

The Shelton Planning & Zoning Commission held a meeting on June 12, 2007 in the Shelton City Hall, Room 104, 54 Hill Street, Shelton, CT.

The following members were present:

- Chairman Alan Cribbins
- Comm. Virginia Harger
- Comm. Patrick Lopera
- Comm. Daniel Orazetti
- Comm. Anthony Pogoda
- Comm. Ruth Parkins
- Comm. Leon Sylvester (arrived at 7:50 p.m.)
- Comm. Karen Tomko-McGovern

Staff present:

- Richard Schultz, Planning Administrator
- Anthony Panico, Planning Consultant
- Karin Tuke, Clerk

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

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.

On a motion made by Patrick Lopera seconded by Daniel Orazetti it was unanimously voted to go into an Executive Session on pending litigation (ZBA Appeal) at 6:50 p.m. Richard Schultz and Anthony Panico from Planning & Zoning, and Corporation Counsel were invited to attend.

On a motion made by Patrick Lopera seconded by Anthony Pogoda it was unanimously voted to end the Executive Session at 7:13 p.m. Chairman Cribbins stated that no votes were taken in Executive Session.

For the record, Comm. Lopera stated that he did not participate in the Executive Session because he was on the Zoning Board of Appeals when that decision was made, so he did not participate.

Chairman Cribbins opened the meeting at 7:10 p.m. with the Pledge of Allegiance.

#### **APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE**

Richard Schultz stated that there are 37 standards that Staff has reviewed, and they are in compliance with Shelton Zoning regulations. He 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 - #37. Commissioner McGovern voted for Comm. Sylvester.**

Chairman Cribbins asked Rich Schultz to pull all the Separates that he has no specific issues with.

Mr. Schultz stated the following Separates (4) #6999, (5) #6586, (6) #4319, (7) #7001, (8) #4331, (9) #6889, (15) #4337, (16) #6932, (17) #6935, (18) #4245, (19) #6912, (20) #4339, (21) #6911, (22) #6997, (23) #7000, (25) #4307, (26) #4332, (28) #6528. Staff is prepared to advise the Commission that although these are separate in nature, they do not have uniqueness. A lot of them are home offices that are standard in nature, constructions for new buildings that were previously approved, and businesses that are permitted as of right. He stated that Staff has reviewed the applications and finds them to be in compliance with Shelton zoning regulations.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Applications for Certificate of Zoning Compliance, Separates #4 through #9, Separates #15 through #23, and Separates #25, #26 and #28.**

**#6910 JEFFREY LARUE, 36 LYNN TERRACE, IN-LAW/DECK**

Richard Schultz stated that this is for a single story in-law apartment with a deck connected to the main house. He showed the Commission a rendering of the addition facing out to the left of the house. The applicant has complied with the requirements, and has properly certified sanitary sewers. Architectural request is consistent with the house and the neighborhood.

**On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to approve Separate #6910.**

**#6894, NEAL CARR, 46 EAGLE DRIVE, IN-LAW**

Richard Schultz stated that this is for a two story addition with a two car garage underneath and the apartment above it. He showed the Commission a rendering of the elevation. This location is on a septic system, and they have received authorization from the Health District. This is for a 600 square foot, mother-in-law apartment. He indicated that Staff recommends approval.

Comm. Lopera asked if there was a limit on the size of the in-law.

Mr. Schultz stated that it was 1/3 or up to (inaudible).

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate #6894.**

**#6897, STEPHANIE ROSE, 250 RIVER ROAD, DANCE STUDIO**

Richard Schultz stated that this is the Little Academy, the child day care center. Prior to that it was the Jehovah Witness Church. There is a pre-existing non-conforming use. Back in the mid 1980's, the zoning regulations allowed the child daycare center in a residential zone, and the Commission, at that time, approved it. We have since changed our regulations to allow only family daycare or group daycare in a single family home. The attempt was to better control the child daycare type of facilities.

This is a pre-existing, non-conforming child daycare center. The building is 2200 square feet. The applicant is proposing to reduce the child daycare center to accommodate a dance studio. They will have Step-By-Step Dance Academy occupying 1000 square feet and the Little Academy 1200 square foot child daycare center. Because of the reduction in the child daycare, the applicant believes that the rear parking area is sufficient.

Mr. Schultz stated that with a pre-existing, non-conforming situation, the Commission needs to use their discretion because a dancing studio is not within a residential zone. This is an R5. They are asking the Commission to consider this a pre-existing, non-conforming situation, a child daycare center.

Mr. Panico asked if they were requesting it be viewed as a less non-conforming use.

Mr. Schultz stated that yes, they are asking for two occupants. The daycare center will continue to operate in a reduced scope (1100 square feet). The new dance center would be 1200 square feet. The hours of operation would be 4 p.m. – 7 p.m.

Mr. Panico asked how many dance classes come and go in that time frame.

**The applicant, Stephanie Rose, addressed the Commission.** She answered Mr. Panico's question that there would probably only be two classes with about 6 – 8 children. Many of the students carpool, so there are not a lot of cars coming in and out. They would like to split the daycare center, which allows 45 children, directly in half allowing 20 children. There will be 20 children for the daycare and 6 – 8 for the dance studio.

Chairman Cribbins asked if these were all children.

Ms. Rose stated that there were all children.

Comm. Harger asked the applicant if she was the operator of the daycare center.

Ms. Rose indicated that she was the operator of the dance studio, and she is purchasing the daycare center.

Comm. Pogoda asked how many parking spaces there were in the rear.

Mr. Schultz stated that the property is 86 feet in width (standard space is 90 with 10 feet per space).

Chairman Cribbins asked what they did for parking when it was a church.

Mr. Schultz stated that they parked on side streets. The property fronts River Road but the parking and the approach is in the rear.

Comm. Harger asked what days of the week the dance classes would be held.

Ms. Rose stated that they would be held Monday, Wednesday and Friday, 6:30 p.m. is the latest class. There are no weekend classes. It is very family oriented with children from the Sunnyside area.

Ms. Rose's mother addressed the Commission (no name provided). She stated that the existing nursery is approved for 45 students and it is grandfathered in. Stephanie will be reducing it to 25 children being on the premises at one time. It will be more of an elite school. The nursery school will be specialized to include dance, music and art.

Comm. Pogoda asked for clarification that there would be 25 children in the daycare and 6 – 8 children for the dance studio.

Ms. Rose stated that there would be 25 kids at the most. There will be a reduction in traffic, noise with no weekend activity at all. That neighborhood has had 45 children coming and going. The dance studio would have eight children at the most. She stated that what they would like to do is encourage the children that go to the daycare center to do the dancing. In that way, they will already be there and just have to change their clothes. The building is set up so that there would be two separate spaces.

Comm. Pogoda asked Rich Schultz if there has ever been any problem there.

Mr. Schultz stated that they have been no complaints since the mid 1980's that he is aware of.

Comm. Pogoda asked how loud the music for the dancing would be.

Ms. Rose stated that the music is not loud because she has to speak over it to instruct during class. It isn't loud at all; the windows will usually be shut and she specializing in ballet with classic music. (No hip-hop).

**On a motion made by Anthony Pogoda seconded by Daniel Orazetti it was unanimously voted to approve Separate #6897.**

**#6908, JAN KOZDRA, 15 SAWMILL CITY ROAD, HOME OFFICE.**

Richard Schultz stated that this is for the contractor's license. The owner will be using 100 square feet. He has a van with no signage. No material will be stored on the premises. Staff recommends approval.

Comm. Pogoda asked why that application wasn't put into the batch that was approved together.

Mr. Schultz stated that if the Commission likes to process the contractors and the landscapers than they should continue to include them all. The vans often generate complaints.

**On a motion made by Anthony Pogoda seconded by Daniel Orazetti it was unanimously voted to approve Separate #6908.**

**#6907, ADAM NICOLZWIECLI, 19 FRANZ WAY, HOME OFFICE**

Richard Schultz stated that this would be a home improvement business occupying 200 square feet, one vehicle with standard conditions. Staff recommends approval.

Comm. Lopera stated that home improvement contractors need a license. He asked if there was a provision for a license.

Mr. Schultz stated that he did have a Connecticut State License number.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate #6907.**

Comm. Pogoda asked Mr. Schultz if a license is necessary prior to applying to this Commission.

Mr. Schultz stated that it is included in the relevant background information that is required.

**#6898, FRANCISCO F. JOSE, 12 MAPLE AVENUE, HOME OFFICE.**

Richard Schultz stated that this is for a contractor that has a CT State License. Home office, 100 square feet, truck without any commercial lettering, standard conditions apply. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate #6898.**

**#4334, ALLEN'S EXCAVATION & PAVING, 15 REGENT DRIVE, HOME OFFICE.**

Richard Schultz stated that this is for an excavating & paving home improvement contractor who has a license. It is a 100 square foot office; the equipment & truck are in a commercial location in Seymour. He has his own pickup truck without commercial lettering on it, standard conditions apply. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate #4334.**

**#4336, MARC MEJNARTOWICZ, 1 CHEROKEE TRAIL, HOME OFFICE.**

Richard Schultz stated that this is for plumbing and heating, 100 square feet. He holds a T1SN3 license in the State of Connecticut. He has one truck with no commercial lettering. Staff recommends approval with standard conditions.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate #4336.**

**#6939, DAVDAN, LLC, 127 CENTER STREET, BUSINESS.**

Richard Schultz stated that Club 127 on Center Street has been sold to the Orazetti brothers who are proposing to change the café license to a sit down restaurant. He showed a rendering of the proposed restaurant to the Commission. Tonight's application is to authorize the change in occupancy. An application for site plan is coming in July that will show renovations, but Staff wants to show the renderings. The building is well-suited for a Mexican type design. They have relied on curbside parking and municipal parking. The Downtown Subcommittee has been meeting regularly, and advising the

Mayor's Office about the need additional parking. The Commission is aware of this. Staff thinks the Post Office parking lot should be examined for possible expansion.

Comm. Pogoda asked if there was a building next to this.

Mr. Schultz stated that there was a multiple family dwelling to the left of it.

Comm. Pogoda asked if it was going to be knocked down.

Mr. Schultz stated that it was owned separately and would not be knocked down. He indicated that the applicant wanted to show the Commission the direction that they are going. It is consistent with the long-range planning. The Commission will be seeing a site plan application in July.

Chairman Cribbins stated that Comm. Parkins can sit in and vote for Comm. Orazetti.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate #6939.**

**#4335, LOU KATHRAKIS, 704 BRIDGEPORT AVENUE, BUSINESS/SIGN.**

Richard Schultz stated that this is for another occupant at Split Rock, Panhero's Mexican Grille. He shows the proposed wall sign, and asked that they look at the individual lettering due to the limitations made by the Commission. This is 704 Bridgeport Avenue, Suite 103, sit down Mexican restaurant with a liquor license. The overall building is 7976 square feet and their lease area is 2256 square feet. This is a smaller restaurant, no bar, just a service bar. There will be five employees per shift, hours of operation 11 a.m. to 10 p.m. Parking requirements based on the formula for this PDD is 17. Inside food-related equipment, no outside equipment. The Commission would be authorizing another occupant, another sit-down restaurant and a wall sign that is consistent with the master plan.

**On a motion made by Patrick Lapera seconded by Virginia Harger it was unanimously voted to approve Separate #4335.**

**#4309, RICHARD RIZZO, 401- 562 ASBURY RIDGE ROAD, SIGN.**

Richard Schultz stated that this is a sign for the Views of Long Hill. He showed a rendering of the proposed sign. It is consistent with what is up there. It is an R1. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate #4309.**

**#4316, WINE EMPORIUM, 702 BRIDGEPORT AVENUE, SIGN.**

Richard Schultz stated that the Commission previously approved the Wine Emporium at Split Rock. He showed the rendering of the detailed signage with the background that was approved with the master plan. Staff recommends approval.

Mr. Panico stated that this sign would be on the uphill, facing the back.

**On a motion made by Anthony Pogoda seconded by Daniel Orazetti it was unanimously voted to approve Separate #4316.**

**#6596, SBA NETWORK SERVICES, INC., 162 BIRDSEYE RD., TELECOMMUNICATIONS.**

Richard Schultz stated that this is for the cell power cemetery (*for lack of a better word*) on Birdseye Road where they allowed it. The Siting Council authorized SBA Network Services by installing new antennas. The antennas will not increase the number of

height, and the installed equipment cabinets will be on the existing concrete tower. This is already approved by the Siting Council.

Mr. Panico asked if it is collocated or if it is another tower.

Mr. Schultz stated that it is a replacement to provide more efficient antennas. The Commission wants to be aware of it.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate #6596.**

**#4326, URS CORP, 162 BIRDSEYE ROAD, TELECOMMUNICATIONS.**

Nextel Communications owns it, URS Corporation received Siting Council approval for this location. They are adding a 12x20 shelter within the existing compound which is fenced in. They are adding a generator pad, a low profile platform with 12 antennas and underground routing of telephone and electric to existing utility service. The antennas are collocated this time. They are not increasing the overall height. They are renting space. This is exactly what the Commission wanted to see instead of creating a new tower.

Comm. Pogoda asked if a generator was going inside that new compound.

Mr. Schultz stated that yes it was going to be inside the free standing cabinet that only goes on in emergencies. The towers up there are for TVs, LaGuardia Airport – this is telecommunications, but all the facilities need backup generators.

Comm. Pogoda asked if there had been any reported problems up there.

Mr. Schultz stated that there had been none and he even knows residents that live across from it who have never claimed to have any issues.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate #4326.**

**#4343, JULIE NORKO, 580 LONG HILL AVENUE, TEMPORARY TENTS.**

Richard Schultz stated that this is for the United Methodist Home for a donor event on June 14<sup>th</sup>.

**On a motion made by Patrick Lopera seconded by Virginia Harger it was unanimously voted to approve Separate #4343.**

**#6906, PUSFOLA & ASSOC., 510 RIVER ROAD, COOLING TOWER.**

Richard Schultz stated that this is for the latex foam company. He showed the Commissioners a site plan showing elevation with cooling towers going in. Representatives of the applicant were present to answer questions. This is roof-mounted and set back. That particular building has a lot of roof-mounted HDA/C, and the applicant indicated that it will be painted a brown matte color and galvanized.

The applicant (name not provided) indicated that this is part of an energy reduction program for fuel efficiency. He described the towers as being behind the existing rectangular shaped ones. They are six feet tall.

Comm. Lopera asked if the cooling towers were the same height as the existing towers.

The applicant stated that they were six inches taller.

Comm. Harger asked if these towers had electric fans.

The applicant answered that they are cooling towers for the operations. It does have a fan blade in it just as the existing towers do. The water circulates through it; the fan causes the evaporation and takes the heat away. It is the same size fan as there is in the existing tower now.

**On a motion made by Anthony Pogoda seconded by Daniel Orazetti it was unanimously voted to approve Separate #6906.**

**#6938, ISC, 30 CONTROLS DRIVE, RENOVATION.**

Richard Schultz stated that this is off of Long Hill Cross Roads. It is a private road, dead end. ISC is currently occupying the first floor and they want to move to occupy the second floor because they are expanding. This includes a renovation. There is occupancy available on the second floor. If they move, the parking situation will remain the same.

Mr. Panico asked if there had been a different tenant on the second floor.

Mr. Schultz stated that they vacated and the Commission will, hopefully see a tenant for the first floor.

Comm. Harger asked what type of business they were in.

Mr. Schultz stated that it was a light industrial type company.

Comm. Parkins added that ISC is International Science Communications, they produce scientific publications, magazines, etc. and that is their main office.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve Separate #6938.**

Additionally, Richard Schultz indicated that he wanted to advise the Commission that about an application they approved for a gas station conversion on Bridgeport Avenue to a convenience store. They notified Staff late on Thursday (6/7) that the building is in rough shape, and they would prefer to knock it down and build the same size. They will build all four sides of masonry brick. It is the Commission's call to authorize a modification of the site plan.

Mr. Panico suggested to Rich Schultz that he look at the site plan to see if there are any areas that were compromised because the building was there, or if there are things that they might have done differently.

Comm. Lopera asked if the building would be in the same location.

Mr. Panico explained that they were taking the back part of the building down in order to get around the building in order to utilize the narrow space on either side. Perhaps the building can be shifted in location to provide a more efficient parking layout.

Mr. Schultz stated that Staff will re-examine it, but he wanted to bring it the attention of the Commission.

**APPLICATION #07-06 JOSEPH MINGOLELLO FOR BISHOP GOLF LLC FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #30 (BUILDING ADDITION FOR ARCADE AREA) AND CAM SITE PLAN, 784 RIVER ROAD (MAP 12, LOTS 31 AND 38) (PUBLIC HEARING CLOSED ON 4/27/07) – DISCUSSION AND POSSIBLE ACTION.**

**\*See attached letter dated June 12, 2007 from City Engineer, Robert Kulacz, P.E.**

**\*See attached letter dated April 25, 2007 from the Fire Marshal, James M. Tortora.**

**\*See attached Staff Report dated June 12, 2007 from Richard Schultz, Planning & Zoning**

Richard Schultz stated that they are proposing to construct a two-story addition. The report read into the record at the hearing from the City Engineer, Robert Kulacz, had no reservations. He endorsed the application with the conditions that the roof drains are connected to the existing onsite sewer systems. From the Fire Marshal dated April 25<sup>th</sup> he recommends approval with the standard conditions. Mr. Schultz read the Staff Report dated June 12, 2007 with comments.

**Commissioner Sylvester arrives at 7:50 p.m.**

Comm. Pogoda stated that when he has visited there the parking has been very tight. He thinks that the Commission has to seriously monitor the amount of parking. The addition itself is fine, but during the winter skating season the parking is very close with double parked cars.

Mr. Schultz stated that the parking ratio was worked out.

Comm. Sylvester stated that the parking ratio numbers may have been worked out but the parking has not worked out. He indicated that he drove by there on Sunday, and there were cars parked all over River Road. They are parked at the factory building next door and across the street.

Mr. Schultz stated that parking on River Road is unacceptable.

Comm. Panico agreed that parking on the road was unacceptable.

Comm. Sylvester added that during the week there is no problem, but on holidays/weekends, large groups come in for parties and there are cars all over the place.

Mr. Schultz stated that he needed to get a better handle on this and recommended it be tabled. This is too important an issue, and it is the first he has heard of it.

Comm. Pogoda stated that the renovations to the building are not a problem but without adding any more parking it is a problem.

Chairman Cribbins advised Staff to talk to the applicant to get additional information even though the hearing was closed.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to table the discussion of the parking issues for Application #07-06.**

**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 – DISCUSSION AND ACTION.**

**\*See attached letter from the Conservation Commission dated ?**

**\*See attached letter from the Fire Chief dated March 7, 2007.**

**\*See attached letter from the City Engineer dated May 24, 2007.**

**\*See attached Staff Report dated May 29, 2007.**

Richard Schultz stated that this application meets all the requirements but they have been awaiting a favorable letter from the City Engineer and communication from the Aquarion Water Company due to the water pressure issues.

**End of Tape 1, Side A, 7:58 p.m.**

Mr. Schultz stated that a resident across the street has had issues unbeknownst to the City of Shelton. When this application was received, notices went out, and the neighborhood showed up at the meeting where the application was accepted. As with all subdivisions, they need to receive a letter from the water company that water service is available and that the PSI (water pressure) is sufficient. That is not the case.

Chairman Cribbins asked about the booster pumps being adequate.

Mr. Schultz stated that each homeowner will have to enter into an agreement. This is something that is unique to this Commission because they haven't seen it. This Commission wants to know all the particulars on the subdivision.

Comm. Sylvester stated that as long as he has been on the Commission, he doesn't recall this. He asked if there was a reason that the water pressure is so low.

Mr. Schultz stated that it is because of the design of the Aquarion Water Company's system. The existing service line, by state law requires it to be extended 200 feet which it is. Our subdivision regulations say that the water pressure shall be sufficient for both public needs and fire protection. The fire protection is fine with the hydrant; it's the service for the individual homes that presents an issue. This letter states that a private agreement has to be signed by the homeowner and entered into the land records.

Comm. Pogoda stated that the same thing has been done in his subdivision. He doesn't have it at his house because he's at the bottom of the street and the water pressure is coming down. But the majority of homes in his subdivision have separate pumps for the water pressure.

Richard Schultz stated that the Commission wants to know this because there are pockets in town with water pressure issues.

Comm. Pogoda stated that although Rick Schultz says this is the first time this has been discussed; his subdivision does have those pumps.

Mr. Panico asked if the developer was still going to extend the water or if he is proposing alternatives.

Mr. Schultz stated that they are going to extend the water. It is part of the service agreement.

Mr. Panico asked if there was a recorded document that stated that they have to do it.

Mr. Schultz stated that there is.

Comm. Sylvester stated that if there are any discussions about lack of water, they would go on between the owner and the water company, not us.

Mr. Schultz stated that low water pressure can be quite disturbing when you buy a new house no matter what the price is and the larger homes have multiple bathrooms, multiple showers.

Mr. Schultz read correspondence from the Conservation Commission with their recommendations.

Comm. Pogoda asked about the abutting resident that had water flow issues on their property.

Mr. Schultz stated that he will be reporting that the Wetlands Commission acted on this application because that was an issue too. He continued to read correspondence from the Fire Chief, dated March 7<sup>th</sup> with his recommendations and from the City Engineer dated May 24<sup>th</sup>. He read the Staff Report dated May 29, 2007.

Mr. Schultz concluded that all the department recommendations are favorable. There was a property line dispute that the applicant's engineer says can be resolved. It will not impact the eleven lots. There is enough acreage to satisfy the property line dispute, if and when it becomes satisfied. The remaining issue is the water coming from those two upper lots onto Lot ?(inaudible).

Comm. Pogoda asked about the turn radius in the cul-de-sac.

Someone stated that it was 120 feet.

Comm. Sylvester asked if it was enough to get a school bus around it – 100 feet. He stated that if it is possible for a bus to go in or if it is a safety issue, the children will have to be picked up there. He commented that if you have the sidewalks then you probably won't need the turn radius, but if don't have any sidewalks then you have to have a turn radius - one or the other.

Mr. Panico stated that the Standards require a 100 foot diameter on the pavement and 120 on the right of way.

Comm. Sylvester stated that this plan has that, which is good because with an 11 lot subdivision, chances are there are going to be children. And chances are the parents are going to request bus service because they don't want their kids waiting out on a busy corner.

Mr. Schultz stated that the designs are consistent for a permanent dead end with 26 feet instead of 36 feet. There is a 100 foot paved turn around and the right of way is 120 and that is enough to satisfy the standard.

Mr. Panico stated that the Fire Marshall would ask for that anyway.

Comm. Sylvester stated that he wouldn't ask for the sidewalks – my point is that you have to have one or the other.

**Attorney Joe DeFilippo addressed the Commission.** He represents the owners at #273. Those owners have subsequently had a wetland consultation and walk through and there has been an additional report that has been supplied to the City Engineer. Mr. DeFilippo provided photographs that show the area subsequent to rainstorms in the month of May.

Chairman Cribbins asked if the City Engineer's report was prior to or after seeing these photos.

Mr. Schultz stated that the City Engineer is aware of these issues.

Mr. DeFilippo wanted the Commission to take notice of a couple of the photos in particular that show the condition of the area behind that would be Lots 4 and 5. These are water conditions one week after a rain storm.

Chairman Cribbins stated that Wetlands has approved this application as well as the City Engineer. If there is some additional data, they can approve this subject to the City Engineer's review with additional comments brought to the Commission's attention.

Comm. Lopera asked if the public hearing was closed.

Mr. Schultz stated that yes the hearing was closed, but this is as of right now. As with all subdivisions, they are constantly working with property around the perimeter. Shelton is not flat. It has poorly drained soils and conditions that exist that need to be addressed.

Comm. Pogoda asked if the applicant was aware of the conditions shown in these photos.

Mr. Schultz stated that yes, these have all been provided. They've been waiting for the City Engineer to write a favorable report, because there had been deficiencies several months ago. The City Engineer and Wetlands are aware of all of these concerns.

Mr. Panico stated that the drawings reference an easement, and he heard some reference to a grass swale. Is a grass swale going to be installed?

Mr. Schultz stated that yes it would be.

**Joseph Pierra, P.E., Pierra Engineering, addressed the Commission.** He stated that the issue here is not something that they have caused. During their wetland walk, the water issue was pointed out. He wanted the Commissioners to notice on the grating plan, that the 273 Soundview property going down towards their property forms into a low lying pocket. What happens with that contour is that it comes around and basically creates a low point. That is a ponding area. That is what is shown in those photos. The fundamental problem is that there is a low spot there. To resolve it, from the property owner's perspective is to raise it, or from their perspective, they can provide a grass swale to get that water out and not encumber anyone else.

Comm. Lopera asked where the water was going to go.

Mr. Pierra stated that it will go down into the larger wetland. They are providing it.

Comm. Pogoda stated that presently it works its way overland and this would carry it around the edge.

Mr. Pierra stated that it will go through their water quality swale.

Comm. Pogoda asked if it would be channeled and if was going to cause these people any problems due to erosion on their property.

Mr. Pierra stated that it won't. It is a slight swale, and it is not a big trench. It is just enough to get the water out. He stated that he doesn't foresee any erosion problems with that.

Mr. Panico asked if this was just coming from this site, on this side of Soundview or is it also other Soundview drainage.

Mr. Pierra stated that it isn't Soundview drainage. He thinks Soundview continues down in another direction to run down. It is only the rainfall that occurs on this lot because this lot drains independently. It is a low spot. The photos you see are of ponding.

Comm. Pogoda asked if that was on Lot 4.

Mr. Pierra stated that it was not on Lot 4 – it is the area abutting it. They are giving them a solution to get rid of that water and give it somewhere to go.

Richard Schultz read the draft motion with conditions.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously roll call voted to approve Application #07-08. Commissioner Sylvester abstained from voting.**

**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), WITH SDA OVERLAY ZONE (PUBLIC HEARING CLOSED ON 4/24/07) – DISCUSSION AND POSSIBLE ACTION.**

**\*See attached Shelton P&Z Report and Resolutions of Decision for Applications #07-14, #07-15 and #07-16, dated June 12, 2007.**

Anthony Panico reads the Draft Report - Conditional Approval of Detailed Development Plans/Adoption of Modified PDD.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously roll call voted to approve and close Application #07-09. Commissioner Tomko-McGovern voted for Comm. Sylvester).**

**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), (PUBLIC HEARING CLOSED ON 5/1/07) – DISCUSSION AND ACTION.**

Mr. Panico stated that the Commission was instructed by Corporation Counsel to review these applications (#07-14, #07-15, #07-16) with separate motions at the end. He stated that they structured this draft report that discusses all the applications, but three independent decisions are compiled at the end.

Chairman Cribbins stated that they have asked Staff to prepare a resolution. Anthony Panico reads the draft report and resolutions of decision.

**End of Tape 1 Side B 8:45 p.m.**

**On a motion made by Virginia Harger seconded by Anthony Pogoda it was voted to have a further discussion of the draft resolution.**

Comm. Pogoda asks about the applicant's environmental geology findings in which they found no evidence of iron sulfites or exposed bedrock.

Mr. Panico stated that they researched the history of geological formations in the area. At the prior hearings in 2005, one of their engineers testified to his experience in other offsite locations, not site specific, that had the same type of rock in which there was acid rock potential. That is the only evidence that they have. There won't be any evidence unless you go in and do a study.

Comm. Pogoda asked what happens if, in their blasting, this rock is found to have iron sulfites.

Mr. Panico stated that it has to be addressed.

Comm. Pogoda stated that he asked because of comments made by Mr. LaFosse about the effect of iron sulfides on air, water, and runoff.

Mr. Panico stated that LaFosse indicated that it is typically found in other locations with mine activity and drainage from mines. He continued to state that if this type of rock is found it has to be addressed and treated. We will be given further insight if the City employs its own technical consultant who will be done to review their blasting plans. There will be more input even before the first charge is set.

Chairman Cribbins asked for a roll call vote.

**On a motion made by Virginia Harger seconded by Anthony Pogoda it was roll call voted to close Application #07-14. Commissioners Harger, Lopera, Pogoda and Cribbins voted in favor. Commissioners Sylvester and Orazetti voted in opposition. Chairman Cribbins declared the 4 to 2 resolution adopted.**

**APPLICATION #07-15, JOSEPH WILLIAMS ON BEHALF OF AVALONBAY COMMUNITIES, INC. FOR PRD OVERLAY ZONE (SHELTON 1: 40 UNIT CLUSTER DEVELOPMENT), ARMSTRONG ROAD (MAP 19, LOTS 2,3, 4, AND 5), R-1 DISTRICT), (PUBLIC HEARING CLOSED ON 5/1/07) – DISCUSSION AND ACTION.**

Mr. Panico stated that they have corrected the regulations to allow the Commission to consider this. Now they have to consider applying the PRD Overlay Zone. He read the draft resolution for Application #07-15.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was roll call voted to close Application #07-15. Commissioners Harger, Lopera, Pogoda and Cribbins voted in favor. Commissioners Sylvester and Orazetti voted in opposition. Chairman Cribbins declared the 4 to 2 resolution adopted.**

**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 (PUBLIC HEARING CLOSED ON 5/1/07) – DISCUSSION AND ACTION.**

Mr. Panico reads the draft resolution for the 99- unit development on Bridgeport Avenue.

Chairman Cribbins thanked the Commission for their work over the last two years to get to this point.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was roll call voted to close Application #07-16. Commissioners Harger, Lapera, Pogoda and Cribbins voted in favor. Commissioners Sylvester and Orazetti voted in opposition. Chairman Cribbins declared the 4 to 2 resolution adopted.**

**APPLICATION 07-25, TEAM, INC. FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CHILD DAYCARE CENTER AT TRINITY LUTHERAN CHURCH), 183 HOWE AVENUE (MAP 118, LOT 7), R-4 DISTRICT (PUBLIC HEARING CLOSED ON 6/12/07) – DISCUSSION AND ACTION.**

Chairman Cribbins stated for the record that he was not present for this hearing and Commissioner Parkins will vote instead. Additionally, Comm. Tomko-McGovern will be voting for Comm. Orazetti who was not present for this hearing either.

Richard Schultz read the Planning & Zoning Staff Report for the record.  
**\*See Attached Staff Report dated June 12, 2007.**

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously roll call voted to approve and close Application #07-25.**

**APPLICATION #07-32, SURESOURCE, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #29 (PARKING EXPANSION), 20 CONSTITUTION BLVD. SOUTH (MAP 35, LOT 51) – DISCUSSION AND POSSIBLE ACTION.**

**\*See attached letter from Robert Kulacz, P.E., City Engineer, dated June 12, 2007.**  
**\*See attached correspondence from Fire Marshal, James M. Tortora, dated May 24, 2007.**  
**\*See attached correspondence from Richard Schultz, dated June 12, 2007.**

Richard Schultz read the applicable correspondence and commented that the landscaping at this location has been greatly enhanced.

Comm. Lapera indicated that he would not be voting on this application because his firm represents an abutter so he abstained from voting.

**On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously roll call voted to approve Application #07-32. Comm. Ruth Parkins voted for Comm. Patrick Lapera, who abstained from voting due to conflict of interest.**

**PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION TO AMEND THE SHELTON ZONE REGULATIONS BY CREATING A NEW DISTRICT AND RELATED REGULATIONS ENTITLED “RIVER FRONT DISTRICT” AND AMENDMENT OF THE BUILDING ZONE MAP BY CHANGING FROM INDUSTRIAL IB-2 TO RFD FOR AN AREA ON CANAL STREET (PUBLIC HEARING CLOSED ON 5/8/07) – DISCUSSION AND ACTION.**

**\*See attached Planning & Zoning Draft Resolution dated June 12, 2007.**

Richard Schultz stated that this is for five parcels, but the SCDC has asked the Commission to consider a sixth parcel at Spongex because apparently that is going on the market. It is adjacent to the north right next to the bridge.

This was initiated to comply with the needs of the Mayor's Office and SCDC to apply for the grants. The grants realize that the proposed venues are a mixed use. It is a heavy industrial zone that doesn't allow a mixed use, so they had to formulate new regulations.

Chairman Cribbins added that by doing that they are submitting a favorable report that the grant is asking for.

Richard Schultz read the draft resolution dated June 12, 2007.

Comm. Lopera asked if that includes the Spongex building.

Mr. Schultz stated no it is only for the five parcels.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously roll call voted to approve and close Application entitled "River Front District."**

**APPLICATION 07-33, DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATE INVESTORS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: HOTEL FACILITY AND ADDITIONAL DRIVE THRU LANE FOR BANK), 828 BRIDGEPORT AVENUE (MAP 18, LOT 19), IA-2 DISTRICT – ACCEPT AND SCHEDULE A PUBLIC HEARING.**

**On a motion made by Leon Sylvester seconded by Patrick Lopera it was unanimously voted to accept Application #07-33 and schedule a public hearing for June 26, 2007.**

**APPLICATION #07-34, DOMINICK THOMAS FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #50 (CANOPY FOR SHORELINE VETERINARY CLINIC), 895 BRIDGEPORT AVENUE (MAP 8, LOT 17) – ACCEPT, DISCUSSION AND POSSIBLE ACTION.**

Mr. Schultz stated that this is just for acceptance. Last week the Commission denied the elimination of the canopy. They are going to show a revised version of a canopy.

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to accept Application #07-34 and schedule a public hearing for June 26, 2007.**

**APPLICATION #07-35, ROBERT RICH FOR SUBDIVISION APPROVAL (3 LOTS: RICH PROPERTY), 8 PROSPECT AVENUE (MAP 106A, LOT 43), R-5 DISTRICT – ACCEPT FOR REVIEW.**

Richard Schultz stated that this is Main Street and Prospect. It is an 18,000 square foot lot.

**On a motion made by Patrick Lopera seconded by Daniel Orazetti it was unanimously voted to accept for review Application #07-35.**

**On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to approve the minutes of 3/27/07 through 4/10/07.**

**ZONING ENFORCEMENT, 148 HILLSIDE (JUNKYARD CONDITIONS) AND 2 WABUDA PLACE (JUNKYARD CONDITIONS)**

Richard Schultz stated that Staff is recommending authorization to initiate legal action. They have been working with both but it has gone past a reasonable period of time.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve zoning enforcement at 148 Hillside and 2 Wabuda Place.**

**On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to approve the payment of bills, if funds are available.**

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to appoint Fred Wills as part time Zoning Enforcement Officer effective June 15, 2007.**

**On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to adjourn at 9:40 p.m.**

Respectfully submitted by,

Karin C. Tuke  
Clerk