

Mr. Schultz indicated that a home occupation differs from a home office because the public is expected to come to the house. They haven't had many of these because Staff routinely frowns upon the public coming to homes because it is difficult to ensure that the neighborhood integrity will be maintained. This home occupation is for personal training. This person is certified and insured as a trainer/instructor.

They have a long driveway and can accommodate several cars. Hours of operation are Mon. 2 p.m. – 5 p.m.; Tues. 3 p.m. – 7 p.m.; Wed 9 a.m. – 3 p.m.; Thurs. 3 p.m. – 8 p.m. and Sunday 8 a.m. – 12 p.m. Some of the newer Commissioners may not have seen an application of this type, and there have been some issues in the past; so, it needs to be scrutinized. The applicant was not present to answer any questions.

Mr. Schultz advised the Commissioners that they need to make sure this does not impair the reasonable use of the neighborhood. This Commission has that judgment and this Commission has denied it in the past or had it modified, such as with the hours of operation.

Comm. Parkins asked if the Applicant provided any photographs of their driveway.

Mr. Schultz responded no there weren't any and he hasn't gone to the site. There will be a meeting in two weeks, so they could go take a look at it.

Comm. Harger asked if the neighbors had been informed about this.

Mr. Schultz responded that in the past, the Commission has requested that Staff notify the neighbors.

Comm. Lapera questioned if the Sunday hours are usual, because he thinks hours on a Sunday are an intrusion on the neighborhood.

Chairman Pogoda asked Rick to find out from the Applicant why she can't travel and provide these services at other homes. Comm. Parkins responded that she probably has her gym equipment right there.

Comm. Lapera asked what square footage she was using for the business.

Mr. Schultz responded that she indicated 300 square feet.

Comm. Parkins asked if this was for classes or personal training. Mr. Schultz responded that it was one-on-one personal training.

Comm. Lapera responded that 300 square feet is about a 10x30 area – that isn't much of a gym.

On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to table Separate #6761.

SEPARATE #4586, THOMAS BRADY, 157 LEAVENWORTH ROAD, HOME OFFICE

Mr. Schultz indicated that this was for a home accounting services business, 169 square feet, one employee, hours M-F 9 a.m. – 5 p.m. No customer visitations. Staff recommends approval.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #4586.

SEPARATE #4580 THOMAS EVANS, 6 CHRISTINE DRIVE, HOME OFFICE

Mr. Schultz indicated that this was home office for a writer, 100 square feet. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Virginia Harger, it was unanimously voted to approve Separate #4580.

SEPARATE #5986, KAREN & JOHN FORLENZO, 55 BRIDGE STREET, BUSINESS/SIGN

Mr. Schultz indicated that the Commission has already approved the business for Karen's Kitchen which will occupy the old Portuguese bakery. He showed a draft of the proposed signage.

On a motion by Leon Sylvester seconded by Ruth Parkins, it was unanimously voted to approve Separate #5986 for Business/Signage.

SEPARATE #5040 ECHO HOSE AMBULANCE CORP, 286 HOWE AVENUE, BUSINESS/SIGN

Mr. Schultz indicated that the old PARTY WORLD has been vacated, and Echo Hose Ambulance Corp. can now use the entire facility. The Commission has already granted permission for Echo Hose to use the back portion of the building. Members of the ambulance corp are present if the Commission has any questions.

Comm. Harger asked about the parking capacity.

Mr. Schultz responded that there were 8 spaces with additional curbside parking on both sides of Howe Avenue.

Mr. Schultz asked the representative from the Ambulance Corp what time most of the classes would be held. She responded that they would mostly be evening hours.

The representative from Echo Hose (name not provided) explained that the back section and center portion would be used as the training center and the rest will be storage and break-out rooms. They are adding handicapped restroom facilities. She indicated that the existing sign there is 4'x10' panel sign, and they would like to keep the frame used by Party World and change the panel insert to save on costs. They showed a drawing of the proposed sign, lettering and emblem.

Comm. Harger asked if they anticipate having any functions in there other than the training classes.

The Echo Hose Rep. responded that presently, it is not in their future plans. The building doesn't have any cooking facilities in there. Right now, there is a big demand just for these classes, regional and community.

On a motion made by Leon Sylvester seconded by Chris Jones, it was unanimously voted to approve Separate #5040.

SEPARATE #6614, T-MOBILE, 2 CORPORATE DRIVE, MODIFY WIRELESS FACILITY

Mr. Schultz indicated that because of the Renaissance Building, T-Mobile has to move their antennas and they've agreed to paint them the colors to match the roof. These structures can't be seen up there without the use of binoculars.

Comm. Harger asked how far away the antenna moved. Mr. Schultz responded it's right on the perimeter; he used binoculars and they have painted all of them.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to approve Separate #6614.

SEPARATE #6625 DUCHESS RESTAURANT, 883 BPT AVENUE, EXTERIOR BUILDING RENOVATIONS.

Mr. Schultz explained that they've been in discussions with owners of Duchess Restaurant over the last year. They were planning on doing some major regrading, but they couldn't come to an agreement with the adjacent property owner. Instead of doing a major reconfiguration of the parking, they are just going to upgrade the exterior of the building. Normally a site plan is done; however, they are requesting a waiver of a full submission of a site plan because they are only adding decorative windows/window panes and replacing some of the weathered brick. The footprint has not changed. There are no interior renovations or modifications to the parking layout. They just want to upgrade the exterior skin of the building; all materials being used are traditional and consistent with that area.

On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to approve the Waiver of the Site Plan for Separate #6625.

APPLICATION #08-23 RICAR LLC AND MIANUS FOR FINAL SITE DEVELOPMENT PLAN APPROVAL FOR PDD #66 (MIX USE MARINA DEVELOPMENT) RIVER ROAD, MAP 32, LOTS 16 AND 17, MAP 22, LOT 1) – REQUEST FOR WITHDRAWAL (APPLICANT INITIATED)

Mr. Schultz stated that this is being withdrawn because they submitted an application in November 2008. They are now revising their plans pursuant to recommendations of the DEP. They are at the end of the review period so they want to go ahead and address the DEP comments. It is back under New Business on the Agenda tonight.

Comm. Sylvester asked if they get to know what information the DEP is requiring or requesting.

Mr. Schultz responded that the DEP finds that the location of the pedestrian boardwalk to the units down below is too close, and they'd like to see more of a separation distance. He added that the Commission agreed to more units, so the DEP finds it to be pretty intensive down there and they'd like to have nice buffers between public and private areas. It is not insurmountable and they are working on it; it's a design solution.

Comm. Sylvester asked if they had any issues with the River and the docks.

Mr. Schultz responded that no, they were pleased because they pulled back on that as part of the Commission's requirement. The DEP is mostly concerned with the public use.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to accept the request for withdrawal for Application #08-23.

APPLICATION #09-02 PRIMROSE COMPANIES FOR FINAL DETAIL DEVELOPMENT PLANS FOR SITES C & D (MULTI-FAMILY AND COMMERCIAL USES) PDD #60, CANAL STREET (MAP 129, LOTS 17 AND 18) – REQUEST FOR EXTENSION (APPLICANT INITIATED)

Mr. Schultz explained that they received an authorization for a 65 day extension. The Applicant has addressed the concerns of the Fire Marshal and the plans have just been received. Staff needs time to review it. They anticipate it being ready for the meeting on the 4/28/09.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to accept the Request for Extension for Application #09-02.

APPLICATION #09-03 PREMIER AMERICA REALTY CORP FOR SITE PLAN APPROVAL (BLDG RENOVATION AND PARKING RECONFIGURATION), 42 & 44 BRIDGEPORT AVENUE (MAP 117D, LOT 3), CB-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION OR REQUEST FOR EXTENSION.

Mr. Schultz indicated that the Applicant is here to provide a presentation to the Commission. This is the old Bondos Printing Building and there are a lot of small and substantial things being proposed. The City Engineer has requested that this be tabled because of minor issues that the Applicant is aware of. This is an older building and there are a lot of inherent issues with it. Also, they will discuss the State drainage system that runs right adjacent on the property – the head wall fell down and the State is going to provide the materials and the property owner is going to correct that situation. He added that there are a variety of issues and he'll read the City Engineer's report after the presentation.

Alan Shepard, P.E., Nowakowski, O'Bymachow & Kane, 1215 Howe Avenue, Shelton addressed the Commission.

Mr. Shepard provided a site map of the Old Bondos Printing Shop building on Bpt. Avenue. He explained that it is an older building and it's in need of some repair.

Mr. Schultz interjected that there are three occupants in this building: Replacement Contractor Concrete & Design; Bondos Printing (first floor) and an apartment where someone resides in there. They will be discussing a portion of the building that they are going to remove that's part of the apartment.

Mr. Shepard continued to explain the concerns with the property such as the wall in the back which is in disrepair, it's (inaudible). The head wall for the State drainage system which is not on the property fell into the brook with the pipe sticking up out of the ground. They spoke to the State about it, and obviously, they have to funds to fix it, but they can supply the materials. The stone wall had some scouring underneath it and needs some rehab.

Mr. Shepard explained that the building has some structural issues from the previous owner with the old printing presses that caused a lot of vibration - vibrating the center posts down into the ground. They put some blocks up – as it settled down and did another homeowner job of blocking it up.

Mr. Shepard had a structural engineer look at it, and they have a full set of reports and plans from the structural engineer indicating that the building can be saved. They took a lot of time to go through this building to see everything they needed to do to it.

Mr. Shepard indicated that he communicated with Bob Kulacz who wanted him to check the flood elevations on the property. He verified that the basement floor is above the 100 year flood elevation. It's at 71 and they're at 73, it's on the plans. He checked it and they are above the 100 year flood elevation in the basement.

Mr. Shepard stated that he has a detail on how they would restore the wall having to do with the river way and the existing wall (inaudible)...The structural engineer has the wall details in his reports and his permits.

Basically, what they want to do with the brook, is rehab the wall before it falls over. It's not a good situation in the back where it drives up and down through there and part of this wall has no earth underneath it. Part of the driveway on the neighboring property actually has no earth underneath either – and they are driving on it; so the neighbor is very anxious to get it fixed. If they are in there with the excavator repairing the wall, they might as well fix everything because it's more efficient to do everything at once.

Mr. Shepard indicated that they went through Wetlands and got the Wetlands approval, and they've agreed to do the work in the summertime when the brook is low. For the outside of the building, the parking lot - everything is paved. There is a wall there that may have been an old building a long time ago, and they'd like to fill that in and put a new wall up and add parking alongside the driveway down to the back. It's been reconfigured to have two parking spaces in the back, one in the basement garage, and five spaces up on top. It is still a limited use building because of the limited parking.

In the basement they would have any contractor storage; there are a lot of plumbers and electricians that are looking for that type of space. The upstairs would be for office space and the apartment remains over part of the building. He showed the location of the apartment on another detail of the site plan.

Mr. Shepard indicated that Staff asked them to spruce up the front of the building with sidewalks and brick pavers in front of the building with some planters. There isn't a lot of room to work with though. The projection of the building – there's an overhang and a porch that is falling off – those things will be removed. The building will be set back farther from the road than it is right now. He indicated that John could go over the architectural for the front of the building.

Comm. Lapera asked if the driveway was a shared driveway.

Mr. Shepard responded that it is not a shared driveway. They both use it but it's not a shared driveway. There are separate driveways and a drain pipe is actually on the other property.

Comm. Lapera asked if there were five parking spaces.

Mr. Shepard responded that there would be five level, dipping down a little but level with Bridgeport Avenue.

Comm. Harger asked if they would be rebuilding the wall that's around that parking.

Mr. Shepard responded that yes, he showed a drawing of the wall, and indicated the location where the structural engineer wants the block wall to go; they didn't want to go up against the building and add more stress onto the building.

Mr. Shepard showed a drawing of the building interior to show that the structural engineer would be providing piers inside the building on posts and a new grid for the first floor. It will be built up and improved on the inside.

Mr. Shepard continued to say that the perimeter is in pretty good shape, the perimeter posts are in good shape but the center of the building – because it was a wood frame building with printing presses being used over the years – the older foundation doesn't have the support as they do today. They will take the existing wall and stair and offset it with a block wall around the other side.

He explained that along the brook in the back, they would be resetting the stone work on the wall along the brook, cantering it back a little bit so they have a good base. It won't project out into the flood way at all or change flood elevations, and it would be worked back up to a finished grade up above.

Mr. Shepard showed the location where the Wetlands Commission wanted a catch basin with a hooded trap to catch sediment – so the only change there would be the catch basin and outlet through that wall. While they are there, they plan to replace the head wall in coordination with the State of Connecticut.

Comm. Harger asked if this would be changing any of the water courses.

Mr. Shepard responded that it would not change the water courses.

Comm. Laperera asked if there were parking spaces down below other than those five – are there parking spaces in the back.

Mr. Shepard responded that there would be five up on top and two down below, and there is one near the garage door where work vans would be.

Comm. Laperera asked if that plan showed where the two parking spaces below are located. Mr. Shepard responded that yes, it was adjacent to the wall, back to back with the upper parking spaces.

Comm. Laperera asked what the drop was from the upper parking spaces to the ground. Mr. Shepard responded that since they were tapering it in the back – it's about 5 to 6 feet on the backside.

Comm. Laperera asked if they were going to put some kind of guard rail on the top there. He asked if they would be given details about what that guard rail would look like.

Mr. Shepard responded that they would put a guardrail and provide details about it.

John Ruffalo, John Ruffalo III Architects PC, 415 Howe Avenue, Shelton addressed the Commission. Mr. Ruffalo showed drawings of the existing first floor of the building and explained that it is divided up into 3 spaces. He showed the two single doors going into the apartment area up above which is approx. 750 square feet and encompasses only a section of the second floor. The rest of the building is essentially a one-story building with a basement below.

Mr. Ruffalo showed that on the first floor elevation, they plan to make one large tenant space which is about 2086 square feet with 2 handicapped bathrooms. On the stairway to the apartment, they plan to reverse the door, and maintain her present access from the front of the building. He showed the second smaller tenant space with new doors on the side. He indicated that the entire building was approx. 3000 square feet gross.

He indicated that the lower floor, as AI indicated, could be used for contractor storage. There are some existing walls and offices in the space below right now which they will maintain. There will be some mechanical and electrical items that will be changed to create the proper environment for the type of building it is going to be.

Mr. Ruffalo showed drawings of the street front exterior façade where they plan to build it out a little on the face of the building and create a brick veneer with some aluminum clad windows, divided lights with door panels in three locations for a more balanced entryway...(inaudible).

In regard to the brick he showed a drawing of the existing building roof line as it sort of steps, so they are going to encompass that, enlarge that, and clean it up and do it in a dry bit or (inaudible) type material and create bands and lines through there.

Somewhere above the windows they are going to do a little feature with that (inaudible) for the different tenants and also put pilasters on either side of the windows to dress it up and make it more contemporary. As AI mentioned, they are going to take off what was the front portion of the porch at the apartment area. When they do that, they'll create two windows in that apartment looking out on to Bridgeport Avenue. They have lights at the doors with address placards and gooseneck lights to shine down during the evening. The rest of the building is basically staying the same.

They would be putting vinyl siding around the building on the upper sections of the building above street level.

He showed various drawings of the rear view elevation, front elevation, left side elevation and right side elevation. He explained the removal of the front porch and the addition of the windows. The existing stairway to the lower level will be maintained. New roofing will be put on the building.

Chairman Pogoda asked if the entryway on the side was going to be upgraded.

Mr. Ruffalo responded that they would probably get a new door.

Chairman Pogoda asked about the condition of the steps.

Mr. Ruffalo responded that they were decent – not the greatest. It is sort of just a secondary way out for the tenant; they did it for the tenant only. For the first floor, they are within legal limits of common path of travel to access.

He stated that they are basically closing off that stairway so that the woman in the apartment can use it. Also, the people downstairs in the contractor area could also use it.

Comm. Sylvester asked what the size of the apartment was.

Mr. Ruffalo responded that is 760 square feet – living room, bedroom, bathroom, kitchen, dining room and sewing room.

Chairman Pogoda asked if one of the parking spots on the top would be designated for that tenant.

Mr. Ruffalo responded that she doesn't drive.

Chairman Pogoda commented that if she moves or whatever, one of those spaces are going to have to be designated for that apartment. He asked about the location of rubbish containers.

Mr. Shepard responded that they would be put in the back down below in the gap between the building and the parking spaces of the lower level.

Comm. Harger asked if vinyl siding was going to be put on the whole building.

Mr. Ruffalo responded that no, the vinyl siding would only be on the two sides and the rear.

Chairman Pogoda commented that Rick received a letter today regarding some questions from the City Engineer.

Mr. Schultz responded that there are some potential deficiencies on the detail sheet. He would like to use the next two weeks for the Commissioners to go there to look at the site. Staff put a lot of emphasis on the structural integrity report, because they think this building can be salvaged. This Commission has to make sure they think this building can be rehabbed first and foremost.

Comm. Lopera asked if there was a report from the Fire Marshal.

Mr. Schultz responded that there was a favorable report from the Fire Marshal.

Mr. Ruffalo commented that it's been almost a year since the owner, Mr. Pearsall had this and he has some structural drawings for some repairs and things in the building. He asked the Commission if they could proceed with those repairs while they are still deciding on this, if possible.

Mr. Schultz indicated that this Commission could authorize that and they will be meeting again in two weeks. As a recap, they are removing the parking that was used informally in the front that was using the state right of way - obviously, that has to be removed. He added that besides the structural integrity part of this, it is going to be the occupancy other than the apartment - so when the Commission gets a request for occupancy, it is going to have to scrutinize it because there are not a lot of parking spaces there.

Chairman Pogoda asked the architect to go over what they intend to do with the front portion of the building as far as a sidewalk.

Mr. Ruffalo showed a front elevation and showed where the two doors are for the tenant and the apartment. He explained that there are graded walkways in front of both doors leading toward the street along the property line. In between the walkways, they've created some landscape areas with shrubbery to break it up.

Chairman Pogoda asked if that was going to be curbed to the street. He knows that there was some thought with Staff about cars pulling right up to the building because, right now, there is no curbing there. They'd like to eliminate that. He sees that there will be a walk way and some landscaping but, it was discussed, that they could possibly curb the area in front to prevent cars from cutting in and parking in front of the building.

Comm. Jones asked what the depth of the sidewalk would be.

Mr. Shepard responded that - everything on Bridgeport Avenue is paved with just a lip curb or a two-inch curb. They don't have a formal curb up there. He went back and forth about putting a curb in one spot but it can't be in another

spot, so it will look awkward. They do have a telephone pole there, so that might prevent people from driving through there. With the addition of the sidewalk, anyone parking would have to park on a sidewalk instead of just a paved area like it is right now. Mr. Shepard said he will continue to think about what they could do there. He had concerns about putting landscaping there because that might cause sight line problems.

Mr. Ruffalo added that there isn't a lot of pitch there to create a walkway or curb.

Comm. Sylvester commented that this is one of the most traveled roads in Shelton and probably one of the most interrupted in regard to traffic flow with truck deliveries, trucks stopping and turning. The last thing they want to do is make the road narrower or more restrictive than it already is.

End of Tape 1, Side A 7:50 p.m.

Mr. Shepard stated that along Bridgeport Avenue it is hard to maintain entrances and exits without having blockages of sight lines. He showed that this building is very close to the road and the location of the state right of way. Every property on Bridgeport Avenue is challenging and has to be evaluated site by site - there is nothing that can be done uniformly on this road.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to accept the request for extension for Application #09-03.

APPLICATION #09-09 JAMES BLAKEMAN FOR SUBDIVISION APPROVAL (2 LOTS: TWIN LOTS ESTATES), BUDDINGTON ROAD (MAP 62, LOT 12), R-1 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Mr. Schultz indicated that this is a 2 lot subdivision application request on Buddington Road, right on the sharp curve where Old King's Highway comes out. There are several homes that use Old King's Highway, which is a paper street and recognized on the official City street map.

Mr. Schultz read several pieces of correspondence regarding Application #09-09.

***See attached letter from the Conservation Commission dated 4/7/09**

***See attached letter from the Office of the Fire Chief from Chief Jones dated 4/14/09**

***See attached letter from Valley Health District dated 3/27/09**

***See attached letter from the City Engineer, Robert Kulacz dated 4/14/09**

Mr. Schultz commented that they like to use existing driveways and make them a common driveway, and that is what the City Engineer is suggesting in this case. Old King's Highway is a paper street and the City regulates what occurs there. The project engineer has not reviewed the letter from the City Engineer. He suggested that the Commissioners take a ride to the location because it is on a bad curve.

Comm. Parkins asked if this was the same location where the residents were concerned about blasting.

Mr. Schultz responded that ZBA denied it. The square in the lot – and one of the conditions was the provision for precluding blasting and Corporation Counsel said that is unlawful to impose and it was eliminated. They have a new policy now in town with the notification of blasting and so far that is something that

developers have been willing to provide and they will incorporate it as they have in the past.

Comm. Parkins asked if blasting would be required.

Mr. Schultz responded that there would be, it's all rock up there. He'll get a copy of the adopted policy that shows the distances.

Comm. Parkins recalled that the residents there were concerned about the gas line being on the other side of the right of way.

Mr. Schultz commented that the request is for payment in lieu of; they haven't submitted the appraisal report, so hopefully they can obtain that in two weeks. The Commission has approved it subject to them submitting it and Conservation is supporting that.

Comm. Parkins asked what would happen if CL&P doesn't grant access to the right of way for this. Mr. Schultz responded that, in that case, it was going to be an interesting situation.

Jim Swift, Professional Engineer, Landscape Architect, addressed the Commission. Mr. Swift indicated that they've done many septic systems in those right of ways. The only restriction that lot owners have besides being able to construct a building is that they can't raise the grade a certain height to within a certain distance of the power lines, but beyond that, there is no restriction. They've built many septic systems under those lines, so they will get documentation to that effect.

Mr. Schultz asked Jim Swift if they would be calling Lot 2 a conventional lot because it has frontage. Mr. Swift responded yes. Mr. Schultz added that they are both conventional lots, as opposed to Lot 2 being an interior lot, which satisfies the subdivision regulations.

Chairman Pogoda asked if the paper street should be deeded over to the Applicant. If there isn't going to be a need for that street for the City's use, why not take it off the roll and deed it, sell it or whatever to the Applicant. If it isn't going to be used anymore, is there any liability to the City with the people going over that road since it's a paper street.

Jim Swift responded that there were two reasons they can't do that. The first reason is that there is a parcel that is located up in that area which uses Old King's Highway as a driveway – there's a house there. It couldn't be done these days because they have a City Ordinance that states that any lot, before a building permit is issued, must have 20 feet of frontage on an approved, accepted, maintained City street. So that couldn't be done these days, but that parcel, separately, is using that; so they can't abandon that because that paper street is being used as that homeowner's access.

Secondly, there is some use of Old King's Highway as a walking trail, so it shouldn't be abandoned for that reason as well.

Chairman Pogoda asked if there was any liability to the City if anything happens on that road.

Jim Swift responded that they aren't using it; this is the first he's heard. As a little bit of history, he added that when they originally went to Wetlands, they had the common driveway located a little bit further away from that existing driveway and Wetlands suggested that if it is moved closer, it could reduce the impact to an intermittent watercourse. They had a meeting with Mr. Kulacz and

Mr. Cook to move the common driveway closer to the existing Old King's Highway driveway. They did that and everyone was happy with it, so this is the first he's heard that anyone had any interest in combining it even further. He stated that he was surprised by this change.

Chairman Pogoda commented that these issues should be explored with Staff. Mr. Swift added that it is because of that Ordinance, that has nothing to do with zoning or anyone, except the BOA – before anyone can get a building permit for any lot, there has to be 20 feet of frontage on an approved, accepted, maintained, City street. He indicated that was why they put their driveways where they did; now they are being told to move their driveway into a paper roadway.

Mr. Schultz responded that it's a suggestion – it's the Commission's final call.

Mr. Swift stated that he has no objection – anyway they want it to be done is fine.

Chairman Pogoda recommended that Staff look into the issues that the City Engineer brought up and the issues he's concerned about.

Mr. Swift responded that if Old King's Highway was abandoned and half went to one owner and half to another, it would make absolutely no difference on this subdivision. They never counted on that right of way and they never planned on using it. If it's the decision of the City Engineer and this Board, then they'll use it. They'll put the driveways off of that, but it's not how it's designed.

Mr. Schultz commented that he will address the CL&P and driveway issues.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to table Application #09-09 until the 4/28/09 meeting.

APPLICATION #09-13 JOHN PAUL DEVELOPMENT LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #61 (STONEWALL/FENCE), COMMERCE DRIVE (MAP 39, LOTS 2, 3 AND 4) – DISCUSSION AND POSSIBLE ACTION.

Mr. Schultz indicated that this is in two parts – the second part is under Other Business: 8-24 Referral License Agreement with Aspen Ridge using City property on Commerce Drive.

Atty. Dominick Thomas, Cohen & Thomas, 350 Main Street, Derby, CT addressed the Commission representing the Applicant. Atty. Thomas indicated that they began Aspen Ridge as a Planned Development District. It was approved as a 12 unit condominium project. At the same time that Aspen Ridge was being developed, Commerce Drive was being widened. Everyone thought that the Jersey Barrier would only be a temporary barrier during construction; however a guard rail went up and the Jersey Barrier stayed at the entrance to the Corporate area.

It was discovered by the developer, John Paul, after discussions with the City Engineer, that it was intended to be left there permanently. At that point, John Paul proposed a nice wall with fencing in between the pillars which Jim Swift will explain later.

Atty. Thomas indicated that there are concerns with a couple of things such as there was no sense putting up this wall if they kept that Jersey Barrier. And secondly, the Jersey Barrier actually extended onto City property.

Jim Swift showed the map of the Commerce Drive area and pointed out the location of Mr. Scinto's property and the location of Blockbuster Video. Atty. Thomas called attention to a triangle on the map in the center of that area. During their research, they discovered that when the Town began purchasing properties for the Commerce Drive right of way, they laid everything out and they didn't need this triangle. This triangle was City property or what the State would call "excess right of way."

Atty. Thomas stated that the reason they found out the Jersey Barrier was up, was supposedly because of an AT&T underground optical fiber line. This began a long sojourn through the Engineering Office, P&Z Staff and many meetings with representatives from the BOA to propose putting up this wall that would serve as a benefit to his client in regard to aesthetics and sound for his condo project. Additionally, it would benefit the Town by providing a nicer looking gateway to the Corporate area – on the right hand side anyway. The left hand side is also very well landscaped already by Tetley Tea.

Atty. Thomas indicated that the City Engineer initially said "no" and then said "yes" - if it's moved 10 feet back, they might not need the guide rail. But when they did that plan, the answer was "no" again, so at that point, Atty. Thomas indicated that he contacted Paul DiMauro, the Head of Public Works. They had a meeting with Mr. DiMauro and a representative from the BOA. They put the proposal down and Paul DiMauro said that they really need a report from a Traffic Engineer. They eventually went out and got a report from Malone & MacBroom explaining that they could put the fence up and that they needed the guide rail to remain. Atty. Thomas indicated that Paul DiMauro wanted to hear this from a Traffic Engineer, not the City Engineer, not from Jim Swift, as to what was needed.

Atty. Thomas indicated that in the next step, John Paul went out and found out the optical line is not where the Jersey Barrier is; it's somewhere else – it's actually in the street, so the Jersey Barrier was never needed in the first place.

Atty. Thomas stated that they then went to the BOA and asked them if they wanted to sell this "triangle" - half to Mr. Scinto and half to John Paul Development. The BOA decided that they would rather do a license agreement. Therefore, they've had to go through the license agreement process between himself and Assistant Corporation Counsel. They drafted it and the license agreement provides that they will maintain the fence and maintain the landscaping. Additionally, for the City, the developer will actually put in an irrigation system and carry it's maintenance on through the condo association. This irrigation system will irrigate the grass in front of the wall and into the City property to maintain it properly.

Atty. Thomas stated that at that point, it was requested that they submit revised plans to show this and to show the wall. Since this is a PDD, for Step One -they have to submit an application for the Final Site Development Plan. For Step Two, since they are going on to City property, they have to have the license agreement and the wall is going to go on there and that's the 8-24 Referral, That was decided by the BOA last Thursday night when they voted to allow the Mayor to sign the license agreement subject to two conditions. The first condition would be the 8-24 Approval and secondly, the P&Z Commission's approval of the Modification of the Final Site Development Plan since it is a PDD.

Jim Swift, Professional Engineer, Landscape Architect, addressed the Commission. Mr. Swift stated that John Paul has presented a drawing of the proposed aesthetics and this Commission has seen it before. They had discussions about a month ago, and the issue of the color came up. He

indicated that rather than a pure white, they will do the fence in an off-white color. Mr. Swift added that this is a case where the developer and City combined both want this to be attractive to separate the residences from the street.

Comm. Parkins asked what the difference was between a guide rail and a guard rail.

Mr. Swift responded that almost no one uses guard rail anymore. A guide rail will take a car and bend with it to guide it into a safe path or divert it. He added that an unmovable barrier would be a guard rail such as a Jersey Barrier.

Comm. Lopera asked for clarification that it would be the guide rail first with the fence behind it. Mr. Swift responded yes – the Jersey Barrier will be taken out and they'll put in the guide rail.

Comm. Parkins commented that it was a nice looking fence with the stonework underneath. She asked about a previous discussion of this project when they found out that the entrance was going to be on Commerce Drive. They were surprised about that and discussed the possibility of having some sort of pull off so that drivers don't have to come to a quick stop if they are racing up that hill in order to allow other cars to turn in. She asked if that issue had been addressed at all.

Mr. Swift showed a site drawing to indicate that a pull off can be built; that wall is located in such a way that it can be done. He noted that they wanted to propose that and the City Engineer would not allow them to propose that – he would not accept it.

Chairman Pogoda asked if there was a reason for that – he asked Rick if they had ever questioned Bob Kulacz about that.

Mr. Schultz responded that no, but he is going to ask the Traffic Authority on that because, obviously, that is a concern.

Mr. Swift added that they've been very careful to position this wall so that it can still be done.

Chairman Pogoda commented that it makes sense, as Ruth has mentioned with one car going up that hill fast and another car taking a right hand turn quickly – there is more of a chance for an accident.

Atty. Thomas mentioned that there were also the discussions about the possibility of a school bus going in there. But they are dealing with the Town right of way, so it is not their call.

Chairman Pogoda indicated that he understands that and that's why he'd like Staff to look into it.

Mr. Schultz noted that he would be reading two unfavorable recommendations from the City Engineer – one on the 8-24 Referral and one on the modification of the Final Site Plan. It should also be noted that the Public Works Director is going to be issuing the permits – and he is the City Engineer's supervisor. It happens rarely, but he does have the final say on projects. Mr. Schultz indicated that he will be bringing the final design solution to his attention.

Mr. Schultz stated that it was important that this be taken in sequence. The 8-24 Referral should be taken up first. He has a request from Mayor Mark Lauretti dated April 3rd requesting an 8-24 Referral on the license agreement for city property that is adjacent to a condominium development named Aspen Ridge

located at Commerce Drive. He showed the Commission the attached license agreement.

***See attached 8-24 Referral from Mayor Mark Lauretti dated 4/3/09.**

Mr. Schultz read the City Engineer's Report dated April 14th indicating his unfavorable recommendation.

***See attached City Engineer Report dated 4/14/09.**

Comm. Sylvester asked if Bob Kulacz was aware that another engineer is saying something different about the guide rail.

Mr. Schultz responded that he is aware that an outside engineer has taken a different position on it, but as with all his reports, it is in his opinion that it's in the best interests for the City of Shelton.

Comm. Sylvester asked if that report was written after this official notification – he asked if the City Engineer was standing firm with his position.

Mr. Schultz responded that he is standing firm.

Comm. Sylvester responded that this Commission has never been able to address issues and have a discussion with the City Engineer at this table. This situation has happened before with a firm stance from the City Engineer regarding Meadow Street being overturned by Paul DiMauro. They never had any explanation from Bob Kulacz in regard to his opinion. And here again, they are entering into something again that appears to make obvious sense – he'd rather see an aesthetically pleasing fence as a guard against some mishap than some Jersey Barriers. It doesn't make sense, that as a Board, they can't ask the City Engineer to come to this table to discuss this.

Comm. Parkins commented that it seems as though he may not be aware that the fiber optic line is not where he thought it was.

Comm. Sylvester disagreed that, in his opinion, he's hearing that Bob Kulacz wants Jersey barriers.

John Paul, developer John Paul Development LLC, addressed the Commission. Mr. Paul indicated that for a year and a half they were told the Jersey Barrier was there for one reason – the AT&T line, and that's it. There was no safety issue; there is a guide rail all the way up Commerce Drive.

Mr. Paul stated that Bob Kulacz was actually the one who threw out the option of removing the guide rail and just having his stone wall ten feet away as the barrier. So, this safety issue is a new issue; they resolved the big issue which was the AT&T line.

Atty. Thomas added that the initial point was that the Jersey Barrier had to be there for the fiber optic issue. John Paul and Jim Swift met on the site with the AT&T people who said no, it's not an issue. The biggest problem with the City Engineer is when he steps outside of his parameters.

Comm. Sylvester responded that they've heard that before, and he is uncomfortable talking about the City Engineer stepping outside of his parameters when he is not here to present his side of the issue. When these types of discussions take place, the City Engineer, he should at least be invited, and they should be assured that he has been requested to come here and address the Commission in the best interests of the City of Shelton. If he does not come, than that is an issue for his superiors. He added that he just wants to get the best information at the table for a good discussion made up of both sides.

Atty. Thomas clarified that Mr. DiMauro did not just simply overrule him. The first thing he said to them was that he wanted input from a Traffic Engineer. That is why they got a report from Malone and MacBroom. The Traffic Engineer came back and indicated that they needed a guide rail. Secondly, there is nothing to insure further maintenance by the condo association. In regard to the traffic safety issue, the developer was required, at his expense, to go to a traffic engineer to determine the best method for safety. Finally, the determination of construction feasibility needed to be made, and again the developer was tasked with going out and finding the exact location of the AT&T line. Atty. Thomas concluded that those were all the steps they took over the last 8 months since they started this thing.

Chairman Pogoda asked Rick Schultz if he recommended that they table this application. Mr. Schultz responded that they have two unfavorable recommendation letters from the City Engineer. He suggested inviting him to the next meeting which will be in two weeks or perhaps he'll modify his report.

Chairman Pogoda asked if the City Engineer was aware of this licensing agreement.

Atty. Thomas responded that he should be. All of this was given to the Assistant Corporation Counsel and as a matter of fact, he redrafted his initial draft to the licensing agreement after a consultation with Corporation Counsel, Mr. DiMauro and a review of everything. That is why it was brought before the BOA and they recommended it. Atty. Thomas added that he'd be happy to attend the meeting if he comes to it, but they shouldn't expect a favorable because they have been all through this...

Chairman Pogoda agreed with Leon that there have been many times that they've been in a quandary in regard to the City Engineer's decisions and then Paul DiMauro comes in and overrides him. Especially, with all the comments made, they should at least request him to attend the next meeting.

Comm. Sylvester commented that he has a lot of difficulty sitting on a municipal board voting against the recommendation of a paid Staff person of this community in favor of someone who is coming in to develop.

Comm. Lopera asked if the guide rail that they were proposing to put in – is it the same as the existing guide rail on Commerce Drive

Mr. Swift responded that it would look like the existing guide rail.

Comm. Parkins asked what the length of the fence was.

Mr. Paul responded that it was a 3 foot wall and a 6 foot fence.

Comm. Parkins asked at what point they could revisit the pull-off.

Chairman Pogoda responded that will be addressed by Staff for the next meeting. He asked for a motion to table this application and the 8-24 Referral until the April 28th meeting so that they can invite the City Engineer and get some more information from the Traffic Authority regarding the cut-out.

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to table Application #09-13 until the 4/28/09 meeting.

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to table the 8-24 Referral regarding the License Agreement with Aspen Ridge using City property on Commerce Drive until the 4/28/09 meeting.

PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION TO AMEND THE ZONING REGULATIONS BY AMENDING SECTION 2 AND 3: CERTIFICATE OF ZONING COMPLIANCE AND ADMINISTRATION AND ENFORCEMENT (PUBLIC HEARING CLOSED ON 2/24/09) – DISCUSSION AND POSSIBLE ADOPTION.

Mr. Schultz indicated that everyone had copies; Staff made the two changes requested by the Commission. He referenced the first paragraph on Page 5 which has been clarified to read:

“For proposed construction involving only interior alterations, or alterations with no enlargement or extension of any existing residential dwelling unit not served by a subsurface septic system, the ZEO or P&Z Administrator shall waive the required submission of an engineered plot plan.”

He read the a revision to the language on the bottom of Page 3/top of Page 4 regarding applications for new residential construction “shall be referred to the Office of the City Engineer for review and sign off prior to final action by the ZEO and issuance of Zoning Permit.

Additionally, there was a clarification made in regard to “the signoff by the Office of the City Engineer shall be completed within thirty (30) days of receipt. If the Office of the City Engineer fails to sign off within this time period said Applications shall be referred back to the P&Z Dept. for processing by the P&Z Commission.”

Mr. Schultz explained that after 30 days, there could be a rejection or requested revisions, but if nothing is done, it will come back to the Commission so that they can make a determination. It provides recourse for applicants who don't receive a response within 30 days.

He indicated that comments brought up at the public hearing have been incorporated and it has been reviewed by Assistant Corporation Counsel. He had a draft resolution to read and he reminded the Commissioners that Staff will give a complete report of approved or rejected applications as an attachment to the P&Z Staff Report so that they are aware of what is going on every month. Additionally, the Separates for PDD's and applications that require site plans and special permits will still come before the Board.

Mr. Schultz concluded that Staff is very pleased that the Commission allowed this public hearing to go through and to bring back to the department the authority to issue or reject. It will save a lot of meeting time, and he hopes it works out well for everyone.

Mr. Schultz read the draft resolution dated 4/13/09; effective date Friday, April 24, 2009.

***See attached Draft Resolution dated April 13, 2009
Section 2 – Application for Certificate of Zoning Compliance, Temporary and Final Certificate of Zoning Compliance Process and Application for Certificate of Non-Conformity Process
Section 3 – Administration and Enforcement**

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously roll call voted (6-0) to adopt the Proposal of the Shelton Planning & Zoning Commission to amend the Zoning

Regulations by amending Sections 2 and 3: Certificate of Zoning Compliance and Administration and Enforcement.

APPLICATION #09-10 PETITION OF DOMINICK THOMAS ON BEHALF OF 714, LLC FOR INITIAL DEVELOPMENT CONCEPT PLAN APPROVAL AND PDD ZONE CHANGE (RETAIL SHOPPING CENTER) 405-407 BPT AVENUE (MAP 77, LOTS 26, 27, 28, 29 AND 30), RESCHEDULE PUBLIC HEARING DATE

Staff recommends changing the date so that the Public Hearing may be held in the Auditorium which is available on Wednesday, 5/20/09 at 7 p.m.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve the rescheduling of the public hearing date for Application #09-10 for Wednesday, May 20, 2009.

NEW BUSINESS

APPLICATION #09-11 RICAR, LLC AND MIANUS FOR FINAL SITE DEVELOPMENT PLAN APPROVAL FOR PDD #66 (MIX USE MARINA DEVELOPMENT) RIVER ROAD, (MAP 32, LOTS 16 AND 17, MAP 22, LOT 1) – ACCEPT FOR REVIEW

Mr. Schultz stated that they just accepted the withdrawal of their previous application; so this will start the new 65 day review period for this application.

On a motion made by Patrick Lopera seconded by Ruth Parkins, it was unanimously voted to accept Application #09-11 for review (new 65-day review period).

APPLICATION #09-12 POULSEN HYBRID FOR SITE PLAN APPROVAL (WINDMILL), 6 WATERVIEW DRIVE (MAP 79, LOT 9), LIP DISTRICT – ACCEPT FOR REVIEW

Mr. Schultz indicated that this Commission has been acting on roof top solar. They have all been reading about the windmill as an energy source, and this is the first application. The applicant initially requested to waive the site plan but the Chairman indicated that since this is new, they need to give it some thought, visit the site, and probably do a balloon test. This is a brand new concept; it's in the Laurel Height's Industrial Park. It is a corner lot so it will have exposure but it doesn't have an immediate impact on an adjacent residential home because they are more than 500 feet away. However, this is something that the Commission has to feel comfortable with because they will get calls – you will see it. Frank is going to give some particulars about the height, location and reasons for doing this.

Frank Kuchinski, Poulsen Hybrid, 6 Waterview Drive, Shelton, CT addressed the Commission. Mr. Kuchinski showed photos of their lot across from Pitney Bowes in a secluded area. He indicated that they are a green car company. They want to reduce their carbon footprint and this windmill will generate 3 kilowatts of power. It will be a good thing for the environment and it's something that their company wants to experiment with and that they feel strongly about as a green company.

Mr. Kuchinski showed a picture of a residential view of a small windmill and a picture of what they are proposing on their lot. He indicated that it will barely stick up above the trees and they will stay under the requirement of – 40 feet?

Mr. Schultz commented that was correct – for an LIP – maximum height is 40 feet. He asked the Commission to keep that in mind because they will get

requests in residential areas if they decide not to amend the regulations. Most residents in the community want the Commission to maintain the 40 feet; they have done that since the beginning of zoning regulations. However, to utilize full maximum wind, in many instances, it needs to go a lot higher than that.

Mr. Kuchinski commented that they were completely comfortable staying below the requirements at 37 feet.

Chairman Pogoda asked how high their present building was.

Mr. Kuchinski responded that their present building, in looking at the site plan, they are elevated, so this it's probably 85 feet to the structure and the evergreen trees are 20 -30 feet taller, plus the building height – he added that the building couldn't be seen from that view.

Comm. Parkins commented that she could see the top of the building through those trees.

Chairman Pogoda asked if the height of the building from the ground is 20 feet.

Mr. Kuchinski responded that standing on Constitution Boulevard, the building can't be seen because it is a grade down; it's on top of a hill. He showed that the green line on the photo is actually the parking lot.

Comm. Lopera asked if it would have to sit above the tree line to get the wind.

Mr. Kuchinski responded that it would have to – a little bit.

Mr. Schultz commented that is why he's suggesting a balloon test, as they have done in the past.

Chairman Pogoda commented that he often drives by there, and he knows the location where he wants to put the windmill. If it is possible to get a balloon up to the height of what it is going to be, it would allow the Commission members to get a sense of how high it is.

Mr. Kuchinski asked if they were concerned about how it was going to physically look.

Mr. Schultz responded yes, absolutely.

Chairman Pogoda responded yes, definitely. It's a good idea, it's a positive step forward for the environment...he realizes what they are trying to do.

Comm. Jones asked how much higher it would be above the tree line.

Comm. Parkins responded that it looks about 8 feet; she suggested painting it green.

Mr. Kuchinsky commented that it was not a lot higher than the tree line – roughly 7 or 8 feet. Once it's twirling, no one would really see it but, if they want to do a balloon test, he'd be happy to do a balloon test.

Comm. Parkins asked if this was relatively small, as far as windmills go.

Mr. Kuchinsky responded yes, it is small. The residential windmill shown in the photo is a 10 kilowatt. They only want to do a small 3 kilowatt windmill as a test for their purposes of experimenting with wind technology.

Comm. Lopera asked if he planned on coming back to ask for more windmills throughout this site.

Mr. Kuchinsky responded that they use a lot of electricity at their facility and they would have to put up dozens of windmills to do that. He indicated that this is an experiment. Their founder is interested in reducing their carbon imprint - he is all about solar, transportation, and wind.

Comm. Parkins commented that this is really to make a statement that the company is green.

Mr. Kuchinsky responded yes, absolutely, as a marketing thing. It will generate electricity, but they use so much electricity at their manufacturing plant that it is not going to make a dent.

Comm. Sylvester asked if that meant he wouldn't be coming back for a series of windmills.

Mr. Kuchinsky responded that he promised them no wind farm. They are happy to just try one for now.

Comm. Harger asked if this windmill generated any kind of humming noise.

Mr. Kuchinsky responded no, it really does not, because it is pretty tall off the ground.

Comm. Sylvester commented that they had a windmill in Shelton on River Road – it was a beauty.

Mr. Kuchinsky commented that it isn't going to be like living near an airport. He added that he lives near Sikorsky Airport so he knows what noise that makes – and this is not offensive.

Comm. Parkins asked if this had to go before the DP&C. Mr. Kuchinsky responded that he did not think so.

Mr. Schultz added that this is going to trigger a lot more interest in the community.

Comm. Lopera asked if this was going to be connected to the grid.

Mr. Kuchinsky responded that it was not going to generate enough electricity to sell anything back. He explained the windmill concept – they will either store the energy they generate to a battery; then it goes to an inverter which would go to electricity for the building. They use thousands of kilowatts; 3 kilowatts is nothing.

Comm. Lopera responded that if they are generating electricity, they need to determine whether or not that windmill is going to be connected to the grid.

Mr. Kuchinsky responded that they have the option and it's going to be off grid.

Comm. Lopera commented that if the windmill is going to be connected to the grid, then CL&P is going to have to come out and have to have some kind of shut down system. He does solar stuff and he knows that the DEP comes out and CL&P will have to determine a shut down because someone on the other end could get fried.

Mr. Kuchinsky responded that they have no interest in selling power back to the utility company because it economically does not make sense.

Comm. Harger asked how long of a test period they estimate.

Mr. Kuchinsky responded that it makes a strong statement as a green company to have a windmill. They want to test the efficiency of the windmill because, somewhere down the road they may want to develop a wind-powered charging station for a Poulsen Hybrid.

Comm. Harger asked again if they had any time frame in mind for their testing period – like 2 months, 6 months, a year...

Mr. Kuchinsky indicated they would need a whole season because the wind changes. He asked if it could only be approved for a certain period of time because they would want to keep it up.

Chairman Pogoda responded that no, that wasn't the case. They understand that if it's put up, it wouldn't just be for a testing period. If it's not feasible, they assume it would be taken down. If they approve the windmill, in that position at that height, they can keep it there for life.

Comm. Parkins asked what the maximum RPM was on the windmill.

Mr. Kuchinsky responded that he didn't have the specs with him regarding that.

Comm. Sylvester how much something like that costs.

Mr. Kuchinsky responded that it was about \$12K for the materials, they'll spend more but it won't be as much a federal subsidized or state subsidized one for ½ million dollars, like in New Haven – this is purely private, for their own use.

Comm. Harger commented that while Chris thinks that this is exciting for Shelton, she hopes it doesn't generate the wrong type of excitement because there have been stories across the U.S. that residents do not care for it, not just aesthetically but for other reasons. There have been articles in the New York Times about this, and she'd hate to have them be the guinea pigs for this and have residents object to it. There is also the fact that, unfortunately, Mr. Kuchinsky can't pinpoint a time frame as to what they would need for testing.

Mr. Kuchinsky responded that he thinks they need to look forward to the future.

Comm. Harger indicated that she looks forward all the time, but she would be more comfortable with a little bit more info – such as, by October 1st there would be some type of report to this Commission as to the results they have found.

Mr. Kuchinsky responded that they would be happy to come back and tell the Commission about their findings.

Comm. Lopera asked if this was close to a residential area.

Comm. Parkins indicated that there was a condo complex up there – would this be visible from there.

Chairman Pogoda responded no, he didn't think so...

Comm. Harger added that it isn't so much visibility, but it is surprising how far sound can travel.

Comm. Parkins stated that it shouldn't be too loud if it's slow, although he doesn't know what the RPM is.

Mr. Kuchinsky indicated that he doesn't really think anyone is going to hear it - it is just one - it's not like a wind farm.

Comm. Lopera asked if they have selected a windmill manufacturer.

Mr. Kuchinsky responded that it was a foreign manufacturer. They actually got delivery of it last week so they are very excited to get the project going. If they would like him to come back with more about its efficiency, or if they want to come out and see it...

Comm. Lopera indicated that it wasn't so much about efficiency. He asked if they could check the documentation that came with it and see if the manufacturer has rated it for a certain number, like 30 decibels, 60 decibels or what noise level it is.

Mr. Schultz asked what everyone's preference was on the color - do they want to go with the white to lose it in the clouds.

Mr. Kuchinsky responded that it would have to be weatherized. They have to paint it anyway. If they want it green, it can be painted green.

Comm. Harger asked how long the manufacturer has been producing these.

Mr. Kuchinsky responded that they've been making them for years - globally, as a country, the U.S. is very far behind on wind technology.

Comm. Harger asked where the manufacturer was located.

Mr. Kuchinsky responded that this product was designed in Australia and manufactured in China.

Comm. Parkins indicated that they should get the specs on it.

Chairman Pogoda asked if they could get a balloon up there just to denote the height of this. He asked how large the blades were.

Mr. Kuchinsky responded that the blades are about 7 ½ feet.

Comm. Harger asked if he could provide some marketing materials from this manufacturer - like a DVD or something that explains where it's being used and how it's been used.

Mr. Kuchinsky responded that he'd be happy to provide that and check on the sound specifications.

Chairman Pogoda stated that they would put this on for the next meeting and that information would be helpful.

Mr. Schultz commented that, just as a side note, this may trigger the Zoning Subcommittee to look into their regs.

On a motion made by Patrick Lopera seconded by Leon Sylvester, it was unanimously voted to accept Application #09-12 for review.

**PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION
TO AMEND THE ZONING REGULATIONS BY AMENDING SECTION 44
(SIGNS) – SCHEDULE PUBLIC HEARING**

Mr. Schultz indicated that all of the Commissioners have received a final draft of the Sign Regulations and the Zoning Subcommittee strongly believes that it is time to take it to a public hearing. He recommended Wednesday, May 27th and indicated that this public hearing can be continued to the first meeting in June, if necessary.

He indicated that there would be three meetings in May - May 12th – Regular P&Z Meeting; May 20th Wednesday Public Hearing (Crabtree); May 27th Public Hearing (Sign Regs).

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to schedule a public hearing for the Proposal of the Shelton Planning & Zoning Commission to amend the Zoning Regulations by amending Section 44 (Signs). The public hearing has been scheduled for Wednesday, May 27, 2009

PUBLIC PORTION

Irving Steiner, 23 Partridge Lane, Shelton, CT read the following statement to the Commission:

It is a rarity when this Commission has to process an Application such as 07-42. Such an application is obviously not under the full control of this Commission and can not be treated as a normal application. It is also my understanding, if I'm incorrect, that the Department of Environmental Protection will have the ultimate decision regarding the success, size, and even failure of this application. The DEP has also indicated that their final decision will be based on, among other things, inputs from this Planning and Zoning Commission, and we the general public, who may be impacted by this project and may have concerns over the feasibility of this project. The rarity of such an application forces both this Commission and also the public to take a refresher course as to what their responsibilities and limitations are to insure a proper processing of this application that is acceptable to all concerned. The public, to date, has not been allowed a hearing on this application, and therefore, we are not familiar with the application and the plans as presently being processed by the DEP. This makes it difficult for the public to become part of the process. The recent visit by Chairman Pogoda and Administrator Richard Schultz to the DEP in Hartford was certainly an appropriate and proactive effort on the part of this Commission to address these problems, and obviously, clear the air in terms of the responsibilities of all concerned. As an interested citizen, I would hope that tonight, as a result of your visit, you would be able to shed some light on the responsibilities that this Commission and the Public have concerning the ongoing process of this application. Differences of opinion presently exist between all concerned, but I am sure that the clarity that we receive from the DEP could resolve these differences. Besides what I have mentioned, I would like to know what time frame exists before a DEP decision is required and if a public hearing locally with notice in the news media would be part of the process and procedure. I thank you.

Chairman Pogoda asked if there was anyone else from the public who wanted to speak on a matter not on the agenda.

Joan Flannery, 8 Partridge Lane, Shelton, CT addressed the Commission. Ms. Flannery stated that she had a few issues. Number one being that the public has had to wait until 9:10 p.m. to talk. She doesn't know what happened to 7:00 p.m. time. She knows that Chairman Cribbins changed it, and she wishes the Commissioners would change it back to 7 o'clock.

Ms. Flannery indicated that her second point is that when she became aware of the United Recycling application, she did not a lot of footwork with Randi York and they went to the mobile home park across from Wendy's, next to Wal-Mart, and there are a lot of interesting comments from those people about this. She would hope that they would have a public hearing so that people who are going to have to live with it can tell their point of view. Additionally, she doesn't want any ordinances broken. Ordinances are in place for a reason, and there seems to be an ordinance regarding recycling brought in from out of town that says it is against the rules. Ms. Flannery asked why they have the rules, if they are just going to break them.

Chairman Pogoda asked if there were any other comments from the Public. There were none.

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

OTHER BUSINESS

UNITED RECYCLING OF SHELTON LLC: DISCUSSION BY JOSEPH SALEMME TO COMMISSION.

Comm. Sylvester recused himself from this discussion and left the meeting at 9:20 p.m. with Comm. Joe Sedlock acting as alternate.

Comm. Lapera recused himself from this discussion due to professional conflicts of interest and Comm. Tom McGorty acted as his alternate.

End of Tape 2, Side A, 9:25 p.m.

Joe Salemme, United Recycling of Shelton, LLC addressed the Commission. Mr. Salemme began by reiterating that for quite some time, he has been trying to provide the Board with every possible document and informational request that has been asked for. He wanted to summarize that in 2007, he and his partner, Ben Perry came to the P&Z Board to discuss an expansion of their processes and how the DEP would be involved in it.

Mr. Salemme indicated that at that time, they had explained their use was a continuation of what they were doing, and that they were moving to a larger parcel of property and expanding their operation in the future. At that meeting, there was a clear understanding of what they were doing and the Board unanimously approved the application which specifically indicated the expansion of the recycling facility.

Mr. Salemme continued to say that since that time, almost 18 months ago, the building that they were approved for is actually up. They have gone above and beyond what they needed to do. He had his attorney explain their position, he continued to make himself available to the Board and to the public numerous times as far as site walks and/or informational meetings. He added that he is still making himself publicly available for any kind of public discussion regarding anything about their business as far as what they do, how they do it, etc.

Mr. Salemme stated that they provided the Board with all the information they requested including the traffic report and documents regarding the noise issues, and he believed that everything came back favorably again. He requests that the Board, at this meeting, take a positive action toward the DEP on their application which is pending with the DEP as far as the position of the Shelton Planning & Zoning Commission. This would be the position with their application that was already approved once. They have provided this Commission with

everything that they have in front of the DEP. If there are any questions, he'd be happy to help answer them. He indicated that they don't know how the DEP will act. They may want to do it in phases instead of going with one approval - that is not uncommon. They would be fine with that if the Board finds that more beneficial to the Town.

Mr. Salemme added that in regard to the ordinance - the ordinance has nothing to do with the type of recycling that they do. The ordinance that was put in place over 20 years ago has to do with municipal curbside recycling. It had to do with CRRRA; it has nothing to do with bulky waste recycling. It is a moot point. If it has to be taken up by the BOA, then that is something they may want to take care of. But they had their legal ruling on that and he believes that the position of the Town's attorney was the same - it has nothing to do with them. They are trying to recycle.

Mr. Salemme expressed his understanding with the Board's position and he appreciates and respects what they have to go through with the public's concern and he also respects the public's concern. However, everything they have done has been done according to the law and according to DEP regulations. There was no public hearing because it was not necessary for an approved use in an industrial zone. He understands the concerns, but they would like consideration for their legal rights as property owners. They aren't doing anything that isn't allowed to by law. He added that he's made himself available above and beyond, and the company has been made available with tours and visits numerous times, and he'll continue to do so. In conclusion, Mr. Salemme requested a favorable position from this Board to the DEP so that they can move forward. They have a large investment in this and they'd like to go forward with it. He thanked the Commissioners.

Mr. Schultz indicated that Staff has provided a package and he wanted to highlight some of the important issues. He stated that he had an opportunity to go with the Chairman up to the DEP in Hartford. They now have a better handle on what is being requested and they are able to advise the Commission on the role they need to take. This Commission is ultimately going to decide whether or not they want to request a Site Plan and have a Public Hearing with that Site Plan. That is this Commission's call. The Applicant is requesting that a determination be made because they've been discussing this topic for many months now. The application before the DEP is pending and they want to hear from this body.

Mr. Schultz referred to page 1, as Mr. Salemme indicated, they have a pending application before the State for a Full Permit to accommodate up to 800 tons of waste per day. The current permit for the 90 Oliver Terrace site is under a General Permit which is up 10 - 20 tons per day - so it's a significant increase.

Mr. Schultz reviewed that United Recycling of Shelton LLC is zoned in an industrial IA-2 district. This use is permitted. And the ordinance that some residents believe which prevent this use, is not the case. Assistant Corporation Counsel provided an opinion letter to this Commission. If there is an issue with the public, they can take the matter up with Aldermen.

He reviewed that the parcel size was 8.3 acres served by septic and public water, onsite parking, 11 loading dock spaces. As the Applicant indicated, the DEP is currently reviewing their application for the change in permit from General to Full Permit. This review is completely independent from the local P&Z Commission review; however, it does take comments from interested parties and from the P&Z. The DEP wants to hear from this Commission. Mr. Schultz asked if they were comfortable with the up to 800 tons per day; would they prefer that they phase it, etc.

Mr. Schultz added that the State will entertain requests to have a public hearing. There are two steps in which a public hearing can be requested – certain signatures are required and if they do frame a permit it does go into the local paper and someone can request a public hearing at that time.

The DEP recommended to Staff that it would be in the Commission's best interest to have a Site Plan Review for the change in permit. They also suggested that the Commission impose an initial 400 tons per day limitation for the first year or so to see how the operation works. As the Applicant indicated, the State may want to do that on its own but they would like to hear input from the Commission. Clearly, their role is very important because it is their town and they do regulate land use in this town. The P&Z can increase the tons per day to 800 if everything works satisfactorily.

Mr. Schultz indicated that the next paragraph in their packet was very important because it requires a letter to the Board of Alderman. A copy of the traffic impact assessment requested by the State was delivered to P&Z. It is dated March 31, 2009 and it indicates that the Bridgeport Avenue – Platt Road – Nells Rock Road intersection currently operates at an overall Level of Service D. Mr. Schultz added that is not good. During both morning and afternoon peak hours the existing condition of this intersection and its inability to accommodate the proposed increase of truck traffic associated with this application is less than desirable and needs to be reported to the Board of Aldermen immediately.

Mr. Schultz indicated that he couldn't emphasize that enough. This Commission has routinely denied applications at Levels D and F. Local businesses in this area that are looking to expand their as of right operations, which this Applicant has, rely on the City to upgrade the infrastructure. This is not the case here. There is a local businessman who wants to expand his operation and the infrastructure that can't accommodate it. Mr. Schultz added that this is just one business – Oliver Terrace has several businesses. The Applicant would like to consolidate their two businesses to #90 and lease out their other facility.

Mr. Schultz continued that this situation is not going to go away and he is glad that the Applicant provided this traffic assessment report. The recommendation from the DEP is to have at least a Site Plan. As part of the Site Plan Review, the Commission reviews all these issues such as aesthetics, noise, traffic, infrastructure, public concerns, etc.

They are capable of doing a legitimate, well-run business here. They have seen the site but the traffic situation has to be addressed. The Aldermen are the only ones who can do it, zoning was done back in the 50's & 60's – just like on Long Hill Crossroad with the concerns over new development on that substandard road.

Mr. Schultz requested that the Commission direct him to send a letter to the Board of Alderman; and hopefully tonight the consensus will be to have a Site Plan, and whether or not there is a public hearing during that Site Plan Review. The time frame is limited. The Commission needs to receive the Application, hold a Public Hearing and act on it within 65 days, unless they give an extension. They will probably not get an extension in light of the letter from their own attorney indicating that a site plan is not needed, and they would prevail in a court of law.

Mr. Schultz summarized the two issues – whether or not they are going to entertain a Site Plan application with or without a Public Hearing; and the existing deficiencies on the local road system immediately adjacent to this site which are a public safety issue.

Chairman Pogoda commented that he went to the DEP with Rick and spoke with the gentleman there who is overseeing this project and he was very enlightened as to their process. As stated in the cover letter, the DEP would definitely recommend a site plan. The DEP was also concerned with the Level of Service D traffic study. He indicated that is something that has to be looked at and a letter needs to be drafted to the BOA by Rick. As far as the public hearing, as far as United Recycling, they are in the district and they do have the right to do this on this property. He initially requested not actually a public hearing, but a public informational meeting where the public can get their questions answered, but that issue needs to be put on the table now and decided by the Commission members. There is a time constraint here and a decision needs to be made this evening.

Mr. Schultz added that if they do decide to have a public hearing and the Applicant decides not to fulfill that, then the Commission would need to direct him to write a letter to the DEP explaining their desire to review it at that level, and that will be considered by the DEP. That is why it is important to come up with a consensus now because it is pending before DEP and they want to hear from this Board – and the Applicant wants to know too.

Joe Salemme asked the Chairman if the original 2007 Site Plan approval had been brought up at his visit with the DEP.

Chairman Pogoda responded that they did discuss that; however, the way it was brought to them was that this is a new proposal that has nothing to do with 90 Oliver Terrace.

Mr. Salemme clarified that the Site Plan itself has not changed from what was approved.

Chairman Pogoda responded that it is changing from a General Permit to a Full Permit because of the volume and that triggers a site plan.

Mr. Schultz added that during their review, based upon the circumstances, they may want to phase it in with 400 tons per day or 200 tons.

Comm. Parkins asked what it was currently. Mr. Salemme responded that it was 200 tons.

Comm. Parkins asked at what point would the DEP put notice in the paper giving the public the opportunity to provide the DEP with comments – what triggers that?

She asked if they were waiting for comments from the Commission to trigger that, or do they not need that.

Mr. Salemme responded that it is usually handled on a preliminary approval, a notice is placed allowing 30 days for comment. If they deem it necessary, the DEP in Hartford requests a public hearing – in some cases they do, it's not unusual.

Mr. Schultz added that the appropriate time for this Commission is now because there is a pending application.

Comm. Parkins asked what the difference was between a public information session and a public hearing.

Mr. Schultz responded that the State really likes to hear from the local jurisdiction because they are the best handle on the site circumstances. They

can deal with the public at a local level. There are some benefits that go with that, as heard during tonight's Public Portion. There are some residents who would like this Commission to hold a public hearing because they feel more comfortable addressing their concerns to this Commission that's elected within the City of Shelton. The State of Connecticut will hold its own separate meeting. They indicated that they could hold it here, so that is a possibility.

Comm. Parkins asked again what the difference was between a public hearing and a public informational meeting – is there any difference?

Mr. Schultz responded that if they decide to request a Site Plan, it has to be voted on. By having the Public Portion, they would be taking testimony from the public who are going to bring certain facts and issues to the Board, and unless they are satisfied that they have been fulfilled, their motion is going to be reflective. He provided the example of the Level D traffic – if the BOA gave no indication that they want to approve it, short term or long term – that fact would be taken into consideration. If they request a Site Plan, the Traffic Authority would make a recommendation to this Commission. The State of Connecticut won't go into that level of detail, they just want comments in regard to this land use.

Comm. Parkins clarified that aside from the DEP public hearing, what is the difference for this Commission having a public hearing or informational meeting.

Mr. Schultz responded that it is still a public hearing – there are just more time constraints.

Comm. Harger wanted to make sure the public has an opportunity to voice their concerns and have any misconceptions addressed by the applicant. She indicated that she was concerned about the Service Level D. She stated that she realizes it takes a long time for something to go into action but she thinks there needs to be additional exits for that particular section of the highway, especially because of upcoming proposals for 405-407 Bridgeport Avenue retail. It necessitates an upgrade to that whole area. She commented that she would hate to have a business like this getting a thumbs down because they consider it a distasteful kind of thing. But in looking toward the future, they can't have landfills anymore, and this is a very tightly controlled business that would benefit the public as a whole. She does not want to see it turned down but there are a lot of sides to this issue.

Mr. Schultz provided an example that occurred 10 or 12 years ago downtown. Dunkin Donuts came in and wanted to retrofit the drive-through window from the old Shelton Savings Bank. The Commission didn't think it would work. They requested a site plan and had a public hearing with it. The Commission turned it down. Therefore, when the Commission believes that an issue is important enough to have a public hearing, they will hold it. If there are some inherent issues, like this traffic issue, they have to work carefully with Engineering and the Police Dept.

Mr. Schultz added that they are going to have to rely on Corporation Counsel because when a use is permitted as of right, there has to be good grounds – even on modifications.

Comm. Parkins stated that she can understand the Applicant's hesitance and withdrawing the site plan, but if it is being recommended by the DEP, it would be more practical to do it in a local forum. It sounds like the DEP will have a public hearing if they don't – so this may just save one step, and they are looking for the Commission's comments anyway.

Comm. McGorty commented that he thinks the DEP is looking for their feedback to trigger that. That's why they want their suggestions. He indicated that the project is a good project and he believes in what they are doing, but the traffic is his biggest concern. He asked Rick, if the BOA decides to do nothing, what will happen there.

Mr. Schultz responded that it throws a major curve ball into the whole thinking process because they cannot continue to rely on the infrastructure that they have.

Mr. Salemme requested to interject with an important comment about the transportation. He clarified that this is not the case of Dunkin Donuts. This building has been up for 50 years; there were 13 loading docks, 200 tractor trailers a day servicing this property. They are not bringing in a new application – this was an existing building that they bought specifically because of its industrial zoning and past activity. He understands and respects the position of this Board, the BOA has sorely disappointed the citizens of this town as far as road construction – that is a given. But his rights as a property owner, with what he has invested in this and what he has envisioned as future goals, was based on what was there and how it was serviced in the past. The approval from this Board gave them the indication that they were going to have the full support of the City as far as their expansion, as they discussed and identified in 2007. This isn't the same as Dunkin Donuts with a new traffic issue there; this place has been in existence for over 50 years with heavy tractor trailer traffic. No one understands the lack of infrastructure more than he does in this town. He has lived here his whole life. He is very disappointed with their Public Works – they pay an enormous amount of taxes, and not just them as industrial owners, but all of their neighbors. It is unfair, it's part of their taxes and they shouldn't have to beg to have this done. As of right, an industrial zone, should have industrial services that go with it.

Mr. Salemme indicated that he would be happy to discuss it with the BOA and they will make themselves available to discuss anything in regard to their business with them.

Chairman Pogoda commented that in the discussions with the DEP they were not taking that into consideration whatsoever about that other company. When they looked at the level of service for the traffic, that wasn't really in their thought process. He stated that this is going from a General Permit to a Full Permit and it's altogether different that what was stated to them in 2007.

Mr. Salemme responded that the DEP, by law, by State Statute, cannot deny an industrial application based on transportation.

Chairman Pogoda indicated that he didn't want to get into that. He's not going to question what the DEP...

Mr. Salemme added that he just wanted to clarify the difference between a non-conforming business and something that existed - that they based a lot of investment in.

Comm. McGorty commented that was where he was going, and he wanted to finish his point, that if this goes 200 tons more or 400 tons more, it's equivalent to traffic that has already been there. There is no increase in traffic.

Mr. Salemme responded yes, exactly, there's less.

Comm. McGorty added that if it went to 800 tons, it would probably be even less. It sounds like the traffic issue is a non-issue because that's the volume,

and that's what it is. There is no increase in traffic and it should have no impact on it.

Comm. Parkins stated that it's over his current use.

Comm. McGorty commented that even if he goes all the way up to 800, intuitively, it would seem like there's more traffic, but he is saying that it isn't anymore traffic than what it was in the past.

Chairman Pogoda indicated that they don't know that – they don't have any facts and figures.

Comm. McGorty commented that he shouldn't be hamstrung; something should be done to fix the infrastructure so that he can use his property the way he is allowed to by law, as well as the other businesses there.

Chairman Pogoda indicated that this is still on the table and they need to make a decision this evening as to what they request from the applicant – a site plan, which has been recommended by the DEP, and if they want a public hearing.

Comm. Harger responded that if they decide to have the site plan and a public hearing locally, are they expected to report back to the DEP.

Chairman Pogoda stated that they will be taking all of their comments.

Mr. Schultz added that their application is independent of this Commission's.

Comm. Harger asked if their decision to go through this process would have any impact on the DEP in the long run.

Comm. Parkins commented that she thinks the DEP is trying to put this back in the local hands because by requesting a site plan, they have to either approve or disapprove the site plan. If they disapprove the site plan, then there is no permit issued by the DEP.

Mr. Schultz responded that they can still issue it, and then this Commission would have to take appropriate action.

Comm. Parkins commented that the only difference between having the site plan resubmitted again, this one as compared to last time it was submitted and approved, is that they have increased the volume.

Chairman Pogoda indicated that as far as the DEP is concerned, it's a new application for 90 Oliver Terrace with a full permit, not a general permit. That was the difference stated to them by the gentleman from the DEP in Hartford.

Mr. Schultz added that there are potential impacts offsite that are issues for the City of Shelton. This Commission has to handle those issues, the BOA, the noise elements, the traffic elements and the environmental elements.

Mr. Salemme commented that their attorney, John Fallon's letter discussed this issue of volume. The volume issue is specifically handled by the DEP based upon things like processing equipment, inflow, outflow, etc. From what he understands, the zoning obligations were met with the site plan, which hasn't changed; it was approved. The DEP will handle volume at a state level based on solid waste regulations. His concern is their investment - they've done everything correctly; only a couple of citizens are showing any real concern. They have made themselves available to other citizens that showed concern. They walked the property and were quite impressed. Mr. Salemme indicated

that he has made it public half a dozen times, and he will make it public again, they are welcome to come and ask questions about what they do and how they do it. A public hearing opens up a tremendous amount of liability and they've been advised not to do it; and unfortunately, he would not go along with the site plan. He'll discuss it with his attorney if they want to review it.

Chairman Pogoda asked the Commissioners what they wanted to do. He's recommending from listening to the DEP that a Site Plan Review is necessary. It is up to the Commission if they want to have a public hearing.

Mr. Schultz reiterated that with a public hearing, it brings a 65-day time constraint to accept the Application, hold a hearing and act on it.

Comm. Parkins asked if they could accept a Site Plan for review without a public hearing.

Chairman Pogoda responded that they could.

Comm. Parkins suggested the option of setting an initial limit.

Chairman Pogoda indicated that was the suggestion from the State DEP to phase it in.

Comm. Jones commented that they could impose 400 tons.

Chairman Pogoda stated that they need to provide a time frame also of say, a year, to see how it works out before taking it to the next level.

Comm. Parkins suggested that they request a site plan without the public hearing but to set a limit, and let the State have the hearing.

Chairman Pogoda added that the public also has the right, according to the gentleman they spoke to, to petition the DEP for a public hearing if they choose not to have one. Then the DEP will entertain a public hearing, and possibly have it in Shelton. He directed Staff to write a letter to the BOA because everyone knows about the problem in the City with the infrastructure, but he doesn't think the Applicant should suffer because of it. If this is going to hinder his application, that is not right. The business itself is needed and he hasn't heard any complaints from anyone about what they do there.

Comm. Jones asked what the time frame difference would be if they hold a public hearing instead of the DEP.

Mr. Schultz responded that they have their own schedule.

Comm. Parkins commented that they are waiting for this Commission's input.

Chairman Pogoda agreed and indicated that Rick will be in touch with the DEP to exchange information. The public can petition for a public hearing from the DEP with a certain number of signatures.

Comm. Sedlock asked if they could have a public hearing, and then the DEP also have a public hearing.

Chairman Pogoda responded they could both have one but theirs would be separate.

Comm. McGorty stated that he wanted to make a motion to request the site plan and set up a phase in plan.

Chairman Pogoda responded that the phase in would be part of the site plan.

On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to request a Site Plan for review from United Recycling of Shelton, LLC. Comm. Laperera recused himself from discussion/voting with Comm. McGorty acting as alternate on his behalf. Comm. Sylvester recused himself from discussion/voting with Comm. Joe Sedlock acting as alternate on his behalf.

Chairman Pogoda asked the Commission if they wanted to entertain the public hearing or not. The decision has to be made this evening.

Comm. Harger stated that since the Applicant has made himself available to the public, she says no to the public hearing; also, the DEP still has the option to have one if they choose to exercise it.

Comm. Parkins agreed. There was no further discussion.

Mr. Salemme indicated that he will provide a site plan. They actually already provided them with a site plan.

Comm. Parkins responded that they need to review it again with the knowledge that they have of the expanded operation.

Mr. Salemme stated that he will speak to his attorney; he was adamantly opposed to a public hearing because of legal issues. There is a difference between a public hearing here and a public hearing with the DEP, it's more of a public informational issue which they are more than happy to provide. They are happy to provide the site plan – they already have it stamped in here.

Comm. Jones asked when they would know if the DEP requests a public hearing.

Mr. Schultz indicated that it would be posted in the paper.

AGENDA ADDITION

On a motion made by Virginia Harger seconded by Patrick Laperera, it was unanimously voted to add Agenda Item – Request for 5-Year Extension for River Ridge Condos on River Road (W. Blakeman).

Chairman Pogoda indicated that Wes Blakeman is requesting a 5-year extension to complete this project. Mr. Schultz added that the State Statutes give this Commission the ability to grant a five year extension. They have only built less than half of the project. Phase II would be in the back. This is in consideration of the economic times. The Commission will probably see more of these requests. The Commission has never denied a request and Staff recommends that they act favorably on it.

On a motion made by Virginia Harger seconded by Patrick Laperera, it was unanimously voted to grant a five year extension to the River Ridge Condo Project on River Road.

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

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to adjourn at 10:10 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission