

The Shelton Planning & Zoning Commission held a special meeting on February 5, 2008 at 7 p.m. in Room 303, 54 Hill Street, Shelton, CT.

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

The following members were present: Chairman Anthony Pogoda  
Comm. Virginia Harger  
Comm. Ruth Parkins  
Comm. Thomas McGorty (alternate for  
Comm. Lapera)

Members absent: Comm. Patrick Lapera  
Comm. Daniel Oraziotti  
Comm. Leon Sylvester  
Comm. Chris Jones (alternate)

Staff members present: Richard Schultz, Administrator  
Anthony Panico, Consultant  
Karin Tuke, Recording Secretary

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 began the meeting at 7:00 p.m. with the Pledge of Allegiance.

### **OLD BUSINESS**

#### **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, AND D40), CB-2 AND IB-2 WITH CBD OVERLAY (PUBLIC HEARING CLOSED ON 9/25/07) – DISCUSSION AND ACTION**

Rick Schultz stated that all Commissioners had been given a copy of the draft resolution. He indicated that the Commission directed Staff to write a favorable resolution on the initial development plan and the adoption of the PDD. He stated that Mr. Panico would read the draft resolution.

Before reading the resolution, Mr. Panico stated that Staff tried to pick up all the comments made by the Commissioners and the concerns they expressed in the resolution; therefore, it is quite lengthy and may be repetitive. He read the draft resolution for the approval of the initial development plans and the adoption of the PDD. **\*See attached Shelton Planning & Zoning Commission Document entitled Application #07-44 Petition of Bridge Street Partners, LLC dated February 1, 2008.**

Upon completion of reading the resolution, Mr. Panico stated that on the basis of approval, the subject PDD would be identified as PDD #67, becoming effective on Friday, 2/15/08 at 8 a.m.

Chairman Pogoda asked if there were any additions, comments or questions from the Commissioners. There were none. He asked for a motion.

For the record, Commissioner McGorty, acting as alternate for Comm. Lapera, indicated that he was familiar with all aspects of the Application and felt qualified to state that he agrees with what has been proposed.

Mr. Panico asked what the status of the abandonment of the street was.

Mr. Schultz stated that they'd be doing an 8-24 Referral tonight, but the BOA hadn't set a public hearing date yet.

**ON A MOTION MADE BY VIRGINIA HARGER SECONDED BY RUTH PARKINS, IT WAS UNANIMOUSLY ROLL CALL VOTED (4-0) TO APPROVE APPLICATION #07-44.**

**APPLICATION #07-53, HUNTINGTON WOOD, LLC FOR MODIFICATION OF BASIC DEVELOPMENT PLANS AND STATEMENT OF USES AND STANDARDS FOR THE CENTER AT SPLIT ROCK AND DETAILED DEVELOPMENT PLAN APPROVAL, PHASE II, (CHILD DAYCARE CENTER), 708 BRIDGEPORT AVENUE (MAP 29, LOT 26) (PUBLIC HEARING CLOSED ON 11/27/07) – DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz indicated that after the last discussion, the Commission directed Staff to write a favorable resolution and to make some recommended adjustments, such as no public buses picking up or dropping off children, etc.

Before reading the draft resolution, Mr. Panico stated that he had described this draft as a Modified Basic Development Plan so that the Commission could understand the relationship of the different components of the Application. He indicated that part of it was supplemented with Detailed Development Plans to be acted upon at this meeting. The final increment involving the assisted living facility will have its plans filed within a few weeks.

He explained that this PDD began as PDD #52A, because they originally planned to do it as two PDD's. However, it will be done as one PDD, but they've left the appendage "A" because they do not know what other legal documentation may have been compiled as PDD #52A. He indicated that there would be no 52 "B" or "C" – it's all just 52A. It was being developed in phases and within the second phase there are two parts to the development.

**\*See attached Planning & Zoning Commission document entitled Application #07-53 Petition of Huntington Wood LLC dated February 5, 2008.**

Mr. Panico added that there had been some questions and concerns in regard to whether or not this plan would maximize the economic development on Bridgeport Avenue. He stated that the Applicant provided information and Rick Schultz did a lot of research to demonstrate that, even using a conservative figures, the comparisons show that tax accrual from this plan is greater than what would have occurred under the original office condo development plan for this site.

Chairman Pogoda commented that the original plan also caused a lot of public concern about traffic generation on Bridgeport Avenue. He noted that this plan would add minimal traffic to Bridgeport Avenue and Old Stratford Road and the public bus issue has been addressed. He asked if the Commissioners had any other comments.

Comm. Harger asked about item #5 and asked if it could better clarify that there would be no public busing to that site.

Mr. Panico indicated that he didn't want to regurgitate everything because the background about it was in the report. Additionally, when they polish up the Statement of Uses and Standards, they will be citing the ability to have a day care center. There will be a provision in that section providing that no busing drop-off or pick up would be allowed anywhere except right at the building. It would be built into the actual documents that are adopted and go on file.

Comm. Harger indicated her agreement with that plan.

Chairman Pogoda asked Comm. McGorty if he had been present for discussions and if he was comfortable voting on it.

Comm. McGorty stated that he was familiar with the Application, and he liked the proposed plan in regard to the tax benefits and minimal traffic generation.

Mr. Panico stated that the only question that he and Rick Schultz had was in regard to the last minute letter from the City Engineer expressing concerns about the storm water drainage facilities. He stated that had been why he wrote the resolution in the way that he had. He commented that he knows it will be addressed – it is just a matter of the

City Engineer and the Applicant's engineer getting together to agree on what is right and what is not right.

Chairman Pogoda asked what changed from the last time.

Mr. Panico responded that he honestly didn't know. He suspected that the ...

**Jim Swift, P.E., 102 Village Road, Shelton, CT addressed the Commission.** He asked if he could comment on this issue with information regarding past storm drainage calculations.

Mr. Panico indicated that he thought so.

Mr. Swift stated that, as Mr. Panico knows, this whole site is subject to study by the State Traffic Commission. One of the things the State Traffic Commission goes through is an extensive, rigorous study by their drainage engineers in Newington. This is done in conjunction with the application for the SDC certification. All calculations had to be done at that level for the SDC for their approval. They have calculations for not only what goes out to Bridgeport Avenue, but for what goes out to Old Stratford Road. He stated that they went through several iterations. There are detention calculations, and there are calculations of proof of the capacity of the 36 inch pipe underneath Old Stratford Road. All those things were done. He assumed this was a State issue, and that is why the City Engineer didn't get a lot of this stuff – because the State has already done it.

Mr. Panico asked Jim Swift if he was convinced that he could satisfy the City Engineer with regard to how the water gets from the detention pond to the catch basin. He apparently took exception to his solution.

Mr. Swift indicated that he could – no matter whose jurisdiction it's under, if a pipe has to run down the hill that is a small issue.

Mr. Panico asked if he was prepared to address whatever the City Engineer says should be done.

Mr. Swift responded that he could, and indicated that the bottom line was that the post development flows can't exceed the pre-development flows, ergo, a detention pond. He stated that he had a detention pond design and the calculations. Therefore, the rest would be working out the details. The history of it is that there has been oversight of this by the State - so far. He added that he'd be happy to show these calculations to anybody who wants to see them.

Chairman Pogoda asked if there were any more questions or comments.

Comm. Harger indicated that she had recently been in that area and noticed that the back level of the proposed daycare would be level with the old driveway from Perkin Elmer. She asked if there would be anything planned to restrict access to that driveway.

Chairman Pogoda asked if there would be a fence or some sort of structure to prevent children from going off the site.

Mr. Panico responded that the yard had to be enclosed. He used the site plan to show the area and added that he hadn't gotten into the landscaping plan because he usually defers that to Rick Schultz. They've allowed provisions for plantings along that area. He pointed out the fenced in yard for the Tutor Time play area. He indicated that it didn't come all the way up to that corner. In fact, it's four feet lower at one point than the other. He noted that these drawings were the original submission, and they've worked with the Applicant to get the front entry reworked. He commented that the Applicant had been very cooperative with the concerns expressed; however, he never got into the green side of things.

Chairman Pogoda commented that he thought a lot of that was regulated by the State also but it's good to double-check. He asked for a motion.

**ON A MOTION MADE BY VIRGINIA HARGER SECONDED BY THOMAS MCGORTY, IT WAS UNANIMOUSLY ROLL CALL VOTED (4-0) TO APPROVE APPLICATION # 07-53.**

Chairman Pogoda asked Rick Schultz to keep him apprised of what is going on with the City Engineer.

Mr. Schultz responded that he would – there is a common theme with drainage on all projects.

**APPLICATION #07-56, FITNESS EDGE, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS AND DETAILED DEVELOPMENT PLANS FOR PDD #2 (FITNESS CLUB IN FORMER BRADLEES), BRIDGEPORT AVENUE (MAP 9, LOT 14) (PUBLIC HEARING CLOSED ON 1/22/08) – DISCUSSION AND POSSIBLE ACTION.**

Mr. Schultz read the draft resolution and indicated that this was the last portion of the former Bradlees department store, to the right of Bed, Bath & Beyond.

**\*See attached Planning and Zoning Commission document entitled Draft Resolution dated February 5, 2008.**

After reading the resolution, Mr. Schultz indicated that the elevation plan on the table was an updated plan that he received yesterday. He indicated that the Hawley Lane Shoe Store façade was slightly higher than the Bed, Bath & Beyond façade. They wanted to make sure that it's uniform. It is not a lot higher, but it is higher. This Commission wants consistency and uniformity. They are well aware of it, and the plans indicate that they will duplicate that. The Applicant is not prepared to get approval on the wall signage. It isn't detailed enough, and the Commission won't be acting on it tonight.

Mr. Schultz stated that tonight's decision would be to broaden the family of uses to allow the fitness component and to modify the detailed development plan, specifically on the front façade. He read the conditions and adjustments.

**\*See attached correspondence from the Fire Marshal dated 2/5/08.**

In regard to the final plans, Mr. Schultz added that he wanted to get a color rendering for the Commission to see. They understand that it needs to be in compliance with what has already been completed. The colors are earth tones, and the wall signs have worked out nicely. The effective date would be Friday, 2/15/08 at 8 a.m.

Chairman Pogoda asked about the front façade and, if Stop & Shop/Shelton Square would be aware that the Commission would hold them...

Mr. Schultz responded that this print was a result of that conversation. The Applicant is doing the interior, but Stop & Shop's architects are submitting the final plans.

Mr. Panico added that Stop & Shop was party to the Application – the bottom line is no CO.

Mr. Schultz commented that they've been very good so far on the retrofit of the former Bradlees because that whole façade was manipulated tremendously.

Mr. Panico commented that this was consistent with what had been done on the previous two.

Mr. Schultz added that it was easier for the Commission, because hopefully, they would use the same contractors and have the same quality.

Chairman Pogoda commented that there was some color difference between Hawley Lane Shoes and Bed, Bath & Beyond, but it's kind of tough to get it exact... it's very minor, 3 years or so old and somewhat faded from weather.

Comm. Harger stated that she had not been present for the public hearing and hadn't listened to the tapes. However, she's very familiar with Shelton Square Shopping Center.

Chairman Pogoda asked if she felt comfortable about it.

Comm. Harger indicated that she did, however, she just wanted to clarify that.

Comm. McGorty stated that he felt comfortable with the parking situation and the uniformity of the façade.

**ON A MOTION MADE BY RUTH PARKINS SECONDED BY THOMAS MCGORTY, IT WAS UNANIMOUSLY ROLL CALL VOTED (4-0) TO APPROVE APPLICATION #07-56.**

**APPLICATION #07-57, R.D. SCINTO, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #58 (PARKING EXPANSION), 6 RESEARCH DRIVE (MAP 28, LOT 1) – DISCUSSION AND ACTION**

Mr. Schultz indicated that the Applicant has asked the Commission to table this until February 26, 2008. They are working on an alternate drainage plan. They made this request today.

**ON A MOTION MADE BY RUTH PARKINS SECONDED BY THOMAS MCGORTY, IT WAS UNANIMOUSLY VOTED TO TABLE APPLICATION #07-57 UNTIL FEBRUARY 26, 2008.**

#### **NEW BUSINESS**

**PROPOSAL OF THE SHELTON PLANNING AND ZONING TO AMEND THE BUILDING ZONE MAP BY CHANGING FROM RESIDENCE R-4 TO RESIDENCE R-1 FOR PROPERTIES NORTH OF UPPER CANAL STREET INCLUDING MCCALLUM ENTERPRISES, RIVERVIEW PARK, HOUSATONIC RAILROAD COMPANY AND PROPERTIES NORTH OF THE PARK (MAP 139, LOTS 1 AND 2 AND MAP 138, LOTS 36, 37, 38, 39, 40, 41, 42, 42 AND 51) – SCHEDULE PUBLIC HEARING.**

Mr. Schultz showed a location map and identified the limits of the PDD, Schiavel Realty, the Old Shelton Builders and the Boys & Girls Club. He showed the southernmost end of the subject zone change. They are going to the center line of the Housatonic River because that's the boundary of the City of Shelton, and their zone line goes to the center line. He indicated that on the westerly side, they would be following Howe Avenue/Rt 110 all the way up to the zone line. He showed where the R-1 ends and stated that there are nine residential properties just north of the terminus of Riverview Park. They will be making them non-conforming. His review of the partials is maxed out in terms of multi-family and there really wasn't any ability for them to expand. There is pretty severe topography up there. In the event that the property owners come here for the hearing, Staff will be able to address those issues by saying that the zone change would make them non-conforming but it wouldn't take away the ability to expand because it's their determination that it doesn't exist right now. He added that he would look into it in more detail, but he would be able to answer that question.

Mr. Schultz indicated that in going down to the center line of the Housatonic River, they include the McCallum Hydroelectric Facility which includes the canal in this location and the right of way of the railroad.

Chairman Pogoda commented that the area Rick pointed out was in conflict with the City right now, correct?

Mr. Schultz responded that the long range plan, 2006 Plan of Conservation and Development has that whole area as open space because of its historical significance, it shouldn't be developed. The State Plan also recommends this area as a conservation area. He'll be reporting later on this in the Staff Report about the ongoing application with the Army Corp of Engineers. All departments have forwarded letters to the Mayor's Office; they will be forwarding them to the Army Corp. of Engineers. They are explaining to the Army Corp. that at the local level and at the state level, there's historical significance there and the property should be preserved. He added that this was only reason that they were considering the zone change.

Also, there is Riverview Park which makes up most of this area – this area is approximately 72 acres. Riverview Park should be a low density residential; it should not be a multi-family. That multi-family goes back to 1952. They are taking the R-1 zone to the easterly side of Howe Avenue all the way down to where it meets with their downtown redevelopment efforts. It isn't just the McCallum proposal.

Comm. Parkins asked for clarification as to where the zone change would be ending in the northern part.

Mr. Schultz pointed out the light area on the map right after Riverview Park where there were nine individual residential parcels.

Mr. Panico commented that if those became a problem, they could be excluded. It doesn't have to be continuous to the other side but its sizable enough, makes planning sense, and incorporates the park.

Mr. Schultz stated that they don't have an open space zone and at that side of the river, because of topographic concerns, it should be low density residential. They would be able to address it if any individual property owners should take exception to it. They can adjust it. But clearly, it should be done, it needs to be done and it's consistent with the long range planning. This map has been sent to the Valley Regional Council of Governments as required by state statute. They are meeting in two weeks.

Mr. Schultz stated that he was recommending a public hearing for February 26<sup>th</sup>.

**ON A MOTION MADE BY VIRGINIA HARGER SECONDED BY THOMAS MCGORTY, IT WAS UNANIMOUSLY VOTED TO SCHEDULE A PUBLIC HEARING ON FEBRUARY 26, 2008 FOR THE SHELTON PLANNING & ZONING COMMISSION PROPOSAL TO AMEND THE BUILDING ZONE MAP TO CHANGE RESIDENCE-4 TO RESIDENCE-1 FOR PROPERTIES NORTH OF UPPER CANAL STREET.**

**APPLICATION 08-02, AVALONBAY COMMUNITIES, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #62 (CLUBHOUSE, PARKING AND RETAINING WALLS), 100 AVALON DRIVE (MAP 8, LOT 8) – ACCEPT, DISCUSSION AND POSSIBLE ACTION.**

Mr. Schultz presented the plans and indicated that the Applicant was present. He added that he had the report from the City Engineer dated 2/5/08, which recommends approval and wants final plans submitted to his office. He added that the Fire Marshal's Office has received a copy of the plans and has no comments. The proposed modifications are minor in nature. This will be the third modification – they've had the city water issue from Huntington Street, utilities and electric.

**Frank Caico, Senior Development Director, Avalonbay Communities, addressed the Commission.** Mr. Caico stated that they were proposing some fairly minor modifications to their approved detailed site plan. These changes were as a result of doing the final, very detailed design of the site, clubhouse and amenities building. He introduced Mr. Tom Shields, a landscape architect and a principle with Maloney & McBroom, who could answer any detailed questions the Commission may have.

Mr. Caico focused first on the amenity building. He showed the location of that building on a site drawing as well as a small cabana/pool area where bathrooms and storage facilities were also located. He stated that after looking at the plan more closely, they decided that it would be more efficient to consolidate the uses within the pool and cabana area within the main clubhouse building. In so doing, they were able to provide a little bit more landscaped area and three additional parking spaces around the clubhouse which was something that the City Engineer and Rick Schultz expressed a need for when they were completing the final design development plans. This allows more parking and green space. Additionally, it makes the amenity building much more efficient. The clubhouse footprint, while generally the same, actually shrunk a little bit so they have less impervious coverage there.

Mr. Caico continued to state that the other areas being modified had to do with the retaining wall. He showed the location of the approved retaining wall behind Buildings 1

and 2 on the site plan. When they were out doing the clearing, they discovered a band of very significant trees in that area including a 40" oak, a 28" oak and some other very nice, substantial trees. They would like to pull the wall in further to avoid those trees to the extent that they can. It also allows them to pull further away from a stream and an upland review area. They reviewed these plans with Rick Schultz and John Cook last week. They feel this is a positive thing that's trying to be done here.

Comm. Harger asked how many trees they were going to retain.

Mr. Caico responded that it would be 8 or 9 substantial trees. He showed the other area to be modified near the general area of the street crossing. He indicated that in their final design of these culverts and the road, they needed to provide what is called a "lay down area" adjacent to the road in order to accommodate some guard rail. They basically had to just bump out the retaining wall slightly in that location. He commented that it was within the approved limits of disturbance, so there is no additional disturbance. They aren't cutting down any more trees; it is just a matter of accommodating that. The approved design has the culvert sort of angled off a little bit and they were able to straighten that out as part of the final design.

He concluded by showing the location of a second crossing along Huntington Street where they had a retaining wall that had been approved on the north side of the access road. As part of the final engineering design of the culvert and roadway, they basically modified the retaining wall to run consistent with the geometry of roadway so that they could accommodate the continuous sidewalk. That enabled them to pull the retaining wall further away from Huntington Street and eliminate disturbance that was previously approved within that conservation easement. They think that is a much better and cleaner design.

He indicated that was the extent of the modifications. He and Tom Shields would be happy to answer any questions the Commission might have.

Chairman Pogoda commented that he thought it looked positive. He was concerned about the initial plans and the minimal parking by that pool area. He commented that he doesn't think any place has enough parking by their pool areas for friends and visitors. Retaining those trees and bringing that wall back from Huntington Street are positive moves.

Mr. Panico asked if those spaces at the end of the pool area would be marked as restricted for pool and clubhouse parking.

Mr. Shields responded that they presently weren't planned to be marked.

Mr. Panico added that some residents may find those spots to be more convenient than some other place on site and use them.

Mr. Caico responded that they generally don't find that to be an issue. Most of the apartment homes have individual garages and driveways where most people park. The rest of the parking is for visitors and spill over. They anticipate that the pool spaces would be used by visitors and people using the clubhouse.

Comm. Parkins asked about the clearing being done around there because with the limited experience she has, once dirt is moved over the roots of existing trees, they start to decay and die.

Mr. Caico responded that this has been designed to be outside the drip line of the trees in order to preserve them. There are no guarantees, but certainly they are doing their best. They don't want to cut down those trees. They want to save as many as they can - the two large oak trees in particular. He indicated that their construction director mentioned that in the spring an arborist would go out and do some root feedings and things like that to make sure those trees are saved.

Comm. Harger asked if they were large enough that they would have to be cabled just for safety issues.

Mr. Caico responded that the arborist would take a look at that, but at this point they think it's far enough out of the root system /drip line that it wouldn't be an issue.

Comm. Harger commented that if the trees are that nice – kids in the community might make tree forts.

**ON A MOTION MADE BY RUTH PARKINS SECONDED BY THOMAS MCGORTY, IT WAS UNANIMOUSLY VOTED TO ACCEPT APPLICATION #08-02, AVALONBAY COMMUNITIES, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #62, 100 AVALON DRIVE (MAP 8, LOT 8).**

**ON A MOTION MADE BY THOMAS MCGORTY SECONDED BY VIRGINIA HARGER, IT WAS UNANIMOUSLY VOTED TO APPROVE APPLICATION #08-02 WITH CONDITIONS FOR AVALONBAY COMMUNITIES, INC. FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS, PDD #62 (CLUBHOUSE, PARKING AND RETAINING WALLS), 100 AVALON DRIVE (MAP 8, LOT 8).**

**APPLICATION #08-03, WELKIN, INC. FOR SITE PLAN APPROVAL (PROFESSIONAL OFFICE), 71 LONG HILL CROSS ROAD (MAP 51, LOT 7), LIP DISTRICT – ACCEPT, DISCUSSION AND POSSIBLE ACTION.**

Chairman Pogoda asked for a motion to accept this application for discussion.

Mr. Schultz indicated that the Applicant, Mr. Wells, was present and wanted to give a quick overview. He is asking the Commission to waive a full site plan submission. He received a letter from the City Engineer, which he'll read to the Commission, requesting that they not waive it. However, Mr. Wells wants to explain to the Commissioners what he wants to do, and then it's a judgment call by this Commission.

**Royal Wells addressed the Commission.** Mr. Wells stated that when he purchased this property from Bob Scinto in November, it had two houses on it. He has a small professional group that wants to go into the first house without making any changes outside, without making a handicapped ramp or an air lock on the front porch. The front porch is already there. He showed a small drawing of the site and indicated that he was talking about #70 - #71, the house with the garage...

Mr. Schultz clarified the location of the property by stating that after going over the Route 8 overpass, it's the last house on the left off Long Hill Cross Road.

Mr. Wells showed the Route 8 corridor on his drawing that abutted his property to the back. He explained that they had a 70 or 80 foot buffer from their farm land all the way out to Long Hill Crossroad. He showed the location of Mr. Scinto's property and the area in which there had been a dispute about water drainage. Mr. Wells stated that Mr. Scinto didn't want any problems with the wells and, therefore, sold this property to him. He commented that eventually this would be added to the rest of their farm land, and when it's sold, it will all be sold together. He continued to say that in the meantime, he's proposing to utilize the house for a small office, just the way it is. The driveway that he's going to add is between the 20" maple and the possible well hole. He's going to put three parking spaces there and three parking spaces paved in this other area. He pointed to the area on the drawing. People that come to the office will be able to park. There's roughly three people in the office now. So, he'll have parking in front of the garage for handicapped. He thinks it's a good use. He's not going to put a lot of money into the building.

Mr. Panico asked if the garage would still be used for parking.

Mr. Wells responded that the garage could still be used for parking because it's paved. He'll probably put two new garage doors in.

Mr. Panico asked, as it stands right now, how many cars can be parked there - two in the garage and where else?

Mr. Wells responded by pointing to areas on the drawing to show that two cars could park in one location. He indicated that he planned to put one space by the well hole, septic tank...

Mr. Panico asked about the bumped out asphalt shown on the drawing and if it was deep enough to park on.

Mr. Wells responded that it was almost deep enough to park on. He could enlarge it if he had to.

Mr. Schultz clarified that this was for an accounting office with three employees.

Mr. Panico asked if deepening the one area a little bit more would be adequate instead of going on the other side to add more parking.

Mr. Wells responded that he could speak to the tenants and see if they would go for that. Some of their clients are older which is why they asked him to put a small handicapped ramp there. From the first floor level to the grade level, it's about two feet. It would be an easy thing to put a ramp there. Mr. Wells indicated that he could pave a sidewalk from the existing driveway over to it and across.

Chairman Pogoda questioned that if this was an accounting office, where would the customers park during tax time.

Mr. Wells responded that there wouldn't be a lot of people coming in.

Mr. Panico asked how many professionals were in this group.

Mr. Wells responded that there were two and one secretary – three employees.

Chairman Pogoda asked where the customers would park.

Mr. Panico looked at the drawing and suggested that if the two employees park in the garage, and two spaces were put in front of the garage and the area to the side could be widened and deepened to get a couple of spaces -- they might end up with a total of six spaces, leaving three or four visitor spaces. He asked Mr. Wells the dimensions of his sketch.

Mr. Wells responded that one inch would be thirty feet.

Comm. McGorty commented that there's a difference between this and an office downtown where there are a lot of drop-ins. His CPA, accountant, who takes care of his business requires that an appointments have to be set up.

Mr. Wells responded that if each one had a client come in, there would only be two extra cars.

Mr. Panico suggested that for a worst case scenario they would have two parking spaces for each professional. Four spaces plus three employee spaces for a total of seven spaces.

Comm. Parkins asked if there was enough room to turn around if someone came to drop something off and there are already five or six cars parked there for people who are inside.

Mr. Wells responded that he has been turning around on the lawn.

Comm. Parkins asked if someone was just coming to drop something off, is there enough turn around space so that they don't have to back out onto the road?

Mr. Wells responded that a car couldn't back out onto that road because it's too dangerous.

Comm. McGorty added that there are going to be FedEx, UPS, and other deliveries.

Mr. Panico commented that they could come in a little bit to provide a back around tail.

Comm. Parkins agreed with Comm. McGorty about the FedEx trucks...

Mr. Schultz stated that before they go any further, he'd like to read the City Engineer's letter because he is consistent on everything that he does. He commented that this was for a change of use from a single-family to a professional office. The location has been shown, and it's set back pretty far.

Mr. Schultz stated that the Fire Marshal recommended approval.

**\*See attached letter from Fire Marshal dated February 5, 2008.**

Mr. Schultz read the City Engineer's Letter recommending that the application be tabled.

**\*See attached letter from City Engineer dated February 5, 2008.**

Mr. Wells responded that he was trying to get away from having to take the house and putting it back to a residence. He'd rather have three people in there from 8:30 a.m. to 5:00 p.m. except at tax time. At tax time, they'll be working there until 9:00 p.m. or 9:30 p.m.

Mr. Schultz indicated that Bob Kulacz was asking for a stamp done by a PE.

Mr. Wells responded that when he bought Bob Scinto's thing, he bought all the plans and everything so, his comment in there that he may or may not have the right... (inaudible) was very thorough in making sure that when he laid out the money for this thing that he got the plans. He was told he had a five year window on his plans. He's hoping they get some big corporation somewhere down the line when the moratorium is off on the inheritance tax thing, then they can sell all the property and be done with it.

Chairman Pogoda commented that the Commission tends to go with the City Engineer's recommendation. He told Mr. Wells that if he could satisfy him...

Mr. Wells responded that he has a tough time satisfying Bob, as they have found out from his battles with him in the past. He said there was going to be some damage to their property across the way, but he's seen a lot of runoffs and there's no brook opposite their property across the way...and how that thing ever got by Wetlands he'll never know but, he thinks the Commission should look at this and see it's a logical thing to do.

Comm. Parkins asked what Bob Scinto's site plan was for.

Chairman Pogoda responded that he was going to build an office building there. It was a little bit different and more extensive – a manufacturing facility.

Mr. Schultz interjected that the site plan allows them to look at parking, landscaping, etc. This is unique with a house there, and some parking, and Royal has mentioned the circumstances. Staff doesn't want the Commission to waive site plans.

Chairman Pogoda commented that it was important that Mr. Wells follow this up and bring a site plan to them.

Mr. Panico commented that Mr. Wells should complete the horse shoe and put a circular drive in front of the property. He suggested that it could loop around and come back out again, adding a couple more spaces in between and they wouldn't have to worry about trucks backing out – they can go in one way and come out the other way. It would be very simple to do.

Mr. Wells responded that in that case, he would take the lower driveway ...

Mr. Panico looked at the drawing and asked what "possible well" meant.

Mr. Wells responded that was the septic tank.

Mr. Panico asked if he had to stay off of that.

Mr. Wells responded that he would unless he pours a slab over it.

Chairman Pogoda added that he wouldn't want to back on to that thing.

Mr. Panico showed him on the drawing how he could come around, connect the two driveways, going around the well...(inaudible) He added that it would eliminate any worry about UPS trucks backing up or a mail truck having to back around. They could go in one way and come out the other way.

Mr. Wells used the drawing to ask if they would consider him coming up another way where they have more property because he didn't want to go for another curb cut on Long Hill Crossroad.

Mr. Panico responded that he could concentrate up there, but he'd have to make sure and take into account that there's the ability to get mail truck or UPS turned around so they don't have to back out.

Mr. Wells asked if he added this up to there, what would be their thoughts on that. He asked Mr. Panico and then he asked the Chairman.

Mr. Panico responded by asking Mr. Wells if he could guarantee that one of those spaces was always going to be empty so that a truck can back into there to turn.

Chairman Pogoda added that he was concerned too, if a truck comes at a peak time when somebody is there, what would they do? He would prefer to see a site plan satisfying the Commission and satisfying the City Engineer.

Mr. Schultz commented that it could be a minimal site plan. It could be put on the 19<sup>th</sup> agenda— because he wants to get it occupied.

Mr. Wells responded that he would speak to Jim Swift and have him draw it up.

Mr. Panico asked if it was an approved driveway.

Mr. Wells responded that it was – for the other house. He's going to use that when he rents that house.

Mr. Panico suggested that he just connect these two.

Mr. Wells responded that it was a lot of pavement.

Mr. Panico commented that he could just do a circular.

Mr. Wells responded that he'd rather work in the other area where he could put the five, six or seven spaces and leave some room for a back around area.

Mr. Panico commented that was OK as long as he could assure that the back around area doesn't get parked in.

Chairman Pogoda commented that was a very rough spot there. There's no place for UPS to park there and they don't want to back out. They need sufficient room for those big trucks to make a turn around.

Mr. Wells commented that he would check how often they get a FedEx delivery.

Comm. Parkins responded that they would have other deliveries anyway, such as paper, supplies and that sort of thing.

Chairman Pogoda stated that this application has been accepted. They'll table it until the next meeting. To satisfy everybody, he asked Mr. Wells to show a layout indicating where the parking would be.

**ON A MOTION MADE BY VIRGINIA HARGER SECONDED BY RUTH PARKINS, IT WAS UNANIMOUSLY VOTED TO ACCEPT APPLICATION #08-03 AND TABLE THE DISCUSSION UNTIL FEBRUARY 26, 2008.**

**OTHER BUSINESS**

**8-24 REFERRAL: ABANDONMENT OF BRIDGE STREET (ADJACENT TO KYLE'S CORNER)**

Chairman Pogoda indicated that during the last discussion about this they had a positive referral to abandon Bridge Street. There was one dissension which was from Comm. Sylvester. Everyone else favored it, even Comm. Jones who said he used the street because his business was downtown. Chairman Pogoda relayed that in looking at the safety factors and for the betterment of this project, Comm. Jones agreed that they should close this street. He asked for a motion.

Mr. Schultz commented that this was initiated from the Mayor's Office. He read the City Engineer's report endorsing the abandonment of Bridge Street.

**\*See attached correspondence from Robert Kulacz, City Engineer, dated February 1, 2008.**

Mr. Schultz relayed to the Commission that Comm. Sylvester would report unfavorable if he were here tonight being consistent with his position on the redevelopment of that area.

Chairman Pogoda asked when the traffic counts were taken – at a peak time?

Mr. Schultz responded that they were taken at 8 a.m. – 9 a.m. – on a Friday morning and 4:10 – 5:10 p.m. – on a Thursday afternoon. It was also consistent with observations made by others at the Downtown Subcommittee Meetings who drive by that area all the time.

**ON A MOTION MADE BY VIRGINIA HARGER SECONDED BY THOMAS MCGORTY, IT WAS UNANIMOUSLY VOTED TO REPORT FAVORABLY ON THE 8-24 REFERRAL FOR THE ABANDONMENT OF BRIDGE STREET (ADJACENT TO KYLE'S CORNER).**

**DRIPCHAK SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND**

Mr. Schultz stated that this was for 57 and 61 Fort Hill Avenue at the end of Geissler Drive. This was a two lot subdivision. He read the letter from the City Engineer recommending release of the surety bond for the curb installation.

**\*See attached letter from Robert Kulacz dated February 1, 2008.**

**ON A MOTION MADE BY VIRGINIA HARGER SECONDED BY RUTH PARKINS, IT WAS UNANIMOUSLY VOTED TO APPROVE THE REQUEST FOR RELEASE OF THE PERFORMANCE BOND FOR DRIPCHAK SUBDIVISION.**

**STAFF REPORT**

**#1007-3**

Mr. Schultz indicated that he wanted the Commission to be aware of ZBA #1007-3 regarding Dr. Montenaro's preliminary construction plan combining both parcels with the building running perpendicular to Huntington Street.

He commented that it appears that Dr. Montenaro is on the right track. The Chairman has worked closely with Staff. However, in the situation with ZBA, they closed the hearing on a different design solution, so they are kind of locked. He already ran it by a representative for the Beard family, who is watching this very closely, and they will be in opposition with anything that the ZBA grants. The Beard family is of the opinion that any building that is over 4000 square feet is excessive and they'll challenge it all the way through.

Mr. Schultz stated that he reported at the last Commission meeting that Dr. Montenaro lost the Lower Court that was challenged by the Beards. He went to the Appellate Court, and the Appellate Court upheld the Lower Court. He doesn't have anything except to go back to ZBA to get relief to build a new building. A new retail, professional office building, three stories, perpendicular to the road – that's his preferred build out. He's hoping that this Commission will direct Staff to advise the ZBA, that based upon the review of initial plans, he is going in the right direction. Not endorsing anything, but indicating that he's going in the right direction and needs to continue working with the Commission.

Mr. Schultz indicated that he would make reference to the date of those plans by Mingolello & Hayes.

Mr. Panico asked how far apart he was with respect to what the neighbors will accept.

Mr. Schultz responded that it was minor but this was a personality issue right now, and it always will be.

Mr. Panico commented that the neighbors said they would challenge anything over 4000 square feet.

Mr. Schultz responded that was correct, and the building is a little over 4000 square feet – like 4100 square feet - insignificant.

Mr. Panico responded that he didn't think they would challenge that.

Mr. Schultz commented that he perceived that they would challenge it.

Comm. Parkins asked if they've gone on record saying they would oppose anything over 4000 square feet.

Mr. Schultz responded that they have only through their attorney, Atty. White. He stated that he had informed Atty. White that the Commission reviewed the preliminary plans at the December meeting for building perpendicular. He relayed that it was quite ornate, complimented the Fire House with the cupola and it appears to be going in the right direction in that it's combining both lots and doing one building. The parking would use the curb cut going to the existing building.

Mr. Panico asked if the ZBA was going to tie those plans into the approval and say it's approved consistent with those particular plans subject to the final approval of this Commission.

Mr. Schultz responded that he thinks that they may be inclined to go that way, but he does not know. Atty. White... it's a closed hearing.

Mr. Panico stated that it would be a mistake if they just grant the variances based on their intention that this plan is going to be the product. He thinks they should tie it into their decision.

Mr. Schultz responded that he's advised Dr. Montenaro that he should address the Chairman to get a consensus. If there's going to be a denial, to withdraw, and reapply instead of having a negative action by the ZBA. That is where it's at – some type of development is going to occur on that property.

Mr. Panico asked if the Beard family had publicly gone on record as saying that they would oppose over 4000 square feet.

Mr. Schultz responded that he didn't know that for a fact.

Chairman Pogoda commented that when Dr. Montenaro initially proposed the first set of retail stores on that site, the Commission was unanimously opposed to it due to the traffic situation on Huntington Street. And then that abomination sitting there for so many months, half burned down, half torn down, it's been a mess down there for so long. Then that fence was put up prohibiting him from exiting, and there's been a lawsuit. Now the Applicant has brought, in his opinion, a nice proposal, complimenting the shopping area, which isn't that fantastic to begin with. Hopefully, the ZBA will see that.

Mr. Schultz commented that they weren't obligated to take anymore testimony because the hearing has been closed. This Commission accepts Staff letters while deliberating, but he doesn't think that they do. Even if they deny it or he withdraws it, the Chairman can read the letter to his Board indicating there's a plan out there that sits well with the Shelton P&Z Commission.

Chairman Pogoda asked if the ZBA had seen the plan.

Mr. Schultz responded that they had not.

Mr. Panico stated that in all likelihood somewhere down the road, this Commission will do more planning in the Huntington area. Based on the planning they would do in the Huntington Village area, they would probably set up the ability to do a PDD and then he could come in and do a PDD on this parcel and produce this same product and take away any avenue of appeals from the Beards.

He continued to say that he thinks it needs to be taken one step at a time. If it's a reasonable solution, if everyone takes the appropriate action and ties in the level and nature of the development being talked about, then if it appears as though there might be an appeal, maybe they could speak to the attorney for the Beards to explain the likely scenario down the road.

Mr. Schultz responded that he would advise that Staff would be available to meet with all parties concerned because they need to get a consensus on this. Everyone knows there will be a development on that site because it is so valuable, it's Huntington Center, and it's commercially zoned. They'd like to clean it up and do something nice. Even Huntington Depot, which is very attractive, the evolution of that took like ten years with the different plans and the different owners. It took a long time.

#### **#108-2**

Mr. Schultz added that the ZBA would also be deciding on John Guedas. He indicated that he sent a letter, as directed by the Commission, recommending not to grant the use variance as provided in the zoning regulations.

He added that this was for the piece on Long Hill Avenue that fronts on Bridgeport Avenue; the Commission decided it was too intensive but provided an alternative plan with a two-story commercial with all access to Bridgeport Avenue.

#### **Downtown Subcommittee**

He reported that the Downtown Subcommittee met and Phase III has become a reality from the Derby-Shelton Bridge up to Wooster. As the Commission knows, the road has to be widened which means that filling has to take place in the remaining canals. This means that a retaining wall has to be built and the developer of Canal Street doesn't like the idea of preserving the canals. It's a big issue that they'll be discussing.

Mr. Panico asked if he was advocating wanting to fill all the canals now.

Mr. Schultz responded enhancing it – making it a park – they're keeping the options open because he's hearing a lot of different recommendations - because it's historical. They'd like to preserve the big one, as everyone knows, but there's a smaller one after that, and a couple of smaller ones after that.

#### **Shelton Canal Company**

Mr. Schultz commented that he had already reported on the Shelton Canal Company zone change. The Mayor is now going to be sending all the letters recommending denial of the Army Corp's proposal.

#### **2006 Plan of Conservation and Development**

Additionally, in regard to the 2006 Plan of Conservation and Development, their next area of concern is to increase the set aside of open space from 10% to 15%. Although there's a lot going on, Mr. Schultz relayed that's something that the Conservation Commission would like them to take up next.

#### **ON A MOTION MADE BY VIRGINIA HARGER SECONDED BY RUTH PARKINS, IT WAS UNANIMOUSLY VOTED TO ADJOURN AT 9 P.M.**

Respectfully Submitted,

Karin Tuke

