

operation M-F, 8:00 a.m. – 3:00 p.m. As the Commission knows, all of the major corporate buildings have their own in-house food courts. Jose Tito will be the proprietor; he was employed by the previous food service court owner and will be taking this over. Staff recommends approval.

On a motion made by Virginia Harger seconded by Chris Jones, it was unanimously voted to approve Separate #6634.

SEPARATE #6636 – GREYHAWK, 6 RESEARCH DR. – BUSINESS
SEPARATE #6641 – SURVEY SAMPLING, 6 RESEARCH DR. – BUSINESS
SEPARATE #6638 – GENERAL ELECTRIC, 6 RESEARCH DR. – BUSINESS
SEPARATE #6640 – PLAYTEX, 6 RESEARCH DR. – BUSINESS

Mr. Schultz indicated that the next four Separates are new businesses located at 6 Research Drive.

He summarized that Greyhawk is leasing 10,100 square feet; the entire building is 164,000. This research and development business will have 15 employees with the hours of operation 9:00 a.m. – 5:00 p.m.

The next company, Survey Sampling, does test marketing. They are leasing 52,000 square feet, 120 employees, hours of operation 8:00 a.m. – 5:00 p.m.

General Electric Disaster Recovery Division is leasing 9,600 square feet, 2 employees, hours of operation 9:00 a.m. – 5:00 p.m.

Playtex Consumer Products Division is leasing 85,000 square feet, 250 employees, hours of operation 8:00 a.m. – 5:00 p.m. Staff recommends approval for all businesses.

Chairman Pogoda asked if all these spaces have been empty and what the parking situation is.

Mr. Schultz responded that have been coming in and they decided to do them all at the same time. They are monitoring the situation with parking and there have been no issues.

Comm. Parkins asked how many employees Playtex would have there.

Mr. Schultz responded that they have 250.

On a motion made by Virginia Harger seconded by Chris Jones, it was unanimously voted to approve Separate #6636, Separate #6641, Separate #6638, Separate #6640.

SEPARATE #6646 IMAGE GRAPHICS, INC., 240 LONG HILL CROSS ROADS, BUSINESS

Mr. Schultz indicated that this is for Image Graphics, electronics and film processing. They are leasing 8,000 square feet; the building is 40,000 square feet. They have 15 employees; hours of operation 8:00 a.m. – 6:00 p.m. Thirty two parking spaces have been assigned to them.

On a motion made by Ruth Parkins seconded by Patrick Lopera, it was unanimously voted to approve Separate #6646.

SEPARATE #6658 – GRIFFIN IMAGING AND DIAGNOSTICS CENTER, 21 IVY BROOK ROAD – BUSINESS

Mr. Schultz indicated that it has recently been in the newspapers that certain offices associated with Griffin Hospital are coming to Shelton. They are going to be occupying this Medical Office Building off Ivy Brook Road; there has been a lot of vacancy up there. There will be Griffin Imaging and Diagnostics Center leasing 5,000 square feet (the building overall is 40,000 square feet), 11 employees, hours 8:00 a.m. to 4:00 p.m. There is a great deal of parking available for employees and patients. Staff recommends approval.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to approve Separate #6658.

SEPARATE #2579, D.D. OYSTER FARMS, 20 MURRAY AVENUE, HOME OFFICE

Mr. Schultz stated that this is a seasonal home business for oystering in Connecticut and Long Island Sound. The occupant holds a State Permit from the DEP. Her office area is 25 square feet; her home is 1500 square feet. She is self-employed. Staff recommends approval.

On a motion made by Chris Jones seconded by Patrick Lopera, it was unanimously voted to approve Separate #2579.

SEPARATE #6607, PRESTIGE BLDGS, 224 BEARDSLEY ROAD, IN-LAW APT.

Mr. Schultz indicated that this is a 6600 square foot conversion within the basement area not an add-on. He showed a floor plan to the Commission. He stated that they have confirmation from Valley Health and an affidavit confirming that this is a family member. The builder, A.J. Grasso is present to answer any questions.

Mr. Panico asked if this is a walk-out basement.

Mr. Grasso responded that it was a walk-out basement. He added that the house is a colonial style and the apartment will take up most of the basement area.

Commissioner McGorty arrived at 7:12 p.m.

On a motion made by Joseph Sedlock seconded by Patrick Lopera, it was unanimously voted to approve Separate #6607.

SEPARATE #6657, MANUAL DASILVA, 22 FALMOUTH DRIVE, IN-LAW APT.

Mr. Schultz stated that the shaded area on the floor plan that he shows is an addition for the in-law. The applicant has received a variance from the ZBA insofar as the lot doesn't comply with the one acre, and the left side was reduced from 30 feet to 20 feet. This is an 825 foot accessory dwelling unit over the garage. The architecture is consistent with the house and the neighborhood. Staff recommends approval.

Chairman Pogoda asked if this was City water or septic system.

Mr. Schultz responded that all utilities were public.

Chairman Pogoda asked if he received verification that this is for a family member.

Mr. Schultz responded yes, he has an affidavit certifying that.

On a motion made by Patrick Lapera seconded by Chris Jones, it was unanimously voted to approve Separate #6657.

SEPARATE #6645, HARVEST CHRISTIAN CENTER, 302 SOUNDVIEW AVENUE – DANCE STUDIO

Mr. Schultz stated that this is a small church close to Meadow Street. It should be noted that this Commission has granted subordinate and accessory activities that are somewhat connected to the Church; it is a revenue source for the church. This Commission has allowed dance studios, child daycare centers, etc. He read a letter from the Pastor of the Church concerning the use of the property for a dance studio. The Pastor indicated that dance is used as an expression of worship to the Lord, and; therefore, it is in accordance with the church and the parking lot being used for dance classes.

Mr. Schultz indicated that the Church is approx. 1254 square feet. The informal (not all paved) parking on the left side of the Church can accommodate this use. The hours of operation for the dance studio would be Monday, Tuesday and Thursday 4:00 p.m. to 9:00 p.m. One, possibly three employees as determined by enrollment. In the past, the Commission has advised Staff to monitor this type of use because it is in a neighborhood of surrounding single-family homes.

Mr. Panico asked what the square footage of the use would be.

Mr. Schultz asked the Applicant (name not given) if she would be leasing the entire area. She responded that she would be.

Chairman Pogoda asked approximately how many students there would be.

The Applicant told Mr. Schultz that right now she thinks it would be approximately 30.

Mr. Panico asked if they were actually using the entire space devoted as the church.

Comm. Harger clarified that they wouldn't be using the church building itself; it's the parsonage, a separate building.

Comm. Parkins asked how many students would be attending at any one particular session.

The Applicant responded that the classes would have about 10 students.

Mr. Panico asked for clarification if this would be in a separate building belonging to the Church or part of the Church.

Mr. Schultz responded that this was in the separate parsonage of the Church, the house to the left of the Church. Right now, the parsonage building is unoccupied but both parcels are Tax Exempt. There are other examples in the community, such as Good Shepherd Church up the street in which the parsonage is no longer used but rented out for counseling. This Commission has allowed this in the past.

Comm. Harger asked if this would be back on the tax roll if money is being made.

Mr. Schultz asked the Applicant if she was aware of the tax implications of using the parsonage for profit. She wasn't aware of any tax implications.

Comm. Jones asked if the Applicant was running the dance studio for the Church.

Mr. Schultz responded no, it is a separate entity, but the Pastor has acknowledged his support for this use – dance as an expression of worship.

Comm. Parkins asked if this was a non-taxable use because the Pastor considers it an expression of worship.

Comm. Jones responded that they don't have anything to do with the taxes.

Comm. Parkins agreed that they don't have anything to do with the taxes, but they have to acknowledge if it needs to go to the Tax Assessor.

Comm. Harger commented that it would go to the Tax Assessor and the Church would have to pay property taxes on that property for that use.

Mr. Schultz informed the Applicant, that if this is approved tonight, she should speak to the Tax Assessor regarding the tax implications because she won't want to create an undue hardship for the Church; it may change the circumstances.

Chairman Pogoda asked if this had been discussed with any of the abutting neighbors. He asked how loud the noise would be.

The Applicant responded that there would not be any loud music and they wouldn't open the windows because it is air-conditioned. There's a farm across the street.

Comm. Jones added that it's probably tap, jazz and ballet – that's not too loud.

Commissioner Harger asked the age group of the students. The Applicant responded that it would vary between elementary school aged children, middle school and some high school students.

Mr. Panico asked how many classes would be coming and going on a single night. The Applicant responded that it would be about 3 or 4, an hour a session.

Chairman Pogoda asked how much parking they had available.

Mr. Schultz responded that they had about 50 informal (not paved) spaces.

Mr. Panico asked if it was going to overlap with any church activities. The Applicant responded no.

Mr. Schultz commented that the Church is looking for a revenue source.

Mr. Panico indicated that he was just wondering if there would be a lot of activity on the site.

Mr. Schultz responded that he has driven in that area and doesn't see a lot of activity there. He added that, as the Commission is aware, a lot of the churches are having difficulty in this economic climate.

Chairman Pogoda suggested that Staff monitor this to make sure it doesn't turn into something undesirable in the neighborhood.

Mr. Schultz responded that he would give the Applicant a copy of their performance standards that makes reference to noise and other standards.

Comm. Parkins indicated that it sounds OK, if there isn't any restriction on them to approve a commercial operation in a non-profit zone.

Chairman Pogoda suggested that they revisit it in 6 months to make sure there are no issues.

Comm. Harger asked when she planned to begin her classes. The Applicant responded that it would begin in the Fall.

On a motion made by Virginia Harger seconded by Chris Jones, it was unanimously voted to approve Separate #6645 with the conditions discussed.

SEPARATE #6651, KOBİ'S RESTAURANT, 514 BRIDGEPORT AVENUE, OUTSIDE TABLES

Mr. Schultz stated that Kobi's owner has expressed a need to install 4 outside tables with umbrellas. Obviously, the thing that comes to mind is that this is for the smokers. The sidewalk there is about 8 feet wide. The Applicant requested 6 tables, but he recommended to the Chairman that they start with 4 tables because that has been manageable in the past with restaurants of this size.

He also suggested that the umbrellas be solid without advertisements. Most of the operations along Bridgeport Avenue have been pretty good but the advertisements have begun to crop up. The companies such as Budweiser provide free umbrellas, and that is something that the Commission doesn't want, unless it's a screened area. However, Kobi's tables are in the front, but the owner agreed to solid color umbrellas. Staff is recommending conditions for approval that the tables are seasonal, only 4 tables, and solid color umbrellas. They will probably have the appetizer menu and it will be for the smokers.

Mr. Schultz commented that normally the restaurants that have outdoor dining have it enclosed so that stuff doesn't blow away. They won't be permitted to serve liquor there either.

Comm. Parkins asked if this would be enclosed at all. Mr. Schultz responded that it would mainly be open for the smokers because they are getting a lot of requests from their patrons. They can only serve appetizers outside, no alcohol.

Someone (unnamed in the audience) asked how they would control that. Mr. Schultz commented that the Police Department and Staff would advise the State Liquor Commission if it is violated.

Comm. Harger asked if having the 4 tables in the front to the right of the door was the only place they could position it. Mr. Schultz responded that's correct, nothing in the rear or the side because it is all parking and a fire lane.

On a motion made by Joseph Sedlock seconded by Patrick Lapera, it was voted (5-1) to approve Separate #6651. Commissioner Harger voted in opposition.

OLD BUSINESS

APPLICATION #09-14 UNITED RECYCLING OF SHELTON, LLC FOR SITE PLAN APPROVAL (FULL PERMIT FOR RECYCLING FACILITY), 90 OLIVER TERRACE (MAP 63, LOT 13), IA-2 DISTRICT FOR WITHDRAWAL (APPLICANT INITIATED)

Chairman Pogoda stated that it should be noted that while Application #09-14 is being withdrawn tonight, it is anticipated that a new site plan application will be submitted in the immediate future for the full permit proposal at 90 Oliver Terrace. The DEP rejected the United Recycling application due to deficiencies and not based on any action or comment from this Commission. Staff is directed to send a letter to the DEP on behalf of the Commission indicating that a site plan application will be required to satisfy the change of permit from general permit to a full permit at the 90 Oliver Terrace location. The Commission recommends that the State DEP conduct a public hearing when they receive and review United Recycling's new full permit application.

Mr. Schultz read correspondence from the Applicant dated June 2, 2009 under the name of Atty. John Fallon on behalf of his client requesting to withdraw the pending application.

On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to accept the request for withdrawal from the Applicant for Application #09-14. Commissioner Laperera recused himself from voting on this application.

APPLICATION #09-11, RICAR LLC AND MIANUS FOR FINAL SITE DEVELOPMENT PLAN APPROVAL FOR PDD #66 (MIX USE MARINA DEVELOPMENT) 704-722 RIVER ROAD (MAP 32, LOTS 17 AND 18 AND MAP 22, LOT 1) – REQUEST FOR A 65-DAY EXTENSION.

Mr. Schultz stated that earlier this year they accepted the withdrawal because this Applicant was awaiting a response from the DEP. They withdrew their older application and they've accepted a new one - #09-11. The Applicant received the DEP letter late last Friday. They have a lot of work, and accordingly, they are requesting their first 65-day extension under the new Application.

***See attached letter from Atty. Barry Knott on behalf of his client dated June 5, 2009.**

On a motion made by Ruth Parkins seconded by Patrick Laperera, it was unanimously voted to accept the 65-day extension request for Application #09-11.

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

Mr. Schultz stated that all the Commissioners have the revised report resolution. This Commission spent additional time on the architectural changes and some other minor adjustments. The Applicant just received STC approval so there have been some delays over the last couple of months. Staff has prepared this report and Mr. Panico will read it.

Mr. Panico indicated that since they have already read this report two or three times previously, in the Revised Report portion of this he would like to just point out the changes he made predicated on the last meeting held on the architecturals. Then he'll proceed to the Resolution portion for Application #09-02.

Mr. Panico pointed out that originally on Page 3, Item 2, he had noted the need for some additional work to be done. That work has been done and was shown to the Commission at the last meeting. He changed the wording on that section to reflect their satisfaction with it.

Mr. Panico noted that was the main change that was done other than date changes on maps, etc. He read the Draft Resolution.

***See attached Report/Resolution for Application #09-02 Primrose Companies Final Site Development Plan Approval, Sites "C" and "D" dated June 9, 2009.**

Chairman Pogoda added that Staff and the Downtown Subcommittee did a great job on the revisions which are 100 percent better than what was initially presented to the Commission. He knows that there were a lot of façade changes, porch and walk-out additions and modifications to the look of the roof line. The DSC did a great job. He asked if any of the Commissioners had any questions or comments before requesting a motion.

Comm. Parkins asked if they determine the bonds as indicated in "d."

Mr. Panico responded that normally the City Engineer works with Rick and makes a recommendation to the Commission and he handles it administratively.

Mr. Schultz added that's correct, they do a cash bond which is \$5K for one acre of disturbed area and the site completion bond covers site service, landscaping and those types of items in case they start a project and walk away from it.

Comm. Parkins asked if he would be coming back to the Commission with the recommendation for the bonding.

Mr. Schultz said he could handle it administratively or bring it back to the Commission.

Mr. Panico added that the bonding gets re-examined again in the event that the Applicant should be looking for occupancy permits before all the site work is completed. It is at that time that the City Engineer would sit down with the Applicant and calculate the value of all outstanding work that is not complete, and the bond would potentially need to be adjusted to reflect that.

On a motion made by Ruth Parkins seconded by Patrick Lopera, it was unanimously roll call voted (6-0) to approve the resolution for Application #09-02. Comm. Sedlock voted as an alternate for Comm. Sylvester.

APPLICATION #09-07 BRUCE BUTLER/BUTLER COMMERCIAL SERVICES, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL FOR NEW FOOD ESTABLISHMENT WITH DRIVE-THRU, BUILDING/CANOPY RENOVATION AND PARKING RECONFIGURATION, 99 BRIDGEPORT AVENUE (MAP 117, LOT 1), CB-2 DISTRICT (PUBLIC HEARING CLOSED ON 3/24/09)

Mr. Schultz provided a site plan with the proposed changes and indicated that Staff was directed to prepare a Resolution which Mr. Panico would read.

Mr. Panico commented that this application had to deal with two things – the proposed activity as a major traffic generator and secondly, the overall site plan. He read the report and the resolution.

***See attached Report/Resolution for Application #09-07 dated 6/8/09.**

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

Chairman Pogoda asked if the Commissioners had any questions or comments.

Comm. Jones indicated that he received a call from an adjacent neighbor concerned about blasting.

Bruce Butler, Butler Commercial Services LLC responded that there will probably be some blasting.

Comm. Harger commented that the subject of blasting came up in the public hearing.

Mr. Panico asked if there had been any blasting yet.

Mr. Butler responded no, but there will be some blasting.

Mr. Panico added that is why they included that stipulation. If it turns out that the rock face comes off nice and clean, then the rock face will suffice, but there's a big exposed area. If it turns out that is the end of the grain and it's all gravel, then they will have to put a retaining wall in front of it with a decorative block treatment so that it is aesthetically pleasing.

Comm. Jones asked about the impact of blasting on the gasoline pumps.

Mr. Butler responded that it wouldn't be that heavy a charge because they don't want to damage the building. They are going to err on the side of minor blasting and do more work with the machines.

Mr. Panico commented that they normally leave those details up to the Fire Marshal.

Comm. Jones stated that he just wants there to be good communication.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously roll call voted (6-0) to approve Application #09-07 Special Exception/Site Plan Approval with the modifications discussed.

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

Frank Kuchinski, Poulsen Hybrid, 6 Waterview Drive, Shelton, CT addressed the Commission.

Mr. Kuchinski brought and distributed more technical information and drawings as the Commission requested at the April meeting. He began by showing on the site map where they think an optimal location for the windmill would be. It is in that part of their property because it has the best proximity to the wind.

He showed a computer-generated picture of how the windmill would be shaded by evergreen trees so that it has unobstructed wind coming from all different angles. Mr. Kuchinski stated that he had heard comments that the Commission would like to see it closer to the building, so they researched that.

Mr. Kuchinski referenced the manufacturer information that he provided which clearly states that the wind turbine should be erected high and as far away from obstacles as possible in order to get relatively high wind speed.

Mr. Panico asked if the obstacle below the blades counts as interference.

Mr. Kuchinski showed where the Commission proposed that they put it, near the corner of their building; but what happens is that wind is going to push the wind up and cause turbulence.

Mr. Panico responded that they had envisioned it that the blades would be above the building.

Mr. Kuchinsky stated that they need to stay within the restriction of 20 feet from the grade; they are going to be below these trees, so it's obstructed wind flow – there will be wind hitting the building and pushing up.

Mr. Panico asked Rick if 20 feet from the grade was their stipulation.

Mr. Schultz responded no.

Mr. Kuchinsky commented that when they originally proposed it, was free and obstructed. It still will not be seen from the street.

Mr. Panico asked what height they were going to install it in that location.

Mr. Kuchinsky responded that it would be 37 ½ feet – so it's below the 40 foot limit.

Mr. Panico asked if it was 37 ½ feet from the top of the blade when it's in the vertical position.

Mr. Kuchinsky responded yes.

Mr. Panico asked what the full diameter was.

Mr. Kuchinsky responded that it would be 15 feet across.

Mr. Panico asked how high the roof of the building was at that location.

Mr. Kuchinsky responded that there is no building where they would like to put it.

Mr. Panico rephrased that he meant the building that they discussed relocating this to.

Mr. Kuchinsky responded that it was about 22 feet.

Mr. Panico commented that with 22 plus the diameter, it's still below a 40 foot height.

Mr. Kuchinsky responded that the manufacturer suggests that it should be as far away from structures as possible for unobstructed wind flow for maximum electricity generation. He said that information comes from the manufacturer's installation guide. He indicated that in his next reference entitled Building Green, it suggests that in determining the best location for a windmill, it would have a strong wind flowing in a single direction.

Mr. Kuchinsky explained that at a location near the building, the windmill wouldn't get air flowing in a single direction. Air is going to come in, hitting the building and pushing up which will cause turbulence with the windmill, and that is why they don't want to put it there.

Mr. Kuchinsky suggested another option of putting it on top of the building which the Commission said it did not want to do.

Mr. Panico asked Rick if their exclusions for height included a windmill.

Mr. Schultz responded no, and his position is, due to the sensitivity of this, he wants to air on the side of caution. After the Commission deals with this, Staff needs to go back to the Zoning Subcommittee and refine the regulations dealing with solar and other fuel sources because technology is changing.

Mr. Kuchinsky presented a map depicting the wind quality in the region. The Shelton to Bridgeport corridor is marginal to fair wind quality so the location on their property will make a big difference. If it is obstructed, there is no sense doing it.

Mr. Panico asked if they would have a problem with the trees.

Mr. Kuchinsky responded that it would be above the trees.

Mr. Panico commented that his thought is that, if the building is going to cause a problem, why wouldn't the trees cause the same problem because they are about the same height and about the same proximity to where they are proposing to put it.

Mr. Kuchinsky responded that they don't really have a great location for it. But the wind quality will be better near the trees than against the buildings because then it is hitting something behind it, but near the building the wind is being reflected from below the grade above it.

Chairman Pogoda asked about the picture with the windmill and if that was the initial position it was in when they took a look at it.

Mr. Kuchinsky responded yes, in that circle and the building is about 70 feet or so from there.

Chairman Pogoda asked if the parking spaces in front of the windmill were being utilized. Mr. Kuchinsky responded that they weren't.

Chairman Pogoda asked if the windmill could be moved back a little bit or does it still cause a problem.

Mr. Kuchinsky responded that if it is moved back it would be within 10 feet of the building and the manufacturer states that it should be as far away from buildings as possible.

Mr. Panico asked how much the 40 foot height would be exceeded if they put it on top of the building.

Mr. Kuchinsky responded that the building is about 22 feet tall – they would have to have a special made pole from the manufacturer because it is already assembled.

Comm. Jones stated that he doesn't like the idea of it on top of the building. He suggested testing it out on the ground before doing that.

Mr. Kuchinsky indicated that this a learning experiment for them about wind, and if they find out it is not powerful enough, they can take it down easily.

Chairman Pogoda stated that they just wanted to take a look at some different scenarios. The manufacturer knows the most prudent place to put it for the best wind, especially if it's limited wind.

Mr. Kuchinsky responded that the closer they get to the building, the wind quality goes down. They figure its going to generate enough electricity to do all of their lighting inside.

Comm. Sedlock asked about the amount of noise it would make.

Mr. Kuchinsky responded that it's relatively noiseless propeller, it is 37 feet off the ground, and they have no neighbors anyway.

Comm. Parkins asked if this windmill would be seen from any point in Shelton.

Chairman Pogoda responded that the Medical Facility across the street might see the tip of the blade and that's about it.

Comm. Parkins asked if it was correct that this would produce about 3 kilowatts per day based upon optimal wind. Mr. Kuchinsky responded yes, there could be good days and days when nothing happens.

Comm. Parkins asked if their facility used only 3 kilowatts a day to light inside their building.

Mr. Kuchinsky responded yes, it was roughly thirty 100 watt light bulbs inside. They could replace it with something more powerful but they want to start out with this to see how it works, gather all the data and, down the road, just replace the turbine on top with the same diameter but a more powerful motor.

Comm. Harger asked if there was any kind of ladder or stair that goes up the pole.

Mr. Kuchinsky responded that it is just supported by wires.

Comm. Lopera asked if they need any State permits for this.

Mr. Schultz responded not yet.

Comm. Lopera commented that the utility companies should know if this is hooked in to their power.

Comm. Parkins responded that the kilowatt is so low that they won't take issue with it. She commented that her concern is that this is just a test and it's really not generating anything substantial for them.

Mr. Kuchinsky responded that they could try more, if they met the requirements for more height. They would be happy to try it down the road if the Commission says yes.

Comm. Parkins stated that she doesn't want this to turn into a 40 foot billboard, an advertisement, per se, that it's not really generating anything substantial. She is in favor of clean and alternative energy, but if it is not really going to be doing that, and it's just going to be a billboard up there advertising for some company that may end up selling these windmills locally - she's not in favor that.

Mr. Panico responded that the public would never be able to see the supporting structure from the street because of all the trees around it. In order to see it, someone would have to drive up to the end of their parking area.

Mr. Kuchinsky responded that this is a baby step, because they aren't going to be self-sufficient. If they went solar and had a totally carbon neutral facility

using nothing from the grid –that would take a lot of solar and additional wind. It would be very challenging for a manufacturer to use no electricity.

Mr. Schultz read the draft motion to approve the site plan for #09-12, 6 Waterview Drive, Paulsen Hybrid dated 6/9/09 with the conditions that the maximum height shall not exceed 40 feet; the windmill shall be properly maintained at all times; and if the structure becomes permanently inoperable, the structure shall be removed within 30 days.

Comm. Harger requested that this be monitored for a certain number of months as to public comments or issues. Mr. Schultz responded that Staff can provide a report after installation.

On a motion made by Chris Jones seconded by Joseph Sedlock, it was unanimously voted to approve Application #09-12.

NEW BUSINESS

APPLICATION #09-15, CLIVE ULLYETT FOR SUBDIVISION APPROVAL (2 LOTS: PAEZ HOPKINS), 206 AND 210 RIVER ROAD (MAP 94, LOT 120) – ACCEPT, DISCUSS AND ACTION

On a motion made by Chris Jones seconded by Patrick Lapera, it was unanimously voted to accept Application #09-15.

Mr. Schultz indicated that this application received an approval several years ago but they failed to record the mylar map in the land records within the 90 day period so it became expired. Accordingly, the Applicant is here tonight to request that the Commission reapprove insofar as the status is the same. All the conditions of approval are the same. Staff recommends that the Commission accept and approve it tonight.

Mr. Schultz commented that for members not on the Commission at the time, this is a family 2-lot subdivision so the open space set aside is exempt and a note is on the record map.

Mr. Panico asked how long ago it was originally approved.

Mr. Schultz responded that it was originally approved in November 28, 2006.

Comm. Parkins asked if either of the properties had changed hands since then. Mr. Schultz responded no, its still in the same family, they just didn't record the map. Apparently, there was a communication breakdown with the surveyor and the applicant.

Mr. Panico asked if there had been any regulation changes in the interim that could have impacted this. Mr. Schultz responded no and he read the draft motion for the Paez Hopkins subdivision plans with the following conditions: 1, 5,6 ,9, 12, 13, 15, 21, 24,28, 33. He stated that this application is exempt from the public open space set aside.

On a motion made by Chris Jones seconded by Patrick Lapera, it was unanimously voted to approve Application #09-15.

APPLICATION #09-16 CHAVES BAKERY FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR FOR FOOD ESTABLISHMENT), 140 BRIDGEPORT AVENUE (MAP 105, LOT 51), CB-2 DISTRICT – ACCEPT AND SCHEDULE A PUBLIC HEARING

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to accept Application #09-16 and schedule a public hearing for July 14, 2009.

APPLICATION #09-17, PLR ENTERPRISE, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (BLDG EXPANSION), 415 BRIDGEPORT AVENUE (MAP 63, LOT 10), IA-3 DISTRICT- ACCEPT FOR REVIEW

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to accept Application #09-17 for review.

Mr. Schultz added that the Applicant for this is present. This is one of two industrial buildings that he owns in back of Blanchette's. This is one of the interior lots that immediately abuts Crabtree. This is a site plan approval administrative action by the Commission. They are accepting it tonight, and obviously not acting on it; however, the Applicant would like to order his materials. This is a metal building and the expansion will be consistent with what already exists. Staff has been back there. There are no known zoning violations, and he keeps the site very clean. The Applicant is Paul's Landscaping, and he occupies most of it with contractor business and storage. The Applicant wanted him to ask if they had any concerns with him ordering materials.

Chairman Pogoda indicated that if something crops up at the Site Plan Review than this gentleman's holding the bag with all this material. Chairman Pogoda suggested that if he does it on his own without the Commission first seeing it, than that is his responsibility. He should make sure it is refundable.

APPLICATION #09-18 TLC KENNELS, LLC FOR SPECIAL EXCEPTION APPROVAL (COMMERCIAL KENNEL), 40 OLIVER TERRACE (MAP 63, LOT 12), IA-2 DISTRICT

Mr. Schultz wanted to clarify that this is an occupancy of the Satin American building which is a multi-tenant building. It is one building up from the Brennan Construction building on Oliver Terrace that abuts Route 8. The Applicant recently received a variance from the ZBA because commercial kennels usually require five acres to be associated with it. This is a ten acre site but five acres is not associated with this particular use. This is a state-of-the-art, completely enclosed, commercial kennel. Mr. Schultz commented that he has never seen one. The Applicant is in dire straits, and the Commission will hear from their representative, because they are in the process of moving and need to occupy this site.

Mr. Schultz continued that this particular use requires a Special Exception under Schedule A of Zoning Regulations. The ZBA did not waive the public hearing requirement. He checked with Corporation Counsel to see if this Commission had the ability to waive a public hearing, and his position is that they do not have the ability. The State Statutes are clear, when an application requires a Special Exception, it triggers a Public Hearing, and the Commission is bound to have one. The Applicant is here tonight to discuss a couple of things and the Commission will ultimately have to select a Public Hearing date.

Mr. Schultz indicated that July 14th is the next meeting and Atty. Herbst is going to ask for some other dates, if at all possible.

Comm. Jones recused himself from voting or discussing this application because he is presently involved with a separate issue involving Atty. Herbst's law firm.

Chairman Pogoda indicated that Comm. McGorty would be sitting in for Comm. Jones on this application.

Atty. Timothy Herbst, Owens, Schine & Nicola, P.C., 799 Silver Lane, Trumbull, CT addressed the Commission on behalf of Antoinette Coppola-Braca who is a principle of TLC Kennels, LLC. Also, present is Gary Tremont(?), her realtor on this matter.

Atty. Herbst indicated that Mr. Schultz provided a very good synopsis of where they stand and he would like to add that they are operating under very stressful time constraints.

Mrs. Braca currently operates her kennel in Trumbull and she is in the process of trying to transition to the Shelton site. The reason why this is difficult is because it is very difficult to find a location that allows commercial kennels and there are extra layers in the approval process. They anticipated going through one level of agency review and now they have to go through two levels of agency review. They had thought that to expedite the process, they could waive the public hearing, and obviously Corporation Counsel ruled on that. Additionally, he looked at the Statute himself and concurs with that assessment.

That being said, if his client is to wait until July 14th for a public hearing, await a decision, allow the 15-day appeal period to run out from the date of publication, then, she would be looking at another 4-6 weeks to build out this kennel.

It is a very involved process where she has to ensure that the necessary contractors and materials are in place to make certain that everything is conducive and safe to house the animals, meet Fire regulations and Building Dept. requirements.

If that scenario were to unfold, a July 14th hearing, even with a decision rendered that night, a 15-day appeal period from the date of publication and 4-6 weeks of build-out – she would be looking at the end of August at the earliest, possibly the beginning of September.

Mr. Herbst indicated that this is a seasonal business and a lot of her business is in the summer, this could have an adverse impact. Additionally, she is currently involved in Summary Process Action with her current landlords. So she is basically trying to file this application, get it moving in an expeditious manner and at the same time deal with that legal issue.

Mr. Herbst, respectively requested, with complete knowledge of the Commission's already busy schedule, and the understanding that they don't want to have additional meetings; however, he respectively requested two options. The first option would be the June 23rd meeting suggested earlier by Mr. Schultz. He added that he does not envision this to be a long presentation. It is very straightforward and it received a 5-0 approval from the Zoning Board of Appeals and there was no opposition from any property owner in the immediate area.

Mr. Herbst also suggested another option of having a hearing be included before the planned hearing at 7:00 p.m. on June 30th. He indicated that his client could make the presentation; and, hopefully receive action and approval that night. If they go to July 14th, this will adversely effect his client's business. He would not be proposing or suggesting this if he did not think this was in his client's best interest to protect her and her business. With that being said, Mr. Herbst respectfully requested one of those two scenarios. He thanked the Commission.

Comm. Harger asked what a Summary Process Action with her current landlords involved.

Atty. Herbst responded, that for lack of a better term, it is an eviction action where she will go before the Court in Bridgeport and the landlord will bring a Summary Process Action seeking to evict. The reason cited by her landlord is lapse of time because the lease expired, allegedly on April 30, 2009. So, she is currently operating with an expired lease and the reason that happened is because, as he previously indicated to the Commission, it is very difficult to find a community that can house this type of use. Some communities do not even allow commercial kennels. So they had the situation where they found a community, found a location that would be suitable for the TLC business, but they had to go through two levels of agency review. They had to go the ZBA, get the variance; however, as Mr. Schultz mentioned, they did not waive the public hearing requirement, and that is why they are before the P&Z Commission tonight. Atty. Herbst apologized and didn't want to add to the Commission's already voluminous agenda, but it is in his client's best interest that he ask because if he didn't, this could have a detrimental effect on her business.

Chairman Pogoda responded to Atty. Herbst, that if they did have it at 6:30 p.m. on June 30th, he couldn't guarantee that they could act on it that night. He could have it at 6:30 p.m., but they would have to wrap it up at 7:00 p.m. because the next public hearing has been taking two or three hours. So, to listen, discuss it, and act on it in a half hour, he wanted to be honest, that he didn't see that happening.

Atty. Herbst asked if June 23rd could then be option.

Comm. Parkins asked if there are animals that need to be cared for or is this just a matter of revenue lost.

Mrs. Antoinette Coppola-Braca, Owner, TLC Kennels, addressed the Commission. She responded that she was very emotional right now but indicated that her current landlords were sitting in this room tonight. They've been coming to the meetings to protect themselves and to know what is going on with their building. They want to put in their own facility.

Comm. Harger indicated that she didn't think that was the question. The question was if there were animals there now.

Mrs. Braca responded yes, there are animals that people have made reservations for so that they can keep vacation plans. She is booked for July, August and September, and the end of June. She won't have any place for them...

Comm. Parkins asked if she just did not expect this process to take this long or did she assume that it would be done in one month.

Atty. Herbst responded that they did not expect it to take this long. He stated again that they expected one level of agency review. They didn't expect two levels of agency review – the ZBA and P&Z Commission.

Chairman Pogoda asked Rick if there was anything else scheduled for the 23rd. Mr. Schultz responded no, it would be a newly scheduled meeting. Mr. Panico asked Rick if he could do the Legal in time. Mr. Schultz responded that it would have to go in on Thursday.

Mrs. Braca indicated that she brought packets for the Commissioners if they wanted to review some information and pictures about TLC Kennels that might help in moving the process along for them.

Chairman Pogoda asked the Commissioners to check their schedules for June 23rd for a short meeting.

Comm. Parkins commented that they don't know it is going to be short and that there is not going to be people that show up for this public hearing. This is a multi-use building. She asked who the other tenants were.

Atty. Herbst responded that just as they did at the ZBA level, they will send out notifications to abutters within a 200 foot radius and comply with the statutory and regulatory obligations.

Comm. Parkins commented that they can't gauge what the level of interest will be. She's been surprised here many nights when they thought something wouldn't generate much interest, but then the entire room filled up. There is no way of knowing.

Atty. Herbst. responded that he could appreciate her concerns, but they have a certain level of understanding in the fact that a public hearing has already taken place for this application on the ZBA level, notifications were sent out, and as previously indicated, no property owners in the abutting area objected to the use.

Comm. Parkins asked what makes this kennel state-of-the-art.

Mr. Schultz responded that it is completely enclosed, no noise, internal drainage.

End of Tape 1B, 8:40 p.m.

Atty. Herbst added that as he told the ZBA, he has a unique perspective, not only as her attorney, but 8 years ago when this was originally approved in Trumbull; he sat on the Commission that approved it. He was able to see the techniques, the sound deadening techniques put in the walls to contain barking sound. He made numerous onsite inspections over the years. There is a lot involved in this type of building.

Comm. Sedlock asked how long the public portion was at the ZBA hearing, and about how many people spoke.

Atty. Herbst responded that only one person spoke from the public. Most of the public portion was the ZBA dialoguing with him, his client and the realtor. It lasted about 10 minutes.

Comm. Lopera asked what the comments were from the person who spoke from the public.

Atty. Herbst responded that the person who spoke was a person living in Ansonia, CT who owns a competing business and objected to this one.

Chairman Pogoda asked for a motion to schedule a public hearing on June 23rd.

On a motion made by Joseph Sedlock seconded by Patrick Lopera, it was unanimously voted to accept Application #09-18 and schedule a public hearing for June 23, 2009.

ADD-ON AGENDA ITEM

Chairman Pogoda indicated that they had to add an item to the agenda.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to accept Application #09-19 as an agenda item for New Business.

APPLICATION #09-19 MINOR MODIFICATION OF DETAILED DEVELOPMENT PLAN FOR PDD #61 ASPEN RIDGE – ADDING A PULL-OFF LANE ON COMMERCE DRIVE – ACCEPT FOR REVIEW

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to accept Application #09-19 for review.

PUBLIC PORTION

Atty. Joseph Kubic, Harlow Adams & Friedman, PC in Milford, CT addressed the Commission. Atty. Kubic indicated that he also lives on the Stratford/Shelton border on Jamestown Road, very close to the Cranberry Hill Estates property. He stated that he was here representing Mr. & Mrs. Irving Steiner, Joan & Richard Patterson, and Richard Jager and his wife.

Irving Steiner, the Pattersons, and Richard Jager have asked that he files, on their behalf, and intervention pleading as to the on-goings at Cranberry Hill Estates. He submitted a copy to the Chairman and Mr. Schultz for the record. Atty. Kubic stated that the pleading speaks for itself, and the Commission is aware of the long history of this property. He was also involved representing the Cranberry Bog owners during the Avalon Bay situation four years ago; therefore, he is familiar with the history of this as well.

Atty. Kubic commented that the first activity to happen with this property is tree cutting in Open Space and in the Buffer Zone. They expect blasting activity and the neighbors have concerns about that and what else might happen, concerns about their property values, and concerns about the environmental impacts.

Atty. Kubic requested that as this goes forward, communications regarding meetings and scheduling of events, be sent to him so that they can be a part of this and not have to keep coming back. They want to work with the Commission in the right way. He introduced John Troutman, who was also with them, as their expert, if they have any questions. He realizes that this isn't on the agenda or being acted upon tonight, but he requested that the Commission keep him updated so that they can see how this goes.

Chairman Pogoda responded that they will and Staff will notify him of any meetings, notices or information regarding this issue.

Atty. Kubic thanked the Commission. Chairman Pogoda asked if there was anyone else from the public who wanted to speak. There was no one.

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

OTHER BUSINESS

APPROVAL OF THE MINUTES

On a motion made by Ruth Parkins seconded by Chris Jones, it was unanimously voted to approve the minutes of 4/28/09, 5/12/09 and 5/20/09.

AVALON SHELTON II: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz indicated that he met with Avalon and instructed them to install 15 additional evergreens along Huntington Street. It was the consensus to supplement it. They have agreed to do that. They asked to have this put on

tonight's agenda with the stipulation that the bond not be given to them until the work is done. It is the Commission's discretion if they want to act on it tonight with the stipulation that Staff not release the bond until the work is completed to the satisfaction of Staff. They are scheduled to install the trees this week or next week.

Chairman Pogoda asked what size they were.

Mr. Schultz responded that they would be 6 – 8 foot.

Comm. Jones indicated that he wanted to wait to make sure they were 6 – 8 feet.

Comm. Parkins responded that they could instruct Staff not to release the bond unless they fulfill the requirements.

Comm. Lopera added that they are cooperating by agreeing to do it so he has no issue. They could hold the bond, but they've agreed to do it.

Chairman Pogoda agreed that Staff can handle this and he wanted to get this off the table. Mr. Schultz added that usually when it is a supplement, they like to get the bond back quickly and then they can pay...

Comm. Parkins asked if there were any requirements for them to replace the trees if they happen to die in one year.

Mr. Schultz responded absolutely, that is a standard requirement.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve the request for release of the Site Bond at Avalon Shelton II pending completion and approval by Staff.

TWISTED VINE ESTATES PHASE I: REDUCTION OF SEDIMENT EROSION CONTROL BOND

Mr. Schultz indicated that this was the upper area of Twisted Vine where the permanent cul-de-sac is. All of the homes have been constructed there and the erosion bond is \$5K per acre. Now that the site has been stabilized, they are prepared to have the bond released to reflect the reduction. It's \$5K per acre and he thinks it is 3 acres – \$15K.

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to approve the Reduction of Sediment Erosion Control Bond at Twisted Vine Estates Phase I.

ZONING ENFORCEMENT

43 QUAKER RIDGE ROAD: Unregistered motor vehicles/junkyard and commercial use

Mr. Schultz stated that the property owner has been cooperating but it has gone beyond the deadline. Sometimes the Legal Notice in the newspaper gets their attention. Staff recommends that they authorize legal action for 43 Quaker Ridge Road off of Ripton Road.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to approve Zoning Enforcement for property located at 43 Quaker Ridge Road.

PAYMENT OF BILLS

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

STAFF REPORT

***See attached Staff Report dated June 9, 2009**

DOWNTOWN SUBCOMMITTEE

Mr. Schultz indicated that the DSC met on June 5th to discuss the proposed establishment of a pub brewery within the former Mayflower Florist at 475 Howe Avenue. This will be occupying two floors. On the first floor, which is on Howe Avenue, they will modify the front façade by removing part of the wall so that they can have an open patio area with a barrier in the front accessing it through the front door. There would be a restaurant on the first floor. The lower level will have the brewery along with a service bar. They are also proposing to do an outside patio but it is on city-owned property. If the BOA does not entertain that, this is not a deal breaker; they will just maintain it with a patio area from Howe Avenue because smokers need someplace to go.

DSC Chairman Harger indicated that occupancy would be scheduled for sometime next spring because the landlord needs to wait until the lease is up and they can take over that particular portion of the building.

She explained that they plan to have traffic flow through the front door, with a rear exit to the patio through the pub. There is an elevator that services the building that would go downstairs but not connect into that portion of the building. The kitchen would be on the main floor with a dumbwaiter bringing anything necessary downstairs. The downstairs would also include storage. The interior of the building is will include renovations such as high ceilings with brick walls and the upstairs is also brick; it's a building from the Civil War.

Mr. Schultz added that this use also requires another public hearing because it's a special exception. They plan on making the application at the July meeting. Also in regard to the parking requirements, the Applicant feels that 50 spaces should be sufficient. They have 22 at Webster Bank which is available after 5 p.m. There is on site parking in the back of that retaining wall on White Street that is municipally owned. Also, the parking lot in back of Dunkin Donuts which is within 300 feet is owned by the Applicant. The Applicant will be determining whether or not he needs to control that rear parking lot. There is curbside parking as well.

Mr. Panico commented that it is a plus that the lower level hallway area renovations will create a nice back entrance; it will bring the municipal parking into play for that building, whereas now people are discouraged from using it because they have to walk all the around up to the street level.

Mr. Schultz added that the DSC is very concerned about the potential noise from the lower level because it is at track level and there are 600 dwelling units going across. If the BOA decline to sell or lease that small area, they will just manage it.

Mr. Panico noted that bringing an attractive use at the basement level oriented to the back starts bringing the whole backside more into play and making it a much more attractive setting.

Chairman Pogoda asked if there were anymore meetings scheduled with that Applicant. Mr. Schultz responded that the DSC was satisfied with the logistics, the presentation and the parking.

Chairman Pogoda indicated that he wants to keep the schedule at one meeting only for July and one for August so that the Commissioners can go on vacations.

Cranberry Hill Estates

Mr. Schultz recalled that they heard tonight about the intervener status. The developer will be submitting revised site development plans which will require administrative action by P&Z Commission. These plans will be submitted shortly to Staff. These plans will be reviewed by Staff and the Intervener.

The developer has indicated that additional open space will be provided to the City. That requires action from the BOA, so as soon as he receives an application, he will send a referral to the Board of Aldermen and the Conservation Commission. Detention basin spaces will be relocated to save additional trees. The whole premise with the relocation of the detention basins is to preserve trees that would otherwise have to be cut for these basins and remove them down to where they were already cut. This will be in the revised site plan. It is anticipated that this application will be ready for acceptance at the 7/14/09 meeting.

Crabtree Dealership

Mr. Schultz indicated that Staff has continually asked the property owner to maintain the lawn and vegetation there. They did some work on Buddington Road on Wednesday and they are scheduled to do Nells Rock and Access Road this week.

Comm. Harger indicated that she is concerned about the dumpsters in the rear and asked that they be checked; there has been dumping of mattresses and tires back there.

Mr. Schultz indicated that the Special Meetings now for June are the 23rd and 30th.

On a motion made by Patrick Lapera seconded by Virginia Harger, it was unanimously voted to adjourn at 9:00 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission