

Mr. Schultz responded that Weschester Modular Homes is the name of the manufacturer and they comply with all State of Connecticut Housing.

SEPARATE #5152 BOBBIE LOGAN, 1 BPT AVE, APARTMENT

Mr. Schultz indicated that this separate is for an apartment converted from retail; it used to be a computer store with a walk out basement. This is the chiropractor at the bottom of Perry Hill Road and Bridgeport Avenue. They have requested the conversion back to an apartment; it had been the Ragozzine building and it had been a mixed use. They have a similar situation with the Arrow Pharmacy/Walgreen's and the next building up that had a commercial business in which the Commission authorized a conversion to an apartment. The Commission was of the opinion that the apartment was less non-conforming and made more sense with the curbside parking.

Mr. Schultz commented that this property at 1 Bpt. Avenue has the luxury of 15 parking spaces; so Staff is recommending the conversion back to the apartment.

Comm. Parkins asked if it was just one apartment.

Mr. Schultz responded yes, it would be one single bedroom apartment – very small.

On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to approve Separate #5152.

SEPARATE #5173 SHELTON COMPUTER SERVICES, 42B HUNTINGTON PLAZA, SIGN

Mr. Schultz indicated that this is for a solid, non-internally illuminated, white lettering/black background sign for Shelton Computer Services. He showed the Commission a drawing of the proposed signage. He added that it is located in the back on the lower level of Huntington Plaza. Additionally, they have asked them to get away from the internally illuminated in the back there – it is a hodgepodge of signage. Staff recommends approval.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5173.

SEPARATE #5179 ENERGIZER, 6 RESEARCH DRIVE, SIGN

Mr. Schultz indicated that this is at the newest Scinto building – Energizer is one of the tenants. This is a granite sign that is consistent. He showed the Commission a sample of the proposed monument sign and the proposed location. He added that the Commission did not allow the signage for the Liquid Lunch, so this is going right in the center as the Commission had been hoping it would be.

Comm. Harger asked if there was a number on the sign or is it on the building.

Mr. Schultz responded that no – and it needs to be included in the motion.

Mr. Panico asked if they were the prime tenant there.

Mr. Schultz responded yes, they are the principle tenant. They have Liquid Lunch and few smaller companies in there as well.

Chairman Pogoda asked Rick to touch base with them as far as getting a street number. He asked if it would be illuminated.

Mr. Schultz responded that it would be externally illuminated – indirect.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5179 for signage with the condition to include a street number.

SEPARATE #5180, ARNCO SIGN CO, INC., 18 OLD STRATFORD ROAD, SIGN

Mr. Schultz stated that they are beginning to see more conversions of the older signs to LED-type signs. This is the Dunkin' Donuts – former MOBIL – now it is British Petroleum (BP) off of Exit 12. He showed the Commission a sample of the proposed signage.

Comm. Parkins asked if this was a lot taller than the previous sign.

Mr. Schultz responded that their application indicates that there is a net reduction in the square footage and it is the same height.

Comm. Parkins asked if this was digital neon signage as compared to lettering.

Mr. Panico responded yes, the Dunkin' Donuts part was already there – it's not new – just the BP.

Mr. Schultz commented that what they have been seeing is that when there is a change of distributor – the new LED's are coming in.

Comm. Harger asked if it was definitely not higher than the existing sign.

Mr. Schultz responded no it isn't higher – that's a condition of the application.

Mr. Panico commented that the BP panel does look taller than the existing. They are saving the framework of the sign and just replacing the MOBIL panel with the BP panel but the proportions and shape are different.

Comm. Parkins suggested putting that in – that it should not exceed the height of the existing signage.

Chairman Pogoda noted that the Applicant stated that they would stay within the same parameters as the Mobil sign.

Mr. Schultz responded that 20 feet is the maximum – and they indicated that they are staying at the same height of the existing sign; however, he does not know what the existing height is.

Mr. Panico commented that the shape of the main sign panel at the top is going to be more square than rectangular.

Chairman Pogoda stated that they should not exceed the height of the existing – it may have been lower than the permissible 20 foot height – and they are allowed to go up to 20 feet. So either they are staying this height, which they don't know, or going up to 20 feet.

Mr. Panico asked if this was a conventional zone or a PDD.

Mr. Schultz responded that it is surrounded by PDD's but it is not – the industrial LIP zone allows the 20 feet.

Mr. Panico commented that the basic framework of the sign is the same.

Chairman Pogoda asked the Commission members if they wanted them to retain the same height as the existing sign or allow them to go to the acceptable 20 feet.

Comm. Harger responded that she was uncomfortable having it go any higher than it already is.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5180 for signage with the condition that it is not to exceed the height of the existing sign.

SEPARATE #5168, BROADBRIDGE HILL DEVELOPMENT, LLC, 140 BRIDGEPORT AVENUE, SIGN

Mr. Schultz indicated that this is for the Chaves Bakery & Deli. He showed the Commissioners a sample of the proposed signage and explained that it would be internally illuminated. They are occupying two storefronts so 16x2 is consistent. It will be centered.

Mr. Schultz added that they would be receiving a new application tonight to adjust the entrance drive. They want to work around the existing telephone pole.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5168.

SEPARATE #5157, RONALD S. CHAMPLIN, 128 CENTER STREET, TATTOO PARLOR

Mr. Schultz indicated that this tattoo parlor is located on Center Street. The applicant is present. He showed the Commission the proposed floor plan. He explained that there would be two private booths, a waiting area, drafting area and bathrooms.

He indicated that the business area is approx. 860 square feet, 2 employees, and the hours of operation are 11 a.m. – 7 p.m., Monday through Saturday. The applicant is not requesting any exterior wall signage. Mr. Schultz stated, for the members who were present for the two parlors that they have on Howe Avenue, the Commission had the applicant work with them on the internal graphics. Mr. Schultz asked the Applicant to explain to the Commission the types of graphics he plans to have on the windows.

Mr. Ronald Champlin, owner of Creative Instincts, addressed the Commission. Mr. Champlin indicated that he planned to do something inside on the windows, vinyl, very simple saying "Creative Instincts." He commented that it would be something flowy and colorful and it would not be anything too overdone, exaggerated. If they ever make any change they would let the Commission know about it first before doing anything different.

Comm. Parkins asked if the vinyl meant a peel, stick-on type of thing.

Mr. Champlin responded yes, unless the Commission has any other recommendations or something specific that they are looking for.

Comm. Harger asked if they would have to come back in for approval of the sign.

Mr. Schultz responded yes, but right now they are saying that no exterior wall signs are being requested – everything is going to be inside.

Mr. Panico commented that it's window signage and that is one of the problems they had with the other locations – he was going to load it up with window signs and it was very upsetting.

Mr. Schultz indicated that this falls out of the overlay district where they have more controls on graphics and that is something that the Downtown Subcommittee and the Zoning Subcommittee will be working on for zoning regulations and zoning map amendments.

Comm. Parkins asked if the applicant was just looking for approval for the business in that case – and to put up window treatments.

Mr. Schultz yes, interior.

Comm. Parkins responded that it is really the same as signage because the windows are clear and large, so...

Mr. Schultz responded yes, but they don't regulate them in this particular zone. It falls outside of that overlay zone that they did for Howe Avenue and parts of Center Street. Staff has always thought that they should continue with that overlay zone all the way up to Oak Avenue so that they could control graphics and signage.

Mr. Schultz added some background for newer members and indicated that the applicant has called Valley Health Department.

Mr. Champlin responded that he spoke with Dave Rogers at the Valley Health Dept. who wanted to know about the cleaning materials, counters & towels being used, and the work area. A lot of it is the same as the shop he has right now. The nurse wanted to know about their sterilization practices, his after care and release forms. He has already started preparing a package of all of that to give to her. She wants to make sure that he has a couple of sinks in each booth – and a lot of that was just done in that building. He plans to work closely with them and his medical doctor is going to check it out. All the paperwork that she gave him was very standard for all the years that he has been in business. He understands what he needs to do to keep the public safe. He's confident in his setup and practices.

Chairman Pogoda asked Mr. Champlin if he had any intentions of filling up the windows with all kinds of different tattoo designs.

Mr. Champlin responded no, he wasn't looking to do that. He wants to do a nice clean sign saying who they are. They may want to have some art work as a backdrop in the window – like a painting from an artist or a couple of good black and white photos.

Comm. Harger asked if he had prepared a draft of the sign he plans to put up in the window.

Mr. Champlin responded no, because he actually didn't get the key from the landlord until last Friday, so it made it difficult to do any of that. He wasn't sure if he'd be able to put a sign up on the building because he has opened like six businesses already. This building doesn't look to him like a sign is going to look right on the building itself and that is important to him as well.

Mr. Champlin stated that he didn't get to do a preliminary, but he would submit the square footage and scale of the sign and the colors that he'd like to use and get approval before ordering it or putting it up.

Comm. Parkins responded that she would appreciate that because it is sort of the entrance into the downtown area.

Mr. Champlin commented that he can appreciate that because he's been doing this for quite some time now and actually the Board of Health in Bridgeport just asked him to work with them to create the new laws for Bridgeport for things of this nature. He's also a retailer with a clothing store so he understands how downtown areas work in Bridgeport so he understands the Commission's position. He knows that what he does is contingent upon the Commission's approval.

Comm. Harger commented that they are very concerned about perception of the new businesses going in and what they add to the surrounding businesses downtown and the overall atmosphere that it creates.

Mr. Champlin responded that he understands that because Rick let him know a lot of that on the phone about the type of integrity that the Commission would like to have for the City.

Comm. Harger asked when he thinks he could submit a sketch.

Mr. Champlin responded that he could have it prepared by sometime next week.

Mr. Schultz added that they meet again on the 24th.

Chairman Pogoda asked the applicant to bring the sign into Rick for the 24th and then the Commission can vote on it because tonight this is just basically for the occupancy of the business.

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve Separate #5157 for the occupancy with the understanding that the Applicant will provide the proposed window signage at the 11/24/09 P&Z Meeting.

SEPARATE #5176 IVY KAO, 702 BPT AVE, SUITE 303, BUSINESS

Mr. Schultz stated that this is the last occupant at Split Rock. This is for educational tutoring. The business area is 1336 square feet, hours of operation would be at night and on the weekends (Wed. 5 p.m. – 8 p.m.; Fri. 5 p.m. – 8 p.m.; Sat. 9 a.m. – 12 p.m.). There will be 5 employees with more on an as needed basis. They have no company vehicles.

On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to approve Separate #5176.

Mr. Schultz informed the Chairman that they have a request for an add-on to the Applications for Certificate of Zoning Compliance.

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to accept and add-on Separate #5181 to the Old Business agenda under Applications for Certificate of Zoning Compliance.

SEPARATE #5181, 26 HUNTINGTON CIRCLE, INLAW APT

Mr. Schultz explained that this is for a closing on a single family house that had an in-law apartment without the proper permits. He showed a location map with the home highlighted in yellow. He added that a single story addition was built on the house, facing the home to the left of it. It was converted into an in-law apartment without the proper permits. The area is 700 square feet. This is a raised ranch; it has its own independent exit on the side. He showed the Commission the floor plan. This will be occupied by the parents of the new owners.

Comm. Parkins asked if he had put the addition on the house and then sold the house.

Mr. Schultz responded that this addition was built many years ago by the current owners who are now selling it. They converted it to an in-law without approvals from this Commission and the buyers want it to be legal. That is why it has been added on because it's imperative that it be acted upon.

Chairman Pogoda asked if this was an addition or an in-law apartment.

Mr. Schultz responded that the addition was taken out as an expansion to the finished livable floor area of the single family house. It was converted without the benefit of approval by this Commission. As they know, the Commission finds out about it when they want to sell or refinance.

Mr. Panico asked how long ago it was done.

Mr. Schultz responded that he was not certain – about five years ago. It complies with being over an acre lot. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5181.

Before moving on to the next application, the Chairman acknowledged and congratulated one of the future Commission members, Joan Flannery, being present at the meeting and indicated that she would be on the Commission after being sworn in next week.

APPLICATION #09-27 DOMINICK THOMAS ON BEHALF OF CROSSROADS AT EXIT 13 FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD #53 (SPLASH CAR WASH), 367 BRIDGEPORT AVENUE (MAP 77, LOT 19) (PUBLIC HEARING CLOSED ON 10/27/09)

Mr. Schultz indicated that the Commission directed Staff to visit the site. He presented the map provided by the Applicant at the Commission's request. He stated that tonight would be for discussion and reminded the Chairman to indicate what members would be voting on the 24th.

Mr. Panico explained that Staff went out and looked at the site and reviewed the submitted site plans. If the Commission is to look favorably on this, they have three or four suggestions to make.

In regard to the first suggestion, Mr. Panico reviewed that the plan shows a minimum of five stacking spaces. He added that he thought it was important that they preserve that minimum of five stacking spaces and not let that get eroded. The reason for this is because there is a bay right at the beginning that would not be accessible with that amount of stacking. So as long as they don't use that first bay, then the amount of stacking that they show will work.

Additionally, it corresponds to what they saw in the field. He walked around and there is room for five cars there.

Comm. Parkins asked if they were proposing to use that first bay.

Mr. Panico responded that he didn't know but suggested that the Commission should stipulate in their action that this is a concern – if it's to be a favorable action. Then it should be stipulated that it not be one of the bays that's used.

Comm. Parkins clarified that it should not be used – for that purpose.

Chairman Pogoda added that right now, they are using it for storage – storage is in the first one and the middle one is for the electrical.

Mr. Panico recalled that the discussion included a request that they be allowed to use two bays on an interim basis to see if it works out. And then, if the Commission is concerned about something, they can do what they wish about it. So, two or three work fine.

Mr. Panico continued that Staff also looked at an area in the front where they had been fooling around with the vacuum spots and they did some redefining of spaces. And quite frankly, the way that spaces had been redefined was not very desirable from their point of view. They felt as though the space closest to the street, if the person didn't park carefully enough, could be sticking out so far into the street as to obstruct access in and out.

Mr. Panico suggested that they simply realign those spaces and, perhaps, put something physical on the ground, such as an island on the end, to limit how far a car can come out. They should provide them a minimum number of three spaces. He added that to improve on the circulation, there is a planting area on the front right hand corner of the building, with a portion that is constantly traveled over anyhow. He suggested that this planting area be reshaped, reduced and improved on the ability to circulate. In fact, take the area that is now being driven over anyhow and convert it to pavement.

Comm. Harger asked for clarification on the site plan of what area should be reshaped. There was further discussion about where cars enter and go around that area.

Mr. Panico mentioned that they represented employee parking at the rear of the building, on the rear left hand corner. Right now, there is no striping and they sort of park haphazardly. They saw about 8 or 9 cars when they looked at it, without knowing what this plan had shown. It could accommodate 13 cars, so it needs to be striped so that it is used properly.

Despite what was represented, he thinks that they should anticipate the need for possibly 4 or 5 additional parking spaces that could be incorporated (it could actually go up to 9) on the left hand side. He commented that he didn't think that they should be put in right away but rather wait and see how the operation goes. There is no need to put pavement in that isn't really needed. If it's necessary, the spaces can be installed; at least they will have been planned for with the knowledge that they can be put in. This would handle either stacking of cars that would be waiting for lube service or that in the event that there is another 1 or 2 employees associated with the lube operation that are not presently employees there. It would provide a safety valve for any additional employee parking requirements.

Mr. Panico commented that the 5th thing that he noticed out there, in conjunction with the drawing, in regard to what goes on after the cars come out

of the tunnel. They keep three or four portable bins for supplies. They are somewhat unsightly, and he thinks some plantings should be used to screen them from view and it would be more desirable. He added that if and when these additional parking spaces are put in, they should be put in together with some screening at the same time.

Comm. Parkins commented that those bins are on wheels and are moved around though.

Mr. Panico responded that it looks as though that one spot is where they always put them. Chairman Pogoda added that he noticed all the spray bottles, towels, etc. in there too on the day they went there.

Comm. Parkins indicated that they would probably be moved around to where the cars come out though. The bins are on wheels so her point is that they can't ask for screening.

Mr. Panico suggested that if they have a location where they are normally located, such as in the front, they could put some screening up. It is the only exterior messy part of the whole operation – but it is a necessity to have dry rags and stuff like that.

There was more discussion and comments (inaudible) about where they wipe down the cars and where the longer processes such as rims and detailing are done.

Mr. Panico concluded that those were the only suggestions that Staff had to make. He thinks that there are some operational things that will have to occur on busy days to make provisions for increased traffic flow.

Chairman Pogoda commented that would have to be something that Staff would monitor to see how ambitious the oil change is going to be. As Tony mentioned, they will have to have that stacking available for waiting cars.

Comm. Parkins suggested that it could be controlled with signage.

Comm. McGorty stated that someone there has to control it and use tickets with numbers and have a holding area. He expressed his concerns about a congested area on the site plan where cars would be and where vacuuming would be done.

Mr. Panico clarified that any cars in that location would be handled by employees – the driver would have gotten out of the car.

Comm. Harger pointed out the locations for the handicapped and areas posted with do not enter signs. She asked where the fire lane would be.

Mr. Panico responded that this drawing was updated from an existing site plan but he could not find the fire lane location either. He thought that the one way strip shown on the plan could be identified as a fire lane so that people would not attempt to park any vehicles there.

Comm. McGorty asked how an emergency vehicle would get over there though.

Mr. Panico responded that they would go through the entrance – cars would have to get out of the way. He showed other ways/entrances for an emergency vehicle to get in.

Chairman Pogoda asked Tony about his idea, on the day of the site visit, to take the angles off and go back to the perpendicular parking.

Mr. Panico responded that he didn't have a problem with the way they handled the stripes, but they changed the angle stripe to a very sharp angle in order to get better clearance in that area. As the result of doing that, the last angled space is sticking way out.

Chairman Pogoda commented that they also had concerns about the cars having room to utilize some of the vacuums.

Mr. Panico suggested that they should create a physical island near there. If there is need for more than three vacuum spaces than they really need to find another place to put the vacuums.

Comm. McGorty commented about some of the space constraints in the event of moving the vacuums to other areas where there are cars coming and going.

Mr. Schultz commented that he had a point of clarification at the Staff level – he inquired if the motion would include the modification of the use, which is an accessory use and the site plan, because they are really doing both.

Mr. Panico responded that he thought it should all be rolled in together.

Mr. Schultz agreed because they wouldn't want to have to do a minor modification of the site plan – so he is going to include it.

Mr. Panico stated that if the Commission is inclined to look favorably on it, then do it all at once.

Mr. Schultz reminded everyone that this is a PDD, so there are different components to it – the use, the modification of the site plan.

Comm. McGorty commented that he would like to see the vacuums moved from one location to another location to alleviate congestion.

Comm. Parkins responded that there really is no better spot for it – because as a user of this car wash – there really is no better location.

Comm. McGorty agreed that it's a convenient location but showing on the site plan, he reiterated and showed on the drawing, his concerns with the flow of cars from one location and people coming out in another location.

Comm. Parkins responded that it is going to be made more complicated by moving it somewhere else, because then they'll be criss-crossing traffic somewhere else. And it can't be removed because it's a convenience.

Mr. Panico pointed out another location on the site plan for the vacuum system. Comm. Parkins responded that it would be too close to the road there, although it could be screened.

Mr. Schultz asked the Chairman if it looked like a favorable consensus. He could prepare a draft resolution for the 24th.

Chairman Pogoda responded OK, but there are still some concerns.

Mr. Panico commented that the overflow spaces for the lube were ideal spaces.

Comm. Parkins recalled that they didn't think there was enough room there and there had been a suggestion about moving the island closer to prevent people from driving in that way.

End of Tape 1A 7:47 p.m.

Mr. Panico indicated that on his sketch he tried to preserve about 30 feet of travel way – keeping it very generous, very comfortable. The vacuum spaces could be on a slight angle or perpendicular, but he didn't see how they could fit any more than three spaces.

Comm. Parkins commented that she didn't think that they needed more than four there.

Chairman Pogoda indicated that there were five vacuum hoses there right now.

Mr. Panico commented that in the fourth space, the person would have to be very careful to pull entirely into that vacuum space so that his rear isn't obstructing circulation around the building.

Comm. Parkins asked if they didn't think, from their site visit, that the island could be extended a little bit more out.

There was further discussion and more comments (inaudible) about the angle of the parking spaces and the location for the vacuum hoses.

Chairman Pogoda directed Tony to write it up with five cars stacking but not to put in any more asphalt than necessary.

Mr. Panico commented that the sense he gets is that the Commission would like to revisit this administratively after one full year of operation and at that point they can determine if it requires more parking or if they will be allowed to use a third bay. The applicant indicated that two was acceptable.

Chairman Pogoda agreed that he'd like to have it revisited after one year and to have that in the draft resolution.

Mr. Panico indicated that he would draft something up for the 24th including the zoning amendment and the site plan.

NEW BUSINESS

APPLICATION #09-33 BROADBRIDGE HILL DEVELOPMENT LLC FOR MODIFICATION OF SITE PLAN APPROVAL (ENTRANCE/PARKING REDESIGN), 140 BRIDGEPORT AVENUE (MAP 105, LOT 51), CB-2 DISTRICT – ACCEPT FOR REVIEW

Mr. Schultz stated that as he reported for the wall sign at Chaves Bakery, the developer is working around an existing telephone pole. They wanted to relocate it but the expense is too great, so they have consulted with District 3 DOT and they have no problems with it. Obviously, it requires an approval by this Commission. They will be shifting it more to a central location. He asked the Commissioners to look at the telephone pole when they drive by it on Bridgeport Avenue. It is going to go to the right side. It is going to impact the parking design, so Staff is going to have to sit down with them again to go over it. He'll report about it on the 24th.

Chairman Pogoda commented that he realizes they are just accepting this for review, but the parking there was of great concern initially. Now that there is a possibility of a loss of parking – he commented that this is going to have to be seriously revisited.

Mr. Schultz agreed that this is an older site with an existing telephone pole – and they have run into some problems.

Chairman Pogoda commented that if they do have a successful business over there with that loss of parking -- then there is going to be stacking of cars onto a very busy street. He indicated that they are really going to have to do their due diligence on this one. He asked for a motion to accept the application for review.

On a motion made by Virginia Harger seconded by Ruth Parkins, it was unanimously voted to accept Application #09-33 for review.

APPLICATION #09-34 UNITED METHODIST HOMES FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #26 (EMERGENCY GENERATOR), 580 LONG HILL AVENUE (MAP 41, LOT 29) – ACCEPT FOR REVIEW

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #09-34 for review.

Mr. Schultz indicated that the applicant is here to provide a summary of where they are at with this and what the Commission will be reviewing.

Bob Condin, representing United Methodist Homes, addressed the Commission. Mr. Condin stated that he knows the Commission has the background on this – this is a required sprinkler system to provide back-up power for a fire pump and power the rest of the building when needed. Initially they didn't plan to include a sprinkler system and generator in the building, but they received extra funding from HUD. This building is a HUD mortgaged and HUD subsidized property. They got additional funds to put the generator in its present location right near the fire pump and the transfer switch. They were very thrilled about the whole thing.

Mr. Condin continued to say that they did not anticipate how the condominium neighbors would perceive the generator. Their electrical contractor applied for a permit with the City and received that from the Building Department and then installed the generator in its current site.

Mr. Condin explained that certainly they did not intend any disrespect to the neighbors, and they have apologized for the distress that this location has caused. Mr. Condin stated that he's come tonight to address the concerns that have been raised about the visual appearance, the noise and the fumes. The main element of their proposal is to move the generator from its current location and he showed a site drawing and some photos with views from the condos.

Mr. Condin indicated that they are proposing to move it to the northwest corner of the parking lot which is in the front of the building. It is up where the current construction trailer is located – to the west of that. He showed a detailed sketch of how it would look and he explained that coming up Wesley Heights road, it would be screened from the road by a cedar fence and landscaping. Another element of the plan is that they are taking the generator off the fuel tank which reduces the visual profile of it.

He showed the second drawing of the generator, as it would be screened. Right now it is about 12 feet; it would be lower in profile. They are also proposing - there is currently a driveway there that they haven't been using during construction - and they are proposing to close that driveway and extend the sidewalk up along there. The distance is about 250 feet from the nearest single

family home and about 400 feet from the nearest condominium unit at the Views.

Mr. Condin explained the other part of their plan is to restore the area where the current generator is located. The generator and pad would be removed, it would be restored as a parking lot. He showed the location where the new transformer that powers into the building would be installed. They are proposing to landscaping that as well. He indicated that they are planning to restore the curb line to its previous position. He showed other locations where they would be proposing additional landscaping and flowerbeds.

Mr. Condin showed another drawing with a view of the elevation and how the transformer would appear when it is screened. He stated that he spoke with the contractor today and asked about them moving the power lines within the next month before the transformer is energized.

Comm. McGorty asked how tall that transformer was.

Comm. Parkins responded that it's pretty tall – like 7 or 8 feet.

Mr. Condin stated that he thought it was about 5 feet.

Comm. Parkins and Comm. Harger measured the transformer on the schematic and estimated it was about 6 feet.

Chairman Pogoda asked if the transformer was being utilized now for anything.

Mr. Condin responded that it is not.

Chairman Pogoda asked if it was dead now until the generator gets put into service.

Mr. Condin responded that it is independent of the generator but it is bringing upgraded power services to the building.

Mr. Schultz informed the Chairman that Staff received two letters of support from the Views at Long Hill so the Commission should be made aware that if provisions are made for the proper relocation it will be much better received. All of the members are aware of what the issues are. This is by far a better location.

There was a further discussion and comments (inaudible) about the relocation area for the transformer.

Mr. Condin made everyone aware again that this is a HUD affiliated community. Anything that they spend money on, both for operations and capital, has to be approved by HUD. So the cost of relocating the generator as he described it will have to be submitted for their approval and possibly additional funding. It is not something that can be done tomorrow. Even when it is approved, there will be a process that they have to go through.

Chairman Pogoda thanked Mr. Condin for his update on the application.

One of residents from the Views of Long Hill (name not provided) asked for some clarification about the new location for the generator.

Mr. Condin explained the location to be behind the driveway where the orange fence is presently – he showed on the drawing the proposed placement of the generator in the corner.

The same resident from the Views of Long Hill asked what would occur if HUD did not approve this project.

Comm. Parkins responded that they have nothing to do with the location. They are the funding.

The same resident from the Views asked what would happen if they do not fund it.

Chairman Pogoda responded that it is up to United Methodist to figure out how to fund it. They'll have to come up with another alternative.

The same resident asked the Commissioners if they agreed that it should be moved.

Comm. Parkins responded that she thinks that is going to be the Commission's position.

Comm. McGorty added that is why this location change is going on right now.

The resident asked if HUD doesn't give them the money to move it there, then it will be up to them to get money to get it out of there anyway.

Chairman Pogoda responded yes, the ball is in their corner.

Mr. Panico added that if he understands the presentation correctly, the fact that they need more money from HUD is because there are a lot more expenses associated with putting it in over there. And some of those additional expenses wouldn't necessarily apply in another location other than that one because they have some very lengthy utility lines to run in there. That has caused the numbers to go up. They would like to believe, in a positive way, that it is going to work. If it doesn't, then they'll have to sit down across the table and come up with something else that is workable. Mr. Panico reiterated that the position that Staff and the Commission have taken is that the existing location is not acceptable.

The same resident from the Views (name not provided) asked what would happen if they find out in a couple of months that it is going to take two or three years to get the money – are they going to be stuck with that thing in front of their homes.

Comm. Parkins responded that it would not be operational.

Chairman Pogoda added that they could move the generator from its present location and place it in the new location but not run any lines to it. Bob Condin said that they would take it out of there, the bowers ? would be removed and it would be brought closer to the transformer.

Mr. Condin responded that what would be done as soon as possible is moving the bowers so that the transformer could be energized. As far as moving the generator, nothing will happen until they have formal approval from the City for this proposal; then they can go to HUD. And then – he added that he wants the residents to believe him - that he really wants to get this settled and operational. They are required to have this generator; so, it's in HUD's interest and in their interest to have this settled. He reiterated that he is just saying that they don't have the money sitting in the bank today, and even if they did, HUD would still have to authorize it being spent that way.

Chairman Pogoda commented that more or less, HUD has to be in agreement with them – they can't just do it on their own without HUD even if there's money.

Mr. Condin responded yes, that is correct.

Mr. Condin and the residents from the Views thanked the Commission.

Chairman Pogoda commented that tonight this has just been accepted for review. Bob has presented what he plans on doing and he's spoken to some of the residents of the Views. It will be on the next agenda for further review.

Mr. Panico added that without an approved application, Bob can't make an application to HUD for funding because he doesn't know what he'll be applying for. If for some reason it does not go through, he'll have to come back to the Commission and they'll have to look at it again. Somebody has to take the first step.

Comm. Parkins answered one of the residents that it may possibly be approved at the next meeting.

Mr. Panico added that now that they have the information, so they can sit down, look at it again and discuss it.

The residents reiterated their concerns that the generator is a huge eyesore in the neighborhood. They thanked the Commission again.

PUBLIC PORTION

Chairman Pogoda asked if there was anyone in the audience who wanted to address the Commission on any item not on the agenda.

Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission. Atty. Thomas indicated that he wanted to thank Rick Schultz for his assistance in providing him information, because as of 12/5/09, all appeals on zoning cases will have to be filled electronically. Atty. Thomas stated that he has been chosen as one of the four lawyers on a Committee with judges to come up with this plan. The towns will be given a year to incorporate the records electronically. He added that Rick has been very helpful because he's been using Shelton as an example. They are in the process of rewriting the statutes, and he'll provide the Commission with the model rules coming down, to modify their own regulations for electronic filing requirements.

He summarized that the eventual goal, within a year to 18 months, is that when appeals are done, everything is going to be electronic. He will keep the Commission apprised of it because it is going to be a major change. He thanked Rick again for all of his help.

Steve Gray, 48 Pinetree Hill Road, Shelton, CT addressed the Commission.

Mr. Gray asked if there had been any changes to the Open Space regulations – and he realizes that he may be in the wrong venue. He explained that he has had both quads as well as paint balls "games," for lack of a better word, taking place in the open space directly behind his house as recently as a 1 ½ weeks ago. He asked if there had been any changes made in the rules or regs on open space that he isn't aware of because he hasn't attended every meeting. He asked the Commission if it would be practical for him to call the Police Department if these games persistent.

Chairman Pogoda responded absolutely.

Rick Schultz stated that the simple answer is yes, it is spelled out very clearly.

Mr. Gray commented that he wanted to make sure that there hadn't been any changes to the ordinance.

Mr. Schultz responded none – it is very clear what is permitted and what is not permitted.

Comm. Parkins responded to Mr. Gray, that if he is able to see them, then he should take photographs.

Mr. Schultz commented that they actually confiscate these all terrain vehicles.

Comm. McGorty indicated that the paintball stuff involves public endangerment.

Mr. Gray stated that this is also wetlands area which further complicates it.

Mr. Schultz stated that unfortunately, these activities continue to persist.

With no further comments, Chairman Pogoda asked for a motion to close the public portion.

Comm. Parkins expressed her concerns about the previous application regarding the generator being impacted due to new members joining the Board. She asked the Chairman if he thought it would delay things at all – for the Methodist Home.

Chairman Pogoda responded that there were enough old members that knew what was going on – Comm. Sedlock...

Comm. Parkins added that it just seems that their process still has a long way to go – the P&Z approval, the HUD approval, she doesn't want to do anything to delay it.

Mr. Panico responded that it will only be delayed if they can't fulfill that plan and have to start all over again with a new application on the table.

Comm. Parkins commented that she just does not want the delay to be with them.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public portion of the meeting at 8:15 p.m.

OTHER BUSINESS

GLEN GROVE ESTATES: REQUEST FOR RELEASE OF PERFORMANCE BOND

Mr. Schultz indicated that this is the 3 lot subdivision on Central Grove Street. He read a letter from the City Engineer regarding the final inspection.

***See attached letter from Robert Kulacz to Richard Schultz dated 11/5/09.**

Chairman Pogoda added that he drove by there, and for the Commissioners that were present in regard to these 3 homes, there had been a lot of resistance from

the neighbors, but he thinks they've done a nice job – the house in the back is fixed up.

Mr. Schultz added that they have done a nice job and the neighborhood has welcomed them.

On a motion made by Ruth Parkins seconded by Thomas McGorty, it was unanimously voted to approve the request for release of the performance bond at Glen Grove Estates.

PAYMENT OF BILLS

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

STAFF REPORT

*See attached P&Z Staff Report dated 11/10/09.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Ruth Parkins, it was unanimously voted to adjourn at 8:30 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission