



Mr. Schultz indicated that this was a hair salon to be called The Valley of the Dolls to be located in Ralph Matto's building. The business area is 900 square feet, part-time, one employee, no Sundays with varied hours. Available parking includes curbside and Post Office parking lot. The existing signage will be repainted and remain uniform with others. Staff recommends approval.

**On a motion made by Chris Jones seconded by Virginia Harger, it was unanimously voted to approve Separate #5093.**

**SEPARATE #5087, GLEN FRACOEUR, 615 HOWE AVENUE, BUSINESS/SIGN**

Mr. Schultz indicated that the sign was not submitted so this would be for the business occupancy only. This is the location of the former Siding King by the Boy's Club. This is for a convenience store, King's Corner Market, 880 square feet with two employees. Staff recommends approval for occupancy.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #5087 for the business occupancy only.**

**SEPARATE #5079, APURA SIGN CO., INC., 329 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz indicated that this was for the D'Addario Cadillac/GMC new signage. He showed pictures of the proposed signs/sign locations to the Commission and indicated that it was simple and consistent with what is on Bridgeport Avenue.

**On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to approve Separate #5079.**

**SEPARATE #4111, HUNTINGTON WOODS, LLC, 698 – 708 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz indicated that the developer of Split Rock is requesting that the Commissioner modify two of the three ground signs. He showed the Commissioners a photo of the first sign located at Old Stratford Road and another photo of the second (main) sign located on Bridgeport Avenue.

Mr. Schultz reiterated that there are three ground signs – one located by Walgreen's which is not being modified; one proposed sign on the Old Stratford Road side (with 8 elements); second proposed sign on Bridgeport Avenue (with 9 elements).

Chairman Pogoda asked what they were presently.

Mr. Schultz responded that they were four and five.

Chairman Pogoda indicated that was what they told them...but it is up to the Commission.

Mr. Schultz stated that the Applicant was here to answer any questions.

Comm. Harger asked if they were highlighting the businesses located on those sides of the shopping center with the access to them.

Mr. Schultz responded yes.

Comm. Harger asked if the Applicant was receiving comments from the tenants.

Mr. Schultz responded that it is always about having exposure, especially in these economic times.

Comm. Harger referenced the photo of one of the monument signs and stated that the existing sign had some space but it would be going from 3 to 7 or 8.

Mr. Schultz commented that most of the Commissioners present are aware of the evolution of this. The Commission had wanted to hold it at around 3 or 4, but it has always been difficult with these signs because the tenants want exposure.

Comm. Parkins commented that it really isn't fair to give some tenants exposure and others none.

Comm. Jones indicated that it still has the existing framework and only adds a few more names to it.

**Atty. Steve Bellis, representing the developer, addressed the Commission.** He indicated that all the signs were cut in half across the board. It is the same structure that was there before. There aren't any more spaces but they are trying to get more people on it.

Comm. Harger stated that she was thinking back to another sign where this issue came up, it wasn't this particular tenant, but it was about reducing the size of the letters to get more names on the sign – the smaller letters are difficult for someone driving by to read. The focus of this development being named the Center at Split Rock suggested to the tenants that was how they would identify their location and that sign would be big enough for everyone to see. She indicated that having so many names on the monument sign is distracting.

Comm. Jones responded that he was fine with it because you can read it sitting there at the red light.

Chairman Pogoda added that it isn't always a red light. The reason for it was to use the main focus, The Center at Split Rock, as the address, and that is what it was going to be.

Chairman Pogoda asked if anyone had comments.

**Brian Atherton, tenant, Atherton & Associates, 702 Bridgeport Avenue, Suite 301 addressed the Commission.** Mr. Atherton indicated that it was not only an exposure issue, but a safety issue. He explained that the monument signs are set 50 feet back from Old Stratford Road, and very often his clients coming off of Route 8, taking a left on Old Stratford Road, don't realize that it is Split Rock because they are looking for #702 Bridgeport Avenue.

Also, Mr. Atherton indicated that the numbering on the monument signs blends in with the façade of the brick. This makes it unclear to drivers in the middle of Old Stratford Road, going in the direction of Scinto's Towers, to discover that Split Rock is on the left until the very last second. He indicated that this has resulted in some of his clients having to pull a U turn because they've missed it thinking it was the only egress. Mr. Atherton added that he understands the Board's concern with trying to identify the tenant's names on the monument sign, but it's not like there's 20 tenants. He commented that it was also a safety issue traveling on Bridgeport Avenue heading north, because the Split Rock sign doesn't become visible until it's too late; he often receives cell phone calls from out of town clients who can't locate him. There is an issue of exposure, but his concern is for safety of drivers making U turns.

Chairman Pogoda responded that it is also a safety factor if a driver has to stop in the middle of traffic to look at that sign. In response to the need to make a U turn, there is a traffic light where they can take a right, turn around on the next block and come back – there's no reason for a U turn. He added that there shouldn't be anything to obstruct traffic, that's silly, because it is not like its a major highway going 65 mph, missing an exit, and needing to go another five miles.

Mr. Atherton commented that he's had clients go back and forth for miles and end up downtown, and they can't identify those numbers, because of the way that they appear on the monument.

Mr. Panico asked Mr. Atherton if he didn't advertise that he's located in the Center at Split Rock.

Mr. Atherton responded that many of his clients just want a number on Bridgeport Avenue – Bridgeport Avenue being the magic mile - there are hundreds of different complexes. They just try to look for #702.

Mr. Panico commented that maybe they should just emphasize the numbers, and forget the names.

Comm. Parkins agreed that the numbers would mean more than the names.

Chairman Pogoda stated that it would be something that they have to discuss with the owner of Split Rock to make it more visible. But as Comm. Harger brought up, those letters are small and they could be a hazard for a driver trying to stop and look at it. He added that he understands there are many people coming from out of town.

Mr. Atherton reiterated that he understands the Board's concern with the multiple tenants names, but relative to other monument signs in other complexes, they feel that the letters are large enough to where it's not a distraction. Mr. Atherton indicated that he is a commercial property broker representing hundreds of properties in different towns that have 60 – 70 tenant names on a menu sign. Because this is only 8 or 9, he doesn't think it would distract drivers, but maybe help identify and prevent unsafe turns on Bridgeport Avenue.

**Sal Channa, representing S Salon located at 702 Bpt. Avenue, addressed the Commission.** Mr. Channa indicated that he understands all of the safety factors, and they do advertise that they're located in the Split Rock Center. However, times are tough, and if they could get somebody driving by that could see their sign, somebody that didn't see their ad in the paper, it would help because they are located in the back of the plaza. He indicated that he has no frontage from the road at all and having a sign would make a huge difference.

**Dr. Stephanie Kinik, 702 Bridgeport Avenue, addressed the Commission.** Dr. Kinik indicated that she's located on the third floor. No one knows that she's up there. She has some new patients that mentioned that they came in when they saw her name on the sign on Old Stratford Road. Dr. Kinik stated that for the three months that she was on the sign (it's on a rotating basis), she got six new patients. Since her name was taken off the sign, she hasn't gotten any new patients.

**Julie Blakeman, 702 Bridgeport Avenue, addressed the Commission.**

She stated that she seconds what Dr. Kinik says. When she had her sign out there, 80% of her clients were just drive bys who came in when they saw the sign. If they see the sign, they come in – it makes a huge difference.

**Lou from Panchero's, 704 Bridgeport Avenue addressed the**

**Commission.** He commented that it would help to promote Shelton businesses; with all the commuters and people visiting inside and around the City, if they realized their businesses were there, it could generate the economy in Shelton.

Comm. Harger asked one of the speakers about her comment that the names appear on the sign on a rotating basis. Chairman Pogoda added that was news to him as well.

**Jamie Krantz ?, Blakeman Construction, 704 Bridgeport Avenue,**

**addressed the Commission.** She responded that they have had to rotate the new tenants out of fairness to them. It has been very difficult with the lease agreements, getting new tenants to come in without full signage. They are restricted to the wall signage, so when they come in, they have been rotating them. It is the only way that they can do it – a new tenant comes in another one comes down, just so that they can have some visibility. As Dr. Kinik said, she's had new patients come in to her new business just from the visibility on the sign for three months. She added that these are small business owners who need that exposure; they can't spend hundreds and hundreds of dollars on advertising in this economy. It makes it worse when people can't find them. They have had emergency vehicles come to the Center not knowing where the Asian Bistro is. They aren't even putting Asian Bistro on the monument because they have two wall signs, so they are giving it to these people with no visibility from the street or the back of the building to get some drive by business.

Ms. Krantz continued that the sign helps them grow their business. They can't have banners and other stuff, and they have no way to get exposure without spending hundreds of dollars. They have 20 tenants, with room for 25, and they aren't even giving all of them the option to be on the monument sign.

Comm. Harger asked if there were some tenants that are static – as to their display – with no changes.

Ms. Krantz responded that there was the Corporate, the Gamestop, the Sleepy's that they have to keep there as part of the lease agreement before more tenants came in. They've been consistent with the red lettering or red/white lettering – nothing crazy.

Comm. Parkins suggested taking off the highly visible ones like Walgreens and put smaller businesses in the back on the sign.

Ms. Krantz agreed and she would love to do that, but they have signed a lease agreement for 30 years with them, and they can't do anything about it. However, they do want to help these smaller businesses do well. She noted that they've brought a lot of business to Shelton by their advertising; but they're at a prime location on the corner of a busy street and they could use that exposure.

Comm. Sylvester asked if there was any recommendation from Staff.

Mr. Schultz responded that, in all fairness, the Commission has allowed ground signs with more, and there's no denying that. He hears this every week, so in all fairness to the applicant, this is something that is not out of the ordinary. He indicated that, on the other hand, this is something that the Commission continues to wrestle with because they do PDD's, which this is. The tone is set

in the very beginning, usually two or three anchor stores, and then it grows, as witnessed tonight. Mr. Schultz added that he deals with this every week.

Comm. Sylvester apologized for putting Rick on the spot. He indicated that he has been quite consistent in his approach to the signs. He feels they spend too much time on signs, and it's impossible to enforce the sign regulations. There are many signs out there that don't fit the regulations. However, he understands the importance of a sign to a small business man especially when there is so much competition in a slow economy.

Comm. Sylvester noted that Split Rock was different than anything they've had before; it's not a typical shopping center. It is hard for the people in the back to get themselves known. He suggested that the design at this center should be discussed in the upcoming policy discussions about signage. Signs are important to a small businessman, and to make a decision tonight without thinking about it more would not be something he wants to recommend.

Chairman Pogoda recommended tabling this as part of the sign regulation discussions and taking it from there.

**On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to table Separate #4111 regarding signage at 698 -708 Bridgeport Avenue.**

**SEPARATE #5089, BED BATH & BEYOND, 862 BRIDGEPORT AVENUE, EXPANSION OF HOURS**

Mr. Schultz indicated that this is a PDD and the holiday season is approaching, BB&B are proposing extended hours:

11/4/08 – 11/30/08, Fri. 6 – 10 p.m.  
12/1/08 – 12/07/08 Mon. – Sat. 8 a.m. – 10 p.m. , Sun. 9 a.m. – 9 p.m.  
12/8/08 – 12/21/08 Mon. – Sat. 8 a.m. – 11 p.m., Sun. 9 a.m. – 9 p.m.  
12/22/08 & 12/28/08 Mon. & Tues. 8 a.m. – 11 p.m.,  
12/24/08 Wed. 8 a.m. – 6 p.m.  
12/25/08 Thurs., Christmas – Closed  
12/26/08 Fri. 8 a.m. – 9 p.m.  
12/27/08 Sat. 9 a.m. – 9 p.m.  
12/28/08 Sun. 10 a.m. – 7 p.m.  
New Year's Day – 10 a.m. – 6 p.m.

Staff hasn't had any problems there and recommends approval.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve the expansion of hours for Separate #5089.**

**SEPARATE #6689, MATT WALSH, 514 BRIDGEPORT AVENUE, SIGNS**

Mr. Schultz indicated that this was for Party Land with blue lettering; style and size is consistent. Staff recommends approval. He showed a photo of the proposed signage.

**On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve Separate #6689.**

**SEPARATE #5100, SIGNS UNLIMITED, 515 BRIDGEPORT AVENUE, SIGNS**

Mr. Schultz indicated that this was for Coldstone and Blimpie's across the street in the corner unit, formerly AT&T Wireless. He showed the proposed renderings of the signs.

Mr. Panico asked if the signs were consistent with the rest of the signage on that building.

Mr. Schultz responded that yes it was; however, way back in the very beginning they had the maroon color. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve Separate #5100.**

**SEPARATE #6686, O&M ELECTRIC INC., 81 BUDDINGTON RD, GENERATOR & PAD**

Mr. Schultz indicated that this was the cell tower on Buddington Road, off of English Lane and near Holy Ghost; it has a Buddington Road access since the 1950's. This is consistent with the Commission wanting to maintain and upgrade existing towers. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve Separate #6686.**

**SEPARATE #6687, INC. PROPERTIES, 350 BRIDGEPORT AVENUE, BUSINESS**

Mr. Schultz indicated that this was for the sports bar. He showed the Commission the formal layout plan. He indicated that the Fire Marshal has approved up to 173 patrons and the applicant is requesting, in light of that fact, live musical entertainment. They have 146 total shared parking spaces. The only other establishment open there at night is Planet Pizza.

Comm. McGorty commented that he was there at 8:00 and there were about 25 cars in the parking lot – all out of state plates parked in the front and the back. He added that it seemed to be busy there.

Chairman Pogoda responded that he should let Staff know about that. They only approved nine cars and they were to be parked in the back.

Mr. Panico asked if that center was entirely leased out now.

Mr. Schultz responded that this sports bar would bring it to 100% occupancy.

Chairman Pogoda recalled that there had been concerns about the sports bar/restaurant at the last meeting, even without the input from the Fire Marshal as to the number of patrons. They were concerned about the number of patrons because of the live music. Comm. Parkins brought out a number of 150, the Fire Marshal said 173, there are about 146 parking spaces - less the spaces for rental cars and the pizza place, and it's up for discussion. Chairman Pogoda indicated that this could be watched over the course of a year to see how the parking goes. He asked about the employee parking.

**Anthony Tadduni, 1431 Monroe Turnpike, Monroe, CT addressed the Commission.**

Mr. Tadduni responded that there were 19 employees and they were included in the 173.

Comm. Parkins commented that her concern was not about the number of patrons in the building, the Fire Marshal determines that; she was concerned about the parking for all the people that would be in that building.

Mr. Panico responded that not everyone would come one to a car.

Mr. Tadduni responded that many people will come 3 to a car or 4 to a car. He asked to read something compiled by the attorney who put together the PDD on this. He read that "the Statement of Uses and Standards of PDD #57 contain parking requirements for the PDD - eight spaces per 1000 square feet of gross floor area are required for food service establishments; 5 per retail floor space. Mr. Tadduni indicated that there was 6000 square feet of food service establishment. By these calculations, there are 28 extra parking spaces. There are 146 parking spaces there. There is a massive amount of parking available. He reiterated that his establishment is 1/3 of the size of Madison's; they went through that analysis last time. He questioned the Board's continued concern about the parking, because he feels there is plenty of parking in this place compared to every other restaurant on Bridgeport Avenue.

Comm. Parkins indicated that she had concerns about the live music.

Mr. Tadduni asked what the live music had to do with the amount of people he's allowed to have.

Mr. Panico asked him to explain to the Commission what he means by live music.

Mr. Tadduni responded that live music means small, local bands with 3 or 4 people per band. He added that the Fire Marshal is allowing him to have 173 people inside, so he doesn't understand what the live music has to do with it.

Comm. Jones agreed with the applicant because he's been to places downtown, like Liquid Lunch, with live music.

Mr. Panico responded that the Commission has had some concerns about what the definition of live music intended, because a popular band might possibly inundate the place with 300 people that have nowhere to go.

Mr. Tadduni responded that he's allowed 173 people by the Fire Marshal.

Mr. Panico asked who would go out and enforce the Fire Marshal's occupancy rule, and Comm. Parkins asked who would control his entrance.

Comm. Jones commented that it's the Fire Marshal's job to go out and do that.

Mr. Tadduni responded that this was his third time here, and he's tried to provide the all the information they've requested.

Comm. Parkins reminded Mr. Tadduni that the reason for that was because he did not provide the site plan for them to review last time.

Comm. Harger asked Mr. Tadduni to revisit how he might control his entrance.

Mr. Tadduni responded that he'd have a clicker and a guy at the door.

Comm. Jones commented that there was no other bar in the City that needs clickers and wristbands – he didn't understand why that was necessary. Jeremiah's has live music and bands up there...

Mr. Panico responded that they were just trying to guard against the unknown. If there was something going on that they had no knowledge of ahead of time – so be it. But condoning something that they believe could lead to something, it behooves them to put the proper controls in place.

Mr. Panico noted that he believed they were talking about essentially the same numbers, so there really is no reason for a big debate. The Fire Marshal says 173; Comm. Parkins mentioned 150. The number isn't cast in stone and it's in the same ball park. Mr. Panico suggested that if they want to put a cap on the number of patrons, put a cap on the patrons consistent with what the Fire Marshal says. A reasonable calculation would be to allocate 12 – 13 spaces for employees, leaving a residual of 160 parking spaces for the patrons – that is more than conservative. They'll be well protected and there will be a number down on piece of paper somewhere, so if it's constantly violated, it can be brought to Mr. Tadduni's attention, and he'll remedy it. There are no guarantees that there won't be an occasional time when he might exceed that number, but he'll deal with it. If it happens frequently then it needs to be brought to his attention, and he'll need to react accordingly.

Comm. Sylvester agreed that it could happen so they should say in the approval that in the event that occurs, it needs to be addressed. He agreed with the 150 number, but there should be a provision that says if it's troublesome, that it will have to be revisited and readjusted.

Mr. Panico responded that it behooves Mr. Tadduni, it behooves the Commission and obviously, it behooves the Fire Marshal to monitor things as well.

Comm. Harger expressed concerns that if there were an overflow of people, the next door down is Family Health Care and cars might go in there and park on private property. A little farther down from that there's a commuter parking lot which might cause people to walk on Bridgeport Avenue in the dark.

Mr. Panico responded that the numbers that they've discussed tonight should not produce that condition.

Chairman Pogoda commented that the parking is similar to the discussions they've had about overflow parking at the Golf Center, and that issue hasn't arisen there, and they have a lot of people there. The Chairman reiterated the Board's main concern is that the parking doesn't go out to Bridgeport Avenue or across the street to the auto dealerships.

Chairman Pogoda asked Mr. Tadduni if he would be having live music every night.

Mr. Tadduni responded that it would probably just be on Saturdays.

**On a motion made by Chris Jones seconded by Patrick Lapera, it was unanimously voted to approve Separate #6687 with stipulations for the maximum occupancy of 173 as indicated by the Fire Marshal, and conditions of the P&Z Commission regarding parking and outside music/speakers.**

**SEPARATE #5085, OAKBRIDGE/219 REALTY, LLC, 209-213 HOWE AVENUE, MULTI-FAMILY**

Mr. Schultz indicated that this was the multi-family near Commodore Hull Bridge. They are renovating it and at the same time reducing the non-conforming by reducing it from five units to four units. Staff recommends approval.

**On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to approve Separate #5085.**

**SEPARATE #5091, MICAELA GIVAN, 23 BRUCE DRIVE, HOME OFFICE**

Mr. Schultz stated that this was for a home business occupying 25 square feet, selling jewelry, no retail sales at the house. All sales take place on the Internet, part time, one employee, no commercial vehicles. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #5091.**

**SEPARATE #5098, K. KHATHAKHANTHAPHIXAY, 187 BRIDGEPORT AVENUE, HOME OFFICE**

Mr. Schultz stated that this was for a 50 square foot home office for computer services and the owner will travel to his customers.

**On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #5098.**

**SEPARATE #6693, JOHN LICHUAR, 44 LISA DRIVE, CONCRETE WALL**

Mr. Schultz indicated that this wall is located off of Mohegan, taking a right on Wigwam, where Lisa Drive becomes the four-way stop (Lisa Drive is on the right and on the left). He distributed drawings of the property (top view), and explained that the owner was doing a retaining wall around three sides of the property.

Mr. Schultz indicated that the owner has been cited via the ordinance through the City Engineer's Office because the sight line obstructs the corner, because this is a corner lot. This is currently before the BOA, who acts as the Appeals Board for that particular ordinance. The City Engineer is asking him to reduce the wall where it obstructs the sight line down to about three feet or to get some type of agreement filed on the land records that puts the owners on the property in the event there is an accident.

Mr. Schultz restated that the BOA is working on the sight line violation under Ordinance #521. The reason this is before the Commission is because they are holding it to four feet, because this Commission requires a site plan over four feet. This is a large retaining wall with a stone veneer on it. He visited there today and the Chairman checked it too. Mr. Schultz stated that when they amended their regulations 4 or 5 years ago, it dealt with retaining walls over 4 feet because the Commission is concerned with how it impacts property values – because once it goes over 4 feet – it's a fortress.

Mr. Panico asked if this wall was for technical purposes or is it a retaining wall.

Mr. Schultz responded that this was for security purposes.

Mr. Panico asked if this was in lieu of a fence.

Comm. Lapera responded that it was not a retaining wall.

Mr. Schultz indicated that if the Commission isn't comfortable with this tonight, he strongly recommended that they go out and take a look at it. It is a poured concrete base wall (8 inches thick) with real stone veneer.

Mr. Panico asked what the overall width of the wall would be.

Mr. Schultz responded that it would be 2 ½ feet. There is an ordinance violation that needs to be resolved by the BOA. It can be done in two ways – by reducing this height or putting an agreement in the land records.

Comm. Sylvester asked what their function was.

Mr. Schultz responded that, because this was an out of the ordinary, decorative stone wall, the function of this Commission is to be aware of what is going on and that the condition of approval will be up to 48 inches or 4 feet. Staff will have to go out there and measure it. He added that Mr. Dingle informed him today that there are portions of this wall right now that are over 4 feet. He recommended tabling it and getting these sight issues resolved or approving it with those conditions.

Comm. Parkins asked for clarification about the sight issues.

Mr. Schultz responded that when there is a corner lot, the line of sight for a car driving by can not be obstructed under ordinance – whether it is shrubbery, trees or a stone wall. It isn't a setback issue, it is about the height.

Mr. Panico asked if the stone fence was being built on the property line.

Mr. Schultz responded that it was being built right on the property line. It is quite eye-catching.

Chairman Pogoda commented that the photos show that he's facing it with Belgian block – that whole wall. He has pallets of Belgian block and it's laid out all over his lawn and on the roadside. It looks like a huge 4 or 5 foot concrete abutment.

Mr. Schultz responded that this application is the result of a Stop Work Order issued by Staff because portions of the wall are over 4 feet, and that triggers a site plan that the Commission will want to review.

Comm. Harger asked if they table this tonight, would it impact the BOA.

Mr. Schultz responded that it would not because it's a separate issue. He believes that the BOA wants to allow him to maintain it at 4 feet and file that agreement in the land records.

Mr. Panico commented that it seems to indicate that he's sweeping it around the corner, and with that sweep there is still a visibility problem?

Mr. Schultz responded yes – he urged them to go see the structure themselves.

Chairman Pogoda indicated that it's up to the Commission. He recommended that everyone go out and take a look at it, but right now it is unsightly – it's a solid, thick concrete wall. He plans to face it, assuming that is done, it will look nicer. The aesthetics aren't the issue, but it's up to the members if they want to table this and take a look at it or approve it with stipulations.

Mr. Panico asked if it would be faced with Belgian block. Chairman Pagoda responded that it would be.

Comm. Parkins asked if this was in the land records, that land owner would be responsible in the event of an accident, and absolves the City of (inaudible).

Mr. Schultz responded that the City Attorney has to agree to that.

Chairman Pogoda added that wasn't their decision to make anyway.

Mr. Schultz responded that was why the BOA was hearing the appeal right now – because of the sight line.

Comm. Parkins asked if they should make a motion having him cut it down to four feet.

Mr. Schultz responded yes, that would be the zoning part of it – to maintain the four foot height and that they be consistent with the veneer. They don't want to see a hodgepodge either. He recommended that they say the entire stone wall be consistent with its materials. Legally, he didn't know if it would hold up, but it should at least be on the permit.

Chairman Pogoda asked why they couldn't legally hold him to that.

Mr. Schultz responded that with erecting any kind of fence, like a wooden fence, they could do a hodgepodge with different pieces.

Chairman Pogoda commented that this was no wooden fence.

Mr. Panico responded that Rick is pointing out that regardless of material, chain link, whatever, the homeowner can put in 100 feet of galvanized chain link and then put a bargain priced coated fencing on it for the rest, resulting in dissimilar materials. Whether its wood, stone, concrete – they could get dissimilar materials.

Chairman Pogoda asked if they had the ability to make sure that the applicant uses the same material all around it.

Mr. Schultz responded that was what he is suggesting be put on the permit.

Chairman Pogoda asked the Commissioners if they wanted to table this or approve it with these stipulations.

Comm. Parkins responded that there was no sense in tabling it.

Chairman Pogoda stated that they could table it if the Commissioners want to go look at it.

Comm. Jones added that the neighbors probably want to see it done as fast as possible.

**On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to approve Separate #6693 with the zoning conditions that the stone wall is limited to a height of 4 feet or less and that all materials (Belgian block) to be used on the veneer of the wall are consistent throughout its entire length/exterior.**

**APPLICATION #08-15, LONG HILL CROSS ROAD 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 AND POSSIBLE ACTION**

Comm. Jones informed the Chairman that he had recused himself from the public hearing on this application, so he would be recusing himself for this discussion and possible action.

Chairman Pogoda responded that Comm. McGorty would act in his behalf.

Mr. Schultz indicated that Staff has prepared a draft resolution that Mr. Panico will read.

Mr. Panico stated that at the last discussion, Staff was authorized to prepare a resolution which limits the industrial development to the industrial portion of the site and makes provisions on the balance of it to retain the residential character of it to accommodate a single family house as an interface between the new industrial development and the existing residential neighborhood.

He showed the site plan for reference depicting the minimum size residential lot that could be created, which is what the neighborhood was looking for, confines the development on the other end, and eliminates the contractor storage yard. Mr. Panico read the draft resolution.

**\*See attached Shelton Planning & Zoning Commission document dated 11/18/08 for Application #08-15.**

Upon completion of reading the draft resolution, Comm. Lopera asked if the PDD covered the entire site or just the LIP part.

Mr. Panico responded that because of the semantics of the way things have to go, the PDD has to be on the entire piece, and within the PDD there are two land use categories. One use specifically providing for residential in the R-1 portion of the site and one use accommodating the industrial on the LIP zone portion of the site. If this is passed, what will come back is a plan that shows industrial and single-family residential.

Chairman Pogoda asked Tony to explain some of the reasoning he had mentioned earlier.

Mr. Panico responded that part of the reasoning, after discussing it with Rick, and going over it in detail, they concluded that this was a better approach for two reasons.

Using the site drawing, he explained that if it is limited to there, in order to implement that proposal, it now gets taken out of the planning body and it has to be sent to the ZBA. But in reality, it's the function of P&Z to decide what is right and what's proper. It also imposes additional constraints on the development of that site which can only be overcome through variance relief.

He continued to explain that rather than setting up a series of variances that would need to be granted, if it makes good planning sense, then they should deal with it using the mechanism available to them which is the PDD. In fact, one of the major reasons for using PDD's is to accommodate these transitions from one use to another where non-residential abuts a residential to gain additional controls to protect both sides of the line.

Mr. Panico stated that it would have been possible to cut it off somewhere in the back as long as they left 40,000 square feet in this portion of that, but that puts the line back here somewhere.

Rather than introducing a lot of additional lines, they describe the PDD that way. He showed how the land use is committed to those 150 feet as residential, that as industrial, and it gets implemented by a re-subdivision plan.

Comm. Lopera asked if that re-subdivision will in fact impose R-1 on that piece again.

Mr. Panico responded that yes it would impose residential use on this piece – R-1 residential standards with the exception of 30,000 square feet of build able area since they have a lesser amount somewhere in the order of 20,000 feet. He added that is still a very generous, build able area. When they do CRD's they allow parcels to be reduced down to 20,000 and 25,000 square feet, so there is adequate room on this site. He showed the conforming house location on the site drawing as having plenty of backyard and side yard.

Comm. Lapera asked if it meets the square requirements and the setbacks.

Mr. Panico responded that yes it meets the frontage requirement and the 150 foot square – that is what drives the location of that line (he showed the location on the site plan).

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously roll call voted (6-0) to approve the resolution for Application #08-15. Comm. Jones recused himself from voting and Comm. McGorty voted in his behalf.**

Chairman Pogoda asked Rick Schultz of any other areas of town similar to this with a split zone where this might come up again in the future – maybe not the same components with industrial or residential.

Mr. Panico responded that they've tried to clean them up as they go; such as when they did the detailed study for the Route 8 corridor, and they moved some zone lines then because the old Route 8 zoning had zone lines established in R-1 areas (inaudible)... They tried to clean up other ones and got in trouble with the courts...(inaudible)... The courts ended up throwing out their adjustment (inaudible...)

There was further discussion regarding past attempts to change old zone lines but it was inaudible due to multiple conversations occurring at the same time.

**PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION TO AMEND THE BUILDING ZONE MAP BY CHANGING FROM RESIDENCE R-4 TO RESIDENCE R-1 FOR PROPERTIES NORTH OF UPPER CANAL STREET INCLUDING MCCALLUM ENTERPRISES, RIVERVIEW PARK AND HOUSATONIC RAILROAD COMPANY (PUBLIC HEARING CLOSED ON 10/29/08) – DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz showed the site map of the area being proposed, initiated by the Commission to rezone to R-4 multi-family zone to R-1 single family. He showed on the map that it follows the center line of Howe Avenue /Route 110 and ends at the northerly part of Riverview Park, then follows the Housatonic Railroad right of way and matches up to the existing R-1 in upper Howe Avenue then goes to the center line of the Housatonic River and comes all the way down to the locks and the area of the Canal Street redevelopment. Mr. Schultz summarized that there were three distinct parcels – the McCallum Hydroelectric Facility, Riverview Park and the Housatonic Railroad right of way. As Staff indicated at the public hearing, this was a planning exercise that three documents recommended doing – the Local Plan of Conservation Development, the Valley Regional Plan and the State of Connecticut. Mr. Schultz read the draft resolution dated November 18<sup>th</sup>.

**\*See attached Planning & Zoning Commission document regarding the Amendment to the Building Zone Map for properties north of upper Canal Street including McCallum Enterprises, Riverview Park and Housatonic Railroad Company dated 11/18/08.**

Mr. Schultz stopped while reading the draft resolution to point out the importance to re-establish that – they are bringing down the R-1; it makes sense because the R-1 begins at the Monroe town line and goes through Indian Well and along that side of Howe Avenue, Leavenworth Road all the way down to this area. It is not like they are creating a pocket; they are extending it, and that was made clear at the public hearing.

After reading the resolution, Mr. Schultz indicated that Staff discussed creating a new historic zone with Corporation Counsel. The consensus of Corporation Counsel was whether they were extending the R-1 zone or creating a pocket; and the answer was that they were extending it. They felt comfortable that through the Commission's public hearing and its findings, that there would be a good chance of protecting, if it should be challenged, and in all probability, it will be challenged. Mr. Schultz reiterated that there are three planning documents that recommend this, and that is very rare thing and very important; it will go a long way if this is challenged.

Mr. Schultz added that the Citizen's Advisory Board wrote a very detailed report regarding its historic significance specifically the hydroelectric facility has the last remaining part of the Shelton Canal in its original condition along with the river lock. Riverview Park has historical value too with the rock of the original fort of the Indian tribe that was in Shelton; old deed restrictions indicate that the property needs to be used for community open space.

Comm. Harger suggested that Rick look into getting the updated copy of the 2003 VCOG Strategic Plan because it is now updated for 2008.

Chairman Pogoda asked the Commissioners if there were any other questions or comments, if not, and if the Commission is comfortable, he would need a motion to accept the draft resolution.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously roll call voted (6-0) to approve the resolution for the proposal of the Shelton Planning & Zoning Commission to amend the Building Zone Map changing Residence R-4 to Residence R-1 for properties north of upper Canal Street including McCallum Enterprises, Riverview Park and Housatonic Railroad Company.**

#### **NEW BUSINESS**

**APPLICATION #08-23, BARRY KNOTT ON BEHALF OF RICAR, LLC AND MIANUS HOLDINGS, LLC FOR FINAL SITE DEVELOPMENT PLANS APPROVAL FOR PDD #66 (MARINA, MULTI-FAMILY, RESTAURANT AND POOL CLUB), RIVER ROAD (MAP 22, LOT 1 AND MAP 32, LOTS 16 & 17) – ACCEPT FOR REVIEW**

**On a motion made by Chris Jones seconded by Ruth Parkins, it was unanimously voted to accept Application #08-23 for review.**

**APPLICATION #08-24, BRR ARCHITECTURE FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #9A (WAL-MART: EXTERIOR PAINT/SIGNAGE CHANGES AND INTERIOR RENOVATION), 465 BRIDGEPORT AVENUE (MAP 63, LOT 5) – ACCEPT, DISCUSSION AND POSSIBLE ACTION**

Mr. Schultz indicated that this is a straightforward proposal to use earth tone colors, they've already painted the facility, because they are changing the corporate colors. The colors used to be blue, and also the signage has changed somewhat with the asterisk. He showed photographs to the Commission of the colors and proposed wall signage on the main building that says "Home &

Pharmacy, Outdoor & Living...). He indicated that it can't be seen from the road. Mr. Schultz stated that there is more interior renovation; this is a well-used store and they are constantly upgrading it. It is a three part – exterior earth-tone colors, signage logo alteration/replacement and the interior renovations.

Mr. Panico asked if there is any change to the sign down on Bridgeport Avenue.

Mr. Schultz responded that there was not. The right of way is very detailed which is why the pole sign is obstructed with vegetation. Staff has repeatedly asked them to put a monument sign in the median, but the store does so well that they don't really need it. He indicated that it is pretty straightforward, and he drove up there today and the management is doing a good job with previous dumpster issues. He has had no complaints about noise, or sweeping in the morning. He suggested that they look favorably on it tonight.

**On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to accept Application #08-24.**

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve Application #08-24.**

### **PUBLIC PORTION**

Chairman Pogoda asked three times if there was anyone from the public who wanted to make comments to the Commission. There was no response; he asked for a motion to close the public portion (8:42 p.m.).

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

### **OTHER BUSINESS**

#### **APPROVAL OF MINUTES: 9/23/08 AND 10/14/08**

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to table the approval of the minutes of 9/23/08 and 10/14/08.**

#### **8-24 REFERRAL: REDESIGN AND EXPANSION OF THE BALL FIELDS AT LONG HILL ELEMENTARY SCHOOL**

Mr. Schultz indicated that he had a letter from the Mayor's Office pursuant to 8-24 on behalf of the Building Committee for the Long Hill School ball fields. The City Engineer's letter dated 11/18/08 positively endorsed the proposal to renovate and expand the athletic field behind Long Hill School. The improvements would result in two expanded Little League fields on an all purpose soccer-sized field, and the construction of a new ADA complaint access path.

**\*See attached letter dated 11/18/08 from the City Engineer, Robert Kulacz.**

Chairman Pogoda asked if it interfered with any neighbors in the area.

Mr. Schultz responded that no, it was down back below the school, completely surrounded by open space.

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to report favorably on the 8-24 Referral for the redesign and expansion of the ball fields at Long Hill Elementary School.**

**BERKSHIRE COMMONS: REQUEST FOR ONE YEAR EXTENSION TO FULFILL CONDITIONS OF APPROVAL**

Mr. Schultz indicated that this is the four unit condominium approval on Zuckerman's property and Murphy's Lane. They have been in court with the Town of Stratford WPCA – this was approved in 2005 with the conditions subject to WPCA approval. So accordingly, they need another one year extension to complete their appeal. They feel confident that they will be able to reverse the WPCA's denial to hook up to River Road/Murphy's Marina gravity fed/pump-up line serviced by Stratford. If this is approved by the courts or WPCA, Tanglewood Condominiums would also hook in to this line. Mr. Schultz added that in lieu of the circumstances, this is a reasonable request.

**On a motion made by Leon Sylvester seconded by Patrick Lopera, it was unanimously voted to approve the request for a one year extension to fulfill conditions of Stratford WPCA approval at Berkshire Commons.**

**ZONING ENFORCEMENT: 26 HAMILTON DRIVE (CONTRACTOR'S STORAGE YARD) – LEGAL ACTION**

Mr. Schultz indicated that Staff recommends legal action be taken because the property owners have been maintaining a contractor's storage yard in violation of zoning regulations. A Cease and Desist order was issued and they have not complied with it.

**On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve zoning enforcement for property at 26 Hamilton Drive.**

**PAYMENT OF BILLS**

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

**STAFF REPORT/COMMENTS FROM CHAIRMAN**

**ZBA AGENDA: #1108-4**

Mr. Schultz indicated that this had to do with split zones; a parcel of land in CB-2 and R-1. The R-1 is off of Blacks Hill Road, and they want permission to waive the provision that doesn't allow them to come into a residential area through a commercial area. Mr. Schultz stated that he advised the Applicant, that in all likelihood, this Commission would direct Staff to write a letter indicating that they weren't in agreement with the approach at this time. He added that this Commission is aware that someday Constitution Boulevard will be extended and that whole area – Cot St. & Blacks Hill Road is going to be completely changed. Unfortunately, this is a unique circumstance, with two zones.

Mr. Schultz added that the Chairman asked earlier about these types of parcels – and this is one that he would bring to the Zoning Subcommittee. It's a timing thing and eventually, all these parcels will be assembled there when Constitution goes through – because there are small parcels and regular shaped parcels – parcels in two zones. But he's looking for a quick fix to get a return on his investment. And this is something that this Commission doesn't support - going in from Residential to Commercial.

Comm. Lopera asked what PBS Enterprises, Inc. was.

Mr. Schultz responded that was the ownership.

Mr. Panico asked if there was an existing use that they were trying to get access to through a residential area or is this a proposed use that they want to create and they need that access.

Mr. Schultz responded that this was a vacant piece of property and they want to build a commercial building accessing it through a residential area. There are a lot of planning implications here.

Comm. Jones commented that they can't access it through Blacks Hill Road – nothing can be done on Blacks Hill Road.

Mr. Schultz indicated that he would like to extend to the ZBA that this entails numerous planning ramifications. They are red-flagging it because they think it is the wrong way to develop this property. He'd like authorization from the Commission to write a letter to ZBA.

**On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to authorize Staff to initiate correspondence to ZBA regarding land usage issues for ZBA Application #1108-4.**

### **Conn. Siting Council**

Further discussion from the Zoning Report included the Verizon Wireless 127' tall monopine tower (pole that looks like a pine tree) design solution. He showed a schematic of the tower with its dimensions. Mr. Schultz recommended to the Commission that this would impact the single family dwelling at 64 Lane Street, an interior lot. The pole is 150 feet from the property line and 300 feet from the dwelling. The trees in the area are between 40 to 60 feet.

Mr. Schultz added that the Conn. Siting Council has the final say; however, since Huntington Green is recognized as a historical area, the Mayor and P&Z Commission have been notified as a first step. Mr. Schultz recommended that the area residents be notified ASAP and that the balloon test be provided and coordinated with the residents there.

Comm. Harger asked if there had been any response from the Shelton Historical Society.

Mr. Schultz responded that they rely on us. They have to notify them within 30 days, which this meeting complies with. He asked the Commission how they felt about the make-believe pine tree pole.

Chairman Pogoda responded that he's seen it in New York going into the City on the Sawmill Parkway, and it looks worse than anything they've ever put up. A pole or tower with some antennas on top would look better.

Mr. Panico commented they might get away with it if they put it in the middle of a wooded area, but the one Tony is talking about is very incongruous.

Mr. Schultz indicated that he would notify them that the Commission reviewed the proposal.

Comm. Parkins asked if the Citing Council was going to have a public hearing on this.

Mr. Schultz responded that they will. They haven't made an application because this falls within a National Historic Preservation Act location, this is step one; there are more levels involved because of its location.

Mr. Schultz discussed other issues including the topics for the public hearing to be held next Tuesday, November 25<sup>th</sup> – the rewrite of the sign regs, how they process applications for Certificates of Zoning Compliance, and the Conservation Commission update to the Open Space Plan. It is important that it gets updated and becomes a supplement of the 2006 Plan of Conservation & Development for grant money.

### **COMMENTS FROM THE CHAIRMAN**

Chairman Pogoda indicated that when Corporation Counsel had taken a look at the sign regulations, they felt some of them would be disputed. He indicated that Tony has been rewriting some of the sign regulations. Since the public hearing about it will be next Tuesday, he suggested that it would be prudent for them meet before that time.

Mr. Panico commented that Corporation Counsel brought up some issues that the Commission needs to respond to or change the language. He has rewritten some portions for clarification purposes only without changing the intent. He suggested that in lieu of the discussions that had taken place tonight about signs, he asked if this was the appropriate time to address the sign regulations.

Mr. Panico added that he felt it was important that all the Commissioners are on board and understand these regulations, and ask questions in this forum before having a dialogue with the public that will include their questions.

There was some discussion as to coordinating a meeting time before the hearing but each Commissioner had conflicts in their own schedules. Comm. Sylvester suggested that since this is one of the most difficult issues they constantly face, it would be great if they could all get together at a later date in order to have a good discussion rather than trying to squeeze it in before the public hearing.

Mr. Panico responded that up until now, this document has been a product of the Subcommittee, but in consideration of the hearing, it should be a product of this Commission.

Chairman Pogoda commented that this is an important document that should be understood by everyone and not rushed through. Especially the new issues brought up by Corporation Counsel need to be addressed. However, they can not continue to devote so much time to the Separates, just with these signs, than they expend on some applications or public hearings. He would like the public to have something to go on, and they should provide a document that the Commission is comfortable with.

Comm. Sylvester responded that they need to be cognizant of the fact that they do not have a lot of Staff, and they can't be making regulations that aren't enforceable. He clarified that he wasn't being critical of anything, but they need to understand that they only have so many resources; therefore, simpler is better.

Chairman Pogoda indicated that there are certain things that they cannot regulate such as color and content; they can have Staff work with the applicants, which they generally do.

Comm. Sylvester asked if Rick needed a motion to change the agenda of the public hearing.

Chairman Pogoda commented that he didn't want this to linger; he'd like to get it done at some point. He suggested meeting sometime in December to make modifications with Tony, and have it ready for the agenda in January.

**On a motion made by Leon Sylvester seconded by Patrick Lapera, it was unanimously voted to cancel the scheduled public hearing for the rewrite of the sign regulations to be held on November 25, 2008 to another date to be determined.**

Shelton Canal Company/McCallum Enterprises

Mr. Schultz reported that two Fridays ago he sent a Notice of Violation to McCallum that erecting the fence with the razor wire restricting passage to the public access area was a violation of the Special Exception - because in 1986 when the Special Exception was approved, it was a condition of approval.

Mr. Schultz indicated that he sent this notification by Certified Mail and it states that he needs to advise P&Z of his intent and submit a modification. A copy has been sent to Corporation Counsel to initiate legal action. Mr. Schultz indicated McCallum received the Notice of Violation but hasn't contacted him. Mr. Schultz stated that he would contact him tomorrow to advise him that they will take legal action if he doesn't submit a modification of the Special Exception.

Comm. Sylvester reported on some information that he received from an unnamed source. He commented that this Commission made a decision 25 years ago that should be enforced and it shouldn't be forgotten. He read portions of the documentation for Ever Ready Machine Company Inc. and McCallum Enterprises approval order issuing license dated 1986. Comm. Sylvester indicated that the documents include information about the fish ladder; historical and archeological protections; natural and recreational resources; river access and other issues cited by the Federal Government in their approvals. He wasn't certain that this was an official document but he gave it to Rick and asked him to make copies for the other Commissioners to have. Comm. Sylvester made the comment that if their approval didn't make any difference, than why did they struggle for months with McCallum Enterprises as it came back to work out a resolution to get approval to put that site in. He recalled that it was not an easy approval, and at that time, everything they did, was required for him to go forward. So for them to change it arbitrarily, is wrong.

End of Tape 2A, 9:21 p.m.

There was further discussion about the McCallum issue, FERC

**On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 9:23 p.m.**

Respectfully submitted,

*Karin Tuke*

