

The Shelton Planning & Zoning Commission held a regular meeting on December 11, 2007 at 7 p.m. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

The following members were present: Chairman Anthony Pogoda
Comm. Virginia Harger
Comm. Patrick Lapera
Comm. Ruth Parkins
Comm. Leon Sylvester

Staff members present: Richard Schultz, Administrator
Anthony Panico, Consultant
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.

Chairman Pogoda opened the meeting at 7 p.m. with the Pledge of Allegiance.

APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE

Richard Schultz stated that there were 19 standards that Staff had reviewed, and they were in compliance with Shelton Zoning regulations. He recommended approval.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Applications for Certificates of Zoning Compliance, Standards 1 – 19.

SEPARATE 4959, OAKBRIDGE/219 REALTY, 209-213 HOWE AVE, RENOVATION

Richard Schultz stated that this was an existing 7-family dwelling. It is the third multi-family south of the Commodore Hull Bridge. They are proposing to eliminate two dwelling units – one on the first floor and one on the third floor. They would also be reducing the number of meters from 7 to 5. There is one dwelling unit in the basement, and one will be on the first floor, reduced from two to one. There will be two dwellings on the second floor and one on the third floor. He commented that this is one of the few times that they'll see the property owner making an attempt to enlarge the livable floor area. There is no on-site parking, but this makes it more conforming. Staff recommends approval.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to approve Application for Certificates of Zoning Compliance, Separate #4959.

SEPARATE #4957, ALLIANCE ENERGY CORP, 429 SHELTON AVE, COMM. CONSTRUCTION

Richard Schultz stated that this was the canopy that the Commission approved some time ago across from Aspetuck Village – the gas station. The Commission approved it with a modification of 16 feet in width instead of 19' x 34'. This was done to shrink the overall dimensions to scale with the building. The canopy, if close to the principal building, can look quite crowded.

He showed examples of the Mohegan where the canopy was far away from the principal building and down gradient. The applicant feels that the 19' width is justified because it would cover most of the car. When Staff visited to see the 16' width, it was 8 feet from the center of the island, with 8 feet on both sides, which covers essentially half of the car. It covers the operator pumping the gas. The applicant feels that the extra 3 feet, 1 ½ feet on each side is justified. Mr. Schultz commented that this is a judgment call by the Commission; the original proposal was for 19 feet. There is a separation distance of 19 feet to the principal building.

Chairman Pogoda asked what the foot and a half would add on to the person if he were to be pumping gas on the inside.

Mr. Schultz responded that it covers the entire car. He passed around an illustration showing the modified width. He commented that it will be attractive with brick pillars and gable ends.

Mr. Panico asked if it would be the same way with just the center supports.

Mr. Schultz answered that it would be.

Mr. Panico asked if there were variances obtained for street setbacks.

Mr. Schultz answered that the reduction was a reduction of what the ZBA gave. It is all in compliance with the variance that was granted some time ago. The applicant is asking the Commission to revisit it with the added three feet.

Mr. Panico asked how far it would be from the building.

Mr. Schultz responded that it would be 9 feet at the full size. The height will be level with the fascia. This is for the separation distance.

Mr. Panico asked if it would be level with the fascia or higher.

Mr. Schultz answered that it would be level. They reduced the height. Originally, they wanted to go really high. He commented that he knew the Commission wanted to see some kind of balance here.

Mr. Panico asked if the height was acceptable for the delivery trucks.

Mr. Schultz responded that the delivery trucks go on the outside to fill up.

Comm. Pogoda added that the tanker trucks pull up toward the parking spaces and then back up because they can't turn in that tight of an area. Personally, he doesn't think a foot and a half more would make that much of a difference. The canopy is being put in to protect the driver. He wasn't certain if it would throw off the symmetry though.

Comm. Parkins asked if that space would allow another car to pull in and fill up on the other side of the car. Pulling in the other way, pumping from the other side with that extra foot and a half would keep the car covered.

Mr. Schultz answered that it does provide that service. Staff went to that extreme because the more narrow it is, the more balance it provides.

Bill Nicholas, property owner addressed the Commission. He commented that it is difficult to know unless they are out there. To try to get out, the car would come within six inches of the island. He said that when he first measured it out from the center of the island – the 16 feet only allowed about 6 ½ feet from the center of the island to the edge of the canopy. He added that when they leased the place out in 1989, he decided to peak the roof so that it would look better for the land development that would be taking place in the back. It could have been a flat canopy. He stated that he told Alliance that when they go in, they'll have to put a hip roof or a gable roof in, whichever looks better. The extra foot and half – the main variance is 9 foot on the eastern side corner leading to the state highway. Mr. Nicholas added that architecturally, the other way would look like a railroad car – being so long and narrow.

Comm. Lopera asked for clarification that this would be a foot and a half wider not longer.

Mr. Nicholas responded that it would just be a wider width.

Comm. Sylvester stated that he would make a motion to approve based on the Staff recommendation. He commented that he understands that the symmetrical design of these things is important. However, he feels that the Commission should look at a better remedy for these gas stations as far as their ability to meet the need of the public the way that the public is using them. He expressed his frustration with drivers who park in the gas pump lanes and run into the store to make a purchase of some type of merchandise – not gas. This situation causes everyone else to wait. He feels that was not the original intent of the design for these facilities – they were designed to provide a speedy means of getting gas. Mixing gas pumps with retail sales in small areas like this is creating more and more traffic back up, such as the one on Center Street. However, he noted that he doesn't feel that this application affects anyone negatively and it seems to fit with this neighborhood.

Mr. Schultz added that it would be monitored during construction.

Mr. Nicholas added that he would suggest to Alliance that they put some signs up stating Comm. Sylvester's concerns. There is ample parking for anyone who has to run in there.

Comm. Sylvester said that would be helpful. He thinks that needs to be addressed by the owners of these types of facilities

On a motion made by Leon Sylvester seconded by Patrick Lapera, it was unanimously voted to approve Separate #4957.

SEPARATE #4967, JULIANE LITUINOFF, 74 TODD ROAD, BUSINESS

Mr. Schultz stated that this was Dr. Holec's veterinarian facility on Todd Road. The Applicant provided a detailed packet for the Commissioners to review. Mr. Schultz asked everyone to look at the photographs to refresh their memories of the facility.

He stated that the Applicant's request is to convert it into a commercial kennel. This is a veterinary facility with a kennel component. The kennel component is a pre-existing, non-conforming use. This is the property of Dr. Kenneth Holec. Total square footage of the building is 2240 feet. They would like to convert it to a commercial kennel with the hours of operation being 8 am – 6 pm M-F, 8 a.m. – 12 pm Sat & Sun. Customers will pick up and drop off pets. There is a small outside run shown in the photographs. The Commission needs to determine if the proposed use is not more non-conforming and that the use won't have a negative impact on the neighborhood. He added that this is an industrial IA-3. There is a single family home adjacent to it. They have lived with similar commercial operations in the area. The Spooner House just about completed down the road, Professional Tire, and a lot of tractor trailer traffic going to the Baker property site.

Comm. Sylvester asked what a commercial kennel was.

Mr. Schultz responded that it was a facility where a cat/dog can be dropped off for overnight care or extended periods of time. It is a boarding facility. There are no veterinary services. All emergencies will go to the Shoreline Vet. No grooming.

Comm. Parkins asked if anyone lived on or near the premises.

Ms. Juliane Lituinoff, 74 Todd Road, Shelton, owner of the facility addressed the Commission. She responded that someone would be there overnight only if there was an animal that needed attention during the night.

Comm. Harger asked about the photos of the existing examination rooms that were in the previous facility.

Ms. Lituinoff responded that those rooms would be converted to fit the animals. There would be no veterinarian services.

Comm. Harger asked if the existing equipment would be taken out.

Ms. Lituinoff responded that it would be removed.

Mr. Panico asked if the animals would be indoors overnight.

Ms. Lituinoff answered that they would be inside.

Mr. Schultz added that it is an inside facility. There is a house. They know that area. The animals are kept inside however, there is an outside run.

Chairman Pogoda asked what the outdoor runs would be used for.

Ms. Lituinoff answered that the animals would be taken outside to relieve themselves. The runs are cleaned after each animal uses them. The animals are rotated in the runs so that they can all get outside, run around, go to the bathroom, get fresh air. She added that the animals could walk around outside and there are indoor exercise areas as well. The runs are primarily to relieve themselves because most dogs are trained to go outside only.

Chairman Pogoda asked if there had ever been any complaints in this area.

Mr. Schultz responded that there had been none whatsoever.

Comm. Lopera asked how many total animals would be there.

Ms. Lituinoff responded that at one time there would be a maximum of 18 cages for animals under 25 lbs. Some rooms would be converted for larger dogs because boarding facilities for larger dogs is so limited. The former exam rooms will be converted into suites so that the larger dogs such as Great Danes, big dogs can be boarded with the room and comfort that they need to have per regulations. She added that being boarded is very stressful for animals.

Comm. Lopera asked what the max would be with the large dog rooms.

Ms. Lituinoff answered that it would be 23 animals.

Comm. Sylvester asked Ms. Lituinoff if she presently worked there.

Ms. Lituinoff responded that the previous owner is in the process of retiring, and she did work there. She is extremely familiar with the facilities as well as Linda, her associate, who has worked there for 16 years.

Comm. Parkins asked if this would be any sort of rescue facility.

Ms. Lituinoff answered that it would be strictly for boarding.

Mr. Panico asked what the average stay was for a boarded animal.

Ms. Lituinoff answered that it would be anywhere from overnight to 3 weeks. It is dependent upon the situation. Last year, two dogs stayed for a long period of time because they were being de-barked and couldn't return home until they stopped barking. The shortest stay would be a day – dropped off in the morning and picked up in the evening – such as the dog owner having a day surgery and returning later.

Comm. Sylvester asked if there had ever been any complaints against the veterinarian.

Mr. Schultz responded that there were none.

Comm. Parkins asked if there were any alarms installed.

Ms. Lituinoff responded that she would like to install alarm systems. Currently, there are no alarms.

Comm. Lopera asked about the runs in the back of the building and what was located directly behind their facility.

Ms. Lituinoff answered that there was land and a large rock wall – their property.

Comm. Lopera commented that he was asking to determine if there were any neighbors that would hear the dogs barking. He asked if the dogs would primarily be inside except for the run time.

Ms. Lituinoff responded that they would be inside.

Chairman Pogoda asked if there would be exterior alterations to the building or if it was all internal.

Ms. Lituinoff answered that it would all be internal.

Mr. Schultz commented that any external alterations would require the submittal of a different application.

Comm. Sylvester stated that based upon the history and information and the people involved for all these years at the facility; he would like to recommend making a motion to approve.

Comm. Parkins stated that she is very concerned that there are no alarm systems in place and there is no one there at night. If a fire started or something else occurred, how would they be notified and how far away were the owners from the facility.

Ms. Lituinoff responded that is why she would like to have a system because there has never been one in the building. She has never been comfortable with that; however, she had never been in a position to do anything about it until now.

Chairman Pogoda asked Ms. Lituinoff if she intends to install an alarm system.

Comm. Laperera added that he would like to make the alarm system a condition as well as the limit of animals at 23.

Mr. Schultz summarized the conditions as no exterior alterations, installation of alarm systems, and maximum number of animals at 23.

Comm. Laperera asked if it was just for dogs.

Ms. Lituinoff responded that it would include a special room for cats too. Occasionally there might be a rabbit, guinea pig, or hamster.

On a motion made by Leon Sylvester seconded by Patrick Laperera, it was unanimously voted to approve Separate #4967 with conditions.

SEPARATE 4932, DEAN DELUCIA, 20 WOODS GROVE ROAD, HOME OFFICE

Mr. Schultz stated that this was for a home improvement contractor, 100 square feet, one employee -the owner of the residence, one personal vehicle – a truck with no lettering. The standards conditions – no maintenance of equipment or material. Staff recommends approval.

On a motion made by Patrick Laperera seconded by Virginia Harger, it was unanimously voted to approve Separate #4932.

SEPARATE 4931, DENISE FREEMAN, 276 SOUNDVIEW AVENUE, HOME OFFICE.

Mr. Schultz stated that this was a home office, Staffing Solutions, management company, 100 square foot office building, one employee/the owner, hours of operation 9 am– 5 pm, no commercial vehicles, no deliveries.

On a motion made by Patrick Laperera seconded by Leon Sylvester, it was unanimously voted to approve Separate #4931.

SEPARATE #4950, EMMA ARQUITA, 103 LONG HILL AVENUE, HOME OFFICE

Mr. Schultz stated that this home office was involved in the wholesale retail business of cosmetics and perfume. The business area is 100 square feet with one employee, hours of operation 9 am – 5 pm (flexible), no commercial vehicles or deliveries to the house.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4950.

SEPARATE #1601, ADAM GRABOWSKI, 27 RIDGEFIELD TERRACE, HOME OFFICE.

Mr. Schultz stated that this was for a commercial landscaper. It is 150 square feet with standard conditions of no equipment, or stockpiling of landscaping materials.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #1601.

SEPARATE #4968, ROBERT WOLOSHIN, 1 DEMARCHIS DRIVE, HOME OFFICE

Mr. Schultz stated that this was for a business selling table linens to hotels. He would be using his home address for sales. The office is 100 square feet, one employee, and part time hours of operation. He acts as a middleman buying linens and supplying them to hotels.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to approve Separate #4968.

SEPARATE 4954, STUART SCHADER, 22 COLONIAL VILLAGE, HOME OFFICE.

Mr. Schultz stated that this was located in the Colonial Village Condominium complex. They have a letter authorizing the business from the condo association. It is an advertising business, 250 square feet of office space, one employee, 9 am – 5 pm.

Comm. Parkins asked Rick Schultz if the letter was required from all condo associations regarding home business.

Mr. Schultz stated that it usually is a requirement.

Comm. Parkins commented that the Demarchis Drive (Separate #4968) business is located in a small condominium development. She asked Rick if he had a letter from that applicant's condo association.

Mr. Schultz responded that he doesn't have it, and he will go back and make sure that it is received. Therefore, approval for the previous Separate #4968 on One Demarchis Drive is subject to condo assoc. letter submission for the file.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to approve Separate #4954.

SEPARATE 4935, COCO SPA, 702 BRIDGEPORT AVENUE, SUITE 203, SIGN

Mr. Schultz stated that this was for the wall sign at Split Rock for the building all the way over to the right with the common driveway onto Perkin Elmer. The floor area is on the second floor with the proposed sign in the front. Their front is in the back, in the upper level and also overlooking Bridgeport Avenue.

Mr. Panico asked if it was consistent with the overall master plan of signage.

Mr. Schultz replied that it was. He corrected himself that the Coco Spa was the building in middle, not the building all the way over the right. The sequence was Walgreens, Coco Spa, Sleepy's, the restaurant tenant who has signage in the front and in the rear. Mr. Schultz recommended that they center these signs because the other signs are centered.

While looking at the proposed drawings, Comm. Lapera asked if the sign would be located on the roof.

Mr. Schultz responded that it would be on the vertical fascia, not on the roof.

On a motion made by Ruth Parkins seconded by Patrick Lapera, it was unanimously voted to approve Separate #4935.

SEPARATE 4972, JOSEPH ROCCO, 350 BRIDGEPORT AVENUE, SIGN

Mr. Schultz stated that this was for the commercial building across from Curtiss-Ryan. The Commission instructed the Applicant to return with a revised layout. When the PDD was approved, the monument sign had three sign panels because that was all that had been anticipated.

He stated that the Commission has approved most of the occupants in there and he reviewed the Commission's requests for a uniform background color – which would be the white – and consistent fonts.

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

He indicated that this was the proposal that they came back with. He asked them if the liquor bottle would move and that got ditched. After meeting with Staff, they were prepared to agree to just the blue and the green and keep the fonts relatively similar. However, Huntington Nail Spa asked if they could keep their signature "S."

Mr. Panico questioned if Mega Wine and Spirits could go to the same basic font as Planet Pizza and Huntington Nail Spa. That's block letters – more like New Alliance Bank.

Atty. Thomas stated that when he spoke to the sign person, they chose to follow a little more on the New Alliance style lettering. He said they would be willing to work with Staff.

Mr. Panico commented that he didn't mind having New Alliance the way it was shown but it would be nice if all the fonts were uniform; however, the revised Planet Pizza sign is more attractive than the one from the last time.

Atty. Thomas stated that he told his client that the Commission wanted uniform fonts. The Rocco's would be very cooperative about this.

Chairman Pogoda reminded Rick Schultz that this is the one in which the Commission imposed a limited number of names on the monument sign. The Applicant should be made aware that the other four spots aren't to be filled in.

Atty. Thomas commented that because this building is set so far back, it is difficult to see signs on the building. Additionally, the signs on the building are under an overhang that covers them because there is a sidewalk with roof in front of the stores. The signs are concealed underneath that roof. The signs aren't on top of the roof.

Mr. Panico stated that if the Mega Wine and Spirits goes with the same color and font as Planet Pizza & Huntington Nail; then they'll all be of the same style. Stay with the same color and font.

Comm. Lopera asked how many store fronts there were.

Atty. Thomas stated that there was the potential for nine. However, from what he understands, the Nail Salon and the Wine Store took double wide bays.

Mr. Panico stated that the Mega Wine needs to be made consistent with the Planet Pizza and Huntington Nail and anyone else who comes in. The only blue sign out there would be New Alliance and the only block letters would be New Alliance. Everybody else would have the lettering of Huntington Nail Spa.

Comm. Parkins noted that the Huntington Nail Spa font and the Planet Pizza fonts were different fonts.

Mr. Panico said he thought the font was the same but the size was different –

Comm. Lopera suggested just picking one... - just not the block print.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #4972 with the condition of consistent fonts and coloring for the signage.

SEPARATE 4942, ATHERTON ASSOCIATES, LLC, 702 BRIDGEPORT AVENUE, SUITE 301, BUSINESS

Mr. Schultz stated that this was for Split Rock, a second floor business office for commercial real estate. They are moving from downtown on Howe Avenue and occupying 762 square feet, 3 – 6 employees, hours of operation 9 am to 5 pm Monday – Friday. Eight parking spaces are assigned to their lease. This is located over the Wine Emporium, and they are not requesting any signage.

Comm. Lapera asked if the parking was working out well there.

Mr. Schultz indicated that it was.

Mr. Panico added that the parking in the back is under utilized anyway.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to approve Separate #4942.

SEPARATE #4960, MARIA GARRIDO, 346 CORAM AVENUE, BUSINESS

Mr. Schultz stated that this was the existing two-family dwelling down the road near the old Arrow/Walgreen's Pharmacy. He indicated that it was the next building up, a two family that had a commercial component on the first floor. Six or eight years ago, the Commission converted it to a two-family. They now have a request to change the use on the first floor to a convenience store/grocery store.

Mr. Schultz indicated that he explained to the Applicant that although this is a commercial zone, they lost that non-conforming activity when they went to a residential. Residential only requires one parking spot. They were also made aware that they have a right to make an application, and that the Commission would consider it. Therefore, this is a request to change the use on the first floor for commercial operations. It would employ one person with hours of operation 6 am – 9 p.m.

Comm. Sylvester asked if this was the property near Alex's Bar across from the municipal parking lot.

Mr. Schultz stated that it was and now they wanted to have a grocery store and dressmaking.

Comm. Sylvester commented that was exactly what it had been – bar, grocery store, dressmaker...

Mr. Schultz added that the Commission needs to use its discretion because all the properties downtown for the most part are pre-existing non-conforming.

Mr. Panico commented that there was some municipal parking across the street.

Comm. Harger noted that the municipal parking was always jammed and asked Rick what the requirement for parking would be in this case.

Mr. Schultz stated that for 320 square feet – a convenience store, it would generate a lot of curbside parking.

Mr. Panico commented that was very small – 15' x 20'. He asked if the curb parking in front of that building had been removed for a turn lane.

Mr. Schultz stated that there were about two or three spaces all the way down. There's a bar/restaurant Anna's next door, a multi-family and Cuppy's...There is Domino's Pizza takeout on the corner – it can't work downtown.

Chairman Pogoda commented that it was very congested and tight there. Cars pulling out of Arrow Pharmacy always cause a backup at the corner.

Mr. Schultz asked the Commission if they would like to table it and give it some thought.

Comm. Sylvester stated that there is a chance to do it or don't - the reality is that there isn't enough room there, there's no parking there, no place to pull over or do anything there. That is the reality of it. If a person wants to do business there, he doesn't really care but from a planning point of view it doesn't make any sense. The parking lot belongs to the Pharmacy, Simonetti's Parking is for Simonetti's and the municipal lot is for the Post Office.

Comm. Parkins agreed that there would be too much in and out parking going on in that area.

Mr. Schultz stated that it was presently a two family dwelling.

Mr. Panico asked if it would require major alteration to make the bottom level into a store front.

Mr. Schultz said that there wouldn't be that much modification.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to deny Separate #4960.

SEPARATE #4913, PHYSICALLY FIT, LLC, 44 HUNTINGTON PLAZA, BUSINESS/SIGN

Mr. Schultz stated that this was for two stores side by side in back of Huntington Plaza. The first one is for 44 Huntington Plaza – Physically Fit, a personal fitness training studio. He showed the drawing depicting the location of the signage. It would be 900 square feet business, hours of operation Mon – Sat 5:30 am – 7:30 pm, with no Sunday hours.

Comm. Lopera commented that the sign just faced the back of the building in the parking lot.

Mr. Schultz stated that Staff recommends approval.

On a motion made by Leon Sylvester seconded by Patrick Lopera, it was unanimously voted to approve Separate #4913.

SEPARATE #4961, IN TOUCH THERAPEUTIC BODYWORDS, LLC, 48 HUNTINGTON PLAZA, SIGN

Mr. Schultz stated that the massage therapy store next door would also be a 900 square foot business with two employees. The hours of operation would be Mon-Thurs, 8:30 am – 8:30 pm, Friday 7:30 am–7:30 pm, and Saturday 7:30 am–5 pm. The previous tenant had been Studio 7.

On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to approve Separate #4961.

SEPARATE #4971, CORPORATE CONST., INC., 14 FOREST PARKWAY, COMPACTOR PAD

Mr. Schultz stated that this was Northeast Steel on Forest Parkway. They are proposing to relocate the dumpster. He received a letter from them dated 12/7/07 stating that the scope of work includes removing an existing 12x12 overhead door enclosed to match adjacent exterior finish, construct a new 10 x 30 concrete slab on grade at existing parking area, top a new slab to be set approximately 6 inches above existing asphalt paving and reattach an asphalt pavement around new concrete pad as required.

He added that Staff would be recommending that an enclosure be provided. That is something that the Commission has uniformly required. They would like to relocate it; and it can't be seen.

Comm. Lopera noted that they would be losing two parking spaces though.

Mr. Schultz responded that hasn't been an issue.

Chairman Pogoda asked if there would be any masonry required.

Mr. Schultz answered no because it's in the back of the building.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to approve Separate #4971.

APPLICATION #07-44, BRIDGE STREET PARTNERS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS: MIX USE DEVELOPMENT: (KYLE'S AND PULASKI CLUB PROPERTIES) 44 – 46 AND 56 – 64 BRIDGE STREET (MAP 129, LOTS D37, D38, D39, D40), CB-2 AND IB-2 WITH CBD OVERLAY (PUBLIC HEARING CLOSED ON 9/25/07), DISCUSSION ONLY

Mr. Schultz indicated that this was the first discussion the Commission has had since the public hearing closed. Staff has provided Development Overview facts and figures with attachments.

***See attached Development Overview for 44-46 and 56 – 64 Bridge Street compiled by Shelton P&Z**

He stated that the development area consists of the Old Kyle's Corner and the Pulaski Club in the back. The PDD is the planned development technique which gives the Commission the control that they would like to have for the downtown area. They are proposing to demolish all the existing buildings for the new construction of a five story mixed use building with 29 parking spaces. Additionally, they propose a new two-story Pulaski building on Canal Street.

He indicated that the architect had submitted some building height information for buildings in the existing area. As the Commission likes to see with new construction or reconstruction, there would be underground facilities provided for public water and municipal sanitary sewer.

He continued to state that the parking plan is very involved and unique because it involves shared parking. There are providing 29 spaces on site for the 24 residential units.

He showed an area map highlighting municipal parking lots that exist in the vicinity – one lot has 41 parking spaces; by the Old City Hall there are 37 spaces; by the Post Office there are 76; by the Conte building there are 186. The retail and office parking requirements would need approx. 88 parking spaces in the immediate area in addition to the 29 spaces provided for the residential component.

He continued to state that Applicant has submitted a request to the BOA to close off the Bridge Street area. SEDC recommends approval and the City Engineer has no major concerns. The Fire Marshal's report is forthcoming and the Police Department is reviewing the proposal in conjunction with the BOA request.

Mr. Panico added that it should also be mentioned that the City is still negotiating with the railroad for the strip of right of way to provide another 30 – 35 spaces along the

backside of this property. The Applicant for this property has agreed to undertake the work if the City's obtains the necessary rights.

Mr. Panico noted that those are the same spaces that at one time were being relied upon because they had been promised to the Birmingham. However, since that time Birmingham has undertaken an expansion of their own parking facilities on their side of the railroad. Because they had been relying on it, the City provided for the pedestrian cross route for traffic; however, that is no longer needed. If they can get those spaces put in now, they will be supportive of the downtown commercial element.

Chairman Pogoda asked if they had gotten anything back from the City as to how far they had gotten with negotiations with the railroad company.

Mr. Schultz responded that they had. He indicated that Jim Ryan, SEDC, forwarded him a communication saying that the Mayor has been in ongoing discussions with the railroad company. They are at a crossroad over the issue of the permanent fence that the Birmingham put up in the back. There is zero clearance for any commercial inventory that is on a flatbed. Years ago, until recently, they had a lot of open space and they're concerned about. They are trying to work on a resolution while at the same time allowing on the street parking.

Mr. Schultz stated that he read the letter and the tone indicated that they were moving ahead as opposed to a couple of months ago. At that time, they had been very upset over the erection of the fence.

Comm. Sylvester added that they weren't only upset – it was built in error, and the railroad has the hammer. The negotiations have to do with what is going to happen because it's an encroachment. The railroad is going to exact more from the City than what the City would like to do.

Mr. Panico asked if the City was at fault. He said he thought that it sounded like a civil matter between two private parties – Birmingham and the Railroad.

Chairman Pogoda added that the subject had been discussed at the SEDC Board Meeting that morning, and there is a problem. At the time that the Applicant applied for this structure, there was a lot of hemming and hawing between the Applicant and the Railroad. Now that the structure is up, the Railroad wants to bring something wider up their right of way and it may be hit. He stated that his understanding from the meeting was that, although the City is involved in the negotiations, it is really between the railroad and the Birmingham. There is definitely a problem and an encroachment.

He continued that in regard to the parking spaces, with the proposal to close the street, the parking has to be picked up somewhere. Some negligible spaces would be taken away if the street is closed.

Comm. Sylvester commented that he doesn't think the parking is the problem. He thinks that the actual flow of traffic is the problem. He indicated that before that street is closed, he would be vehemently opposed if they don't get some technical data showing that traffic won't back up onto Howe Avenue more than it is now.

Mr. Panico stated that he didn't think that street contributed in a positive or negative way to the congestion on Howe Avenue. Once in a while someone might know the short cut and take their car back there. He doesn't see that as a common event happening everyday.

Comm. Sylvester disagreed and stated that a car could take a right there, go under the bridge and come out the other way bypassing the downtown congestion. Some people don't use the streets as he does, but he doesn't think the street should be passed off as not serving any purpose. He reiterated that was why he would be opposed if someone didn't address the Commission who has technical knowledge regarding traffic flow. He concluded that he didn't feel that was a lot to ask before shutting down a street that has served the city for such a great length of time.

Comm. Lopera asked if the Traffic Authority was the Police Dept.

Comm. Sylvester responded that they were but he was talking about a company like Barkin and Mess coming in to do an analysis.

Mr. Panico stated that they have had discussions with Barkin & Mess over the last few years about the traffic downtown, and they talked about that street.

Comm. Sylvester commented that he never saw anything regarding that.

Mr. Panico indicated that they have had discussions, but there was no formal report on it. They've had discussions about the street patterns downtown and one of things Staff brought up with them, even before this development, was closing down Bridge Street. He questioned Barkin & Mess about it because in his estimation as a planner, he thinks it makes sense to close that street.

Comm. Sylvester asked Mr. Panico to clarify that.

Mr. Panico responded that as a planner, in terms of looking at how things work downtown, and looking at that corner as being the number one corner in the center of town, it is very awkward to have another street that comes off of it at that location. Despite the fact that at times when there's congestion on Howe Avenue, it might provide an outlet for a few people that know the back streets, for the most part, it only creates a disruption in the normal logical flow of traffic around the corner.

Comm. Sylvester asked how it creates a disruption.

Mr. Panico responded that it is another point that can cause confusion for an unfamiliar driver making a turn into a very busy intersection. There should never be extra street connections into what is one of the busiest intersections in the city.

Comm. Sylvester commented that they are looking at it from two different perspectives trying to find a logical conclusion. He indicated that he wasn't capable of saying that closing the street would be a good or a bad thing, but he thinks that some research should be done regarding its impact on downtown Shelton.

He concluded that he thinks the outcome of this project with the patio will be aesthetically beautiful, but he is concerned about the worsening traffic situation in downtown Shelton. Last week's Huntington Herald poll asked people what they thought was the biggest problem in Shelton. All the respondents identified in the paper thought it was the traffic. Even though this is a fine application, a traffic expert has to provide some expert information before this is done.

Comm. Lopera asked Rick Schultz who had the power to close the street.

Mr. Schultz responded that it was the BOA.

Comm. Parkins asked if the project was contingent on the street closure and the additional parking.

Mr. Schultz responded that it was a major component.

Mr. Panico commented that prior to taking an action to close a street; the BOA would solicit an 824 referral from this Commission. Presumably, if this project was acted upon and that item were included in the discussion, that could conceivably suffice as the 824 referral. But the ultimate decision is the BOA.

Chairman Pogoda asked Rick Schultz if they could get a copy of the Barkin & Mess study mentioned by Mr. Panico in addition to comments from the Police.

Comm. Sylvester indicated that he appreciated his comments being heard. He stated that he feels that any comments made about the closing of that street should be based on the current activity downtown.

Mr. Panico added that if they want a formal statement by an outside expert, than P&Z needs to commission such a study.

Comm. Lopera asked if the Alderman would do that before they decide to close the street.

Mr. Panico commented that they could or they might not – he couldn't speak for what they would do.

Mr. Schultz added that he'll look into that because it's an important component.

Chairman Pogoda summarized that they would put that on the table, see what Staff can find, what direction to take and make a recommendation to the Board of Alderman, and investigate it thoroughly with a traffic expert.

Comm. Sylvester clarified that he didn't think they needed a traffic study of downtown but a comment on the effects of closing an access road downtown. He'd prefer it not be done by the Applicant but by the City. He reiterated that he thought the application was very attractive and the improvements to be made would be beneficial to downtown. However, he's opposed to closing streets downtown at this time unless there was a major plan showing improved circulation and improved parking.

Chairman Pogoda stated that he understood the comments and this application had been for discussion only tonight.

Comm. Lopera asked how far this building was from the municipal lot by Conte's. He also wanted to know how many spaces were in the Bridge Street lot.

Mr. Panico stated that it was about two full blocks away – about 600 or more feet. The parking lot behind with 41 spots is the closest lot.

Comm. Sylvester stated that the parking lot behind the Post Office wasn't going to help anyone because it was already overused.

Mr. Panico added that he has discussed the parking situation with Rick Schultz at length. The component that they've always demanded on site in a resolution is a minimum of one space per any residential unit. That is what is being proposed here. The commercial component is relying on off-street parking by others, but the residential component is satisfied on site.

APPLICATION #07-47, APPLE TREE DAYCARE AND PRESCHOOL CENTER FOR MODIFICATION OF SPECIAL EXCEPTION/SITE PLAN APPROVAL (ADDITION FOR INDOOR PLAY AREA), 117 LONG HILL CROSS ROAD (MAP 51, LOT 4), LIP DISTRICT (PUBLIC HEARING CLOSED ON 11/27/07) DISCUSSION AND POSSIBLE ACTION.

***See attached letter from Fire Marshal dated 12/11/07.**

***See attached letter from City Engineer, Robert Kulacz dated 12/11/07.**

***See attached Staff Report dated 12/11/07**

Mr. Schultz stated that this was for an 800 square foot addition to the rear of the building. He read the Fire Marshal's report dated 12/11/07 that was favorable with the standard conditions. The City Engineer's report dated 12/11/07 indicated no concerns. He read the Staff Report indicating its findings and concerns.

He continued to state that the Commission had some concerns early on, but this operation has been in existence now for over seven years. It is working and helps the Long Hill School neighborhood.

Chairman Pogoda asked if there had been any negative comments regarding traffic.

Mr. Schultz stated there had not been any. It is a difficult site and it's worked well for them. He reminded everyone that this addition would not result in any additional enrollment.

On a motion made by Leon Sylvester seconded by Patrick Lapera, it was unanimously roll call voted (5-0) to approve with conditions Application #07-47, Apple Tree Daycare and Preschool Center for Modification of Special Exception/Site Plan, 117 Long Hill Cross Road.

APPLICATION #07-51, DOMINICK THOMAS FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (FOOD ESTABLISHMENT WITH DRIVE THRU: HIGH TRAFFIC GENERATOR), 487-495 RIVER ROAD (MAP 66, LOT 1), CA-2 DISTRICT (PUBLIC HEARING CLOSED ON 11/27/07) DISCUSSION AND POSSIBLE ACTION.

Mr. Schultz stated that he had a favorable recommendation from the Fire Marshal with the standard conditions. He read the City Engineer's letter dated 12/11/07 strongly stating that Petremont Lane was a substandard city road and he didn't support the proposed traffic generator. Mr. Schultz added that Robert Kulacz had been consistent in his comments since the beginning.

***See attached letter from the Fire Marshal, James Tortora dated 12/11/07.**

***See attached letter from City Engineer, Robert Kulacz dated 12/11/07.**

***See attached Staff Report dated 12/11/07.**

He read the Staff Report stating the findings and concerns in regard to the installation of a drive through associated with a food establishment at Santos Commercial Building.

He added that the Commission wanted the connection with the adjacent commercial property to be completed. It has been paved and 39 parking spaces have been provided. The stacking opportunities are there for the drive through. He stated that this Commission had a 4-2 on its recommendation to ZBA – four in support and two opposed. The former Chairman supported it.

Chairman Pogoda commented that he doesn't have a problem with the business itself however; he is concerned about the incoming and exiting traffic from the site onto Petremont Lane. He understands that Petremont Lane has been modified to improve the sight line going toward Coram Road. He is still concerned about the circulation though.

Comm. Sylvester indicated that he had been on this Commission when they were trying to be convinced to shut down Petremont Lane. He stated that he had been against

shutting down Petremont Lane because it was a road that he used to cut over to River Road.

Comm. Lopera asked Comm. Sylvester if he used any main roads in town.

Mr. Panico stated that they didn't want to shut down Petremont - just make it a one way.

Comm. Sylvester noted that it was interesting that now this road has been widened, improved and become a well used road by people who know it.

Mr. Panico stated that the intersection of Petremont, Coram and Constitution is an accident waiting to happen.

Comm. Sylvester agreed that has always been the case on River Road.

Mr. Panico stated that in regard to that intersection, drivers come down that hill; go diagonally across that intersection instead of making the proper turns. He commented that someone is going to misjudge a car coming up or a car coming out of Coram and there will be a terrible accident there.

Comm. Sylvester agreed that he believed that was correct too. However, he was against the decision to close the road because he is against the decision to close any road that serves the public.

Mr. Panico stated that they felt that the component could be handled by having the traffic coming out one way in that direction – coming into Coram.

Comm. Sylvester agreed that it was worse coming out onto River Road. He stated that he felt that it should not serve as a take-out situation because people going through there are going to be coming out of Petremont and pouring back onto River Road. It isn't a safe place to have a drive through facility.

Mr. Panico commented that whatever was approved for this corner to come out that way was a better solution than putting another curb cut on River Road.

Comm. Harger added that Petremont Road hasn't been improved all the way.

Mr. Panico responded that the improvement had to be made along the front of this property because of the traffic burden being imposed upon it. The minor improvement in one direction occurred because the vertical curve had to be brought down to enhance the sight distance a little.

Comm. Harger asked if the other tenants in the adjacent stores would circulate back and come in front of the store to exit.

Mr. Panico answered that they would probably exit on Petremont. He commented that he looked at the site plan, re-examined the parking spaces in the front, and he thinks they can be realigned to be perpendicular spaces. There is adequate back up. They should re-examine the 25 foot wide connection because he couldn't recall looking for 27 feet. Something in the range of 22 – 24 feet is more than enough. Relatively minor alterations could result in one or two more parking spaces.

Comm. Parkins stated that she thought the Petremont issue would exist whether there was a drive through there or not. She indicated that she didn't think it would add to it substantially. Maybe it could be controlled with a right turn only onto Petremont so that there couldn't be cars exiting to the left.

Mr. Panico responded that wouldn't be practical because 99% of the business traffic oriented to that building will want to come from and go back to River Road.

Comm. Parkins commented that she thought the traffic might be more toward Pitney Bowes than River Road.

Mr. Panico stated that it could be a component of it but the majority of it would be River Road oriented.

Mr. Schultz stated that some of the conditions suggested included maintaining the 39 onsite parking spaces at all times. Employee parking should be restricted to the northerly side of the site where the cut was made. Applicants shall erect appropriate traffic signs to ensure proper circulation and parking standards. No window structures have been approved under this application. Although landscaping can not be done this time of year, all unfinished site improvements shall be completed according the site plan. There will be a bond on it.

Comm. Lopera stated that if the ZBA has given the use variance, than it's a permitted use.

Mr. Panico responded that this Commission has the final say on the drive-through.

Chairman Pogoda added that is what the discussion is about. The business itself is permitted. It is the high traffic generator with the drive through that causes so much concern.

Comm. Lopera commented that there was stacking for seven or eight cars. He tried to recall the stacking at some of the other drive-throughs in town.

Mr. Panico noted that there probably weren't any drive-through locations that had less than that. He agreed with Ruth that they wouldn't want the cars coming on to River Road. Going right on Petremont Lane isn't too bad. If there were left turns it would be a problem.

Mr. Panico stated that the traffic coming out of Petremont Lane, especially the traffic resulting from the drive-through window would be making right turns. The majority of the traffic would be occurring in the morning heading down RT 110, zipping in the drive through and going back around on to River Road. The Sikorsky stream of traffic flow in the morning is on the commuter side so they wouldn't have to cross traffic.

Comm. Harger asked if the drive-through window would help to avoid too many parked vehicles and congestion on the other side.

Mr. Panico responded that anyone who wants coffee would park and go in if they had to. By doing that, it would lead to a lot of congested parking and virtually the same amount of traffic coming out.

Comm. Sylvester thought that Sikorsky commuters would use the Dunkin Donuts, but he felt that Constitution Blvd. customers would go there for coffee too. They would go through Petremont and go back onto Constitution and that isn't a good place to be adding more traffic. The chances of going back on to River Road are good, but he doesn't discount the fact that people on Constitution would come down, get coffee, take a right on Petremont and go back up Constitution. Constitution Blvd has become a well-developed area too. He doesn't believe it is a good place to have a drive through.

Mr. Panico reiterated that with or without the drive-through, the majority of the traffic discussed is going to happen. The drive-through is just going to facilitate the operation of the site.

Comm. Sylvester added that without the drive-through there is not that steady stream of cars.

Chairman Pogoda commented that this has been pretty well discussed out and he asked for a motion to approve or deny.

Comm. Sylvester made a motion to deny Application #07-51.

Chairman Pogoda indicated that he was waiting for a second.

Comm. Sylvester stated that it wasn't easy being alone here...He added that he wished Comm. Oraziatti were present...

Mr. Panico stated that if they fail to get a second, than the motion has failed.

Chairman Pogoda indicated that the motion failed with no second.

Comm. Parkins made a motion to approve the drive-through. Comm. Lopera agreed to second.

Comm. Harger asked for clarification that the food establishment portion of the application had been approved.

Chairman Pogoda answered that the food establishment was OK, it was the drive-through that drove the special exception.

Comm. Sylvester asked if it could be a McDonald's with this vote.

Mr. Panico stated that predicated on the action taken by the ZBA plus the vote taken tonight – yes, it could be. It doesn't meet their criteria, but theoretically, it could be.

Comm. Sylvester asked if it could be any food establishment other than a Dunkin' Donuts with a drive-up window.

Mr. Panico responded yes unless there was a considerable difference in operation.

Comm. Sylvester stated that for all intent and purposes right now they are approving a food service drive-through window at that facility.

Mr. Panico responded that referring back to the public hearing; it was represented to be a Dunkin Donuts. It would be difficult to prevent a different commercial establishment from functioning in the same way but with a different name.

Comm. Sylvester stated that what they are saying is that anything could happen – not anything, but other than Dunkin Donuts.

Mr. Panico stated that he hesitated to be so black and white because until someone puts the circumstances on the table, there could be a different result. This Commission is approving a coffee shop that sells donuts. The intent is to approve a special exception as requested – a Dunkin Donuts coffee shop with a drive-through window.

Comm. Sylvester asked if by making this vote, it would be left open for the applicant to change the type of food establishment using the drive-through window.

Mr. Panico answered that he didn't think the applicant had that carte blanche. He could come in and argue it, but it could be argued that a food establishment with a wide range of food products isn't the intent of what the Commission approved. This is a special exception approval that allows them to rely on the strength of what was represented to be that special exception. In this case, that was a donut shop with a coffee take out window.

Comm. Lopera asked if that could be made a part of the motion.

Mr. Panico answered that it definitely could. He noted that they would be successful in preventing the broadening of that category to include other food, but the Commission has the right to argue it.

Comm. Sylvester concluded that they've lost and they've won in these things over the years. He asked if this Commission could determine an approval of it to be just a coffee shop – would that hold up so it couldn't be changed?

Mr. Panico responded that it could be defined and placed it in the decision. Somebody could always try to challenge it though.

Comm. Sylvester stated that he questioned this because a Dunkin Donuts is a little bit easier to accept than perhaps, a McDonald's. This isn't any easy decision to make.

Mr. Panico stated that it wasn't intended to be a broad based decision either. Over the years, they have prevailed in the philosophy that the Dunkin Donuts operation is a bakery that also sells coffee. They've used that argument in the past against the full food service operation like a McDonald's or a Burger King. Dunkin Donuts is allowed because they are a bakery.

Comm. Parkins modified her motion to include that the drive-through be specifically for the use of a coffee/donut shop, bakery outlet, etc.

On a motion made by Ruth Parkins seconded by Patrick Lapera, it was unanimously roll call voted to approve with conditions (3-2) Application #07-51, Special Exception/Site Plan, 487-495 River Road.

APPLICATION #07-49 DOMINICK THOMAS FOR SITE PLAN APPROVAL (AUTOMOTIVE REPAIR FACILITY), 62 CENTER STREET (MAP 129D, LOT 53), CA-3 DISTRICT – DISCUSSION AND ACTION

Mr. Panico stated that after the last meeting, Staff had an in depth discussion about the Commission's concerns. Rick Schultz followed up with the Mayor about the status of the City's interest in this property. He read the preliminary Staff Report for Schuster's Garage at 61 Center Street.

***See attached Preliminary Staff Report dated December 11, 2007**

Mr. Panico concluded that they tried to describe the appropriate conditions and stipulations recognizing that on a parallel vein over a period of time the City will hopefully try to negotiate the acquisition of the property. However, they cannot expect the Applicant to sit around and wait 3 or 4 years for the City to accomplish that. For this Commission to prove or enforce an abandonment of the automotive activities, in order to prevail, there needs to be proof of a definite intent to abandon. The closest thing they have to proving intent is that the Applicant sought other uses, although unsuccessfully, for the property.

He continued to state that if the Commission plans to go forward, these conditions are important in recognizing that this is a downtown location.

Chairman Pogoda relayed that they discussed this application in depth at the last meeting. There were many comments about that site being on the POCD, but as Mr. Panico indicated there will be ongoing talks between the City and Mr. Schuster as to the City obtaining that parcel.

He continued to state that a lot of their concerns had been about the possibility of wrecks being brought in there and concerns about the spray painting booth. The three bays will remain; however, they would like to make this as clean an operation as possible.

Mr. Panico commented that it isn't uncommon for a bona fide automotive repair facility to want to be able to sell a few cars during the course of the year. It is only a matter of degree. This Commission is trying to avoid the creation of an appearance of a used car lot in downtown Shelton. They want to allow the man to do what he says he wants to do and what seems reasonable.

Comm. Sylvester indicated that he has known the applicant all his life and he has always operated a well run business. He noted that the last person on that property ran an efficient business that wasn't disruptive to the downtown area. He noted that there is a similar setup in Derby with a gas station/garage type operation in the downtown area. Mr. Schuster has always maintained his property well, and as a landlord, he would probably do the same.

Mr. Panico stated that everything that they have said is consistent with what the Applicant represented his intentions to be, so he doesn't think it should be a problem to anybody. With the landscaping, they are being practical in recognizing that the property is 100% pavement. All that could be added are container trees or plants.

Comm. Lopera commented that he thought it was a reasonable solution, but he thinks it skates very close to the line on abandonment.

Atty. Dominick Thomas, representing the Applicant stated that he did some research on it and the intent issue that Tony Panico pointed out is the key issue. However, there are a couple cases where applications were made and the Court felt that simply making an application versus (*inaudible*). He also pointed out that there are two parts to this application in that this Commission is now the designator for the purpose of certificates of DMV location in accordance with requirements.

Mr. Panico asked if they still had to do an approval of location since it had a prior approval of location.

Mr. Schultz answered that yes, the State wants to see that. It is the Commission's call if they would like to make it a public hearing.

Atty. Thomas added that if this were a new site, they would certainly want to hold a public hearing.

Mr. Panico commented that although there had been other licenses there in the past doesn't mean that all the activities encompassed by that license were necessarily approved by P&Z.

Comm. Sylvester asked who has the final call about the licensing.

Mr. Panico stated that it would be Zoning. The State says that a license is required if car repairs are going to be done at a particular facility. That license might also let them do six other things but if Zoning doesn't authorize it, the fact that the license allows it means nothing.

Atty. Thomas added that the Legislature decided to take it away from the ZBA's and put it back to Planning & Zoning. Many people believed it belonged in P&Z because then Zoning can do both, as it is being done tonight rather than have the ZBA approve the site and come back to P&Z for site plan approval.

Mr. Panico commented that before it had been the ZBA acting as an arm of the Motor Vehicle Department. Now they are planners acting as planners/zoners.

Comm. Parkins asked if this was a one person operation.

Atty. Thomas stated that Mr. Vincent Tabacc testified that he would be working with his father and one other employee.

Comm. Parkins asked if they could request that the employees not use the lot next door for parking.

Atty. Thomas responded that Mr. Tabacc agreed at the last meeting he would use the large lot next to the Conte building. He agreed to have a condition stating that put in the approval.

Comm. Parkins expressed concern about the limited parking in that area for the restaurants especially at lunch time.

Atty. Thomas responded that as an auto repair facility, he would be beginning the day at 6 a.m. or 6:30 a.m. so he'll easily get a spot in the other lot and walk down.

Chairman Pogoda asked for a motion.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously roll call voted to approve Application #07-49, Site Plan and Certificate of Location, 61 Center Street with parking conditions.

Chairman Pogoda indicated that he would need a motion to add an item to the agenda for Application #07-16.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to add Application 07-16, Modification of Utility Plan for Avalon II Shelton to the agenda.

APPLICATION #07-16, AVALON SHELTON II, BRIDGEPORT AVENUE, 99 UNIT MULTI-FAMILY, REQUEST FOR ALTERNATIVE ROUTE OF ELECTRICAL SERVICE TO DEVELOPMENT

***See attached letter to Richard Schultz from AvalonBay dated 12/10/07.**

Chairman Pogoda stated that at the November 13th meeting, Avalon II requested to have the water service brought in from Huntington Street rather than Bridgeport Avenue due to water pressure issues. The request tonight is to allow UI to come in from Huntington Street versus Bridgeport Avenue as well. The connections would be located in the same areas as the recently approved water main connections, therefore, not resulting in any additional disturbance to the area.

Mr. Schultz read the letter from AvalonBay dated December 10, 2007 explaining the need for this request as well as a copy of the revised utility plans that have been provided. Mr. Schultz added that because this is a PDD, as with the modified water connections, it must be authorized by the Commission. The Applicant is present if there are any questions.

Comm. Lapera asked if the electrical would be going down the same route as the water with the required 3 or 6 foot separation.

The Applicant (no name provided) claimed that it would be.

Comm. Lapera asked if the utility company was requiring this.

The Applicant answered that they were requiring it. It would be underground. It had been planned to come in from Bridgeport Avenue but when they finally met, UI indicated that they wanted to come in from two locations on Huntington Street. They had no say in this matter.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Application 07-16, Modification of Utility Plan for Avalon II Shelton, Bridgeport Avenue.

NEW BUSINESS

APPLICATION 07-55, RICAR, LLC AND MIANUS HOLDINGS FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (MARINA EXPANSION, MULTI-FAMILY AND RESTAURANT/POOL CLUB), 704-722 RIVER ROAD – ACCEPT FOR REVIEW.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to accept for review, Application #07-55, Ricar, LLC and Mianus Holdings for Final Site Development Plan, 704-722 River Road.

Mr. Richard Kral addressed the Commission and displayed a revised drawing of the marina site plan. He stated that they he would quickly go over some site plan changes and indicated that he would be back in January 2008 to work with the Commission on a number of things. He stated that they have submitted a lot of the architectural renderings and building materials.

Mr. Kral stated that Joe Mingolello had been scheduled to be here tonight but they decided they would return in January to review the architecture.

He asked the Commission to think about a concept for the modifications on the site plan regarding the emergency access from the condominium driveway down to the marina area. They would have an emergency access coming out from the top of the driveway back out to River Road. This design had been submitted to the Commission; however, upon further study they have been able to distinguish a better alternative. The alternative plan would be to loop the driveways rather than bring something in between the condominium units and another exit going out to Rt 110. The loop would be gated, so it would be used and more feasible for emergency access and more aesthetically pleasing to the site and the condominium units themselves. Mr. Kral stated that he would like the Commissioners to consider this alternative, think about it, and get back to Staff because the plans have not technically been submitted. This would provide some forward thinking for January.

Mr. Kral discussed two other areas on the site plan that he asked the Commission to be aware of. He indicated that they split the clubhouse so that they created what they call "the boathouse pool cabana area." This gives them the ability to use it as part of the retention wall but really facilitates the crew boats to access the crew dock in a very feasible way while doubling on the second floor as the cabana rooms for changing for the swimming pool. It isolates the restaurant use by itself so that it can be closed and opened at different hours and maintained as its own entity.

Mr. Kral commented that the previous Chairman had been concerned about splitting that use because he didn't like the fact that the dining area was on the second floor. So they have designed that building so it continues that way as two stories. Previously it had been a three story building. The second floor is the dining floor with the outside dining deck. Down below would be the bathrooms for the marina, a meeting room, utilities and storage to facilitate the rest of the marina functions.

He added that they reduced the length of the "J" through "M" docks, as requested by the Commission, by almost 25% each. Using the site drawing, he showed the extent of that reduction from the original channel line as requested during the public hearing stages. He pointed out that the "K," "L," and "M" docks were reduced significantly, "J" dock a little bit less bringing it back in line with what "I" dock had been. He stated that there

was another set of finger piers in between – in the original application there had been two and now there are three. They moved the crew dock down a little bit because they didn't want to reduce the length of the crew dock given the length of the boats that they wanted to try to accommodate.

Comm. Lopera asked if they had reduced the number of slips from 300 to 265.

Mr. Kral stated that if the docks are counted, there are about 278, but that includes their service dock and floats. They would actually be leasing 265, the rest are there to facilitate the marina uses, ice boats, service boats, etc.

Mr. Kral summarized that those are the three main components of the plan for discussion on January 8th. He feels as though they've met a lot of those significant requests. He asked the Commission to let him know which way they might favor the overall site design on the northern end by the condos. He added that the plan shown really works. It required shifting the main building a little further to the south. The original thinking when they designed the site was that they would stay out of the old Murphy's paper road, but if they are going to get that abandoned, it's really moot. He thanked the Commission for their time and effort throughout this year. He wished everyone a good holiday and looked forward to meeting with them in January.

APPLICATION #07-56, FITNESS EDGE LLC FOR MODIFICATION FOR STATEMENT OF USES AND STANDARDS AND DETAILED DEVELOPMENT PLANS FOR PDD #2, BRIDGEPORT AVENUE (MAP 9, LOT 14) – ACCEPT AND SCHEDULE PUBLIC HEARING.

Chairman Pogoda stated that this would be for a fitness facility in the former Bradlees. He indicated that would be the last tenant in the building with Bed, Bath & Beyond and the Hawley Lane Shoe Store.

Atty Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the applicant.

He indicated that Stop & Shop would probably come in separately, based on recent emails, for façade improvements. He encouraged them to come in at the same time because they are going to match the façade to Bed, Bath & Beyond. He stated that they felt that was an administrative as opposed to a modification of the Statement of Uses requiring a public hearing.

Mr. Panico commented that it would be desirable if they could get that in prior to (inaudible.)

Atty. Thomas responded that he has conveyed that to them and he will convey that to them again that it could be looked at during the same time.

Mr. Schultz stated that as a side note Staff learned that they would be enhancing the canopy over the walkway over the old retail shops. The canopy over all the retail shops

is showing its age. It is a flat roof and not very attractive. He asked the Commissioners to start thinking about that because that application would be coming in too. The shopping center, as the Commission knows, was built in 1979.

Comm. Harger asked if the façade improvements that Atty. Thomas mentioned were just for the new section.

Atty. Thomas responded that they did façade improvements for Hawley Lane Shoes and façade improvements for Bed, Bath & Beyond. Now they are going to match that façade improvement to Stop & Shop.

Mr. Panico added that whatever happens has to be consistent.

Atty. Thomas indicated that he told them that it required approval because it is a modification to a detailed development plan.

Mr. Schultz asked the Commissioners to take a look at the canopy elevation when they go up there.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to accept and schedule public hearing on January 22, 2008 for Application #07-56, Fitness Edge, LLC for Modification of Statement of Uses and Standards and Detailed Development Plans for PDD #2.

PUBLIC PORTION

Chairman Pogoda asked if there was anyone from the public who had any comments for the Commission. There were none.

On a motion made by Comm. Lapera seconded by Comm. Parkins, it was unanimously voted to close the Public Portion.

APPROVAL OF MINUTES

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve the minutes from 10/23/07, 11/13/07 and 11/27/07.

Comm. Sylvester abstained from the vote because he hadn't read the minutes.

WELLS SPRING ESTATE: RELEASE OF SITE BOND

Mr. Schultz stated that Royal Wells was requesting that the release of the performance bond in the amount of \$10,000 being held for the completion of the improvements associated with the Wells Spring Estate, the private cluster on Old Stratford Road. This matter went before the Conservation Commission and they have recommended to the P&Z Commission that the bond be released at this time. Staff recommends approval.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve the release of site bond for Wells Spring Estate.

PAYMENT OF BILLS

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

STAFF REPORT

Connecticut Siting Council: They are entertaining the Biomass Renewable Energy Plant at the Recycling Facility, approved by this Commission. The State is very appreciative that they are going in that direction.

UI: Nothing new about finding a site for the substation.

Shelton Canal Company: They are petitioning the State. They have already gone before the Federal Government to fill in that historic canal just north of the lock. He commented that everyone is adamantly opposed to this elimination – everyone is united. If there is one canal to preserve it is the one furthest down toward the dam. He stated that hopefully, not only can it be preserved, but it can be given the appropriate designation.

2006 POCD: The Conservation Commission has requested that the Commission amend the 10% conveyance of open space to 15%. They request that it be made a high priority.

Subdivision Performance Bond: The City Engineer recommends that the Commission revise its policy on performance bonds for water lines requiring the developer to bond the water lines.

Comm. Lopera asked if the developer would have to pay 100% to the water company.

Mr. Schultz provided the example of the Twisted Vine 26 lot subdivision – the bond would be in excess of \$200,000.

Mr. Panico stated that he had a problem with that making sense.

Mr. Schultz indicated that the City Engineer is asking the Commission to revisit it.

Permits Issued for New Residential: Mr. Schultz stated that this was the first time in modern Shelton that they are under 100 dwelling units. Thirty-five single family permits were issued by this Commission and 15 for multi-family units for a total of fifty.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to adjourn at 9:20 p.m.

Respectfully Submitted,

Karin Tuke

