

Chairperson Parkins asked Rick if there was anything in the regulations stipulating that in-law apartments have to maintain in perpetuity a family member residing in them.

Mr. Schultz responded yes, absolutely and annually Staff has to give them a call and find out what the status is. These are permits that do not go with the land; they go with the applicant, and if the circumstances change then it must be refiled.

Chairperson Parkins asked if it would be recorded with the deed if someone sells the house.

Mr. Schultz responded no, it has to start fresh and that is usually when P&Z gets them – when people come in to refinance or sell the house. They are not grandfathered in as the Town of Trumbull did 10 years ago. Staff monitors it annually, and after confirmation that the status of the family member remains or does not, then it will be eliminated officially or kept on the list officially.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5197.

SEPARATE #049 60-64 HUNTINGTON STREET LLC, ROOF ALTERATION

Mr. Schultz stated that they received a request from the applicant, Dr. Montenarro to withdraw the application.

Mr. Schultz advised the Commissioners to please monitor the work in Huntington Center. This is one of the two old colonial buildings that Dr. Montenarro is rehabbing now. Their job is to make sure that it is status quo. Dr. Montenarro came in for a roof alteration and chose at the eleventh hour not to request it from the Commission. They will need a motion to accept the withdrawal.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to accept the letter of withdrawal for Separate #049.

SEPARATE #5189 WILLIAM HODOSI, 803 RIVER ROAD, SALE OF XMAS TREES

Mr. Schultz indicated that this is the gentleman who has received approval to build an auto repair facility next to the car wash on River Road. For background purposes, Mr. Schultz explained that in the past, the Commission has allowed the temporary selling of holiday items. This is commercial zoned. The applicant wishes to sell Christmas trees there. A gravel driveway has been put in there and the sight line is very good there. Also, the car wash next door is not very busy right now. The applicant is requesting authorization from this Friday, 11/27/09 through 12/24/09.

Mr. Schultz added that he did not believe that there would be any additional lights; they've brought in portable lights in the past. He'll keep a watch on that because there are residential homes on the top.

He added that the applicant may or may not do this but he wanted to provide a background that the Commission, in the past, has allowed it in commercial settings, shopping centers and areas where it won't interfere with the overall circulation of traffic.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5189.

SEPARATE #5185 LYMAN WELLS, 109 OLD MILL RD., TEMP. SIGN

Mr. Schultz stated that this technically doesn't require P&Z approval; however, the BOA prefers that the P&Z Commission authorize the placement of temporary Christmas tree sale signs. This is for the Wells property on Old Mill Road – one of two signs goes on Long Hill Avenue.

Mr. Schultz added that at some time, the Commission will be entertaining modifications to the sign regulations. They will put a provision in there that would state the procedures regarding situations such as this for holiday signs. It would be reviewed by the Commission and its recommendations would be sent to the BOA. The BOA technically approves or disapproves of these seasonal signs.

He added that these seasonal signs have never been a problem in the past. They aren't large or obnoxious and they usually never receive any complaints.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5185.

SEPARATE #5191 WAL*MART, 465 BPT AVENUE, HOLIDAY HOURS

Mr. Schultz indicated that Wal*Mart is a Planned Development District (PDD) and when hours of operation are modified, in any way, shape or form, the Commission has to review it. This is for the upcoming holiday season. The proposals are for a 10:00 p.m. closing; an 8:00 p.m. closing this coming Sunday; and on Black Friday for 24 hours – this is something new.

Mr. Schultz stated that five police officers will be present on the site. They haven't had any difficulties in the past, but there are some Commissioners who are very sensitive to the noise issues, and they have the Woodland Park homes nearby that have complained in the past.

Mr. Schultz added that they have had a good relationship thus far with Wal*Mart but they have to monitor it; potentially because of the noise and any lighting because it will be open 24 hours.

Chairperson Parkins asked if the 24 hours would only be for Black Friday and at what time would that 24 hour period begin.

Mr. Schultz responded yes, just Black Friday.

Comm. Harbinson commented that one of his employees works there and said that Wal*Mart will be open on Thanksgiving.

Chairperson Parkins asked if that meant from 12:00 a.m. through 12:00 p.m.

Mr. Schultz responded yes, Thursday through Friday.

Chairperson Parkins restated her question to ask if that meant they would be staying open until midnight on Thursday, Thanksgiving and working the 24 hour period from that point.

Mr. Schultz responded that was his understanding but he will double check on that.

Chairperson Parkins asked if they would also be requesting to stay open until midnight on Thanksgiving – because that would also be an extended hour.

Mr. Schultz responded that he would clarify that and notify the Commissioners if they have any issues with that. Staff recommends approval with that condition for clarification.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5191 and direct Staff to clarify the extended hours.

SEPARATE #5193 JACKSON HEWITT TAX SERVICE, 465 BPT AVE, TEMP. BUSINESS

Mr. Schultz indicated that this is Wal*Mart again. They are using Jackson Hewitt Tax Services instead of H&R Block. They will be occupying the floor area in Wal*Mart for approximately 120 days (4 months) during the tax season with the same hours as Wal*Mart.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5193.

SEPARATE #5189 DAVID ELLIS, 308 HUNTINGTON STREET, ANTENNAS

Mr. Schultz stated that this is the very first application under their new regulations for antennas. This deals with an amateur radio license. Five years ago they amended the regulations that dealt with livestock and they also dealt with the issue of ham radio operators. Essentially, they allow the antenna height up to 40 feet which is consistent with the residential zone. Also, the antenna has to be placed on the property so if it should fall down, it will stay on the property.

Mr. Schultz showed a drawing of the location and a document verifying that this is FCC registered. The antenna would be attached to the applicant's deck.

Comm. Pogoda asked if the applicant has spoken to any of his neighbors.

Mr. Schultz responded that his neighbors know he is doing this but that would be a condition that the applicant, as acknowledged by Staff, has notified the neighbors that would be impacted.

Mr. Panico asked if he had any more equipment that just a whip antenna.

Mr. Schultz responded that it was just a small antenna; this is FCC controlled and local jurisdiction regulates it and this is their first application. Additionally, they have put a condition on this that it should be removed if the license for it expires. Staff recommends approval with those conditions.

On a motion made by Joe Sedlock seconded by Joan Flannery, it was unanimously voted to approve Separate #5089.

SEPARATE #5091 BOB DESALLE, 740 RIVER RD, GROUND SIGN REPLACEMENT

Mr. Schultz stated that this is for the Winn Nelson complex on River Road – the Quonset hut building. This is an upgrade to the signage. He showed photos of the old sign from 1985 and new proposed ground signage. There are two separate signs with the address. This sign is non-internally illuminated.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5091.

SEPARATE #5092, BOB DESALLE, 99 BRIDGEPORT AVENUE, WALL SIGN

Mr. Schultz stated that this sign is for Shelton Auto Parts at the Shell Gas Station on lower Bridgeport Avenue. The upgrade on the façade there is looking very good. He showed a photo of the front façade with the proposed signage and an application detailing the location of it. He explained that the sign would be channel lettering, internally illuminated.

Mr. Schultz reminded the Commission that the space at the end is still unoccupied. Those occupants would be coming in for their own signage, so this is the first sign application there.

Mr. Panico suggested removing the "Parts" sign from above the overhead door and working it into the other panel.

Mr. Schultz responded that they need a consensus from the Commission, and the owner is present to answer any questions.

Mr. Panico commented that having the "Parts" sign in that location seems to suggest that customers should go to that overhead door for the parts. Also, that particular door is going to be overshadowed by the canopy above it; especially if the canopy is converted to the colonial design.

Comm. Harger suggested moving "Shelton" above "Auto" and put "Parts" next to it.

Mr. Panico commented that they would have to change the letter size of "Auto Parts" if they want to stack it one on top of the other.

Chairperson Parkins asked why there were no address numbers on the sign.

Mr. Schultz responded that it would be on the ground sign that will be coming in later – this is the wall sign.

Comm. Pogoda indicated that he liked having the "Auto Parts" in a smaller font under "Shelton" and keeping the rest of the building clean. He added that they've done a phenomenal job on that building.

Chairperson Parkins asked if there was a consensus on that or any other thoughts on it from Commission members.

Comm. Flannery commented that she liked it with "Shelton" in one, "Auto" in one and "Parts" in the other.

Comm. Harbinson asked if there was going to be another tenant in that building.

Mr. Schultz responded yes, to the left and then they have the convenience store to the right. He asked the owner of the Auto Parts store to make some comments.

Jack Ganchou, Owner of Shelton Auto Parts since 1987, addressed the Commission. Mr. Ganchou indicated that they are going through some reconstruction here and trying to make this building better for himself and the citizens of Shelton. He added that he got squeezed a little bit smaller than when he was over on the other side. The reason that he wanted to have the sign this way was to make the business look as large as possible. He knows that someone mentioned concern about the door where the "Parts" sign is located.

Mr. Ganchou clarified that it was not an entrance door for customers; it's a receiving door for merchandise. There will an "OPEN" sign over the front doors where the public enters which is quite far away from the receiving door.

Comm. Harger commented that they were concerned that the canopy may also be hiding the "Parts" portion of the sign.

Mr. Panico added that as part of the rehab of this building, if he was able to work it into the budget there would be a redesign of the canopy with a different design and pitch, etc. and this "Parts" sign would be partially under the canopy and partially outside of the canopy.

Mr. Ganchou responded that he believed that he would be going the other way with the canopy. He added that he believed the plan was to move the gas pumps on the side of this building which is going the other way.

Mr. Panico commented that in all the discussions that they've had with him, he's never introduced that to the Commission or Staff.

Comm. Harger asked if he knew how many sections were to the left where the new tenant would go in – how many sign sections.

Comm. McGorty asked Mr. Ganchou to show those sign locations on the drawing.

Chairperson Parkins commented that if they keep the signage limited to certain locations then it will keep a clean line on the rest of the building.

Comm. McGorty indicated that he's trying to create a perception of it being larger with the signage over the entire space being occupied.

Chairperson Parkins indicated that she did not think that it would look good to have "Shelton" on one side and "Auto Parts" on the other because then it won't be the same font size. It won't look like the name of the building or the name of the business. She added that she thought they needed to get "Auto Parts" onto the same section doubled or keep all the spaces the way the proposed drawing shows.

There were further (inaudible) multiple discussions about the unoccupied tenant space/sign; the length and height of the canopy; and whether or not to consolidate the "Shelton Auto Parts" signage on the building into one sign or leave it spread across the building in three sections.

Comm. Flannery commented that she likes it the way in which it has been proposed.

Mr. Panico asked if these letters would be illuminated.

Mr. Schultz responded that it would be channel letters, internally illuminated.

Comm. Sedlock indicated that he wanted to make a motion to accept it the way it is presented. Comm. Flannery stated that she would second it.

Chairperson Parkins asked if there were any further comments.

Comm. Harger commented that she just wanted to make sure that the whole signage is balanced with the other tenants because they still don't know what will be coming in on the other side of the pumps.

Chairperson Parkins asked if the new canopy would just be a white canopy like the colonial ones. This is going to set the tone for any other signage coming in.

Comm. McGorty commented about the use of lighting – internally lit versus indirect lighting - being another important component in how it will look overall or if it is intrusive to the surrounding area. Something like gooseneck lighting might be less intrusive if there are houses in the area.

Mr. Panico added that they are working with a conventional zone where they have no additional controls available to them... It is pretty much a commercial area anyway.

Chairperson Parkins asked the applicant if the letters on the sign would stay lit 24/7 or just when the business is open.

Mr. Ganchou responded (inaudible). Chairperson Parkins responded that the lighting is on a timer which would be turned off at 11:00 p.m. She reiterated that there was a motion on the table and it has been seconded.

On a motion made by Joe Sedlock seconded by Joan Flannery, it was unanimously voted to approve Separate #5092.

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 BPT. AVENUE (MAP 77, LOT 19) (PUBLIC HEARING CLOSED ON 10/27/09)

Mr. Schultz indicated that, as directed by the Commission, Staff has provided a favorable resolution which has been provided to all the Commissioners. Staff has also provided everyone with a copy of the City Engineer's report and a letter from the Board of Alderman regarding a drainage issue.

***See attached letter from the Board of Alderman dated 9/23/09 to Richard Schultz, Robert Kulacz and Tom Welch.**

***See attached Draft Resolution dated November 24, 2009 regarding Application #09-27 Dominick Thomas on behalf of Crossroads at Exit 13 Modification of Statement of Uses and Standards and Approval of Modified Development Plans for PDD #53.**

Mr. Schultz added that he has been advised tonight that this issue has been addressed at the State level, however, the City Engineer's Office and the Mayor's Office have not received it, but it should be forthcoming. He reminded everyone that the Commission will be meeting again in two weeks on December 8th. Mr. Schultz read the City Engineer's report dated 11/24/09.

***See attached report from City Engineer, Robert Kulacz dated 11/24/09.**

Mr. Schultz added that he has also been advised to inform the Commission that the City Engineer's issue has nothing whatsoever to do with the pending application. He indicated that all Commissioners also have a copy of the letter from the BOA.

Mr. Schultz commented that P&Z is meeting again in two weeks. If the information is correct, then it should all be addressed. They have the draft resolution to review in advance; however, they had a couple of items which were just worked on today.

Mr. Schultz added as a side note, he knows that the Commissioners would like to receive any draft resolutions along with their agendas so that they can review it

and mark it up. Additionally, the December 8th P&Z Meeting does fall within the 65 day decision period for this application.

Mr. Panico commented that the draft resolution does contain a provision that attempts to deal with that outstanding drainage issue. He referenced it on Page 4, Item #4 of the Draft Resolution. Mr. Panico indicated that one of the conditions of this resolution would have been the "resolution of any outstanding storm water drainage discharge issues with CT DOT and/or the City of Shelton regarding necessary easements for discharge into the Bridgeport Avenue right-of-way. "

Mr. Panico concluded that if the Commission were to act, this is a condition of their approval.

Comm. Flannery indicated that she had a question regarding this issue because when this came up a few years ago, Jason Perillo was at this Commission. Jason Perillo brought up the oil and the drainage and making sure that it was caught properly so as not to go into the environment. She asked if those issues had been addressed.

Mr. Panico responded that this is strictly storm water drainage that is collected and discharged into a detention facility. Then there's an overflow from that detention facility, if it is overtaxed, that spills into the right-of-way, and there's a riff raff pitch to accommodate that. The water has all been cleaned up and treated before it even gets into the detention facility.

Comm. Flannery asked if that made sure that none of the oil that they are adding to it is getting spilled into the environment.

Mr. Schultz responded that is a separate issue. The operation is controlled by the DEP. This is storm water that runs off and goes into the State system. But the other issue that Joan is talking about is DEP monitored.

Mr. Panico explained that the oil change and remove bays have their own self-contained, self-controlled system and it has to meet the approval of the DEP.

Chairperson Parkins reminded all the Commissioners that this Application did go to a Public Hearing and Commissioners that were not present during that Public Hearing cannot partake in any discussion on this particular matter.

Comm. Flannery responded that she was unaware of that. She thought that she was only unable to vote on it and did not know that she could make any comments.

Mr. Panico explained that this is one of the items, unfortunately, that she would have to be excluded from.

Comm. Flannery commented that she did attend that Public Hearing as a public attendee but she was unable to speak because the meeting ran so long – until about 10:00 p.m.

Chairperson Parkins responded that she may have attended the Public Hearing, but she was not a sitting member of the Commission at that point. Unfortunately, they are required to abide by all State statutes and that is what the statutes state.

Chairperson Parkins responded to Tony Panico's comment that the draft resolution incorporates that drainage condition in there but if it is not addressed...

Mr. Panico responded that the draft resolution provides some background on what is going on and points out some areas of concern. On the second half of Page #2, it states that if the Commission is prepared to take action, certain items should be considered. He referenced Item #2 on Page #3 that listed three or four items; one of which is the resolution of that drainage easement.

Chairperson Parkins asked if that should take long to resolve.

Mr. Panico responded that he did not know because tonight he is hearing that it has apparently been addressed at the State DOT level; however, it just has not filtered down to the local level yet. He added that he read the communication from the BOA but he wasn't aware of Mr. Kulacz's letter until 4 p.m. today after he had completed the draft resolution.

Comm. Harger responded that if this hasn't been resolved at the State level, then she is not comfortable with going forward on this.

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission. Atty. Thomas commented that this has nothing to do with this application so it has nothing to do ...

Mr. Schultz interjected that he has already stated that to the Commission.

Atty. Thomas continued to say that he can speak on this matter because it has nothing to do with this Application or the Public Hearing. This is a completely separate issue. The City of Shelton chose to have Representative Belden pass a special act to purchase this property. It was so unusual that the State DOT has already issued the encroachment permit which was provided to the State. The City Engineer has absolutely nothing to do with this because this is State right-of-way.

Chairperson Parkins commented that there remains an unresolved issue on the site – correct?

Atty. Thomas responded – no...

Mr. Schultz responded – yes, in the eyes of the City Engineer's department.

Atty. Thomas commented that it is not an unresolved issue.

Mr. Schultz reminded the Chairperson that they are meeting again in two weeks and get this addressed. The applicant is aware that Staff has provided a favorable resolution and the Commissioners will have a chance to read it, and they can address it.

Atty. Thomas expressed his concern that this has nothing to do with their application. This is a complete separate issue with the BOA. His concern is that the Commission is tying this into it and the next step is going to be that they have to do something – like grant the City an easement. They have refused to grant the State or the City an easement because the issue is unrelated to the site. Atty. Thomas added that he does not think that the property owner should be held up by this off-site issue that has nothing to do with his application.

Mr. Schultz informed Chairperson Parkins that he would also send a referral to Corporation Counsel as a reminder that they are obligated to act on this.

Chairperson Parkins responded that under the timeline, they have until December 31st. So if they act on this on December 8th, then they are still within that timeline.

Mr. Schultz agreed, that was correct. He added that this is the same situation with next application on the agenda – he just received a letter from the City Engineer's office on that application too.

Mr. Schultz indicated that they are getting these letters late and he has no control over that, and he's aware that this Commission does not like it either. He stated that the Applicant's know that he communicates well with them via fax, email, etc. But still, he has received these documents late. However, they are meeting again in two weeks.

Chairperson Parkins suggested that they'll have to work on changing the timeline on that. She asked for a consensus among the Commission.

Comm. Pogoda commented that he'd hold off and table it. Comm. Harger made a motion to table it until 12/8/09.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to table Application #09-27.

APPLICATION #09-33 BROADBRIDGE HILL DEVELOPMENT, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (ENTRANCE/PARKING REDESIGN), 140 BPT AVE. (MAP 105, LOT 51), CB-2 DISTRICT

Mr. Schultz stated that as he reported at the last meeting, the Applicant for this new single story commercial building, where the Chaves Bakery is going to go, has to shift the entrance driveway to the center. As part of the site, pursuant to DOT, they are also widening the road and reconstructing the sidewalk on the opposite side of the road. The widening of the road will accommodate cars going southbound making left hand turns by providing a bypass lane going up Bridgeport Avenue.

Mr. Schultz continued that, in all fairness to the City Engineer, the civil drawings were brought in after midday today, and he found some deficiencies dealing with some utility related issues. In this case, the applicant called him to ask what time he should come for tonight's meeting; however, Staff informed him about the deficiencies and the need to put this on the 12/8/09 agenda.

Mr. Schultz added that the applicant is working under the old permit with the bonding in place, etc. These are civil related issues and engineering issues that should be addressed easily enough for the 12/8 meeting. Staff recommends tabling this until the December 8th meeting.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table Application #09-33.

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)

Mr. Schultz indicated that Staff has provided a favorable resolution which the Commissioners have been provided copies of. The applicant is present tonight as well. Mr. Panico presented the site drawings for the proposed relocation of the generator. He read the draft resolution for Application #09-34.

***See attached Shelton P&Z Resolution for Application #09-34 for Minor Modifications of Detailed Development Plans for PDD #26 – Emergency**

Generator Installation and Site Restoration at Wesley Heights Middle Court at 580 Long Hill Avenue.

End of Tape 1A, 7:48 p.m.

After reading the draft resolution, Mr. Panico reviewed the proposed location and surrounding area for the generator on the proposed site drawings.. He explained that the new location would bring the generator over to a location where it would be oriented towards the street – a private drive that is about 400 feet from those condo units. He explained that there would be existing vegetation in the back. It would also be cut into the side a little bit and fenced in. He added that three parking spaces would have to be removed to accommodate it.

Mr. Panico explained that the tank has been removed from underneath the generator and has been pulled to the side. The generator unit has now been dropped down, so that between the fencing and the solid vegetation around it, they should get a pretty good buffering from view and other negative attributes of it.

Mr. Panico pointed out on the site drawing where the nearest homes on Spoke Drive were located – about 265 feet from the closest corner of one house and 275 feet from the closest corner of another home. There is a lot of mature vegetation in there as well.

Mr. Panico concluded that Staff feels that this is probably, by far, the best location for it.

Chairperson Parkins commented that, had they done a site visit that is probably where they would have recommended that it be placed.

Mr. Panico responded yes, more than likely, they would have. Unfortunately, they invested a lot of money putting it in this other location including all the underground work and wiring to get to and from it. But this is the direction that they have to go now. The upshot of this is that, since HUD is funding a lot of this work, they will have to go back to HUD.

Chairperson Parkins asked for clarification that this generator would not be running at any time.

Mr. Panico responded that they are going to have to do periodic running of it just to keep the generator loose and operable because they can't just let it sit there for months on end.

Comm. McGorty added that he believes that they would probably have to do it at least monthly. Mr. Panico responded that he did not know the exact timeframe for it.

Comm. Sedlock asked if they need to approve that prior to this – that they were able to do that – because the last time the Commission was on site, they were told not to do anything with that generator.

Chairperson Parkins responded that they could not and did not hook up any wiring.

Comm. McGorty added that they still haven't hooked up the wiring and there's no load on it.

Mr. Panico added that it would not be placed in service but it needs to be periodically run so that things don't seize up; it's just like a car – it can't just sit forever.

Mr. Schultz commented that the applicant, Mr. Condin, has just informed Staff that there may be a likelihood that they would only have to do it about once a month. It is difficult to just abandon a structure of this type.

Mr. Schultz asked Tony Panico to highlight the enhancements to the old location.

Mr. Panico showed on the site plan, that once the generator is removed, the pavement would be restored in the old location. Also the curbing would be restored because it had been pushed out to accommodate more space around it. Therefore, the curbing will be pushed back to where it was before. The bollards that are now right on the edge of the travel way, and quite a nuisance to anyone backing up a car there, would be pulled in so that they are just three feet off of the transformer slab, and obviously there will be fewer of them.

Mr. Panico explained that the area would be entirely landscaped. Right now there is a bituminous area that will be ripped out; adjustments will be made in the catch basin at that location too. A concrete walkway will be created from the bottom of the stairs to the curb line and the balance of it will be devoted to top soil and landscape material similar to what has already been done on the other side.

Comm. Sedlock asked if this would all depend on approval by HUD – because they don't have that approval at the existing time.

Mr. Panico responded yes, that's correct, they do not have that approval but they can't go to HUD until they know that they have this Commission's approval.

Chairperson Parkins added that HUD is more a financial approval – not for location approval.

Comm. Sedlock asked if HUD was looking favorably upon accepting that new location.

Chairperson Parkins responded that it is not really an option.

Mr. Panico responded that it has to go somewhere on that campus. HUD's concern might be that they did provide a budget earlier – and now the generator needs to be removed, some of the earlier funds were wasted and more money will be spent –so they may have some issues with HUD, but that is not the concern of this Commission.

Comm. Sedlock commented that if they had come before P&Z before they did this, then they would not have wasted that money.

Mr. Panico responded that would be correct. This would have been a more expensive solution anyhow, even if they had come here from the beginning.

Chairperson Parkins asked if the Applicant has had any discussions with HUD and are they looking upon this favorably.

Mr. Schultz commented that the Applicant is present – but he'd like to bring up one side issue first. The applicant has indicated that they would prefer to have a gray colored fence around the enclosure instead of a cedar fence. He asked if the Commission would agree to that.

Bob Condin, representing United Methodist Homes, addressed the Commission. Mr. Condin explained that it says cedar fence on the plan, but their groundskeeper has gone out and looked at some designs; he recommends driftwood gray.

Mr. Panico responded that isn't really a problem because it's still a solid fence and it will probably only be seen for a few years until the arborvitae in the front grow a little a bit. The arborvitae look like they are about 4 feet apart and 7 to 8 feet tall but the trees will grow and cover the fence eventually anyway.

Comm. Sedlock asked if the plan that is being presented to the Commission tonight has been shown to the residents in the area.

Mr. Panico responded that the Applicant has had several meetings with the residents in the area.

Comm. Sedlock asked if the residents were OK with this plan.

Chairperson Parkins responded that they were here at the meeting two weeks ago as well. They spoke favorably of it.

Mr. Schultz added that the residents just really want to get it done.

Comm. Sedlock commented that it may come in under the City ordinances, but he thought that generator was quite loud.

Mr. Panico responded that they were prepared to do additional things in that location to better control the sound – a sound jacket and things of that sort. They were privy to listening to a recording of the generator with and without sound protection, but nevertheless, there were still too many negatives in regard to keeping it over in that location. This is by far the superior location for it. They discussed two or three other intermediate locations, but Staff felt this was the best one. Mr. Panico added that if there is going to be a negative impact at this location, it will be at their residence not the surrounding neighbors.

Chairperson Parkins added that there is no benefit to them running this generator if it is not on load because it would only cost them money for the fuel.

Comm. Harbinson asked if there was any elimination of parking by locating it here.

Mr. Panico responded that there were three parking spaces eliminated. Fortunately, this is a quite end and every time they have been up there, no one has been parked there anyway. Also, on the other hand, there were three parking spaces in another location that they will get back. Even if the complex loses three spaces, it is not a big deal. He showed on the site plan, that the driveway is also going to be closed and the sidewalk will continue on up – so that whole area is going to be transformed.

With no further questions or comments, Chairperson Parkins asked for a motion and a roll call vote to approve this resolution.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously roll call voted (6-0) to approve the resolution for Application #09-34.

Before moving on to New Business, Chairperson Parkins reminded the Commission that as an alternate P&Z member, Commissioner Harbinson, unless he is sitting in for someone, cannot partake in the discussion and/or the vote.

Basically, the alternates are present to familiarize themselves with what is being discussed in the event that if it is required, they would be able to make an informed decision in voting. Chairperson Parkins added that she is just stating what the State Statutes require.

NEW BUSINESS

APPLICATION #09-35, SHOP RITE FOR MINOR MODIFICATION TO DETAILED DEVELOPMENT PLANS FOR PDD #18 (MINOR ADDITIONS), 875 BPT AVENUE (MAP 9, LOT 16) – ACCEPT FOR REVIEW

Mr. Schultz responded that the new occupants of the old Shaw's Supermarket are present and would like to make a brief presentation. However, the Commission must first make a motion to accept this application; it is being presented as a minor modification, meaning that it can be handled administratively. There are two small additions which will be discussed.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept Application #09-35 for review.

Rocco Cingari, with the Cingari family of Shop Rite, addressed the Commission. Mr. Cingari brought a large site drawing to present to Commissioners of the proposed store floor plan and the surrounding area.

Mr. Cingari explained that this existing store was built about 20 years ago and the complexity of the food business has changed quite a bit during that time, so what they are trying to establish here is to bring this store up to today's standards.

Mr. Cingari explained that to operate an efficient supermarket today for Shop Rite, they need seven loading docks. The existing store has only four and they've looked into having five. They have a specific reason for having these loading docks. They get a lot of direct deliveries from manufacturers straight to the store and they have to have a place to unload them. It saves on energy, traveling and its beneficial to everybody and keeps their costs down.

Mr. Cingari explained that the loading dock on the left hand side is the most critical one because that is where all of their perishable departments are located – produce, deli, fish and meat. They do not want those items to be stuck in the back room of a grocery area that may be congested. They want to get those products right into the coolers. The truck does not stay very long. Additionally, some of those deliveries have moisture – ice in them – such as fish, chicken, etc. and they don't want to track them through the back rooms because they get sticky, smelly – it's just no good.

Mr. Cingari indicated that they have their own in-house QA department. They don't rely on the State or the Government. Their standards are above the State and Government levels. They must maintain a 95% rating otherwise the items have to be wasted and they have to terminate selling them.

Mr. Cingari summarized that would really be their main thing. They have not changed the traffic pattern; they have not changed the parking requirements and they are just asking for those two additions. He showed the locations of the additions on the site layout.

Additionally, they will be changing the dumpster location to a place where all the wet garbage can be compacted and taken away. The other stuff on the other side is for groceries, dairy, frozen foods and they consider that to be a dry delivery. They are compacted, baled and shipped back and recycled. He

concluded that would be what they are requesting to have the Commission approve for them. He added that they are very committed to their business.

Mr. Panico asked about the location of the recycling center on the front too.

Mr. Cingari responded yes, because as they know, they are expanding the bottle bill more and more. They used to have it on the inside but everybody today wants to have the bottles on the outside of the premises. He stated that the law mandates that they are supposed to wash these bottles – and no one washes them – so they are putting it on the outside because it could use the fresh air intake all the time. All of their bottle returns are on the outside, conveniently located for the customers to go to; and they can monitor it and keep things clean.

Chairperson Parkins asked if it would still be enclosed though.

Mr. Cingari responded yes, absolutely enclosed - but outside of the building. .

Mr. Panico showed where they've taken a piece of the sidewalk out of the right hand corner and just enclosed it.

Mr. Cingari added that, architecturally, it will look like a continuation of the storefront. They've done this in all of their stores and people can take their time going there – they don't even have to come in.

Mr. Cingari commented that they have committed themselves to Shelton and they are very excited to come to Shelton. They have gutted the whole store from top to bottom – they've taken everything out. They will be spending about \$6 - \$7 million dollars in fixtures in this store. They hope to be an asset to the community.

Mr. Cingari provided some background about Shop Rite because every time that they go into a community, they want to be very involved in that community. They want to be involved with the community because they are a family-owned company. They are very excited to be in Shelton and think they will be an asset to Shelton and surrounding area.

Mr. Cingari summarized that they would be asking for the loading dock and a storage area to receive the trucks.

Mr. Panico commented that the advantageous part of this is that the entire area has been densely filled in with evergreen and vegetation and wraps around so no one could see directly in there anyway. So unless someone would be looking in at an angle, no one could see directly in.

Chairperson Parkins asked if there was already a driveway there.

Comm. Harger responded yes, it's to the left of the store; it was used by service vehicles.

There were multiple discussions regarding the back driveway, vegetation, geese and the loading docks area (inaudible).

Mr. Cingari added that the plan does not show a recommendation made by Tony and Rick that the produce loading dock, which he agrees, should be enclosed. So this way, if an employee leaves something on the loading dock, the door can be shut and it's on the inside of the building and not on the outside of the building. Although this plan does not show an enclosure, but he would commit to doing that.

Mr. Schultz provided some background information about the building. Presently, this building is 64,394 square feet currently and with the additions, it would increase to 66,289 square feet. The number of employees are 175 full and part time. Hours of operation 7 a.m. – 11 p.m. for 7 days a week.

Chairperson Parkins asked if these additional loading docks would be included in the new square footage of 66,289.

Mr. Schultz responded yes and asked Tom McGorty if he could read off of the site plan what the total number of parking spaces are.

Comm. McGorty responded that it states that it has 369 existing parking spots – total future parking spaces indicates 356 spaces.

Mr. Panico added that there seems to be more than ample amount of parking there.

Mr. Cingari responded that if he could fill that whole parking lot, he would be a very happy man.

Comm. Harger asked, without having had a chance to see interior drawings, if there would be any provision for an indoor restaurant.

Mr. Schultz commented that they have the potential for an onsite satellite bank.

Mr. Cingari responded no. He has a cleaner that is in one of their other shopping areas that he'd like to come there. There is a space for a satellite bank but banks aren't what they used to be, so he's had a difficult time trying to get one. They haven't gotten any tenants yet, but they feel that with the traffic count that they get in their store, he doesn't anticipate trouble getting some. The tenant spots are laid out on the plan.

Comm. Harger commented that in the Derby store, he has a bakery that sells pizza and beverages.

Mr. Cingari responded that would be all he would have in this store too – just for coffee and snacks just for shopper convenience.

Mr. Panico asked about the signage.

Mr. Cingari responded that he appreciated their feeling about keeping the colonial look and he thinks they have designed to keep that look because they have a store in Darien which is very strict about the type of brick and so on.

Mr. Cingari presented photos and drawings of their signage package depicting what was there for signs and what they intend to do if the Commission would like to look it over. He commented that they have basic, minimum signage proposed.

Mr. Schultz indicated that they would be putting this on the December 8th agenda.

Comm. Harger asked if the interior layout of the store would be basically staying the same.

Mr. Cingari responded that they enhanced the produce department because that is one of their strong points and they enlarged the meat department that

services meats. They also enlarged the frozen food department and they have one entire aisle devoted to organic and natural merchandise.

Mr. Schultz added that Staff will be marking out where the shopping cart corrals will be located. He knows that the Commission likes to minimize the advertising that goes on it.

Chairperson Parkins asked if this will be continued for discussion on the December 8th agenda.

Mr. Cingari explained that presently they are attempting to paint the ceilings. They have to use a special kind of paint to paint the ceiling; the ceiling has deteriorated in color and they would like to restore it to its original white. They are trying to get company that can spray that so that has delayed things somewhat because he can't start anything else until the ceiling is completed. With no further questions, Mr. Cingari thanked the Commission and concluded his presentation.

Mr. Cingari told the Commissioners that he would leave his business cards with Rick, so that in case they have any questions, they can call him directly. He added that they have a company policy that if someone complains to their store – within 24 hours, someone from their staff will respond to them.

APPLICATION #09-36, WILLIAM DLUGAS FOR SUBDIVISION APPROVAL (DLUGAS SUBDIVISION: 2 LOTS), 88 VALLEY ROAD (MAP 72, LOT 116), R-1 DISTRICT – ACCEPT FOR REVIEW

Mr. Schultz indicated that this was going to be a family deeding so the open space set aside will be exempt. This subdivision will be on Valley Road off of upper Walnut Tree Hill Road and Christine Road where it comes out to Ripton Road. The homes there were built in the 1950's and 60's. This is a dead end. It's a large piece of land but it is wet and it's the last remaining area that has livestock there.

As part of this subdivision they will be putting in a cul-de-sac. He urged the Commissions to take a ride over there to take a look at it.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #09-36 for review.

OTHER BUSINESS

APPROVAL OF MINUTES: 9/22/09, 10/13/09 AND 10/27/09

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the minutes of 9/22/09, 10/13/09 and 10/27/09.

APPROVAL OF 2010 MEETING SCHEDULE

Mr. Schultz provided all Commissioners with the proposed 2010 meeting schedule. He reminded everyone that when they call for a special meeting on the 4th Tuesday of the month, and if it requires a public hearing, the Auditorium is usually not available. Staff is recommending, in order to avoid Auditorium scheduling conflicts, that the Commission consider the 4th Wednesday or 4th Thursday for special meetings, specifically the public hearings. He asked the Commission for some feedback or a consensus because he needs a certain amount of time to schedule locations for special meetings.

Chairperson Parkins suggested that if they establish a day, then people will know that if there is going to be a special meeting, it's going to be on the last Wednesday. She added that she has no conflict with Wednesday.

Mr. Schultz responded that they like to put those types of announcements on the website too. He also asked for a preference to use the Auditorium or Room 104.

Chairperson Parkins and several of the Commissioners agreed that it should definitely be held in the Auditorium – that's the reason for having it on the 4th Wednesday.

Mr. Schultz responded that would be the Commission's policy ; although they can change it if necessary.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the 2010 Meeting Schedule.

TWISTED VINE ESTATES PHASE 1 AND 2: REQUEST TO RELEASE SEDIMENT AND EROSION CONTROL BOND

Mr. Schultz stated that Staff has received a request for a full release of the Sediment and Erosion Control Bond. Staff inspected it on Friday, 11/20 and the request reads as follows: Key Development LLC, Darby Builders LLC hereby request the cash bond in the amount of \$15,000 being held for the maintenance of the sediment and erosion for Phases I and II at Twisted Vine Estates.

Mr. Schultz stated that Staff has inspected it and they are recommending that it be reduced by one-third or \$5,000 to \$10,000. The applicant is looking to transfer that money to Phases III and IV, but because there are still unstabilized areas, a full release is not in order. A reduction is in order but not a full release at this time.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to reduce the Sediment & Erosion Control Bond from \$15,000 to \$10,000 for Twisted Vine Estates Phases 1 & 2.

CROSBY COMMONS COMPLEX: REQUEST FOR INTERNAL PROPERTY LINE ADJUSTMENT

Mr. Schultz stated that he was going to read a letter from Atty. Thomas and circulate a map that highlights the adjustment to the deed area. He explained that within the United Methodist Homes, Crosby Commons, which is an assisted living facility, they have their own separate deeded parcel.

***See attached letter from Atty. Dominick Thomas representing Crosby Commons, Inc. dated 11/24/09.**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, addressed the Commission.

Atty. Thomas stated that Atty. (name inaudible) who handles all of the financing for Crosby Commons contacted him about a month ago. They discovered that they had created an interior lot line for the purpose of financing and there was a lot that was proposed as 4.8 acres. They were concerned that the minimal lot size is 6 acres - but that relates to the entire PDD. They discovered that the Crosby Commons building was constructed over that lot line. He showed the site map where the gray area shown needs to be adjusted to correct the information that HUD has for its documentation.

Atty. Thomas stated that he originally thought this would require a minor modification to the proposed detailed development plans but Rick indicated that it would just be an administrative action.

Mr. Schultz added that is why he is suggesting in the motion that they acknowledge and authorize the Administrator to write any letter as deemed necessary by HUD.

On a motion made by Joe Sedlock seconded by Joan Flannery, it was unanimously voted to approve the request to regulate the interior lot line adjustment for the Crosby Commons PDD #26 and authorize the Administrator to execute any documents requested by HUD related to the said lot line revision.

DISCUSSION AND ACTION BY CHAIRMAN/PZC: APPOINTMENTS TO SUBCOMMITTEES AND CREATION OF PLAN IMPLEMENTATION COMMITTEE

Chairperson Parkins stated that they need to discuss appointments to the Subcommittees and the creation of the Plan Implementation Committee. She explained that the Plan Implementation Committee will insure that the long range plan that was put into the 2006 POCD is on track.

She is recommending that the Committee be composed of Tony Pogoda and Tom Harbinson representing the P&Z Commission; John Papa and John Anglace will be representing the BOA; Jim Tate will be representing the Conservation Commission and Frank Osak and Jason Perillo as the public at large.

Chairperson Parkins indicated that the Downtown Subcommittee will remain with Ginny Harger, Ruth Parkins and Joe Sedlock. The Zoning Subcommittee will be Tony Pogoda, Tom McGorty and Joan Flannery.

Chairperson Parkins added that Rick Schultz coordinates these meetings and sends out the meeting notices, etc.

Rick commented that the Zoning Subcommittee will be dealing with the Sign Regulations and the requirements for the subdivision amendments with the open space set aside change from 10% to 15%. He'll be reviewing the list of items for all members. In regard to the Downtown Subcommittee, he is still waiting to hear from Mr. Ryan. Jim Tate and Jim Ryan are ready to make a presentation on the changes to the Riverwalk Pavilion and the Civil War Monument.

Additionally, Mr. Schultz showed the Commission the proposed drawing of the window signage to be used by the Tattoo Parlor – Basic Instinkts – the applicant who received approval for his business on Howe Avenue last week sent in the proposed drawing for his windows as he promised. Multiple discussions about the signage were inaudible.

Comm. Harger announced that as part of the appointments for the Valley Council of Governments Regional Planning Commission, she will continue to be the representative for this Commission; however, there still needs to be an alternate assigned from this Commission.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn at 8:32 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission

