

Mr. Schultz indicated that this property owner deals with rental real estate. This would be for a home office, one employee, part time, hours vary, 75 square feet. No prospective renters would be visiting this site. Staff recommends approval.

On a motion made by Patrick Lapera seconded by Ruth Parkins, it was unanimously voted to approve Separate #6768.

SEPARATE #6767, MICHAEL RUSSELL, 51 MURRAY ST., HOME OFFICE

Mr. Schultz indicated that this was a subcontractor business, 50 square ft. home office with one full-time employee. There would be standard conditions of no signage, no commercial storage, no vehicle or deliveries. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Chris Jones, it was unanimously voted to approve Separate #6767.

SEPARATE #6764, ANTHONY AGOSTO, 126 SHELTON AVE., HOME OFFICE

Mr. Schultz indicated that this was for outside computer services home office, 100 square feet, one employee, hours of operation 9 a.m. – 5 p.m. M-F. Staff recommends approval.

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve Separate #6764.

SEPARATE #4187, EDWARD HEINS, 24 ELLIOT DRIVE, HOME OFFICE

Mr. Schultz indicated that this is a landscaping business with a 75 square ft. office area and one employee. Because they have a truck, there would be the same conditions of approval for commercial equipment or commercial signage on the vehicle. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to approve Separate #4187.

SEPARATE #4191, JOANNE LEMBO, 104 NICHOLS AVE., HOME OFFICE

Mr. Schultz indicated that this was a home office for sales, printing and promotional items – Connecticut Printing & Promotional Items. Office would be 100 square feet, hours of operation, M, W, Th, 9a.m. – 3 p.m. Staff recommends approval.

On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to approve Separate #4191.

SEPARATE #4160, SUMMIT REMODELING, LLC, 1000 BPT. AVENUE, COMMERCIAL CONSTRUCTION

Mr. Schultz indicated that this is for an interior remodeling on the first floor of the Allegra Print Shop. There is no net increase in floor area, and it will not impact the parking arrangements.

On a motion made by Ruth Parkins seconded by Patrick Lapera, it was unanimously voted to approve Separate #4160.

SEPARATE #6664, SHELTON AUTO SPA, 811 RIVER RD, SIGN REPLACEMENT

Mr. Schultz indicated that, as reported to the P&Z Commission, the ZBA approved the Shelton Car Wash sign replacement. The certificate of approval is contingent upon the stipulations that the electronic message shall not blink, flash or scroll; the frequency of message change shall be limited to a minimum of one full minute.

Mr. Schultz stated that he invited the Applicant to attend this meeting because he knew the Commissioners had some questions; however, since he is not present, he'd like to recommend tabling this until the 10/29 meeting.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to table Separate #6664.

Commissioner Harger arrived at 7:10 p.m. Comm. McGorty would now act as an alternate for Comm. Leon Sylvester.

SEPARATE #6659, H3 PET SUPPLY, 350 BPT. AVENUE, FUND RAISER

Mr. Schultz passed around location maps to the Commissioners showing where this event would be taking place in the parking area. This would be a fundraising Halloween event to benefit local animal rescue, non-profit organizations. He showed the event flyer to the Commission indicating the event would be held on Sunday, 10/26, rain or shine.

Mr. Schultz added that since this is a PDD site, the Commission has to review all special events such as this. Most of the parking lot at this site is not occupied, and it will also be subject to review by the Fire Marshal.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve Separate #6659.

SEPARATE #6765, ABBEY TENT & PARTY RENTALS, 6 RESEARCH DRIVE, TEMP. TENTING

Mr. Schultz indicated that this event has already taken place; however, it had been processed with the Fire Marshal's Office. It was a temporary structure for a corporate seasonal event on Research Drive. Staff recommends approval.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to approve Separate #6765.

SEPARATE #6759, CORPORATE LUNCHEON, 35 WATERVIEW DRIVE, CORPORATE LUNCHEON

Mr. Schultz indicated that this was also an outside, seasonal corporate luncheon for Pitney Bowes requiring the use of a temporary tent in the back of the facility.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve Separate #6759.

SEPARATE #6760, GOSOLAR, 31 LANE STREET, ROOF SOLAR PANEL

Mr. Schultz informed the Commission that Staff has been processing more solar-related proposals for residential areas. Staff regulates the ground-mounted panels; however, they do not have any special regulations for the roof-mounted panels. They try to work with the installer to place it in the rear and be

cognizant of its orientation. He added that, fortunately, the technology for this continues to improve with smaller, flush-mounted panels.

Mr. Schultz showed the Commissioners a photo of a roof-mounted panel on a residential home.

Comm. Harger asked about where the panel was located on the rear of the roof and what side of Lane Street it was on.

Mr. Schultz responded that it was on the roof in the rear facing the open space in the back. The house faces Lane Street but the roof line runs parallel. It's located on the right side of street across from the cemetery. He added that the Commissioners had already approved the ground-mounted unit that was for electricity. This panel would be for hot water.

He indicated that Staff tries to scrutinize these, but they really don't regulate the roof-mounted. Typically, if there is a problem, the neighbors will inform them.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6760.

SEPARATE #6774, THOMAS BOMBERO, 243 HUNTINGTON STREET, RETAINING WALL

Mr. Schultz stated that this was for a combination retaining wall with a stockade fence going on top of it. This house is on the corner of Huntington Street and Maple Lane. They plan to regrade along the side of the house for a patio and put in a poured concrete wall. The concrete wall will be on the inside and won't be seen. The Commission can regulate the aesthetics of that wall; if it were a highly visible retaining wall, the homeowner would be asked to do a precast wall or decorative face.

As one condition of approval, and because Maple Avenue slopes downward to Huntington Street, the homeowner would be required to stagger the wall so the poured concrete isn't any higher than the grass on the shoulder of Maple Lane. Additionally, on top of that he will be putting a 6 foot high stockade fence. They allow, as of right, up to 6 feet in height right on the property line. The second condition of approval would require that the finished side of the stockade fence must face the street, Maple Lane.

Mr. Panico asked if the tops of the wall would slope up with the grades and follow the grade of Maple Street.

Mr. Schultz responded yes, it would follow the grade. He met with the applicant after inspection, and they discussed all the details.

Comm. McGorty asked what materials would be used for the stockade fence.

Mr. Schultz responded it would be a wood stockade fence.

Mr. Panico added that standing inside by the patio, the highest corner would probably be about 16 feet to the top of the fence.

Mr. Schultz responded that they want the patio to be screened from that busy road. Staff recommends approval with the conditions discussed.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6774 with conditions.

SEPARATE #4193, JAMES GUITTARD, 185 ISINGLASS ROAD, GEOTHERMAL

Mr. Schultz showed the Commission the location map and picture of the backyard. He explained that single family homes have been using the geothermal technique since the 1980's. He expects to see more of this as people try to get away from the fossil fuels. In this case, the applicant has to do some grading of the backyard to accommodate the installation of the equipment that they'll be using.

Mr. Schultz added that he wasn't totally aware of the specifics because he was not there when the request was submitted; however, he is aware of the geothermal purpose and how it works fundamentally. He will monitor this so that it doesn't become a problem.

Comm. Lapera asked if there was a setback from the property lines.

Mr. Schultz responded that it was sub-service. They have to do regrading of the property in order to accommodate the installation of this.

Comm. McGorty added that it is underground piping, but there are two methods – the horizontal and vertical. He asked if it would be horizontal or vertical.

Mr. Schultz responded that he wasn't present when the request was submitted. This is something that they would like to encourage but he didn't have the specifics of it.

Comm. Harger asked if it was buried.

Comm. McGorty responded that geothermal is very good; it's a great technology. The pipes go into the ground and soak up the earth's core; it's very stable.

Mr. Schultz commented that he's familiar with the concept. It taps into the constant temperature of 55° - it heats the house and it cools the house.

Comm. Harger asked if it would be in that lower level and covered up.

Mr. Schultz responded that they will ensure that the net result is not a wide open space that is aesthetically unpleasant, because they do have neighbors.

Mr. Panico asked if there would be any above the ground equipment at all.

Comm. McGorty responded that there is equipment that works with the geothermal tubing such as a heat pump and a/c connector that should be closed in or covered. Typically, there's some sort of equipment with it.

Mr. Schultz responded that they could make it a condition for Staff approval that it is properly screened, because the photograph is showing something wide open.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #4193 with conditions for Staff approval of final design/placement of the system.

SEPARATE #6675, RALPH DESANTI, 330 RIVER RD., BUSINESS/SIGN

Mr. Schultz showed the Commission a drawing of the site location and a picture of the proposed yellow signage and a photograph of what exists there right now. He indicated that this was for a commercial building on River Road, right after

the cemetery and the large flag pole. This is a heating/air conditioning business, 1000 ft. leased area with 4 employees, 3 company vehicles and hours of operation 7 a.m. – 6 p.m. The dumpster is located in the back of the building.

Mr. Panico asked if there was site modifications and if they needed a site plan.

Mr. Schultz responded that they don't need a site plan; this is commercial, as of right. This application is for occupancy and sign replacement. They have a wall sign and a free-standing sign.

Comm. Harger mentioned that she had concerns about this yellow color for the fitness center on Bridgeport Avenue, and they changed it to white.

Chairman Pogoda asked the representative for the applicant (name not provided) if there was any chance of toning down the yellow a little bit.

The representative for the applicant responded that those colors were corporate colors, and this was a franchise. Comm. Harger asked if they had any other design elements; they usually have an alternate color scheme. He responded that he wasn't aware of any.

Comm. Parkins commented that she had no issue with the color yellow. Comm. Jones added that Midas Muffler is yellow. There was additional discussion about the colors and wording on the sign. Comm. Parkins added that this was a commercial zone and she had no problem with the proposed sign color/wording.

On a motion made by Ruth Parkins seconded by Chris Jones, it was unanimously voted to approve the business for Separate #6675 and voted (5-1) for the signage. Comm. Harger voted in opposition to the signage.

SEPARATE #6674, SHAWN MCCLAIN, 65 HOWE AVENUE, BUSINESS

Mr. Schultz stated that this was for a beauty salon, Profiles, at 65 Howe Avenue, 450 square feet, 3 employees, and hours of operation Mon. – Sat. 9 a.m. – 6 p.m. Staff recommends approval.

Mr. Panico asked if they had any parking at all.

Mr. Schultz responded that this was the Lafayette, the corner with small shops, near Lafayette School. They are taking over the spot where the last beauty shop was located.

On a motion made by Ruth Parkins seconded by Patrick Lopera, it was unanimously voted to approve Separate #6674.

SEPARATE #6687, TNC PROPERTIES, 350 BRIDGEPORT AVENUE, RESTAURANT/SPORTS BAR

Mr. Schultz indicated that this was located across the street from the Honda dealership – located in the same place as Planet Pizza, Hertz, H-3 Pet Supply, etc. This would be the corner unit on the right. He showed them a layout of the building and a drawing of the site location. This area is 3000 square feet. The applicant is proposing a restaurant/sports bar with up to 15 full/part time employees. The hours of operation would be 11:30 a.m. – 1 a.m. (Sun. – Thurs.), 11:30 a.m. – 2 a.m. (Fri. & Sat.). No company vehicles.

He showed the Commission the proposed seating plan including the kitchen and bar area. They are requesting a café license which includes food. The PDD had a restaurant establishment for that end of the building. There is plenty of parking, and they anticipate enough parking even with this occupancy.

Mr. Panico asked if this was a bar that serves food, or a restaurant that serves liquor. He asked Rick to explain the café license.

Mr. Schultz responded that the emphasis is on alcohol consumption and food, so they can have extended hours.

Chairman Pogoda asked to see the seating plan and he asked how much of the building would be for food.

Comm. Lopera commented that it didn't look like there was much seating; it was mostly bar area. This is more of a bar.

Comm. Parkins asked what they were basing enough parking on, because she is thinking about Madison's, and there was not enough parking there.

Mr. Schultz responded that establishments with a long bar, especially during grand opening, there is a mad rush, and it will be filled. There has been a history of that happening. Madison's, as everyone knows, was set up 3 people deep with the sit-down area. This bar could conceivably, based on the layout, have 2 or 3 people deep, so he anticipates a large gathering of single drivers. He added that what happened at Madison's occurred because there were a lot of single drivers/cars.

Comm. Lopera asked how big the Madison space was.

Mr. Panico responded that this place wasn't nearly as big as Madison's. Madison's was about 3x the size of this.

There was a lot of (inaudible) discussion about the size of the bar area and the amount of people that could fit in it and the size of the parking lot as compared to what the scenario had been at Madison's.

They discussed the approximate size of the proposed bar. Mr. Panico commented that Madison's bar area was horseshoe shaped and this bar would be like one leg of that horseshoe. Comm. Jones and Comm. Lopera added that they didn't think that this would be a very big bar area.

Chairman Pogoda asked about the sit-down aspect of the establishment and what type of food would be served – dinners or just hamburgers.

Mr. Schultz responded that it would only be like finger foods – there will be a menu but it's a sports bar type of menu. The emphasis is on the TV's and the sports bar, not the restaurant. They want to call it a sports bar, and that's the kind of crowd they want to draw.

Comm. Harger indicated that since it's after hours, the bank would be closed, but what other tenants there would remain open and use that parking lot.

Chairman Pogoda responded that Planet Pizza would be open but the liquor store won't be an issue. They discussed the adequacy of the parking in that lot.

Comm. Parkins expressed her concern that P&Z need to be certain that there is enough parking because the lack of it was such a huge issue with Madison's.

Comm. Harger indicated that a spill-over might be able to go into the Family Health Care.

Mr. Panico asked Rick if he knew how many parking spaces were available at this site compared to that component of the site for Madison's.

Chairman Pogoda indicated that he wanted to table this until they were able to get more information.

Mr. Schultz responded that since they would be meeting again in two weeks, he would like to do a comparative analysis of that.

Comm. Lopera asked if this Center was full now, or if there were more bays that are empty. Mr. Schultz responded that he believes that there is still one bay left.

Chairman Pogoda asked Rick to find that out as well as how many tables they are going to have and what the seating capacity would be.

Mr. Schultz responded that he would consult with the Fire Marshal about it too.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to table Separate #6687 until more information could be obtained.

OLD BUSINESS

APPLICATION #08-14, SPORTS CENTER OF CT FOR FINAL PARKING PLAN APPROVAL FOR PDD #30 (VIDEO ARCADE ADDITION), 784 RIVER ROAD (MAP 12, LOTS 37 AND 38) – DISCUSSION AND POSSIBLE ACTION.

Mr. Schultz indicated that Mr. Panico would be giving a report. They approved the Major Modification to the PDD subject to revisiting the parking plan. He showed the Commission a drawing of the site plan.

He added that they could possibly relocate the parking spaces for hikers using the trails, then they could free up five spaces in the front by the batting cages. The hikers now use the trail in the back to get to the Housatonic. Mr. Schultz indicated that he spoke to the Chairman of the Trails Committee, and they are aware of the DEP letter indicating that they didn't like the quality of the trail for direct access to the Housatonic River. The Trails Committee feels this is a passive situation, and because of the steep topography and loss of trees from the CRA site, they want to maintain tree cover down there. The Trails Committee is willing to work with the property owner and make some small breaks in between the trees to access the Housatonic. However, they feel there are other opportunities that can fulfill access to the River for residents such as the Sunnyside boat launch.

Mr. Panico stated that the Applicant believes that he has enough on site parking to handle the proposed modifications; however, the Commission has some reservations. The Applicant has long range plans for this property and other property in this area. Out of respect for the Commission's concerns, the Applicant has been exploring ways in which to expand upon his total parking, especially in the front. The plans to lease or purchase property from the adjacent property owner did not work out.

Mr. Panico indicated that the Applicant also proposed a plan for the linear expansion of the parking lot along the foot of the driving range behind the screen. Staff found physical problems with this plan because it would be too difficult for cars to turn around or back out of the spaces.

Staff suggested that the Applicant look into making a smaller version of that lot and relocate the reserved public access spaces in the front by putting them in the back closer to the River. The Applicant returned with a plan including a small corner to create another 10 or 12 spaces providing a net gain of 6, 7 or 8 spaces, and he was able to move reserved public access spaces to the back.

Mr. Panico explained that because of the parking adequacy concerns, the Commission approved the minor expansion but included a caveat that the second floor space was not going to be allowed for an expansion of party room facilities until the Commission is satisfied that this parking plan works. Therefore, at this point in time, the Applicant will go ahead and do what he can to provide some parking spaces in the back to free up the front and proceed with his development. In the meantime, the Applicant may acquire some rights to obtain some more room for parking. Mr. Panico commented that the Commission has made it very clear in their resolution of approval as to the terms and stipulations.

Comm. Parkins asked how long these terms and stipulations would be in effect, because they are heading out of golf season, and the golf range will probably have less use and now they have the party rooms. Therefore, gauging it from now might not be that accurate.

Mr. Panico responded that there was no time limit on it. The approval suggests that when it's time to issue a certificate of occupancy for the renovated and additional space on the upper level, a restriction would be built into that restriction of occupancy. It would be up to the Commission to remove that restriction at whatever time they feel satisfied. This gives the Commission adequate safeguards while still providing a positive action. The Applicant is developing as much parking as he possibly can at this time, so the Commission can leave the restriction in place until he can demonstrate additional parking at a future date.

Chairman Pogoda asked how many additional parking spaces he was expecting to put in.

Mr. Panico responded that he hadn't spoken to the architect, so he wasn't able to get the specific calculation yet. His best guess is that it would be a net gain of 6 or 7 spaces, and whatever CAM spaces were allocated in the front would now be moved to the back. He's not been on the premises at a busy time there, so he could not attest to whether or not the reserved public access spaces are being used by his customers.

Comm. Parkins added that was not something that could be policed very easily.

Mr. Panico commented that there has only been one incident when the place first opened in which an event held there created parking overflow onto the road. To his knowledge, it never occurred again. Mr. Schultz confirmed that was correct; it happened over a year ago and it was rectified.

End of Tape 1A, 8:47 a.m.

Comm. McGorty indicated that he thought that they now use buses to bring people in for those bigger events like hockey games.

Mr. Panico stated that the concern has been the party rooms, and this proposed renovation puts the caveat on it that he can't expand the number of rooms until the Commission is satisfied that the site parking works. A motion tonight would be to accept the parking component of it in order to allow the Commission to sign off on the detailed site plan.

On a motion made Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the site plan for additional parking for Application #08-14.

APPLICATION 08-15, LONG HILL CROSS ROAD, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT CONCEPT PLAN: LIGHT INDUSTRIAL BUILDING AND CONTRACTOR'S STORAGE BUILDING), LONG HILL CROSS ROAD (MAP 51, LOT 29), LIP/R-1 DISTRICTS (PUBLIC HEARING CLOSED ON 9/23/08) – DISCUSSION ONLY

Mr. Schultz indicated that he has provided a project overview for the Chairman, and this is the discussion for the Commissioners.

Chairman Pogoda reviewed the site location showing a map of the Long Hill Cross Road location. He explained its light industrial/R-1 zoning and its parcel size of 3.06 acres with 1.76 acres being wetlands. He indicated that the proposed technique was for a PDD and the development was for 2 industrial buildings – one 9200 sq. ft. manufacturing and one 8000 sq. ft. contractor's storage building which was reduced to 4800 square ft. by the Applicant. Utilities are underground and there would be public water, and municipal sanitary sewers. The parking plan provides for a total of 31 total spaces.

Chairman Pogoda asked the Commissioners if they thought the proposed development plan was reasonable for this parcel and for this neighborhood. There are two industrial buildings versus one for the site or one industrial building and one residential dwelling for this site. Additionally, he asked if a residential dwelling should even be allowed here. He asked the Commissioners for their opinions.

Comm. Parkins commented that she didn't like the plan as proposed. She indicated that she didn't agree with the second commercial building. She thinks the first commercial building was fine, but she didn't think the site is appropriate for the second.

Chairman Pogoda asked what her feelings were about possibly putting a home on the R-1 piece or leaving it as open space.

Comm. Parkins responded that if it was zoned R-1 and a house can fit on there without variances; she saw no reason not to. She added that if a house were built there after the industrial/commercial facility was there, and then the buyer would certainly be aware of what they would be moving in next door to. She didn't think it would be an issue for whoever lives there, because whoever lives there would be choosing to live next to an industrial facility.

Comm. Jones asked what the second drawing on the table was.

Mr. Panico indicated that one drawing was the area map that shows the zones; the other schematic is a development plan. He pointed out the location of the developable portion of the site, where the neighbors resided and the conservation/wetlands areas.

Comm. Jones asked the about the position of the two buildings in the front developable portions.

Mr. Panico pointed out the proposed light industrial building and the location of the proposed contractor's storage building.

Comm. Jones asked if this schematic was showing the 8000 square foot building or the revised 4800 square ft. building.

Mr. Panico responded that this was the 4800 square ft. submission.

Mr. Panico responded that the original plan showed a building that went in further and deeper. He asked Rick for the original site development plan.

Comm. Jones commented that they almost cut it in half – he took a chunk of the back, and 20 feet off the boundary from the existing dwelling.

Mr. Panico responded that was correct.

Comm. Jones asked if that fell in the R-1 zone. Mr. Panico responded that portion of the site was currently zoned R-1, but his proposal is for a PDD that accommodates that, as a transitional PDD.

In regard to the accuracy of the map, Mr. Panico commented that it looks like it's very close to being... he added that he didn't know how accurately the zone lines were drawn. However, using the existing zone line as the demarcation, the residual is about 140 feet. To have a totally conforming R-1 lot, it needs to be 150 feet. Mr. Panico indicated that if the intent is to leave him an R-1 conforming lot, then the line would have to be set 10 feet over from where it is shown on this map.

Comm. Parkins commented that it could be easily done without the need for all that parking. Mr. Panico responded yes, he suspects that, depending upon what the intent was, he's certain that the line could be drawn in such a way that it would be a conforming lot.

Comm. Harger commented that she would prefer one building, and leaving the rest open to provide a barrier for the residential.

Comm. Lopera stated that he also agreed that one building would be better. He had listened to the tapes from the meetings, and he sees no reason to put a second building in there.

Mr. Panico commented that in order to utilize the balance of the land as a single-family, R-1 lot, he will need variance relief, because even though the frontage and the square are added, he wouldn't have sufficient buildable area. Minimal buildable area has to be 30,000 square feet with utilities - water and sewer. This is about half that amount. A house would fit but there would be very little backyard other than the wetland.

Comm. Jones asked what the front yard would be – because homes are built on smaller pieces than this.

Chairman Pogoda responded that this was an R-1 zone. The zone is all together different from homes downtown; they aren't in an R-1 zone, they're in an R-3.

Comm. Jones commented that the whole parcel would be counted for that R-1 zone - it counts as the R-1 square footage.

Mr. Panico responded yes, they could create a 40,000 square foot footprint. He measured (100 scale ruler) to show that there was 400 ft. of depth. If they took 150 ft to have enough for the square on the lot and the frontage, there's no question about having adequate size. However, he questions that in order to have an eligible lot; they need to have 30,000 square feet of buildable land with water and sewer. He concluded that there was water and sewer, but there was

not 30,000 square ft. of buildable land, so he would need relief to put a house on that portion of the property.

Chairman Pogoda asked Comm. Lopera how he felt about the R-1 portion.

Comm. Lopera responded that he had no issue, and as Ruth mentioned, if someone is prepared to build on it knowing that an industrial zone/building is next to them, then they have the right to build on it.

Comm. McGorty indicated that he had no problem with the Swageloc location in the LIP, but he thinks the R-1 should be maintained as R-1. He added that he didn't think it benefited anyone, and it was a detriment to the homeowners bordering it. If someone wants to build a house on the R-1, he has no problem with it because it's zoned for that. He agrees with Ruth that whoever buys it is going in with their eyes wide open.

Mr. Panico added that in regard to the residual piece left in the R-1 zone, there is probably a minimum of 100 feet of usable depth. If they have 90 – 100 feet, with a 40 ft. street setback and maybe another 30 for the house, there's still a 30 ft. usable backyard.

Comm. Parkins indicated that there would need to be some sort of barrier or screening between the industrial development and the house.

Chairman Pogoda commented that he felt the same way as the Commissioners. There should only be one industrial building, and any home being put on the residential would be aware of the industrial.

Mr. Panico stated that depending upon the final plan approved by the Commission; perhaps the layout should be adjusted for that site with the parking on the other side. He was not positive that would fit because he hadn't gone into that; because he was waiting for direction from the Commission about this.

Mr. Irving Steiner from the audience asked the Commission a procedural question about the map and if it was to scale.

Mr. Panico responded that one map was to scale and the other map was to scale - but a different scale. The two maps had different scales.

Mr. Panico made a clarification about the standard LIP regulations by showing the locations of the building setback lines on the site drawing. He indicated that with standard setback regulations, nothing could be built any closer than the line drawn. To apply the conventional LIP standards even to the portion of the site that is industrially zoned, severely limits the ability to develop anything industrial on it. He added that he didn't think they could accommodate that building within the existing LIP standards.

Mr. Panico stated that it dictates that the logical course of action in trying to accommodate an economic development project is to use a mechanism or a regulation that makes sense with the proposal that they want to place on it. This is the reason they created the PDD regulations; sometimes artificial constraints, like arbitrary setback distance, come in and impinge on an otherwise logical development.

Mr. Schultz asked the Chairman to discuss another issue regarding the family of uses permitted. The Applicant is asking for a contractor's storage yard and manufacturing. He asked if the Commission wanted to keep that open or narrow down the uses.

Mr. Panico added that the LIP itself might allow a broader family of uses than what the Commission wants to consider.

Comm. Lapera responded that he didn't have an issue with using the PDD if it makes economic sense. His only concern about applying a PDD to this entire parcel is that it would change the R-1, and he doesn't want someone coming back later on and make changes. He asked if they could just apply the PDD only to the first area.

Mr. Panico responded that he wasn't sure he could relate to that line, but it could be confined to what is necessary to accommodate the development.

Comm. Lapera showed on the site drawing where he'd like to put the PDD and where he'd like to leave the R-1.

Mr. Panico answered by showing on the map how the PDD line would look if the intent is to create a PDD that accommodates that, and only that. They may have to give up a sliver of residential or take from the other – it can't really be done with a line through the existing zone.

Comm. Lapera commented that it would preserve most of the R-1, even if it isn't an exact line.

Further discussion continued about working with the applicant about finalizing the zone lines to specifically accommodate exactly what they want there. All the Commissioners agreed that they liked the idea of putting the PDD on the industrial zone only.

Mr. Schultz asked what the Commission decided about the family of uses.

Comm. Parkins responded that it should stay as light manufacturing. Comm. Lapera agreed.

Comm. McGorty commented that it should be what Swageloc is – light manufacturing, assembly.

Comm. Parkins added that it has to be set with the PDD.

Chairman Pogoda mentioned that they needed to consider the noise issue.

Comm. McGorty responded Swageloc is only doing assembly at this facility so it won't be noisy. However, if another company moves in there, they need to make sure it's not somebody making pounding noises.

Mr. Panico indicated that there are performance standards that they have to abide by.

Comm. Lapera asked about the other industrial buildings nearby and what uses were in the building across the street.

Mr. Schultz responded that it was a mixture of offices and light manufacturing.

Mr. Panico suggested that it should be consistent with what is across the street.

Chairman Pogoda added that most of the public comments had been that they were amicable to Swageloc coming in there. They felt they were a good tenant.

Mr. Schultz stated that he has an idea of the direction the Commission is going, and they will draft a resolution for October 29th meeting.

Mr. Panico told Rick that they would need to settle on a logical site plan in order to set where the zone lines are.

Chairman Pogoda summarized that the most important points are the one building, the use for the R-1 space with or without a home, and the PDD on the industrial portion of the site.

Mr. Panico asked if the Commission had any feelings about that building orientation. Leaving it that way on site, keeps the parking to one side but results in the building getting fairly close to the street. They could explore the possibility of turning the building around and push it as far back on the site but that introduces an issue of parking between the building and the street.

Chairman Pogoda commented that if the applicant chose to go with a home on that site, he would prefer having a parking lot next door instead of a building.

Comm. Harger asked about the loading dock area for this building.

Mr. Panico responded that all this proposal shows is one small bay in the back corner as a loading area.

Chairman Pogoda asked how close to the street the building would be if it was repositioned.

Mr. Panico responded that it varies from 20 – 30 feet in that corner. It's OK, but not what they are used to seeing.

Mr. Panico brought up another issue regarding the floor plan and with the possibility that the main tenant might be something less than 100% of that footprint. He asked Rick if that was still a possibility, because if it is, a building of that size could end up becoming two tenants. He added that he was looking at the architectural. He didn't think it would make a difference, but he wanted to point it out to them.

He showed the layout of the building with the optional tenant dividing wall that suggests one tenant could be up front with another in the back piece.

Comm. Parkins asked if the PDD would regulate that. Mr. Panico responded that it would normally regulate the size of the tenants.

Comm. McGorty added that it would have to be dependent on the allowable parking though. He didn't have any issue, even if Swageloc never goes there, because they are limited with what they can do with that space.

Comm. Lopera commented that as long as it's consistent. They aren't approving Swageloc; they're approving the building.

Mr. Panico agreed that they would be approving the amount of square feet. Everyone agreed that they hoped Swageloc would stay though.

APPLICATION #08-17, MJS BUILDERS, LLC FOR RE-SUBDIVISION APPROVAL (2 LOTS: NOLAN SUBDIVISION), 16 SOUNDVIEW AVENUE (MAP 87, LOT 34), R-1 DISTRICT (PUBLIC HEARING CLOSED ON 9/23/08) – DISCUSSION AND POSSIBLE ACTION

Mr. Schultz made a correction that the Applicants are Michael and Liz Salemme; another name had been incorrectly written on the application. He explained that this property was located across from the Bronson Country Club and up from St.

Lawrence Church. He read correspondence from the City Engineer, Conservation Commission, and the P&Z Staff Report. He indicated that there is a fire hydrant on Soundview; however, the Fire Chief has no comments regarding the application.

***See attached letter with conditions from R. Kulacz, City Engineer, dated 10/9/08.**

***See attached letter from the Conservation Commission, dated 10/14/08**

***See attached P&Z Staff Report dated 10/14/08.**

As a side note, Mr. Schultz stated that in the original subdivision, the Applicant showed, through its soil scientist, a large wetlands pocket in the back. The only thing that Wetlands Agency can determine is that this was done during the winter when there was snow cover, and an erroneous determination was made. This does not commonly occur, and in actuality, it kept many developers away.

Mr. Panico asked for clarification that the map showed wetlands and there weren't any?

Mr. Schultz responded that was correct, many developers just walked away from it. He continued to read the P&Z Staff Report and draft motion to move the interior lot in parcel B and to approve the subdivision for P&Z Application #08-17 dated 6/30/08 revised 7/22/08 with conditions.

On a motion made Thomas McGorty seconded by Chris Jones, it was unanimously voted to approve Application #08-17.

APPLICATION #08-21, DOMINICK J. THOMAS, JR. FOR FINAL SITE DEVELOPMENT AND SUBDIVISION APPROVAL FOR PDD #68 (MEADOW VIEW CLUSTER RESIDENTIAL), BUDDINGTON ROAD (MAP 62, LOT 31) – DISCUSSION AND POSSIBLE ACTION

Chairman Pogoda recused himself from this discussion and Vice-Chairman Lapera acted in his behalf.

Mr. Schultz indicated that they have the final plans for this cluster residential development located between Buddington Park and Heritage Point. The Applicant's team is present tonight to go over the details. Staff has met with the Applicant.

Atty. Dominick J. Thomas, Cohen & Thomas, 315 Main Street, Derby addressed the Commission. He indicated that they would address some of the concerns that were expressed as part of the approval. He clarified that the rear portion of the property, with 4 houses in the rear, had a 95 foot separation from the adjacent units – on one side the cluster development of Heritage Point and on the other side Buddington Park. However, they want to clarify that in the front portion, it was never intended. He pointed out the area on a site map of the location.

Mr. Panico responded that they probably should have been more specific. It was always Staff's intent and their recommendation was predicated on the rear cluster without respect to up front because there was a closer encroachment than what the proposed building is.

Comm. Lapera asked for some clarification on the map as to which building was being removed and the location of the new house. Mr. Panico showed him that it would be 15-20 feet away from the existing houses.

Comm. Lopera asked if it was no closer than the existing conditions.

Atty. Thomas responded that was right and the other one is a couple hundred feet away from the Buddington Park condos.

Jim Rotondo, Licensed Professional Engineer, Rotondo Engineering, LLC addressed the Commission.

Mr. Rotondo stated that the proposed Meadowview subdivision consists of six single-family residential dwellings. During the PDD presentation, they proposed seven lots with five down in the lower cul-de-sac which has been reduced to four. As proposed, they have two single-family homes adjacent to Buddington Road with the remaining single family homes located around the cul-de-sac. The site will be accessed by a 26 foot roadway that they're proposing to call John's Ridge which will intersect with Buddington Road. In the vicinity of the cul-de-sac, they are proposing some visitor spaces and the construction of a raised landscape island in the center of the cul-de-sac which will also consist of sloped based granite curbing. They are proposing granite curbing throughout the construction of John's Ridge.

Mr. Rotondo indicated that the site was approx. 3.3 acres, and they're proposing about 1.1 acres of open space throughout the center portion (32% of the site). There is a 20 ft. conservation easement proposed along the perimeter of the site, and John's Ridge will be lined with street trees on both sides of the roadway. They are proposing the planting of pines to enhance the landscape buffer. He showed the location of the centralized mailbox area adjacent to the visitor parking spaces. In regard to site lighting, he showed the location of the proposed street light, a 15 foot decorative pole type light. Each home will have a post-type lamp with cut off shields at the end of the driveways. Trash removal will be on an individual house basis.

He explained the proposed detention basin on the side of John's Ridge that has been sized to control and detain storm water for the two year through 100 year storm events. With the implementation of that detention basin, they will be attaining a zero increase in runoff from the pre-developed to the post-developed condition. The site will also be served by municipal water and sanitary sewer. An erosion and sedimentation control plan has been submitted in accordance with the 2002 Connecticut guidelines for soil erosion and sediment control.

Comm. Harger asked about the curbing.

Mr. Rotondo responded that the sloped granite curbing is mountable; so people going around there, if they should hit that curb, they won't knock it out of place.

Comm. Lopera asked if this was a public road.

Mr. Rotondo responded no, it was a private road.

Barry Unger, architect, 631 Main Street, Monroe, CT addressed the Commission.

Mr. Unger distributed a packet of architectural drawings and floor plans of the proposed homes to the Commissioners. He referenced the four houses at the bottom of the cul-de-sac and indicated that they would be vinyl sided, asphalt shingles. He added that none of the houses were over 29 feet high, and they were all colonial in nature. The houses average between 2300 and 2800 square feet. They all have 2 car garages. He indicated that in order to make them colonial, they made square boxes because of the footprint that had to deal with. He explained some components of each house, the front/back views, porches, cupolas and turrets. He indicated that each of the six homes had been

individually designed, there is no replication. Each home is a 3-bedroom house except the first house at Location A where the bedroom was positioned on the first floor. He explained that they were handicapped accessible. He explained that the floor plans were similar in that they all have a living room combo, open kitchen/dining room, and in all cases, the master bedrooms have full master baths and walk-in closets. All of the homes are less than 3000 square feet including the garage.

End of Tape 1, Side B, 8:35 p.m.

Atty. Thomas indicated that some cluster developments have a look that is basically the same; however, since there are only six, they decided to go for different designs. He concluded that was basically it, and he understood that there were a few more issues they needed to finalize with Staff.

Mr. Panico asked Barry Unger to put up the first rendering of the four houses. He asked him if he characterized the spacing between the houses accurately.

Mr. Unger responded that they weren't on the angle but they are 20 feet apart.

Mr. Panico stated that he was bringing this up because in the discussion leading up to the Commission's earlier actions, they were trying to achieve a 30 foot minimum spacing. It's possible in one corner, but he wasn't certain if Jim had given any more thought to it. He mentioned it once, that if that deck wasn't a problem, that house could slide over and get it at least in two out of the three spaces. If that's the constraint, is there any possibility that Wetlands would allow the deck to extend within the setback area?

Atty. Thomas responded that they've already gotten a Wetlands approval.

Mr. Panico commented that he understands that, but would that be the type of adjustment that they would consider to be a minor administrative adjustment.

Atty. Thomas responded there were a couple things he wanted to point out on that. Initially, where the homes are— the separation at the point is 20 feet, but the average is probably over 30. And they have a substantial buffer back there.

Mr. Panico commented that he's concerned about the perception on the street.

Atty. Thomas indicated that they have a substantial buffer back here, and it was expressed in the approval of this number of 95 feet, and Jim could explain it more, but if they want to push the houses back and go to 90 feet...

Mr. Panico responded that he was thinking more of the rotation of one of the houses, and getting relief from that deck condition so that house could take advantage of another 10 feet and slide over. Then there would be 30 feet in at least two of the three spaces. Of the houses A, B, C, D, E – on Site E all it needs is to rotate that footprint a little bit. It won't be any closer to the property line, but, if it's rotated, it will get the 30 feet.

Jim Rotondo responded that they did look at a couple different things, and as this was laid out, it started out holding at 95 feet from the adjacent property. Referencing a site plan of the houses, Mr. Rotondo explained that they put in the minimum dimension of 20 feet, but it is actually closer to 30 feet between these two. He added that there were certain areas where they could pick up a few feet here and there. In regard to rotations and moving back and forth, he indicated that he and Atty. Thomas talked about 95-100 feet to the adjacent properties. If they could get relief to about 90–95, they could possibly, easily, get 30 feet at the front corner. With this layout around the cul-de-sac, each of

the houses diverges from each other. And with 20 feet at the front corner, on average at the midpoint of the homes there, they are approaching 40-45 feet.

Mr. Panico responded that he understands that, but if these houses were parallel, they wouldn't be talking about it, they'd just say make it happen– it has to be done. He indicated that he'd like to talk to him so more about it.

Barry Unger responded that each deck is facing the open field, so the way Jim laid it out makes it a nice environment for each home, the deck is (inaudible) and to turn it to make a tighter section of the lawn (inaudible)...

Mr. Panico indicated that he wasn't talking about a substantial adjustment – looking at, it's an insignificant adjustment. The major one would be if they could get a concession to allow the deck to extend within that upland review area which picks up 10 feet right there. They'll work some more with them on it.

Mr. Schultz stated that they received two pieces of correspondence. He read the favorable recommendation from the City Engineer, and a letter with the standard requirements from the Fire Marshal. Copies have been provided to the Applicant.

***See attached letter from the City Engineer, dated 10/14/08.**

***See attached letter from the Fire Marshal, dated 10/14/08.**

Mr. Panico asked what the City Engineer said about the retaining wall because his earlier letters requested design details on it.

Comm. McGorty asked about the road maintenance, would it be done by an association or the homeowners.

Atty. Thomas responded that it would have to be an association.

Comm. McGorty asked about snow removal in the cul-de-sac; he added that he lived in a cul-de-sac where an island was not put in the middle because of the snow removal issue. He commented that in regard to getting the snow cleared, this cul-de-sac looks pretty tight and there are driveways lining it. He asked where the snow was going to go.

Jim Rotondo's response was inaudible. Mr. Panico showed areas on the site drawing where snow could be dumped.

Comm. McGorty added that winter is long and there could be significant snowfall piling up in winter.

Mr. Panico responded that the City would give them a problem with this – but there's nothing uglier than to have an 80 – 100 foot expanse of pavement. For the sake of doing a little more work at the time of snow removal, they'll have to get a truck down there to get the snow out of there. The majority of the time it won't be an issue, but in the heavy snow storm it will be.

Comm. McGorty agreed that the center island is nice, and an association would plow it if the City didn't want to do it because it would be an eyesore; however, he knows it will be a difficult plowing issue.

Atty. Thomas added that was why this is a private road. Private roads are becoming popular, and there's a lot of push inside and outside of Connecticut to start reducing the size of roads and the amount of impervious surface. Private roads provide this opportunity because homeowners are willing to assume the

responsibility of its maintenance. There would be a declaration of maintenance recorded on the land records for the associations.

Mr. Panico commented that with a small cluster of homes; it's the kind of job that a smaller snowplower could handle.

Comm. Lopera asked if the Fire Marshal had any issue with getting the fire trucks in and out.

Atty. Thomas's response was inaudible.

Comm. Parkins asked if these were spec or were they already sold – were they being custom built for people.

Atty. Thomas responded that not right now but the situation with the PDD is that they have to submit an architectural plan so whoever comes in to buy it will be handed the architectural plans. They are free to change the interior but they need to understand that because this is a PDD, the architectural look remains the same; however, they aren't bound to these colors.

Mr. Panico asked if he would be getting them a preliminary draft of the covenant and restrictions.

Atty. Thomas responded that he would.

Comm. Lopera asked about the vinyl siding and if Staff could see the samples.

Mr. Unger responded that he would bring samples in.

Mr. Panico asked the architect why there were no fireplaces in these houses.

Mr. Unger responded that they were only so big; however, they are a very nice size and affordable. There was further discussion (inaudible) about the trend toward smaller rooms and more energy efficient, green homes.

With no more questions, Vice Chairman Pogoda closed the discussion, and Chairman Pogoda returned to the meeting.

APPLICATION #08-20, OEM CONTROLS, INC. FOR MODIFICATION OF SITE PLAN APPROVAL (BUILDING ADDITION AND PARKING RECONFIGURATION), 20 CONTROLS DRIVE (MAP 40, LOT 22), LIP DISTRICT) – DISCUSSION AND POSSIBLE ACTION

Mr. Schultz read several pieces of correspondence.

***See attached letter from the City Engineer, Robert Kulacz, dated 10/08/08.**

***See attached letter from the Fire Marshal, James Tortora, dated 10/14/08.**

***See attached Planning & Zoning Staff Report dated 10/14/08.**

He indicated that the Project Engineer was present for any questions. Mr. Schultz noted that Controls Drive was one of the City's first successful industrial campus-like settings with all masonry buildings. The area has been well maintained and the trees are now fully developed there. It has two acre zoning, allows for expansion and some sites are larger than others. He read the draft motion for the single story 36x68 square foot addition and parking reconfiguration prepared by Donald Smith, PE on 7/1/08 and Russell Larabe, architect dated 7/14/08 with conditions 1,4,5,7,12,13,15,18,24.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Application #08-20.

APPLICATION #08-22, WILLIAM HODOSI FOR SITE PLAN APPROVAL (AUTOBODY REPAIR FACILITY), 803 RIVER ROAD (MAP 12, LOT 27), CB-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Mr. Schultz stated that Staff had received several pieces of correspondence. The Applicant has made a significant change on the site plan and the architectural designs. He displayed a drawing of the proposed site. Even though the Commission won't be acting on the final site plan, he'd like the Chairman to authorize the site grading and have the applicant submit the site bond. This was a two step process, special exception for significant traffic. They have final detailed site plans.

Mr. Schultz read correspondence regarding Application #08-22, and indicated that Mr. Panico would discuss some of the site issues.

***See attached letter from Fire Marshal, James Tortora, dated 10/10/08.**

***See attached letter from City Engineer, Robert Kulacz, dated 10/10/08.**

Mr. Panico indicated that the Applicant was able to negotiate with the property owner in the back to get permission to reconstruct and widen the right of way to give him circulation up to the back. Previously, the applicant was going to rely on an internal elevator to raise the vehicles up and down. This is a major improvement, and it will be entirely regraded, widened and paved. He'll have a grade of approx. 12% going in. Because of the grading, there will be a 10 foot cut at the property line, and he's working with the property owner in the back to regrade for reasonable access. The original plan had the driveway in the front and in the course of their last technical discussion, he suggested that the Applicant improve the lower portion a little bit more and have it be the entrance to his site rather than have another curb cut.

The Applicant reviewed that possibility and found it to be doable. Therefore, the latest plan now, contingent on Connecticut DOT approval for the driveway improvements, he'll make those modifications. Mr. Panico showed areas in the front where the site entrance and parking could be organized. He mentioned that there are still some issues, and he'd like some more information regarding the retaining wall designs, grading, dumpster enclosure, signs, possible fencing/gating and things of that nature.

Mr. Panico commented that he hadn't had time to look at the architectural drawings which just came in. He showed the proposed designs to the Commission, and indicated that he's working with the Applicant to expand his use of brick.

Mr. Schultz indicated that the Applicant is here. He commented that when a building is put in sideways, as in the case of Lia's Pizza on River Road, there needs to be some significant architectural features put in to make it look like the front. In the case of Lia's Pizza, that wasn't done and they've received some unfavorable comments on the architecture. This is the issue that Staff brought to the table with the Applicant. Additionally, the Commission wants to see the masonry.

Mr. Panico showed a drawing of the building's elevation from River Road. He showed how the site slopes downward, so half of the first level is buried anyway, and by the time he gets through stepping his foundation, only a small area of brickwork is visible.

Comm. Lapera asked about the materials being used on the side of the building. Mr. Panico responded that it was vinyl siding.

Chairman Pogoda commented that he'd like to see brick on that one side more than anything else. The front can be minimal because it won't be seen as well.

Mr. Panico asked if he was looking at the possibility of cantilevering out a little bit on the upper level to acquire more floor space.

William Hodosi, applicant and builder, addressed the Commission. Mr. Hodosi responded that he was doing that.

Chairman Pogoda commented that the side most visible will be the piece seen going down River Road.

Mr. Hodosi responded that he could do that, put one long (inaudible)...

Chairman Pogoda commented that it would be more advantageous to the applicant anyway because more can be done with that entry way versus the other way. He asked if there were any further questions or comments.

Mr. Schultz added that this application has really evolved over the course of a year. Mr. Panico added that it's come a long way, and every step is a positive one.

Comm. Parkins asked if there were sales involved in this too.

Mr. Hodosi responded that it would be minimal.

Comm. Parkins asked if he would have vehicles there with prices on them because the original plan had a small parking area off to the left side.

Mr. Hodosi responded that he would not have vehicles there. Car sales would be minimal; he doesn't particularly care for selling cars. He wants to specialize in collision work.

Mr. Panico added that they aren't approving used car sales, they are approving a repair garage. His license with the State will allow him to sell a small amount of cars each year. This won't be a used car lot and the road on the side will serve him well for bringing in wrecked cars. Cars could stay up in the backyard out of sight. He has an appropriate, screened location for used parts. The Applicant is trying to address the issues that Staff and the Commission are concerned about.

Mr. Schultz indicated that Staff would be requesting a vote to authorize the site work, to legitimize it, with the submission of a site completion bond.

Mr. Panico added that would allow Mr. Hodosi to continue his site work. Staff will continue to work with him to finalize the site plan.

On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to authorize site work on Application #08-22.

NEW BUSINESS

APPLICATION #08-23, POULSEN HYBRID, INC. FOR SITE PLAN APPROVAL (USED CAR LICENSE), 6 WATERVIEW DRIVE (MAP 79, LOT 9) – ACCEPTANCE, DISCUSSION AND POSSIBLE ACTION

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to accept Application #08-23.

Mr. Schultz distributed a flyer to the Commissioners regarding Poulsen Hybrid technology and read correspondence, a P&Z Staff Report, and indicated that the City Engineer had no comments regarding this application.

***See attached letter from Fire Marshal, James Tortora, dated 10/14/08.**

***See attached P&Z Staff Report dated 10/14/08.**

Mr. Schultz stated that the Applicant was seeking site plan approval to establish a used car license from the DMV in order to purchase test vehicles without paying sales tax. The Applicant will be purchasing up to 5 vehicles at a time which will then be converted to the Poulsen Hybrid which converts compact cars into plug-in, hybrid vehicles. These vehicles will then be resold to qualified dealerships that will then impose the sales tax. Sufficient on site parking exists for employees and test cars. Property is located within an industrial LIP zone.

He indicated that the Applicant was present to provide an overview of the company, and Staff has had an opportunity to visit the site. As with the solar and geothermal applications tonight, this is another green issue.

Frank Kuchinski, Poulsen Hybrid representative, addressed the Commission.

Mr. Kuchinski stated that they were going to be training dealers on how to install the cars and testing new vehicle models as they come out to make sure their product works on every model. They will be buying vehicles, keeping them for a couple months, getting rid of them and then bringing in and testing more vehicles. The sales tax adds up when they pay sales tax coming in, and since they don't keep the vehicles they lose the money going back out.

He indicated that the State DMV told them that in order to train dealers, they should become a used car dealer and that would also help them in not paying the sales tax up front. When they get resold to the consumer, the sales tax is collected. So the sales tax will be paid, but they won't have to pay twice.

Chairman Pogoda asked how many cars he would have on site at one time.

Mr. Kuchinski responded that there would be no more than five at a time. They have indoor parking for security reasons. They aren't going to put up signage either.

Mr. Panico added that he and Rick went up there and it was surprising how isolated it is up there.

Comm. Lapera indicated that he didn't have any issue with this facility's use, but he was concerned about zoning this property as a used car lot.

Mr. Panico responded that this approval is strictly to accommodate this manufacturing process. No one can come in and use this approval for a used car lot.

Mr. Schultz indicated that the motion has to be very specific and the State has a special form for it. They could even have a public hearing on it if they so desire, but it's just not necessary.

Comm. Lapera commented that he just wanted to make sure about the subsequent uses – he has no problem with this use.

Mr. Kuchinski indicated that they would like to expand their manufacturing capabilities and Staff is aware of their plans to expand, and they have no interest in selling used cars.

Comm. Lapera asked if this was only on one wheel of the car. Mr. Kuchinski responded that it was on both rear wheels – so you get batteries (inaudible)

Mr. Schultz asked the Applicant to tell the Commissioners about the costs of this.

Mr. Kuchinski responded that lead acid batteries were about \$4000, lithium-ion state of the art would be \$8000 (inaudible).

Mr. Schultz added that they would not be selling directly to consumers, only qualified dealers.

Mr. Kuchinski responded that the only people coming to Shelton would be the dealers coming from around the country to be trained on installing this product.

Mr. Schultz stated that the motion would be to approve the site plan for P&Z Application 08-23 to establish a used car license for Paulsen Hybrid, Inc. at 6 Waterview Drive.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Application #08-23.

APPLICATION #08-24, JOHN PAUL DEVELOPMENT, LLC FOR MINOR MODIFICATION OF DETAIL DEVELOPMENT PLANS FOR PDD #61 (MASONRY SCREEN WALL), COMMERCE DRIVE (MAP 39, LOTS 2, 3 AND 4) –ACCEPT FOR REVIEW

Mr. Schultz indicated that the Applicant was present and he had two pieces of correspondence to read for the record.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, addressed the Commission representing the Applicant. He indicated that they were here to request approval for a minor modification of the site development plan. The condos are in the process of being constructed. On Commerce Drive, there appears to be what everyone thinks is a temporary Jersey barrier. Unfortunately, it's turned out to be a permanent thing, and it's not the most pleasant thing to look at. The Applicant has taken months to come up with a proposal to enhance this.

Jim Swift, Landscape Architect & Licensed Professional Engineer addressed the Commission. Mr. Swift showed a site map of the area and the red line depicting the length and location of the Jersey barrier. They are trying to get rid of the Jersey barrier because from their perspective, it is pretty ugly.

Mr. Panico added that when the Jersey barrier ends, it becomes a steel guardrail.

Mr. Swift indicated that they want to clean up the whole shoulder, put about 10 feet of grass and build a wall. He showed a rendering of the proposed wall consisting of stonework and pillars.

The Commissioners discussed the location of the main entrance and the emergency entrance. Mr. Swift indicated that at the present time, the main

entrance isn't that noticeable off of Constitution Boulevard because it isn't fully constructed yet and there is a lot of foliage there.

Mr. Swift explained the rendering that they propose to do. He stated that they want to improve the aesthetics of the whole streetscape to coincide with the quality of the structures they are building. It will also serve as a noise barrier. It will be a 3 foot high stone wall with evenly spaced stone pillars with a fence structure in between the pillars. Mr. Swift added that they would like to get rid of the Jersey barriers and have the wall run the whole length of their frontage from the entrance to the end of the parcel. They didn't expect to, but found out that they can get rid of the guard rail as well.

He added that it is of sufficient height with 3 feet, 6 feet and another 1 foot of detailing that will provide a good buffer. Most of the noise from any road adjacent to a property comes from tires on that road.

Comm. Lopera asked if they had permission from the Connecticut DOT.

Mr. Swift responded that this was a City road. Mr. Panico added that this is the City's design solution.

Atty. Thomas stated that there is an unallocated AT&T cable somewhere in there so they didn't want to dig into the ground. It took them a while to get this to the table with the City Engineer, at which point he explained that if the wall is 10 feet off the curb line, and it was leveled between the curb line and the wall, then they could eliminate the guardrail too. If that is done, it would provide a decent gateway look to the corporate area.

Mr. Panico stated that when the fence and wall leave the property and go onto that piece of excess city right of way – that's a legal issue and a potential conflict with that cable.

Atty. Thomas responded that it wasn't necessarily because the cable is in the area closest to the (inaudible).

Atty. Thomas relayed that the City Engineer indicated that there is a city ordinance that says it can't be done. Using the site map, he showed how far down they would have to leave the wall and the Jersey barrier. He noted that it would be really ugly.

He explained the reason that there is a weird looking piece of property - inadvertently, he discovered it when doing all the research concerning this access way, which was the old driveway - it turned out it was from a 100 and something years ago – Old Mill Road. He showed where it went in and over the Far Mill River connecting up with Mill Road. So whenever a flash flood took out the bridge, they just built the bridge on the other side. Technically, there is no ownership of that; however, people have certain rights including them and Mr. Scinto.

Atty. Thomas continued to explain with the use of the site map, that when taking property for Commerce Drive, they were taking it in chunks and, as often happens, they took a chunk that looks like this and only used this for the road.

He continued to explain that he just got this today, but there are two ways to address the issue. One way is with a license, and they've already had that experience where the City deeded a portion of property to Crown Point Associates adjacent to the Bridgeport Avenue pump station. Of course, Mr. Botti redesigned the whole pump station so that it looks like the rest of the buildings. As part of that agreement the City deeded a portion to him and a retaining wall

was constructed. It was determined after the retaining wall was constructed that it bent – that the line and the wall was in such a way that the last 10 feet of the wall veered into the City property. Rather than remove the wall, which was a very good-looking wall and everything fit, the City just gave a license to the individual who had to provide an insurance certificate to the town every year. Additionally, there is a requirement to maintain the wall; simply, the wall can be handled by a maintenance agreement.

The other option, which is, without a doubt, what can be classified as excess right of way. So technically, and this would have to go to the BOA, would be to sell a strip here that would allow the wall to be put up on the Applicant's property.

Mr. Panico responded that they should just set a street line and sell them the rest of it.

Atty. Thomas indicated that this will have to be addressed. They just received this. He asked Jim Swift if there were any other engineering issues to address here.

Mr. Panico stated that they should address for the Commission the degree of removal or the lack of need to remove growth, vegetation, from that area.

Mr. Swift showed an area on the map where there was no significant growth, a portion where there were dead hemlocks and a location with two nice clumps of maple trees. In the corner, there is a lot of growth of existing trees that they will save. He indicated that they will remove any dead vegetation and anything of any significance will remain.

Comm. Lopera asked what type of fencing they were using.

Mr. Swift responded that it would vinyl, very upscale (inaudible discussions about the type of stonework...)

End of Tape 2A, 9:27 p.m.

Chairman Pogoda brought up the point about the difficulty turning in and out on the two lane road there.

Mr. Panico added that they originally planned on the possibility of a turnout, in the event needing to stop a school bus there.

Mr. Swift indicated that they requested to build that turnout, but the City Engineer denied the request.

Mr. Panico responded that he thought they should revisit that.

Chairman Pogoda commented that there needs to be someplace for a school bus to pull off to the side. Mr. Swift agreed that they wanted to build it for the reasons brought up by the Commission.

Mr. Panico stated that it would function for both purposes - build it for the school bus but it's also available in the event someone has to stop.

Atty. Thomas responded that this wasn't a P&Z controlled issue because they are talking about constructing something on a city right of way. They would have to break the City road line in order to construct it to go onto their property.

Mr. Panico commented that it would be a modification of a city street.

Atty. Thomas indicated that they could do it – if not, they'll certainly have another stab at this with the City Engineer, if they want it.

Mr. Panico suggested having a talk with the Traffic Authority and see what the Chief says. He asked Rick Schultz for a copy of the City Engineer's Report.

On a motion made by Chris Jones seconded by Patrick Lapera, it was unanimously voted to accept Application #08-24.

PUBLIC PORTION

Chairman Pogoda asked three times if there was anyone in audience who wanted to speak about any issue not on the agenda. There was no response.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to close the public portion of the meeting.

OTHER BUSINESS

60-64 AND 66 HUNTINGTON STREET PROPERTIES (PDD ZONE CHANGE)

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

Atty. Thomas, described 60-64 & 66 Huntington Street, as the case that goes on forever. He referred to the two colonial homes that became commercial uses in the late 60's, early 70's. They evolved throughout the 70's and 80's with variances on a small site. It developed into legal action applications to put in new buildings, easements, etc.

He indicated that Dr. Michael Montanaro owns it, and his wife owns #66. Presently, Amy Montanaro, his daughter, has taken over management of the properties. She approached him concerning the development of 60-64. He showed a drawing of a proposed building in which they are reorienting – building a new building, sidewalk, everything – providing the required setback with the Beard driveway. So, no variances would be needed for either of the Beard properties. They would be removing the existing non-conformities. In the front it would maintain the same 10 foot setback that existed with existing building.

Atty. Thomas stated the proposal is for a very Huntington Center-esque look. To do this, the entrance would be through 66 and there would be shared parking arrangements for the various uses. He introduced Jay Belade from Mark Finlay Renovations who is working on this project.

During the course of a Staff session, he asked the Commission if they would consider an overlay zone for Huntington Center similar to Downtown to allow 10,000 square foot PDD's. The Commission was not ready to take that step at the time. In combining 60-64 and 66, it's over 60,000 square feet.

In regard to the reason for the informal discussion, under the new regulation, the SDA Overlay isn't done by the applicant anymore, it's done by the Commission. So there is no benefit to them to apply for a PDD unless this Commission indicates that they are willing to put an SDA here.

He continued to explain that there's really little difference – the benefit is that the PDD is usually beneficial to both parties – if they were coming in with these applications under the current zone, they would simply have to go to the ZBA and get the 10 foot variance for the new building. No other variances would be required – the two sides that border on the Beard property now become

conforming and on the side of 66, it becomes conforming, so they only have to ask for one variance. Then it would shift to here for a site plan approval. While this Commission has suggestive powers as it relates to architecture and site plans, it has greater control over architecture in a PDD. It benefits them by utilizing the entire site because they can bring into play the shared parking arrangement in a PDD. Obviously, they have an approval for a special exception for a 2000 square foot addition which they would be giving up.

Atty. Thomas concluded that the purpose of this discussion was to be able to go back to their client and ask them if they think it is worth filing a PDD. It is very intensive to file the initial concept plans for a PDD. This could be triggered by the Commission indicating that they're prepared to make Huntington Center a Special Development Area.

Mr. Panico asked if they were concerned because any kind of a variance on that property automatically makes the Beard piece a party to it. They are automatically just by being an abutter.

Atty. Thomas responded that they are automatically a party, but that's not the issue. They feel that they've come up with a design that no longer has variances on their side.

Mr. Panico indicated that they would still be in a position to appeal any variance that was granted.

Atty. Thomas responded that given the fact that they are taking a piece of property that has four non-conformities and one encroachment on it to another property and turning it into a building that has a front variance similar to what is existing. This piece of property has a unique shape.

Comm. Harger asked if they were talking about merging all of this land.

Atty. Thomas responded that they don't have to; they can have PDD's over ownership, but for zoning purposes, they would be creating a single entity because it becomes its only zone. Therefore, for zoning purposes, 66 would now be governed by the PDD.

Mr. Panico commented that it would be merging the utilization of the property, if not the ownership, because that parking would be committed to the other parcel.

Comm. Lopera asked how big the proposed building would be.

Atty. Thomas responded that it would be 47, 76, 28, 38 and (inaudible)

Mr. Belade interjected that it would be 388 on both floors.

Comm. Lopera asked if the footprint was 2400 on the floor.

Mr. Belade responded yes, give or take.

Mr. Panico commented that it was a very attractive building and good complement to the Green (inaudible)...

There was an inaudible side discussion regarding the architectural designs with Mr. Belade and Comm. Lopera.

Comm. Lopera asked what the proposed uses were – retail or office.

Atty. Thomas responded that under the CB-2 zone there's a variety of uses (retail, office, food) with each one having to come back to this Commission under a site plan to determine if the parking is suitable for the tenant. Under a PDD, they would want to limit the uses to office and food, but it would be subject to the parking requirements. The whole thing with this site is that the tenant coming in would be dictated by the parking situation. He showed some unutilized areas in the rear but they would be good in a PDD for employee only parking, thereby freeing up all the parking on the site for clients and customers. The PDD gives them a broader use and gives them more control.

Chairman Pogoda asked the Commissioners to think about these different options. Atty. Thomas indicated that he'll continue communicating with Staff about it.

8-24 REFERRAL: OFFICE TRAILER FOR SCHOOL BUS STORAGE YARD

Comm. Parkins asked where they were now. Comm. Harger responded that they were back where they were on Riverdale Avenue.

Mr. Schultz stated that they have a request for an 8-24 Referral to place an office trailer with full utilities on City property next to the Pink Elephant. The trailer owned by the BOE will be used as an office for the school bus operation. He read a letter endorsing this from the City Engineer dated 10/7/08.

***See attached letter from City Engineer, Robert Kulacz dated 10/7/08.**

Comm. Lapera asked if this was being requested by the Board of Education.

Mr. Schultz responded that they were, through the Mayor's Office, because they can't petition for it.

On a motion made by Thomas McGorty seconded by Patrick Lapera, it was voted (5-1) to report favorably on the 8-24 Referral for the Office Trailer for the School Bus Storage Yard. Comm. Jones voted in opposition.

WELLS AVENUE, PHASE IV, ROADWAY EXTENSION: CALL OF PERFORMANCE BOND

Mr. Schultz indicated that the City Engineer was recommending calling the bond in lieu of if the Applicant is willing to do the first course of pavement so that the snow plow trucks can go down the street. He read the letter from Atty. Steve Bellis, on behalf of the developer, confirming that the City Engineer would allow the developer to install one coat of asphalt pavement in light of the construction of Lots 171 and 172 at the end of the cul-de-sac. Consequently, the developer will agree to pave the cul-de-sac with one coat of asphalt beginning October 31st.

Mr. Schultz indicated that Staff recommends that the Commission call the bond in the event that the developer fails to install the first course of bituminous asphalt pursuant to the letter dated 10/10/08.

On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to release the performance bond at Wells Avenue, Phase IV, Roadway Extension with noted conditions.

VISTA AT WHITE HILLS – REQUEST FOR RELEASE OF PERFORMANCE BOND

Chairman Pogoda stated that he took a look at the landscaping, this is a major development, and he thinks it looks good – the landscaping and the lawns.

Mr. Schultz read the letter from the City Engineer endorsing the release of the \$300,000 performance surety which was reduced by the Commission on 6/13/06 with conditions.

***See attached letter from the City Engineer, Robert Kulacz, dated 10/09/08.**

Mr. Schultz added for everyone's information that the developer reconstructed the existing accepted portion of Wabuda Place 528 feet from East Village Road northerly to meet city standards. He received a letter from Scott Wasilewski referencing things that still need to be done at his residence on 2 Wabuda Place. He acknowledges some of the deficiencies which he believes the developer is going to complete.

He indicated that they've contacted the Conservation Commission because they had to install markers for the open space and repair the wall where the cut is into the open space. They have a couple of small issues. Mr. Schultz added that he wasn't going to physically release this bond until he gets confirmation from Mr. Wasilewski and the Conservation Commission, but he is comfortable that the Commission take action tonight. The City of Shelton, the BOA, wants to accept this road so they can put in traffic calming devices from East Village to Village. The electronic monitor can only be installed on a city accepted street.

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve the request of performance bond pending open issues for the Vista at White Hills.

ZONING ENFORCEMENT

1. 44 Lisa Avenue (privacy wall)

Mr. Schultz explained that this was a privacy wall without a permit. They just scrutinized the fence on Huntington and Maple Lane. This was done without the benefit of that and the neighborhood is livid. They need to take legal action. This is a combination ordinance violation and planning & zoning violation.

2. 163 Long Hill Cross Road (contractor's storage yard)

Mr. Schultz indicated that this was the DaSilva property. They continue to maintain a contractor's storage yard (tires, etc.) They've been cleaning but it is taking a long time and Staff would like to include this in the zoning enforcement so that they know the Commission is taking this seriously.

3. 171/173 Division Avenue – John Todice (2 or 3 family)

Mr. Schultz explained that John Todice received permission to finish expanded floor area on the third floor while maintaining a two family dwelling. Because there is an outside hallway that goes to the upper floor area, it can easily be converted to a three family dwelling. As part of this motion, they would like the Commission to direct Staff to get a legal opinion from Corporation Counsel. The position of the Zoning Officer handling this is that it's a three family. The Assessor's Office says they will access it as a two family with expanded livable area. As the Commission knows, abuse is easily had if they walk away from this.

He added that this is a common hallway going up to the second floor and also to the third floor that have separate doors that are locked. There is no easy solution and they'll probably have to get an agreement filed in the land records.

Mr. Schultz requested a motion for all three of these zoning issues.

On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to approve authorization for Zoning Enforcement for properties located at 44 Lisa Drive; 163 Long Hill Cross Road; and 171/173 Division Avenue.

PAYMENT OF BILLS

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

STAFF REPORT

ZBA Agenda

82 Soundview Avenue: Property owners are going to the ZBA to reverse or modify the Zoning Enforcement Officer's action to stop the conversion of a second structure to another detached single family dwelling. The regulations only allow one dwelling unit per lot.

This is a subdivision directly across the street from Whipporwill and there were two dwelling units on one lot that was maintained by the original property owner. They are trying to rehab it and turn it back into a single family. Zoning Enforcement Staff has issued a notice stating that they won't tolerate that conversion of a two family regardless of what they thought it was 30 years ago or what they think they can do. They are going to the ZBA to reverse or modify the zoning enforcement action. He would like to write a letter on behalf of the Commission indicating that they uphold the position of the Zoning Enforcement Officer to convert the second structure to a detached family dwelling.

On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to authorize action by Staff to the ZBA supporting the ZEO Stop Work Order for property located at 82 Soundview Avenue.

Zoning Subcommittee: The Chairman distributed copies to all members regarding the rewrite of the sign regulations. It is recommended that a public hearing be scheduled on 11/25.

Staff has also prepared a draft amendment to the Zoning Regulations regarding the processing of Certificates of Zoning. The Commission has discussed giving that authorization back to the Zoning Department with some restrictions, special certificates, signage, etc.

Additionally, he requested a recommendation to make a referral to Corporation Counsel and also make referrals to the Council of Governments for the 11/25 public hearing to deal with those two issues.

On a motion made by Patrick Lapera seconded by Thomas McGorty, it was unanimously voted to authorize Staff referrals to Corporation Counsel and the Council of Governments regarding draft amendments to the Zoning Regulations regarding signage and Certificates of Zoning Compliance, and to schedule a public hearing on or after November 25, 2008.

United Recycling , 90 Oliver Terrace

Mr. Schultz referenced the letter provided to all the Commissioners from the City Engineer who reviewed the United Recycling application that was before the State of Connecticut DEP. United Recycling revised their application; they are

now eliminating the renewable energy plant and increasing the solid waste volume plant for 800 tons to 1600 tons a day. This is a substantial increase and a modified site plan needs to come before the Commission.

Mr. Schultz stated that he notified United Recycling by phone and hasn't heard back from them yet. This was brought to the attention of the BOA by Irving Steiner.

Mr. Schultz indicated that he advised the Chairman before this went to the BOA and he was reporting on it tonight to the full Commission. The directive from Staff to the Applicant to the owners of United Recycling is to resubmit a modified plan so it corresponds with the application before the State of Connecticut.

Chairman Pogoda commented that the issue with this is going to be the traffic in and out of that site.

2006 Plan of Conservation & Development

The Conservation Commission requests a public hearing be scheduled for their draft Open Space Plan update that will be a supplement to the 2006 Plan of Conservation and Development. Mr. Schultz suggested that presentation be considered for the November 25th meeting.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to authorize Staff to make referrals regarding a November 25th public hearing.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to adjourn at 10:10 p.m.

Respectfully Submitted,

Karin Tuke