

SHELTON PLANNING & ZONING COMMISSION MARCH 11, 2008

The Shelton Planning and Zoning Commission held a special meeting on March 11, 2008 in the Shelton City Hall, Room 303, at 7:00 p.m., 54 Hill Street, Shelton, CT.

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

The following members were present: Vice-Chairman, Patrick Lapera
Comm. Virginia Harger
Comm. Chris Jones
(alternate for Commission vacancy)
Comm. Ruth Parkins
Comm. Leon Sylvester
Comm. Thomas McGorty
(alternate for Chairman/Comm. Pogoda)

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

Vice-Chairman Lapera opened the meeting at 7:00 p.m. with the Pledge of Allegiance. He indicated that Chairman Pogoda was not present due to a death in the family.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE

Mr. Schultz indicated that there were two standards. Staff has reviewed these applications and finds them to be in compliance with Shelton Zoning regulations and recommends their approval.

On a motion made by Virginia Harger seconded by Leon Sylvester, it was unanimously voted to approve the Applications for Certificates of Zoning Compliance, Standards, 1 and 2.

SEPARATES

Mr. Schultz indicated that there were 13 separates, and he'd be handling each one individually.

SEPARATE #6806 A&A BROTHERS, 145 RIVERDALE AVENUE

Mr. Schultz stated that the subject site was located at 145 Riverdale Avenue. It was the first private parcel immediately abutting to the south of the Route 8 bridge. He showed the location of the property on a site map located near the old B.F. Goodrich and the Riverwalk. The current owners, A&A Brothers, have advised the Planning & Zoning Dept. that they wish to proceed and grade the property for the purpose of a making it a storage yard. This is the last remaining area of Shelton that is zoned industrial IB-2 which permits contractors and a storage yard, as of right. This particular site has been approved by the P&Z Commission to construct a building and to place bituminous asphalt on the site. They don't wish to do that. They only want to regrade it and place their equipment on it.

Mr. Schultz stated that at the end of the last meeting, he told the Commission that he thought it would be wise for Staff to make referrals, insofar that this is a riverfront piece of property. Therefore, he made referrals to SEDC, the Conservation Commission, and the Citizen's Advisory Group. He stated that the Citizen's Advisory Group was present tonight to read their letter for the record; additionally, he would be reading the correspondence from SEDC.

***See attached letter to Richard Schultz from James Ryan, President, Shelton Economic Development Corporation dated 3/11/08.**

James Oram, 181 Division Avenue, Shelton addressed the Commission.

Mr. Oram indicated that he was the Chairman of the Citizen's Advisory Board, and he introduced Joe Bienkowski, another Board member. Mr. Oram read a letter from the Citizen's Advisory Board with inputs from all its members. He distributed copies for to the Commissioners and submitted it for the record. He thanked Rick Schultz for getting them involved and knowledgeable about this issue. Mr. Oram read the letter and provided photographs of the neighboring sites to provide a visual definition as to what a typical "contractor's yard" might look like.

***See attached letter to Richard Schultz from the Citizen's Advisory Board dated 3/11/08.**

Mr. Oram relayed that the Citizen's Advisory Board would appreciate any opportunity to participate, or help in any way they can.

Mr. Schultz indicated that the Applicant's representative was present.

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

Atty. Thomas stated that this was an application for a Certificate of Zoning Compliance, because in the way that it is zoned, it is a permitted use. He indicated that as of right, it's within the permitted use, and there's already a contractor's storage yard on one side of the property. Also, bordering or close to it is the Pioneer Auto Gas Storage followed by a sewer plant after that. He stated that it was a matter of right within the use, which was why the application was being done through a Certificate of Zoning Compliance. He continued to say that this application was to fill and grade the property. He understands the statements being made; however, they relate to issues regarding land purchases and that is handled by the Board of Alderman. It would only be referred to the P&Z Commission for an 8-24 Referral, if there were to be a purchase. He continued to state that any zone changes could certainly be considered by this Board, but those boards would apply any applications pending before it – and there can't be a zone change when someone already has an application.

Atty. Thomas concluded that this was only an application to fill and grade in preparation of doing the use that's a matter of right in the industrial zone.

Comm. Parkins asked if the photographs submitted were of the subject yard as it exists now.

Mr. Schultz indicated that those photos were taken of the adjacent properties for the purpose of showing what a contractor's yard looks like.

Mr. Schultz showed a site drawing of the subject parcel, and he showed means of access to the River used for the boats, and the desired locations to be filled and leveled for the storage of their contractor's equipment. He stated for the Commission that filling and grading without the construction of a structure or bituminous asphalt would be of the least impact to the property for the long or short-term.

He added that it would be up to these advisory groups to take it to the BOA. The zoning will require more thought by this Commission, and later tonight they'll probably be acting on that for the north end of upper Canal Street. He commented that these issues were coming to a head, and they were difficult decisions to be made by the Commission. Additionally, there were only two such sites in town that afford these types of activities. The first such site being the one on Oliver Terrace, off of Platt Road which is completely occupied. He noted

that the Commission was aware that they would love to have a second "Olive Terrace" setup with the type of buffers that exist there. He used a map to indicate that this was the remaining old industrial area with IB-2 near the rezoned PDD area of the Riverfront district.

Vice Chairman Lapera stated that this a Certificate of Zoning Compliance, but they're asking to fill. If it's an IB-2 zone, what's their discretion with the right to fill the property?

Mr. Schultz answered that the filling and zoning triggers the sediment erosion control which his Office oversees. He added that the Applicant had an active Inland Wetlands permit which was received many years ago, but it's still active. Also, it's not in the coastal area management which would give them more authority and require water dependent uses.

Comm. Jones asked why it wasn't in the coastal area management.

Mr. Schultz responded that it ends by the ...*inaudible*.

Atty. Thomas added that it was a State regulation, not a City regulation.

Comm. Jones asked to speak about this because this was why he was on this Board right now – because of this piece of property. He fought for this piece property when he was on the Board of Alderman, specifically; to prevent this from happening, and now it's six years later with this in front of them. He was fighting for an emergency boat ramp for the Fire Department. He recalled that it was \$330,000 that was paid for this and the BOA, who he was the minority on, said they didn't have the money to do it. He continued to say that now, six years later due to the failure to plan, and (*inaudible due to vacuum cleaner in the hall...*)

Vice Chairman Lapera stated that they cannot decide to acquire property. He added that the most they can do is refer this record to the Board of Alderman along with Mr. Oram's letter and Mr. Ryan's letter. He commented that they can't talk about purchasing property because that is not a proper discussion for this Board.

Comm. Jones indicated that he was aware of that, and he understood it is up to the Board of Alderman. He clarified that he wasn't speaking about buying the property. He only wanted to explain the history of it, in the way that Mr. Oram also explained the history of it. He commented that he felt he had a right to add his two cents.

Vice Chairman Lapera responded that was alright; however, he didn't want to get into a discussion that wasn't appropriate for the Board.

Comm. Sylvester commented that he didn't think the question had been answered. He restated Comm. Lapera's question if they had anyway of addressing the issue of filling and grading. He didn't hear any answer yet. He asked if they had to decide tonight – can they stop the filling and grading? Comm. Sylvester asked if they could table this and ask for advice from Corporation Counsel or do something else.

Mr. Schultz responded that they could absolutely do that.

Comm. Sylvester commented OK, because he hadn't heard an answer to that question.

Vice Chairman Lapera stated that the question he wanted to know was if filling and grading was part of the application for a Certificate of Zoning Compliance.

Mr. Schultz responded that it was part of the application.

Vice Chairman Lapera asked Atty. Thomas if the application was limited to filling and grading the site with no structure and no pavement – just flat.

Atty. Thomas responded that the Applicant originally wanted to put a building on the property, but he downsized this application to just the filling and grading. Normally, if a person wanted to grade their property, they would only have to make sure that they weren't interfering with Wetlands. If someone wants to level their backyard, they normally don't have to come to P&Z.

Atty. Thomas commented that he didn't want to try to equate this application with that because there's a use attached to it, and that use is a permitted use, as of right. As the P&Z administrator said, filling and grading would be the least intrusive action on the property because there's no building. The City always retains the right to take a piece of property for eminent domain; obviously, with a building on it, there would be issues of having to remove the building if it were to be used for passive or active recreational purposes. That's not the issue here. This Commission requires that filling and grading come before them as a required step. Applicants can jump up and down and hold their breath, but it won't do any good because it's what they have to do.

Atty. Thomas stated that the Applicant is only asking to fill and grade the property. Nowadays there are substantial requirements for soil erosion, sediment control and ongoing reviews by P&Z staff.

Comm. Jones asked if the site map drawing was from 2004 because it was showing a building.

Atty. Thomas responded that they aren't coming in for a building – that map is only being shown to depict boundaries.

Mr. Schultz stated that in regard to the grading, it's a fairly level piece of property; however, they'd be eliminating that entrance to the Housatonic River. He added that he was aware that this was a significant issue for this Commission.

Comm. Harger asked if the Application indicated what types of items they plan to store there or if it was written in the paperwork.

Mr. Schultz responded that it would be tri-axle trucks and dump trucks – he indicated that he would provide a complete list because he is getting the idea that this application would be tabled.

Comm. Sylvester commented that in respect to the acting chairman, who is an attorney, he thinks that with the issues on the table and the possibility/opportunity that people have recommended this property be purchased or looked at by the City, the best thing to do would be to get an opinion from Corporation Counsel.

He commented that it was no secret that several of them on the Commission support preservation and openness of the Riverfront and have for many years. Comm. Sylvester stated that without taking any opportunity away from the owner to move ahead and do what they need to do for their property, he felt the best thing to do would be to get Corporation Counsel's opinion.

Comm. Sylvester continued to say that in that way there would be no question as to whether they were supporting or not supporting it, but just awaiting a recommendation as to how to handle this with the whole City's best interest in mind. He'd make a motion based upon the opportunity to act as a whole group rather than just the P&Z Commission and let the Corporation Counsel advise them as to how they should act in this matter.

Vice Chairman Lapera asked Rick Schultz about the upcoming meeting dates.

Mr. Schultz stated that they had a special meeting on March 25th and then on April 11th. He added that he would be obtaining the Emergency Spill Program from the Wetlands because there are fluids there.

Comm. Sylvester stated that he was interested in finding out if the City was interested in purchasing it. He was concerned that by voting to approve the application at this time, it could possibly make it more difficult for the City to purchase it. He added that was the reason for his motion. However, if the City wasn't interested in purchasing it, then he would agree with Atty. Thomas that this was a matter of right. He concluded that he didn't want to be part of an act that would make it more difficult for the City to make a positive move.

Atty. Thomas responded that he thought it would go to Assistant Corporation Counsel Sous. He didn't think Atty. Welch would (*inaudible*).

Vice Chairman Lapera indicated that someone from the public wanted to make a comment.

Joe Bienkowski, 403 Long Hill Avenue, Shelton, CT addressed the Commission. Mr. Bienkowski stated that he was a member of the Citizen's Advisory Board. He added that he was a planner for the Town of Fairfield, and he handled the flood zones for Fairfield. He commented that there had not been any discussion about the flood issues on this property. He referenced the dike on the other side of the River in Derby, and stated that by filling this property; the water would be constricted, thereby having an impact on upstream and downstream properties. He wanted that to be noted for the record.

Vice Chairman Lapera commented that they weren't filling into the River.

Mr. Bienkowski responded that he was addressing the flood plane, not the River.

Mr. Schultz added that he would make sure that the flood plane had been addressed, but he would be providing all those documents for the Commission.

Mr. Bienkowski commented that he didn't know if the Commissioners had been on Riverdale Avenue recently, but he advised them to take a field trip there because it looks like an abomination. He claimed that it was an embarrassment to the City – there's over 2 ½ acres of open graded land right now, with all the top soil washing into the Housatonic River. He stated that there wasn't one inch of siltation fence or one hay bale, every catch basin was filled to the top with water pouring all over the road. He commented that there was a junkyard next to the Applicant's property, and there are rear ends of trucks down there with oil leaking out of them. The remnants of the old spring at the corner of Brewster and Riverdale Avenue have been buried. He added that there was a channel between Pioneer and the City's property with large tree stumps recently dumped there to hide it. He indicated that he thought it was advisable for someone to go down and stop what's going on because it's an embarrassment.

Atty. Thomas responded that he wasn't aware of anything on the Applicant's property that was in violation.

Mr. Bienkowski answered that he didn't say it was the Applicant's property.

Mr. Schultz added that Staff was made aware of this today, and they are giving it full attention.

Atty. Thomas indicated that he wanted to address one of Rick's comments about the construction industry in Shelton. He commented that there is less and less space for them to store their stuff. At some point, it creates a situation; there has to be industrial zones within a city, and as Rick said, the only two areas would be Oliver Terrace and Riverdale Avenue.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to refer Separate #6806 to Corporation Counsel.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to table Application for Certificate of Zoning Compliance, Separate #6806 until the March 25th meeting.

SEPARATE #6828 BISHOP GOLF, LLC, 784 RIVER ROAD, ADDITION

Mr. Schultz indicated that this was for the Golf Center property and the two-story addition for the video arcade that the Commission approved. Staff recommended approval. The addition is to the left of the first building that was constructed and will take the place of the putting green.

Comm. Sylvester asked what would be going in there.

Mr. Schultz responded that the Golf Center wanted to accommodate more children and children's parties.

Comm. Sylvester added that the parking was becoming an issue there and should be checked out.

Comm. Parkins commented that the parking had been part of the discussion when they approved that addition.

Mr. Schultz indicated that Staff periodically checks the parking there.

Comm. Sylvester added that it's a very active area there, especially during the summer so he wanted to suggest checking the parking often.

Vice Chairman Lapera stated that he'd been down there a few times and hadn't seen any cars parked on the road.

Mr. Schultz commented that there had only been one incident on a Sunday last year.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6828.

SEPARATE #6844 STOP & SHOP COMPANIES, INC. 862 BRIDGEPORT AVENUE, FAÇADE

Mr. Schultz stated that this was for The Edge Fitness Club in the old Bradlee's shopping center. This was for the façade and interior alterations. Staff recommended approval.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to approve Separate #6844.

SEPARATE #6831 JAMES & JULIE BLAKEMAN, 702 BRIDGEPORT AVENUE, BUSINESS

Mr. Schultz indicated that there was a new occupancy in Split Rock for a tanning salon. The area would be 1,616 square feet, 3 employees, hours of operation 9 a.m. – 9 p.m.

Vice Chairman Lapera asked if there was a sign or if this was just for the business.

Mr. Schultz stated that it was just for the occupancy.

Comm. Harger asked which particular building this tanning salon would be in.

The Applicant, James Blakeman addressed the Commission. He responded that they would be located right next to Sleepy's on the lower level in the front.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to approve Separate #6831.

SEPARATE #6840 REX CORP, 710 BRIDGEPORT AVENUE, BUSINESS

Mr. Schultz stated that this was the old Timex building on Bridgeport Avenue that was recently occupied by Atrium Door and Window. They are pleased to announce that Rex Corporation which is a distributor for building materials...(inaudible)

Comm. Sylvester asked where the location was.

Mr. Schultz responded that it was on the backside of Phillips. Timex was in there and then Atrium, which went out of business, so now it's Rex Corporation. It would be 78,000 square feet with only 8 employees, Monday through Friday. It's consistent with what that building was built for. He indicated it was a distribution company in the same line as Atrium Doors and Windows, who specifically dealt with doors and windows, and this is the building trade again.

Comm. Sylvester asked if it was by right.

Mr. Schultz responded that it was and there haven't been any problems up there with trucks or anything.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6840.

SEPARATE #6832 ARNCO SIGN CO., 198 LEAVENWORTH ROAD, SIGN

Mr. Schultz indicated that this was for sign replacement at the White Hills Shopping Center Gas Station/Convenience Store. He passed around photos of the proposed signage. He showed the ground sign on Leavenworth Road and indicated that they were all replacement panels, internally illuminated.

Comm. Harger asked what the height of the gas price portion of the sign would be.

Mr. Schultz responded that it was about two feet.

On a motion made by Virginia Harger seconded by Leon Sylvester, it was unanimously voted to approve Separate #6832.

SEPARATE #6834 COMMERCE BANK, 820 BRIDGEPORT AVENUE, SIGN

Mr. Schultz indicated that he had been led to believe that Commerce Bank would be submitting signage but they hadn't received it.

Atty. Thomas asked what sign they were referring to. He indicated that they were in the process of finalizing the monument sign with all four tenants. He stated that the Commission had already approved the monument sign but no tenant should be going in there at this point without going through him.

Mr. Schultz thought it was being mailed in, but they hadn't received it anyway.

Atty. Thomas asked that this be tabled because the tenants were still negotiating.

On a motion made by Leon Sylvester seconded by Ruth Parkins, it was unanimously voted to table Separate #6834.

SEPARATE #6830 ADAM ZUCKERMAN, 2 MURPHY'S LANE, HOME OFFICE

Mr. Schultz stated that this was the house across from Tanglewood, 200 square feet for a home improvement business with no customers, standard conditions, one unmarked van. Staff recommended approval.

On a motion made by Virginia Harger seconded by Chris Jones, it was unanimously voted to approve Separate #6830.

SEPARATE 6835 RICHARD HORBAL, 71 LONG HILL AVENUE, HOME OFFICE

Mr. Schultz stated that this was for advertising sales, 120 square foot office area, one employee, hours of operation 8 a.m. – 5 p.m. using basically telephone and Internet. Staff recommended approval.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6835.

SEPARATE 6837 JEFFREY WILLIAMS, 102 ASPETUCK TRAIL, HOME OFFICE

Mr. Schultz indicated that they received authorization from the condominium association for a radio promotion, entertainment business with a 300 square foot office area, one employee, varied hours, use of phone and Internet. Staff recommended approval.

Comm. Harger asked if he was recording commercials.

Mr. Schultz didn't know the particulars.

Vice Chairman Lapera asked if it was all standard conditions, no deliveries.

Mr. Schultz responded that it was all standard with no deliveries.

Vice Chairman Lapera added that since it's in Aspetuck, the condo association would be watching it carefully.

On a motion made by Chris Jones seconded by Thomas McGorty, it was unanimously voted to approve Separate #6837.

SEPARATE #010 LINDA ROSE, 7/9 DONOVAN LANE, ACCESSORY DWELLING

Mr. Schultz commented that at the last meeting they had a conversion from a three-family to a two-family, and he indicated they might see more of it. He indicated that on Donovan Lane, up by Ripton School, there's an interior home that's a pre-existing, non-conforming two-family dwelling that is very set back. They wish to convert it to a single family dwelling and occupy it with an accessory dwelling unit. By doing this, they'd be eliminating a pre-existing, non-conforming situation of a 2-family dwelling back to a single family in an R-1 zone. The accessory dwelling unit has to be a family member.

Mr. Schultz commented that the Commission likes to see things become more non-conforming, and it won't be allowed to go back to that. He added that this was a new buyer and it is stated on the application that it cannot return to a two-family dwelling status.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to approve Separate #010.

SEPARATE #6843 NEWTOWN SAVINGS BANK, 194 LEAVENWORTH ROAD, OCCUPANCY/SIGN

Mr. Schultz stated that this bank would occupy the left corner with 1,990 square feet, 8 employees, hours of operation Mon-Wed 9-3, Thu & Fri 9-6. No Saturday hours. This has the drive-through that the Commission approved. He added that the sign colors conform to the uniform blue and white.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6843.

SEPARATE #6850, SHELTON HOTEL ASSOC., 828 BRIDGEPORT AVE, DUMPSTER

Mr. Schultz indicated that at the last meeting, the Commission acted on the Sierra Hotel's wall signs, and Atty. Thomas has returned to request the dumpster location.

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

Atty. Thomas stated that with the configuration of the hotel, the underground parking garage and the discovery that there's a state statute requiring commercial industries to recycle; the dumpster easement has to be located in a double bay area. This is going to be the dumpster easement. This Commission has expressed in preliminary discussions, the desire to restrict hours because of its location.

Atty. Thomas stated that the location was out of the Commerce Bank lease area and in an area of the lot where the parking spaces were almost never used by the existing three businesses. Commerce Bank employees park behind the bank. He was there when photos were taken on two separate occasions and saw no cars parked in those spaces.

Comm. Jones asked if there would be a higher fence enclosure.

Atty. Thomas responded that it was going to be a masonry enclosure. He indicated that he received an e-mail today from the engineers in Kansas who suggest that the masonry have a stucco look. The gates are proposed to be metal.

He took out an elevation sheet he recently printed out that indicated the gate would be 6 ft x 7 ft – 7 feet from top to bottom. In addition he received the easement agreement back with comments, and the Hotel Sierra has agreed to put in language that there shall be no early morning pick-ups. They've contacted several recycling vendors themselves and are requesting if they can designate the pick-up time. The Hotel Sierra doesn't want to interfere with Commerce Bank either, so they'd like to aim for an 8 a.m. regular pick-up time.

Mr. Schultz added that he thought there was an ability to tweak this a bit if the Commission chose to act favorable and state "subject to Staff's final location and details." They've got to give it a lot of attention.

Atty. Thomas responded that that wouldn't be a problem.

Comm. Parkins asked where the property lines are because it must jut out into that.

Atty. Thomas responded that these people would be willing to do anything to make it look good – stucco... Additionally, he asked them to analyze the sound in that area, but he hadn't been given an answer yet. The main issue they've confronted is the need for a double bay to accommodate the requirement for recycling. He followed by saying that he learned that many commercial people don't do the required recycling, but the Hotel Sierra people wanted them to check it out.

Vice Chairman Lapera responded that obviously they need to give them someplace to put their dumpster and their recycling. He asked the other Commissioners if they were comfortable with having Staff work out the details.

Comm. Harger asked about the underground garage at this hotel and if there was an area there for a dumpster.

Atty. Thomas responded that the garbage truck wouldn't be able to go down there.

Comm. Harger added that since the hotel hasn't been constructed yet, maybe they could accommodate it without interfering with the neighbors.

Atty. Thomas stated that there was going to be an easement.

Comm. Harger asked if they could table this and get more information for the Commission.

Comm. Parkins agreed that she didn't feel comfortable with approving something like this without knowing what there going to do with it.

Vice Chairman Lapera asked for a motion to table until more information is provided to the Commission in two weeks.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to table Separate #6850 until the March 25th meeting. Comm. Sylvester abstained from voting.

PROPOSAL OF THE SHELTON PLANNING & ZONING COMMISSION 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, 43, AND 51) (PUBLIC HEARING CLOSED ON 2/26/08) – DISCUSSION AND POSSIBLE ACTION.

Mr. Schultz stated that he prepared a draft resolution that everyone received. As indicated, Staff provided all the background facts, planning documents, etc. and the request of neighbors to be removed from the subject zone change to remain in R-4. He read the draft resolution.

***See attached Shelton Planning & Zoning Commission document dated March 11, 2008.**

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to open a discussion for this proposal.

Comm. Parkins asked if all of the residents that are being eliminated from this zone change submitted their request in writing.

Mr. Schultz responded that they did not; they called him directly and Atty. Dominick Thomas called and indicated he'd attend the meeting to represent one resident. Everything was conducted via the phone. He stated that he advised the residents to attend because many times they will hear about something that isn't implemented at the public hearing. He continued to say that was why he stated at the public hearing what took place over the phone.

Mr. Schultz commented that the critical areas are down in this area (he pointed to a location on the displayed map), adding that obviously the Riverview Park makes sense because that's an area which is going to be preserved in perpetuity. He stated that the Housatonic River right of way has constraints. It's wider up past the park, but because of the topography, it just doesn't make sense. If they had a historical zone, they'd be implementing it, but they don't. Additionally, they don't have an open space zone, so it made sense in this instance to use the R-1 district.

Mr. Schultz added that it is consistent with all the planning documents - local, regional and state.

Comm. Parkins commented that her big concern with this was that, with the removal of those properties up there, this appears as spot zoning. She added that she knew spot zoning wasn't considered spot zoning if it's done for the betterment of the community.

Mr. Schultz responded that is the case for a larger area, because the original area was 72 acres minus the five parcels. He stated that spot zoning, as he is aware, would be five acres and under, so the true definition of spot zoning isn't being challenged here. He added that it was the Commission's call if they wanted to incorporate it; however, he wanted to advise what he conveyed to them.

Comm. Sylvester commented that he didn't have the luxury of being an attorney and Ruth's comments bring about a legal issue. It's always great to have an attorney sitting here. Who knows? If Corporation Counsel was present, they could answer that question. It would be helpful to have someone sitting here.

Vice Chairman Lapera responded that he can't give legal advice to the Commission as the Chairman.

Comm. Sylvester indicated that he understood that and he doesn't want to put this off. He stated that he believes, in his heart, that this is the right thing to do. He has no fear in making this vote because he thinks it is right for the community. However, he recommends that in the future, Corporation Counsel should be invited. He realizes that they've invited the City Engineer and he never comes, but he thinks the Corporation Counsel would come.

He added that he respects where Ruth is coming from, but in his heart, he believes they are doing the right thing here.

Comm. Parkins agreed that it was the right thing as long as it cannot be challenged.

Mr. Schultz stated that any (*inaudible*) which would be McCallum and the Housatonic Railroad right of way.

Comm. Jones commented that he wouldn't be surprised if Mr. McCallum doesn't challenge this.

Mr. Schultz restated that this is in a planning document that recommends the preservation of these areas. All three planning documents – local, regional and state – he indicated that he read them all. That is a lot to be said, it's consistent.

Vice Chairman Lapera agreed that decisions, in all his years of practice, are rarely as black and white as they appear. There's always shades of gray. That's why there are always two sides, and there's always litigation.

He stated that when they talked at the last meeting about the 8-24 Referral that came from the BOA, the question was asked whether or not they should vote after the fact. He indicated that he found it valuable that they step back a little bit and as planning and zoning, they need to figure out if it's a good decision for the City and if it makes sense from the planning and zoning point of view. He mentioned that last time, when they make that decision, it could be challenged – sure. This Board has sued other Boards; he wasn't sure if they've been sued by other Boards themselves. He noted that they've never been afraid to make those tough calls, and they need to continue to do what they think is right.

Vice Chairman Lapera continued that if they get challenged, and they get reversed – OK, so they've gotten challenged and they've gotten reversed but their batting average in the court cases would be the envy of any major leaguer, because they don't get reversed very often. He commented that he didn't think they'd been reversed in a long time.

He indicated that they discuss things and sometimes take a hard position and make the right calls, so he didn't want the Commissioners to be so concerned if there's litigation. If there's litigation, then there will be litigation; if they think they're doing the right thing, then they need to vote on what they think is the right decision for planning and zoning. He concluded that their decisions are open to challenge – that's why there's an appeal processes, and that's what happens.

Comm. Jones agreed with Vice Chairman Lapera that with this piece of property, they only own so many acres of riverfront property, so planning and zoning should make this decision tonight and not let this piece of property slip by.

Vice Chairman Lapera asked Rick if there he thought there were any issues that they needed to have Corporation Counsel address before they vote.

Mr. Schultz responded that all checklists were adhered to – statutory, town clerk, all the planning documents – it's pretty straightforward, but it's the Commission's call. There's no timeframe on this.

Comm. Parkins stated that she was more concerned that none of the residents submitted anything in writing. This was done via a phone call, and there's no public record showing that these residents asked to be eliminated.

Mr. Schultz responded that there wasn't other than his statement.

Vice Chairman Lapera mentioned that he recalled someone said there had been one resident at the public hearing.

Comm. Jones stated that Mrs. Carey was present.

Vice Chairman Lapera asked if she indicated that she didn't want her property in the zone.

Comm. Parkins responded that she did – Atty. Thomas spoke in her behalf.

Vice Chairman Lapera asked if the attorney represented the property owners and they didn't want ...

Comm. Parkins asked Atty. Thomas if he only represented one land owner.

Atty. Thomas responded that was correct.

Comm. Parkins commented that she wasn't against this.

Mr. Schultz commented that it was interesting to see the evolution of the north end of Canal Street now this is the south end and everything in between. It puts it into proper perspective.

Comm. Parkins commented that they should have at least submitted it in writing.

Vice Chairman Lapera asked Ruth if she thought the property owners wanted to be included in this.

Comm. Parkins stated that if they didn't want to be included in this zone change, they should have submitted that in writing. For the record, if this gets into court...

Mr. Schultz indicated that it was a valid point and he'll make sure for the record.

Vice Chairman Lapera asked Rick how many calls he received from property owners.

Mr. Schultz responded that he received three.

Comm. Parkins added that the public hearing has been closed.

Vice Chairman Lapera asked how many property owners there were.

Mr. Schultz responded that there were 5. He added that some of them were out of town, and he requested that they contact the other property owners. When

the Commission members initiate it, they don't have to do a notification because the legal is in the paper.

Vice Chairman Lapera noted that they've had contact with at least three of the five property owners.

Comm. Sylvester added that they met their requirements.

Vice Chairman asked for a motion to approve.

On a motion made by Leon Sylvester seconded by Chris Jones, it unanimously roll call voted (6-0) to approve the Amendment to the Building Zone Map by changing from R-4 District to R-1 District for properties north of upper Canal Street including McCallum Enterprises, Riverview Park and Housatonic Railroad Company.

Comm. Sylvester commented that he respected Ruth's views on the subject, and he understands where she was coming from. He added that as long as he hears that Rick's done all that needs to be done as far as laws and regulations, then he's comfortable.

NEW BUSINESS

APPLICATION #08-05, PROPOSAL OF DOMINICK THOMAS ON BEHALF OF SHELTON TOWN CENTER, LLC TO MODIFY THE STATEMENT OF USES AND STANDARDS FOR PDD #57 (ADDING AUTOMOBILE RENTAL FACILITY), 350 BRIDGEPORT AVENUE (MAP 77, LOT 33) – ACCEPT AND SCHEDULE PUBLIC HEARING.

Mr. Schultz stated that this was the King Point Shopping Center across from Curtiss Ryan. The Commission determined that it needed a public hearing and Staff recommends March 25th.

On a motion made by Virginia Harger seconded by Leon Sylvester, it was unanimously voted to accept Application #08-05 and schedule a public hearing for March 25, 2008.

APPLICATION #08-06, MARIA WILHELM FOR CAM SITE PLAN APPROVAL (GRAVEL BOAT RAMP), 590 RIVER ROAD (MAP 53, LOT 56), R-1 DISTRICT – ACCEPT FOR REVIEW

Mr. Schultz stated that this was a coastal area management site plan unlike Riverdale because it ends a little further up. A single family dwelling was approved 6 or 7 years ago. It's null and void. He stated that his understanding was that they want to sell property as a building lot that has an approved, and he may install it, boat ramp. His first step is to install the boat ramp.

He stated that he had to make a referral to the DEP Coastal Area Management because they have to write a report on it.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to accept Application #08-06 for review.

PUBLIC PORTION

Vice Chairman indicated that the Public Portion was for anyone wishing to address the Commission on items that were not on the agenda.

Brian Belvin, 39 Hemlock Drive, Shelton, CT addressed the Commission.

Mr. Belvin commented on the pictures that Atty. Thomas showed the

Commissioners because he heard someone ask what was behind where they want to put that garbage dumpster. He stated that those were mobile homes. He indicated that the Commission had approved the restaurants, the banks and this hotel and the impact is already felt on the mobile home park. He stated that they get smoke and smell from the restaurants and now there are plans to put a dumpster 20 feet from a mobile home. Mr. Belvin stated that wasn't the reason he was addressing the Commission tonight though.

Mr. Belvin passed around a document to the Commission and stated that the Town of Shelton on 1/24/08 classified Fairchild Heights as a pre-existing, non-conforming, mobile home park subject to Paragraph 41.1 in Non-Conforming Mobile Home Park Ordinances – state ordinances and city ordinances.

Mr. Belvin stated that Mr. Dulin, the owner of Sunnyside Park and Fairchild Mobile Home Parks has recently submitted a plan to the Town of Shelton for a mobile home park with 141 lots. There are currently 104 lawfully and legally existing on this park. He intends to bring in 36 new homes. He passed around a document with a date from two years ago for the Commission to review.

He continued to state that Mr. Dulin was in the middle of evicting people due to excessive cars and refusal to give up their land because he wants the property for more mobile homes. Mr. Belvin indicated that this included his property.

Mr. Belvin referenced Paragraph 41.10, Trailers and Trailer Parks as stating that “any trailer lawfully existing on the effective date of this paragraph and used or occupied as a dwelling may continue to be used or occupied, but may not be replaced by a new trailer unless located in a trailer park that complies with the provisions of this paragraph and any applicable ordinances of the City of Shelton. Any trailer parks lawfully existing on this effective date of this paragraph are deemed to be non-conforming and may be continued only in compliance with all applicable ordinances of the City of Shelton.”

Mr. Belvin stated that this was why within 60 days, as the person operating a trailer park, Jeff Dulin, shall submit to the Planning & Zoning Commission a request for the approval of a non-conforming status of said trailer park. He continued to read that such a request should include the following – a name and a plot drawn to the sale which he has stating that there are 141 lots, homes, already in this park. Mr. Belvin stated that Mr. Dulin was paying the town sewer for 141 lots, yet half of it is septic.

Mr. Belvin commented that Mr. Dulin had quite a few empty lots, and he recommended that Planning & Zoning take a trip and go through this place and look at all the empty lots. He commented that one of the empty lots included the one next to him that he's been living on for 10 years. His neighbor has a fence put up half way through it. He commented that by State law, any lot unoccupied for more than year should be removed from the list. If it's to become a lot again, it has to be reapplied for.

Mr. Belvin continued to speak about the requirements for replacing mobile homes in the park. He read that the density of the trailer park shall be such as to prevent overcrowding of land and provide light, ventilation and open areas for each trailer. Based on the gross area of the park, the number of individual sites shall not exceed 8 per gross acre.

Mr. Belvin stated that Jeff Dulin owns 13.79 acres. He continued to read that the minimum area of any trailer site shall not exceed less than 3,500 square feet with a dimension less than 40 feet. The maximum number of trailer sites in any trailer park shall not exceed 150 sites. There shall be a minimum of 20 feet clearance between each trailer. All trailer sites shall have a minimum frontage of

25 feet to the roadway not less than 24 feet in width. At least two off street parking spaces should be provided per trailer site. The park shall be graded and drained to insure adequate surface of standing and substantial water. All roads in the park shall be paved, drained and maintained in good condition.

Mr. Belvin added that they should take a small compact car when they go down there and fill it up with about four people and drive through the park and try to go over 5 mph.

Mr. Belvin continued reading that along and adjacent to the property lines a strip of land not less than 50 feet in width should be left in its natural state if already wooded or landscaped with evergreen trees planted to grow in dense evergreen buffer within five years. He commented about the picture that the Commission looked at and the trailer was a lot closer than 50 feet of that new site.

Mr. Belvin continued to read that all these proposed improvements and site requirements shall apply to the entire trailer park including all existing sites. Mr. Belvin stated that means if this gentleman wants to bring one home into this park, he has to bring all the trailer sites into conforming laws – that isn't his wish.

Mr. Belvin indicated that in the past 6-8 years, Mr. Dulin has brought in 3 new mobile homes without notifying Planning & Zoning, not getting any permits or seals from Naugatuck Valley Health. He has just gone to the Tax Assessor's Office and said that he has another trailer there and provides the purchase price so that the Assessor can reassess his taxes.

Mr. Belvin stated that this trailer park is named Fairchild Heights, Inc. It is a business, and it is a commercial business designed and used to lease land with structural dwellings and those structural dwellings have to be used as residential units. Therefore, the property and all the land is considered to be commercial. He stated that Mr. Dulin has been going into this Park and doing anything and everything he wants. There are several people that have left the park, that are leaving the park, and have been evicted because he's throwing them out with the intention of demolishing their trailers and eliminating their extra vehicles.

Mr. Belvin stated that if the Town acts and applies the non-conforming laws – State laws and general Chapter 5 requirements, they should issue a letter to Mr. Dulin to indicate that he's exceeded the allowed number of homes with just the 104 that presently exist. Therefore, he shouldn't be allowed to bring in more.

Mr. Belvin told the Commission that if they can do this, they would probably save a lot of people from being evicted and prevent loss of income. He commented that Mr. Dulin wants him to give up his third vehicle, a van, that he uses for his licensed business. He has purchased another house, but he planned to keep his mobile home, renting it out and possibly selling it. However, that would be difficult to do with half of his property and his shed gone. He asked the Commission to act on this because people in that park were being harmed. Mr. Belvin stated that Mr. Dulin has been and may still be in violation with the Department of Consumer Protection. They have been to visit the park. The City of Shelton has not. A civil lawsuit has been brought against him by the Homeowner's Association of that park that he started with Nancy Dickal. That matter is in court. He asked P&Z and the attorney to review that Mr. Dulin, by law, not be able bring in more homes due to the ordinances. There needs to be a total count of empty lots and the actual mobile homes. He needs to be told that no more can go in and then a lot of people would be able to keep their homes instead of him demolishing them. He'll be begging residents to stay because everybody who is going to be evicted has been told to take their mobile

home with them or make them unlivable because that way everyone that leaves is one less rental income for him.

Mr. Belvin stated that he's been in contact with Mr. Schultz on this issue and there is a judge making a decision within the next 30 days as to whether a resident can keep her mobile home because of a vehicle. She's been there for 30 years, and because she has a vehicle, she's being evicted. He added that five elderly women left this year because, according to a letter from Mr. Dulin, he was significantly raising their rent because he had been mandated to make improvements to the park. He commented that these elderly people could not afford the increase, and that is the type of thing going on at Fairchild Heights.

Mr. Belvin urged the Commission to do something to help out the residents there.

Vice Chairman thanked Mr. Belvin and asked if there were any further comments from the public.

Richard Widomski, 49 Christine Drive, Shelton, CT addressed the Commission.

Mr. Widomski stated that he wanted to speak to the Planning & Zoning Commission in regard to a full time city planner. He indicated that over the past 2 or 3 years he has spoken with the Charter Revision, the Board of Alderman but he failed to address P&Z because he thought he'd receive a negative response so he went to where the money was – the BOA and trying to place it in the Charter.

Mr. Widomski wanted to address the issue because there were so many new members to Board. He referenced August 2005, the joint meeting of the Charter Revision and the BOA where they discussed the need for a planner. One BOA member indicated it was an administrative decision and that they already had a planner. Another BOA member argued that he wasn't a city planner, he's hard hand, he's good and there's no argument about his abilities. He indicated that he thought that was in reference to Panico Associates. He asked if he was a planner because he didn't know. Mr. Widomski stated that it was his understanding that he does it all himself (inaudible...) so he likes to call him a zoner because he takes each plan individually.

Mr. Widomski continued that another member stated, back in 2005, that it didn't need to be part of the Charter. He added that Paul DiMauro mentioned that it should be in the P&Z budget; and, perhaps P&Z should decide if they need a full time City Planner. There's no reason why P&Z can't create a full time position. He added that Alderman Anglace mentioned that they needed more information about what the benefits to the City would be. He concluded that he met with Charter Revision and they indicated that it didn't belong in the Charter. He commented that was during the Kelly? Administration.

Mr. Widomski stated that in February 2006, he addressed another meeting of the BOA and spoke with Mayor Lauretti. Mayor Lauretti indicated that most every other position is done by Charter. Mr. Widomski stated that he told him he had gone through that with Charter Revision and they said it didn't belong there. He asked where it belonged...(inaudible for about 15 seconds...).

Mr. Widomski continued to state that he had a lot of information to justify the need for a city planner and proved that for what the City is paying for a part time planner, they could probably get a full time planner for pretty close to the same amount. He added that they would be receiving 40 hours a week instead of 80 hours a month. He presented that information to the BOA and indicated that the packet of this information could be obtained from them. It explains the costs and reasoning to support the need for a full time city planner for the City of

Shelton. He mentioned that there was no continuity between the BOA, P&Z, Conservation Commission, Inland Wetlands... everything comes together in one big mess and no one knows what the other person is doing. Mr. Widomski stated that a full time city planner would solve that problem.

He continued to state that in May 10, 2007 he brought back this same case with updated dollars. He obtained his information from the Occupation Outlook Handbook, U.S. Dept of Labor, Bureau of Labor Statistics for Regional Planners. He stated that he included all the dollar amounts and justifications for a full time city planner.

He commented about May 2007, on Long Hill Avenue, where the land was intended to be open space, but, unfortunately, Zuckerman still owned the property. Even though it was in the plan as open space, the City didn't own it. Now, looking at Canal Street, he sees the Riverwalk. He stated that the Riverwalk was not entirely an entity of Primrose. He thought that Better Packages owned a piece of the parcel there so in order to get the Riverwalk through, they don't own the property. Primrose doesn't own the property. They have a Riverwalk running up to that point, and going from Canal Street to the Riverwalk, it borders the property of Primrose and someone else. If they had a city planner, than perhaps someone would have noticed that they don't even own the property. It's a replay of what occurred on Long Hill Avenue. A lot of money is being spent on designing a Riverwalk when the property isn't under the control of the developer in the area. There's a lapse somewhere. Mr. Widomski asked if it was going to cost the City more money. Is the Riverwalk even going to go through? Jim Rotondo is doing such a fine job on that Riverwalk that it would be shame for it to go to pieces because of something like this.

Mr. Widomski mentioned that it was similar to the Hurd property and the property on Soundview Avenue that the City bought a year later for much more money. There are 724,000 reasons why they need a full time city planner. Those were just two instances where a city planner could have saved the City a significant amount of money. He continued say that a city planner could be an advisor to the P&Z Commission and for the ZBA, take part in capital projects planning, zoning determinations and master planning. Mr. Widomski added that if they had a city planner, someone from the public could consult with one person to get things accomplished rather than going from Board to Board and place to place for information.

Mr. Widomski asked the Commission to take a look at his packet and the BOA has a copy of it because Shelton is long overdue in getting a full time city planner.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission. He indicated that he wanted to have an informal discussion about some property at the end of Fairview Terrace –12 Fairmont Place. He provided some maps of the area for the Commissioners to look at. He stated that there were two buildings on this piece of property – a 6-family and a 9-family. Atty. Thomas indicated that his client has come to him discussing the possibility of purchasing the property and developing 9 or 12 small condominium units on the property. Presently, the two properties are somewhat aged and not in the best of repair, and they are legally pre-existing, non-conforming buildings.

He added that the only thing that could be done would be to renovate or redo the whole thing. The intent was to keep the same density, possibly asking for 3 more units. They'd be modern units with off-street parking.

Atty. Thomas provided photos of the area showing the off-street parking. He stated that there is an access down to Coram Road like a slope that goes down.

Vice Chairman Lapera asked if this was a dead end street.

Atty. Thomas answered that it was a dead end street. He stated that the individual was not able to bring this before the Commission because the CBD which allows 10,000 square foot PDD's, which would be the way to address this, ends at Coram Avenue. He continued to say that his clients would like to take the two dwellings down and replace them with more modern dwellings with off-street parking.

Comm. Sylvester asked if they would be apartments.

Atty. Thomas responded that he thought it would be condos.

Comm. Sylvester stated that Mr. Panico has been quick to point out to us that ownership isn't our issue because what starts out as condos could end up as apartments as they see now with 250 units on Canal Street that are going to be apartments instead of condos.

Atty. Thomas indicated that there's a tremendous need for better scale rental units. He told the Commission that he advertised his own old two-family home in Derby that he grew up in to be rented, and he received 10 calls the first day with about 50 total calls. He rented it the first day but he's still getting calls. There's a tremendous demand for it. The Applicant here is interested in this and approached me with the idea of smaller condos. There's no guarantee that someone wouldn't purchase the condo and rent it out.

Comm. Sylvester asked if they could designate it as a condo or apartment, or if they had the right to do that.

Atty. Thomas indicated that they would have to take the central business district line... the question would be whether or not the line would be moved back up here to allow 10,000 square foot PDD's because right now...

Mr. Schultz stated that there was a more fundamental issue here. He indicated that he's been reporting to the Commission, especially after the application for the old Petro property. The office is getting a lot of calls from lower Long Hill Avenue to assemble properties, knockdown and replace with higher densities.

Comm. Sylvester asked if he'd looked at the variances that were allowed in that.

Mr. Schultz indicated that he'd be reporting on that in his Staff Report. There are older neighborhoods in downtown Shelton that have to be looked at by this Commission. They need to decide if they want to retain them and offer the owners to refurbish them as they are, or if they need to be knocked down and replaced. This is a big issue because they have dozens of neighborhoods with pockets like this in Shelton.

Comm. Sylvester asked if they could start with Johnny's Pizza. It looks like it's going to fall down soon anyway.

Mr. Schultz mentioned lower Long Hill Avenue as another location in question. He asked if they wanted to retain those building and fix them up or were they beyond that and ready for knockdown? As Dominick indicated, his client is interested in knocking them down, but they'll lose the non-conformity. They'll have to go the to ZBA, P&Z makes their recommendation or they use the Planned Development District technique which means that they'd have to extend

that line up the hill. There's a lot to think about. And already there is a lot to think about on Canal Street. But the time has come, because investors are looking at these older neighborhood pockets with neglected homes. The Commission needs to decide how they want to deal with the reconstruction or the preservation of these older neighborhoods. It will require a lot of thought.

Atty. Thomas stated that one of the advantages that he doesn't favor as a land use attorney is the issue of using variances. He doesn't think that's the proper way of doing it. Actually the more appropriate way here in Shelton would be the PDD if it were permitted for the 9, not for the 12, because it gives them control of the architectural. He added that in these neighborhoods, they wouldn't want to see something redesigned and architecturally appropriate. The PDD concept would require the first step to slide central business district SDA up so that it would be permitted on 10,000 square feet. He added that this wasn't a 10,000 square foot parcel, it's .85 acres.

Mr. Schultz stated that he advised Chairman Pogoda, and he would be deferring this to the Zoning Subcommittee. He stated that this needs to go on there because they are looking at zoning the rest of downtown because they have multiple zones that need to be... (inaudible).

Comm. Sylvester asked who the Zoning Subcommittee was.

Mr. Schultz responded that it was Mr. Cribbins and Mr. Pogoda, and now it's Mr. Pogoda. He's going to revisit the membership on the committees and that's why he'd like to put this on for the 25th. He asked the Commissioners to start thinking about the older neighborhoods because he is getting calls weekly. They watched ZBA approve the one on the Petro property and now they know the Commission has appealed it.

Vice Chairman Lapera stated that they need to be careful because it's easy to slide the line left or right. The problem is what is encompassed or not encompassed and what properties are brought in. There might be unintended results, if they aren't careful. Once those lines are moved, uses will be opened up that they may or may not want to have opened up, so they need to be careful. There may be reasons to move the line to change the neighborhood, especially in the case of buildings beyond repair.

Atty. Thomas indicated that they weren't asking to move a zone, they are only asking to move the line that would allow the PDD overlay zone. They aren't talking about changing uses.

Mr. Schultz added that it was still a planning issue though.

Atty. Thomas stated that he and the developer would be happy to participate in the subcommittee discussions from the perspective of the developer.

Comm. Sylvester commented that it was an interesting discussion for the entire Board. He didn't think it should be reserved for a small committee, because he's not crazy about committees. He thinks everyone should be at the table for the discussion. He stated that it was interesting because it was contiguous with the line going up to this particular piece up property; this property was probably not included because of the severity of the topography, not because it didn't make sense.

Mr. Schultz added that it also abuts the central business district; it's the first neighborhood.

Comm. Sylvester asked about the passageway that Atty. Thomas mentioned.

Atty. Thomas responded that the discussion was about the substantial slope with a staircase farther up from Fairmont that accesses down. He discussed another pedestrian access way/crossway with the developer because they are becoming an important thing; people want to find ways to walk to downtown, live in the area, and save gas. He continued to say that strangely enough a lot of the condo developments in the downtown areas in big cities haven't suffered the loss right now because people want to move into to them and be near all the downtown services. He added that this was the same type of concept – nobody's going around building \$500K and \$600K homes right now, but they are building the alternative types of housing that people, especially younger people seem to want.

Atty. Thomas stated that this informal discussion routine has been very helpful and beneficial, and they'll be glad to come back and do this. He added that people should take time to go to zoning meeting in land use departments other than Shelton to see what it's like. He commented that with the amount of zoning he does, that the Staff in Shelton, aside from any discussion of a full-time or part-time planner – is very responsive and so many other towns can't afford the staff. For other towns, he usually has to make sure and call between 8:30 a.m. and 11:30 a.m. on Tuesday and Thursday mornings or stand in line at 5:30 p.m. with about 50 or 60 other people getting tiny permits while he's trying to get a zoning question answered. He concluded that Staff here is very responsive, and he's seen them spend a lot of time answering questions for public people that come in.

Vice Chairman Lapera asked if anyone else from the Public wanted to address the Commission. There was no one.

On a motion made by Virginia Harger seconded by Leon Sylvester, it was unanimously voted to close the Public Portion of the meeting.

APPROVAL OF THE MINUTES – 2/5/08 AND 2/26/08

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to table the approval of the minutes (2/5/08 and 2/26/08).

8-24 REFERRAL: BUS STOPS FOR THE GBTA

Mr. Schultz stated that the Greater Bridgeport Transit Authority is now going off the track which was Bridgeport Avenue to the Derby Train Station. They are now going on Constitution Boulevard to pick up people from all the companies at Research Drive. He indicated that the GBTA has compiled a list of 25 areas, mainly on Constitution Boulevard and Waterview. These are the small traffic signs indicating that the "Bus Stops Here."

There are a total of 14 on Constitution Boulevard and Waterview alone. Mr. Schultz indicated that 14 appeared to be excessive. They started to erect these signs without the proper authorization by the BOA, and now they've put this list together.

Comm. Parkins commented that there weren't that many roads off there. She asked if it was 7 signs - on each side of the road.

Mr. Schultz responded that it probably was, coming and going, but it's still something that they haven't seen in town before. He noted that this Commission has been concerned with the proliferation of signs. In fact, the Commission recently said no to United Methodist Homes; however, this is for mass transit and the general public.

Mr. Schultz continued that 8 signs would be on Enterprise and Corporate Drive and the other 3 would be on Trap Falls Road. There are 25 total "Bus Stops Here" signs. He recommended, because they have to go up, that they would limit it to areas that are justified such as intersections while keeping them away from residential neighborhoods.

He stated that one sign went up on Plaskon Drive and caused attention when residents complained to the BOA.

Comm. Harger asked if there was sufficient space on the road for the signs to be placed.

Mr. Schultz responded that there was, and he wasn't concerned about that.

Comm. Parkins asked if the buses could stop at a place that didn't have a sign.

Mr. Schultz responded that of course they could. He commented that he remained apprehensive about 25 of those signs. He suggested making a finding that 25 appears to be excessive and that number needs to be reconsidered although the Commission supports bus stops to fulfill a need for the general public.

Comm. Jones stated that they didn't have any "Bus Stops Here" signs downtown but the bus stops there.

Mr. Schultz responded that this was more a more suburban area.

Comm. Parkins expressed concern that if they don't maintain these signs, and the signs get knocked down, bent or vandalized, then they will look really terrible.

Comm. Harger asked what the basis of criteria was for the locations that they picked, did they have some kind of ridership survey or something?

Mr. Schultz responded that the Greater Bridgeport Transit Authority just indicated that they were expanding their services in the City of Shelton by establishing two new bus routes.

Comm. Jones noted that he's seen a lot of people dropped off at the Bridgeport Avenue intersection and they walk all the way up Constitution Blvd.

Mr. Schultz commented that they did consult the traffic division of the Shelton Police Department, but they didn't go before the BOA which would trigger this 8-24 Referral. The Traffic Authority gave this some thought and they knew that this Commission was concerned about signage.

Comm. Parkins asked if these buses were making these runs and stops now because, perhaps the locations were suggested by the bus drivers.

Mr. Schultz responded that absolutely that could be the case.

Comm. Parkins added that if there was only one or two people at a stop, than they could congregate in a larger area like they do with the school bus stops.

Mr. Schultz suggested acknowledging concern about the total number of signs and that it should be scrutinized while still reporting favorably.

Vice Chairman Lapera stated that the bus routes lessen the cars and bring people in; apparently, there are a lot of people taking buses into Shelton, being dropped off and picked up at the towers. It's a great benefit for the employees working there. The recommendation from Staff was to report favorably on the referral subject to a request that the BOA scrutinize the number of stops because the Commission feels that the number of signs may be excessive, so he asked for a motion with those conditions.

On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to report favorably on the 8-24 Referral for GBTA bus stops with the request that the BOA scrutinize the excessive number of signs requested.

APPLICATION #07-35: REQUEST FOR 1ST 90 DAY EXTENSION TO RECORD MYLAR MAP FOR RICH SUBDIVISION

Mr. Schultz indicated that this was up the hill on 8 Prospect Avenue. They weren't ready to record the record map. He stated, for the new members, that they are entitled to two 90-day extensions after the first 90 days. This would be their first extension.

Comm. Jones asked for clarification about the location.

Mr. Schultz responded that it was the corner of Kneen and Prospect. The Commission approved three lots up there last year.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the request for a 90-day extension for Application #07-35.

276 HOWE AVENUE: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz stated that this was the old Sunoco Station on Howe Avenue by the Commodore Hull Bridge. George McCloskey requested release of the performance bond in the amount of \$10,000 dollars being held by the City to insure the satisfactory completion of improvements known as 276 Howe Avenue.

He indicated that Staff had inspected the site and site improvements have been satisfactorily completed. He recommended that the bond be released. He encouraged the Commissioners to walk the site because everything was done above and beyond the approved site plan. It's the gateway for that part of town off of Route 8.

He commented that except for the signage, because the new signage is the internally illuminated it looks OK. There's no signage on the canopy, they did a good job.

On a motion made by Chris Jones seconded by Thomas McGorty, it was unanimously voted to approve the request to release the site bond on 276 Howe Avenue.

RECONSTRUCTION OF CANAL STREET, PHASE III: RECOMMENDATION BY COMMISSION

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to table the discussion regarding the Reconstruction of Canal Street, Phase III until the March 25th meeting.

Mr. Schultz stated that he'd like to table these items, because Chairman Pogoda wanted to be present for this discussion and the discussion regarding Riverwalk Extension as well. He provided copies of the Shelton Riverwalk prepared by SEDC to be presented at the March 25th meeting.

He commented that they would be getting a thorough overview at that time because there were so many components with the Riverwalk and Phase III.

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to table the discussion regarding the Riverwalk Extension until the March 25th meeting.

BILLS

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to pay bills, if funds are available.

STAFF REPORT

***See attached Shelton Planning & Zoning Staff Report dated March 11, 2008**

Mr. Schultz stated that the March 18th ZBA Agenda includes five residential variances, no use variances. Additionally, he's attached the decision letters from ZBA for the 159 Long Hill Avenue property.

Mr. Schultz stated that he was advised by Corporation Counsel that Atty. Jim Baldwin has been assigned and he'll be putting the whole record together for him and then he'll meet with the Commission when he prepares his brief. This P&Z Commission has proceeded with the appeal relative to that approval. He noted that the decision documents were attached for their review.

He commented that the owner of the property was still pursuing to submit a site plan for just the commercial building. He was coming in with a single story commercial which complies with all the standards which he has every right to do. He's hoping that the appeal is not upheld and he'll probably construct it so it can accommodate the five townhouses that would be built above it. He indicated that the request would probably come in April.

Downtown Subcommittee

Mr. Schultz stated the Committee met 2/29 and authorized a letter of recommendation on the modification of the elevations of the Radcliffe. The modifications will be discussed at the 3/25 meeting.

Comm. Sylvester indicated that he has not been making the Downtown Subcommittee Meetings because it is not a convenient time for him. However, he has a great interest and would like to be involved in discussions about the evolution of downtown. He indicated that he thought there should be more opportunities or venues available, besides a single committee, for people to discuss issues involving the downtown area because it impacts the entire community. Comm. Sylvester commented that this wasn't a personal or political issue, just how he felt about providing more opportunities to discuss issues involving downtown.

Mr. Schultz agreed that he would convey those concerns again the Chairman. He has received a lot of calls about downtown. All the issues are very important.

Comm. Harger commented that she'd like to have feedback from the Committee that meets with the Downtown developers too because not everyone can be available for those presentations.

Comm. Sylvester commented that they would just be recommendations and the presentations should be held in front of this Board.

Comm. Harger agreed that they could also make the recommendation that the developer be present for the discussions.

Vice Chairman Lapera agreed that he'd like to have the presentations be at this table too, because it is this Board that has to have the discussions and make the decisions based on those discussions.

McCallum Enterprises

Mr. Schultz stated that the last issue would be a public hearing, and the Army Corp has agreed to that. When he gets the date from the Army Corp, he'll advise the Commission. Staff has written a detailed letter explaining why the canal shouldn't be filled in. Inland Wetlands and the Citizen's Advisory Group and the Conservation Commission also made recommendations.

Comm. Parkins asked about a time frame for that meeting.

Mr. Schultz responded that he hasn't seen it yet, but knew it would be held at City Hall.

POCD

The Conservation Commission has requested the P&Z Commission to zero in on the increase of the open space set aside. Presently, its 10% or one acre and they are asking that it be put up to 15%. They've requested that this be made a priority.

Vice Chairman Lapera asked how many additional acres that 5% represented in a town the size of Shelton. Is that like going from 20,000 to 30,000? He indicated that even though 5% doesn't sound like a lot, they need to know the magnitude of what they were being asked.

Mr. Schultz responded that he didn't know, but they'll be discussing the quantification of it.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to adjourn at 9:06 p.m.

Respectfully Submitted,

Karin Tuke