

The Shelton Planning and Zoning Commission held a Regular meeting on July 11, 2006 at 6:45 p.m. in Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Jason Perillo
Comm. Anthony Pogoda
Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Pat Garguillo, Court Stenographer
Diana Barry, Clerk
Members absent: Comm. Daniel Orazietti
Comm. William Papale
Comm. Leon Sylvester

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

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to go into Executive Session at 6:55 P.M. and to invite Assistant Corporation Counsel Raymond Sous, Anthony Panico and Richard Schultz to attend.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to come out of Executive Session at 7:20 P.M. No votes were taken.

Chm. Cribbins opened with the Pledge of Allegiance.

**DRAFT 2006 PLAN OF CONSERVATION AND DEVELOPMENT
(SEE ATTACHED)**

We need to make the modifications to the text and make the effective date for July 31, 2006. Richard Schultz then read the draft resolution. (see attached).

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the Draft 2006 Plan of Conservation and Development with an effective date of July 31, 2006. A roll call vote followed with all participating Commissioners voting I to approve.

Chm. Cribbins stated that before we finish the vote I want to say that there are two Commissioners that are on vacation. They have been very strong supporters of this, Comm. Sylvester and Comm. Orazietti. We want to let the City of Shelton know that the total Planning & Zoning Commission has brought onto this plan through the recommendations that have come out of the public hearings. It is a unanimous decision from both the members and the alternates.

I would also like to take the opportunity to thank the members of the Plan Update Advisory Committee that include Frank Osak, Peter DiCarlo, Michael Adanti, Tom Harbison, Fred Musante, Anthony Pogoda, James Tate and the Secretary, Mary Ann Chaya. Also to Planimetrics for their help in working on this particular plan. We would like to thank them for their service to the Community. They have helped set the direction of Shelton's growth for the next ten years and beyond.

The process, I believe, was well laid out and involved the processes and practices throughout the state. We reviewed the process and listened to Planimetrics. We shared this with the Community, followed State Statues and then forwarded this to the Board of Aldermen.

The map was reviewed and modified with well over 20 items being added to the future land use plan and now as we adopt the plan it is not the end, it really is the beginning, stated Chm. Cribbins. This is the implementation stage and we will be asking for volunteers that will include members of the Plan Update Advisory Committee and others to implement the plan. We will review these things on a quarterly basis and we will be taking some action like in the plan regarding the residential zones. Job well done by everyone, thank you, he added.

Irving Steiner questioned rather the Chm. Had explained if any votes were taken during Executive Session? Chm. Cribbins stated that we did that as the public was coming in the door returning from that Executive Session.

APPLICATION # 06-30 R.D. SCINTO, INC. FOR SPECIAL EXCEPTION (HIGH TRAFFIC GENERATOR) (LIGHT INDUSTRIAL BUILDING) 71 LONG HILL CROSS ROAD (MAP 51, LOT 7) LIP DISTRICT (PUBLIC HEARING CONTINUED FROM 6/20/06)

Richard Schultz read one new piece of correspondence from the City Engineer who endorses the plan.

Robert Scinto, with offices at One Corporate Drive, Shelton, addressed the Commission.

I am buying this piece of property, which is right across the street from another piece of property that I already own. I am buying this because it is a nice site for this particular kind of a building, which is a high-end flex type of office building. There is not a lot of that in the market place today. I would like to turn it over to the Engineer who will talk about the site including the drainage and design.

Joseph Periera, Periera Engineering, addressed the Commission. The property itself is located on Long Hill Cross Roads across from a building that Mr. Scinto owns 88 Long Hill Cross Road. To the north of us is the Route 8 corridor and to the south is Bridgeport Avenue. This site is located within the industrial zone. The site is 3 acres that currently contains two single-family houses with accessory structures that include sheds and garages. The site has wells and there is water and gas available on Long Hill Cross Road. There is a sanitary sewer line that we are looking to extend to the west.

This site drains along here to the back, out to Long Hill Cross road making its way to the existing catch basin. That flows under Long Hill Cross Road out to the existing ditch then to an existing stream. The existing topo of the site will show the increasing elevation along Long Hill Cross Roads to the north. This is the high point and then drains to the low point into the brook. Joseph Periera is going over maps on an easel. He explains the houses are highlighted showing the drainage pattern flowing down to the basin through a pipe and down a path to the brook in the northwest area. The catch basin is on Long Hill Cross Road and across the street is the existing pipe outlet. There is a paved ditch that also intercepts runoff.

Joseph Periera explained that we have taken an aerial photo to show the layout. There is light industrial surrounding the building and there is parking in this area. From a site perspective it will be a 39,000 s.f. two level building. There will be 118 parking spaces and two loading docks. One on each side. Along with that there will be sidewalks around the building and landscaping throughout the site with landscaping islands.

So it will be 20,000 s.f. per floor, two floors, questioned Chm. Cribbins? That is correct answered Joseph Periera.

Site drainage – we will take the existing site that drains to one catch basin through a pie discharging out. Our concept was lets reduce the amount of grading we will need. We have separated the site to be able to do that. You have an existing driveway here to the northeast and we will keep the curb cut where it is now. We will widen that for truck and car traffic into that driveway for access to the upper level of the building.

The second driveway is located further west. That driveway will allow access to the lower level of the building itself. There will be a central core that will allow employees and visitors to travel both levels.

Now drainage we are picking up all the drainage on site in the catch basins and there will be storm water improvements at each catch basin. The flow and discharge will be polished. We will intercept that water on the upper level. We will treat the storm water. We will create a 5 to 6% reduction in the current flows based on this proposal.

We will bring in water, gas and sewers from Long Hill Cross Roads.

Sediment erosion control we will do the standards that include tracking pads at all the entrances and silk fence surrounding the entire property, stated Joseph Periera.

We have details some of which have addressed the City Engineers requirements.

Chm. Cribbins asked Richard Schultz if this plan was approved by the City Engineer? Yes, answered Richard Schultz.

Robert Scinto, addressed the Commission, with regard to the design and architecturals.

What we tried to do with this site is work the site into the topo of the building. All the property was coming down hill. You know Long Hill Cross Roads, you are climbing all the time. So instead of trying to disturb the whole site we decided to cut the building into the property. One half is buried and that allows you to have truck access from both floors.

We will be using an Iron Scotch Brick. When they glaze that brick it will have a beautiful look to it. We will have a sunshield that will give it a high tech look. They will be pre-cast windows. This is the two-story elevation with a glass entryway to create some light, stated Robert Scinto.

The way that this will work, this is the entrance and each of these openings are designed so if I find a tenant that wants their own entrance, they can walk right off the sidewalk into the space. We are trying to cut this hallway core in case we find a tenant that needs both floors. The building will have extra height so we can have light manufacturing.

The upper level from the other side, we will come in and that is airborne on this side and at grade on this side. We have the openings that go right to the floor that will give someone their entrance, like a small company. There are a lot of fine companies that would like to have a building like this. There is a computer company from Greenwich that would like to have this as a back computer location. They would put their computers upstairs and their storage downstairs. Then I have a local kitchen manufacturer who would like this with is own entrance as a showroom.

This is not a building where you will make a lot of money on it. I have already paid a lot of money for the land in relationship to what I can do on it. I bought it because it is right across the street from other property that I own. I didn't want to do residents here the property is zoned industrial. I want to stay within the zoning. I want to build a small spec building. I always try to keep a smaller job to put my people on.

Comm. Pogoda questioned that at this point you have no idea how much truck traffic is going to be coming into this place because you don't have a tenant? No, answered Robert Scinto. It won't be a lot of truck traffic mostly it will be like the UPS trucks, he added. Not the 40 footers stated Comm. Pogoda, because that is a critical spot coming up the road. I noticed the pipe on the other side of the road, it is over grown, do you have any intentions of fixing up that pipe, questioned Comm. Pogoda? Two things that we would do, stated Robert Scinto, if the Commission would like me to, the pipe obviously no one has cleaned this out in a long time. It probably has been on the Engineer's list to clean out. It just hasn't gotten cleaned out. I would be willing to replace the pipe.

I am not an Engineer, stated Comm. Pogoda. I am assuming that there is more flow coming into that pipe, he added. Just the opposite, stated Robert Scinto. With regard to the design we are discharging 5% less after the development than before. We are helping our neighbors across the street. That is where the water is flowing now. The flow of the water is in this direction and our catch basin is right here. This development will reduce the amount of water flowing in that direction, stated Robert Scinto.

Comm. Pogoda questioned how many parking spaces? Robert Scinto answered 118, which is more than I need.

Attorney James White, an Attorney with Pullman & Comley, representing Shirley Wells, who lives and owns property at 48 Long Hill Cross Roads, addressed the Commission. Shirley Wells's property is across the street from the subject property. I also represent Royal Wells, Lyman Wells, Thomas Wells, Nate Wells, Melissa Hill, Shirley Wells and the trust for her late husband (Robert Wells). Attorney White presented a map that shows the land prepared for Henry Wells. This map was made in 1995. This shows Long Hill Crossing northeast to southwest to Bridgeport Avenue. Shirley Wells's property is the cut out right in the middle. The rest of the property is owned by the Wells children, Henry's family. The Scinto property is across basically where is says Long and goes down overlapping with Shirley Well's property.

The catch basin and pipe come in at the end of the stonewall, give or take a few feet. The water coming in from that catch basin that was mentioned will be right across the street getting dumped through the pipe right onto her property. Long Hill Cross Roads goes from the bridge all the way down to Bridgeport Avenue going down hill all the way, stated Attorney James White. The water will go through the pipe and there is no watercourse or wetlands outside of the pipe. There is no path. That water will be on its own going down hill to the pipe that it can undermine. It can get into Shirley Wells yard and that is our problem.

Our problem with this application isn't Mr. Scinto's use of the property. It is zoned LIP and should be used for light industrial purposes. We have two problems, the one with the drainage that is a legal problem and we also have a problem with compliance to the LIP regulations.

He presented a few pictures that were taken in June on a day it was raining. The first picture is of the catch basin and he referred back to the site plan. The proposed site plan, layout plan, shows the storm water catch basin. Royal Wells stated I think that is on the aerial view.

Attorney James White continued that the catch basin is right here on this map. This is a picture taken of that in June and we are submitting that because it was raining and that is dry. Secondly there is a lot of debris around it. It had not been cleaned out in years. Mr. Wells (Royal) was present at this time and it was clogged. Second picture shows, well I call this the Royal Wells boot picture, he is standing in his sister-in-law's driveway right around where it says Hill. The picture shows water coming down hill from the industrial building that is already existing down past the bridge on the north side of Long Hill Cross Road. You see the picture of the catch basin, these pictures were taken the same time and day, you see that there is no water flowing in the catch basin on that side of the street. You see that the water all comes down the north side of the street, which is where Mrs. Wells live, and the Well's property is. The reason for submitting this is not being used. This has not been used for about 30 years. When they re-graded Long Hill Crossing it was not crowned. The water goes to this side of the street, the north side of the street and there is a little gully that you can see.

The third picture, goes along the same vein. This picture basically looks from the catch basin up the hill that is taken from the Scinto property side of the street. It looks up toward the driveway to the existing industrial building. You can see the water on the northerly side, Wells side of the street, you can see on the southerly side that there is no stream or sheeting of water. On one side of the street you see no water coming down and on the other side of the street you see it. The intent there is to show you that the catch basin is not being used, stated Attorney James White.

The last picture I have is another picture of the North side of the street which is the Well's side showing the water out on the street coming down, tending toward the curb on that side of the street. This water is building up from Route 8 coming down all the way to the bottom of the hill with the existing development on that on that street. There are no catch basins between Route 8, on either side of the street, and Bridgeport Avenue except for this one that is not in use at this time.

I will leave the technical stuff to Alan Sheperd, who will speak to that, but in terms of the drainage issue, first of all there is no easement across the Wells property to drain any water on that property. They have never given one, they don't intend to give one, and they haven't been asked to give one.

There is no easement to drain anything on their property. The existing catch basin has been in existence for more than 30 years and has not been used since the widening of Long Hill Cross in 1970. It is not a functioning catch basin. The reason for the catch basin, at that time, was to catch water coming down the street which is the legitimate reason for the City to put in the catch basin, stated Attorney James White.

The City does have a right, it is an immunity, to drain water as long as it comes from highways. Section 13A-138 grants towns and cities immunity from civil liability for draining highway run-off onto private property only when it is necessary or when such draining can be done to create the least amount of damage to the land. In addition the same Statute prohibits drainage onto yards and dwelling houses.

In this case it is questionable rather the City can drain water through that catch basin, at this time, and we would challenge that, stated Attorney James White. The City is not draining water through that catch basin, there is no water coming through that. It is over grown around the pipe and I noticed that there is some cutting away around it recently. There is no sand, there is no erosion, there is no evidence of activity, there is no gully, there is no traffic portion and it is not a watercourse.

Most of all is what this is, it is discharge from a private property, a private development onto the property of another without a right to do so. Connecticut Law is clear on that subject to the City to drain highway water, which they are not doing here, there is no necessity to do it, the water is going down the other side of the street. The Law of Connecticut, common and case, says that a landowner can't collect service water in an artificial volume turning it from its natural course in an increased volume upon its neighbors land. Furthermore a private landowner can't use his land or improve his land in such away as to increase the total volume of service water flowing from it to the private property to another or so as to discharge the service water upon, stated Attorney James White.

End of Side 1A of 2B, Tape 1 of 2 at 8:05 P.M.

Your neighbor can't drain water on to your property, it is the settled law that is what it comes down to. The City can only do it with service water from the road. It is roadway water, it is not water from private property.

I would like to submit two reports, one from Cynthia (inaudible) is a soil scientist with ConSoil, licensed in Connecticut. She came out to the property to do an analysis of the wetlands. She reviewed the plans for the proposed development and she has been out to the site twice. Attorney James White read from the report that the proposed development the natural slope of the land is southwest with drainage flowing freely on to Long Hill Cross. There is a catch basin and pipe on the Wells property despite heavy seasonal rainfall this spring there is no evidence of development of an intermittent watercourse on the Wells site. From this I conclude that the catch basin and pipe are clogged and not functioning.

I also question the adequacy of the size of the catch basin and pipe in light of the new development. The orientation of the road service allows drainage to flow down the road. Access runoff is currently draining onto the land of the Estate of Henry Wells and Shirley Wells at 48 Long Hill Cross Roads. So rain when it gets heavy goes into her driveway.

A small asphalt swale allows some drainage to go onto the wooded area above Mrs. Wells's property. The amount of water still runs down Long Hill Cross. There is no evidence of recently flows here and development of a watercourse. There is no evidence of wetland or erosion in the wood, continued Attorney James White from the soil scientist report.

So this property, she determines in her report, is not getting wet. There is not a lot of water going down there. There has been no gully created or indication of any path. She does say she sees several problems with the plan on page 2, there are no plans to remove contaminants in the detention basin before discharging off site and the storm water will contain pollutants that may enter the brook.

Secondly, the catch basin isn't adequate to handle the increased run-off from the development site draining off onto the road. The Well's property has a slope, which is steep orienting toward Shirley Well's house. If this is allowed to drain onto the west side the water will flow directly toward Shirley Well's house creating drainage problems in the yard and possibly into the basement, stated Attorney James White.

Thirdly, a City sewer easement passes through the Well's property coming close to Mrs. Well's house. The sewer goes across Shirley Well's property. Sewers usually are constructed and trenches are lined with stones. It is unavoidable that runoff flowing down the hill will enter the trench. An engineering review is recommended to see if the pipe can be undermined causing erosion under the pipe, continued the Attorney. He then submitted the report as part of the record.

Our problem here is with volume it is not with peak flows. There will be more water coming off the project because of the intensity of the project. The water will come into the detention basin going into the pipe. What we are saying is no water is going through that pipe now and even if someone says there is a trickle going through now we are saying that is not what will be going through in there in the future. We are going from zero to something else. It doesn't matter what it is, it is not there now, they don't have a right to do it, and we don't think they should be able to do it. We feel the Commission should not approve it on those grounds, stated Attorney James White.

One of the things that I would note is that John Cook has noted that there is no wetlands application required here. When he reviewed this he agreed that there is no wetland or watercourse issue outside of that pipe. When the applicant stated that all the water goes into the catch basin across the street, that is not happening, stated Attorney James White. If you walk it, I don't see how it could happen because there are stonewalls there, water can't get to the catch basin. The house is pretty far away from the catch basin.

Alan Sheperd did an analysis of the drainage and the LIP regulations and he will comment on those issues, added Attorney James White.

Alan Sheperd, a Professional Engineer with the firm of Nowakowski, O'Bymachow and Kane, addressed the Commission. He stated that normally I don't get involved with reviews of projects. I know that Mr. Scinto isn't going anywhere and I know that the Well's aren't going anywhere so it is easier to resolve these issues before construction starts.

One of the issues is that this in the light industrial zone which is different from the standard industrial zone with regard to the setbacks. In the light industrial zone the regulations call for only 50% to be used for parking and driveway. That is to give the area a nice campus like setting. When I did the calculations I came up with 60% being paved, 20% being landscaped and the other 20% being the detention area. I am not saying that the detention area can't be attractive and landscaped so that you would not know it is there.

The side slope on the detention area is tight. We have some grading out there that is in the right of way. The grading should be 2 to 1 if it is protected by rirraff. If you have a flatter area 3 to 1 in the lawn area is acceptable, stated Alan Sheperd.

The berm is 2 feet wide and that concerns me. If there is erosion it will be hard to get a machine on there for good compaction. This is located to close to the road and that will make it difficult to get a snow shuffle up there.

I believe that detention ponds work fine. One basis used with storm water management is that you should discharge into an existing watercourse. If you set a standard saying that any property where there is not a watercourse downgrading you can use a detention that could cause havoc in Shelton. Creating a watercourse where there is none is an issue. There is a question as to rather or not this is a watercourse across the street or not. The soil scientist believes it is not a watercourse and the fact that John Cook signed off on this and there is no wetlands applications we believe it is not a watercourse. If they say this is a watercourse then they will need to go back to John Cook because it would be a regulated activity and they would need to get permits. You can't have it both ways. I don't see that as a watercourse, in my opinion, stated Alan Sheperd.

You should take a lot at the topographic information. There is a bunch of densely grown pine trees. Individual topo information gets lost then in these aerial photographs. You don't get to see what is going on unless you walk out there. I did walk out here myself following the path right to the edge of Shirley Well's property. This comes down here with a crest here. If you actually walk there you will see where it could run into the yard area. It might cause damage in the basement.

My point is that no one is going away here. Everyone will be here. If you approve the project the way it is, I would ask the Board to take a look at these issues because it is better to deal with them now than afterward, stated Alan Sheperd. I do disagree with the volume of water the total runoff would increase. The peak flows would be different. I think it is problematic to create a watercourse when it is not.

There are also some other items I would ask the Board to take a look at. One is the snow shelf concern. You have a detention here and this catch basin doesn't take the total volume of water from the property. If you go forward with this you should do a flow analysis. There is a lot of water bypassing that catch basin.

There is some grading along the east and west property line and that is tight. There is a stonewall that is not indicated on the plan. It would be helpful for the Board to see that.

There was a comment made with the driveway and I tried to pull out of that driveway tonight. The site line should be looked at.

Attorney James White, addressed the Commission. One detrimental effect of this proposal upon the Well's property is if they are to start draining water through there and create a watercourse at the end of the catch basin where one doesn't exist now. That in itself is a major problem because we don't have Wetlands at this point. The water coming through there is a problem any way but the watercourse, which it will, will be a major problem. We are not subject to certain regulations dealing with watercourses right now and we don't want to be.

What it comes down to here, is the LIP regulations, the major problem being Section 24.8.4, deals with parking. It is obvious that more than 50% of the front setback area will be used for parking and driveways. It doesn't comply with the regulations. I have driven up Long Hill Cross Roads and I wanted these put into the record. On a zoning map he has highlighted in yellow the LIP zone in the vicinity of Long Hill Cross Road. The pink spot is the approximate location of the Scinto property. This property is right in the middle of the LIP zone. There are residential zones behind it on both sides and there are some pockets of PDD. This is right in the middle of the LIP Zone.

When you go up Long Hill Cross Road there are two major streets that are typical of what you want in an LIP Zone, stated Attorney James White. One is Control Drive and the other is Forest Parkway. The impression I get not having been involved in those applications is that those are campus like development. There is a lot of green and lawn, benches for people to have lunch and they go back 50 feet before they start there parking. This project is not like that. You have about 90% impervious pavement. There is about a 10-foot buffer in the front. In Mr. Sheperd's report he calculates that 60% is being used for parking and driveways.

The other thing is what is suitable landscaping? Again if you look at the Forest Parkway developments there are nice buildings up there. Control Drive too. There are trees and brushes. The regulations spell it out to some extent. There is a lot of grass. It doesn't look dense. From the street side it is like a village. You try to limit the parking and the amount of disturbance trying to go for the green. That should be done here.

One of the things this will do is set a precedent. There is a lot of land on Long Hill Cross Road and if this becomes the standard for applications in the future then not only the Well's but other people who own property here will come in to put a large building with a lot of pavement on the property. It won't look like Control Drive or Forest Parkway.

The biggest problem here is the street. Something has to be done with the water that is coming out onto that street. I think that the infrastructure is failing. You have that in other areas of town where you get a good base (tax base) development where the development and run off overwhelms the infrastructure. The City has to do something. You have a lot of development potential here and it is zoned for it. This is not a safe thing especially in the winter with black ice. That is the solution that something has to be done with Long Hill Cross Road.

I think that 29,000 s.f. is too big and it should be cut down so 50% of the setback is protected. It should be suitably landscaped. I don't think that a detention pond is suitable landscaping, stated Attorney James White.

Royal Wells, addressed the Commission. I would like to go over some of the comments and issues that I see with this piece. There is a map there that I have colored. What I see in this parcel is 3 acres. Everything here in dark and gray is pavement. The roof is gray and then you see particularly all gray. There is a little green with the islands. The stonewalls are not shown.

You have 118 parking spaces shown. Mr. Scinto said he was not going to have any trailer bays. There are two trailer bays here and two trailer bays here.

Catch basins – we are looking at catch basins and that is all I see all over. There are 3 double catch basins, 6 single catch basins, 2 trench drains and 4 roof drains. That is a tremendous amount of water coming down onto this property running off onto my sister-in-law's property.

I told Mr. Scinto that this was not his typical project. Bob likes to build beautiful buildings. He goes for the landscaping, stated Royal Wells.

Royal Wells points to a map showing the Well's property bordering this. We own 3 acres here, the property behind here, 37 acres here, 3 acres here and almost 10 acres here. We own 50 acres.

The sewer line as mentioned by the soil scientist comes from the pump station through the property over to Long Hill Cross Road cutting over to my sister-in-law's property then back onto the Estate property back to Madison's then to the pump station in Shelton.

I think this project is too intense. The stonewalls are not shown. The right of way in the back has been forgotten about. Bob did offer us \$100,000.00 for it. Well, if you are paying a million dollars for it. Tom and I looked at it. We called Frank Holenski to calculate the re-construction of the Cross Road, which would be \$300,000-\$400,000. We talked about drainage, curbing, paving and widening if you did that you would not need to dump the water onto my sister-in-law's property.

I took pictures of Main Street South, Commerce Drive and Progress Drive. We talked about the scouring. He presented the pictures and Chm. Cribbins questioned that he wasn't sure what Progress Drive has to do with this? Royal Wells stated we are talking about erosion. If you look at what water that doesn't go through a watercourse can do, if you take this outlet here and you discharge the volume of water that the engineers are talking about through Shirley's land all of a sudden you can be gouging and eroding the property.

This is going to be a serious problem, there is no watercourse there, as my Attorney pointed out. We would suffer a terrific financial hardship by the fact that there is no watercourse if I wanted to put a building anywhere on my sister-in-law's property combined with the Estate property, I would not be able to do it. Water would be charging through there, stated Royal Wells.

Tom Wells, addressed the Commission. There is a simple solution to this and that is to properly drain Long Hill Cross Road from Mr. Scinto's complex right down through Wells Hollow Brook. Otherwise there will be problems there.

The simple solution is the reconstruction of Long Hill Cross Roads, which benefit other developments in the future, and the town of Shelton, stated Tom Wells.

Ingrid Waters, 261 Long Hill Cross Road, addressed the Commission. She stated that she objected to this proposal because it is a high traffic generator. Long Hill Cross Road is a long, narrow road. It is dangerous. In the winter there is a lot of black ice under the snow. I agree with everything that the Attorney and the other people have said. It is unsuitable for any light industrial development because of the nature of the road. There is a great deal of truck and car traffic.

Mr. Scinto's new venture will be dangerous for the tenants or anyone on the property because of the cars speeding up from Bridgeport Avenue. You could be clipped at least once a week.

The City of Shelton has neglected Long Hill Cross Roads. The pavement has been neglected. We have broken sewer pipes in front of our house because of the heavy truck traffic.

I reject this application not because of the nature of the building due to the traffic be generating. I ask the Commission to reject this application, stated Ingrid Waters.

Richard Jager, a licensed Professional Engineer, 2 Coppel Lane, addressed the Commission. I am against this application. I think it is too intense for the property. The drainage will be a severe problem. The traffic is a very real problem, as well.

Joseph Periera, addressed the Commission. We certainly appreciate the Well's concern. I would like to go through both of the letters.

There is an existing catch basin on Long Hill Cross Roads. It was installed 30 years plus and at some point, irregardless of what is happening today, that pipe flowed. The problem is not rather water will go in or out it is a question of maintenance. Rather or not it has been maintained. The fact remains that this is a public storm water catch basin that we are tying in to, stated Joseph Periera.

Above that it is pretty clear to say that upstream here is the catch basin and here is our property. That is basically at the end of our property. This goes through the east side of the property flowing toward Long Hill Cross Road and eventually to that basin. Rather or not it crosses the street there is a ditch across the street. So either way this run off is going somewhere and it is going downhill to either the basin or that ditch.

When you look at the site from an Engineering point you say where can I tie in or where is my point. When we looked at this site we said perfect, you could not have asked for a better site for the catch basin. It is located at the downhill point of the property with existing run off going in there we won't change drainage basins we will maintain them, stated Joseph Periera.

Above that what our drainage report shows is that we are reducing peak runoff. We are storing that on site. We are maintaining that connection. There is a ditch across the street and the basins are here. It does need maintenance, Mr. Scinto would be happy to clean that out. Run off is a concern and we could introduce riffraff. That falls within the right of way allowing us to do that without encroaching.

With regard to the letter from Nowakowski, with regard to the parking and setbacks, this was a rough estimate and we can submit the actual and true calculations of the front setback. We do want to say for the record that is the intention to maintain a dry detention basin. After a storm that will be dried.

With regard to widening Long Hill Cross and the snow shelf. We do show grading within the right of way that is perfectly acceptable. What we would agree to is widen Long Hill Cross along with a 3-foot snow shelf along our property, if the Commission deems that necessary due to the widening of Long Hill Cross Road.

Now the berm, the berm itself is 4 feet wide, stated Joseph Periera. It is a long elevation of 252 with a high point of a 6-foot crown. I don't see any compaction problems.

In the storm water manual they do say it could go to three to one within the detention basin.

End of Side 1B of 2B, tape 1 of 2 at 8:55 P.M.

John Cook has reviewed this and just because there aren't wetlands or a watercourse doesn't meant there isn't a traffic pattern with the water. This water has gone and still goes somewhere. Clearly the pictures show some form of a traveled drainage pattern. Irregardless of the white pines here the water does end up in Wells Hollow Brook that is downstream.

As far as the stonewalls, that is a good observation. The stonewalls that are shown on our survey plan along the perimeter of the property. They were not plotted out on this one. We do show it on the survey.

During the layout of our site we show a 30-foot fire lane. We can reduce that by pulling 4 feet out. That would free up traffic and the on site circulation.

Site lines – clearly the site has been allowed to overgrow. You won't see very far coming out of the driveway. As you know all of Mr. Scinto's property are well manicured. This site will be too and will be a safe site.

I want to make a correction to Attorney White's comment about the 60% not impervious. I was referring to the front setbacks. As far as the property itself we meet all the zoning requirements. We have lot coverage of 64% that means we have 36% for landscaping, stated Joseph Periera.

There are no wetlands on the site. There is a distinction to be made between a watercourse and drainage path of the water flowing. The site itself doesn't lend itself to, if you look at the topo map, there are slopes running down the embankment. I would not expect to find any wetlands with the sloped site.

On page 2 of the letter from ConSoil it shows that there are no plans to remove contaminants from the water. That could not be further from the truth. We have gone above and beyond to provide adequate storm water improvements. Catch basins are located throughout the site and Mr. Wells stated that there are a lot out there. Each catch basin will be able to trap the sediment and erosion on the site. There are sediment 4 bays and there will be more settling there. There is a catch basin that will only improve the storm water quality.

As far as the old catch basin not being adequate, stated Joseph Periera, I don't know how that statement could be made unless a drainage analysis was run. There maybe a question of maintenance of the drainage basin but we agree to clean that out.

The Traffic Engineer addressed the Commission. One comment I heard dealt with the traffic with regard to the proposed development. We determined the number of trips for a 39,000 s.f. building. Half is used for light industrial and half being used for manufacturing. With that during the morning peak hours we would generate 70 trips with most of them entering the site and 8 leaving the site. In the afternoon peak hours it would be 48, 41 would be leaving and 7 would be entering. If this building would be all office then it would generate more traffic. The light industrial component is a low generator and it is reflected in these numbers. We heard a comment about the site line. We recognized that there is a lot of vegetation along the frontage of the property. A recommendation is that be cleared and be kept at a low laying level.

We also heard about the impact down at Bridgeport Avenue and the traffic signal at the bottom of the hill. We didn't do any analysis or traffic counts there, that the traffic one or two cars that we would be adding to it, would have minimal impact at that location.

Robert Scinto, addressed the Commission. I thought that this was going to be easy. It is zoned light industrial. It is surrounded by industrial property. The landscaping we believe that we are within the setbacks. We meet all the zoning requirements and if it doesn't we will modify the plans to make sure it does.

In general I would like to start off by saying I know just how the family and Mr. Well's feels. This property is right in the middle of all their other properties. It is in there best interest to control this and to allow this to get developed would create a problem with the rest of the properties. I know how they feel because I felt the same way when David Mack came up and bought all that property across from my entrance. I talked to David telling him to stay in Stratford and Trumbull because I didn't need him buying that property for \$7 million dollars. He bought that property, thank god, because if I bought it for \$7 million dollars I would not be here today. So I do know how they feel.

I have had some conversations with them. This is a question of fairness. That is a City catch basin that at one time drained across that property. There is no denying that. No one puts a pipe in that goes nowhere. It is a City catch basin. We have a right to tie into the catch basin. All the water has to go across this property to get to the stream. It is not getting there any other way, stated Robert Scinto. So what ever they are saying I understand why they are saying it, they don't want to see someone else in the middle of their property. I don't blame them. I understand that they would like to have that road fixed which would make their property all that more valuable. I understand that too. I think in fairness that poor lady wants to sell the property and I was going to buy it. I have a right to tie into that catch basin. I think that I should get approved the way we have it designed. We will meet all the requirements of your zoning, he added.

Any comments from any Commissioners, hearing none, then I would like a motion to close the hearing.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing on Application # 06-30.

It is very obvious to us that we will be getting a lot of help from the City Engineer and other outside help in determining what is happening here from an engineering standpoint because we have two out standing Engineers here, stated Chm. Cribbins.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE STANDARDS

Richard Schultz stated that there are standards numbers 1-32 that have all been reviewed by the P & Z staff.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards 1-32.

SEPARATE:

6194 PETER NICHIO, 15 JUDSON ST., IN-LAW

Richard Schultz stated that we have two accessory dwelling units. This one is for Judson Street. It is under 900 s.f. He passed around the floor plan. Staff has reviewed this and is in receipt of the affidavit. It is too the back on the right side. The entrance is connected to the house that is access one and the back entrance is from the deck. Staff recommends approval.

How far from the street is the addition, questioned Comm. Perillo? It is in the back stated Richard Schultz.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 6194.

6198, THOMAS MULLALY, 34 SYLVAN DRIVE, IN-LAW

Richard Schultz stated that this is for another accessory dwelling addition that is 840 s.f. It is a two-story addition over the garage. A two-story addition. First floor is the garage with the in-law. There is a detached garage. This is in the PRD zone and it is served by municipal sewers. This is the first in-law on Sylvan Drive.

Comm. Pogoda questioned that this is a family member? We have the notarized affidavit, stated Richard Schultz. It will be finished to match the exterior and I will note that on the approval, he added.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6198.

6128 MICHAEL REINHARDT, 15 GREENWOOD LANE, HOME OFFICE

Richard Schultz stated that this is a for a property maintenance office for home improvement. 100 s.f.office that includes a standard phone and computer. No vehicles. Staff recommends approval.

On a motion made by Jason Perillo seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 6128.

6141 KEVIN AHO, 59 ORONOQUE TRAIL, HOME OFFICE

Richard Schultz stated that this is for a painting contractor. He will use 270 s.f. in a 2200 s.f. house. There is one employer and I will ask Staff to modify the statement of use. We will get the exact measurements in case we need to revisit this.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 6141 with one condition.

6100 C&C LANDSCAPING PLUS, 44 PARK AVENUE, HOME OFFICE

Richard Schultz stated that this is for a landscaping contractor who has one truck. There are the standard conditions including no storage or trucks allowed. That is a condition of approval. I will have Staff try to find out where he will be storing his equipment.

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

6113 WILLIAM VIZZO, 268 HUNTINGTON STREET, HOME OFFICE

This is a painting contractor. He does have one commercial vehicle and he will use 100 s.f. , stated Richard Schultz. He has a computer and desk. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6113.

6191 RJW APPRAISAL GROUP, 6 PASTURE LANE, HOME OFFICE

Richard Schultz stated that this is for a home office for 120 s.f. Computer and filing cabinet with one personal car. It is for real estate appraisal.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 6191.

6184 CITIBANK, FSB, 848 BRIDGEPORT AVENUE, BUSINESS/SIGN

Richard Schultz stated that this is the last new tenant in the Staples complex. It is between Panera Bread and Staples. This is for occupancy, a wall sign and a monument sign. The wall sign design was passed around. That is their Corporate Logo.

Attorney Stephen Bellis, representing Citibank, addressed the Commission. We had PDD # 2 that was modified with the statement of use. Those were approved by this Commission. This box sign meets all standards. This is a global trademark that Citibank uses all around. This is the only sign used in Connecticut in towns including Brookfield, North Haven, New Haven, Southington, Orange and Westport. He passed around photos of the sign.

Mr. Chairman when the application for the sign was submitted I told them the wall lettering was channeled and that is inconsistent. That is your call though. Staples are channeled letters, stated Richard Schultz.

Does the applicant understand that, asked Comm. Pogoda? Yes, they do but they use this even in historic sections, stated Attorney Bellis. They said no town in Connecticut has used anything but this. As part of their reorganization they might change their Corporate Logo so I might be coming back. They are doing a grand opening on September 9th.

You have three parts, the use, the monument sign and the wall sign, stated Richard Schultz. We have been working very hard especially in the newer areas such as this trying to make the applicants understand the PDD and that we are trying to make them uniformed. If one comes in saying this is the logo and we won't bend. The next guy will say the same. We are trying to make uniformity, stated Comm. Pogoda.

Under the statement of uses the box signs were not permitted, stated Attorney Bellis. The paneling shows the lettering taking up 66 inches, the graphic just shows the graphic with the long blue stripping, questioned Anthony Panico? The dimensions are probably incorrect. This is 16 feet over all length and we have allowed the banners to be displayed for the opening, stated Richard Schultz.

This seems to be more consistent with this and not that graphic, stated Anthony Panico. My question is the intent is to have that graphic sign in blue stretching across, he asked? You have to go by this, stated Attorney Bellis. That is the building, stated Anthony Panico. They took a picture and super imposed the sign with the blue stopping here, that is the inconsistency, he added.

There is an issue with the wall sign I would move to approve the use and the monument sign, stated Comm. Perillo. I asked the sign lady to show me what it would look like in channeling letter to see if it could be done. You could use that as a condition, stated Attorney Bellis. That is more consistent with the other signage, stated Anthony Panico. I will attach that to my use, stated Attorney Bellis. I will substitute that one. The one with the channeling letter, stated Comm. Pogoda.

On a motion made by Jason Perillo seconded Anthony Pogoda it was unanimously voted to approve the new box letter sign, the monument sign, and the statement of use.

6162 RALPH CALANDRO, 555 HOWE AVENUE, SIGN

Richard Schultz stated that this is for a sign for the new Amici's Restaurant. That is solid wood. That depicts the light as being black, stated Comm. Perillo. This is a shielded light hardware. It is to be painted green to match the trim.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6162.

6171 MILAN JANKOVIC, 915 BRIDGEPORT AVENUE, BUSINESS

Richard Schultz stated that this is off Exit 11. He is a mail delivery courier. Business area is only 25 s.f. What a minute that is a small office, stated Comm. Pogoda? He is leasing obviously a small area. He needs a desk and an office.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6171.

6190 AO SHERMAN, LLC, 2 RESEARCH DRIVE, BUSINESS

Richard Schultz stated that this for a new light manufacturing facility coming in. They will be engine parts. 55,000 s.f. with 50 employees and one van. Staff recommends approval with waiver of site plan. There are no external changes.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6190.

6167 SHELTON STORAGE, 829 BRIDGEPORT AVENUE, NEW COMM. CONST.

Richard Schultz stated that this is the old Index building, just for the occupancy.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6167.

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

Richard Schultz stated I prepared a development overview (see attached). Anthony Panico stated there are grading issues if you try to make one of the drives an emergency only with a curb cut from Commerce Drive. In order to make the new driveway from Commerce work there has to be some filling. This is the first time I saw this. I will look at, he stated.

The Commission is split 50 – 50 on this one, stated Chairman Cribbins. The Chief is staying to maintain the second one for overall circulation. That is a busy area and what if you close up one entrance.

Comment # 4 has been changed because I received a legal opinion from Corporation Counsel. Assistant Corporation Counsel believes there is case law that will give this Commission the ability to act on conceptualls without Wetlands. We have had the letter from Wetlands and they meet on Thursday without this being on their agenda. We are saying we can act on this proposal.

The plan in here is a slot with the units closest to the river and the flood area, stated Richard Schultz. We are looking at something different from what the City Engineer looked at, stated Chm. Cribbins. After tonight you can give me directive to have the City Engineer look at this plan.

I contacted the Board of Aldermen and Conservation about the City purchasing this, stated Richard Schultz.

End of Side 2A of 2B, tape 2 of 2 at 9:45 P.M.

This does expire on July 28th and our next meeting isn't until August 8th, stated Richard Schultz.

I am concerned with the second entrance, stated Comm. Pogoda. If it will be used as an emergency entrance only. If it is ingress and egress I will be concerned, he added. You would like to see the entrance on the Bridgeport Avenue, asked Chm. Cribbins? No Commerce Drive side, stated Comm. Pogoda? You would like to see the primary entrance be on the Bridgeport Avenue side, stated Chm. Cribbins. Yes, Commerce Drive entrance would be strictly emergency. They are not going with the age restriction, stated Comm. Pogoda.

I am still bothered by the unit count, stated Comm. Perillo. I think residential in this area is fine with me. I don't think industrial works there. Residential works because it is right along the river. I think that there are too many units, he added.

Comm. Harger stated I would go along with Jason. Are 12 units acceptable, questioned Chm. Cribbins? Comm. Perillo stated not for me. I would like to see this as Open Space, stated Comm. Tomko-McGovern. I think it is too big, she added. I am not in the affirmative with 12-stated Comm. Perillo. I wanted to give Tony something if we were going to vote. We need to call the two vacationers and by Friday we should now what direction to give Tony with regard to the resolution. We will need an extension, stated Chm. Cribbins. We will have an extension to August 9th, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the extension until August 9th on Applications # 06-26 and 06-27.

APPLICATION # 06-32 GOLF CENTER OF CONNECTICUT FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLAS FOR PDD # 30 (BOWLING ALLEY AND INTERIOR/EXTERIOR ALTERATIONS) 784 RIVER ROAD (MAP 12, LOTS 37 AND 38) (PUBLIC HEARING CLOSED ON 6/20/06) DISCUSSION AND ACTION

Richard Schultz stated we received a favorable report from the Fire Marshall and the City Engineer had no comments. He then read from his staff report. He then read his draft motion (copies of each can be found in the P & Z office).

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Application # 06-32. A roll call vote followed with all participating Commissioner voting I.

06-36 JASPAL SINAL FOR SITE PLAN APPROVAL (LAUNDROMAT/RETAIL STORE) 61 CENTER STREET (MAP 129D, LOT 53) CA-3 DISTRICT – REQUEST FOR WITHDRAWAL

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept the letter of withdrawal.

APPLICATION # 06-37 JOSE MOTA/PRIMROSE DEVELOPMENT, LLC FOR SUBDIVISION APPROVAL (3 LOTS) 86 WALNUT AVENUE (MAP 104, LOT 24) R-1 DISTRICT – ACCEPT FOR REVIEW

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept for review Application # 06-37.

APPLICATION # 06-38, DOMINICK THOMAS ON BEHALF OF PIC AND PORK REALTY, LLC FOR SITE APPROVAL (SECOND FLOOR PATIO AREA) 50 CENTER STREET (MAP 129D, LOT 48: CA 3 DISTRICT- ACCEPT FOR REVIEW

On a motion made Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept for review Application # 06-38.

APPLICATION # 06-39 DOMINICK THOMAS ON BEHALF OF JOHN AND NANCY TODICE FOR SPECIAL EXCEPTION APPROVAL (THREE FAMILY DWELLING) EAST AVENUE/MIDDLE AVENUE (MAP 105, LOT 145) R-1 DISTRICT - ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to accept Application # 06-39 and set the Public Hearing for August 8th, 2006.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept for review on Application # 06-40.

PUBLIC PORTION

Chm. Cribbins asked if anyone wished to address the Commission. Hearing none he asked for a motion to close the Public Portion.

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

OTHER BUSINESS

APPROVAL OF MINUTES: 6/13/2006 and 6/20/06

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the minutes of 6/13/2006 and 6/20/2006.

8-24 REFERRAL: DISPOSTION OF EXCESS STATE RIGHT OF WAY (RIVER ROAD)

Richard Schultz passed around the location map. This is in front of Murphy's boatyard. He then read the City Engineer's letter. The City Engineer recommends approval. We just adopted the plan of development the marina has been put into the zone that recognizes the boat yard not multi-family.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to report favorably on the 8-24 Referral: disposition of excess State Right of Way (River Road).

25 FOREST PARKWAY; REQUEST FOR RELEASE OF SITE BOND

Richard Schultz stated that this is for release of the site bond. This is the building that is adjacent to Route 8. They added on the high bay.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the request for site bond release on 25 Forest Parkway.

TURKEY HILL ESTATES SUBDIVISION: REQUEST FOR REDUCTION OF PERFORMANCE BOND

Richard Schultz that this is the new development under construction on Grace Land and Buddington. He then read the City Engineer's letter. The road is fully paved. The City Engineer recommends reduction of the bond.

They don't have sewers stated Comm. Pogoda. The sewer will come in from the back, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the reduction of the Performance Bond on Turkey Hill Estates.

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.

P & Z COMM.

JULY 11, 2006

STAFF REPORT (SEE ATTACHED)

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

Respectfully submitted by,

Diana Barry,
Clerk