

The Shelton Planning & Zoning Commission held a regular meeting on November 13, 2007 at 7 p.m. in the Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT.

The following members were present:

- Comm. Anthony Pogoda
- Comm. Virginia Harger
- Comm. Patrick Lapera
- Comm. Daniel Orazietti
- Comm. Ruth Parkins
(alternate for Chairman Cribbins)
- Comm. Karen Tomko-McGovern
(alternate for Comm. Sylvester)

Staff members present:

- Richard Schultz, Administrator
- Anthony Panico, Consultant
- Pat Gargiulo, Court Stenographer
- Karin Tuke, Recording Secretary

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.

Acting in Chairman Cribbins' absence, Comm. Pogoda opened the meeting at 7:00 p.m. with the Pledge of Allegiance.

PUBLIC HEARING

Comm. Pogoda indicated that the first application 07-46 was to be a continuation of public hearing that began on October 23rd.

APPLICATION #07-46, DOMINICK THOMAS FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: 7 UNIT CLUSTER RESIDENTIAL DEVELOPMENT), 122 BUDDINGTON ROAD (MAP 62, LOT 31), R-1/LIP DISTRICTS (CONT'D FROM 10/23/07).

On a motion made by Patrick Lapera seconded by Daniel Orazietti, it was unanimously voted to re-open the public hearing for Application #07-46.

Comm. Pogoda read into the record a letter sent by the applicant's attorney, Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT to Richard Schultz, Administrator, Shelton Planning & Zoning requesting a continuance until November 27, 2007. The purpose of the requested continuance would be to commit a full commission of 6 members able to vote on the proposal. As a result of the recent election, the only members able to vote would be Commissioners Harger, Lapera, Parkins, Sylvester and Orazietti. This is based on a Superior Court case of Meeker vs. Planning & Zoning Commission of Danbury in which then Judge Fuller a newly appointed member that is not on the Commission at the time at the close of the public hearing, is not permitted to vote on the matter even if he or she familiarizes themselves with the evidence presented at the public hearing. In order to ensure a full commission for his client, especially in light of the protest petition filed, a continuation date of 11/27/07 would permit the new members to sit at the public hearing and familiarize themselves with the evidence of the first hearing and vote on that matter. This letter also requests a 3 day extension of time to complete the public hearing.

***See attached letter to Richard Schultz from Dominick Thomas, Cohen & Thomas, dated November 13, 2007.**

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to accept the request for continuance until November 27, 2007.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE

Richard Schultz indicated that Staff has reviewed the 25 applications and finds them to be in compliance with Shelton zoning regulations, and he recommends approval.

Comm. Lapera indicated that he will abstain from voting on #20 - Standard #4457, Timothy Ryan, 21 Ledgewood Road for a pool, because he is an abutting property owner.

On a motion made by Daniel Oraziotti seconded by Patrick Lapera, it was unanimously voted to approve the Applications for Certificates of Zoning Compliance, Standards 1 – 25.

SEPARATES

SEPARATE #4907, JOHN PAUL DEV., LLC, ASPEN RIDGE, CONDOS

Mr. Schultz stated that this is the project approved for the 12 unit condominium off of Commerce Drive.

On a motion made by Daniel Oraziotti seconded by Patrick Lapera, it was unanimously voted to approve Separate #4907.

SEPARATE #4809, EDISON DEOLIVEIRA, 6 BEVERLY HILL, IN-LAW

Mr. Schultz stated that they have three in-law applications in a row. This one at 6 Beverly Hill uses the existing floor area over the garage. It is less than 900 square feet. The main house is 2600 square feet and the applicant complies with all the requirements, interconnected to the main house and access to the outside. Staff recommends approval.

Comm. Harger asked to see the drawing for the application.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4809.

SEPARATE #4406, BILL SANTINI, 54 MOHEGAN ROAD, IN-LAW

Mr. Schultz indicated that this is a new construction and the applicant received a variance from the Zoning Board of Appeals to allow new construction with an in-law. As the Commission is aware, the house must be five years or older. He showed the Commissioners the site plan and the location, and he indicated that this is a large contemporary ranch home. It is 891 square feet and complies with all requirements. Variance was granted by the ZBA. This is an interior lot off of Mohegan Road. No neighbors showed up for the meeting. It is really an island by itself. The in-law is in the rear portion. Mr. Schultz added that if this is something that bothers the Commission, they can direct him to write a letter. They don't see many of these – over the last 11 years this is only the 2nd or 3rd one. Each time the Commission raises a red flag and watches it.

Mr. Panico asked if the house itself was a new construction.

Mr. Schultz stated that it was a new construction.

Comm. Lapera asked if there had been any attached conditions with the approval such as no renting if it is no longer an in-law.

Mr. Schultz showed the site plan and stated that all applicable conditions apply. It is an attractive single level ranch; the in-law won't be seen from Mohegan. As the Commission is aware, ZBA had a public hearing and there was no opposition. If you are compelled to have him write a letter, he will but it is up to the Board.

Comm. Pogoda stated that he thinks they have to be careful that there is not a precedent being set on something like this where the owners of new homes will immediately go to ZBA and get approval. They do have a condition of five years. He hates to see any precedent set, and asked Rick if there was any reason why this went right to ZBA.

Mr. Schultz replied that there are certain circumstances where families believe that this is essential, and they buy the lot hoping that ZBA will approve it subject to P&Z approval. It is set back and can't be seen from Mohegan Road.

Comm. Harger asked Rick Schultz for more detail about the in-law such as if it was just one level or finished basement.

Mr. Schultz stated that it is a large, full basement, which can be finished off. That is something that the Commission can impose because they did not request anything. The entire house was built with a large basement underneath for storage. Valley Health approved it for the single family with the in-law. ZBA approved it and waived the five year waiting period.

Comm. Lopera asked how many applications they've had for these – three?

Mr. Schultz responded that there weren't many, about three, new family constructions. Each time it comes up, it raises a red flag with the Commission as to its visibility, and what the circumstances are. This was a public hearing and no issues were raised by neighbors.

Comm. Pogoda commented that he thinks the Commission should have Rick send a cautionary letter to ZBA to be wary of new home constructions.

Comm. Lopera added that they should include a request that they be more stringent in the variances granted to the five year rule.

Comm. Parkins stated that it didn't seem to be a big issue as long as it remains a family type in-law situation; however, it becomes an apartment...

Comm. Pogoda commented that would be why Staff should monitor these situations.

Mr. Schultz indicated that he would send a letter to the chairman of the ZBA.

Comm. Harger asked if there were any minutes from that ZBA meeting indicating their rationale to waive the five year rule.

Mr. Schultz recalled that he read this was a situation in which the owners purchased the property with the in-law aspect of it being very important. They didn't close on it until ZBA granted the waiver. Some families need the in-law set up – either by buying a used house with one. However, in this case they had the ability to build new. Communication about this discussion will go back to ZBA. He noted again that there was a public hearing held, and neighbors were notified by certified mail.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve Separate #4406.

SEPARATE #4872, RICHARD ANIUK, 20 CYNTHIA LANE, IN-LAW

Mr. Schultz stated that this application was for a two-story addition. The first story would be the 820 square ft in-law. He showed the drawing of the colonial, the elevation and the floor plan. He stated that the applicant would be using the existing driveway.

Mr. Panico asked what was on the second floor.

Mr. Schultz replied that it would be an extension of the living space (bedrooms). He added that the floor plan does not show the interconnection to the main house, and he will make sure that is graphically shown more clearly. Staff recommends approval.

On a motion made by Daniel Oraziatti seconded by Patrick Lopera, it was unanimously voted to approve Separate #4872.

SEPARATE #4870, ABC SIGN CORP, 5 CORPORATE DRIVE, SIGN

Mr. Schultz told the Commission that this sign was for the *Il Palio Restaurant* wall sign. It would be a verde green patina finish with clear coat and it is an illuminated silhouette. He showed the Commissioners a sample of the signage. It is a PDD and conforms to all the standards.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4870.

SEPARATE #4875, ERIK MERLISS, 704 BRIDGEPORT AVENUE, SIGN

Mr. Schultz stated that this replaces the old Cingular sign with AT&T at Split Rock. The AT&T sign complies with the standards that the Commission imposed. It is also going on the monument sign. He added that the Commission may recall that the Cingular signs went up without the proper permits; however, now, AT&T bought Cingular anyway.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to approve Separate #4875.

SEPARATE #4392, DAN WITKINS, 514 BPT AVE, SIGN AND BUSINESS

Mr. Schultz commented that this was the floor area space where the catering facility was located at Madison's Restaurant. The use is frozen yogurt and ice cream. He showed a sample of the wall sign to be used. He added that the square footage was 1800 square feet, 3 employees, hours of operation 11 a.m. – 11 p.m., 7 days/week.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4392.

SEPARATE 4438, STEPHEN SYMSKI, 77 CAPITOL DRIVE, COVER-IT SHED TEMPORARY

Mr. Schultz explained for the benefit of Commissioners not on the Board at the time, that about four years ago some zoning amendments were made dealing with everything from livestock to these temporary sheds that were popping up everywhere. He indicated that in an effort to avoid the possibility of court cases, the Commission did not ban these sheds outright. Instead, they allowed them up to six months with the ability to grant extensions. As many Commissioners are aware, there are residents in town that use these temporary sheds, especially during the winter months. That is the case for this application; they would like to store their Jet Ski and lawn seeding equipment (personal use). The six months will expire on May 6, 2008. The structure is a plastic type covered shed, it complies with the setbacks, and they have a plot plan. This was involved in a zoning enforcement matter. He commented that it will be interesting to see what occurs on May 7th.

Mr. Panico added that the original intent of the temporary aspect of this was to allow the home owner the time to build a permanent structure.

Mr. Schultz responded that the homeowners there today don't want permanent structures.

Mr. Panico asked if this was something that they anticipate will go down and come back up next winter again – because that really is not consistent with the intent.

Comm. Parkins asked for clarification about these structures, and if they looked like tent garages.

Mr. Schultz responded that he didn't know if they would go back up next year. He also confirmed that they are like tent garages. He urged the Commissioners to give it some thought. The previous Commission felt it would be better to regulate it rather than prohibit it in its entirety. He added that Staff has called other towns; most don't spell it out as a prohibited use in its entirety. However, some towns prohibit it by their zoning enforcement department, but that only goes so far until someone challenges it. He asked the Commission to give it some thought because it is a zoning enforcement issue. It is presently being dealt with in increments of six months.

Mr. Panico commented that the owner really needs to think about planning a permanent storage structure instead of putting the thing up every year.

Mr. Schultz commented that some neighbors don't want to look at it, and this Commission hopes to regulate it rather than outright prohibit it.

Comm. Pogoda asked what the wording was in the initial regulation regarding temporary – until a permanent structure is built, or was that not in there.

Mr. Schultz stated that was not written but it was some of the logic behind it when a public hearing was held to handle the zoning regulations. However, more and more residents are using it as a temporary, permanent solution.

Mr. Panico added is something very different from the original intent.

Comm. Harger asked if there was a sketch of it and the property where it would be located.

Mr. Schultz showed Comm. Harger the schematic of the temporary structure.

Comm. Pogoda commented that they rely greatly on the neighborhood comments about these types of things. In his travels around Shelton, he has seen many of these structures, however, if it is intrusive to the neighbors they should come and notify Planning & Zoning. Since there have been so many more cropping up, perhaps this should be revisited. It wasn't meant to be looked at every six months.

Comm. Harger asked about the site drawing because it showed no property to the right of the temporary structure. He asked Rick how the house placement was next to it.

Mr. Schultz indicated that particular map doesn't show it, but this has been a zoning enforcement issue. Staff has been working with that neighborhood. The neighbors are hoping that this structure goes away after May 6, 2008.

Mr. Panico asked what the nature of the enforcement activity was and what was the complaint being enforced.

Mr. Schultz answered that it was the erection of this structure – it had already been put up so Zoning had to deal with it. We are dealing with them more often because they keep popping up.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4438 for a six month period until May 6, 2008.

SEPARATE #4459, GUILLERMO ESPINOSA, 408 HOWE AVENUE, BUSINESS AND SIGN

Rick Schultz stated that this was for the location near the old package store. The Commission had previously tabled it for further clarification. This would be a multi-services agency in packaging. They specifically send money to Latin America – that is the market they are going after. They do packaging and send money orders. Their tax ID number was obtained through the State Office of Revenue and checked out. This business is very specific for a specific ethnic group. It is in a commercial zone and complies otherwise.

Comm. Pogoda asked to see the proposed sign for this business.

Mr. Schultz showed the drawing of the proposed solid aluminum sign, yellow background with blue letters.

Comm. Parkins asked if any other sign such as “Check Cashing Services” would need to come back to this Commission for approval if it were added.

Mr. Schultz stated that it only says “Fast, Multi-Services.”

Comm. Parkins commented that other neon signs are often added in store windows with other services.

Mr. Schultz stated that until they have proper zoning downtown like they do for PDD's, the signage in the window is an issue they have to deal with. They are doing a rewrite of all the sign regulations, and they will have to deal with that too.

Mr. Panico commented that there is a limited amount of window space there anyway.

On a motion made by Patrick Lapera seconded by Karen Tomko-McGovern, it was unanimously voted to approve Separate #4459.

SEPARATE #4881, MARIE GOULART, 176 RIPTON ROAD, HOME OFFICE

Mr. Schultz stated that this was for a cleaning services home office, 100 square feet, five hours/week, personal vehicle with no lettering. Staff recommends approval.

On a motion made by Ruth Parkins seconded by Patrick Lapera, it was unanimously voted to approve Separate #4881.

SEPARATE #4883, R.D. SCINTO, INC., CORPORATE DRIVE, MODEL/SALES OFFICE.

Mr. Schultz stated that this was for the building in back of Tower 2, the model/sales office for the Renaissance project.

Comm. Pogoda commented that it has been there a while but they never came forward to obtain the permit.

On a motion made by Ruth Parkins seconded by Patrick Lapera, it was unanimously voted to approve Separate #4883.

SEPARATE 4820, NEW CINGULAR WIRELESS PCS, LCC, 309 RIVER ROAD, TELECOMM. SITE

Mr. Schultz stated that he reported several months ago that this was at the cemetery. The Siting Council approved the mono-pole constructed for co-locators. They are adding new antennas as approved, a new cabinet and a 6 ft. x 8 ft. slab within the same enclosure that is landscaped. They have been maintaining it well.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4820.

SEPARATE #4915, KERRY RODGERS, 140 CENTER STREET, DECK/BUSINESS

Mr. Schultz stated that this was the unoccupied bar diagonally across from 127 Center Street, formerly the Shelton Café. They are requesting the occupancy of it which is pre-existing, non-conforming. It is café, liquor license, 730 square feet for the business area. They have four employees, Sun – Thursday (12 noon – 1 a.m.), Friday & Saturday (12 noon – 2 a.m.). This includes food and liquor consistent with what has been there previously for many years – previous tenants included Shelton Bar & Grille.

Mr. Schultz added that the applicant requested that the Commission waive the site plan for a large deck. He suggested that the Commission direct Staff to work with the applicant on that component.

Mr. Panico referenced the site plan and asked if the area intended to be a deck included the portion overlooking the Bearing Ground Brook.

Mr. Schultz noted that the customers who smoke need to go outside and the deck would facilitate the area for the smokers.

Mr. Panico commented that it seemed to be a large deck just to accommodate smokers.

Comm. Parkins asked if tables and seating would also be on the deck.

Mr. Schultz recommended approval for the business aspect of the operation and suggested holding off on the deck with direction to Staff. They plan to put seating on it. Wetlands signed off on this because it's in a regulated area.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4915 for the business portion of the application. The portion pertaining to the deck has been tabled.

Comm. Pogoda stated that Staff has indicated to him that the next three separates could be taken together due to their similarity as new businesses.

SEPARATE 4882, SCHUYLER WELLS, WHITE HILLS SHOPPING CTR, STORE

Mr. Schultz stated this was for Mr. Wells' construction business.

SEPARATE #6939, DAVDAN, LLC, 127 CENTER STREET, DECK/BUSINESS

Comm. Orazietti indicated he would abstain from the voting on this separate.

SEPARATE #4923, WINE & LIQUOR ON THE RIVER, LLC, 495 RIVER ROAD, BUSINESS

A new ownership on River Road near Subway and the Car Wash.

SEPARATE #4917, TRADITIONAL MEN'S ACC., LLC, 33 HULL STREET, BUSINESS

Mr. Schultz stated that this large industrial building would be a warehouse for men's apparel.

SEPARATE #4925, UNQUE CUSTOM FLOORS, 425 RIVER ROAD, BUSINESS

Mr. Schultz stated that this was owned by right, located near Lia's Pizza.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4882.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #6939. Commissioner Orazietti abstained from this vote with Comm. Tomko-McGovern acting as an alternate.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4923.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4917.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4925.

SEPARATE #4919, JOHN CIPRIANO, 465 BPT AVE, TEMP. HOURS

Mr. Schultz stated that this was for Wal-Mart's holiday hours beginning on November 24 and ending on December 22nd, 7 am .- 11 p.m.

On a motion made by Patrick Lapera seconded by Karen Tomko-McGovern, it was unanimously voted to approve Separate #4919.

SEPARATE #4894, SB CUSTOMER BUILDERS, LLC, 495 RIVER ROAD, SIGN

Mr. Schultz stated that this was for the new commercial building under construction on River Road and Petremont. The sign deviates from the monument sign that the

Commission has been trying to persuade applicant's to go toward. The regulations allow up to 20 feet, that is why they are revamping the regulations to bring it down to 10 or 11 feet in height. Mr. Schultz addressed Atty. Dominick Thomas who represents the applicant.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission. Atty. Thomas stated that when he was presented with the application, he was told that the individual had already spoken with Staff. If the item could be tabled, he could ask him about. It is the PDD, but he believes the applicant would be willing to discuss it.

On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to table Separate #4894.

SEPARATE #4905, STOCKBRIDGE, 509A HOWE AVE., SIGN

Mr. Schultz indicated that the Commission approved all the wall signage for Stockbridge. They would like to have a projected sign, ornate with wrought iron and consistent with what the Commission has allowed downtown. They have the insurance policy and Staff recommends approval.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4905.

SEPARATE #4901, ZAIM MURTISHI, 82 BRIDGEPORT AVE., BUSINESS/SIGN

Mr. Schultz stated that this is a two-story former residence located between an automotive repair and Rad Rob's where bicycles are sold. This property has been upgraded within the last five years. On the first floor, the Commission has denied other proposals including a restaurant, pizza, etc. This business is for computer repair and sales, totally consistent with what the Commission would like to see in that location. There is plenty of on-site parking. It is 500 square feet with two employees. Hours of operation are 9 a.m. – 6 p.m., Monday – Friday, computer repair and sales. Traditionally, that does not get a lot of activity, making it ideal match for that location.

Mr. Schultz continued that in addition to the use, the applicant is proposing a ground sign right on the property line for both businesses to provide greater advertisement to the automotive business – KCK Automotive and the new business under consideration, Tech Line Computer Solution,. PC and Laptop repair.

Mr. Schultz showed a sample sign while indicating that the Commission routinely eliminated phone numbers. The applicant is present tonight.

Comm. Parkins commented that there was too much on the sign – it was much too busy.

Comm. Harger asked how tall the sign was – 6 x 4.

Mr. Schultz stated that this is a proposed sign and it is very unique because the two property owners would like a sign right on the property line.

Comm. Lapera wanted to know if there would be a mannequin out there next to the sign as depicted on the drawing.

Mr. Schultz stated that was just for illustrative purposes. He asked the applicant if, for 911 emergency purposes and readability at night, they would be willing to put both street numbers on this sign. This request was made by the Board of Alderman for multi-tenant situations.

Mr. Panico noted that there were some technical issues with the sign. It is desirable to have two on one sign but it can't respect setbacks or identify a property address. If the sign is placed on one property, it advertises something on another property.

Mr. Schultz added that this does allow one ground sign for two properties instead of two separate ground signs. That concept is good.

Mr. Panico asked how wide the parcels were – 50 ft.

Mr. Schultz stated that it would be wider than that. He reiterated that the sign was 6 x 4.

Comm. Harger asked why there was so much open space at the bottom of the sign near the ground.

The applicant commented that they would be putting a 2 ½ ft planter or some bushes there. They would keep it consistent with the other signs located in the neighborhood such as Matteo's and the ice cream parlor. Those signs, of the same size and construction are also secured in planters.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4901 with respect to the business and conditionally approve signage with direction for the Applicant to work with Staff to determine final design.

SEPARATE #4920, LYMAN WELLS, LONG HILL AVENUE AND LAURELWOOD, TEMPORARY SIGN

Mr. Schultz stated that this was for the directional signs for the Christmas trees on Long Hill Avenue. Staff recommends approval.

Comm. Pogoda asked if there was a time frame for these signs.

Mr. Schultz stated that they would go up now until Christmas Day. Historically, they are removed promptly because residents call and complain if they aren't.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4920.

SEPARATE #4921, CRAIG SMITH, 201 MILL STREET, HOME OFFICE

Mr. Schultz stated that the applicant is an inventor. His space of operation is 20 square feet, part time with design board equipment.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4921.

SEPARATE #4891, VINCENZO MONACO, 175 GROVE STREET, BUSINESS

Mr. Schultz stated that this was for a computer consulting business, 100 square feet, one employee. Staff recommends approval.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4891.

SEPARATE #4924, LISA GAY, 350 BPT. AVENUE, BUSINESS/SIGN

Mr. Schultz stated that this was for the new commercial building across from Curtiss Ryan. The occupancy is for a pet food and supplies, 1685 leased square feet, 2 employees, hours of operation M-F 9a.m. – 7 p.m. Sat. 9 a.m. – 12 noon. He showed a photo of the proposed wall signage.

The applicant was present and showed the Commissioners a clearer copy of the sign. She indicated that it was more gold/yellow with green, internally illuminated.

Comm. Pogoda commented that the other signs there included Planet Pizza, Nail Spa, Alliance Bank.

Mr. Panico suggested to the applicant that the other occupants have more uniform sign colors. He asked her if she would be able to carry the lettering in yellow and accentuate the green border around the yellow instead of introducing yellow and green the other way.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4924.

SEPARATE #4933, TEST AMERICA, 128 LONG HILL CROSS ROAD, SIGN

Mr. Schultz stated that this was for a sign replacement – the top existed and the bottom has been replaced. The business is located south of Forest Parkway, an interior building. This is a minor sign change.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4933.

APPLICATION 07-26, KEVIN RUSSO FOR MODIFICATION OF SPECIAL EXCEPTION APPROVAL AND RE-SUBDIVISION OF LOT 7 (2 LOTS), MEADOW WOOD ESTATES, 7 PLUM TREE LANE (MAP 145, LOT 124), R-1 DISTRICT (PUBLIC HEARING CLOSED ON 9/11/07) – DISCUSSION AND ACTION.

Mr. Schultz stated that the Commission directed Staff to write an unfavorable resolution. He indicated that all Commissioners had copies, and Mr. Panico would read the draft resolution.

***See attached Shelton P&Z Commission resolution for Application #07-26 dated November 13, 2007.**

Before requesting a motion, Mr. Panico asked the Commissioners if they fully understood the reasoning behind the disagreement. Everyone concurred that they understood.

On a motion made by Daniel Oraziatti seconded by Virginia Harger, it was unanimously roll call voted (6-0) to deny Application #07-26.

APPLICATION #07-50, DOMINICK THOMAS FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (PDD #64), MIX USE DEVELOPMENT) 820 – 838 BRIDGEPORT AVENUE (MAP 18, LOT 19) – DISCUSSION AND ACTION.

Mr. Schultz stated that the Commission directed Staff to prepare a favorable resolution on the final site development plan of PDD #64 for the Sierra Hotel. It also includes two sit-down restaurants and the Commerce Bank. The whole site is within the PDD. There is shared parking.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant.

He presented the Commission with site engineering reports for the record. Additionally, he presented the sign application in which the tenants, especially the hotel, would be having their own architects work with Pat Rose to make some modifications to the sign materials.

Mr. Panico reiterated that the sign would not be addressed tonight.

Atty. Thomas stated that with the hotel being the major tenant, their input to Rose Tiso is significant. They were concerned about the cap, as the Commission was, and concerned about the materials.

Mr. Panico read the draft resolution into the record for approval of final development plans for PDD #64 for a mixed use development at 828 Bridgeport Avenue including an upscale hotel facility on a portion of the 5.44 acre site in accordance with previously approved initial development plans.

Atty. Thomas presented some revised plans including adjustments to the parking and landscaping requested by the Commission. Additionally, he stated that they are in the process of a draft proposal for the rear stairway access (for employee use) to Armstrong Office Park. It deals with a difficult grade change. They anticipate two weeks as the targeted completion for remaining garage layout and signage issues.

***See attached Shelton P&Z Commission resolution for Application #07-50 dated November 13, 2007.**

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously roll call voted (6-0) to approve Application #07-50.

APPLICATION #07-16, AVALON SHELTON II, BRIDGEPORT AVENUE/HUNTINGTON STREET (99 UNIT MULTI-FAMILY) – REQUEST FOR ALTERNATIVE ROUTE OF PUBLIC WATER SUPPLY TO DEVELOPMENT – DISCUSSION AND ACTION.

Mr. Ted Hart, P.E., Milone & McBroom, 99 Realty Drive, Cheshire, CT addressed the Commission.

Mr. Hart stated that they were present to change the connection to the water main. He showed a site drawing and explained that there are water mains in Bridgeport Avenue and in Huntington Street. Originally when letters were sent out to the utility companies at the start of this project, Aquarion indicated that they had water in both Bridgeport Avenue and Huntington Street so the main access drive (*inaudible*). In the last month, they've been meeting with Aquarion as construction is about to begin, and Aquarion indicated that they would like to bring the water into the site from Huntington Street. On November 5th, flow tests were performed with Aquarion on Bridgeport Avenue and on Huntington Street. They did their analysis and determined that the water pressure on Bridgeport Avenue is not great enough to provide pressure to the higher elevation apartments. Mr. Hart indicated that there was approx. a 49 foot elevation difference between Bridgeport Avenue and Huntington Street.

He continued to say that they met with Aquarion again and laid out the proposed connections south through the emergency access way to serve three buildings. Another access would be provided to the 15 – 16 inch water main that comes down through the sanitary sewer easement as Bob Kulacz, the City Engineer requested because he wanted it in the same easement as the sewer line. Mr. Hart used the site drawing to show the existing sewer coming through the center of the site. There is another water main utility easement for a 30" water main that comes through the site. Therefore, there is already a fairly dense utility corridor – a 40 ft. easement for the sewer and a 50 ft. easement for the water main. Mr. Hart stated that they would be coming in through the sanitary sewer easement and servicing the remainder of the site there. The pipe in Huntington Street has enough pressure to service all the homes.

He also showed a picture of the area off of Huntington Street and a letter from the mechanical/electrical engineer working on the project regarding the water pressure and access to the water main. He noted that on the picture presented there are no major trees in that area, and the plans show the retaining wall which extends right to where their water main would be placed. That area would already be disturbed with the construction of the retaining wall in that area; therefore, there wouldn't be any new disturbance to place the water main there. The City Engineer was looking for minimal impacts as well.

Additionally, Mr. Hart stated that the Homestead Hotel is also serviced by a 20 foot strip of land that they retained, and that is where their water comes in from.

Mr. Panico commented that the Homestead Hotel had that strip because they couldn't get a service line unless they owned the land it went to.

Mr. Hart concluded that this was a relatively minor change with only a temporary disturbance during installation.

Comm. Lopera asked for clarification that the Aquarion Water Company wanted to come in from Huntington Street.

Mr. Hart indicated that they do.

Mr. Schultz presented the City Engineer's letter to the Chairman and stated that it should be a condition of approval if the Commission acts favorably. He recommends approval with the following conditions and restrictions:

- one of the main extensions shall be installed in the Huntington Street emergency access way near building 7
- the second water main extension shall be installed in the area of either the 50 foot Aquarion Water Company easement or the 40 foot wide City of Shelton sanitary sewer, which is the case.
- a plan showing the route of water main through the City Conservation easement shall be submitted to the City for review and approval by the appropriate city commissions and Board of Aldermen.
- said plans shall show all existing trees adjacent to the proposed main extension and any trees to be removed
- the developer shall make application to Inland Wetlands for the main extension to the city conservation easement.

***See attached letter from R. Kulacz, City Engineer dated 11/13/07.**

Mr. Schultz suggested that the applicant go directly to Ray Sous who drafted the final conservation easement that was approved by the BOA. The wording may be sufficient to satisfy this change, but the Assistant Corporation Counsel needs to make that determination.

Atty. Joseph Williams, Shipman & Goodwin, One Constitution Plaza, Hartford, CT addressed the Commission and indicated that he spoke to Ray Sous today. They've been working on the final language of the conservation easement, relinquishing the existing location and putting into place the new location. The map and easement document are pretty much ready to go. Mr. Williams stated that Mr. Schultz was correct in alluding to the fact that the language of the easement is already in place and has a provision that any improvements that are approved by the P&Z Commission are acceptable within the easement. Therefore, nothing in the conservation easement is affected by it if the Commission approves the water main relocation. Atty. Williams stated that Mr. Sous agreed that it does not need to go to the Conservation Commission or the BOA.

Mr. Schultz added that the Conservation Commission is not aware of this, and it is his job to make them aware of it.

Mr. Panico commented to Rick Schultz that he should point out that it in no way impacts any of the conservation value.

Mr. Schultz responded that he will inform them that they should discuss any issues they have with Mr. Sous because the Commission has made the determination that Aquarion is requiring the water main come in this way. This Commission has never fought the Aquarion water line locations in the past. He stated that he will keep the Conservation Commission in the loop and provide them with a map.

Comm. Parkins asked if Aquarion knew in the beginning that they didn't have the water pressure to supply this 99 unit development.

Mr. Hart stated that when they submitted a letter in the very beginning, they asked Aquarion if they could service this project. They immediately responded that they could service it. However, they did not specify from where. Mr. Hart noted that in the last 5 or 6 years it has been harder to obtain information because many utility companies do not like to give out utility network information or details due to Homeland Security issues. This has made it much more difficult in planning projects and obtaining data in the beginning. Aquarion basically stated they could service it, but provided no information about their water mains or water pressures at that time.

Mr. Hart added that as seen from the site drawing, they would be coming in right on that sewer easement. Most of that area has been cleared and there are no large trees in the area of the water main.

Comm. Parkins asked about the impact to the other residents along Huntington Street. Specifically, would there be any reduction in their water pressure as a result of this.

Mr. Hart responded that there would not be any reduction in their water pressure because this is large, 16" water main with plenty of flow.

Comm. Parkins asked if they would temporarily lose any service during the tie in.

Mr. Hart answered that they would not lose any service. Tapping into a live water main - it is a live tap – a tapping machine that cuts a hole with no obstruction in service.

Comm. Pogoda asked for any further questions or comments before requesting a motion.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Application #07-16 request for alternate public water route subject to the City Engineer's requirements.

APPLICATION #07-52, PRIMROSE COMPANIES, INC. FOR MINOR MODIFICATION OF INITIAL DEVELOPMENT PLANS (SHELTON RIVER FRONT DEVELOPMENT) CANAL STREET, PPD #60 – REQUEST FOR WITHDRAWAL.

Mr. Schultz read the letter from John Guedes requesting withdrawal of this application.
*See attached letter to the Planning & Zoning Commission from John Guedes dated November 13, 2007.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to accept the request for withdrawal on Application #07-52.

NEW BUSINESS

APPLICATION #07-53, HUNTINGTON WOOD, LLC FOR MODIFICATION OF BASIC DEVELOPMENT PLANS AND DETAILED DEVELOPMENT PLAN APPROVAL, PHASE II, PDD #52B (CHILD DAYCARE CENTER), 708 BRIDGEPORT AVENUE (MAP 29, LOT 26) – ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz clarified that this application was for the second phase of Split Rock, the upper portion. He stated that the Commission saw the conceptual plan showing an office building. The applicant is now showing a two building scenario – one for a child daycare center that they want to proceed with. Additionally, they are showing an assisted living facility which triggers a change to the conceptual plan which would require a public hearing. Also, the applicant needs to submit detailed plans for the child daycare center.

Mr. Schultz commented that it could be scheduled on November 27; however, there would be four public hearing items on that date. The next regular meeting is December 11th and traditionally, the Commission only likes one meeting in the month of December.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to accept Application #07-53 Phase II and schedule a public hearing for November 27, 2007.

Comm. Pogoda stated that there were some additional items to add to the agenda for New Business.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to accept additional New Business Applications 07-54 and 07-38 for review.

APPLICATION #07-54, DAVIS POND CONSTRUCTION FOR SUBDIVISION APPROVAL (3 LOTS), 203 MOHEGAN ROAD, R1 DISTRICT – ACCEPT FOR REVIEW

Mr. Schultz stated that this was property with frontage on Mohegan Road, just south of Mohegan Gas Station. It is a conventional three lot subdivision with a fourth lot and this begins the 65 day review period.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to accept Application 07-54 for review.

APPLICATION #07-38, REQUEST TO PHASE DEVELOPMENT OF TWISTED VINE ESTATE SUBDIVISION – DISCUSSION AND ACTION

Mr. Schultz stated that in its approval, the Inland Wetland Commission had the developer impose three phases for inland wetland purposes. Staff would like the record to show that there are three phases. Phase I is off of Dickinson Drive consisting of five lots and the extension of the cul-de-sac. Phase 2 is Poe Place with 8 lots and the extension of Poe. Phase 3 is Foxhunt Road that goes into Poe Place with 9 lots.

Comm. Pogoda asked what the Phase 4 listed on the drawing was.

Mr. Schultz corrected himself that it was four phases not three. He relayed that he had just received these maps today. Phase Four is Okenuk Way. He wanted the Commission to understand that Wetlands had imposed the four phases. The developer posted a bond for everything, and they've approved the subdivision for everything. He added that this falls under Old Business – it is another sheet that would be part of the package now. This phasing sheet complies with Inland Wetlands and needs to be acknowledged for the record.

Mr. Panico noted that he is bonding the entire project; otherwise the maps cannot be put on the record.

Comm. Lapera commented that it had been important to the City Police and Fire that Foxhunt Road come up into Poe Place. He asked, since this was to be done in phases, when that connection would be done because it is important to the Police. His concern was that Phase I and Phase II would be completed and they would stop before making that Foxhunt – Poe connection.

Mr. Schultz stated that they had a two year requirement to finish the entire infrastructure unless the Commission grants an extension.

Mr. Panico commented that if that were crucial then they should have phased their approval of the application accordingly.

Comm. Lapera stated that he didn't mind approving them all as long as it is completed.

Mr. Schultz stated that there is a two year signed agreement.

Mr. Panico added that in order to put the map on record he has to bond all the improvements. The sequence of action is probably due to marketing.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to accept Sheet PH1 Subdivision Phase In Plan for Application 07-38.

PUBLIC PORTION

Comm. Pogoda asked if there were any public comments pertaining to any items not on the agenda. There were none.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to close the Public Portion of the meeting.

OTHER BUSINESS

APPROVAL OF MINUTES: 9/25/07 AND 10/9/07

On a motion made by Daniel Oraziatti seconded by Patrick Lapera, it was unanimously voted to approve the minutes of 9/25/07 and 10/9/07.

8-24 REFERRAL: ABANDONMENT OF THE CITY'S INTEREST FOR UNIMPROVED PORTION OF MURPHY'S LANE.

Mr. Schultz stated that this was the paper street that runs down between Murphy's Lane and the Housatonic River. The Commission approved the conceptual by the City Engineer's report stating it was not a city accepted or maintained street. The existing grade of 22% in some locations makes it undesirable for vehicles to traverse and access the river. The City Engineer's report endorsed the abandonment with conditions.

***See attached letter from City Engineer, Robert Kulacz dated November 13, 2007.**

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve the 8-24 Referral for the abandonment of City's interest for unimproved portion of Murphy's Lane.

8-24 REFERRAL: REQUEST FOR RELEASE OF HIGHLAND GOLF CLUB DEED RESTRICTION

Mr. Schultz stated that they received an informal request to look at the location for a 120 foot monopole telecommunication facility on a portion of the Highland Acres near the Intermediate School property. This is property that was given to the Highland Golf Club. He read correspondence from the City Engineer's office stating that they had reviewed the request to partially release the golf club from the open space covenant contained in the quit claim deed from the City dated August 5, 1992. The parcel release was requested in order for the golf club to lease 8000 square feet of the property near the undeveloped end of Walnut Avenue to Nextel General Dynamics Wireless Service for 120 foot high monopole tower. The lease would also include widening the golf cart path from 6 feet to 10 feet in width and granting an access easement along the widened golf cart path from Perry Hill Road to the 8000 square foot fenced equipment compound.

The City Engineer endorsed the proposal to allow the Highland Golf Club to lease their property and grant an access easement to a wireless service provider with the condition that the tower is made available for the City of Shelton communications systems – the Fire, Police, EMS and Public Works.

Mr. Schultz stated that the Siting Council does have a public hearing on this. There are homes on Walnut Avenue that will be impacted.

Comm. Parkins asked if they were open access telecom towers - if Verizon, AT&T or Cingular could come in and put an antenna on the same pole if they wanted to.

Mr. Schultz responded that co-location is encouraged. They can prohibit it, but it is something that would be suggested to them. If a favorable recommendation is given, he suggested that the Commission recommend co-location on this particular tower. The City Engineer wants it in addition to the City's communication systems.

Comm. Parkins asked how this monopole compared to the pole on River Road.

Mr. Schultz stated that it was about the same, although it is already up on a hill and would be visible.

On a motion made by Patrick Lapera seconded by Karen Tomko-McGovern, it was unanimously voted to approve the 8-24 Referral for release of Highland Golf Club deed restriction subject to the City Engineer's requirements and the requirement for co-location.

RECONSTRUCTION OF CANAL STREET, PHASE III: RECOMMENDATION BY COMMISSION

Mr. Schultz explained that the Planning & Zoning Commission has been recommending support of each phase of the partnership and redevelopment of downtown, particularly the infrastructure. Phase III is from the Derby-Shelton Bridge to Wooster Street and this is the plan being submitted to the State agencies.

Mr. Schultz stated that the City Engineer endorses a favorable recommendation, and he suggests a traffic light at Howe Avenue and Wooster. The Commissioners discussed the intersection, the traffic light at the library hill and the possibility of shifting it a block to Wooster Street; however, Mr. Schultz indicated that it would be the decision of the Chief of Police and the State.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to report favorably on the Phase III Reconstruction of Canal Street.

376 BRIDGEPORT AVENUE: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz stated that this was for the Splash Car Wash. He reported that they upgraded the site. Staff has visited on numerous occasions, and they have added more landscaping and picked up the litter. They only need to install their new sign that the Commission recently approved. Staff recommends release.

Comm. Harger asked what the time frame was for the installation of the sign.

Mr. Schultz responded that they want it up before the holidays.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve the request for release of Site Bond at 376 Bridgeport Avenue.

HERITAGE POINT: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz stated that he had a request from the developer of Heritage Point for the release of the \$50,000 site completion bond. He read a letter from the City Engineer dated October 18, 2007 recommending the release of any and all sureties on file which relate to the extension of public utilities and improvements to Buddington Road from the vicinity.

Mr. Schultz added that it should be noted that the developer tried to obtain title to land on Buddington Road (the bad curve after Heritage Point), but the property owner declined and the Alderman weren't in a situation to condemn it. He commented that, as everyone knows, it is a bad corner there; hopefully, in the future, they will be able to get title to the property. The applicant tried and the City Engineer acknowledges it; Staff recommends approval.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve the request for release of Site Bond at Heritage Point.

600 BRIDGEPORT AVENUE: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz indicated that this was for Honey Cell Inc. at the bottom of Long Hill Crossroad for soil contamination. The bond is in the amount of \$5,000. Staff has inspected the site. It has been paved and the areas are stabilized, but they are going to be doing some more work in the spring. Staff is satisfied that it can be released at this time.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to release a site bond at 600 Bridgeport Avenue.

472 – 488 RIVER ROAD: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz stated that this was the Oakdale Self Storage area. Staff has been working with them and they have completed the landscaping. They've added more island trees and landscaping around the building. Staff is satisfied at this time.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve the request for release of Site Bond at 472-488 River Road.

2 IVY BROOK ROAD: REQUEST FOR SEDIMENT AND EROSION CONTROL PLAN

Mr. Schultz stated that this was the medical office building. He was very pleased to report that they added all of the wood mulch on both shoulders of the road and did additional lawn improvements up on the top. They added junipers to stabilize the slope area and placed some decorative mulch. The stone wall and trees were added as well. Staff was very pleased because there was a period of time when the developer thought it was excessive. He wanted to acknowledge that Chairman Cribbins became involved and advised the developer to fulfill this. Comm. Lapera indicated that he would abstain from voting on this project.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve the Sediment and Erosion Control Plan for 2 Ivy Brook Road.

ENCLAVE AT HUNTINGTON WOODS: REQUEST FOR RELEASE OF PERFORMANCE BOND

Mr. Schultz indicated that this was Maler Avenue across from Aspetuck. He read a letter from the City Engineer's office recommending release of the \$78,000 performance surety subject to conditions.

***See attached letter dated October 18, 2007 from Robert Kulacz, City Engineer.**

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve the request for release of Performance Bond subject to requirements made by the City Engineer.

WOODS AT LAKE ROAD PHASE II: REQUEST FOR RELEASE OF SEDIMENT AND EROSION CONTROL BOND

Mr. Schultz stated that they had two for Phase II – Sediment and Erosion Control in the amount of \$7500 to be released. The site has been completely stabilized for Phase II to the left of the Shelton Lakes.

On a motion made by Daniel Oraziatti seconded by Patrick Lapera, it was unanimously voted to approve the request for release of Sediment and Erosion Control Bond – Woods at Lake Road Phase II.

WOODS AT LAKE ROAD PHASE II: REQUEST FOR REDUCTION OF PERFORMANCE BOND

Mr. Schultz read a letter from the City Engineer dated 10/19/07 recommending reduction of performance surety to 20% from \$230,000 to \$46,000. He wanted the Commission to know that it has been stabilized and street trees were being installed this week.

***See attached letter from City Engineer dated October 19, 2007.**

On a motion made by Ruth Parkins seconded by Patrick Lapera, it was unanimously voted to approve the request for reduction of Performance Bond – Woods at Lake Road Phase II.

PAYMENT OF BILLS

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

STAFF REPORT

Mr. Schultz reported that in regard to the November 20th ZBA agenda, an item worthy of note to the Commissioners would be for the decision on Dr. Montenaro's proposed three level commercial building between Beechwood and his other building. Staff will be meeting with Dr. Montenaro this Thursday, 11/15. The ZBA has not decided on it yet, and he indicated that he'll keep the Commissioners informed.

Connecticut Siting Council - He reported there were no new applications except for the Highland Golf Course property and the 120 foot monopole discussed tonight. He provided copies of the initial notification letter and exact location of the monopole.

United Illuminating - He noted that there was nothing new to report on the substation location.

The Zoning Subcommittee - The new commission is being sworn in next week, he expects a meeting to be held around the first of the year.

Downtown Subcommittee - Mr. Schultz reported that the Downtown Subcommittee met on 11/2 to discuss the ongoing Canal Street redevelopment. They will continue to meet monthly.

He stated that in regard to planning matters and the Plan of Conservation and Development – the Conservation Commission would like the newly sworn in Commission to start working on the 15% public open space set aside in the plan of development. Currently they have 10% and the plan is recommending that it be increased to 15%. They will be working with the Conservation Commission on that.

He indicated that the next special meeting would be on November 27th with four public hearings and some unfinished business.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to adjourn at 9:10 p.m.

Respectfully Submitted,

Karin Tuke