



manufacturing, processing or assembly of goods, printing, publishing establishments, etc.

Atty. Bellis stated that these plans from 1966 wanted to make it accessible for light industries to come in, so they reduced the minimum lot size from 120,000 sq. ft. to 80,000 sq. ft. They increased the allowable number of building stories from two to three, and cut back on the minimum street setbacks. He submitted these plans of development to Rick Schultz for the record.

Atty. Bellis indicated that in 1999, there was a Route 8 corridor update which provided an idea of the direction the town planners were taking for this area. He read from the executive summary of the document which indicated that the plan was for continued economic development, development of job opportunities and the strengthening of the city's tax base. More specifically, he quoted from zoning sections of the document that cited that the creation of an SDA Overlay of the whole Route 8 corridor which exists today.

Atty. Bellis summarized that the goals and objectives of these documents was to maintain the current pattern of diversified, high quality economic development between offices, industry and related support services and provide opportunities for future growth. He added that the first objective in the plan was to protect industrial land from residential encroachment in this area. He concluded that from 1966 – 2000, the goal was to have industrial development in this area, not residential.

Atty. Bellis showed a site plan of the property of 3.0 acres. He showed the orange zone line depicting the LIP zone on one side and the R-1 zone on the other side splitting the property right in half. He added that it wasn't desirable zoning, and they should have followed property boundary lines. He indicated that this was the perfect place to have a PDD because it is a piece of property that has been partially in one zone and partially in another zone.

Atty. Bellis showed some of the companies and properties owners in surrounding areas on the map. He showed the location of the DLC Investment Company, the WPW Investment Company and other industries presently residing across the street from the Applicant's property. He provided photographs of the area for the Commission.

Atty. Bellis commented that in one of the long range plans that he introduced as an exhibit, one of the goals in 2000 was to improve the intersection of Bridgeport Avenue and Long Hill Crossroad for the future development of growth on Long Hill Crossroad. It was put as a moderate to high priority for the City because they envisioned more, not less, industrial uses for this area.

Atty. Bellis indicated that under the PDD regulations, it discusses the incorporation of a PDD when it is a transition between single family residential use and established non-residential area (34.2). He noted that is what exists there and the application of a PDD is appropriate in this case. He continued to cite under regulation 34.21 about the development of land being consistent with the character of the Town and the long range improvement.

In regard to the standards, Atty. Bellis stated that the 3- acre size was more than the required 60,000 square feet for a PDD. In regard to lot coverage, the buildings cannot exceed more than 60% of the area of the lot, this is well below that requirement. It is also below the PDD standard for 80% floor area ratio. Building height does not exceed the standard of 60 feet. He noted that the utility standards are being met; it is adequately served by public water and sanitary sewers.

Atty. Bellis indicated that there have been many meetings between Staff and the Applicant in regard to the uses for this area and the development of two buildings instead on one large building to make it more harmonious with the existing dwellings. One building, 9200 sq. ft., would be proposed for light industrial use. Atty. Bellis submitted brochures from the company, SwageLok that intends to use the proposed building on the left hand side of the site plan. He provided a brief overview of their product and company. Additionally, he provided copies from the June 2008 issue of Shelton Life featuring the SwageLok company who has been based in a different building in Shelton for many years.

The other building on the right hand side of the site plan, approx. 8,000 sq. ft. would be used for business offices and as a contractor's storage facility. It consists of five enclosed condominium-type units that will be explained in greater detail by the architect. Atty. Bellis stated that these would be enclosed areas with office space and storage space. He indicated that these types of facilities are needed in Shelton for contractor storage.

**Fred D'Amico, Registered Engineer and Surveyor, 9 Park Road, Oxford, CT addressed the Commission.** Mr. D'Amico stated that this area was good for a PDD because the property is surrounded  $\frac{3}{4}$  by open space that is owned by the City of Shelton. He showed the open space areas on the site plan that create a natural buffer around the property. He showed buffers on the back of the property that were wetlands that would be left undisturbed. The only area to be constructed on was the front of the property.

Mr. D'Amico indicated that the two proposed buildings could go as high as 60 feet but because of its proximity to a residential area, the building would only be as high as the allowable height of the residential structures in the area. They tried to keep the building down to the same height as the adjacent neighboring residents so that it won't tower over them. The two buildings are on both sides of the property; this is good because the traffic would be coming in to the center of the property with this building acting as a further buffer to protect the residential area. The proposed parking area is in the center of the two buildings to keep all the activity in one area. The actual coverage, impervious area is only 23%, well under the allowable 50%. The amount of area is being covered with pavement or buildings are only  $\frac{3}{4}$  of an acre.

Mr. D'Amico indicated that the plan would be for an 8,000 square foot building and a 9,000 square foot building which is comparatively small as compared to other projects. He indicated that he would be happy to answer any questions from the Commission.

**Mike Green, owner of Architectural Innovations, representing Mr. Salemm on the design aspects of this project, addressed the Commission.** He showed the intended architecture to be used with the use of a combination of eco-friendly green materials similar to many of the new retail structures on Bridgeport Avenue. He stated that the site work would have a park-like setting with walking trails, benches, landscaping and tree work. The buildings more or less phase into the site so as not to be obtrusive. There is a pagoda/glass-like structure at the corner of building #2 which is the façade, facing Long Hill Cross Road. He stated that they tried to make it as attractive as possible for passer-bys. He showed the long façade at the front of the building which would have parking spaces in front of it. He pointed out that there would be another accentuated entry foyer area to jazz it up architecturally from the industrial look. Additionally, there would be awnings over windows. The wall finish would be a combination of earth tone colors.

Mr. Green explained that the SwageLok building would be similar, but not identical to Building #2. It would have a different gabled tower entry with

similar color combinations. He concluded his presentation and offered to answer any questions.

Atty. Bellis noted that the overhead garage doors would allow for everything in the building to be enclosed. He added that there would be strong language in the leases that there is no contractor equipment or debris on the outside of the building. Atty. Bellis commented that any noise from the manufacturing would be inside the enclosed building and not heard from the outside.

Atty. Bellis addressed the Commission to summarize that the proposal presents features consistent with the intent of a PDD district. The qualifying standards of the PDD district have been satisfied such as height, lot size and all requirements meet the zoning standards. The site design and the organization of buildings and parking provides for the safety of the intended users. He indicated that most of the traffic would be coming up from Bridgeport Avenue as opposed to Long Hill Avenue. As far as the water, sewer, usable open space, storm water management, they've gone to the Wetlands Commission and as Fred indicated, a good portion of this property is on wetlands that can not be developed. Wetlands will have imposed their own restrictions regarding the regulated buffer area for the wetlands.

Atty. Bellis commented that in regard to adverse impact on the surrounding properties and property values in the area, there are already numerous existing industrial buildings which are shown in the photographs of the area that he submitted. Atty. Bellis, respectively submitted, that one more project, would not greatly impact the whole neighborhood. It is not a large, intensive-type, industrial building; it is two small buildings on three acres that wouldn't generate much traffic or change the overall look of the area.

Atty. Bellis asked the engineer, Fred D'Amico, to show the areas for storm drainage. Mr. D'Amico explained that the project design has storm drainage going toward the back of the property and not on to existing roads. He showed the location of the drainage, and riff-raff outlet going onto the back of the property toward the wetlands. They will meet any requirements issued from the Inland Wetlands Commission.

Atty. Bellis requested that the Commission put a PDD on this particular parcel with the SDA overlay and allow there to be light industrial uses in a zone that was already light industrial (LIP). He added that this presentation is what the City wanted, this is what they put in their Plan of Development in 1966, and it is what they put in the new plan adopted in 2000. The documents he submitted show that the City has been consistent in their plan for industrial development in this area. He indicated that he would address any comments from the public or the Commission.

Chairman Pogoda asked if any Commissioners had questions or comments.

Comm. McGorty asked about the size of the buildings and what percentage of the property they took up.

Atty. Bellis responded that Mr. D'Amico was speaking about the maximum impervious area which is both buildings and paving. The maximum impervious coverage is 23%. The maximum building coverage is 13%. The buildings and paving together cover 23% of the area of the lot.

Comm. Parkins asked how many employees would be at SwageLok at that location.

Atty. Bellis asked the applicant, Michael Salemme, who responded that he presently has no more than 15 at one time.

Comm. Parkins asked if he was looking to relocate or expand the business.

Mr. Salemme responded that he was looking to relocate because of the cramped quarters that he is in right now, and he wants to stay in the area. Mr. Salemme indicated that the business is very quiet.

Comm. Parkins asked what the hours of operation were.

Mr. Salemme responded that he didn't know the exact hours, but he thought it was just standard work hours.

Comm. Parkins asked if it was just one shift.

Mr. Salemme responded that yes, it was, to the best of his knowledge.

Comm. Parkins commented that they proposed five storage units in the contractors building but the drawing only shows four garages. Is there another entrance somewhere?

Mr. Salemme responded that they have the capability to put five, there are four there but it could be changed.

Comm. Parkins asked if there would be a garage on the other side.

Mr. Salemme responded that no, that was the only garage entrance.

Comm. McGorty asked where the main entrance was located.

Mr. D'Amico responded that the center vestibule was where the foyer is. He described different scenarios that could be created at the entryway.

Comm. Parkins commented about the deeds being restrictive to maintain the nice look of the site, and she asked if the people leasing would be limited to one truck that has to be in the garage at night or would they have multiple trucks parked out in the parking area?

Mr. D'Amico responded that there wouldn't be any parking outside the building allowed other than their own vehicle to get back and forth from work. Obviously, an electrician may park his vehicle there but it won't be allowed to stay there overnight.

Comm. McGorty asked about the parking ratio per unit/employees and would there be any public coming in or out.

Mr. D'Amico responded that there would not be.

Comm. McGorty asked how they determined how many spaces would be required for each unit.

Mr. D'Amico responded that they based it on the criteria from other towns that had zoning (inaudible, end of Tape 1, Side 1, 7:56 p.m.)...

Atty. Bellis clarified that this was not for a business with employees coming and going. It was to be used more as a place for the storage of equipment.

Comm. McGorty asked if it was going to be in a sense – a garage, because an office area denotes employees and meetings, and people coming and going.

Atty. Bellis responded that he may not have made himself clear on that because the intended use would be for a sole proprietor such as landscaper with large grass cutters that he needs to store. He could pull them in and out with the overhead garage. He could come every day with his truck, get his equipment out of there, and do his jobs.

Comm. McGorty asked for clarification that there would not be any offices in there where employees come, meet there and pack up into a pick-up truck.

Atty. Bellis responded there would not be. The idea was more for storage; however, in the Statement of Uses he did put that there may be filing cabinets for record storage.

Comm. McGorty asked about SwageLok and the amount of noise from their equipment.

Mr. Salemme responded that he has been to the company several times and spoken to the owner who has indicated that the noise is minimal.

Comm. McGorty asked if any noise studies were done or if the building was designed to accommodate noise.

Atty. Bellis added that the architect has designed the building to accommodate neighbors. The goal was to create an enclosed facility that would not be disruptive to the neighborhood.

Mr. Salemme responded that SwageLok makes high precision tools and fittings and he's seen the activities there and never experienced any loud noises.

Chairman Pogoda asked how many shifts this company has.

Mr. Salemme responded that he wasn't 100% certain, but he thinks it is 9 – 5.

Chairman Pogoda commented that would be important, if there were to be any noise, because a late night shift would interfere with the neighbors.

Atty. Bellis added that he could find that out and give the information to Staff.

Chairman Pogoda asked about how many parking spaces they had.

Atty. Bellis responded that there were approximately 34 shared spaces, including handicapped.

Chairman Pogoda asked about the height of both buildings.

Mr. Green, the architect, responded that the general height was 17 feet. The only thing above that would be the corner tower on the one building which has been put there for architectural reasons. The peak of that is 30 feet.

Comm. Parkins asked for confirmation that when it was stated that there would be no parking outside, did that mean in the driveway and in the additional 34 parking spaces for overnight.

Atty. Bellis confirmed that was correct.

Chairman Pogoda asked what the distance was from the buffer to the closest residential home.

Atty. Bellis showed the closest home having a buffer of Shelton open space and he thought it was approx., at the closest point, 65 feet and at the farthest...he asked the engineer for clarification.

Mr. D'Amico, the engineer for the Applicant, responded that from the proposed building it is approximately 100 feet in the front and 65 feet in the back to the residential property line. The home is approximately an additional 30 feet farther. The closest the building is to the home is over 100 feet. The closest the building is to the residential property line is 65 feet.

Comm. Parkins asked about the contractor's storage and if there would be any limitation as to the hours; for example, if there is an air-conditioning contractor, and he is fabricating duct work...

Atty. Bellis interjected that would not be allowed, and that was not the intended use. It isn't for a contractor to do his work out of that unit. It is just a place for him to store his tools, material and equipment.

Comm. Parkins responded that she understood it would not be a workshop then.

Chairman Pogoda asked if there was anyone from the public who had any comments or questions regarding this application.

**Ingrid Waters, 261 Long Hill Cross Roads, Shelton, CT addressed the Commission.** She read and submitted her comments opposing Application #08-15.

**\*See attached documentation submitted by Ingrid Waters.**

**Karen Platt, 253 Long Hill Cross Roads, Shelton, CT addressed the Commission.**

Ms. Platt indicated that an 8000 square foot building next to her not-quite-2000 square foot cape was going to seem very large to her family. Her initial reaction to this request was very emotional prompting her to send a letter, which she read, to Mayor Lauretti, Alderman John Anglace, Alderman Lynn Farrell, and the Chairpersons for Inland Wetlands and the Conservation Commission.

**\*See attached letter submitted by Karen Platt.**

Her letter indicated her opposition to convert residential property to a PDD for the use described in Application #08-15.

Ms. Platt made additional comments that if contractors would be storing their equipment there, then they would probably be maintaining or fixing that equipment there. She isn't confident that they will find tenants for these spaces who will only use it only for storage. Additionally, she questioned who and how these leases would be regulated, and who would ensure that tenants wouldn't be working in their garages at 8 o'clock at night making noise. She added that a lot has changed since 1966.

Ms. Platt stated that her understanding of the guidelines for a PDD, Section 34 is that its purpose should be beneficial for the long-range improvement of the neighborhood or to accomplish an appropriate transition between dissimilar zones. She asked the Commission to consider the impact of this zone change on the neighborhood. She asked them to leave the R-1 as is and establish an appropriate buffer.

**Donald Schanco (spelling?), 248 Long Hill Cross Road, Shelton, CT addressed the Commission.**

Mr. Schanco had questions regarding the elevation of the building and how much of that area that is wetlands has been filled in already.

He presented a petition to the Commission of 127 residents opposed to this proposed PDD zone change. Mr. Schanco stated that the people that signed this petition live on Long Hill Cross Road, Long Hill Avenue and connected side streets that would be affected by this proposed PDD zone change. He read the petition stating their objections to changing the existing R1 to a PDD and losing R1 to LIP.

Mr. Schanco read that PDD regulations weren't consistent with existing surrounding regulations. It is too close to existing houses at #228, #253, and #261 Long Hill Cross Roads. There is not enough buffer between R1 and LIP zones. They are too close to the wetland areas with drainage into the wetland areas. The proposed building is 15 feet from Long Hill Cross Road. Lot coverage density of two buildings on the build able 1.3 acres is too dense. It is too close to the City Conservation Open Space area. There would be drainage from this development onto Long Hill Crossroad.

Mr. Schanco continued that his residence at 248 Long Hill Crossroad would be surrounded on three sides by LIP, if this proposal is passed. This new building, 80 x 100 feet is 15 feet from Long Hill Cross Road, plus the road width and 20 feet from his front porch. The building would be too close and with the noise of trucks loading and unloading without a buffer, it will be outrageous. He cited specifications from PDD Section 34 regarding initial development concept plans regarding exterior site lighting and storm water management plans, and he indicated that these subjects weren't addressed.

Mr. Schanco referenced the Section 34 3.1 regarding the standard size of a PDD district must not contain an area less than 60,000 square feet. This parcel only contains build able land of 56,728 square feet and doesn't meet the PDD specification. He indicated that the map showed incorrect information for the owner's information and address for Map 52, Lot 20. It should be Donald and John Schanco as owners. He added that they have significant reasons for the P&Z Commission not to approve this zone change. He requested that the public hearing be kept open until the Inland Wetlands Commission makes their final recommendation regarding this proposal. He submitted the petition of 127 names to the Commission.

**Darlisa Ritter, 157 Long Hill Cross Road, Shelton, CT addressed the Commission.** Ms. Ritter indicated that her parents were there when this was Healey's Crossroad – they predate 1966. She added that they go back five generations on their property. She stated that she was present to relay her disagreement with the proposed PDD zone change for Application #08-15. She asked the Commission to respect and leave the present zone designations alone. There has been much description as to how this project fits the LIP, so a PDD is not necessary. She expressed her concern that once a change is granted, it will set a precedent for all the builders down Long Hill Cross Road. As it has been stated, there are still families interspersed on this road. She referenced Atty. Bellis' comments that they were there first so they didn't encroach developers. The developers are encroaching on them. She requested that the Commission not change this to a PDD.

**John Anglace, 676 Long Hill Avenue, Shelton, CT addressed the Commission.** Alderman Anglace indicated that the other Alderman from the Ward, Lynn Farrell, shares his views so he would be speaking for both of them.

Alderman Anglace stated that this request could be a precedent-setting decision regarding how it will handle requests for PDD in areas of transitional zoning. The application presents several important areas of concern involving the history of the zoning, the impact of prior zoning decisions and the decisions made by our residents because of this Commission's previous Commissions' decisions.

Alderman Anglace indicated that the hearing process deals with the Application and not the Applicant. He stated that he would be remiss if he didn't point out that this Applicant is a life long Shelton resident with a very respected reputation for good building, responsible development and a history of cooperation with the City and its neighborhoods. He commented that he could personally attest to his willingness to listen and do the right thing for everyone. He prefaced his presentation with the clarification that he is addressing the issue and not the developer in his remarks and recommendations.

Alderman Anglace stated that this request had been before Inland Wetlands on July 10, 2008. They tabled the matter but made some interesting points that should be known to the P&Z Commission.

He indicated that there are some facts that need clarification because the minutes describe the lot zoning as in the back it is R1 zone and toward the front it is light industrial. The P&Z overlay map shows the LIP/R1 zone line running through the middle of the lot in the southerly direction back into the wetlands and then going in a southwesterly direction. This question of facts is significant since it forms the basis of the Applicant's request for two buildings.

Alderman Anglace stated that in response to an Inland Wetlands question, the Applicant indicated that the idea for a two building approach for development of this site came out a work session. The original submission was for a one building. He questioned who suggested two buildings. He indicated that Inland Wetlands has tabled this and he agreed with an earlier speaker who suggested keeping this public hearing open before making any decisions.

Alderman Anglace commented that the decision on this request must consider previous actions of this or prior Commissions. This Commission or the predecessors set the zoning demarcation lines and where the R1 would end and the LIP would begin. Based upon this or earlier P&Z Commissions, families made investments and quality of life decisions. The family living at 258 Long Hill Cross Road and each of their neighbors expected that the property located to their immediate west and zoned R1 would remain as such, and they committed serious money to purchase their home. They are no different than any one of us in making an investment. Now, that investment, all that homework, all that expectation is changing overnight, and it is just not fair.

Alderman Anglace stated that everyone recognizes that the P&Z Commission has been working to eliminate the granting of PDD's in R1 zones. The proposal before the Commission tonight represents approx. 2/3 R1 zoning and 1/3 LIP zoning. The request to convert the R1 zone to LIP use as a PDD, thereby changes the long held expectations of our neighbors, expectations created because of earlier P&Z actions. This Commission has the option to grant or not to grant this PDD request, but those who have already invested their life savings based on the zoning rules set by this Commission or your predecessors, do not have the option to change their earlier investment decisions. Consequently, it would be wrong to grant this PDD request.

Alderman Anglace referenced an earlier comment that a PDD isn't required if the object is to relocate SwageLok. This wouldn't bother the neighborhood as long as the buffer zone of R1 is maintained. He hopes the Applicant will listen attentively to how this will impact the neighborhood; he knows that the Applicant is the type of quality person who will consider that. The best possible solution for this property would be to respect the current zoning. The Applicant could build his 9200 square foot building on the LIP zone while the R1 portion remains as such. The PDD is not a matter of right. It is only a request that does not have to be granted. After reviewing the proposed PDD site plans, he questions how this promotes the positive transition from an R1 to an LIP zone. He can't think of anything that promotes a positive transition.

He commented that if he had space in an industrial condominium building such as this he'd be there revving up his trucks 6 a.m. It just won't be a quiet and easy situation.

Alderman Anglace indicated that it was a great business plan that has been submitted, but Planning & Zoning should be about how the City will grow while protecting everyone's interest, especially the interest of existing homeowners who pre-exist even 1966, generations upon generations. He concluded that should take precedence over someone coming in wanting to build a business, change the zoning and make a Planned Development District.

End of Tape 1, Side B 8:37 p.m.

Alderman Anglace expressed concerns about a PDD being granted and the possibility of that PDD being changed as things go along. He provided the example of changes made to the PDD for the Beacon Point Marina.

He reiterated that they can accomplish what the Applicant needs to accomplish in the LIP zone without granting the PDD; they can relocate SwageLok.

Alderman Anglace concluded by asking the Commission to balance its thinking and consider the impact of this change in the R1 lifestyle which preceded this application by many years in which the P&Z has adopted for the peaceful residential environment of the property.

He commented that there was no rhyme or reason to the manner in which the LIP and R1 demarcation lines were created in this area; however, they are paying the price for it today. He asked the P&Z to take into consideration the impact of the original decisions of the P&Z Commission when it determined where the LIP zone would begin and end. In retrospect, it is not a good decision to draw the zoning demarcation lines where there are no obvious physical boundaries such as Route 8 and Forest Parkway. Why did they identify the demarcation lines between R1 and LIP in the middle of nowhere? And should this Commission allow the decision of an earlier Commission to work now to the detriment of those who made serious financial commitments in good faith based on what might now be seen as less than smart planning? He asked the Commission, in all fairness, to reject the request for this PDD and work with the Applicant to build in the LIP zone and accomplish what he needs to accomplish.

**Irving Steiner, co-founder of We Are One, 23 Partridge Lane, Shelton, Ct addressed the Commission.** Mr. Steiner stated that he sees red whenever he sees a drastic transition such as this from LIP from R1. He commented that he thought this was a horrible situation for residents to put up with, and it was destructive to their property values. He indicated that he supported all of John Anglace's comments in that regard.

He questioned the fact that only a portion of the property in question was R1 and he asked if that fit the requirements of the PDD. He referenced an article from June that he read about the Salemme brothers being involved with the DEP in the latest phase of recycling.

Mr. Salemme interrupted and requested that Mr. Steiner not be allowed to make false statements about him.

Chairman Pogoda told Mr. Salemme that this wasn't the forum to argue anything and that he needed to allow Mr. Steiner to continue with his comments at this time. He told Mr. Salemme that he could make his comments after Mr. Steiner was done speaking.

Mr. Steiner indicated that he was only citing from an article he read that there was property at the other end of the Crossroads being considered for use in a recycling program.

Chairman Pogoda asked what that had to do with this application.

Mr. Steiner responded that he was talking about the concept, which hasn't been clearly defined about this present property, and that the storage might have some relationship to the effort to have storage down there. He had concerns about heavy vehicles between this application and the Todd Road application putting a heavy burden on that road.

Chairman Pogoda responded that he was only surmising this and what he is speaking about should pertain to this application and nothing else.

Mr. Steiner stated that he just wanted to make them aware of the situation and have it put in the record. He indicated that he just wanted to bring out the fact that this single lane road is already overburdened and heavily trafficked. He concluded that he was against the approval of this application and he hoped they would seriously consider what he has said and either reject it or accept it.

Chairman Pogoda asked if there was any one else from the public had any comments pertaining to this application. There were no more public comments. The Chairman commented that before Atty. Bellis makes his responses, he would like to ask for a motion to continue this public hearing until the September 23<sup>rd</sup> meeting due to that fact that some information has not been forthcoming, and many Commissioners are not present tonight.

Atty. Bellis indicated that he would quickly make some responses since he will have time later. In response to John Anglace's remarks, he stated that it wasn't good zoning or planning to have a zone line go through someone's property. He disagrees that they can just move the other company because right now, the lot is split R1 and LIP, so that wouldn't solve the problem. A PDD would be needed to accomplish that.

Atty. Bellis responded to the people that raised wetland issues and stated that this was not decided by this Board. The Wetlands Commission will address those issues.

Atty. Bellis stated that he recognized that there were 4 or 5 homes in the area. As John Anglace mentioned, in the Plan of Development, they knew what they were doing, and he doesn't know why they did it either, but the Route 8 Expressway passes midway through the area leaving a moderate industrial site of approximately 15 acres on the east side of the expressway. It was definitely considered that anything east of the expressway would also be industrial. He commented that he can't explain why this was in the Plan of Development for

1966, he was only 5 years old himself at the time, but that was what was in the Plan of Development. It has been around since 1966; it is not spot zoning at all.

Atty. Bellis concluded that in regard to the standards for a PDD in the regulations, it only states that it must contain an area of not less than 60,000 square feet. It does not say dry, usable land; it just says area. Lastly, under the PDD, as far as uses, it can be established when there is an SDA delineated on the zoning map. They have that and a PDD is allowable. Atty. Bellis reiterated the zoning regs that state it should be consistent with the long range improvement and consistent with the comprehensive plan of development.

Atty. Bellis concluded his comments and Chairman Pogoda asked for a motion to continue this public hearing.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to keep the public hearing open until September 23, 2008 for Application #08-15.**

Chairman Pogoda asked Rick Schultz to read the call of the next hearing for Application #08-16.

**APPLICATION #08-16, R.D. SCINTO, INC. FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (OFFICE BUILDING), WATERVIEW DRIVE (MAP 79, LOT 14)**

Mr. Schultz read the call of the hearing and two pieces of correspondence.

**\*See attached letter to Richard Schultz, dated 8/5/08 from City Engineer, Robert Kulacz.**

**\*See attached letter to Richard Schultz, dated 7/30/08 from Joyce Marshall, 217 Coram Road, Shelton, CT.**

**Robert Scinto, One Corporate Drive, Shelton, CT addressed the Commission.** He indicated that the building shown has been designed for a specific tenant, a high-end user, who will be making this their corporate headquarters with testing on the lower level of the building.

Comm. Jones informed the Chairman that he would like to recuse himself from this public hearing due to a conflict of interest.

Mr. Scinto continued, showed the site plan and indicated that it was a modest development in relationship to the 10 acres being used. There is a 100 foot buffer which is a very thick wooded buffer along Coram Road in which they originally wanted to put a retention area but there was some resistance to cutting down the trees in the buffer area so they redesigned their plan so as not to do that.

Mr. Scinto commented that he has been on Coram Road and he knows the thickness of woods. With the topo of this building in relation to the topo of the street, he does not think this building will have any effect on the neighbors at all. He indicated that they have no intention of coming out onto the road. He has a traffic report that he will submit to the Commission that has all the traffic going on to Waterview and then on to Constitution. He indicated that he would like to call on Jim Swift, who knows more about the property .

**Jim Swift, Landscape Architect and Professional Engineer, addressed the Commission.** Mr. Swift submitted the certificates of mailing; he indicated that the site was properly posted as required by the regulations. Mr. Swift stated that the site is located off of Waterview Drive with Coram Road at the top

of the site and Belmont Avenue located right across from the center of this property. There is a vacant parcel to the south of this property that Mr. Scinto still owns. The existing Pitney Bowes parking lot is to the north of the property. The location of this parcel is directly across the street from that parking lot. It is 9.2 acres, and of these two lots, there is a re-subdivision line that has nothing to do with any zoning regulations. Both lots are fully conforming. They put the lot line division in there so that the Commission would be aware of it; there is no requirement for subdivision. It is a simple land transfer and they aren't asking for any waivers of any zoning regulations.

Mr. Swift stated that the zone is an LIP, and they conform to that LIP requirement in all respects. The reason for this public hearing is for a special exception for more than 40 cars in the parking lot. The building is three stories; however, only two stories would be seen from Waterview Drive. Three stories would be seen from the back of the parking lot looking into the building.

Mr. Swift indicated that they were proposing 404 spaces which are more than enough for the roughly 110,000 square foot office building required by their tenant. The main entry would be off Waterview Drive with vehicular circulation all around the building. There would be a service area in the back of the building where it cannot be seen from Coram Road or Waterview Drive.

In regard to the lighting and the buffer, Mr. Swift showed the 100 foot buffer and added that the standard buffer in a LIP zone to a residential zone is 75 feet in the regulations. When this subdivision took place, this Commission saw fit to impose an additional 25 feet at that time. They have submitted a lighting plan, and he added that even those 100 feet of heavily vegetated area weren't enough, all light fixtures at the perimeter of the parking areas are required to have cutoffs directing the light toward the parking lot. He added that there would be no impact to Coram Road.

Mr. Swift indicated that the City Engineer has already stated that he has no issues with this project. He showed several drawings and elevations depicting drainage and detention ponds. He added that they have submitted a full landscape plan and full sediment control plan. He offered to answer any questions they may have.

Chairman Pogoda asked the Commissioners if they had any questions regarding this application.

Comm. Parkins asked approximately how many employees would use the building.

Mr. Scinto responded that he thought it would be 300 to 350.

Comm. McGorty asked if this was a combination of light industrial, manufacturing and testing.

Mr. Scinto responded that it would be for the testing of the electronic equipment that they produce and develop. The lower level would have a very sophisticated air conditioning system and the upper levels would be traditional office space. Mr. Scinto submitted the traffic report that was necessary as part of the application.

Mr. Scinto commented that the architecture would be very high-end and similar in motif to another building being done in Shelton right now. He distributed photos of that building. He added that they offset the center of the entrance to give it an international feel. He explained that the building would include beautiful glass with a limestone motif. He commented that this Park has a lot of

metal buildings because that was the nature of what was there at one time. He indicated that he owns 35 acres up there, and he is trying to improve the quality of the architecture. Mr. Scinto added that this was going to be a spectacular building for its use and a very good neighbor, very quiet, strictly R&D type space. This would be for Hubbell and it is wonderful to keep them in the state and give them a home in Shelton.

Chairman Pogoda asked if anyone from the public had any questions or comments regarding this proposal.

**William McGuire, 94 Morningside Court, Rivendell Condominiums, Shelton, CT addressed the Commission.** Mr. McGuire indicated that he was somewhat dismayed that some much care has been taken for Coram Road but nothing has been taken into consideration for their backyard. They are right up against where Mr. Scinto will be putting this building up. They are much closer than Coram Road.

Mr. McGuire indicated that they are concerned about traffic on Constitution Boulevard and Waterview Drive. He stated that in the past year, they've had a public bus stop put right at the entrance of their community, which is private property. This brings strangers walking through their complex from Coram to catch the bus. Additionally, they have the traffic from Pitney Bowes and in the wintertime there is always a pile up from the ice on road from the downhill with everyone leaving Pitney Bowes and residents trying to get in and out of Rivendell Condominiums.

Mr. McGuire added that another concern they had was that they have approximately 15 units that would be right up against where this property and Mr. Scinto's building is. They have no idea how close that would be and what the buffer is between their condos and the new building and its new parking lot.

He added that they have safety concerns because there are small children there with a school bus stop at the corner of Morningside Court and Waterview. They are concerned about the increase in traffic and the cars speeding up to Pitney Bowes. They have blind spots pulling out of their complex making it difficult to see cars coming up and down.

Mr. McGuire reiterated that the buffer was of great concern to them because they don't know how close the light and the building would be to them. Additionally, they had concerns about blasting and what that would mean to their condos. When he first moved in, he had water drainage issues water in his basement which he had paid Basement Systems to remedy; he is concerned that these drainage issues will reoccur.

Mr. McGuire asked how high this three-story building would be because he presently looks out at the woods from his back door. He wanted to know if he would be looking at the back of a building and a parking lot. He asked if it would be a 24/7 operation with lights and traffic coming in and out all day and night. He concluded that he has a 4-year old child, and he is concerned about what is going to be in the area of his home.

**Ann Walsh, 189 Coram Road, Shelton, CT addressed the Commission.** She stated that many of her questions have already been answered by Mr. Scinto. She commented that she sees from the site plans that Mr. Scinto accommodated her request not to impact her buffer; she appreciated that the plans look like he will keep her buffer intact. She commented that it was mentioned that there would be no openings on to Coram Road; however, she wanted to make sure for the record that there would not be any, because Coram Road is very narrow and windy. She wanted to know if there would be any

loading docks or obtrusive lighting; however, she added that if the buffer is intact, so it shouldn't present a problem.

**Theodore Davis, 122 Morningside Court, Shelton, CT addressed the Commission.** Mr. Davis indicated that he hopes to maintain the buffer in the back of his home too. He raised concerns that they'd he'd like the Commission to consider that have nothing to do with Mr. Scinto's bldg, other than the fact that it would be adding more traffic to an existing traffic problem. He specifically referred to the intersection of Constitution and Waterview on the low end toward Route 110 where there is a blind curve. He added that there is minimal vision from the left and cars generally speed through that area. He hoped that a traffic light or warning lights could be considered for that location.

Chairman Pogoda asked if there were anymore public comments or questions. Mr. Scinto asked to respond to some of the concerns.

Mr. Scinto responded that he appreciated that people had their homes there and wanted to keep the area as nice as possible. He showed the 10 – 12 acre buffer that exists between one side of his site and their homes. He commented that there may be concerns with the building he plans for the next site, but he would sit down with their condo association to go over a good landscaping plan to ensure that he would be a good neighbor to them.

Mr. Scinto responded that in regard to the blasting, there would be instruments everywhere and they would be extremely careful because they don't want to be sued for blasting either.

In regard to the traffic, Mr. Scinto indicated that he would be happy to put up traffic lights to ensure safety, but he does not have that control. He submits a report that has to be reviewed by the State – SDC. They analyze all those intersections and advise him if he needs to put up a traffic light; if they do that, he would be happy to put up a traffic light for greater safety.

Mr. Davis, 122 Morningside Court, asked another question about the traffic on Constitution and Waterview. He commented that he didn't think a traffic light is really the answer because there is still a hill that jets out and obstructs the view in such a way that a traffic light would not be seen in time.

Mr. Scinto responded that he appreciated his comments but everyone agrees that issue is beyond his control.

Chairman Pogoda asked if there was a specific amount of blasting that they are aware of or what was anticipated right now.

Mr. Swift responded that there was not a lot of blasting. He showed the location of a pocket right where the proposed building falls, and he could consult with Mr. Panico about it later. He continued to say that the lowest floor kind of falls on an existing grade right in that pocket. He could not say that there were not be any blasting, but it is not a situation where they are greatly changing the shape of the land. He indicated that this was working into the land to the best extent possible to fit a 10,000 square foot building – it has worked out pretty well.

Comm. Parkins asked if that meant it would be minimal blasting.

Mr. Swift responded that was correct, some in that corner, if there even is any rock... (inaudible due to side discussions). Looking at the plan, he said that it shows a rock base that implies that there may be rock, but they are hoping there is not.

Chairman Pogoda commented that he intends to continue this hearing until September 23<sup>rd</sup> inasmuch as there are only three Commissioners present. He felt more of the Commissioners needed to review the material and listen to the tapes. He asked for a motion to continue this public hearing.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to keep the public hearing open until September 23, 2008 for Application #08-16. Comm. Jones recused himself from this public hearing.**

Mr. Scinto requested that the absent Commissioners just listen to the audiotapes and then vote on it.

Chairman Pogoda responded that there may be some questions that they have that should be answered in this forum. He was not certain of that, but he felt that anything additional should be on the floor and entered into the record.

Mr. Scinto asked if they could listen and then vote that night, is that possible.

Chairman Pogoda responded that was possible that they could have a resolution at that time.

Mr. Scinto explained that he would hate to lose another month on the project. He asked if he needed to be present on September 23<sup>rd</sup>.

Chairman Pogoda responded that he did not need to attend, but Mr. Swift would need to be available to answer any pertinent questions at that time.

Mr. Panico added that they would require a letter requesting an extension beyond the 35-day requirement.

Chairman Pogoda indicated that they would take a five minute recess before moving to Old Business.

### **OLD BUSINESS**

#### **APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

Mr. Schultz indicated that they had a total of 15 Standards. All have been reviewed by Staff and comply with the Shelton Zoning Regulations. Staff recommends approval.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to approve the Applications for Certificates of Zoning Compliance, Standards 1 – 15. Comm. Jones abstained from the vote on Standard #019.**

### **SEPARATES**

#### **SEPARATE #016, TUTOR TIME, 708 BPT. AVENUE, SIGN**

Mr. Schultz indicated that the Commission tabled action on this at the last meeting. He showed them the revision being submitted for consideration tonight.

**Atty. Stephen Bellis, 47 Perch Road, addressed the Commission, representing the Applicant.** Atty. Bellis stated that he wanted to explain the proposed signage for Tutor Time.

Chairman Pogoda looked at the photo of the proposed signage and said "No."

Mr. Panico added that the sign was being projected above the eave line of the roof.

Atty. Bellis explained that this building could not be seen from Old Stratford Road or Bridgeport Avenue – it can't be seen because of a hunk of ledge about 100 feet high. He added that when coming up Old Stratford, there is no sign for Tutor Time or even a sign that says "708 Bridgeport Avenue" because the Commission will not allow it. Nothing can be seen until arriving at the very top of the hill. All they are requesting is that the Tutor Time sign can be seen over the ledge when coming up the access way off of Old Stratford Road.

Comm. McGorty asked if that was the ledge from the driveway near the Outback restaurant.

Atty. Bellis responded that was correct, the sign can't be seen over that ledge.

Comm. Parkins commented that it can be seen very well from the light on Bridgeport Avenue.

Atty. Bellis commented that it can't be seen at all from Old Stratford Road though.

Mr. Panico noted that in order to get to that position, they would have to already have entered Split Rock's development.

Atty. Bellis responded that after entering Split Rock, you cannot find Tutor Time. He asked if they would be allowed to put a monument sign within the development.

Mr. Panico indicated that they could put one within the development, but not on the road frontages.

Comm. McGorty suggested putting one right after the ledge before making a left.

Mr. Panico added that they could put a sign going past the Outback indicating the location of Tutor Time – that would be doable.

Atty. Bellis asked again if they really thought the proposed signage was considered to be on the roof.

Mr. Panico responded that they could lower it six inches – drop it so that it lines up. He added that it wouldn't impact the visibility that much.

Comm. Parkins indicated that it is a technicality because if someone is looking for Tutor Time, they are going to find it.

Mr. Panico added that it was also a case of not wanting to establish a bad precedent. He commented that they are spending hours rewriting the sign regulations, so they at least need to try to implement what they would do if those sign regulations were in place.

Atty. Bellis gave up and agreed to follow the sign regulations if they agree to follow their own regulations.

Mr. Panico responded that they could approve it subject to lowering the sign below the fascia so that it does not extend above the edge of the roof.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve Separate #016 with modifications**

**that the signage be lowered below the fascia and not to extend above the edge of roof.**

**SEPARATE 4134, DARCY ROY, 862 BRIDGEPORT AVENUE, WALL SIGN**

**Darcy Roy, representing the Edge Fitness Clubs addressed the Commission.** Ms. Roy showed a rendering of the sign and stated that it was a 6'9" x 18' 5 7/8" sign totaling 124.8 square feet. According to their calculations, they are allowed 170 square feet. The colors are understated and compatible with area signage.

Comm. Parkins asked how it compared visually with the signs from Bed, Bath & Beyond – was it about the same height visually.

Mr. Schultz responded that it was smaller.

Comm. Parkins clarified that she didn't mean the height of the sign but, how it was positioned.

Chairman Pogoda responded that he went down and took a look at the sign. The positioning of it was good and the colors are a little bit different than the other two stores' signs but within the same color family.

**On a motion made by Thomas McGorty seconded by Chris Jones, it was unanimously voted to approve Separate #4134.**

**SEPARATE #4688, DENISE DUBEY, 522 HOWE AVENUE, BUSINESS/SIGN**

Mr. Schultz indicated that this was downtown on Howe Avenue, next to Valley Printing. It was a 400 square foot hairdressing/barber business with one employee, hours of operation Thursday, 10 a.m. – 8 p.m., Friday 10 a.m. – 8 p.m. and Saturday 10 a.m. – 2 p.m. It was a CB-2 zone as of right.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to approve Separate #4688 for the business only.**

**SEPARATE #4108, CHARLES MAHER, 415 HOWE AVENUE, BUSINESS/SIGN**

Mr. Schultz indicated that this was in the Conte Building, 1800 square foot leased area, advertising sales, 3 employees, hours 9 a.m. – 5 p.m., Monday – Friday. Staff recommends approval.

Comm. Parkins asked what they sell. Mr. Schultz responded that the application only states that they do advertising promotions.

**On a motion made by Thomas McGorty seconded by Chris Jones, it was unanimously voted to approve Separate #4108 for the business only.**

**SEPARATE #018, MTL, LLC, 702 BPT AVENUE, STE 204, BUSINESS**

Mr. Schultz indicated that this was for 1600 square feet, a hair salon in Split Rock, 10 employees (part-time), hours of operation 9 a.m. – 7 p.m.

**On a motion made by Thomas McGorty seconded by Chris Jones, it was unanimously voted to approve Separate #018.**

**SEPARATE #4126, SAN'S LIMO, 68 MONTGOMERY STREET, HOME OFFICE**

Mr. Schultz indicated that this was for a home office, 100 square feet, one employee. The applicant is aware that the vehicle cannot be parked there overnight. Mr. Schultz verified that he has a right to visit his place of residence during the course of the day with respect given to neighbors; however, it was made a condition of approval that there would be no parking overnight of any vehicles. He added that Montgomery Street was a substandard street off of River Road.

**On a motion made by Thomas McGorty seconded by Chris Jones, it was unanimously voted to approve Separate #4126 with the stipulation that there will be no overnight parking.**

**SEPARATE #4127, CANCER FREE AMERICA FOUNDATION, 465 BPT AVENUE, CLOTHING BIN**

Mr. Schultz indicated that this was at the Wal-Mart site. He circulated a site drawing of the Wal-Mart parking lot that showed various locations that might be considered for the location of this clothing bin. He added that Staff is not recommending any of the locations marked in or near the parking areas because it is visually unsightly and this is a very active Wal-Mart. Staff recommends Site "E" near the Home/Garden sidewalk area on the side of the store.

Comm. Parkins asked if they were putting in four bins.

Mr. Schultz clarified that they would only have one bin, but they are suggesting four possible locations for approval. Staff recommends Site "E." He added that the Commission has had concerns about the number of dispensers on a sidewalk, but this site would accomplish their needs while being the least obtrusive.

Chairman Pogoda expressed his concerns about the overflowing condition of many of these types of bins and things being left outside the bins and exposed to inclement weather. There needs to be some sort of monitoring of this by them or Wal-Mart.

Mr. Panico suggested placing a conditional permit for 6 months to see how it goes. Comm. Parkins agreed that it should be conditional.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve Separate #4127 for Location E for six months conditional period with the option for renewal, if it is maintained properly.**

**SEPARATE #V&H FENCES, 8 STRAWBERRY LANE, HOME OFFICE**

Mr. Schultz indicated that this was for a fence installer, 100 square foot home office, one employee, with no equipment to be stored on the premises.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to approve Separate #4129.**

**SEPARATE #SEMYON ZLOTNIKOV, 91A HILLSIDE AVENUE, HOME OFFICE**

Mr. Schultz indicated that this was for an off the premises dental lab office maintained out of the home for record keeping only.

Chairman Pogoda asked if this was an apartment or condominium.

Mr. Schultz responded that it was a condominium, personal residence.

Comm. Parkins asked if they received condo association approval.

Mr. Schultz responded that they have submitted condo association authorization.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve Separate #4104.**

**SEPARATE #4122, ROSE ANN CARLSON, 48 HUNTERS RIDGE ROAD, HOME OFFICE**

Mr. Schultz indicated that this was for an architect's office, 375 square feet, one employee, office hours Mon-Fri, 8 a.m. – 5 p.m.

Chairman Pogoda asked if any clients would be coming to the office.

Mr. Schultz responded that they would not, a private vehicle will travel to the residence or company.

Comm. Parkins asked if the addition and deck that they previously approved was related to this home office.

Mr. Schultz responded that the Commission had earlier approved an expansion of the livable floor area of the single family house, but it is unrelated to this home office.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve Separate #4122.**

**SEPARATE #4123, RON LASKY, 14 HUNTINGTON AVENUE, HOME OFFICE**

Mr. Schultz indicated that the area was 75 square feet, one employee, hours of operation Monday – Friday, 6 p.m. – 8 p.m. The type of business was a parking services provider.

**On a motion made by Chris Jones seconded by Ruth Parkins, it was unanimously voted to approve Separate #4123.**

**SEPARATE #4138, MERCURY SOLAR SYSTEM LLC, 600 BPT AVENUE, ROOF MOUNTED SOLAR SYSTEM**

Mr. Schultz indicated that this was Honey Cell at the very end of Long Hill Cross Road.

Mr. Panico asked if there was any ground equipment associated with this.

Mr. Schultz responded that there was not. He noted that the Commission would be seeing similar applications of this type to provide electricity because there are incentives in the State of Connecticut and the Federal Government. These are roof-mounted, flat panels that won't even be seen. Staff is recommending that they waive the site plan because this is an industrial zone.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve Separate #4138.**

**APPLICATION #08-11, TERRA DEVELOPMENT, LLC FOR SUBDIVISION APPROVAL (3 LOTS: MARSHAL MEADOWS), 151 NELLS ROCK ROAD (MAP 90, LOT 5), R-1 DISTRICT – DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz indicated that they tabled the action pending submission of revised plans.

**Michael O’Bymachow, land surveyor, Nowakowski O’Bymachow & Kane, 415 Howe Avenue, Shelton, CT addressed the Commission.** Mr. O’Bymachow showed the site plan revisions reflecting the Commission’s concerns about the drive cuts onto Nells Rock Road. He showed the existing horseshoe drive for the existing house on the property and another drive that leads to an existing barn. Basically, for Lot 3 they would be utilizing that drive cut that is already there. He showed the location where they would be making an easement to bring it up to the rear lot. He showed the location of the cut on the previous plan.

Mr. O’Bymachow stated that with regard to grading of the shoulder, they want to provide a 10 foot snow shelf. He indicated that there was a 290 ft sight line in one location and a 250 ft sight line in the other location.

Mr. Panico asked what the sight distance was exiting from the first driveway that he showed.

Mr. O’Bymachow responded that it was 290 both ways.

Mr. Schultz read the revised City Engineer’s report and the Staff report.

**\*See attached report to Richard Schultz dated 8/5/08 from Robert Kulacz, City Engineer.**

**\*See attached Staff Report dated July 15, 2008.**

Mr. Schultz added that the Fire Chief and the Fire Marshal have already reported on this application. Their concern had been about the maintenance of the access drive for the interior lot because of the distance.

Mr. Panico asked what Inland Wetlands has said about this.

Mr. Schultz responded that they have already approved all regulated activities at their July 10<sup>th</sup> meeting for work associated with this development. Also, it is anticipated that there will be blasting for this development. In the event that blasting is needed, pre-blasting surveys will need to be provided for properties within 250 feet of the blast area. Additionally, notification of blasting shall be sent to property owners within 500 feet.

Comm. Jones asked which lot was going to be blasted.

Mr. O’Bymachow responded that the blasting was only anticipated because they are not certain. They’ll be doing some grading in the area. There are areas of exposed ledge.

Mr. Schultz added that before the Certificate of Occupancy is issued, the Fire Chief directs a pumper truck to drive up to the home before giving him the OK to sign off on the zoning. He indicated that he had a draft motion prepared if the Commissioners had no further questions.

Comm. Parkins commented that she travels on this road daily, and that little driveway shown is not a driveway by any means. She has almost gotten hit many times on that side because cars fly around that corner. She added that she couldn't imagine having three driveways there. She was hoping that the third driveway from the previous plan would be eliminated, and just have the two in the horseshoe circle to come in for all three properties.

Mr. O'Bymachow responded that they can't - grading-wise for one thing, and they have a big stone retaining wall built there that is 4 feet high that goes right into the ledge.

Mr. Schultz commented that Staff directed the City Engineer to look at this.

Mr. Panico asked if that other driveway could move farther away from the existing driveway.

Comm. Parkins added that she was concerned about the placement of it.

Mr. O'Bymachow responded that farther away would make it worse because it goes downhill. They'd like to keep it up at the high point of the road in this area.

Comm. Parkins commented that people turning into that driveway, coming up Nells Rock from Bridgeport Avenue have to stop to be able to turn. It is not a glide into there; they literally have to come up to it and make a hard turn into the first driveway. People behind would have to stop and people in the other direction would ...

Mr. Schultz responded that the City Engineer consults with the Traffic Authority because he issues the driveway permits, and he gave it a lot of thought because there are no easy solutions here.

Mr. Panico asked if the shoulder of the road could be pushed back a little bit.

Mr. O'Bymachow responded that is what they want to do by providing a 10 foot shoulder to push it back for more visibility. He referenced an area further down the road where Sunwood was located; they've provided a similar shelf for better visibility in that area.

Mr. Panico asked if he would be widening the pavement.

Chairman Pogoda asked if that pavement could be extended further in to give them more ease of entry into that driveway without coming straight off the main road and going in.

Mr. O'Bymachow responded that was something that they could look into. When they go for the driveway permit, maybe Bob Kulacz will require that it be widened a bit.

Comm. Parkins reiterated her concerns about that turn uphill, especially in the wintertime with ice; it would be difficult to stop behind someone.

Chairman Pogoda commented that certain times of the day that road is dead, but when are people are going home, they fly down Nells Rock. He asked Mr. O'Bymachow to work on widening the pavement of the road. He asked Rick to relay that to the City Engineer.

Mr. O'Bymachow responded that this was actually one of the widest parts of Nells Rock Road anyway.

Chairman Pogoda asked for a motion. A resident from L'Hermitage asked to speak before the vote was taken.

**Tim Gallagher, 27 L'Hermitage, Shelton, CT addressed the Commission.**

Mr. Gallagher stated that he had concerns about the extra driveway and the dangerous curve in that location too. He requested that it be minimized as much as possible. His other concerns were about the extent of blasting and the notification.

Mr. Schultz responded that their blasting criteria exceed state statutes. The City had a Blasting Committee to have developers voluntarily comply with the standards that the Commission recommends. Pre-blasting surveys are done to property owners within 250 feet.

Chairman Pogoda added that any notification of blasting was conducted through the Fire Marshal's Office.

Mr. Gallagher asked about comments from a previous meeting about water drainage onto Nells Rock Road.

Mr. O'Bymachow responded that the water would come down from the driveway, into a depression and drain into the town property across the street. It almost acts as a small detention pond in that area.

Chairman Pogoda asked if it froze up in the winter time.

Mr. O'Bymachow responded that in speaking to Bob, the Town Engineer, he sees no problems with it.

Chairman Pogoda asked if it was a depression enough to leave water there in the wintertime. Mr. Panico asked if the pond was on or off the pavement.

Mr. O'Bymachow responded that the pond was off the pavement in a grass area.

Comm. McGorty asked what the elevation difference was between the road and that area.

Mr. O'Bymachow responded that it was probably a good two or three feet in spots.

Comm. McGorty asked if it filled up and backed up onto the road.

Mr. O'Bymachow responded that they've done some repaving in this area to keep that flow from going across.

Mr. Schultz read the draft resolution for Application #08-11.

**\*See attached Resolution with conditions for Application #08-11.**

**On a motion made by Thomas McGorty seconded by Chris Jones, it was unanimously voted to approve Application #08-11.**

**APPLICATION #08-13, E&E QUALITY HOMES, LLC FOR RESUBDIVISION APPROVAL (3 LOTS), 168 GROVE STREET (MAP 93, LOT 9), R-3 DISTRICT – (PUBLIC HEARING CLOSED ON 7/15/08) – DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz indicated that at the last meeting a lot of the issues were related to Inland Wetlands. Staff mentioned that Inland Wetlands does not notify property

owners in the way that P&Z does. Residents didn't have the opportunity to go to that meeting to address their issues; however, Inland Wetlands did address the issues and he knows that they did conduct a site walk.

He commented that there were several deficiencies noted by the City Engineer who has now submitted a supplemental report which he read.

**\*See attached report to Richard Schultz, dated 8/5/08 from the City Engineer, Robert Kulacz.**

**\*See attached Staff Report, dated 8/5/08 regarding re-subdivision approval.**

Mr. Schultz added that the Applicant is agreeing to pay \$5K to the Shelton Open Space Trust Fund in addition to the open space. This does have to go to the BOA, and they may reject it. If it is rejected, the Commission will be made aware of it. In that case, it can be added to Parcel A and demarcate with a conservation easement on it. The neighborhood has expressed their desire to see it preserved as open space. Staff recommends to add all Standard Notes to the record map and If blasting is conducted, using the distances which have been suggested. Additionally, Staff recommends adherence to the City Engineer's letter dated 8/5/08. Also, conveyance of open space to the City subject to acceptance by the BOA, and payment in lieu of open space in the amount of \$5K to be deposited to the Shelton Open Space Trust Fund.

Mr. Schultz added that the plans shown tonight reflect all the changes from the City Engineer's comments. He also made the Commission aware that the City of Shelton did clean out the catch basins there.

Mr. Panico asked if there was anyway the driveways could be flattened out because they run in at 10%.

Larry Ellis, E&E Quality Homes looked at the plans with Mr. Panico and discussed the elevations with Mr. Panico. He indicated that he would submit individual site plans.

Comm. Parkins asked if this had been approved by Inland Wetlands. She asked if it conformed to all regulations.

Mr. Schultz responded that it was approved by Wetlands on 7/10/08. It has been approved by all departments and endorsed by the City Engineer.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve Application #08-13. Comm. Jones abstained from voting.**

**APPLICATION #08-14, SPORTS CENTER OF CT FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #30 (VIDEO ARCADE ADDITION), AND CAM SITE PLAN, 784 RIVER ROAD (MAP 12, LOTS 37 AND 38), (PUBLIC HEARING CLOSED ON 7/15/08) – DISCUSSION AND POSSIBLE ACTION .**

Mr. Panico indicated that after speaking with the Chairman, they've prepared a favorable motion to be put on the table for discussion. He read the draft resolution for Application #08-14.

**\*See attached Shelton Planning & Zoning Draft Resolution dated 8/4/08 for Application #08-14 for Conditional Approval of Detailed Development Plans/Adoption of Modified PDD.**

Mr. Panico indicated that the biggest outstanding issue is the adequacy of parking and the appropriateness of its distribution in the sense that the demand from the additional party rooms will increase the demand for parking.

He added that the Applicant has submitted a drawing to Staff showing modifications to the major parking area adjacent to the skating rink which would generate an additional 32 parking spaces. That's a desirable improvement by increasing the quantity of parking, but he was unsure that it would serve the increased activity in the other location of the party rooms.

Chairman Pogoda commented that the parking was nowhere near where the building modifications were being made. He was aware that the applicant has been working to obtain additional parking in the back. He expressed his concerns about the three additional party rooms and the increase in kids and cars.

Mr. Panico stated that he thought the bus parking arrangement should be re-examined because when he was at the site recently, there were 3 buses parked in the back. However, the buses parked across blocking entire rows of available parking spaces. He recalled that he thought the original plan included some bus parking.

**Joe Mingolello, Mingolello & Hayes, addressed the Commission.** He responded that there were two existing slots for bus parking. He added that Howard Soffan mentioned in his presentation that he is working to develop neighboring properties that would allow him to have more parking made available.

Mr. Mingolello commented that Jim Swift is preparing a site development plan to present to this Commission soon. He added that they ran the numbers for the driving range stations, the batting cages and a 100% capacity for seasonal activities; the parking required are approx. 150 spaces including 6 employee spaces. They have 138, so they are only short 12 based on the Regulation.

Mr. Mingolello indicated that in May they melt down the 2<sup>nd</sup> sheet of ice and there is very little activity, other than Planet Fitness, in the area of the other building which has 200 parking spaces. He added that he has never seen it full except in the wintertime when a big weekend tournament was taking place.

Comm. Parkins expressed her concern about parents dropping off kids for birthday parties that would not want to park far away in a back lot. Her concern was that people would park on the road or in the driveway.

Mr. Panico commented that a party room for 30 kids could generate 25 – 30 cars associated with that party room.

Mr. Mingolello responded that there were over 50 spaces for that building alone.

Mr. Panico asked how many party rooms they would have after this is done.

Mr. Mingolello responded that they would have 5, but they would not all be occupied all at the same time. The parking spaces allocated for the driving range are never 100% occupied.

Comm. McGorty asked if they know when the peak time is for the driving range, and what the greatest party demands are – what would be the worst case scenarios?

Mr. Mingolello responded that it is never 100% full when every driving range slot is full, all the batting cages are used and the buildings are full.

Mr. Panico asked about the proposed arcade and its allocated 25 spaces.

Mr. Mingolello responded that was based upon the 1 per 200 square feet.

Mr. Panico stated that from a practical point of view, the 1 per 200 square feet doesn't work because a 300 square foot party room can't be served by 1 ½ parking spaces. He doesn't think 25 spaces are enough for 5 party rooms.

Mr. Mingolello responded that they needed to include the whole building because there are already two party rooms in the existing Golf Center right now and then they've got three more for the arcade. He counted out the Sports Center as having 33 spaces (2 party rooms, Fun-Bowl and the Reception Room), 6 employee spaces, arcade (18 spaces) for a total of 60 spaces just for that building. He added that there were an additional 60 spaces for the driving range and another 8 for the batting cages.

Mr. Mingolello added that he has never seen them have a problem, and he is there a lot – weekends and Sunday afternoons. He's never seen it 100% full.

Comm. McGorty commented that during golf season the driving range is full and the parking lot is full, but that usually isn't the peak time for kid's parties.

Comm. Parkins indicated that she would like to have more Commissioners present to discuss this application.

Chairman Pogoda indicated that he has some concerns too and he knew that Leon was interested in the future expansion for this. He knows that Mr. Soffan does a good job, but he has some concerns and would like to recommend tabling this until 9/9/08.

**On a motion made by Ruth Parkins seconded by Chris Jones, it was unanimously voted to table Application #08-14 until the September 9<sup>th</sup> P&Z meeting.**

#### **NEW BUSINESS**

**APPLICATION #08-17, MJS BUILDERS, LLC FOR RE-SUBDIVISION APPROVAL (2 LOTS: NOLAN SUBDIVISION), 16 SOUNDVIEW AVENUE (MAP 87, LOT 34), R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING**

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to accept Application #08-17 and schedule a public hearing for 9/23/08.**

**APPLICATION #08-18, T.D. PROPERTIES, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (D'ADDARIO DEALERSHIP: BUILDING RENOVATION EXPANSION), 329 BRIDGEPORT AVENUE (MAP 77, LOT 16) RB DISTRICT –ACCEPT, DISCUSSION, AND POSSIBLE ACTION**

Mr. Schultz indicated that this was a major improvement on the front façade. He showed photos to the Commissioners of the planned renovations.

Chairman Pogoda commented that they went to take a look at it, and he was going to lose some parking, about 8 or 9 spaces, in the front which is mostly for public coming in.

Comm. Parkins asked what he was expanding.

Chairman Pogoda responded that he was putting an enclosure near the service entrance so that people can come in to get service without being exposed to the elements. The renovation is good-looking compared to what was there.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to accept Application #08-18.**

Chairman Pogoda asked for a motion to act on this expansion. Mr. Schultz read the draft resolution with standard conditions.

**On a motion made by Chris Jones and Thomas McGorty, it was unanimously voted to approve Application #08-18.**

**APPLICATION #08-19, BROADBRIDGE HILL DEVELOPMENT, LLC FOR SITE PLAN APPROVAL (COMMERCIAL BUILDING), BRIDGEPORT AVENUE (MAP 105, LOT 163), CB-2 DISTRICT – ACCEPT FOR REVIEW**

Mr. Schultz indicated that this was the site in which they have a lawsuit with Primrose for the mixed use. This is the old Petro property, John Todas used to have his nursery on it, and the Commission rejected the PDD zone change. He's coming in as of right under the CB-2 zone.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to accept Application #08-19 for review.**

#### **PUBLIC PORTION**

Chairman Pogoda asked if anyone from the public wished to address the Commission.

**Atty. Stephen Bellis, addressed the Commission, representing the Shelton Builders Association Inc., a non-profit organization of builders and developers in Shelton.**

Atty. Bellis stated that they have a problem in the Planning & Zoning Commission Office. He references a memo that he submitted and explains that the problem is with a new directive issued by the City Engineer.

**\*See attached Planning & Zoning Staff Report attachment, letter to Anthony Pogoda, P&Z Chairman, dated 7/31/08 from Atty. Stephen Bellis.**

He references a form entitled an Application for Site Plan Review that is being required by the City Engineer even though there is no requirement for it in the Planning & Zoning Regulations. He indicated that it is causing a great deal of confusion for individuals trying to obtain building permits.

**\*See attached Application for Site Plan Review blank form issued from the Office of the City Engineer.**

Mr. Schultz responded that many of these things are in place to protect the safety and welfare of those buying a house and those who immediately about it. They've had many fiascos in which he has had to appear in court.

Mr. Bellis responded that he wasn't arguing that there are occasions when it is necessary.

Mr. Schultz indicated that there were many issues going on here.

Atty. Bellis indicated that this was holding up applications.

Mr. Schultz responded that he doesn't like to see applications held up, but they need the professional assistance of the Engineering Department.

Comm. Parkins asked if all applications were typically signed off by the Engineer.

Atty. Bellis responded no, that they aren't under our Regs.

Mr. Schultz added that was what they are doing right now, and that's what the bone of contention is. The administrative provision in the Shelton Zoning Regulations doesn't spell it out that way. There is a conflict with that and it needs to go to the Zoning Subcommittee. The Chairman is aware of that.

Mr. Panico suggested developing a routing that requires an application to go through various departments for sign-offs.

Mr. Schultz responded that it doesn't deal with delays in those departments.

Mr. Panico commented that a form doesn't solve delays in other departments.

Atty. Bellis added that it isn't the job of the City Engineer.

Mr. Schultz responded that he didn't think the Engineering department should be circumvented. Mr. Panico agreed that he should not be.

End of Tape 3, Side 1, 10:59 p.m.

The discussion continued in regard to revoking this policy.

Comm. Parkins asked if they could revoke a policy if they didn't institute it.

Mr. Schultz responded that they could acknowledge their support or non-support of this policy.

Comm. Parkins stated that if it wasn't conforming to their Regulations, then she was not in support of it.

Comm. McGorty asked who approved that it would supersede the Regs.

Mr. Schultz responded that it was an informal policy that was never formally adopted. Now it has come to a head because there have been other issues along the way, especially within the last couple of years.

Chairman Pogoda asked if they could revoke this tonight and send it to the Subcommittee for review.

**On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to temporarily suspend the Site Plan Procedure pending further review by Staff and the Zoning Subcommittee.**

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

#### **OTHER BUSINESS**

#### **HUNTINGTON WOOD TRUST FUND**

**Tom Harbinson, Chairman, Conservation Commission, with Bill Dyer and Terry Gallagher addressed the Commission.**

Mr. Harbinson responded to the Commission's request for information regarding work that had been done in the Huntington Woods area as part of the effort towards building the rec. path.

Mr. Schultz stated that he would read the letter from Tom Welch, Corporation Counsel, dated July 29, 2008 regarding the Commission's request for legal opinion.

Mr. Harbinson stated that there have been many things done over the years in the general vicinity of Huntington Woods through volunteers and Shelton Land Conversation Trust.

Mr. Dyer added that they generated the path itself through Huntington Woods, built two bridges with a Boy Scout Eagles project. Another bridge was built by Trails volunteers. Just outside that area, they built the boardwalk and the Land Trust created an 8 ft wide trail through the meadow through an Iroquois grant of \$10K. As a result of going to Inland Wetlands for final approval of Lane Street, one of their members offered to do the work there. Mr. Harbinson concluded that they've made it much easier for anyone in Huntington Woods to walk to Huntington Center.

Chairman Pogoda asked if there were to be any matching funds to complete the project.

Mr. Harbinson responded that the entire project would cost \$150K for the lowest bid contractor that they've recommended to the BOA to select. If they received \$60K from the Huntington Woods Trust from the P&Z, then the BOA would decide where the rest of the funds come from. However, he added that they do have funds available in their Open Space Trust Account. Mr. Harbinson commented that although the financing wasn't his department, it could be done with bonding; additionally, this project also qualifies as a LOSEP project that could be refunded back to the City through a State Capital Improvement Program. The City has a capacity for what it can expend under the LOSEP umbrella within a fiscal year, so it is up the BOA where the funds come from.

Chairman Pogoda asked if they would have the \$150K to complete the project then.

Mr. Harbinson responded that they would. Mr. Dyer added that they can't go out to contract without all the money. They are looking for \$60K here, but if they don't get the other \$90K, then the \$60K won't go anywhere.

Mr. Schultz read a draft motion to authorize the use of the Huntington Woods Trust fund that would authorize the expenditure of the entire Trust Fund Account (including interest) for the purpose of providing funding in part for improvements to the Shelton Lake Rec. Path subject to additional funds that would be obtained to cover 100% total costs of the project. He asked if the BOA would require a letter confirming this.

Mr. Harbinson responded that they would need a letter from the Planning & Zoning Commission.

Mr. Schultz indicated that he would get the exact dollar amount from the Finance Department. Mr. Harbinson and Mr. Dyer thanked the Commission for their support.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to authorize the expenditure of the entire Huntington Woods Trust Fund account (including interest) for the**

**purpose of providing funding in part for improvements to the Shelton Lake Rec Path subject to additional funds being obtained to cover 100% of total costs of the project.**

**8-24 REFERRAL: CITY SCHOOL BUS LOT ON RIVERDALE AVENUE**

Mr. Schultz indicated that he was directed to contact the Board of Education which he did. The BOE indicated that they are in support of that particular location. They are recommending that the Commission look favorably on this referral.

Comm. Jones expressed concerns about an article in the Connecticut Post regarding remediation of contaminated soil there. He asked if the DEP signed off on it.

Comm. Parkins added that they wouldn't be allowed to use it without DEP approval. This referral is contingent upon its use being allowed them.

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to report favorably on the 8-24 Referral for the City School Bus Lot on Riverdale Avenue.**

**RELOCATION OF EXISTING CANOE AND FISHING ACCESS AREA AT SHELTON HYDROELECTRIC FACILITY – DISCUSSION AND RECOMMENDATION**

Due to the late hour, the Chairman tabled this issue until 9/9/08.

**WELLS AVENUE CUL-DE-SAC: REQUEST TO CALL PERFORMANCE BOND**

The Chairman tabled this issue until 9/9/08.

**PAYMENT OF BILLS**

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

**ADJOURNMENT**

**On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to adjourn at 11:25 p.m.**

Respectfully submitted,

*Karin Tuke*

Karin Tuke

