

The Shelton Planning and Zoning Commission held a regular meeting on February 13, 2007 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. Patrick Lapera
Comm. Anthony Pogoda
Comm. Leon Sylvester
Comm. Karen Tomko-McGovern
Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Diana Barry, Clerk

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

Chairman Cribbins opened the meeting with the Pledge of Allegiance. He read a letter reluctantly of resignation from Comm. Perillo now Aldermen Perillo.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to accept the letter of resignation from Comm./Aldermen Perillo.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE STANDARDS 1-16 (SEE ATTACHED)

Richard Schultz stated that the Commission has 16 standards before them and the Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards 1-16.

SEPARATES:

6543 WHITE HILLS HOMES, LLC REAGAN CIRCLE, HOUSE AND
6544 WHITE HILLS HOMES, LLC REAGAN CIRCLE, HOUSE

Attorney Stephen Bellis, representing White Hills Homes, addressed the Commission. This is a piece of property that was owned by Teddy Market. It had a barn on it at one time. This is down by Meadow Street and Perry where the reconstruction of the roads has just taken place. This was subdivided in 1947. On the map there was an access way to Reagan Circle. This is a free split and there is a free split map filed downstairs as Map # 4228.

We have been to wetlands and there are no wetlands on the property. There is a man made pond and we went to Wetlands to see if the driveway could go within the upland buffer area. They liked and approved the plan and asked that we use Reagan Circle instead of Meadow.

You might have a letter from the Engineer asking us to use Meadow Street for the two driveway entrances for these lots. I asked the Engineer to point to the regulation or standard and I also asked Tom Welch if he knew any reason why that would have to be that way. The Engineer was concerned about run off and water but we have gone to wetlands. Wetlands made it clear that it made no sense to use the Meadow Street entrance. They were concerned with the old school being used again.

The houses are pretty close that are preexisting on Meadow Street. There would have to be about 6 feet of fill if you used Meadow Street, stated Attorney Bellis.

Where is this questioned Comm. Sylvester? There is the Fisher House on the left and a little yellow house that is the one that is close to the property line, stated Attorney Bellis.

Where these lots made or did you need variances, questioned Comm. Sylvester? These are before zoning, answered Attorney Bellis. Two lots as is, free split, no variances, he added.

So it is before you because we are going to use one common driveway on Reagan Circle. If you know Meadow Street there is a slight incline. They will widen the road there. I respectively disagree with the Engineer's opinion.

Richard Schultz stated that the remaining land in our community is being built on and it has become more difficult rather it be typography, driveway related issues or drainage. You will be seeing more separates. He then read the City Engineer's letter who doesn't endorse this application.

Richard Schultz stated that he did call Corporation Counsel and he could not find any provisions. The City Engineer gets his authority through the driveway ordinance. There are two lots here and the applicant is asking for approval and we will then deal with the City Engineer's office.

Honestly these are not difficult lots, stated Comm. Sylvester. I drive by them everyday, he added. It is the driveway location, stated Richard Schultz. It looks cumbersome coming from Reagan Circle, stated Comm. Sylvester. I hope this won't stay the way it looks because coming in and out is difficult.

This piece was owned by Rasbak. There was a barn and that was the opened area for horses and the pond was made for the horses, stated Comm. Sylvester. If you look back if we went for a variance we could have gotten 3 lots. There are two larger lots now, stated Atty. Bellis.

To me it doesn't make much different if you access it from Reagan or Meadow, stated Comm. Sylvester. Obviously if you access it from Reagan that sounds better, he added. I am concerned with how that would affect the neighbors. It is a dead end.

There is no site problem but two curb cuts on a street that you can avoid by doing something else, stated Comm. Sylvester. As someone that uses that street everyday, it is not a bad road to travel but fewer curb cuts make sense. I don't know how it would affect that, he added.

How many driveways come out on the cul-de-sac, questioned Anthony Panico? Atty. Bellis answered that there is a house right there and that is the only one. On the circle there is only that one, questioned Anthony Panico? On the cul-de-sac itself, all it is, one lot, he added. It is not a series of driveways here, added Anthony Panico.

Chm. Cribbins stated we need a better definition of what the City Engineer is talking about. We will be reopening the school in a couple of years that will mean more traffic, he added. Is it possible to enlarge the substandard cul-de-sac, stated Anthony Panico. I think that the pond is in the State Right of Way, stated Atty. Bellis. I would be willing to do that without encroaching on the pond, he added.

A motion is in order to table it and we will put it back on the for the 27th, stated Richard Schultz.

On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to table Separates # 6543 and 6542.

6161 MICHAEL SALEMME, 15 DAYBREAK LANE, IN-LAW

Richard Schultz stated that this is an in-law. He passed around photos. This is a proposed addition, 26 by 32 and it will be to the right side of the house. It is about 520 square feet. It is interconnected. The developer is here to assure that the architectural components will be maintained. There will be a second driveway for the house. The exterior will be consistent with the existing house.

Anthony Panico stated that this will be one story? You will match the bottom floor? Yes, answered Michael Salemme. Are all the walls entirely above grade, asked Anthony Panico? Yes, answered Michael Salemme. You have a raised roof and they will shave the ground away and put a one-story addition then put the roof on. You have to worry that it will look like something that was part of the original house, stated Anthony Panico.

On a motion made by Leon Sylvester seconded by Patrick Lopera it was unanimously voted to approve Separate # 6161.

4705 ROBERT & MARIAN USS, 30 CEDARWOOD LANE, IN-LAW

Richard Schultz asked if the applicant was here and hearing no response stated he was going to recommend this be tabled to the next meeting.

On a motion made by Patrick Lopera seconded by Anthony Pogoda it was unanimously voted to table # 4705 until the February 27, 2007 meeting.

4712 KATHLEEN LITTLE QUEEN, 47 MULBERRY LANE, HOME OFFICE

Richard Schultz stated that this is the for the sales of jewelry. She will use 400 square feet. She will use the computer and telephone. Square footage is 400 for the business, questioned Comm. Sylvester? The house is 31,000 square feet, stated Richard Schultz. I will make a note on the size, he added.

On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate # 4712.

6428 JANINE ZIEGLER, 7 PUEBLO TRAIL, HOME OFFICE

Richard Schultz stated that this is for a home office. She will use 150 sq. feet. It is for sales of skin care, hair care and fragrances over the computer. No customers to the house.

On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate # 6428.

4710 CROWN POINT REAL ESTATE, 828 BRIDGEPORT AVENUE, TEMPORARY ROCK CRUSHER

Richard Schultz stated that this is the site where Shaw Mudge was. It will be a bank and two sit down restaurants. This is consistent with the authorization of the permit, which will be issued until July 1st, 2007.

On a motion made by Anthony Pogoda seconded by Virginia Harger and Patrick Lapera it was voted to approve Separate # 4710. Comm. Sylvester abstained from the vote.

Chm. Cribbins stated let the record show that Comm. Tomko-McGovern arrived at 7:05 and will be sitting in for Comm. Oraziatti.

4703 RALPH AMODIO, 2 LONG HILL AVENUE, BUSINESS

This is the commercial property, Russell's, next to Puffy's at the end of Long Hill. A & A paving is storing their commercial equipment including a backhoe, a dump truck, a roller and two trailers. The area is 700 square feet. They use it Mon-Fri and half a day on Saturday.

Is this zoned for that, questioned Comm. Sylvester? This is a commercial CB-2 stated Richard Schultz. This reminds me of what we had on Howe Avenue, stated Comm. Sylvester. That is why the zoning subcommittee is requesting rezoning downtown, stated Richard Schultz.

To me, stated Comm. Sylvester it is just opening a construction site downtown. Staff sited the owners because they did this without the proper permits, stated Richard Schultz. They are there now and they are loaded with equipment, stated Comm. Sylvester. It is very unsightly. It is the same situation that you had on Howe Avenue, Monaco's. It is the same set-up. It is not appropriate, you are trying to clean downtown up why are bringing in a construction site, questioned Comm. Sylvester? There is a two family house with parking on the left and on the right side is a large entrance area that goes to the garage, stated Richard Schultz.

This is one of the undesirable uses that we have identified downtown, stated Richard Schultz. Comm. Pogoda stated it fits within the zone. If you drive by Monaco's, does that appeal to you, is that in the zoning regulations, questioned Comm. Sylvester? Does that belong downtown questioned Comm. Sylvester? No it doesn't answered Comm. Pogoda. Take that and tell me that you want to produce another one and say that is in the zoning regulations, stated Comm. Sylvester. I would say to you fine but not with my vote. I talk to Rick all the time and we made a mistake with that years ago and we want to make that area appropriate for downtown, he added.

Chm. Cribbins stated we have the outside storage issue allowed in the zone now today. Here is the chance you have but you can't rezone someone out of a business, stated Comm. Sylvester. I agree with Comm. Sylvester's comments and I suggest we table this, stated Richard Schultz. I am stating my concerns if these people don't agree that is o.k. I voted for the other corner and I am going to sit here again and regret another vote, stated Comm. Sylvester.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to table Separate # 4703.

6545 J&D DELI, LLC 415 RIVER ROAD, BUSINESS

Richard Schultz stated that this is the old Piccolo's. It is the same business but a change of ownership.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6545.

6544 L'ALTRELLA, 80 HUNTINGTON STREET, OFFICE, WALL & GROUND SIGNS

Richard Schultz stated that this is the Blakeman building between Montanarro's and the shopping center. This is for a mortgage office. The space will be 16,000 square feet. There will be 5 employees and hours of operation are Monday through Saturday 8 to 5. They are proposing a ground sign that will be adjacent to Huntington St. There is enough on site parking. Staff is comfortable with the user. What was the previous occupant, asked Anthony Panico? A medical office with walk-ins, stated Richard Schultz. I only have details on the ground sign, so this will be for occupancy and the ground sign. If the applicant needs another sign they will come back, he added.

On a motion made by Patrick Lapera seconded by Virginia Harger it was unanimously voted to approve the occupancy and the ground sign (only) on Separate # 6544.

6537 IGRAIN BONET, 55 BRIDGE ST., DELI/BAKERY

Richard Schultz stated this is for the Portuguese Bakery on the left. It is 700 square feet. There is one employee. There is one wall sign. I would suggest they minimize the text, he added. It is an obscure location and it is difficult to find, stated Comm. Sylvester.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Separate # 6537.

6525 SHELTON SQUARE LTD., 862 BRIDGEPORT AVENUE, SELECTIVE CUTTING

This is the area at Shelton Square in front of Wachovia Bank. There are 9 white pines that are dying.

This is the wide buffer area. I took John Cook out there and Staff feels a lot better. I didn't know the exact location at the last meeting. They will replace the trees with 6 to 8 foot evergreens and hedges. Wetlands has approved this.

Come in the entrance to Burger King and there are 9 trees that are spaced that have been there for 25 years. They are all dying. John Cook has a background in forestry and he agrees. They will replace each tree and put in spreading evergreens, stated Richard Schultz. They will also replace the wooden guardrail.

They will only take the 9 trees, stated Comm. Pogoda? There is nothing by Burger King, only at Wachovia, stated Comm. Pogoda. I meet with the applicant last week. Staff recommends approval and they will start this right away.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6525.

6534 ABC SIGN CORPORATION, 895 BRIDGEPORT AVENUE, GROUND SIGN

Richard Schultz stated this is the Shoreline Veterinary Hospital. They have the address on the sign and it is parallel with the street. It is consistent and it compliments the building.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6534.

6541 NATE WELLS, 656 BRIDGEPORT AVENUE, ICE CREAM SHOP/PARKING AREA

Richard Schultz stated that this has been approved by the Commission for an ice cream shop and parking area. Unfortunately the State of Connecticut has intervened. The building permit can't be issued until they are satisfied. This is for the business and parking and the State is holding up the permit. As you know it is signalized and because the address is 656 the State came down because of the intended use. They have said don't issue the permit until we are satisfied. The Commission can vote on this because this is an issue with the State of Conn.

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Separate # 6541.

6546 DEKZON, LLC 2 IVY BROOK ROAD, GROUND SIGN

Richard Schultz stated that this is the new building in the PDD. He passed around the sign proposal. If someone stops to read this it won't be a good place to stop, stated Anthony Panico.

The applicant addressed the commission by saying that this sign will be within the driveway in the island. You are actually in the driveway and will be off the main road. It will be in your driveway, asked Anthony Panico? How far from Ivy Brook Road, asked Anthony Panico? Oh about 50 feet. The location is not the issue the content is what the issue is, stated Richard Schultz.

The applicant stated that we looked at all the medical buildings in Shelton and they actually list the doctors.

End of Side 1A of 3A, tape 1 of 3 at 7:50 P.M.

Anthony Panico stated you can have that type of directory sign at the building. The applicant stated it is not in a main street and it is not in traffic or an eyesore. If people are uncomfortable and they are going to the doctor they need to know where they are going, stated Chm. Cribbins. We want to make sure that it is easy to get where they are going. These are specialist and I am willing to take a look at this, he added.

This is in the center island, stated Richard Schultz. Ivy Brook goes around the corner and that is where the sign will be, stated the applicant.

So for example Pediatric Associates, you want to know that they are there, stated the applicant. Lets say there is a dermatologist going in this sign is tell you that there is a dermatologist there. This will be a full specialty building, she added. There is a level of comfort when you drive up to see the sign that shows you that your doctor is there. This is non-illuminated, added the sign maker.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was voted to approve Separate # 6546. Comm. Sylvester and Comm. Lapera abstained from the vote.

Comm. Sylvester stated when you drive around the Community you will see what we try to enforce is not anywhere near what we want, it is a hodgepodge throughout the Community. I abstained because it is hard to say no to this and yes to someone else. Anthony Panico stated we need to spend some time on the signs. Shelton Square is an example of how bad it can get. Anthony Panico the public spends a lot of money and Shelton Square and some new ones are examples of that.

4713 KIMBERLY A TUCCI, 435 CORAM AVENUE, RETAIL/WINDOW TREATMENTS

Richard Schultz stated that this is the preexisting non-conforming building across from St. Joe's. We have seen a salon there and the last applicant was a computer store. This will be for window treatments and they are proposing a non-illuminated sign.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 4713.

4714 FRANK & DIANE PJURA, 415 HOWE AVENUE, SUITE 66170, RETAIL

Richard Schultz stated that this is for a business at the Conti Building. They will be renting 15,000 square feet. There is a wall sign on the side of the building. This is for window treatments. It is the Shadee Lady and hours of operation will be Thursday and Friday, 10 to 4.

On a motion made by Leon Sylvester seconded by Patrick Lopera it was unanimously voted to approve Separate # 4714.

4699 MY FAVORITE ITALIAN DELI, 702 BRIDGEPORT AVENUE, RETAIL/DELI

Richard Schultz stated that the next three are all at Split Rock and these are occupancy. This is between Walgreen's and the building all the way to the right. The first one is 1680 square feet. There will be 5 employees. Parking requirements based on the PDD is 13. With each applicant coming in we keep a tally of the parking. They will be opened 6 days a week and there are tables in there for 13.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 4699 for occupancy only.

There is no sign approval and I met with the applicant and told them to meet with the owner so that he could oversee the sign.

6547 WINE EMPORIUM, 704 BRIDGEPORT AVENUE, RETAIL/WINE/LIQUOR

Richard Schultz stated that this is 6,000 square feet. There will be 5 employees and hours of operation are Mon-Thursday 9 to 8, Friday and Saturday 9 to 9. Parking requirements for this one is 30. License is required through the State of Connecticut. They will have 3 refrigerators inside and no outside equipment.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6547.

6551 EURO ASIAN, 702 BRIDGEPORT AVENUE, RESTAURANT

Richard Schultz stated that this one is a little more involved and he showed the Commission the floor plan. This is 6,1000 square feet. This is not a franchise. It is hibachi cooking. Number of employees will be 10-15. Hours of operation are 11:30-10 P.M., Mon thru Thursday, Friday and Saturday 11:30-12 P.M. Parking requirements for this one because it is a food establishment is 49. So we have 49, 30, and 13. There are no company vehicles or outside equipment. Inside equipment is all restaurant related. They will need to get approval from the health department. There is an outside patio. There is a side patio that is under the building. The owner said this is the first time I saw this. This is facing the lot and you look up to see Outback. They are proposing a patio. There is a driveway underneath it. Richard Schultz asked Comm. Lopera to put an X through that because it would need a modification to the detailed plans. Anthony Panico stated that raises questions that concern trash, the walls, and the area would need to be attractive. Comm. Sylvester stated that they are probably looking for somewhere for smoking. An outside area, everyone is looking for that today. When the Commissioners are up their take a lot at that, stated Richard Schultz. Give the patio some thought, stated Chm. Cribbins. What are these stairs, questioned Comm. Harger? That goes to the lower level, answered the owner.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6551 (no patio).

APPLICATION # 06-48, PRIMROSE FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: SHELTON RIVERFRONT DEVELOPMENT) CANAL STREET EAST, IB-2 DISTRICT WITH CBD/SDA OVERLAY ZONE (PUBLIC HEARING CLOSED ON 12/12/2000 –DISCUSSION AND POSSIBLE ACTION

Comm. Sylvester stated that when I spoke to Rick today he told me that Tony and he went to a similar site and I would like their comments prior to this discussion. It would help me to get into this discussion. I am also going to do something out of order and invite Jason to participate because he is one of the group that went up there, stated Chm. Cribbins.

Richard Schultz stated that you all have a staff report and there are photos attached to it. Lowe, Massachusetts is located in the northeast corner near the New Hampshire line. It is community of 100,500 people and it contained, at one time, the largest textile industry in the whole world.

Richard Schultz stated that industry migrated south and the Community faced a lot of decisions in the last 30-40 years. They have a well-known son his name is Senator Paul Songess who ran for President. There is an arena named for him and that was put right on the river. They brought in the Federal Government that designated a good portion as a National Historic and Park area. That brought in grant money and resulted in the construction of their river walk.

How long ago was this, asked Comm. Sylvester? Timeframe on the river walk was at least 20 years, stated Richard Schultz. The river walk cantilevers over the Merrimack River. They saw the need to preserve the upland area and protect structures that where there.

Where the arena area is there is also a park area that is several hundred feet deep. The City Planner stated that was not the best use for that area of town.

The Canals were worth preserving and the next phase of it is centered around the canal and redevelopment of the factory buildings adjacent to that. This area they have a lot of old buildings that have been knocked down the other buildings were preserved and they allowed as many units in without any standards. They retrofitted these buildings and they have a combination of studio, one and two bedroom units. There were no restrictions with regard to the standards.

The trouble is the affordable and the upper middle class. 60% right now is affordable, stated Richard Schultz. That number changed from years ago and they have seen that percentage change, stated Jason Perillo.

Young professionals and empty nesters working in Boston will live here and are willing to commute. There is a large transit system. They are saying that they have it all here.

The reason for this breakdown is that there central business district, our Howe Avenue, still has not seen the amount of visitation of the people with disposable income. Although we saw the Borders bookstore. You see more of the Ma and Pa shops. They got a handle on their signs and they got the utilities off the street. There was even a cobblestone street.

So they are doing two things, they are developing a major area next to the canal. Their canals are huge, stated Richard Schultz.

They are taking an interesting approach to parking. They enjoy a scattering of a few major parking facilities and structures. They tolerate residents walking long distances from where they park their cars to their units. 1000 feet is an acceptable distance. They only give them one space per unit. You are responsible for one space per unit, the developer, stated Anthony Panico. He could be responsible in the sense of building the space on site or contracting with the Municipal Parking Authority to lease the number of spaces that he needs.

That is to the heart of what I was thinking about stated Comm. Sylvester. One space per unit, how does that work, he questioned? It works because if someone moves in that needs another space they simply go to the Parking Authority, stated Anthony Panico. They lease that second space. The occupant goes in with two cars and they only get one. They go on their own to the Parking Authority to lease that space. They have shared parking that the businesses use during the day and the residents used that during the night. They have started another project and there will be 800-700 car parking garage and another 700-800 parking facility. That will attract people to this development, he added. 40-50% of parking was used for residential and 4-5 would offset the commercial during the day. Resident's spaces are emptied during the day.

So if you take what we have, lets say 100 units, plus a commercial, you are saying that 100 spaces would satisfy the residential and commercial, questioned Comm. Sylvester? No, what I am saying is this, this building on the end has retail and office on the second floor and 64 residential condo units. You don't have to determine the parking there by taking the residential, plus the office and the retail. You take the residential those 64 units, 64 spaces, if you use 1 space, 64 spaces, if they are available on site 40% or 25 spaces will offset the non-residential occupancy requirements, stated Anthony Panico.

What I would then say to you is give me your recommendation as a planner as to what we would look for to satisfy the mix use, questioned Comm. Sylvester? We need to know the nature of the non-residential use to give you a number. If it is office space, then they go home, I will give you more credit than if it was a restaurant, stated Anthony Panico. A restaurant will spill into the evening hours. We have to plant the seed to look at shared parking and that will be worked out on a case-by-case basis.

For our project if we go in with the 2 spaces per unit, I think then we can give a higher % for shared parking then if we only required the one space. That is irresponsible on our part, stated Anthony Panico. I think when you see and speak to people you learn then what works, stated Comm. Sylvester. What did they wish that they had done differently, questioned Comm. Sylvester? Just the arena, stated Richard Schultz. It just eats up prime riverfront, he added. I was concerned with the mix use, stated Comm. Sylvester.

There is a lot of single-family suburbs bordering these lots, stated Anthony Panico. They have gotten 100,000 people packed into a community half the size of Shelton.

The City Fathers don't have a problem giving back to the Community. The roads are a zoo up there, stated Richard Schultz.

The downtown infrastructure was built to accommodate 12,000 people, stated Comm. Sylvester. I don't agree with. You will need to build a road rather it is serving 1 person, 12,000 people or 50,000 people, stated Anthony Panico. Our downtown infrastructure served 12,000 people who worked in that area and there was not the automobile transportation that there is now. The parking issues in Shelton are not sufficient. Downtown parking that is available, there are issues and a lot of traffic issues, stated Comm. Sylvester. I wanted to see how they resolved those issues. If there were issues with the parking.

There parking works for them, that won't work for us, one space per dwelling would not work for us. If we don't garage the cars being generated here, it won't work for us. We have to have a place to deal with the cars, stated Anthony Panico. If there was a garage across the tracks that held 800 cars we could say here is where you can share the parking. They pay \$50 for an additional space and we don't have that commitment. We have to provide that within the development, he added.

Comm. Sylvester stated we have one shot at this and doing something magnificent. I would love to see this happen and I don't want to blow it. For them, it was an enormous undertaking and we as a Commission, we should have a partnership with the development and the City Fathers, he added. We have an interrelationship that has to be maintained, stated Anthony Panico.

If we want to see this work, I don't have any background in this, I don't want to see that happen and this lost, we want a connection, stated Comm. Sylvester. If the investment on the riverfront didn't bring economic returns to downtown, he added. I think it did, stated Anthony Panico. The time we spent on Main Street you don't get a sense of major retail establishment. We saw a lot of eateries. On one end there was a governmental enclave. Attractive streets and utility lines were gone. There was metered parking and congestion in downtown. The light turned red the traffic was backed up for half a block. There high school is the fourth largest in the state and it is right downtown, stated Richard Schultz.

Chm. Cribbins stated that the traffic is less here than what is in lower Fairfield County. It is a New England thing here. We have our new plan of development. We won't bring 55,000 people in here. We limit it to 45,000. I don't want to see what is happening in Fairfield County, I am interested in downtown Shelton, stated Comm. Sylvester. What is happening in downtown Shelton is no worse than what ever is happening in other parts of New England, stated Chm. Cribbins. How are we going to fix the traffic problems, asked Comm. Tomko-McGovern? To a certain extent you are not going to fix it, stated Chm. Cribbins. That is the biggest problem today and they allowed development to take place without thinking of the infrastructure, stated Comm. Sylvester.

End of Side 1B of 3A, tape 1 of 3 at 8:35 P.M.

Chm. Cribbins stated I would like Tony to go through his resolution and see what we have said in the past three months. I don't think that we are going to get the solution for solving the downtown traffic issues tonight and prior to solving that this project will be gone. This developer will go away. I am not talking about the problems during the day I am talking about planning so there are no more problems bigger than the facts, stated Comm. Sylvester. I want information on the table and outside information from people that have gone through this. Information for myself that is what I asked for so I could listen to a resolution knowing what other people had done.

Anthony Panico stated that on the street system and the problem that Shelton suffers from is people coming from Center Street, a major component is going to Derby, making a left, waiting then turning to go to Derby. There has always been a proposal to extend Center across the railroad tracks and come out to Bridge Street. That would help the traffic flow. Canal Street when reconstructed will handle the development. In Lowe they had a concentration of apartments far greater than what we are talking about, being served by a two-lane street, he added. The arena only had a two-lane road. The problems are the intersections that hold up the whole road. Our concern is to deal with those concerns. The road was built for 12,000 and now we are serving 30,000.

Comm. Sylvester stated that downtown was a large population of working people. That doesn't exist now. It was the reverse of what is happening now. I think what needs to be planned is how it handle that. Anthony Panico stated that this will be built in phases with the largest components being built at the end of the 6 to 8 year timeframe. We have an opportunity to grow with the issues and address those issues. The State Traffic Commission will be involved in this. We see two intersection problems. We see the extension of Center Street. We need to look at the load of Wooster and Howe Avenue. That is the main connector from Howe and Canal Street. When you go to White Street you will work you way East. On the other side you have Hill Street. Those are two intersections that will need signalization, he added.

Richard Schultz stated that in Lowe residents walk from 600 feet to 1500 feet for parking. We find that unacceptable and I raise that because on the 27th there is an applicant questioning offsite parking. In other communities on the east coast they hold it at 300 feet. Once you go beyond 300 feet they will park in inappropriate spaces. We have had very good spaces but go beyond 300 feet doesn't work. The building that Scinto built there was parking serving a building up the road. At the end of the parking lot at more than 300 feet away those spaces were left empty.

There were situations on Research Drive they would park on the curb and at Pitney Bowes they parked on the road, stated Richard Schultz.

Chm. Cribbins stated what I want to do is take sometime to understand the numbers for parking. When I came here tonight I knew this was the initial plans for the PDD. My intention was to move these along and over the course of 8 years we have to give him indications that the project is workable. If we don't take some action we will get stuck with the asphalt plant if we don't show we are in favor of this project.

When we are satisfied with the development, we don't give them the zoning, once we put the zone in place we have to have specifics. We will go over the site with the microscope then. We need to put the zone in place and you need to be comfortable with, stated Anthony Panico. He then read his resolution (see attached).

End of Side 2A of 3A, tape 2 of 3 at 9:25 P.M.

Anthony Panico continued to read his resolution. (attached previously)

Anthony Panico stated in the next 4 to 5 years we will be able to get our feelings out. It took along time to pull all of these things together, stated Anthony Panico.

I am so impressed, your writing is good, you used the words like flexible and cooperation, stated Comm. Sylvester. What exactly are we approving as a Commission? I have been here so many years and have been burned so many times. I heard we approved this and so on and blah blah blah, so I need for the record to know just exactly what this is all about.

What you are doing, if you were to adopt this resolution, you are saying that you have a good concept here, we think it is a concept that works, we think the infrastructure with the necessary improvements that will be made, will be able to handle it, we know we will look at each individual parcel on a case by case basis but we also know that it will be along these lines. We know there will be a river walk, we need to protect it and we will tell you the setbacks from the river walk lines. We know the magnitude of the developments and it won't be any bigger than this. We put a cap on the residential and you bring us back the final detailed plans. The first decision will create the new zone and will have permitted uses and standards. He has to decide within those perimeters, stated Anthony Panico.

What if he comes back and those detailed plans and the infrastructure is not satisfied, questioned Comm. Sylvester? If people don't feel the traffic, if that structure is finished and occupied I would like to see the traffic and how the parking works. The 103 sites will work and we will be able to judge what comes next, he added.

The parking thing we have a tighter fist on which is part and parcel of the site plan development, stated Anthony Panico. We can look at it and judge that it needs more parking, he added.

We will be able to do that as we move through this, questioned Comm. Sylvester? Yes, answered Anthony Panico but you would not be able to go two or three more units. People sitting here 2 to 3 years from now as this unfolds will have better knowledge, stated Comm. Sylvester. That number will be 2, that is a save number. If 2 to 3 years from now if 2 is too much we could have a public hearing to make that less but if you wanted more the Commission would then have another public hearing, stated Anthony Panico. If the Commission had a parking facility to supplement the developers parking we could increase that by even making them purchase those extra spaces. I didn't use hard and fast facts that those spaces be on site but say there was something across the tracks and the developer would contract with the parking authority to lease those spaces. The distance than would be a concern and that is not in the resolution. We rely on the spaces for peak time but this developer has zero parking. We tried a row of parking here and here but if the developer can understand that. If the plan is properly modified we approved the concept and the details come later.

I have to look at worse case scenario we have a good relationship with the developer. He understands what we are saying even from the first time he appeared with these drawings. When he clears the site and has 4.2 site parcel the national apartment builders would love that site. Maybe we could use the influx of that money and we would need to control that. Could it be Avalon, stated Comm. Sylvester? It could be but I don't think so. In the last 4 years we have talked to 3-4 national apartment builders who are looking for 4 to 5 acres. Would that fit in, I don't think so, stated Anthony Panico. The structural parking might keep them away, he added.

Chm. Cribbins stated I look at this and I say 50 years ago the canal was there, is it really important? It will tell you that this was the river and waterpower, stated Anthony Panico. The locks have historical value, stated Comm. Sylvester. Maybe we need to suggest that some outside Historical Society look at this, stated Anthony Panico. Maybe they would say save what you have up there and don't worry about this. What we saw at Lowe was canals that ran for miles. They served the factories and I didn't see any locks.

Chm. Cribbins stated I like the number and I know that there will be some reductions. What better way to solve some of these problems was to open up this corridor and make a nice walkway to the river walk. We stumbled upon this on the other end and got the Veteran's Park, stated Anthony Panico.

When you talk about parking spaces and shared/lease parking from the need to have 1330, stated Chm. Cribbins. There are still 330 without the non-residential component. We have talked to 330 and even if we give 30% sharing and add another 300 for that. There will be 600 units to support non-residential uses, stated Anthony Panico.

We talked about concerns and what other boards want, stated Chm. Cribbins. WPCA has talked to their consultants and the allocation questions have been talked about. There is a problem with a line and they are trying to work those issues out. They need to come up with a proposal, stated Anthony Panico.

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

Comm. Pogoda stated that there is a lot to digest and for the most part some of these things can be resolved down the line. I feel comfortable with the project. Comm. Sylvester stated asked Pat? He gave me the nod so I know he is comfortable. Chm. Cribbins stated that rather than much more than additional studies, my approval as to where we are, for now I am not worrying about parking because there are phases and 4 years from now we could turn that around, if need be. So we need one motion, he added. The dates have to be filled in.

Comm. Sylvester stated that the parking, you did answer the questions, legitimately, where are we with the traffic study, and we were talking about certain intersections, so where are we? I didn't specifically disagree with their traffic study, stated Anthony Panico. I did disagree with specifically White Street, stated Comm. Sylvester. White Street has a minimal impact, stated Anthony Panico. I think that as they come up to Howe Street White Street will become difficult, stated Comm. Sylvester. I think that will be severely impacted. It is a natural turn, he added. That would be eliminated if you extend Center Street, stated Anthony Panico. We as the planning Commission need to push the extension of Center to Canal East, he added. The one little block by Chromium Process would help with turning and going out. You won't burden White Street. That would help with Center Street, stated Comm. Sylvester. Today downtown Derby is part of the traffic problem even though they are under reconstruction, added Anthony Panico. My concerns will be evident with the first phase, stated Comm. Sylvester. We are deferring to the State Traffic Commission who will look at all of this, stated Anthony Panico. It is a major proposal.

Last question Howe Avenue becomes gridlock, the next phase comes in and meets all the requirements, we can't say no and now we need to say yes again, so either the City makes provisions for the infrastructure or you live with gridlock, stated Comm. Sylvester. You are absolutely right, stated Anthony Panico. I would like that on the record, that Leon Sylvester sited that, so that my neighbors don't kill me. Understand one thing, the applicant has something to say here, because if you have gridlock on Howe Avenue, he will have a difficult time renting or selling the units. He might think twice about moving on to the next phase until he leans on the Chief Municipal Officer of this City. When they showed us the comparatives for the tax dollars on this building it was 100 to 1, 100 more taxes than it paid before, stated Anthony Panico. Some of the tax dollars need to be powered back into the infrastructure.

The dates, Rick because he has to get a detailed workup of the statement of standards and uses, that won't be easy to do, stated Anthony Panico. That statement is about 95% there. So I am suggesting March 16th, in case the Commission needs to discuss anything else, stated Richard Schultz. The height was a concern and I threw in the 60 feet but 70 is something that I would prefer, stated Anthony Panico. There is still some flexibility to add if we needed to go underneath for some parking. The PDD is 60, the effective date is March 16, the railroad is the Housatonic and Birmingham is PDD # 54, stated Richard Schultz.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to approve Application # 06-48. A roll call vote followed with Comm. Pogoda, Comm. Harger, Comm. Sylvester, Comm. McGovern, Comm. Lopera and Chm. Cribbins all voting I to approve.

APPLICATION # 06-52 ROYAL WELLS FOR SPECIAL EXCEPTION SITE PLAN APPROVAL (DRIVE THRU FOR NEW BUILDING) 202-236 LEAVENWORTH ROAD, (MAP 144, LOT 15) CA-2 DISTRICT (PUBLIC HEARING CLOSED ON 1/16/2007) – DISCUSSION AND POSSIBLE ACTION

Chm. Cribbins stated that it looks attractive. The applicant came in and the statement of uses permits a financial institution. In the event that another type of occupancy comes in he would trigger another public hearing, stated Richard Schultz. He read a letter from the Fire Marshal, the City Engineer's letter and he continued with his draft motion. (see attached)

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to approve Application # 06-52.

APPLICATION # 07-02 BLAKEMAN CONSTRUCTION, LLC FOR SUBDIVISION APPROVAL (4 LOTS: HOUSATONIC RISE) HOWE AVENUE (MAP 146, LOTS 15, 26 THRU 30) R-1 DISTRICT – ACCEPT, DISCUSSION AND ACTION

Once again the applicant allowed for this approval to become null and void. He choose not to complete the improvements on the property. He had filed the map and he did convey the Open Space to the City. He did have a bond that had expired.

Richard Schultz was going to read a letter from Irving Steiner concerning applications being discussed and action taken in the same evening. The letter was written by Mr. Jager and it makes no reference to this application, stated Mr. Steiner. As you know, Mr. Chairman you scrutinize the applications that are accepted, discussed and approved, this application is before you for the 4th time, the map has been filed, the Open Space has been conveyed, and he has to resubmit the agreement for improvements to be done within 2 years and file the bond along with the new timeframe on the Mylar map, stated Richard Schultz.

Phil Tiso, Rose Tiso & Co., addressed the Commission. This project was handled earlier on by Kasper Group. It is a 4-lot subdivision. It is on 8.2 acres and 2.7 Open Space has been conveyed out. The 4 lots will be serviced by a private road. There will be public water and there is a sewer manhole at the top of hill. Wetlands has approved this at their last meeting. There are easements through these two lots to get to the Open Space. There is other town property on three sides of this parcel.

Richard Schultz read a draft motion. (see attached).

On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to approve Application # 07-02.

PUBLIC PORTION:

Richard Widomski, addressed the Commission. Shelton Update Plan Advisory talks about design review for downtown. As Howe Avenue moves ahead I would like see this Board appoint, not from the Democratic or Republican Party, but from the general public a person to take part and find 9 people who are qualified to assist the Board. I am not talking about just Canal Street but other parts of the City. Where you might need other people, you have Tony and the people on this Board, but there is a lot of talent in this Community who would not cost the City any money. I would like to see the Board consider this and I don't want it to advisory I want to work with the Board and deal with the developers.

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

07-03 SURESOURCE FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 29 (7 BAY GARAGE) 20 CONSTITUTION BLVD. SOUTH – ACCEPT, DISCUSSION AND POSSIBLE ACTION

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to accept Application # 07-03.

APPLICATION # 07-04 DOMINICK THOMAS FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 48 (ELIMINATION OF CATERING FLOOR SPACE AND REPLACEMENT WITH THREE (3) COMMERCIAL TENANTS) BRIDGEPORT AVENUE – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to accept Application # 07-04 and schedule the Public Hearing for March 13, 2007.

APPLICATION # 07-05 DOMINICK THOMAS FOR DETAILED DEVELOPMENT PLAN APPROVAL FOR PDD ADOPTION (12 UNIT CONDOMINIUM) COMMERCE DRIVE/BRIDGEPORT AVENUE – ACCEPT FOR REVIEW

On a motion made by Virginia Harger seconded by Anthony Pogoda it was unanimously voted to accept Application # 07-05.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 10:45 P.M.

Respectfully submitted by,

Diana Barry, Clerk