

The representative (not identified) from NEC INFRONTIA, INC. addressed the Commission. He indicated that the fiber optics would increase their bandwidth on the Internet and improve the quality of the connection between their offices in Irving, TX; Canton, OH; and Japan.

Chairman Pogoda asked if these poles would be located on the City right of way or their property.

The representative responded that it would be on his property.

Chairman Pogoda asked how far he was set back from the road.

The representative responded that the poles would be 175 feet from the Crossroads. They are the first building on the left off of Long Hill Cross Road.

Mr. Schultz stated that Staff recommends the installation of the poles with the conditions that the green stained poles be used and that they are installed as close to the tree line as possible.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to approve Separate #6705 with Staff recommendations.

SEPARATE #5007, ROBERT ERNST, 151 CENTER STREET, BUSINESS

Mr. Schultz indicated that this was a business owner change for the old Antonio's Pizza restaurant.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #5007.

SEPARATE #5008, BISHOP GOLF, LLC, 784 RIVER ROAD

Mr. Schultz indicated that this was the two-story addition for the video arcade. The condition of approval remains that there will be no party rooms added until authorization from the P&Z Commission.

On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to approve Separate #5008.

SEPARATE # 6777, RAM BLDG. GROUP, 375 BPT. AVENUE, INTERIOR ALTERATIONS

Mr. Schultz indicated that this was the Webster Bank on the corner of Nells Rock Road. They are conducting interior office alterations, nothing else changes.

On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to approve Separate #6777.

SEPARATE #5096, HMG MOSE GROUP, LLC, 14 PEARMAIN ROAD, HOME OFFICE

Mr. Schultz indicated that this would be for 40 square feet, one individual, Internet sales. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Leon Sylvester, it was unanimously voted to approve Separate #5096.

SEPARATE #5000, BARBARA O'BRIEN, 92 MORNINGSIDE COURT, HOME OFFICE

Mr. Schultz indicated that this would be a 50 square foot office area for Internet sales.

Comm. Parkins commented that this address sounds like a condominium. Chairman Pogoda asked if the applicant received permission from the condo association.

Mr. Schultz responded yes, it needs to be approved subject to authorization from the Rivendale Condo association.

On a motion made by Thomas McGorty seconded by Leon Sylvester, it was unanimously voted to approve Separate #5000 with the stipulation that authorization is received from the condominium association.

SEPARATE #4999, MATTHEW MEMALI, 38 NUTMEG LANE, HOME OFFICE

Mr. Schultz indicated that this was for a 75 square feet office; sport training, limited liability with public not coming to the premises.

On a motion made by Thomas McGorty seconded by Leon Sylvester, it was unanimously voted to approve Separate #4999.

SEPARATE #5013, MARIA FEMBESI, 22 NICHOLS AVENUE, HOME OFFICE

Mr. Schultz indicated that this was for 100 square feet, one employee, consulting services. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Leon Sylvester, it was unanimously voted to approve Separate #5013.

SEPARATE #5097, VIRGINIA BIRON, 8 TOTEM TRAIL, HOME OFFICE

Mr. Schultz indicated that this was for cleaning services, 50 square foot office with two individuals – one owner and one associate. They go out to clean other homes. Staff recommends approval with the standard conditions of no work on the premises.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5097.

SEPARATE #6778, RUBIN MUSANTE, 7 CENTERVIEW DRIVE, HOME OFFICE

Mr. Schultz indicated that this was for 100 square feet, one employee, literacy work. He recommended that the Commission clarify that this is an office only and public does not visit the premises.

On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to approve Separate #6778.

SEPARATE #5014, HOLIDAY INN EXPRESS, 695 BRIDGEPORT AVENUE, OUTDOOR LIGHTING

Mr. Schultz indicated that the Holiday Inn Express Hotel is a PDD, and with any PDD, any deviation comes before this Commission. Holiday Inn Express at the corporate level is proposing permanent lighting on the corners of the building. He provided photographs of the proposed lighting to the Commissioners and indicated that the manager was present to answer any questions. This is part of their marketing plan. It is something that the Commission needs to look at because of the number of hotels that they have in Shelton. He pointed out the parts of the building that lighting would illuminate.

The Commissioners looked at the photographs of the various locations of the proposed lighting.

Scott McKay, General Manager, Holiday Inn Express, 695 Bridgeport Avenue, Shelton, CT addressed the Commission. He explained that this was part of what they were calling the re-launch of the brand. By January 1st, 2010 all Holiday Inns and Holiday Inn Express Hotels will have to be re-launched to reinitiate the brand hallmarks. It will highlight the brand more and bring it more in line with modern hotels. They conducted a large marketing survey over the last 18 months (inaudible due to side discussions)...

Mr. McKay indicated that they would be changing the logo and hotel interiors – it is all part of a re-launch that is corporate-driven for all hotels within their company to be completed by January 1, 2010.

Mr. Schultz asked Mr. McKay if the company had recently changed the exterior skin this year.

Mr. McKay responded yes, that was when they converted from their former brand, Ameri Suites (inaudible due to multiple discussions...)

Mr. Panico asked about the lighting, and if they were laser lights.

Mr. McKay responded that it was very soft lighting; it's not harsh lighting.

Mr. Panico asked if it was a tubular light or a projected light.

Mr. McKay responded that he had all the information about them. He indicated that (inaudible due to multiple discussions).

Chairman Pogoda commented that this is a PDD which gives the Commission control over the lighting and things of that nature. They don't want this to look like the Las Vegas strip with the lights shining up on the top. If you do it...well, we have a number of hotels in town, and if everyone starts putting up spotlights all over the place... He indicated that in his own opinion, maybe if they cut down the amount of them with just two in the front. If the building is surrounded with this stuff...

Mr. McKay responded that the side lighting is optional, which they can eliminate. The Brand is indicating that the front needs to be lit, but there is also the possibility, if it is a color issue, of doing it as clear lighting. The lighting is designed to go against the building only and not shine off into the night sky. It is soft lighting with no glare that will not impact any other businesses. Mr. McKay indicated that they can't control the intensity but they can control the beam by placing it more against the building as opposed to farther away. There are ways that they can work with it.

Comm. Parkins asked why they couldn't change the intensity – if they plan to use four 150 watt lights with a total of 600 watts going up, why is it that it can't be reduced to about 400 watts by using four 100 watt lights?

Mr. McKay responded that he could take that back to the Brand; they are being told that they can control the angle of the beam but not the lighting against the building.

Chairman Pogoda indicated that he would prefer clear lighting and he'd like the amount of lights to be cut down in the front.

Mr. McKay responded that he could take that back to the Brand. He reiterated that this is a Brand initiative with all Holiday Inns & Holiday Inn Express Hotels. Certainly, they (inaudible due to side discussions)

Chairman Pogoda commented that this is a PDD, and this is something that was agreed upon when this building was approved. He understands that franchises change, but (inaudible due to side discussions)

Comm. Harger commented that the blue might be softer than the clear lighting.

Mr. McKay responded that the blue is the Brand color, which a full service Holiday Inn would be; that is what eventually will happen in downtown Bridgeport as well.

Chairman Pogoda suggested that the two portico lights be angled downward, and he showed the other two lights on the photograph that he would also like to see angled downward. He asked if it was possible for them to set something up for the Commission before the January meeting to try blue lights and clear lights and see what it would look like. It is difficult to judge from the pictures as opposed to actually seeing the lights on at night; it would be helpful to the Commissioners.

Mr. McKay asked if he would like to see some sample photographs of clear lighting.

Chairman Pogoda asked if it would be possible to get those lights at the site – not samples.

Mr. McKay responded that he would find out about that. He asked if they wanted to see an actual physical sample of what the blue lights and clear lights would look like.

Chairman Pogoda responded yes.

Mr. Panico asked where they have closest installation of these lights.

Mr. McKay responded that he would have to find that out. He knows that none of the Holiday Inns in this area have been "relaunched," but he can find out if there is one in Connecticut.

Chairman Pogoda responded that he doesn't want to go all the way up the state; he doesn't think they will make a visit if it's very far, but they'd like to see some physical lighting to just see the intensity of the beam.

Mr. Panico commented that he thought the blue lighting would be less intrusive. The installation on two of these pictures shows just the pair of lights on either side of the sign and the two down lights.

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to table Separate #5014 until the 01/13/09 P&Z meeting.

APPLICATION #08-19, BROADBRIDGE HILL DEVELOPMENT, LLC FOR SITE PLAN APPROVAL (COMMERCIAL BUILDING), BRIDGEPORT AVENUE (MAP 105, LOT 163), CB-2 DISTRICT – REQUEST FOR EXTENSION ON REVIEW PERIOD (APPLICANT INITIATED)

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the 65-day extension on the review period for Application #08-19, Broadbridge Hill Development, LLC for Site Plan Approval.

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) – REQUEST FOR EXTENSION ON REVIEW PERIOD (APPLICANT INITIATED).

On a motion made by Leon Sylvester seconded by Ruth Parkins, it was unanimously voted to accept the 65-day extension on the review period for Application #08-24, John Paul Development, LLC for Minor Modification of Detailed Development Plans for PDD #61.

2008 DRAFT OPEN SPACE PLAN: DISCUSSION AND POSSIBLE ADOPTION AS SUPPLEMENT TO THE 2006 PLAN OF CONSERVATION AND DEVELOPMENT (PUBLIC HEARING CLOSED ON 11/25/08).

Mr. Schultz indicated that at the end of the public hearing, Staff was directed to give all the Commissioners complete copies of the 2008 Draft Open Space Plan. He read a letter from Assistant Corporation Counsel providing the legal opinion they requested regarding the 15% set aside.

***See attached letter from Corporation Counsel, Ray Sous, dated December 2, 2008.**

Mr. Schultz clarified that the Commission was not adopting an amendment of the subdivision regulations. They are adopting an update of the Open Space Plan as a supplement, and the 15% set aside is just one of the many recommendations in it.

Additionally, he informed the Commission that he spoke to Steve Bellis regarding his comments at the public hearing. He indicated that Mr. Bellis had no qualms with the document, and he wants the Commission to adopt it, because he understands that the City of Shelton needs it to secure grant money for open space. Mr. Schultz relayed that Mr. Bellis would only have issue with the Commission if and when the Shelton subdivision regulations are changed requiring the 10% set aside be changed to a 15% set aside. At that time, he will address his issues accordingly at a public hearing.

Mr. Schultz indicated that he had prepared a draft resolution if the Commission would like him to read it. He added that the Conservation Commission would like this Commission to adopt it as soon as possible so that it will become an official planning document to be used for securing grants.

Chairman Pogoda asked if the Commissioners had any questions or comments regarding the 2008 Open Space Plan.

Comm. Sylvester commented that he had no problem with it. He indicated that he hadn't read the whole plan, he read the Executive Summary, but he felt it was worthy of discussion. He agrees that they should pass it so that they can

apply for grants, but adopting something formally in a meeting like this – well, he doesn't want it to be read that they are approving everything in the plan. He doesn't have any specific issues from the Plan that he would like to debate, but because this document will be used to advise this Board in future years, he commented that they shouldn't just adopt it without explaining that they are adopting it to move it forward so that grants can be pursued and so forth. But it shouldn't be read as a formal approval of the entire plan.

He added that he didn't want someone to come and say that they've adopted 15% in this plan, so they should be applying 15% across the board. He added that Chris brought out some interesting discussion about past properties that were missed and properties that were accessed, and who makes these decisions.

Comm. Sylvester indicated that he was not displeased with the actions of that Committee because he thinks they do a great job. But if they are going to include this as part of their formal plan, they should have an opportunity to discuss it with that Committee. He recommended that they should approve it to move it forward, but as Tony suggested they might use the term "disclaimer," or some comment about specific proposals being subject to discussion.

Comm. Parkins responded that a Plan is typically a working document to provide guidelines; at least that is how she was viewing it. She commented that it was a very well prepared document– there are specific updates that they are making to the Plan.

Comm. Sylvester added that 15% hangs over his head, in that it is a recommendation worthy of debate and discussion. If they approve it, and things like that, and he doesn't know what else is in the plan – he didn't read the whole plan.

Comm. Parkins responded that it was a very well prepared document.

Comm. Sylvester indicated that he was not criticizing it, and he's sure it is a well prepared document. He added that the Plan is considerable, and he'd like to be able to make some kind of a comment stating that they should be able to discuss its impact at that particular time, and not accept the Plan as governance over their decision making.

Chairman Pogoda responded to Comm. Sylvester that his sticking point seems to be about the 15% - it is just a suggestion by the Conservation Commission. They would still have to take things to a public hearing to be accepted or rejected by this Commission. It won't go into effect on any future land deals. Until that time, 15% is a suggestion by the Conservation Commission.

Mr. Panico commented that is true to a degree but Leon raises a good point about Goal #2 where they discuss the 15% public open space. He noted that they have their way of defining "public," and he wasn't sure the Commission was totally in agreement with it. They cite figures of 9% at the present time as publicly set aside open space, but by their definition, they don't include State Parks. This Commission may choose to say that a State Park is publicly dedicated land. There is some basis for further discussions with the authors of the Plan to determine if the Commission is totally supportive of it, because that in turn impacts the implementation of the 15%. He added that he doesn't think that the Commission is necessarily opposed to a 15% public set aside – but they need to agree upon what is publicly reserved.

Comm. Sylvester responded that he didn't want to put impediments in the way... (inaudible due to side discussions)

Chairman Pogoda commented that it is a good point that they might possibly sit down with the Conservation Commission and (inaudible due to side discussions)...

Comm. Sylvester pointed out that obviously this document would bring differences of opinion because right now there are so many conversations going on at this table about the Plan. He indicated that he'd be satisfied if Tony could review the Plan and point out some issues that he thinks merit further discussion to prevent the P&Z Commission from being compromised in any future decision making by adopting this Plan.

Mr. Panico responded that he strongly suggested that they don't delay in adopting the document.

Comm. Sylvester agreed and thought it should be noted in the minutes that they are moving forward to support the efforts of this great group; however, we would like to make sure that by doing so it doesn't impede any decision making for future Planning & Zoning Commissions based on any applicants.

Chairman Pogoda agreed that there should be some discourse between both Commissions on a date to be determined. He realizes that Chris had brought out some points and others may want some clarification.

Comm. Jones commented that he thought it would be good for the two Commissions to interact about decisions that are being made.

Chairman Pogoda commented that Staff could possibly get the Chairman to (inaudible due to side discussions).

Comm. Sylvester asked Mr. Panico to review the Plan and report back to the Commission about points requiring clarification and further discussion.

Comm. Parkins responded that they shouldn't accept it, because they can't accept something and then go back and say that they don't agree with this, and they don't agree with that. She commented that she did not understand the logic of doing that.

Mr. Schultz asked if he could read something that he has written down during all of this discussion. He read that "the Commission recognizes that they are not giving a formal approval of each and every goal and recommendation at this time but is in agreement of supporting the document overall with the need for further discussion and evaluation at a later date."

Comm. Harger responded that she thought they were contradicting themselves.

Comm. Parkins agreed that it didn't make any sense.

Comm. Sylvester stated that he didn't think it was a contradiction at all. His statement, his reservation was very clear. It is a document that does have some specifics in it. There may be some points in it that, if they accept it, could be used at a future hearing by some attorney indicating that the Commission's decision should be based upon their approval of this Plan. He added that he would like to be able to say that they approve this document but reserve the right to discuss specific issues that might interrupt the process of the Planning & Zoning Commission.

Mr. Schultz indicated that there were no impending grants and they could conduct a meeting with both parties before the January 13th meeting.

Mr. Panico suggested that as an alternative to that, the one area where there may be some difference is Goal #2 relative to increasing the quantity and quality of open space where it suddenly becomes quantified. All the other goals are very broadly stated and no one can argue with them. Their only concern lies with Goal #2. He suggested adopting it and indicated that there is some disagreement about the language in Goal #2 requiring further consideration and modification. He concluded that 99% of the plan is good.

Comm. Sylvester asked Mr. Panico if he could say that there weren't any other issues like Goal #2 in there.

Mr. Panico responded that he went through the whole report; he can't say he read every single word in it, but he looked over each goal and Goal #2 troubled him a little bit about what constitutes open space.

Chairman Pogoda commented that he didn't want to beleaguer this. The Chairman of the Conservation Commission is in agreement that they should table this between now and the next meeting to get some discussion going between the two Commissions and take it from there. He asked for a motion to table this.

Comm. Harger asked if Mr. Panico could come back with some recommendations as Leon suggested.

Mr. Schultz responded yes, and that he prepared a draft resolution, but he'll modify it and be prepared for the Jan. 13th meeting.

On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to table the approval to adopt the 2008 Draft Open Space Plan until the 01/13/09 P&Z Meeting.

NEW BUSINESS

APPLICATION #08-25, CAPELA MOTORS, LLC FOR SITE PLAN APPROVAL (AUTOMOTIVE REPAIR, FORMER SCHUSTER'S GARAGE, 61 CENTER STREET), (MAP 129D, LOT 53), CA-3 DISTRICT – ACCEPT, DISCUSSION AND POSSIBLE ACTION.

On a motion made by Virginia Harger seconded by Leon Sylvester, it was unanimously voted to accept Application #08-25, Capela Motors, LLC for Site Plan Approval.

Mr. Schultz showed the site plan of the former Schuster's Garage on Center Street. He indicated that today, the State of Connecticut, Department of Motor Vehicles gives the condition for this Commission and the ZBA to have the final say on motor vehicle licensing. He read comments from his Staff Report dated 12/9/08.

***See attached P&Z Staff Report dated 12/9/08**

Mr. Schultz indicated that the applicant is seeking site plan approval for the occupancy of the 7000 square foot building for the repair of motor vehicles and the sale of up to 7 pre-owned cars. No towing is being proposed at this garage. There are no external alterations proposed for the existing masonry building. The existing parking will remain at 13 spaces. The property is located within a commercial CA-3 district and the Central Business District overlay zone and enjoys the pre-existing, non-conforming use.

Mr. Schultz stated that the Applicant was referred to the Fire Marshal who determined that the property does not lie within a watershed or flood hazard area, and a Sediment Erosion Control Plan is not required for this property. The

Inland Wetlands coordinator determined there are no regulated activities associated with this property. Staff has inspected the property and confirmed that the grounds contain no junk material and there is no outside dumpster.

Mr. Schultz read the Staff recommendations for no outside storage of automotive parts; no more than 7 unregistered motor vehicles shall be parked on the premises at any one time; the operator shall maintain seasonal landscaping to improve the aesthetics of the property. This is a pre-existing non-conforming use with a new operator that is proposing to continue with the automotive repair and up to 7 pre-owned vehicles. He indicated that the owner and the applicant were present to answer any questions.

Chairman Pogoda asked about an issue he recalled regarding the garage doors being closed and the parking.

Mr. Schultz responded that the Commission had an issue with the previous operator. They asked him to keep the garage doors closed in the front. The Commission had wanted to incorporate the other conditions of approval such as the garage doors, because they had a previous tenant there who had painted the doors purple. Therefore, the Commission is asking that everything be maintained status quo with colors, keeping doors closed, etc.

Mr. Schultz asked the owner/applicant if it was his intent to maintain 7 pre-owned cars.

Mr. Vincent Tabacc responded that he would not have that many.

Mr. Schultz asked if he could reduce it to five.

Mr. Tabacc responded that he could.

Chairman Pogoda asked how many employees he would have.

Mr. Tabacc responded that there were only two at the moment – his wife and himself.

Mr. Schultz indicated that the 7 spaces on the left would be for the employees, pre-owned vehicles and customers coming in.

Chairman Pogoda stated that Staff should just review the previous conditions of approval with the Applicant. They are basically asking that they do the same thing that was being done by the previous owner.

Mr. Schultz read the Draft Site Plan Approval for Application #08-25.

***See attached P&Z Report dated 12/9/08 regarding Capela Motors, LLC Site Plan Approval listing P&Z recommendations and previous conditions of approval.**

Comm. McGorty asked if that visitor parking was in the same location as the previous owner. He recalled some concerns the Commission had about turning around in there or backing out because of the tightness of the lot.

End of Tape 1A, 7:46 p.m.

Mr. Schultz responded that there were two curb cuts and at one time there was a chain across it.

Comm. McGorty commented that he thought that the curb cut was in front of the bays for the customer entrance/exit. It's always so crowded there because of the traffic.

Mr. Edward Schuster, previous owner of 61 Center Street, interjected that the lot was 90' x 60' and there is plenty of room for turning. He was there for 50 years and never had a problem.

Mr. Schultz commented that the Commission is incorporating all the previous conditions of approval such as landscaping, turning around vehicles, overall aesthetics, car parts, closed garage doors, etc.

Comm. Parkins asked Rick if he could verify that this site plan was similar to the one they reviewed previously because she recalls that they had a lot of discussion about it.

Mr. Schultz responded that he will double check on that because the Commission has to sign off on it for the DMV anyway. He will be signing the document and the A-2 survey on behalf of the Commission.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to approve Application #08-25, Capela Motors, LLC for Site Plan Approval with the stated conditions.

APPLICATION #08-26, UNITED RECYCLING OF SHELTON, LLC FOR SITE PLAN APPROVAL (CONSOLIDATION AND EXPANSION OF RECYCLING FACILITY), 46 AND 90 OLIVER TERRACE (MAP 63, LOT 13 AND 14), IA-2 DISTRICT – ACCEPT FOR REVIEW

Comm. Sylvester recused himself from this discussion. Chairman Pogoda indicated that Comm. Joe Sedlock would be acting in Comm. Sylvester's behalf.

Chairman Pogoda commented that before they accept Application #08-26 tonight he would like to say that the Planning & Zoning Commission may choose to hold a public hearing for the purpose of taking public comments for the proposed consolidation and expansion plan for United Recycling of Shelton, LLC. If a public hearing is held, and because the use is permitted as of right due to site plan approval, the Commission must hold, close and act on the Application within 65 days of receipt, unless the Applicant authorizes a 65-day extension. If the Commission decides to hold a public hearing, the recommended date will be Wednesday, January 28th, 2009 with the hearing conducted in the Auditorium at 7:00 p.m.

Chairman Pogoda asked the other Commissioners for a consensus if they would like to have a public hearing on this for informational purposes. He is sure there are questions, and he thinks they should get it on the table and make it transparent so that everyone knows what this is about, the intentions, etc. The public should be made aware and given an opportunity to ask questions. He asked the other Commissioners for their feelings about holding a public hearing.

Comm. McGorty commented that he thought it would be a good idea.

Comm. Parkins agreed but thought it should be based upon what they are applying for now, not what they may be doing in the future.

Chairman Pogoda responded that it would be in regard to what they are asking for right now.

Comm. Harger commented that she thought the more information, the better. She wants the public to be able to ask questions and alleviate any fears they may have.

Comm. Sedlock indicated he had no comments at this time.

Comm. Jones commented that yes, after visiting the site, he realizes that there will be a lot going on, so it is in everyone's best interest to hold a public hearing.

Chairman Pogoda indicated that insofar as the public hearing will not follow the notification requirements of Section 52, the Applicant and the Public are advised tonight that certified mailings to property owners are not required. Staff is directed to have the Applicant post the property with a sign provided by the Department and to post two legal notices in the Connecticut Post newspaper following the normal notification intervals.

Chairman Pogoda continued that the Commission also needs to inform the Applicant of what additional submission requirements are needed for the public hearing. He will also need a consensus that the following items are to be submitted:

1. A traffic report with data on the intersections of Oliver Terrace and Platt Road; Platt Road and Todd Road; Todd Road and Bridgeport Avenue; and Platt Road and Bridgeport Avenue intersections and any recommendations.
2. An environmental report advising the Commission of what materials are to be used on site and their the potential impacts to the neighborhood and what the environmental impacts are on the type of materials being brought in for recycling.
3. A noise report advising the Commission of the overall operational impact to the surrounding neighborhood, anticipated noise levels to area residential neighborhoods, and confirmation that the noise ordinance will be upheld.

Chairman Pogoda asked the other Commissioners if they felt all of these documents should be provided at the time of the public hearing. It seems reasonable in lieu of what they are asking to do there. He asked for a motion to schedule a public hearing and require the Applicant to submit a Traffic Report, an Environmental Report and a Noise Report.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept for review Application #08-26, United Recycling of Shelton, LLC for Site Plan Approval and to schedule a public hearing for 01/28/09 and require the Applicant to submit a Traffic Report, an Environmental Report and a Noise Report. Comm. Sylvester recused himself from voting on this application.

Joe Salemme, Connecticut Waste Transfer & United Recycling of Shelton, LLC addressed the Commission. He asked the Commission to elaborate on the type of environmental report they would like to have. They have permits on the property now. He asked the Commission if they wanted them to elaborate with their own consultants or through the DEP. He asked for clarification because he didn't understand what types of environmental permits they wanted.

Chairman Pogoda responded that they would like to get them from both – their consultant and the DEP because he thinks it would be helpful. He'd like to have

complete transparency. He realizes that most of their stuff is governed by the DEP.

Mr. Salemme responded that he just wanted to be clear so that he can get the reports that are required. He asked if they wanted new reports or old reports from the DEP that they have approvals on right now, and the pending permits – would that be sufficient? He added that they do soil testing, air testing, asbestos testing, storm water sampling on a regular basis as part of their permits and operating agreements right now with the DEP.

Mr. Panico asked Rick if he was relating it to the materials to be processed.

Comm. Jones commented that whatever ongoing reports they have are probably sufficient. He asked Mr. Salemme how often he does the reports.

Mr. Salemme responded that they do quarterly storm water reporting and (inaudible).

Chairman Pogoda asked Mr. Salemme to submit everything that he has to Staff prior to the public hearing. At that point, if additional information is required, there will be time to get it before the meeting.

Mr. Salemme responded that he would provide reports from January 1st forward. They have reports on lead, asbestos and storm water sampling that should cover everything under the Environmental Report that they are looking for. All this information is forwarded to the DEP also. He stated that he would put a package together of the storm water sampling, lead and asbestos, and provide the quarterly reports.

Comm. Parkins indicated that they'd like to see copies of the permits indicating what materials they have too.

Mr. Salemme indicated that if the Commission lets him know of anything else, he will have their environmental consultant prepare it. He indicated that he would like to give them whatever they need.

Chairman Pogoda responded that Rick would let him know any other information he needs.

Mr. Salemme asked about the noise report because he wasn't familiar with it.

Mr. Schultz told Mr. Salemme that he would give him a copy of the Shelton Noise Ordinance which indicates the decibel level. He reminded him of a back-up beeping issue that he already had from the area residents which they addressed and resolved. He suggested including the letter from that resident and resolution of that problem.

Comm. Parkins asked if they had a Day Noise Ordinance and a separate Night Noise Ordinance for two different shifts.

Mr. Salemme responded that the night shift wouldn't be using heavy equipment. He asked about the traffic engineering report.

Chairman Pogoda indicated that it should include the intersections (Todd, Platt, Bridgeport Aves.) required because they would be increasing their truck traffic with this expansion. The Commission needs to know how many trips they will be making and if it would require road widening due to increased volume, etc. He realizes that there is more traffic on these roads than in the past.

Mr. Salemme commented that this is an industrial park, so it satisfies that volume.

Chairman Pogoda responded that he understands that it is an industrial park, but they need to know if the traffic is being exasperated on these other roads. He asked him to check with Rick about the types of things they are interested in such as trip volumes.

APPLICATION #08-27, CATHERINE BLAKEMAN FOR SUBDIVISION APPROVAL (2 LOTS), 235 SOUNDVIEW AVENUE (MAP 126, LOT 11), R-1 DISTRICT – ACCEPT, DISCUSSION AND POSSIBLE ACTION

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to accept Application #08-27.

Mr. Schultz indicated that this is a proposed two lot subdivision. He indicated that the Commissioners had a copy of the A-2 survey for the splitting of the property known as 235 Soundview Avenue. He read correspondence from the City Engineer endorsing this application with his conditions. Additionally, he read the P&Z Staff Report dated 12/9/08 regarding the variance granted by the ZBA at its 7/17/08 meeting.

***See attached letter dated 12/9/08 from Robert Kulacz, City Engineer.**

***See attached P&Z Staff Report dated 12/9/08.**

Mr. Panico asked Rick about the reserve area for the septic system on Lot 2A because the site map indicates that it isn't tied into the sewer system.

Wesley Blakeman, 235 Soundcrest Avenue, Shelton, CT addressed the Commission. Mr. Blakeman responded that the reserve was to the left of the house.

Mr. Panico asked if that was what was approved by Valley Health.

Mr. Blakeman responded that they told Valley Health that they could tie into the city sewer there so that would bypass the Valley Health requirements for both lots. Eventually, the sewer lines will go down Soundview Avenue.

Mr. Panico asked if a note could be placed on the map that if there is a problem with the sanitary system on Lot 2B, they are obligated to tie into the sewer line.

Mr. Blakeman agreed to do that.

Comm. Parkins asked if this property abutted the gas pipeline right of way.

Mr. Blakeman responded that it did not.

Mr. Schultz addressed Tom Harbinson, Conservation Commissioner, in the audience, indicating that he had sent him a referral regarding this. It came in on Friday. The Commission wasn't obligated to act on this tonight – they have 65 days. He reiterated that it involves a two lot subdivision with lots to be deeded to family members.

Mr. Harbinson responded that Teresa Gallagher had emailed him today about receiving the referral. He hasn't personally looked at it, but she made a note that there was no need for the open space set aside based on the state statute just referenced. She also noted in her email that there is no open space that abuts the particular (inaudible due to side discussions)...

Mr. Blakeman provided the notices of notification to abutting property owners.

Mr. Schultz commented that the property was posted and notification went to abutting property owners. He told the Commissioners that it was up to the Commission if they wanted to table this to the January 13th meeting or take action on it tonight. He has a recommendation for approval; it is pretty straightforward. He has all the letters required and it's convenient that Tom Harbinson from the Conservation Commission is right here in audience because he just indicated there were no open spaces concerns.

On a motion made by Leon Sylvester seconded by Thomas McGorty, it was unanimously voted to approve Application #08-27, C. Blakeman Subdivision Approval, 235 Soundcrest Avenue with the stated conditions.

PUBLIC PORTION

Chairman Pogoda asked if there was anyone wishing to address the Commission regarding anything not on the agenda.

Thomas Harbinson, 15 Soundcrest Drive, Chairman, Shelton Conservation Commission addressed the Commission.

Mr. Harbinson indicated that given his inability to comment earlier, he wanted to relay that the Conservation Commission would gladly meet with them to discuss the Open Space Plan that they have put forward. He indicated that he would say publicly that he was a little disappointed, that after two months, some people haven't reviewed it.

Comm. Sylvester asked if he was referring to him.

Mr. Harbinson responded that yes, he was.

Comm. Sylvester replied that he had just received it.

Mr. Harbinson indicated that it has been online for six months, and he has said for two months that he would look at it.

There was some discord about Comm. Sylvester's timeliness in reading the Open Space document. Comm. Sylvester responded that he was supportive of what they were doing. He claimed that he did not read it, and he did not make comments based upon not reading it. He indicated that he thought Mr. Harbinson's comments were unfair.

Mr. Harbinson commented that two meetings have passed and Comm. Sylvester has not looked at this plan. He relayed that he was very disappointed in that – and that was his opinion.

Comm. Sylvester responded that when he received a copy he gave it to someone else who didn't have a copy. He didn't come down to the office to get another copy and he just received it tonight. He doesn't want to argue about this because there was no intention on his part to interrupt the process whatsoever.

Mr. Harbinson indicated that he had one more item. He commented that there is a difference between recusing oneself and abstaining from a vote. Abstaining from a vote can be done by Roberts Rules of Order for any reason whatsoever that is so desired; when recusing oneself from a vote, as Leon did today, he is required to say why he is recusing himself from the vote. He should state so. That's all he had to say. He thanked the Commission.

Chairman Pogoda asked three more times if there was anyone else from the audience wished to address the Commission. There was no response. He asked for a motion to close the public portion.

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

Comm. Sylvester responded that he didn't believe it was a requirement of this Board, but in good faith, he wanted to explain that he recused himself from Application 08-26 because his son-in-law is part of that organization, he is a part owner. He is in no way connected to that at all. He added that in conversations with the previous Corporation Counsel, he didn't even have to recuse himself from it because he has no part of it, no income from it, and it is not part of his household. He did it so that this Board could move forward without being uncomfortable with his presence in it. Therefore, there is no requirement that he recuse himself from the discussion based on the fact that he has no part in that business whatsoever, and that individual does not live in his household. He hoped that satisfied Mr. Harbinson's question.

OTHER BUSINESS

APPROVAL OF THE MINUTES – 11/25/08

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table the approval of the minutes.

TURKEY HILL ESTATES SUBDIVISION: REQUEST FOR RELEASE OF SEDIMENT AND EROSION CONTROL BOND

Mr. Schultz indicated that Staff has inspected the site. The site has stabilized; there are two distinct bonds on the property – the sediment and erosion control bond and the performance bond. The performance bond has not been reduced or released at this point. This is a PRD off of Buddington Road, a permanent cul-de-sac subdivision. Staff is recommending the release of the sediment and erosion control bond.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the request for the release of Sediment and Erosion Control Bond at Turkey Hill Estates Subdivision.

TWISTED VINE ESTATES SUBDIVISION: REQUEST FOR REDUCTION OF PERFORMANCE BOND

Mr. Schultz read a letter from the Office of the City Engineer dated December 2nd indicating that the developer has completed the extension of Dickinson Drive which is 300 feet of the 2600 feet of the new roadway construction proposed for the subdivision. He recommended the performance surety be reduced to \$590,000. Mr. Schultz indicated that this was for Twisted Vines Estates in the upper White Hills. There are five homes completed with three being occupied. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the request for reduction of the Performance Bond at Twisted Vine Estates Subdivision.

475 RIVER ROAD: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz indicated that the next two are for the commercial construction on River Road before Petremont. There is Precision Auto and the Santos Commercial Building. The first one is #475, Precision Auto, the performance bond is in the amount of \$5,000 for the completion of improvement associated with the site plan. It's recommended that the \$5,000 site completion bond be released at this time.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the request for release of the site bond at 475 River Road.

495 RIVER ROAD: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz indicated that this was for the Santos building on the corner of Petremont and River Road for a performance bond in the amount \$25,000 to ensure the satisfactory completion of improvements associated with the site plan for 495 River Road. The site was inspected on 12/5/08 and the site improvements have been satisfactorily completed. It is recommended that it be released.

Comm. Harger asked if that was fully rented now.

Chairman Pogoda responded that no, it was just the package store, that's it.

Comm. Harger asked if they needed to withhold anything based on that.

Chairman Pogoda responded that as far as the property itself, everything necessary has been done to it. The occupancy never went through.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the request for release of the site bond at 495 River Road.

PAYMENT OF BILLS

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

STAFF REPORT/CHAIRMAN REMARKS

***See attached P&Z Staff Report dated 12/9/08.**

ZBA

Mr. Schultz highlighted the ZBA 12/16 meeting agenda applications that are pending. The only one of concern is the appeal the Zoning Enforcement Cease and Desist Order for the three-family at 171 -173 Division Avenue. Possible actions are in John Guedes the proposal for reduction of residential setback on lower Long Hill Avenue.

Citing Council

Mr. Schultz indicated that Verizon is still interested in constructing a 127 ft tall mono-pine tower on the back nine at Bronson Country Club off of Lane Street. This Commission directed Staff to send notification to abutting neighbors. A public informational meeting will be held at the Community Center after the first of the year. He indicated that he would be the representative for the City of Shelton and would report back to this Commission about it.

Amendment of Zoning Regulations

Mr. Schultz indicated that he continues to work with Asst. Corporation Counsel on the final wording of the Certificates of Zoning Compliance.

McCallum Enterprises:

At this time, DEP is requesting FERK to order the removal of the razor wire fence closing off access to the public fishing area.

There was discussion about zoning enforcement, and obtaining more information from Corporation Counsel in regard to what recourse the Planning & Zoning Commission can take in a situation where someone defies a condition of their approval.

ADJOURNMENT

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission