bridgeport Avenue is good, they pointed out this area is best suited for the support services in this area, and there were general comments that this would be an asset to the City. There was major submission of opposition by the Armstrong Park People, stated Anthony Panico.

There was confusion at the Public Hearing about land disturbance due to the development. This would be placed in area that already had a building on it. They have given us an existing survey of the property. There is a big building roughly 50,000 square feet with two curb cuts and a driveway that circulates around with the parking here.

Anthony Panico is looking at maps and states that the existing pavement ends here with their improvements to here.

Staff has just started to look at the site plan because we didn't know where the Commission was going. I got the feeling that this was very tightly developed. If that can't be addressed then we need to end up with some green spaces with more landscaping around the building. You can take some rows of spaces adding the landscaping spaces around the sides of the building breaking that up.

Chairman Cribbins asked if they had adequate space to be able to do that? They have more than double what zoning would require for these facilities. The tenants drive the parking. That is why the plan shows 300 spaces where zoning would only require 150, stated Anthony Panico.

A discussion about the site plan and the parking assumes we believe the Special Exception is appropriate stated Comm. Perillo. We heard during the public hearing a lot of comments. Some were good and some were throw aways. We heard about the quality of the developer and this developer does excellent work. We have seen what he has done with Wendy's. This is not this project.

We heard people talk about restaurants and rather or not you agree with that it is a valid argument. This Commission has done that. Since the Public Hearing Panera Bread has opened, Outback will open soon, and we have another restaurant to open near Exit 13. If you think that restaurants are needed we delivered restaurants.

Attorney Thomas presented the laundry list that we need to go through with the approval of the Special Exception such as size and intensity of the use, traffic, and property values remains a question we don't have a lot of information on that.

The issue that I have is the relation of the use to the Plan of Conservation and Development. Attorney Thomas presented us with a map showing the existing uses. Inserting retail here is appropriate. He suggests that retail.

Do you mean retail because this proposal is not retail, questioned Anthony Panico? Retail, financial, restaurants, jumble them all together, stated Comm. Perillo. There is a lot of yellow here (which is retail) so that is an ideal retail corridor, which is better than office and light industrial. Light industrial is green and office is orange around it (on the map), he added. If you look at the map maybe this is not a bad argument but take this back 5 years, this yellow here was actually green. This yellow across the street was actually green. How much yellow is left? There was an appropriate amount of retail, commercial, restaurants, services to service this larger office and light industrial existence. This asks us to carve into that use turning that from what is the strong office corridor into a predominantly commercial corridor. Evidence offered as to why this is a good idea and consistent with the plan of development, I just don't see it. There is a vague reference to the Route 8 corridor stating because we didn't change this to OPD we must have wanted to service other commercial here. What we wanted, I suspect, is the flexibility to make the decision and judgment call that the Special Exception process allows us. I have heard that this is allowed, you have to allow it, but I just don't buy it.

The real question is what is Bridgeport Avenue, what is the Route 8 Corridor? Is it an economic development corridor or is it a commercial corridor? If you read into the Plan of Development it addresses the issue very clearly on Section 4-11. It states that you limit general commercial activity in corporate office and industrial areas, stated Comm. Perillo. In Section 4-12 it states that the later corridor of industrial and office contain strip commercial development and generate significant traffic. In 4-19 it discusses the value of the property and states that it takes the larger development of commercial or industrial to match the office development. 4-23 states that the Commission should examine the level of scrutiny required for commercial and industrial uses. That basically says that we should look at all these zones we have created and see if this is appropriate. I think that is an appropriate question to ask on this parcel. The statement that this fits, I just don't see it, he added. Many times we take economic development parcels turning them into commercial parcels. Doing ourselves a disservice.

This is just not eating up Open Space, open land for commercial development, this is taking a light industrial building and changing it to a commercial use. Which the plan clearly states is something we don't want, stated Comm. Perillo.

So what are saying, questioned Comm. Tomko-McGovern? I am saying that this is not an appropriate use and we should not approve the Special Exception, stated Comm. Perillo.

Well I have a different view, stated Comm. Tomko-McGovern. My view is that we have all these people coming into this area for food and we also have our own people that we want to make happy. There is no place that you can go with a family for a nice meal. Rudy Tuesday's is busting out of their seams. We not only have to give our services to the office people that are here everyday but our own town, our own people.

I agree with 100%, we have to serve the residents of the Community, stated Comm. Perillo.

That is a perfect place, maybe you don't want two restaurants, maybe you just one like a Trader Joe's or a Wild Oats, or two restaurants like Olive Gardens, a lobster place, stated Comm. Tomko-McGovern. You won't put something big on there, this is what this area needs, it really does. If you don't two restaurants, you might one or something else, or two well-named restaurants. We approved a storage area and some on us weren't happy with that, she added.

Anthony Panico just mentioned that economic development is economic development and will be an improvement from what is there now. It doesn't have to be an office building or light industrial. I agree with that but this is not the optimum use of this parcel. The number of parcels that we have along this corridor, stated Comm. Perillo.

What would you suggest then, questioned Comm. Tomko-McGovern? What I am saying is that this becomes a waste, stated Comm. Perillo. A waste, stated Comm. Tomko-McGovern. Karen, please, of potential tax revenue. We need to provide services but we don't have a lot of these parcels left so that if we are going to provide services like restaurants and banks, I don't disagree with, we need to find better ways to do that. This is not the vision of what this was suppose to be, this is not what Bridgeport Avenue was suppose to be, stated Comm. Perillo. This was to keep our taxes low and do other things. We have approved office and commercial. We have approved Spilt Rock but you voted against that, he added.

Chairman Cribbins questioned did you do any research with the tax dollars in regard to one against the other? The existing building that is there now which could remain or the two restaurants and a bank? Anthony Panico stated we did some board research because you have to make some assumptions. At the level of construction taking place on Bridgeport Avenue and limiting it to the three uses the proposal will exceed the taxes coming out of the existing facility without taking into consideration the land in the back that they will have for future development.

The base line of the economic development-taking place now is not very much. It doesn't generate much. 5.5 acres is not a lot doing better then that is not difficult, stated Anthony Panico. The applicant has stressed high quality development and unfortunately we can't hang out hats on that. When the uses are improved someone else tomorrow might then fill them. We assume that the economic return will be more than what is there now.

Chairman Cribbins stated that this is probably not the most tax dollars we could generate for the City. We wanted to get something on the table.

I like the dialogue we have had. Jason does bring up some points, stated Comm. Orazetti. Once we opened up the corridor I don't think it was intended to be commercial but part of the problem was Split Rock. Once that was approved we opened up the box. Then we said o.k. .bring them on, he added.

Anthony Panico stated I brought that up when we were looking at the plans. How long are you willing to wait for the optimum development?

We did vote against Split Rock, stated Comm. Tomko-McGovern. If you have to wait 5 years for an alternative plan then it will take you 30 years to get the taxes that you want.

If we had two proposals on our hand including this and a 5-story office building, I don't think that there would be any question, stated Anthony Panico. We only have this. Right next door the property that expressed concern in opposition of this has a whole building empty, looking for occupancy. Who is going to come and build? We had a building across the street. We had extensive testimony when we considered the self-storage with regard to that building being empty. We then put in an alternative use. It was adaptable. If you are willing to say a more optimum development should take place, you could be saying the same thing in 5-10 years, he added.

Comm. Harger stated that I would agree with what Jason brought up about the development. The plan of development stated how certain areas would be treated. If this is the intent down the road, I feel that we are contradicting ourselves.

Comm. Pogoda stated I have to mirror my fellow Commissioners. The developer does put out a quality product, as he has done up and down Bridgeport Avenue. I firmly believe, having been on the Plan Update Committee, over all the time and effort with Planometrics, do not feel that this is the appropriate use for this property as stated in our recommendations for long range planning. How long do we wait? Do we just bite on anything that comes out? I don't feel that this is the appropriate use. Do we have enough restaurants? It is not for me to say, he added. There are restaurants opening up, Panera, Outback and another going by Exit 13. How many do we really need? It is not for me to make that decision. We have traffic issues in our town and that is part of the growing booming economy that we have. Traffic will be part of it even if it is downtown on Canal Street.

I am sensing a split decision, stated Chairman Cribbins. I think Staff should be putting together their facts and findings. I went to a Mass for Joe Pagliaro at 5:30p.m. on Sunday. We got out at 6:30. We (the family) wanted to go out for dinner. We went to Ruby Tuesday's that was packed. We ended up at Bertucci's. I am of the opinion that the need is still there. We do say, oh yes the outback is coming, and we will be in the same position. For the number of people who come here to work, during the week, for all the business, I would not be opposed to doing something like this, he added.

What would the Commissioners like to see other than that, questioned Comm. Tomko-McGovern? I don't have a problem with restaurants, stated Comm. Perillo. I think that this is a great parcel. It is not up to me to make other suggestions, that is the Mayor's job.

I sense opinions on both sides, stated Chairman Cribbins. You need to package that up. Do you want me to bring this to a full draft, asked Anthony Panico? Put the findings together and we will have side conversations, stated Chairman Cribbins. I think it will be very difficult for this Commission and ones that come after us to look at every property to say I am not going to do this because it is not the best use for this property. That will be very difficult. Even though we are dealing with 3000 acres that are left we still need that balance. The intent is there. You have understand that all that 3000 is not economic development land, stated Comm. Pogoda. That is not all-economic development some 300 acres is. What you are weighing is two different types of economic development, stated Anthony Panico. Once that goes it is gone, stated Comm. Pogoda. In 5-10 years, if we are ready to jump on this, once it is gone we don't have zero, he added.

**APPLICATION # 06-26 DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATE FOR SDA OVERLAY 667 BRIDGEPORT AVE., AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4 ) (PUBLIC HEARING CLOSED 5/23/2006) DISCUSSION ONLY AND**

**APPLICATION # 06-27, DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATES FOR PDD ZONE CHANGE (MULTI-FAMILY) 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3,4) (PUBLIC HEARING CLOSED 5/23/2006) DISCUSSION ONLY**

Richard Schultz stated that all Commissioners should have an overview. It is 3 separate parcels consisting of 2.5 acres. It is LIP and they have City water and sewers. The applicant reduced them from 16 units to 14 units. Traffic Authority is meeting tomorrow morning to review the curb cut to Commerce Drive. Wetlands has reviewed the conceptual plans.

This is three parcels, asked Comm. Sylvester? It is 3, stated Richard Schultz. There are 2 homes, stated Anthony Panico. Two Ramia and one Bures, stated Richard Schultz.

Anthony Panico stated Staff has begun to put some facts together digesting the Public Hearing comments. The existing development consists of two family homes and an out building. There will be 4 buildings of 4. The proposal has 400 feet of coverage on Commerce Drive and 400 feet of frontage on the Far Mill River.

Site plan layout was worked out to keep buildings as far away from the river as possible. The original site plan that they brought in started to explore this with the quiet side of the building toward the river, stated Anthony Panico.

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

The development standards are less with regard to coverage. There are no river encroachments proposed. There is a three-stage storm water treatment proposed. There is concern with the traffic but there will be no adverse impact, stated Anthony Panico.

The typical design will be 25 feet wide with 2 bedrooms and a garage.

The land trust wanted the most setbacks away from their land. The public was concerned with the garbage and debris, deterioration of the water quality, traffic and accidents on Commerce Drive, the impact to the schools, the demands for City services, there was concern about blasting, there was concern about intrusion, there will be over development and there was concern with density, stated Anthony Panico.

In the existing zone, uses such as office building, research lab, manufacturing and assembly are uses that are permitted as a matter of right subject to site plan approval. This will be in the industrial zone and it should be rezoned to R1. There would be two lots and they would not need subdivision approval.

The proposal won't have more than 1-2 school age children, if at all. They are willing to provide for an additional lane on Commerce Drive to pull off into to pick up the school children.

The property occupies a transitional location with offices along side, commercial nearby, residential across the river, Open Space and Conservation. So we are trying to deal with the way it is zoned existing and the way the applicant will develop it and the way the public would like to see it come out, stated Anthony Panico. That is the facts, he added.

Chairman Cribbins stated it really is a transitional area. On the west side is the 7-8 acres belonging to the Land Trust and the river on the other side. For us to put another storage type facility or industrial component, I don't think that it would be beneficial to the Community. I studied this proposal and I do like the fact that when they made the application they turned the buildings around. During conversations with some Commissioners, one point of concern was the point of access coming off of Commerce Drive. They would like to see the use of the Bridgeport Avenue side.

I would be willing to work with this to see this move forward and be on the approving side, stated Chairman Cribbins.

This is a transitional area, stated Comm. Pogoda. Is there too many units? I personally think there are. They dropped it down from 16 to 14 and I would still like to see that count lower. That is a lot to go on such a small parcel. I would like to see a small office building like what they did with the hubcap lady. They put a small office on an odd shape parcel. It stayed vacant for a while and seems to be working out well. I would not like the exit to be to Commerce Drive. I would like this to be age restricted, he added. Units you are talking about, questioned Chairman Cribbins? 12, hesitated Comm. Pogoda. And you want it adult, questioned Chairman Cribbins? That would negate the reason for this access to Commerce Drive with the cut out for a bus, stated Comm. Pogoda. Age restricted means no one under 18, stated Anthony Panico.

Comm. Harger stated my concern would be the density and the exit to both Commerce Drive and Bridgeport Avenue. Bridgeport Avenue is a high traffic road. Could you live with the 12, questioned Chairman Cribbins? Yes, answered Comm. Harger.

Comm. Perillo stated I believe that residential is appropriate here. Although I do agree with Tony that there are ways to do an office here. 12 to me is aggressive. On the far end farthest from the entrance, forces the emergency cut out and additional parking close to the river and the land trust. On the other side closest to the entrance, the last two units forces the entrance out close to the river and land trust. 12 is aggressive to me.

Comm. Oraziatti stated that I don't know if it is even possible but I would like to see left as Open Space. I don't know if it is possible but I would like to make a recommendation for an 8-24 Referral. If that is even possible for this to be purchased as Open Space. I find it hard to believe that we are not even discussing that. It is mind-boggling. I guess that is not on the table because we have not had any feedback from the Board of Aldermen, stated Chairman Cribbins. Maybe they are sleeping at the wheel, stated Comm. Oraziatti.

That is why I wanted Danny to speak first, I think personally, I am a little taken back that in the last one which I recused myself, you were coming it at very interesting with the sighting of the new plan, and if you remember here at this table I called the outside group for not including the riverfront properties as a premiere part of this Community. All but one said I was right and they reworked the importance of the Rivers. Here we have a prime piece of property right on the riverfront and we are ignoring it, we are ignoring what the plan says about the preservation of Open Space on the riverfront, stated Comm. Sylvester. If you talk about limited space for the public in Shelton, I am talking about riverfront property. Rather it is the lower Housatonic or the Far Mill River. Certainly if there is anything that we can remiss about it has been the preservation of the River. Gildore Pastore has come documenting this with pictures. I don't mean to lecture but I do think that Danny is right on the money. I think that we should be saying as a Planning Commission that the property is 12 units, I get the sense Jason is saying less, the Chairman is o.k. with it, so I am assuming it is 14. Put a value on this and buy it. It joins with Open Space and the Conservation land. So lets make a statement boldly that the people have spoken the plan has been put together and we believe in our natural resources, this is one of them, and we think that you are asleep at the wheel, stated Comm. Sylvester.

During the course of the hearing that we had on this we had Land Trust people here, Conservation people here, we had Aldermanic people here and no one got up to say you ought to wait. However, over the course off the next couple of weeks we could ask for intent. Is there any intent out there from a land trust, other than ours, to enter into purchasing this, we could do that, stated Chairman Cribbins.

We are prepared to leave a piece of property on Route 8 vacant. This is also, how many acres are we down to? How many acres are available on the river as Open Space, questioned Comm. Sylvester?

Chairman Cribbins asked Rick to send a letter for input from the Land Trust, Conservation and the Aldermen to see if there is any interest here.

Comm. Sylvester stated I am in no way trying to beat the family out of the opportunity to sell the property. I think we should come to terms with how many units you would want to see there and I know there is a value for their piece of property. If that is what the property would bring in the fair market value then proceed. Buy it in good faith based on the number of units. I never worked on that number in my mind. I think it should be a healthy discussion with regard to the real number of units. I think at least for us to make this effort because the other Commissions didn't. I vehemently opposed the sale of the Maples without a parcel of Open Space. Not one other person agreed or stood up with me. That is the only development that I know of that we didn't take a parcel as Open Space. It is condominiums now and we have no Open Space. I fish this place and access that from Mr. Ramia's. It is beautiful.

We will take the action to see if there is any interest, stated Chairman Cribbins.

Comm. Pogoda stated I do agree with Comm. Sylvester and Comm. Oraziotti that I would like to give them fair market value and keep this as Open Space. That would be my first thought but hearing all the Conservation and Open Space at the hearing. No one came forth.

That is how I felt at the Maples hearings, stated Comm. Sylvester. No one came forth, he added. Hind site tells me that we missed a golden opportunity at the Maples. Not to take any value away from anyone but to have had a perfect spot for entrance to the River. It went by the Boards. We take so much criticism from the Public of what we do and how we do it. Maybe it is not our Authority but it is our good responsibility. The Chairman is supportive of it and I am appreciative of that, he added.

Richard Schultz stated we did receive two pieces of correspondence one from Conservation dated June 13<sup>th</sup> that states that this development should be scaled back to accomplish this goal. They made reference to the sensitive of the area. I don't know if the letter was written with the original 16, stated Chairman Cribbins. We also have a letter from the Wetlands Coordinator, so that these are part of the record, stated Richard Schultz.

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

Richard Schultz stated that this as a result of a letter that Staff sent Wal-Mart regarding the dumpsters and metal containers. They have submitted a plan for several things including not only the dumpster but storm water management issues. He read a letter from the Fire Marshall, the City Engineer and the staff report. The storage containers are due to be removed by July 1<sup>st</sup>. WPCA has approved the drains in the Garden Center.

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Application # 06-29 with conditions.**

**APPLCATION # 06-31 PEOPLE'S BANK FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 2 (RE-CONSTRUCTION OF FREE STANDING BANK/PARKING MODIFICATION AT SHELTON SQUARE) 898 BRIDGEPORT AVENUE, (MAP 9, LOT 14) – DISCUSSION AND POSSIBLE ACTION**

This is the branch bank that has been unoccupied at Shelton Square, stated Richard Schultz. The address has been corrected to be 860 Bridgeport Avenue.

He then read letters, one from the Fire Marshall and one from the City Engineer. He then read a Staff Report.

**Joseph Pereira, Pereira Engineering, addressed the Commission.** There were two representatives from People's Bank also. There was an existing bank building that will be renovated along with the driveway and landscaping area. We have done this recently in Fairfield and Westport.

The site is 800 square feet we will keep the building where it is. The bank has 15 spaces and we don't have a need for that. It will not be a walk in type bank, it will be a drive up type bank, stated Joseph Pereira.

Will you have ATM's there that people will have to get out of there cars to use, asked Chairman Cribbins? No it will all be drive-up, answered Joseph Pereira. You will have 4 drive through teller lanes on the south and one ATM on the west side with a bypass lane.

Where in Fairfield is that one, asked Comm. Pogoda? On the corner of the Post Road and Beach Road, stated the representative from People's Bank. The difference between these two is that there was a tunnel underground in Fairfield. There will be people in this building to service the drive through. I thought that the Engineer said that there would be no teller services, questioned Comm. Harger? There would be no inside customer teller services. The transaction would all be done through their cars, drive-up only, stated Joseph Pereira. There will be a monitor so that you can communicate.

We are not looking to pull new clients it is to service our clients, stated the representative from People's Bank.

So there is dedicated parking over there, stated Chairman Cribbins. You drive around there are parking spaces here. The clients park here and then walk over. That is not a functioning bank now. There are 2 drive through windows and there will be 5 now. Point out where the lanes will be, stated Chairman Cribbins There are 4 here and the ATM lane here.

The representative from People's stated we are not wanting to pull new customers there we want to be able to service the clients that are there in the Stop & Shop now. That is one of the busiest banks.

It will be one queue lane that will feed 4 windows. The outside lane will be the bypass lane and the ATM lane. Those 4 tellers window will be opened all time, asked Anthony Panico? We will mirror the Stop & Shop hours that are extended. This facility will be opened 7 days and this will be supporting them. There will be 4 people working in the branch and it will be one for one. There will be one queue lane servicing 4-questioned Comm. Sylvester? Yes, answered the representative from People's Bank.

Richard Schultz read a draft motion.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Application # 06-31.**

**End of Side 2B of 3A, tape 2 of 3 at 10:05 P.M.**

**APPLICATION # 06-34 ORAZIETTI BROS., LLC FOR SITE PLAN APPROVAL (KITCHEN EXPANSION, STAIRWELL RENOVATION AND UPPER PATIO) 441-445 HOWE AVENUE (MAP 129D, LOTS 41, 42) CA-3 DISTRICT – ACCEPT FOR REVIEW**

Comm. Orazietti excused himself and Comm. Tomko-McGovern will sit in for him. We need a motion, stated Chairman Cribbins.

**On a motion made by Virginia Harger seconded by Jason Perillo it was unanimously voted to accept for review Application # 06-34.**

**APPLICATION # 06-35 DOMINICK THOMAS ON BEHALF OF TH REAL ESTATE SHELTON, LLC/SURESOURCE, INC FOR MINOR MODIFICATION OF DETAILED DEVELOPMETN PLAN FOR PDD # 29 (EXPANSION OF BUILDING) 20 CONSTITUTION BLVD. SOUTH (MAP 53, LOT 51) – ACCEPT FOR REVIEW**

**On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to accept Application # 06-35 for review.**

**PUBLIC PORTION**

Comm. Perillo read a letter from Irving Steiner.

**APPROVAL OF MINUTES**

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to approve the minutes of 3/28, 4/11, 4/25, 5/9 and 5/23. Comm. Sylvester abstained from the vote.**

**VISTAS AT WHITE HILLS SUBDIVISION: REQUEST FOR REDUCTION OF PERFORMANCE BOND**

Richard Schultz read a letter from the City Engineer recommending the reduction.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to reduce the performance bond on the Vistas at White Hill.**

**PICEA ESTATES SUBDIVISION: REQUEST FOR 90-DAY EXTENSION TO RECORD MYLAR MAP**

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the request for a 90-day extension to record the Mylar map on Picea Estates.**

**ZONING ENFORCEMENT:  
8 TOTEM TRAIL – AUTHORIZATION TO INITIATE LEGAL ACTION AND  
111 MOHEGAN ROAD – AUTHORIZATION TO INITIATE LEGAL ACTION**

Junkyard conditions, unregistered vehicles, you can make one motion for both, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to authorize legal action on 8 Totem Trail and 111 Mohegan Road.**

**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.**

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

Respectfully submitted by,

Diana Barry  
Clerk