

The Shelton Planning & Zoning Commission held a regular meeting on April 10, 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. Leon Sylvester
Comm. Karen Tomko-McGovern
(sitting in for Comm. Orazetti)

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Karin Tuke, Clerk

Members absent: Chairman Alan Cribbins
Comm. Daniel Oraziatti

Tapes (2) and correspondence on file in the Shelton 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 17 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 # 1-17.

SEPARATES

#4211 WAL*MART, 465 BRIDGEPORT AVENUE, OUTDOOR GARDEN SALE

Richard Schultz stated that Wal*Mart, consistent with their annual outdoor garden center and outdoor sidewalk sales, is requesting the outdoor garden center to be placed within certain designated areas of the parking lot from April 30th through June 30th. This year's sidewalk sales will be held May 25th – May 27th and Sept. 1st – 3rd. As a side note, the Fire Marshall's Office is always notified of this. To date, there have never been any problems.

On a motion made by Patrick Lapera seconded by Virginia Harger it was unanimously voted to approve Separate #4211.

4248 CATHY WILSON, 194 LEAVENWORTH ROAD, BUSINESS

4205 DOROTHY SIM-BRODER, 194 LEAVENWORTH ROAD, BUSINESS/SIGN

Richard Schultz stated that this is for new occupants and signage at new businesses in the White Hills Shopping Center. He passed around a copy of the floor plan and statement of use for Party Place, followed by a statement of use for the retail bookstore.

The stated use for Party Place is to conduct children's birthday parties. It is approximately 1100 square feet, 6 – 8 employees, operating 6 days a week between the hours of 10 a.m. – 7 p.m. It will provide a facility for children's music and dance parties; sell children's gifts and party favors. This would be the first large-scale facility devoted to this use in a Shelton shopping area. They anticipate up to 15 individuals when parties are in progress requiring up to 18 parking spaces.

It is Commercial CA2. No food will be prepared on the premises. It will be ordered from local restaurants and brought in. This had previously been a concern for the P&Z Committee.

The retail bookstore has 2350 square foot occupancy. The total building is 11,000 square feet. This store would be at the end of the building facing the corner where the entrance is. The number of total employees is to be determined. This will be a sole proprietor, and they do not anticipate having many employees. A small area has been planned for the purpose of drinking coffee, as well as a reading room for elementary aged children and their parents.

Mr. Royal Wells, the developer, showed schematics of the location and type of proposed signage for the bookstore in relation to existing store signs in the White Hills Shopping Center. Due to the number of pre-existing box signs in this locale, P&Z advised that the box sign would be acceptable but a uniform color scheme and design had to be presented for the bookstore.

The schematic showed three box signs with blue letters and a white background located above entrances that would be illuminated at night. Photos of existing store signs in the shopping center were shown also.

Anthony Panico, Planning Consultant asked why there were three separate signs for one tenant.

Mr. Wells explained that this was an oversight – the graphic depiction created by the Superior Sign Company was created for mock up purposes. It shows each section of the building (i.e. – the bookstore, its reading room, etc.) as separate sections with their own signs. This is not accurate.

Mr. Panico wanted to know if the sign would be over the right or left door. Mr. Wells and Mrs. Broder, owner of the bookstore explained that the exact sign location was TBD; however, she would have one entrance door and no more than two signs.

In regard to the box signage, Comm. Pagoda reiterated the Commission's goal to achieve uniformity of signage throughout Shelton - as it has been attempted downtown in the overlay zone. Commission Sylvester agreed with Comm. Pagoda that the best time to attempt the P&Z goal of community sign uniformity would be at the time of initial construction.

Mr. Wells stated that box signs had been in response to store occupant's desire to have their signs illuminated at night while they continue to do business.

Commission Pagoda asked if the building had a soffit and suggested goose head or soffit lighting over flat signage to achieve this goal.

Mr. Wells responded that most of the building had a soffit to place lighting. He agreed that he would cooperate with the Board's signage initiative, work with Staff and make flat signs with soffit lighting.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate #4248 and Separate #4205.

4199 MAX JAROSZEWSKI, 223 CANAL STREET, BUSINESS

Richard Schultz stated that this is for partial occupancy on Canal Street, the Outlaw Building. This application came in before the effective date of the PDD zone. It was industrial IB2. The proposed use is for generator sales, installation, repairs and associated work. They will be leasing 800 square feet from Tom Outlaw. The building is 20,000 square feet. It employs one individual, open from 8 a.m. – 8 p.m. and for emergencies. Staff recommends approval.

On a motion made by Virginia Harger seconded by Patrick Lopera it was unanimously voted to approve Separate #4199.

4209 AARON ALBERT, 84 CENTER STREET, BUSINESS/SIGN

Richard Schultz stated that this is the old Russell Linen Building next to Simonetti's. This store will be one of several occupants going into this building. This is for the lower level on Center Street. Its stated use is for a proposed sporting goods store – Riverside Sporting Goods. The overall building is 15,000 square feet - 5000 square feet is to be leased from Howard Russell for this store. The store's hours of operation will be Monday – Friday, 9 a.m. – 6 p.m. and Sat/Sun 9 a.m. – 5 p.m. Minimal curbside parking and Post Office parking will be available. There will be no company vehicles. Mr. Schultz passed around a drawing of the proposed sign over the entrance door. Comm. Sylvester requested clarification as to the presence of a storefront because it had been previously closed. Anthony Panico had concerns as to whether alterations will be made to the overhead doors and Comm. Tomko-McGovern inquired about the possibility of a future curb cut. Comm. Sylvester made a motion but noted that he has concerns regarding signage and parking for future tenants in the building.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate #4209.

4253 THE RUG MART II, 469 HOWE AVENUE, BUSINESS

Richard Schultz stated that this is the corner building on Howe and Bridge Street (former Beazley Realty). It is 800 square feet, two employees, retail floor covering store. It is fully consistent with the uses. They do have three company vehicles, curbside parking with a municipal parking lot on the back and side of the store.

Comm. Sylvester expressed concerns as to the parking being monopolized by company installation and delivery vehicles. Anthony Panico questioned why these vehicles have to utilize the available curbside parking. Comm. Sylvester requested a condition be made on the motion for occupancy in regard to the company use of street parking.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate #4253.

4237 ASIAN BISTRO, 702 BRIDGEPORT AVENUE, SIGN

At the directive of the Commission, the applicant prepared schematics of various building views (first and second levels, back) to show the location of any anticipated signs. There are two proposed wall signs because there are two elevations to discuss. Jim Blakeman from Blakeman Construction showed the two proposed wall signs for each elevation of the building.

Mr. Schultz stated that there were three issues that required the Commission's consideration:

1. Location(s) of signage
2. Material and colors being used for the signage
3. The uniformity with other signs

Pat Rose of Rose, Tiso & Co. spoke about the proposed signage. The Asian Bistro will have one internally illuminated channel stylized letter sign. Tony Panico asked if any of the letters would be dropped below the soffit.

Mr. Rose answered that it will be dropped below the facies where there is a facies/soffit to drop below it). Bldg 3 and Bldg 5 have no soffits. The Sleepy's sign (when it is brought to the Commission) will also be on the wall held by railings – in this way all the signs on this building would in line. Anthony Panico states that he does not think that is the best technique for this structure. Comm. Harger asks if there is a photo available of this whole bldg. Pat Rose states there is not.

Mr. Rose also states that this drawing is depicting all possible sign positions that can be used by these tenants; however, not all of these signs will actually be there. One tenant may take up three store fronts but only have one sign. The drawing is a guide to depict different scenarios. For example, the Asian Bistro has two store fronts but one sign. Signs on the one elevation would be used to advertise tenants who are on the second floor from the street side. Tenants on the backside of the building are going to have signage on the front of building above the facies.

Anthony Panico expressed concerns about the increase in the number of tenants (and number of signs) for this building (a split-level style) since its inception. The background color of the signs would be off-white or beige; however, Comm. Pagoda communicated concern about too many signs of various letter styles and colors all in a row.

Anthony Panico discussed with Pat Rose the possibility of mounting the signs against the facia panel above the door. Comm. Harger and Mr. Panico felt as though a simple, cleaner technique would enhance the aesthetics of the building structure better. Mr. Panico relayed to Pat Rose that they never anticipated how much signage would be needed on the back – he feels as though a better sign solution is needed there.

Comm. Harger asked if any of these signs had specific trademarks.

Chris Stapleton, representative for the Asian Bistro, spoke for the restaurant owner. He referenced that the Asian Bistro has a trademark logo and eight other locations in Connecticut. A new facility was recently opened in Port Chester, NY. Mr. Stapleton explained that the Asian Bistro chose this location in Shelton so that it could be affiliated with national brand stores nearby (Sears, Outback). This has been done with the other Asian Bistro restaurants as well.

The Asian Bistro wanted to keep their logo with a black background for a rustic small-town feel. He relayed the desire to be cooperative but indicated that his client would want to be allowed the same type of signage and exposure as other tenants in the building. Signage/Exposure is extremely important to his client. The desire for one large sign on the second floor or 2 signs was due to the fact that there is limited signage on the street level of Bridgeport Avenue.

The Commissioners, Mr. Stapleton, Mr. Rose and Mr. Blakeman discussed many alternatives for the sign locations (off building overhangs, on the facies boards, altering various sizes/proportions of the signs, location of all the tenants, signs at the back and second level) as well as the possibility of color uniformity. Comm. Harger stated that she did not have an issue with the lettering if the sign was representative of a corporate identity (i.e. Sleepy's red block letters).

End of Tape 1, Side A (1 of 2 tapes) – 7:46 p.m.

Revisions were made to the schematic to better reflect the Commission's concerns. Comm. Sylvester suggested that all involved return to the Board with a color plan and a finalized version of size and style of lettering for the signage because it is too difficult to envision on paper. Comm. Sylvester and Comm. Tomko-McGovern expressed a desire to see signs that are tastefully done and do not compete with one another.

The Commission discussed materials to be used and analyzed other options on the schematic with Mr. Rose & Mr. Blakeman. Many concerns were addressed regarding aesthetically complimentary letter and color styles and sizes for all tenants to be located at 702 Bridgeport Avenue.

Patrick Lapera leaves the meeting at 7:50 p.m.

On a motion made by Leon Sylvester and seconded by Virginia Harger it was unanimously voted to approve Separate #4237.

Richard Schultz stated that Mr. Rose would also be providing an update on the planned outdoor patio for the Asian Bistro. The Commission advised staff that it should be treated as a minor modification. Jim Rose showed a blueprint of the Asian Bistro pointing out where the patio would be placed. The patio would be constructed from an existing notch in the bldg. A brick beam with steel angles would be placed across an existing column to create a concrete and steel patio with finished tile measuring 11.6 x 11.30 (approx. 330 - 350 square feet). The patio entrance door would be located inside the restaurant, and a set of stairs would be built up to grade (where the parking lot is) from the patio.

Comm. Pagoda asked about the material to be used for the rail. Mr. Stapleton answered that it would be constructed with the concept of safety first making the railing as high as it needed to be. His client would like it to be somewhat ornamental (i.e. wrought iron & aluminum) to match the high-end atmosphere of the interior restaurant.

Comm. Pagoda and Anthony Panico expressed the same concerns about the patio construction being able to contain the occurrence of debris. Mr. Stapleton relayed that his client anticipated a retractable awning or umbrellas on granite type, heavy tables, with china-type dishes and cloth napkins.

Anthony Pagoda asked for verification that there would be no paper products on the patio whatsoever, and Mr. Stapleton concurred.

Comm. Sylvester asked if the patio would be off the bar and if it would be an area where smokers might congregate. Mr. Stapleton addressed these concerns by citing that the owner considers the patio area at his

Port Chester NY restaurant to be a money generating area specifically meant for his diners. Congregating there for any other reason would be frowned upon.

Comm. Pagoda asked for specifics regarding the retractable awning. Mr. Stapleton felt as though the umbrellas used in the Port Chester facility would probably be used in this facility to shield against setting sunlight. He agreed to bring samples of the final material to be used.

Comm. Pagoda asked about the possibility of music outside on this patio. Mr. Stapleton stated that there would be small outdoor speakers but not for dancing or loud music. Any CDs played would be for the intention of creating background music that would contribute to the owner's desire for a high-end atmosphere.

Richard Schultz reminded the Commission that the patio discussion was provided as an update to the sign discussion.

#4239 SLEEPY'S THE MATTRESS PROFESSIONALS, 702 BRIDGEPORT AVENUE, SIGN

Richard Schultz showed a drawing with the planned location for the Sleepy's sign on the facies of the building. Comm. Pagoda asked whether the Sleepy's sign would fit within the parameters previously discussed for the other tenants at 702 Bridgeport Avenue location.

Bill Meyers, of KP Signs, NY. And Pat Dylan from Sleepy's NY to discuss signage and address Commission concerns.

Mr. Meyers discussed a caveat for this building regarding Comm. Pagoda's consistency concerns. The building has a recessed alcove entryway that causes the Sleepy's sign, if placed back directly onto the wall, to be unseen from the peripherals. To correct this situation, Mr. Meyer's suggests bringing the sign out to the same plane as the other signs at this location. This could be achieved by mounting two 4 x 6 inch rails across and mounted to the area to be used for signage. Sleepy's is the largest anchor at this location. The sign would utilize 2157 red Plexiglas that achieves uniformity with other signs and individual channel letters with elite D lighting inside.

Anthony Pagoda asked about the rails being used to support the sign. Mr. Meyers answered that they are working with the structural engineers at this time regarding the materials to be used and transformer requirements. 28 ft opening (the store front is 78 ft) Mr. Meyers referenced the sign spec drawing showing that the sign itself is 3' x 22' and the area to place it is 28 feet wide. Mr. Meyers indicated that any exposed materials would be finished with prime and texture paint to match the color of the building.

Anthony Panico asked if there were pictures of the monument too. Mr. Dylan stated that there was although he could not find them in his packet. Sleepy's would be taking a slot on the monument directory and adding 3M graphics to it.

Mr. Dylan from Sleepy's reiterated the fact that if the Sleepy's sign is flush against the wall it is actually set back 4 feet, and it can not be seen when pulling into the parking lot.

On a motion by Virginia Harger and Karen Tomko-McGovern it was unanimously voted to approve Separate #4239.

#4213 LORENCE SIGNWORKS, 704 BRIDGEPORT AVENUE, SIGN

On a motion made by Virginia Harger and Karen Tomko-McGovern it was unanimously voted to table Separate 4213.

#4202 MY FAVORITE ITALIAN DELI, 702 BRIDGEPORT AVENUE, SIGN

On a motion made by Virginia Harger and Karen Tomko-McGovern it was unanimously voted to table Separate 4202.

4215 WELL DONE, LLP, 25 FAIRLANE DRIVE, HOME OFFICE

Richard Schultz stated that this is for home office and equipment setup for a home improvement business. The area consists of 100 square feet with owner/occupants. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate #4215.

4217 NEETU JAIN, 7 BRUNSWICK ROAD, HOME OFFICE

Richard Schultz stated that this for a 132 square foot home office for a software consulting business. One employee and computer related equipment would be required.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate #4217.

#4229 HALINA LIPKA, 43 SPOKE DRIVE, HOME OFFICE

Richard Schultz stated that this for a home occupation that prepares small crafts for churches and craft fairs. It would sell ornaments at Christmas fairs and Internet sales. It would require 100 square feet and one employee. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate #4229.

4220 RUSSIAN HOCKEY SCHOOL, 5 OAK HILL LANE, HOME OFFICE.

Richard Schultz stated that this a 100 square foot home office that will provide specialized consultation services for individuals in the selection of ice hockey/skating schools. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate #4220.

4242, ELIZABETH MANSFIELD, 7 CHRISTMAS TREE HILL ROAD, HOME OFFICE

Richard Schultz stated that this should be changed to home occupation for personalized gift baskets. It would include 100 square foot area, part time employment for the owner. Staff recommends approval.

On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to approve Separate #4242.

#6583, ABC SIGN CORP., 2 TRAP FALLS, SIGN

Richard Schultz referenced the St. Vincent's Medical Center sign presented by Mr. Scinto. It had been tabled at the March 13th P&Z meeting.

Staff recommends one ground sign, double-faced for this multiple tenant building. Mr. Schultz stated that they would allow an 8' x 5' maximum, 40 square feet, listing one tenant and no directory. Staff recommends approval with this condition. Comm. Harger requested more detail as to what the sign would look like and where it would be located. Mr. Schultz stated that it will be located in the front of the building and be made of brick masonry consistent with the building structure.

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

4231 SHELTON STORAGE, LLC, 829 BRIDGEPORT AVENUE, SIGN

Richard Schultz commented that this sign has already been approved on the detail development plan. The Board recommended eliminating the large human figure shown on the main building. Mr. Schultz stated that this modification is now consistent with the detail development plans.

On a motion made by Leon Sylvester seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate 4231.

4236 SIGNS UNLIMITED, INC., 539 HOWE AVENUE, SIGN

Richard Schultz showed a drawing for proposed signage at the Shelton Pizza Palace. He relayed that he directs the Commission to sit down with the applicant. Comm. Sylvester asked whether this business had new owners. Mr. Schultz stated that he did not know. He relayed that the Commission has two concerns about the awning – the type of material (quality) used in the awning, the color of the awning (chartreuse green) and the presence of a logo. There is no phone number on the awning.

Comm. Pagoda expressed his concern about awnings of this nature for many years and recommends that the applicant work with Staff to convey the P&Z Board's concerns about the color and use of a logo. Mr. Schultz suggested that this item be tabled. Comm. Sylvester agreed with this course of action.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to table Separate #4236.

4230 JOHN LANDRY, 5 WHITE STREET, SIGN

Richard Schultz stated that this sign is for Luther's Garage under new ownership. Debbie McNamara, co-owner of Luther's Garage for the last four years showed the Board pictures of the existing sign (since 1969). She presented an updated sign using maroon and yellow colors that she would like to use in an effort to enhance the front of the building.

Comm. Pagoda asked if the vintage convertible car logo next to the lettering had to be there. Ms. McNamara indicated that she would be able to make the logo smaller if necessary. She showed an example of the same sign with different variations including one without the car logo. Comm. Tomko-McNamara asked the size of the sign. Ms. McNamara stated it would be 16' x 4' and made of aluminum to be placed directly over the existing wood sign. Comm. Sylvester and Comm. Tomko-McGovern liked the use of the vintage car on the signage. The Board agreed that the existence of the car logo on the sign was acceptable if it would be made much smaller. Ms. McNamara indicated that she would comply with that request.

On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to approve Separate #4230.

6573 BRIAN STOCKBRIDGE, 509A HOWE AVENUE, SIGN

Richard Schultz stated that Stockbridge Cheesecake bakery would be moving into the old Fenton Photo building. The applicant, Brian Stockbridge showed the 12" channel letters to be used for the front sign.

The letters would be in the same color scheme (brown) as the letters in existing signs nearby. The second sign will match the existing flat sign over the door on 509A. It will have a brown background with ivory letters. In addition to baking cheesecakes to order, the business will be serving coffee and bakery items on the premises 6 or 6 ½ days a week with the possibility of nighttime hours.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate 6573.

#4206 THE UNIQUE BOUTIQUE, 445 RIVER ROAD, BUSINESS & SIGN

Richard Schultz stated that this would be replacing the insurance company in the shopping center near Sunnyside. It is a 1200 square foot gift shop boutique. The proposed business will have 1 full time and 2 part time employees with the hours of operation Monday – Saturday, 9 – 6 p.m. Two sign options were provided to the Board for selection. The solid sign consistent with the area businesses was favored.

On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to approve Separate #4206.

#4700 MICHAEL TERENZIO, 30 SARA NOR ROAD, INLAW

End of Tape 1, Side B (1 of 2 tapes) 8:31 p.m.

Richard Schultz stated that this would be for an in-law apartment over the garage and recommended approval.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate #4700.

APPLICATION #06-55, BROADBRIDGE HILL, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT CONCEPT PLAN: MIX USE DEVELOPMENT), 126 BRIDGEPORT AVENUE/159 LONG HILL AVENUE (MAP 105, LOT 163), R-5/CB-2 DISTRICTS (PUBLIC HEARING CLOSED ON 2/27/07) – REQUEST FOR WITHDRAWAL (APPLICANT INITIATED).

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to approve the request for withdrawal on Application #06-55.

APPLICATION #07-07 ALEX ESPOSITO FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (RESTAURANT EXPANSION), 376 RIVER ROAD (MAP 66, LOT 57), CA-2 DISTRICT – PUBLIC HEARING CLOSED ON 3/27/07) – DISCUSSION AND ACTION.

*See attached letter from City Engineer dated April 10, 2007

*See attached letter from Fire Marshall dated March 27, 2007

Alex Esposito, 312 Pine Meadow Road, Westport, representative for the applicant, Carmine Mancuso addressed the Board. The discussion provided an update to Carmine's Ristorante architectural treatments. Mr. Esposito stated that an upcoming meeting (May 8th) would be held with the City Engineer to address the parking lot reconfiguration (patron & employee spaces), drainage issues and the restoration of a curb cut on Wallace. Additionally, Mr. Esposito provided an update regarding the location of the dumpster, signage location and changes to the architectural concept and materials to be used.

APPLICATION #07-10, BARRY KNOTT 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), 1A-21A-03 DISTRICT – REQUEST FOR WITHDRAWAL (PZC INITIATED).

Richard Schultz stated that the new regulations for a PDD, the rewrite, no longer require an SDA overlay in areas of transition. Staff inadvertently required that they provide an SDA overlay. The scheduled Public Hearing in May will address the PDD zone change and coastal area management site plan. It will no longer be necessary to submit a SDA for the PDD overwrite. From now on, only this Planning & Zoning Commission can designate an SDA overlay area.

Comm. Sylvester asked for clarification as to who will be able to initiate SDA's in a transition area. Mr. Schultz explained that he inadvertently requested that this applicant submit an SDA. Only the P&Z Committee will now be the only entity to initiate an SDA.

On a motion made by Virginia Harger seconded by Leon Sylvester the majority voted to approve the request for withdrawal on Application #07-10.

APPLICATION #07-21, CHINATOWN SHELTON FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR): RESTAURANT WITH TAKE OUT), 194 LEAVENWORTH ROAD (MAP 144, LOT 15), CA-2 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING.

Richard Schultz stated that this is another proposed tenant at the White Hills Shopping Center. It would be a high traffic generator because of the takeout and a couple of tables inside. The public hearing has been scheduled for May 15, 2007.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to accept application 07-21 and schedule Public Hearing for May 15, 2007.

APPLICATION #07-22, JOSEPH WILLIAMS ON BEHALF OF AVALONBAY COMMUNITIES, INC. FOR SITE PLAN APPROVAL (SHELTON 1: 40 UNIT CLUSTER PRD DEVELOPMENT), ARMSTRONG ROAD (MAP 19, LOTS 2, 3, 4, AND 5) – ACCEPT FOR REVIEW.

Richard Schultz indicated that a Public Hearing has been scheduled for April 24, 2007. As part of the settlement involving Shelton 1, Armstrong Road 40 unit cluster - it is a two-part application. This is the second part. The first part is the PRD. There is actually a third part with that because we have to amend the PRD regulations. The applicant is hoping that the April 24th public hearing can be opened and closed with possible action. This is up to the Commission. If there is an action that night, the second part to that application would be the site map. This is not individual lots but a condominium form of ownership and requires a site plan as opposed to a subdivision. This application is part of the settlement and required to begin the 65 day time period.

On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to accept Application #07-22.

APPLICATION #07-23, TEAM INC., FOR SPECIAL EXCEPTION APPROVAL (FOR NON PROFIT SCHOOL: SCHOOL READINESS CENTER), 183 HOWE AVENUE (MAP 118, LOT 7) – ACCEPT FOR REVIEW.

Richard Schultz stated this is the Lutheran Church. TEAM is securing a grant to establish a child daycare center. Because it is a residential zone not commercial (which stops right before Hull Street) a non-profit organization requires a public hearing because it is a residential zone. Due to a full P&Z meeting calendar, the public hearing is tentatively scheduled for May 29, 2007.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to accept Application #07-23 and schedule public hearing for May 29, 2007.

APPLICATION #07-24 BIC CONSUMER PRODUCTS USA FOR MODIFICATION OF SITE PLAN APPROVAL (RENOVATION, OFFICE IMPROVEMENT AND BUILDING ADDITION), ONE RESEARCH DRIVE (MAP 27, LOT 1), ACCEPT FOR REVIEW.

Richard Schultz stated that this is a major move for BIC from Milford to Shelton, and the applicant was present to provide a brief overview of their project. Barry Johnson, from BIC expressed how pleased BIC and the BIC chairman were with the Shelton site. John Ireland, the architect from Fletcher and Thompson in Shelton has completed the construction documents and they are out to bid. They expect to award the contract in early May 2007. We are moving 300 – 320 employees into the site. BIC plans a complete interior and exterior remodeling of the building and the site.

The theory behind this plan is that BIC is a family owned business and our chairman's name is on the front door. The BIC Chairman has been involved in the design to mirror other BIC buildings throughout the world in continuity and appearance. The town has requested that we put a sidewalk along at the front of One Research Drive. They are also planning on placing a walking trail through the property for employees to utilize during lunch breaks.

John Ireland, the architect spoke about the request for an 800 square feet addition– approx. one percent of the total building size (approx. 8000 square feet). He stated that the building rests on an approximately 15 acre parcel bounded on three sides (Huntington Avenue, Falls Road Ext and Research Drive). The minor addition would be on the north side of the building near Huntington Road. It will improve the dining area and increase seating capacity for employees. A kitchen/cafeteria will also be renovated.

The concrete sidewalk has been added to compliment other sidewalks throughout the Shelton area. The walking path is non-paved. The entry drive has been improved with a small site sign. The entry drive will remain 100 feet from the road. Mr. Bic, the Chairman of BIC, is concerned about the BIC image and continuity among BIC buildings. This is the reasoning behind the entry door improvements and the addition of the BIC arch. The interior of the entrance will be changed to BIC colors. It will be illuminated at night.

An architectural rendering of the new dining area was shown. Mr. Ireland explained that it would be a 2-story space; however, dining will only take place on the first floor. It will be illuminated at night and BIC signage would be added to that side of the building.

A minor patio addition outside near the dining addition has been planned. Comm. Pagoda asked about the probability of outdoor dining. Mr. Ireland stated that it would be only for seasonal dining with no roof.

The other utilitarian improvement planned has been for the loading dock area. Currently the site plan has the loading dock at a right angle to the entry drive. BIC would like to slightly realign that area and include

a generator and dumpsters in that location. The previous owner approved the generator. These items will be screened from the road.

Mr. Fletcher discussed the signage. It has been included in the package provided to P&Z. Two existing monument signs on the corner of Huntington Road and Falls Road and at the corner of Research Drive and Falls Road would remain. One of the monument signs will be brought in from the Milford location. Two building signs will be added. They are 81/2' x 2'. Mr. Johnson emphasized that these BIC signs are not merely signage, but a trademark and brand identity recognized throughout the world.

The building will be reskinned or refinished. The building exterior is currently covered with a ceramic tile that can't be painted (sealant would fail). They have proposed that the tiling be removed, and the building would be reclad with steel panels painted with a high performance finish.

The interior would be all office space, with improvements to the data center, dining and café areas.

Comm. Harger asked about the parking. Mr. Ireland stated that existing parking is more than ample and will be used. Mr. Fletcher stated that outdoor site lighting would be added to illuminate the parking areas as well.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to accept Application #07-24.

APPLICATION 07-23 COUNTRYSIDE VETINARY HOSPITAL FOR SITE PLAN APPROVAL EXPANSION OF HOSPITAL, 374 LEAVENWORTH ROAD (R-1A DISTRICT). ACCEPT FOR REVIEW.

Richard Schultz stated that they have received a use variance and are ready to do a site plan.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to accept Application 7-23 for review.

APPLICATION 05-41 REQUEST FOR EXTENSION TO SUBMIT FINAL DETAIL DEVELOPMENT PLAN FOR BERKSHIRE COMMONS SIGN OFF

Richard Schultz stated this is another one-year extension. Zuckerman needs the Town of Stratford to work pollution control. They still have not finalized the intermunicipal memorandum of agreement yet. One extension has already been granted. This PDD was approved but remains contingent upon Stratford's approval. This extension would take them to 12/1/07.

On a motion made by Leon Sylvester seconded by Karen Tomko-McGovern it was unanimously voted to accept extension (12/01/07) for Application 05-41.

Public

Joan Flannery, 8 Partridge Lane addressed the committee.

She thanked Comm. Sylvester for staying for the Public Portion. She is readdressing an issue that she brought to the Board in October 2006. She has not received an answer from the Commission or the Fire Chief. Blasting was done last July 2006 and her well collapsed. Mr. Schultz stated that he had a letter for her from the Corporation Council indicating that this was a civil matter between the property owner and the blasting company. It suggests that Ms. Flannery consult the blasting company through the Fire Marshall's Office. He apologized for not getting it to her soon; however, he had received it late himself.

Ms. Flannery expressed dissatisfaction with the amount of time it has taken to resolve this issue. She has received no reimbursement for her \$4000 outlay for a new well.

Mr. Schultz stated that this is out of the hands of the Planning & Zoning Commission. She needs to follow the directive of the Corporation Council.

Ms. Flannery verbalized her displeasure with the fact the Planning & Zoning Board is approving projects, such as Split Rock that require blasting that is affecting area homeowners.

Comm. Pagoda answered that the P&Z Board approves such projects under the condition that surveys are made prior to any blasting. The Fire Marshall coordinates city blasting.

Ms. Flannery questioned why she wasn't notified of recent blasting that took place on Daybreak Lane that shook her home. She feels as though all the blasting is taking place in the 3rd Ward.

Comm. Pagoda indicated that blasting is occurring all over the city – not just in the 3rd Ward. He noted that while there are areas where incidents occur as a result of blasting, but there are many blasting areas where nothing happens at all.

Ms. Flannery expressed anxiety about upcoming blasting projects that have or will take place all around her home – i.e. Avalon One, Split Rock, and Wells Hollow. She has no more personal funds if she incurs further well damage.

Richard Schultz indicated that the Alderman had a public meeting on this issue. The emphasis was with the Fire Marshall and a strong suggestion to work with the spirit of cooperation with the neighborhood. The P&Z Office has no control of this. Residents who have called the P&Z office regarding this issue have been referred to the Fire Marshall's Office. Letters of complaint have been received and have been copied for the Commission to review. The Alderman continues to request that everyone involved work together on these blasting issues.

Comm. Pagoda regretted that someone dropped the ball on not contacting Ms. Flannery on the blasting done near her home. The Fire Marshall should be in charge of blasting and notification of blasting.

Comm. Sylvester expressed that blasting has been an ongoing issue of frustration for years. Unfortunately, it never turns out to be the responsibility of the P&Z Board. The P&Z Board and the City cannot get caught in the middle between insurance companies and claims.

Ms. Flannery wanted to know why all new developments in her area receive city sewer/water and the residents in the area do not. Anthony Panico stated that the Board couldn't require developers to provide water service to area residents. Residents could pay to hook in to major lines if they choose to.

Mr. Irving Steiner, 23 Partridge Lane addressed the committee.

Mr. Steiner spoke on the same blasting issue in which he has done his own research. He read a letter that he wrote to the State Fire Marshall in Hartford. In summary, the letter discussed a March 28th incident in his neighborhood in which a resident within 30 feet had not been notified. In his letter he discussed his extensive research of papers at City Hall and discussions with the Fire Marshall about blasting permits. He relayed his disturbance about the minimal notification given to residents in the area for blasting. Mr. Steiner is critical of poor blasting procedures (inadequate signs, blowing a horn...), and homeowner property protection.

His letter to the State Fire Marshall specified an incident of recent blasting done in Shelton that had been performed without notification to residents in his neighborhood and near school bus stops.

He hoped to convey to the committee his disturbance about existing blasting requirements and concern about the handling of upcoming blast initiatives. Mr. Steiner showed members photographs of his neighborhood before and after a blast.

Mr. Steiner requests a more critical analysis of blasting protocol and awareness by more than one city official (the Fire Marshall).

End of Tape 2, Side A (2 of 2 tapes) 9:17 p.m.

Commissioner Pagoda and Mr. Schultz stated that any blasting is placed under the cognizance of the Fire Marshall. They agreed with Mr. Steiner that when area residents are not notified of blasting it is a very dangerous situation. Comm. Pagoda and Richard Schultz concurred that all they can do to help in a situation is to follow up with the Fire Marshall to ensure that he notifies other City Officials and takes greater steps to contact area residents before a blast.

Mr. Richard Jaeger, 2 Copper Lane addressed the commission.

Mr. Jaeger continued this blasting discussion by claiming that he had spoken to the State Fire Marshall. During his conversation, the State Fire Marshall informed Mr. Jaeger that Planning & Zoning is responsible for blasting issues because it is their commission that approves any development projects that require blasting. Additionally, Mr. Jaeger stated that he was told that the Shelton Fire Marshall only has to oversee the blasting site when the blasting occurs. Mr. Jaeger expressed his desire that the P&Z Commission be more cognizant in questioning developers about any blasting that may occur in their projects.

Comm. Pagoda stated that the Commission does not authorize blasting. If blasting is required on a project, the P&Z Commission has no control over it.

Anthony Panico recognized that there are some inadequacies with the blasting procedures, but he believes that the State Fire Marshall was irresponsible in stating that P&Z is responsible for all blasting. Karen Tomko-McGovern recalled how thorough Mr. Scinto's blasting procedures had been for his corporate developments.

Richard Schultz reiterated the Alderman's suggestion that the P&Z Commission work with the Fire Marshall and residents in the spirit of cooperation. He summarized that these blasting complaints are an indicator that the communication between offices is not working well.

Mr. Steiner noted that the individuals (developers, blasting companies) involved in each separate blasting situation seem to determine the quality of how it is performed. Unexpected blasting found to be required during a construction job usually precipitates a poor quality outcome.

Anthony Panico stated that the Commission urges developers to hire their own geological surveyors to analyze areas (including well damage probability) before blasting is planned.

Comm. Pagoda stated that pre-blasting procedures are in place and if they are not being carried out then the individuals performing these blasting jobs are dropping the ball.

Mr. Steiner expressed dissatisfaction with the Fire Marshall. Karen Tomko-McGovern agreed that warning residents of blasting should be mandatory. She found Mr. Steiner's photographers to quite disturbing.

Comm. Pagoda expressed his concern that any blasting projects, large or small, should hold more people accountable for ensuring proper procedures are carried out. He agrees that safety of people and property should be the priority. He advised the residents present that they speak to the Public Safety representative in the Alderman's Office and the Fire Marshall. Comm. Tomko-McGovern felt as though police, bus companies and anyone in the vicinity of a blast should be notified.

Rich Ryzowski, Shelton Resident addressed the committee.

Rich Ryzowski expressed dissatisfaction with the communication between departments. He feels as though the public should not have to run around and perform unnecessary legwork because different city departments can't communicate with one another. He asked, "Isn't there a central location to obtain all of this information? When was the last time any of you spoke to the Fire Marshall?"

Anthony Panico stated that he is not in the position to tell the Fire Marshall what to do.

Mrs. Steiner stated that she felt to P&Z Committee was passing the buck on this issue. Comm. Pagoda restated the fact that P&Z can only disseminate information (regulations, procedures, etc.) to other groups. He can relay information to the Zoning Board of Appeals or the Alderman. If other entities do not perform their functions it is not the fault of P&Z.

The discussion between Mr. Jaeger and the Commission became quite heated as to who bears the responsibility for the missteps in these blasting projects. Mr. Jaeger feels that P&Z is responsible because they are in the position of authorizing development projects. Comm. Pagoda stated that P&Z is only one entity in the overall process to blast in Shelton.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to close the Public Portion.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to approve the minutes of 2/27/07 and 3/13/07.

8-24 REFERRAL: CITY ACQUISITION OF PROPERTY (Burritis Road/Birchbank Road)

Richard Schultz stated that he received a letter from the Mayor Lauretti's office requesting this property for an 8-24 review.

Mr. Schultz read a letter from the City Engineer's office dated April 10, 2007 recommending the acquisition of this 3.6 acre property bounded by Birchbank Road and Burritis Road (Lot 3 Map 179). It is in the best interests of the City to acquire this property because it is an area of limited infrastructure.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to acquire property in the 8-24 referral.

On a motion made by Virginia Harger seconded by Karen Tomko-McGovern it was unanimously voted to pay bills, if funds are available.

STAFF REPORT

Rich Schultz reported that the Zoning Subcommittee is going look at the CB2 R5 zone off Long Hill Avenue.

The Downtown Subcommittee met on March 30th to discuss downtown projects, specifically Kyle's Corner. The expected demolition will be in a month.

Planned Conservation & Development is continuing to implement the recommendations - most notably the formulation of the riverfront district. They are having a meeting on May 8th.

A Special Hearing has been scheduled for August 4 at 7 p.m. to entertain six items including Avalonbay. Tony Pagoda can not attend but they still have a quorum. Please advise Staff.

The chairman needs to schedule executive sessions for two zoning matters. Newman's Car Wash and the Guida zoning matter.

On a motion made by Karen Tomko-McGovern seconded by Virginia Harger it was unanimously voted to adjourn at 10:10 p.m.

Respectfully submitted by,

Karin Tuke