

The Shelton Planning & Zoning Commission held a regular meeting on March 13, 2007 in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

The Chairman reserves the right to take items out of sequence.

Members present: Vice-Chairman Anthony Pogoda
Comm. Virginia Harger
Comm. Patrick Lapera
Comm. Daniel Oraziatti
Comm. Leon Sylvester (arrived late)
Comm. Karen Tomko-McGovern
(sitting in for Comm. Sylvester)
Staff present: Richard Schultz, Planning Administrator
Diana Barry, Clerk
Karin Tuke, Acting Clerk
Members absent: Chairman Alan Cribbins
Staff absent: Anthony Panico, Planning Consultant

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

Vice-Chairman Pogoda opened the meeting with the Pledge of Allegiance.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated that there are 11 standards that staff has reviewed and they all meet the regulations. He recommends approval.

On a motion made by Patrick Lapera seconded by Virginia Harger it was unanimously voted to approve the Applications for Certificate of Zoning Compliance – Standards # 1-11.

SEPARATES

4727 TED DERAMO, 7 FAIRLANE DR., IN-LAW

Richard Schultz passed around photos for an in-law that will be within the single-family home. We have received the affidavit. It will be 675 square feet and it is in compliance. Staff recommends approval. Comm. Harger questioned this has interior access? Yes, answered Richard Schultz.

On a motion made by Daniel Oraziatti seconded by Patrick Lapera it was unanimously voted to approve Separate # 4727.

4718 THOMAS RICHTARICH, 1 ENTERPRISE DRIVE, BUSINESS

Richard Schultz stated that this is for a new office use that has to do with computers. They will occupy 7,000 square feet and have 10 employees. They will need 10 designated parking spaces.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 4718.

4703 RALPH AMODIO, 2 LONG HILL AVENUE, BUSINESS/SIGN

Richard Schultz stated that this had been tabled from the February meeting. This is the property at the lower end of Long Hill and Center Street. The applicant is here and he will voluntarily look for another location. This is a CB-2 District and allows a contractors business. We need to extend our overlay zone downtown that runs from the River to Coram Avenue and spells out the prohibited uses. The applicant is trying to find another location. It is suggested that you act on this favorably with a 6-month time limit.

Comm. Harger asked how many vehicles are there? There are 3 pieces of equipment that are all in the driveway now, answered the applicant. I have cleaned up the area and you don't see those as you come up the road. I will look for another place.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 4703 with a 6-month time limit.

6556 ANTHONY BOLOGNA, 299 ASPETUCK TRAIL, HOME OFFICE

Richard Schultz stated that we do have a letter of authorization from the Association. This is a handyman type business. He will use 100 square feet and there is just one employee.

On a motion made by Patrick Lapera seconded by Virginia Harger it was unanimously voted to approve Separate # 6556.

6573 BRIAN STOCKBRIDGE, 509A HOWE AVENUE, BUSINESS

Richard Schultz stated that this is the old Shelton Theater, specifically the old Fenton Photo. Stockbridge is gourmet cheesecake that is currently in Derby. They are proposing a bakery and a retail outlet. They will use 3,145 square feet and have 6 employees. Hours of operation are 6a.m to 8 p.m. They need kitchen related equipment. There is no on site parking but there is parking at White Street and the Bank municipal parking with curbside parking, also. Staff believes that this is consistent with revitalization and will help with foot traffic.

On a motion made by Karen Tomko-McGovern seconded by Virginia Harger it was unanimously voted to approve Separate # 6573.

6553 JONATHAN WERME, ELRAC, INC, 514 BPT AVENUE, SIGN AND 4747 JONATHAN WERME, ELRAC, INC, 514 BPT AVENUE, SIGN

Richard Schultz stated that this is for Enterprise Car Rental. They have changed their corporate logo. One is for the ground sign and the other is the wall sign. They will be replacing the existing signs. They have taken the phone number off.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to approve Separate # 6553 and 4747.

6572 KATHLEEN BARONE, 163 LEAVENWORTH ROAD, SIGN

Richard Schultz stated that the Commission recently approved the second floor occupancy of Dr. Linden's building, which will be the Northern Star Wellness Center. This is for a small nameplate sign that is consistent with the R1 area.

On a motion made by Daniel Oraziotti seconded by Patrick Lopera it was unanimously voted to approve Separate # 6572.

6577 BRINKER CT CORP, 828 BRIDGEPORT AVENUE, SIGN

Richard Schultz stated that this the sign for Chili's. Attorney Thomas and Bill Weisscurber were present. They showed the proposed sign and the material, brick, real brick that will be used. The site has been approved for 3 buildings. Commerce bank, Chili's and Longhorn Steakhouse.

On a motion made by Karen Tomko-McGovern seconded by Patrick Lopera it was unanimously voted to approve # 6577.

4733 NW SIGN INDUSTRIES, 828 BRIDGEPORT AVENUE, BUSINESS/SIGN

Richard Schultz stated that this is the Commerce Bank site. They will use 27,000 square feet. Hours of operation will be Monday thru Friday 7:30a.m. to 8:00p.m., Saturday 7:30a.m. to 6p.m. and Sunday 11:00a.m to 4:00p.m..

Also before you for approval is one wall sign, a secondary wall sign, the drive thru signage, a directory sign, the stop signs and the lobby hour signs, stated Richard Schultz.

The Commission is expecting a PDD zone change for the rear of the site. That will involve the monument sign and identify the tenants on that site. Banks like to have their own ground sign and they are aware that the Commission likes to have only one sign. So this is only for the wall signage and the directory sign, stated Richard Schultz.

Attorney Thomas stated I have discussed the pole sign with the applicant and I have also made them aware that someone else is going on the rear part of the property.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to approve Separate # 4733, the occupancy and the sign.

6579 SLEEPY'S THE MATTRESS PROFESSIONALS, 702 BRIDGEPORT AVENUE, BUSINESS/SIGN

Richard Schultz stated that this is for the business and sign. This is for occupancy of the new retail store in Split Rock. They will be leasing 6,257 square feet. This is the center building between Walgreen's and the building closest to the private driveway. Hours of operation are 10a.m. to 9p.m., 7 days a week. They have 3 employees and will require 6 parking spaces.

Vice-Chairman Pogoda questioned this is the middle building? Yes, answered Richard Schultz. This is the first wall sign for the other freestanding buildings. Obviously the Commission will want consistently. These are channeled letters, illuminated and red. What is the height, questioned Comm. Harger? 3 feet by 35 by 22.6, answered Jim from K.P. Sign. Co. We made the letters larger and the board smaller, he added. Comm. Harger questioned where are the other signs positioned on the front of the buildings? It is a big problem stated Richard Schultz. I had hoped that they would all have the same sign Company, he added.

Comm. Sylvester arrived at 7:25 P.M. Let the record show that Comm. Tomko-McGovern will now sit in for Chairman Cribbins.

Vice-Chairman Pogoda questioned if Mr. Blakeman had been contacted about the sign so that we don't run into a hodge-podge of signs? Richard Schultz stated that he had been in contact with him and would contact him again.

Comm. Harger questioned if this tenant was on the second floor? No answered Jim from the Sign Co. They occupy this space here so why isn't the sign positioned down below, questioned Comm. Harger? The applicant felt that if you were traveling south on the main road up the hill because of the large retaining wall you would not see it, answered Jim, from the sign co. Will there be monument signs at the road, questioned Comm. Harger? Yes, answered Richard Schultz. I personally think that we will have a problem here, stated Comm. Harger. Vice-Chairman Pogoda stated Rick will have to work with Mr. Blakeman so that we don't get helter skelter all over that building. There will be problems. Someone on the bottom floor will want more visibility, added Jim. Com. Harger stated we were very concerned with the Walgreen's sign. We have to monitor this and stay on top of it, stated Vice-Chairman Pogoda. All the other tenant signs are right above their entrances, added Comm. Harger.

Richard Schultz stated that it was a bad experience with Shelton Square doing the signs individually and he tried to persuade the developer to do a comprehensive sign plan. You can approve the occupancy and table the sign, stated Richard Schultz. Vice-Chairman stated we need Staff to have a discussion with Mr. Blakeman about the sign. We should table the sign and approve the business, so I will need a motion, added Vice-Chairman Pogoda.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to approve Separate # 6579, occupancy only, doesn't include sign approval.

6578 THERESA GREBLA, 58 GREENFIELD DRIVE, HOME OFFICE

Richard Schultz stated that this is for massage therapy. She will use 75 square feet for a home office the actual business takes place on Route 63 in Bethany. She does have a Certificate from the State. No customers will come to the house.

On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to approve Separate # 6578 with the condition that there be no visitors to the home.

6582 BRM NETWORKS, 33 MATILDA LANE, HOME OFFICE

Richard Schultz stated that this is for a computer business. There is one employee and he will use 100 square feet for a home office. Staff recommends approval.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to approve Separate # 6582.

6580 WAYNE JUNE, 39 WELLS AVENUE, HOME OFFICE

Richard Schultz stated that this is an office for an audio-book publisher. One employee and hours of operation are 9 to 5.

On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to approve Separate # 6580.

6583 ABC SIG, 2 TRAP FALLS ROAD, SIGN

Richard Schultz stated that 2 months ago the Commission approved St. Vincent's walk-in medical to occupy this building. They erected two temporary signs with the stipulation that the owner would make permanent signs. He then passed around photos of the signs. One is a photo of the location. The sign itself measures 6 by 6. It is right on the corner of Trap Falls and Bridgeport Avenue. It has multiple tenants and the Commission will be concerned with the number of names on it. The sign that was recently approved at Ivy Brook was passed around. They have 6 on each side and are the same size. That is off the road though, questioned Comm. Tomko-McGovern? Yes, answered Richard Schultz. That is off the road. That is setback, stated Comm. Sylvester. We need to come to a compromise and the applicant is here. We have not allowed more than 6 names to be on a directory sign. This keeps coming back because everyone wants their name on the sign. We have been trying to limit the amount for a safety factor of people stopping trying to find their tenant, stated Vice-Chairman Pogoda. I counted 32 people on the sign and you could not see that if you sat there for 5 minutes, he added.

Robert Scinto, the owner, stated that I don't disagree with anything that you have said. I have some medical doctors that want to get their names out there so people know where they are. Right now we have St. Vincent's, some heart doctors, I have some eye doctors, and I have a dentist. That is 4. So if you can pass this with the 6 side spots and limit it to the medical. I will go back to these people and tell them that is all I could get from the Commission. I will be happy with that, he added.

Comm. Harger questioned the overall height? The other 6 was off the road and that was setback stated Comm. Tomko-McGovern. You can turn me down, I came here, tried to get them their sign, if you want you can turn me down and save me \$12,500, stated Mr. Scinto. If you can pass it with 6 signs that would be great, he added. I know the problem of putting signage out there. Comm. Sylvester stated take a step back when you drive around our town there are signs all over town that don't meet regulations. I believe safety is important and I think we should be able to work that out. That is a beautiful building and you don't want to punish that, added Comm. Sylvester. You are trying to promote that. Why not table that and let Rick work that out with Mr. Scinto then bring it back to us, stated Comm. Sylvester.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to table Separate # 6583.

APPLICATION # 06-53 EPC INTERNATIONAL, INC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (HIGH TRAFFIC GENERATOR: CONVENIENCE STORE) 493 BRIDGEPORT AVENUE (MAP 62, LOT 44) CA-2 DISTRICT (PUBLIC HEARING CLOSED ON 1/16/2007) – REQUEST FOR EXTENSION ON REVIEW PERIOD (PZC INITIATED)

This is Z & M Mobil. I will make that motion, stated Comm. Sylvester. That is a 65-day extension, questioned Vice-Chairman Pogoda? Yes, answered Richard Schultz.

On a motion made by Leon Sylvester seconded by Daniel Oraziatti it was unanimously voted to approve the request for extension on the review for 65 days on Application # 06-53.

APPLICATION # 07-03 SURESOURCE FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 29 (7 BAY GARAGE) 20 CONSTITUTION BOULEVARD SOUTH – DISCUSSION AND ACTION

Richard Schultz stated that everyone knows where Suresource is at the bottom of Constitution Blvd South. If you look at the area colored in yellow the Commission approved a 6 bay garage along with the warehouse. A 7th officer wanted a bay so the request is to modify that. He then read the letter from the City Engineer. The Fire Marshall had no comments, stated Richard Schultz. There is no addition to the building, questioned Vice-Chairman Pogoda? No answered Richard Schultz. He then read a draft motion, which is available in the P & Z office.

On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to approve 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) 514 BRIDGEPORT AVENUE (MAP 51, LOT 10) REQUEST FOR WITHDRAWAL (APPLICANT INITIATED)

Richard Schultz stated that at the last meeting the Commission took a consensus not to process the modification of the Madison's restaurant as a major but the application be withdrawn and the minor was put on the agenda for discussion and review. So there is a need for a motion to accept the withdrawal, added Richard Schultz.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to accept the letter of withdrawal on Application # 07-04.

On a motion made by Leon Sylvester seconded by Daniel Oraziatti it was unanimously voted to add APPLICATION # 06-56 JOSEPH A MONACO FOR AN AMENDMENT TO THE ZONING REGULATIONS (SECTION 34.3.1. SIZE OF DOWNTOWN PARCEL TO QUALIFY FOR PDD ZONE CHANGE AND APPLICATION # 06-57 JOSEPH A. MONACO FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT CONCEPT PLAN: MIX USE DEVELOPMEN) 332 AND 346, 348 HOWE AVENUE (MAP 117B, LOTS 64 AND 65) CB-2 DISTRICT, request for withdrawal of these applications, to the agenda.

On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to approve the request for withdrawal on Applications # 06-56 and 06-57.

APPLICATION # 07-08 HUNTINGTON DEVELOPMENT GROUP, LLC FOR SUBDIVISION APPROVAL (11 LOTS: TREE TOPS SUBDIVISION) 279 SOUNDVIEW AVENUE (MAP 136, LOT 23) R-1 DISTRICT – ACCEPT FOR REVIEW

Richard Schultz stated that the Commission is accepting for review only an 11-lot subdivision. The applicant's Engineer is here to show you the location and the new road layout. The notices have to go to property owners within 100 feet and you have residents here this evening that want to share some of their concerns with you. The office has sent some letters already and they will be distributed to the related offices.

Joseph Pereira, Pereira Engineer, with offices in Shelton, addressed the Commission. He passed out drawings of the area. This is a 14.2-acre site located on Soundview Avenue.

The property is bound by the Wiacek property, the Maybeck property, and the west side by various owners. There are property lines and there is about 110-foot easement.

We are proposing an 11-lot subdivision of 4-bedroom custom colonial with a two-car garage. We are proposing a single road that will end in a cul-de-sac.

We are proposing 10% to be deeded as Open Space. The lot sizes will range from 40,000 square feet to 63,000 square feet. They will have private driveways.

There will be minimal grading. The storm water will be intercepted in individual roof drains.

End of Side 1A of 2B, tape 1 of 2 at 7:50 P.M.

There are some issues with property lines and that is why this room is full. There is a map that shows the abutting properties including the Holden's. The town map show them in the same orientation. The deeds say that the lots are 150 by 394. There is an existing stonewall on the survey. When we did the survey we found another stonewall. The map shows this goes back 425 feet that means there is a strip of about 30 feet, stated Joseph Pereira.

Attorney Dominick Thomas, addressed the Commission. There is an Attorney who represents the Holden's that I have been playing telephone tag with. This has no impact on the development though because this is a spacious layout.

Joseph Pereira stated that we would have to get approval from Aquarian Water for the extension of water service there.

Mark Holden, 275 Soundview Avenue, addressed the Commission. He presented pictures and stated that at the time his Attorney sent letters they thought that it was only .01 of an acre but it ends up to be about .04 or 31% of his property. We measure the lot to be 150 feet from the areas that we are already and have always been using. When I bought the house, I asked the people that I bought the house from where are the property lines and they said that tree line and that tree line. They are well-established tree lines and at least one seems to be older than me. We have been there for over 15 years, I do have an Attorney that is handling this for me and I would like the record to reflect the dispute.

Cherly (inaudible) 305 Soundview Avenue, addressed the Commission. She read from a prepared letter with regard to the Maybeck family concerns relative to farm animals, children in the farm area, transportation of animals at auction time, weekday and weekend noise, odors, complaints from new residents and protection of the U.I. towers.

Rick Freeman, 276 Soundview Avenue, addressed the Commission. His concerns are with regard to the water pressure and water quality.

Lucy Maybeck, 297 Soundview Avenue, addressed the Commission. She was concerned with the number of houses and asked for less than that.

Ann St. George, addressed the Commission. She showed her lot on the map. She was concerned with the water, drainage and the lots shifting in regard to the septic tank.

Chris St. George, addressed the Commission. He was concerned with the property lines, the water, 11 houses that will add to school over crowding and lot size.

Ron (inaudible) Eagles Landing, addressed the Commission. He was concerned with a possible zone change, age restrictions, house size and cost.

Vice-Chairman Pogoda stated that this is just for acceptance tonight and that staff will be working with the developer. Attorney Thomas offered his email address and suggested residents visit the Vista's at White Hills. Like he did with that development he would like to try to get answers for the residents.

Denise Freeman, Soundview Avenue, addressed the Commission. Her concern was that she bought her property for the country like setting and would like to keep it that way along with the working farm.

Joseph Pereira addressed the concerns with regard to the boundary dispute. We have done some research and there is an additional 30 feet. Mr. Holden stated that one of the things we can do is claim adverse possession.

Cheryl stated that she wanted the fact that this is a working farm that was here first, like buyer beware. Joseph Pereira said there will be no construction in the back. He continued with regard to the water pressure and they will look at that while they are working on their approvals. Lucy Maybeck stated her concern that the area is swampy and the number of houses, again.

On a motion made by Virginia Harger seconded by Patrick Lapera it was unanimously voted to accept Application # 07-08 for review.

APPLICATION # 07-06 JOSEPH MINGOLELLO FOR BISHOP GOLF, LLC FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 30 (BUILDING ADDITION FOR ARCADE AREA) 784 RIVER ROAD, ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to accept Application # 07-06 and schedule the Public Hearing for April 24th, 2007.

APPLICATION # 07-06 ALEX ESPOSITIO FOR SPECIAL EXCEPTION APPROVAL (RESTAURANT EXPANSION) 376 RIVER ROAD (MAP 66, LOT 57) CB-2 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Virginia Harger seconded by Patrick Lopera it was voted to accept Application # 07-06 and schedule the Public Hearing on March 27th, 2007. Comm. Sylvester was opposed.

APPLICATION # 07-09 R.D. SCINTO, INC. FOR PDD ZONE CHANGE AND MODIFICATION OF PDD # 4 (PARKING DECK FOR BUILDING # 4) 4 CORPORATE DRIVE (MAP 28, LOT 12) IA-2 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to accept Application # 07-09 and schedule the Public Hearing for April 24th, 2007.

APPLICATION # 07-10 BARRY KNOT ON BEHALF OF RICAR, LLC AND MIANUS HOLDINGS, LLC FOR SDA OVERLAY ZONE EXTENSION, 704, 712, and 722 RIVER ROAD (MAP 32, LOTS 16 AND 17 AND MAP 22, LOT 1) IA-2/IA-3 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING AND

APPLICATION # 07-11 BARRY KNOT ON BEHALF OF RICAR, LLC AND MIANUS HOLDINGS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MARINA EXPANSION, MULTI-FAMILY, RESTAURANT/CLUB HOUSE) AMENDMENT OF 2006 POCD BY MODIFYING CHAPTER 6, RESTRICTED COMMERCIAL DESCRIPTION AND CAM SITE PLAN, 704, 712, 722 RIVER ROAD, (MAP 32, LOTS 16 AND 17) R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that this will be for May 15th. There will be 3 meetings in May. There are 5 Tuesday's in May. This is the first application that the Commission has received to modify the 2006 Plan of Development. The marina is in a land use category that doesn't allow multi-families. This means we have to send a referral to the Board of Aldermen, the Counsel of Government and the City of Milford. The red area shows the restricted commercial area. The definition then would need to be modified. Does the restaurant fit, questioned Comm. Sylvester? Only if you determine it is an accessory use to the marina, stated Richard Schultz.

On a motion made by Patrick Lopera seconded by Leon Sylvester it was unanimously voted to accept Applications # 07-10 and 07-11 and schedule the Public Hearing for May 15th, 2007.

APPLICATION # 07-12 DOMINICK THOMAS FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 48 (ELIMINATION OF CATERING FLOOR SPACE AND REPLACEMENT WITH THREE (3) COMMERCIAL TENANTS) 514 BRIDGEPORT AVENUE (MAP 51, LOT 10) ACCEPT, DISCUSSION AND POSSIBLE ACTION

Attorney Dominick Thomas, representing the applicant, addressed the Commission. As you are aware Madison's has left and the building will stay the same except for the addition of a door. The parking will be less. The hall will become 3 tenants. There are lease discussions with a chiropractor. The restaurant will stay the same. There will be a Japanese Hibachi restaurant. They will reduce patron space. The building won't change except for a door and less intensive parking. There is sufficient parking and we will reduce that. The chiropractor and the other space will need to come back to you, stated Attorney Thomas.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was voted to approve Application # 07-12. Comm. Sylvester abstained from the vote.

APPLICATION # 07-13 JOHN GUEDES ON BEHALF OF PRIMROSE COMPANIES FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 54 (INCREASE OF THREE (3) RESIDENTIAL UNITS) 5 BRIDGE STREET (MAP 129, LOT 20) – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to accept Application # 07-13 and schedule the Public Hearing for March 27th, 2007

APPLICATION # 07-14 JOSEPH WILLIAMS ON BEHALF OF AVALONBAY COMMUNITIES, INC. FOR AMENDMENT TO THE ZONING REGULATIONS (SECTION 35, SUBSECTION 35.5.2: PRD REGULATIONS) ACCEPT AND SCHEDULE PUBLIC HEARING AND

APPLICATION # 07-15 JOSEPH WILLIAMS ON BEHALF OF AVALONBAY COMMUNITIES, INC FOR PRD OVERLAY ZONE (SHELTON I: 40 UNIT CLUSTER DEVELOPMENT) ARMSTRONG ROAD (MAP 19, LOTS 2, 3, 4 AND 5) R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING AND APPLICATION # 07-16 JOSEPH WILLIAMS ON BEHALF OF AVALONBAY COMMUNITIES, INC FOR PDD ZONE CHANGE (DETAILED DEVELOPMENT PLANS: SHELTON II: 99 UNIT MULTI-FAMILY) BRIDGEPORT AVENUE (MAP 8, LOT 8) R-1/OPD WITH SDA OVERLAY ZONE – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to accept Applications # 07-14, -7-15 and 07-16 and schedule the Public Hearing for April 24, 2007.

APPLICATION # 07-17 COCO MANAGEMENT, INC. FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MEDICAL/BUSINESS OFFICES) 897-911 BRIDGEPORT AVENUE (MAP 8, LOT 15) OPD DISTRICT WITH SDA OVERLAY ZONE – ACCEPT AND SCHEDULE PUBLIC HEARING

End of Side 1B of 2B, tape 1 of 2 at 8:35 P.M.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to accept Application # 07-17 and schedule the Public Hearing for April 24th, 2007.

APPLICATION 07-18, 259 CORAM AVENUE, LLC FOR SITE PLAN APPROVAL(DETACHED 3 BAY GARAGE WITH OFFICE ABOVE) – ACCEPT FOR REVIEW

Richard Schultz stated that this is the Sheehy property, across the street. They went to ZBA to get a variance so that they could replace the existing garage with a three bay garage including an office above.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to accept Application # 07-18 for review.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to add APPLICATION # 07-19 HUNTINGTON WOOD, LLC FOR SUBDIVISION APPROVAL (2 LOTS) SPLIT ROCK, BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) ACCEPT FOR REVIEW AND APPLICATION # 07-20 BRUCE MATTO FOR RESUBDIVISION APPROVAL (2 LOTS) LOT # 3 DEANWOOD MEADOWS, 224 SOUNDVIEW AVENUE (MAP 126, LOT 3) ACCEPT AND SCHEDULE PUBLIC HEARING to the agenda.

On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to accept Application # 07-19 for review.

James Swift stated that this is for financing. There are no plans right now. This is Phase 2. The parcels will stand on their own.

APPLICATION # 07-20 BRUCE MATTO FOR RE-SUBDIVISION APPROVAL (2 LOTS) LOT # 3 DEANWOOD MEADOWS, 224 SOUNDVIEW AVENUE (MAP 126, LOT 3) ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that this will need to be done on May 15th. This is a minor application. May 15th has the least amount. April 24th are the Avalon hearings. What is this, asked Comm. Sylvester? This is at the intersection of Willoughby Road. It has a house and they want to remove the portion of a house to create another deed lot. Any over size lots are being considered for lot splits.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to accept Application # 07-20 and schedule the Public Hearing for May 15th, 2007.

PUBLIC PORTION

MARGARET POULSON, addressed the Commission. She was concerned that the Ivy Brook Greenway is being severely compromised. There is constant traffic and the nighttime buffer for light and noise is also being compromised. There is a problem with the car dealership and the huge lights.

Pitney Bowes will be selling land on Coram Avenue and I urge the Commission to keep that as Open Space.

There are telephone poles at Wells Hollow that will exceed the height limit. They have just been installed. In your 2006 Plan of Development it states that this Commission will protect Scenic Roads.

Comm. Sylvester stated that Richard Schultz should look into this and bring back a report to this Commission. I don't know about the poles you are talking about. Richard Schultz stated that I will take digital photos of that. I didn't know anything about lines being brought from somewhere else, stated Comm. Sylvester. I didn't know anything about special arrangements with regard to the utilities and it is hard for me to see. I know where you are describing, he added. I ask that Ms. Poulson share that Rick.

I think that is a good a point, many of us don't go down that way so we don't know what you are talking about, stated Vice-Chairman Pogoda. We will have Staff look at that. I will make a motion that Rick contact the U.I. company with regard to the poles.

On a motion made by Leon Sylvester seconded by Karen Tomko-McGovern it was unanimously voted to authorize Staff to contact U.I. with regard to the pole issue that Ms. Poulson brought up.

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

APPROVAL OF MINUTES; 1/16/2007 AND 2/13/07

On a motion made by Leon Sylvester seconded by Patrick Lopera it was unanimously voted to approve the minutes of 1/16/2007 and 2/13/2007.

Comm. Sylvester stated that I was very surprised that all the discussion we had on Regan Circle, the house and the driveway. I received a few phone calls from residents after the fact that didn't know that was going to be discussed or on the agenda. They had strong feelings about where the driveway was to go. It is too bad that we never got a chance to hear what they had to say. I referred them to you, I told them to call you, stated Comm. Sylvester. They were adamantly opposed to the way we, the way this Board, ultimately approved that and they said the only reason they were not here was that they didn't know that this was to be discussed. That is too bad because I did ask for that to be tabled the first time so that we could find out if the neighbors would be effected. We did table that, stated Vice-Chairman Pogoda. Yes and we brought it back to the agenda. Two of us went up there to look, Alan and I, and we both had reservations, stated Comm. Sylvester. We don't notify on separates, stated Richard Schultz. I would, if I was in that neighborhood I would be angry because this Board made a decision that effected their property without them having an opportunity. There was a lady that hit me with the fact that we voted against the City Engineers recommendation and they didn't have the opportunity to speak, stated Comm. Sylvester. I felt bad.

Richard Schultz stated FYI that building permit has not been issued. We have a policy in place that if the City Engineer doesn't issue the driveway, Wetlands won't issue it. Comm. Sylvester stated I would like to see that come back to this table. Again we voted against the City Engineer's recommendation without input from people directly effected. I think that sends not a good message of what we are trying to do. It would never happen in R-1 zone but it easily happens downtown, he added. What happens Rick, you said the City Engineer doesn't approve the driveway, questioned Vice-Chairman Pogoda? They would seek a mandamus and that would have to go to Court, stated Richard Schultz. That is very involved, he added. Comm. Harger stated you are not the only one that got phone calls.

8-24 REFERRAL: PROPOSED EXTENSION OF PAWTUCKET AVENUE

Richard Schultz showed a location map of Coram Gardens. There are still paper street up there with unbuilt adjacent lots. The Board of Aldermen sent the referral. He read the City Engineer's report, on file in the Planning & Zoning Office, who recommends reporting negatively. If you report negatively it goes to the Board of Aldermen and the property owners have a right to say take the value of the land that will be less than if the extension was approved. Staff is saying firmly that this is the end of the line for the paper street. Vice-Chairman Pogoda stated I went there myself and I could not imagine the amount of fill that would need to be put there. There are major wetlands there and I was very concerned.

On a motion made by Daniel Oraziatti seconded by Leon Sylvester it was unanimously voted to report unfavorably on the 8-24 Referral: proposed extension of Pawtucket Avenue.

8-24 REFERRAL: TRUMBULLSANITARY SEWER LINE WITHIN CITY OF SHELTON

Richard Schultz stated that once in a while we get a neighboring community that needs our sewer lines. This came from the Mayor's Office. He read the City Engineer's letter (available in the P & Z Office) He recommends reporting favorably.

On a motion made by Virginia Hager seconded by Patrick Lopera it was unanimously voted to report favorably on the 8-24 Referral: Trumbull sanitary sewer line within City of Shelton.

MOTA/PRIMROSE SUBDIVISION: APPROVAL OF PAYMENT IN LIEU OF OPEN SPACE AMOUNT

Richard Schultz sated that this is for a payment in lieu of Open Space. This is the Germania Club. The appraisal is for \$260,000 and 10% is \$26,000 so we need a motion.

On a motion made by Patrick Lopera seconded by Virginia Harger it was voted to approve the payment in lieu of Open Space amount on the Mota/Primrose Subdivision. Comm. Sylvester was opposed.

AUDOBON PRESERVE SUBDIVISION: REQUEST FOR PERFORMANCE BOND REDUCTION

Richard Schultz read the City Engineer's letter who recommends the reduction of the bond.

On a motion made by Virginia Harger seconded by Patrick Lapera it was unanimously voted to approve the request for the reduction of the Performance Bond on the Audubon Preserve Subdivision.

On a motion made by Patrick Lapera seconded by Virginia Harger it was unanimously voted to pay bills, if funds are available.

STAFF REPORT

Richard Schultz stated that there are two use variances on ZBA's agenda. Barry Mucci wants to sell mulch, etc at the location between Viking Tool and Walmart. Also Countryside Vet on Leavenworth Road wants to expand.

Citing Counsel has approved the replacement of the antennas at 162 Birdseye.

Comm. Sylvester stated that when he was trying to get to the hospital when it was bad weather. I went across the bridge and traffic started at the bridge all the way to St. Mary's. Inching trying to get through Shelton. It will be incredible, the traffic is a real issue and anyone who says differently is crazy. When you use Cornell Street you use the left there. Cornell is an important cut through.

Comm. Oraziatti showed photos of where the U.I. wants to put the electrical service box for their downtown location. He asked that Richard Schultz send a letter to U.I.

On a motion made by Leon Sylvester seconded by Karen Tomko-McGovern it was unanimously voted to authorize Staff to contact U.I. with regard to poles (and service boxes) downtown.

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

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to adjourn at 9:25 P.M.

Respectfully submitted by,

Diana Barry, Clerk