

SHELTON PLANNING & ZONING COMMISSION JANUARY 12, 2010

The Shelton Planning & Zoning Commission held a regular meeting on January 12, 2010 at 7:00 p.m., Room 303, 54 Hill Street, Shelton, CT. The Chair reserved the right to take items out of sequence.

Commissioners Present:

Chairperson Ruth Parkins
Commissioner Joan Flannery
Commissioner Virginia Harger
(arrived 7:39 p.m.)
Commissioner Thomas McGorty
Commissioner Anthony Pogoda
Commissioner Joe Sedlock
Commissioner Ludwig Spinelli

Staff Present:

Richard Schultz, Administrator
Anthony Panico, Consultant
Karin Tuke, Recording Secretary

Tapes (1) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairperson Parkins began the meeting at 7:00 p.m. with the Pledge of Allegiance and a roll call.

OLD BUSINESS
APPLICATIONS FOR CERTIFICATES OF ZONING COMPLIANCE

Chair Parkins asked if there were any questions regarding the Standards 1 through 13. There were none. Mr. Schultz indicated that no motions are necessary; these standards are handled administratively.

SEPARATE #5118 STERLING ENTERPRISE INC., 15 ARMSTRONG RD., BUSINESS

Mr. Schultz indicated that this is the former St. Vincent's Walk-In Medical Facility. The proposal is for Sterling Pools, which is presently located Downtown on Howe Avenue, to relocate. They will fully occupy the building which has 3450 square feet. There will be 4 – 6 employees including full and part time; hours of operation Monday – Friday 10 a.m. – 6 p.m., Saturday 10 a.m. – 4 p.m. and seasonally (summer months), Sunday 10 a.m. – 4 p.m. They will be closed Wednesday and Sunday during the winter months.

For the benefit of the newer members, Mr. Schultz explained that the Shelton Square Shopping Center is a Planned Development District (PDD) which allows all types of retail uses and food establishments. This is a permitted use replacing St. Vincent's Walk-In Medical Center. Staff has discussed with the Applicant that the Commission would have some concern with outside display areas. The square footage is large enough to have displays inside. However, they would like to revisit that issue but presently, it will all be inside. Mr. Schultz explained that a business of this type likes to do outside displays seasonally. There is sufficient parking and the back is quite buffered for future possibilities of that occurring. This is a PDD and they will have to come back for signage approval. This is an application for occupancy, and it is a permitted use. This is local business finding a bigger space for their needs; Staff thinks it is good to have this building occupied and recommends approval.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5118.

SEPARATE #5128 TBD, 475 HOWE AVENUE, BUSINESS

Mr. Schultz indicated that this is the Mayflower Florist building. The Commission approved a restaurant/pub to occupy the upper and the lower floor. They no longer want to use the Howe Avenue area and the proposal is for a liquor store/wine shop there. The square footage is 3000 square feet. There would be three employees with hours of operation Monday – Saturday 8 a.m. – 8 p.m. This is a commercial zone allowing this particular use.

Mr. Schultz stated that he has learned that the State of Connecticut bases the number of liquor stores on the population. There is the ability for three additional liquor stores above and beyond what Shelton has right now city-wide.

Chairperson Parkins asked if the restaurant would be out in that case.

Mr. Schultz responded that the Howe Avenue level would be out – the lower level going out to White Street where the Pub was proposed to be is still on the table.

Comm. Flannery asked if there was enough parking.

Mr. Schultz responded that there is curbside parking in the front and the owners have control of the parking lot by the old Webster Bank/Connecticut National Bank.

Mr. Panico asked if they would have any access for loading and unloading because liquor stores have a lot of truck activity.

Ken Schiabel, property owner, responded that the rear door they were going to put in from the parking lot side is still going to go in. Delivery trucks are going to park on the side or rear of White Street, and they will be unloading from the rear.

Mr. Panico asked if they would have to unload from Howe Avenue.

Ken Schiabel responded no - to the extent possible. They may get the occasional driver who parks in front but Mr. Patel from the liquor store will educate them about that.

Mr. Panico expressed concern because beer trucks often stop and unload where they want. It is not an issue unique to Shelton.

Mr. Schiabel added that part of the difficulty with the restaurant is that they did some financial modeling, talked to some people, and did their research, and they've found that it would work on the lower level. Of course, they can't move the brewery upstairs because the floor system won't support the brewery. It has been suggested that they start at the bottom floor, start it from there and see how it goes. But right now the population downtown doesn't support the larger restaurant facility and the two menu driven restaurant. They suggested sticking to the single menu now.

Mr. Panico asked if he would still be keeping the same concept of a brewery/pub.

Mr. Schiabel responded yes.

Mr. Schultz added that a compactor for cardboard will be used in the back as well. The Commission doesn't want what old tenants in Downtown Shelton would do – always leaving boxes on the curb.

Mr. Schiabel responded that the door in the back goes to the dumpster area. It will be separate door on the side of the building and that's where they are going to make a dumpster enclosure off to the side at parking lot level.

Mr. Schultz indicated that Mr. Schiabel also has the draft sign regulations and there's a provision in there for the liquor store and the advertisements.

Mr. Panico added that the advertisements have been a sore point with the liquor stores because they tend to put those signs all over the windows.

Mr. Schultz responded that in speaking to the owner of the property, he wants to keep it clean to the extent possible. They will be addressing the signage issue and Mr. Schiabel, as well as many other business owners, will be involved in that.

Mr. Schiabel added that they are still going to redo the store and the storefront and sign boards and (inaudible).

Mr. Schultz added that this does not include the sign tonight – the sign will be forthcoming.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5128.

SEPARATE #5130 ABC SIGN CORP., 830 BRIDGEPORT AVENUE, SIGN

Mr. Schultz indicated that this is for wall signage at the Hotel Sierra. He showed a rendering of the proposed signage lettering. He explained that this is a Planned Development District and the Commission does have final say on the signage. As a sidebar, the hotel and the property owner are working with the bank because there was some confusion with the ground sign. The Bank has the anchor sign, but subsequent to that, the Hotel got the anchor and there was some confusion. It is a matter between the two parties, but if it necessary, they will have to come before the P&Z Commission. The Commission has approved the most recent sign which is for the Hotel Sierra taking the lead with the other tenants being smaller.

Comm. Flannery stated that this was very unacceptable because it is neon lit and the trailer park is right under it. They are going to have to look at that sign all night long. She commented that she didn't think that is right for the people who are living there.

There was a comment from an unidentified person that the sign was not neon-lit. He commented that "neon" is part of the name of the company making the sign but, if they read the description in the box on the on the drawing, it says it's a (inaudible)

Comm. Flannery responded that she's against any kind of light.

The representative from the ABC Sign Corporation (name not provided) explained that they didn't construct the sign but they've been contracted to install it on the Hotel Sierra. He'll answer any questions that he can.

Comm. Flannery commented that she didn't think any kind of lit sign would be fair.

Mr. Panico asked for clarification as to the proposed location of the sign.

Chairperson Parkins asked if it would be facing the bank or the opposite side.

Mr. Schultz responded that this profile is facing Bridgeport Avenue. He added that the west elevation faces towards the Longhorn Steak House and the east elevation faces towards the Park. There were other comments (inaudible due to multiple conversations).

Mr. Panico noted that the sign is facing Bridgeport Avenue and the restaurants. There is nothing facing the trailer park.

Comm. Flannery responded yes, but it is so far back on the property that it is going to shine into the trailer park. It is so far back, it is not close to Bridgeport Avenue.

Mr. Panico suggested to Joan that if she goes out and looks at the building, she may feel differently about it.

Comm. Flannery responded no, she would not, because she goes by it all the time.

Comm. McGorty commented that the building is going to obscure some of the light from the sign too.

Mr. Schultz stated that it was important to note for the record that they are only acting on (inaudible due to multiple discussions). Mr. Schultz asked the Commission for clarification as to which signs they would be approving. He reiterated that the East is Fairchild Park and the West is Armstrong Industrial Park. He added that they need to look at a few issues - the locations, the quality of the signs and the color of the signs.

After further discussion about the height of the sign, Chair Parkins suggested that they should table this and go out to take a look at it. She asked for a motion to table Separate #5130.

Comm. Flannery asked if there was some way they could put a light on top of where the sign is proposed to be to see how it shines.

Chair Parkins responded that she didn't think that would provide a true indication of a back-lit sign.

Mr. Panico suggested that they take a look first to see where they propose to put it, what the impacts might be and what the alternatives could be.

Mr. Schultz commented that he would coordinate it with the sign company to put some type of marking up on the building to denote its location.

Chair Parkins added that those types of signs don't generally project a lot of light, so as long as it isn't at eye level with anything, it should be OK.

Mr. Schultz responded that there are a couple of issues here though including location and the amount of light that will illuminate from it.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table Separate #5130.

SEPARATE #5132 ANTHONY DIZENZO, 414 HOWE AVENUE, BUSINESS

Mr. Schultz indicated that this business would be a hamburger take-out and sit down at 414 Howe Avenue - this is the old Sweet Peas. It is only 600 square feet, 3 employees, hours of operation 10 a.m. – 8 p.m., 7 days a week.

Comm. McGorty asked for clarification as to the location and if it was near the consignment shop and the tattoo shop.

Mr. Schultz responded yes and provided the names of businesses nearby and added that about 10 years ago it used to be Sweet Peas. He commented that in regard to the Downtown, the Commission needs to know the history, because they have to use their discretion in regard to the parking. However, there are some municipal parking lots near Cleto's and the Donut Shop. There is a history of food establishments there. This is for hamburger take-out but there will be a couple of tables there too.

Mr. Schultz added that they are starting to see more interest with small food establishments, entrepreneurs that want a shot at the Downtown area.

Comm. McGorty asked what the name of the restaurant was.

Mr. Schultz responded that it was called Between the Buns Burger Joint.

Mr. Panico commented that if they can't park at the curb, then customers will have to park in the municipal lot and walk back a block.

Mr. Schultz reiterated that it was primarily take-out but there are a couple of tables.

On a motion made by Thomas McGorty seconded by Joe Sedlock, it was unanimously voted to approve Separate #5132.

SEPARATE #5134 ORAZIETTI BROS., LLC, 441 HOWE AVENUE, ROOF LINE MODIFICATION

Mr. Schultz indicated that this is for a roof line modification. Both the owner, Mr. Orazietti and his architect, John Ruffalo are here to provide a brief presentation. He placed a floor plan on the table for the Commissioners to review.

Mr. John Ruffalo, John Ruffalo III Architects, 415 Howe Avenue, addressed the Commission. Mr. Ruffalo explained that he scaled down his schematics to give the Commission some reference as to where they are with this. He commented that Danny O's, is adjacent to an office building and Dunkin Donuts on the corner of Howe and Center Streets.

Mr. Ruffalo explained that originally it was in two halves -- the original building is from about 1900's and the addition was done in 2003. Later on, over the past couple of years they added an upper patio to the new addition which left a large area open in the original building. He explained that the Oraziettis would like to come off of the existing balcony, which is at the second level, come along the wall which is about a 200 square foot area to create an extension to that balcony. This would provide an area for potential live music ranging from small bands to karaoke a few times a week.

Using an architectural rendering, Mr. Ruffalo showed that there is an existing bar under the proposed balcony where they plan to put columns down to the bar - missing the wall of the existing bar- going down to the basement.

Mr. Ruffalo added that it would be supported back up with a steel structure and wood frame to create the balcony area. It would add approximately 200 square feet to the area, but they will lose some seating area up on the existing balcony due to the traffic pattern required for the newer balcony portion.

Comm. Flannery asked if the karaoke would be inside or outside on the balcony.

Mr. Ruffalo responded that it would all be inside. It would all be contained. They are going to have to raise the roof and that portion of the building had an original pitch to it which they did in the 2003 addition. Part of that came off (inaudible due to multiple discussions). So now they have to take that portion off and bring it up to the present level (inaudible due to multiple discussions).

Mr. Panico commented that the drawing has thrown them a curve because all of the building isn't shown all the way out to Howe Avenue. He asked for clarification on the drawing, as to where the patio would be.

Mr. Oraziotti, owner of Danny O's, showed Mr. Panico the location and commented that on the second floor they have 133 inch TV screen that can only be seen from the top. If they remove the roof line, it can be seen from all over. A lot of customers want to watch football upstairs – it would be great if everyone could see it downstairs too. He is presently putting extra waitresses up there because so many people want to watch it.

Mr. Ruffalo explained that this is a basic schematic that they are using in conference with the engineers to work out the basic details but they wanted to present it at this time to advise the Commission of what is being considered.

Chair Parkins asked if this would increase their capacity.

Mr. Oraziotti responded that it would not really increase it. If he could get a decent band in there (inaudible).

Mr. Schultz responded that normally this triggers a site plan but the applicant is requesting the Commission waive it. If they are comfortable with it and already know the Applicant's history of workmanship, it is the Commission's call; however, he is requesting a full waiver of the site plan submission.

Comm. McGorty commented that it is really just an optimization of an internal area.

Mr. Oraziotti commented that, as John Ruffalo had mentioned about the roof pitch - the reason he didn't do the roof that way at the time, was because of concerns about heating costs. However, it isn't as bad as he thought it would be.

Chairperson Parkins asked for a motion, if the Commissioners had no further questions.

On a motion made by Thomas McGorty seconded by Joe Sedlock, it was unanimously voted to approve Separate #5134.

ZBA APPLICATION #1209-1: DISCUSSION AND RECOMMENDATION ON USE VARIANCE REFERRAL FOR PROPERTY LOCATED AT 673 BPT AVENUE.

Mr. Schultz explained that at the December 2009 meeting, he inappropriately discussed this matter under his Staff Report. Insofar as the Commission made a recommendation to the ZBA, it should have been a line item. Accordingly, he would like to correct that by putting it on the agenda tonight. He requested the Commission to recommend again what they had recommended on December 8, 2009 to the ZBA that the proposed use variance is not recommended. He also reported that the Applicant is going to withdraw. Apparently, he has an occupant that is a retailer. There is some food associated; however, it is subordinate.

Mr. Schultz added that the Chairman of the ZBA researched the use variance that was granted for the Blockbuster building and he is of the opinion that this use variance falls under the use variance that was granted in the early 90's. Ultimately, this Commission will get an application for the occupancy of it, but ZBA was apparently opposed to the expansion of the use variance to include food establishments with take-out service. It is on the agenda again this month; however, the applicant called him today and informed him that he would in all likelihood withdraw immediately.

Comm. Flannery asked for an explanation of a subordinate food use.

Mr. Schultz responded that he did not know the specifics because he hasn't gotten the Statement of Use. He has been led to believe that the principal use or main activity is retail – selling finished consumer goods, over the counter. However, he indicated that there would be a component of selling items, and that is where this Commission will have to determine if it is subordinate in nature.

Mr. Panico added that the Commission found years ago that the catering type of food activity that is operating out of the back of that building was acceptable within the limits of the way that variance was set up – but not a full fledged restaurant.

Mr. Schultz commented that he wanted to convey that the ZBA was in sync with them. They need to formalize it with a motion reporting unfavorably to the ZBA on Application #1209-1 regarding the proposed use for expansion of the food use.

On a motion made by Joan Flannery seconded by Joe Sedlock, it was unanimously voted to report unfavorably on ZBA Application #1209-1 regarding the proposed use.

NEW BUSINESS

APPLICATION #09-38 MARK IV CONSTRUCTION INC. FOR TEMPORARY SPECIAL EXCEPTION APPROVAL (FILLING AND GRADING), 11 LADYSLIPPER DRIVE (MAP 24, LOT 42), R-1 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

Mr. Schultz explained that all the Commissioners were given a package explaining the history of this – it was a filling and grading without the authorized permission from this Board. They have submitted their application and Staff is going to recommend that this is added to the January 27th public hearing. He is anticipating that at least one neighbor will show up. He asked the Commissioner to take a ride up there and take a look at it because it is a significant filling and grading proposal. There are going to be a lot of questions presented; he has made a referral to the City Engineer's Office and Inland Wetlands. However, as of today, he learned that it does not trigger Inland Wetlands because it is more than 50 feet away.

Mr. Panico asked if they have submitted a documented application with drawings to be reviewed.

Mr. Schultz responded yes, and he indicated that more importantly, the three significant issues they will have to deal. Initially they will need to deal with just the size/scope of it because it is a tremendous filling operation. Additionally, the grade of the slope is very severe. This Commission typically recommends a 2:1 slope and in some areas of this it is 1:1 - which means it is vertical. Also, the aesthetics – they are proposing evergreens so the Commission is going to have to scrutinize that in regard to where they should go and if additional evergreens are needed. Lastly, there is the drainage issue.

Comm. Flannery asked when they did this – in what year.

Mr. Schultz responded that it was done in 2009 – apparently, they came upon some fill, he does not know if it was free fill, from the Town of Trumbull. He added that this is another issue because at least one resident will ask for confirmation of where the fill came from and if it is clean fill because it will require an affidavit to that effect. He commented that up in this area, the homes are hooked up to public water which is a good thing, but this particular site has a septic system.

Chairperson Parkins asked about a note included in the packet in regard to not being able to find the septic.

Mr. Schultz responded that is correct because it is a home that pre-dates Valley Health records and that will be another issue. They will want confirmation of exactly where the leaching fields are.

Chairperson Parkins asked if there was any protocol in regard to the Commissioners going out to private residences. She only saw it from the property line.

Mr. Schultz responded that when an Applicant signs an application, the Commission and its authorized Staff have the right to go to the subject site. However, do not take any family members or friends because it is an obvious liability. Also, if they visit the property, they will need to identify themselves.

Mr. Schultz added that they are going to refer this later. The Zoning Subcommittee put together a list of all amendments that are needed and one of them is their temporary special exception provision that deals with earth removal and filling and grading. Right now it is very general in that general landscaping is provided as of right. Mr. Schultz explained that Shelton is not a flat town, so you can have hundreds and hundreds of cubic yards and no one would think of it, but it could severely impact property values. This is the situation here, so they need to quantify it like most towns have done. Obviously, Shelton has the one acre area and the downtown area so 100 cubic yards may be fine in the R1 district but on a lot Downtown it is excessive.

Mr. Panico asked about the severe rains a couple of weeks ago, and if there were any issues with erosion or drainage patterns.

Mr. Schultz responded not at the moment but it can get severe. There was some breeching and they do monitor it. The snow cover and cold has helped with it – it's frozen. But now is the time to deal with this. The Applicant is aware that the Commission is going to scrutinize this.

Chair Parkins asked if the Applicant was aware that the Commissioners can access the property.

Mr. Schultz responded yes, and he will remind them too. At least one neighbor is going to be asking a variety of questions through the Chairman to the Applicant.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to accept Application #09-38 and schedule a public hearing for Wednesday, 1/27/10.

PUBLIC PORTION

Chairperson Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the agenda.

Ron Pavlucik, 287 Eagles Landing, Aspetuck Village, Shelton addressed the Commission.

Mr. Pavlucik thanked the volunteer members of the group sitting at the table for being here on their own time. He thanked them for their service to Shelton. He indicated that he had a question for Chair Parkins regarding a quote she made in an article written by Kate Rummuni that appeared in the 12/30/09 Connecticut Post with the headline "Zoning Board Gets a New Look: A Female Chairman." He referenced a comment Chairperson Parkins made in the article that stated "I think we can bring a different perspective. It brings a nice balance." Mr. Pavlucik commented that the thrust of the article is that this group has an equal representation of men and women, apparently for the first time, three and three, as stated in an earlier paragraph. He asked Chair Parkins to tell him what she means by "I think we can bring a different perspective...It brings a nice balance."

Chair Parkins responded that A - it was never meant in a negative sense. She told Mr. Pavlucik that Kate was very happy to see that more women were joining, and she wanted to know what her perspective was. So, she told Kate Rummuni that her perspective is that women do sometimes think differently, not to say better, just differently. She added that she thinks different views are always accepted at this table – as they accept views from the members of the public. So whether they are male or female, it doesn't matter, but the fact is that she thinks that now they have a nice balance of representation.

Mr. Pavlucik commented that the balance she was referring to is an equal number of men and women. He continued to say that what is implied in that response is that things are going to be different under this breakdown people versus the past, when this never happened before. He added that, in his opinion that infers that women see development – the rules and regulations that they've been sworn to uphold – differently than men. He asked if that was right or wrong.

Chairperson Parkins politely responded that she thought he was reading much more into this article than was intended. She reiterated that there was no negative intention on this. It was just an article, done by a reporter, who happened to be a woman, who was happy about the situation. Chairperson Parkins added that she never stated in that article that there was going to be change. There is nothing in there indicating that they are going to change anything or that there was anything wrong with the past Commission – nothing – and that was not her intent.

Mr. Pavlucik questioned Commissioner Flannery about her quote saying that "the change will be good for the City...I hope it is means the City is waking up,

but I don't know...maybe Shelton is now going in the right direction." He asked Commissioner Flannery to explain what she meant by that comment.

Comm. Flannery responded that she could give a perfect example of what she meant and she began to reference that in 1999 she moved into Shelton...

Mr. Pavlucik interrupted her by saying "with your horse – we heard this about 20 times."

Comm. Flannery continued to say that no – in 1999, she wanted a pool in her backyard. She recalled that she came down to Town Hall and her application for a pool was denied. She then sent her boyfriend – who is male – to the Town Hall and they said, "Sure, here it is." Comm. Flannery stated that is what she meant – why was his application approved and not hers? In 1999, her boyfriend got an approval, but not her - the female owner of the house.

Mr. Pavlucik asked if she had a theory why that happened.

Comm. Flannery responded that she is just very happy now that maybe things are changing in Shelton. She did not get the respect in 1999 that she felt she deserved.

Mr. Pavlucik commented "because you're female?"

Comm. Flannery responded – "exactly."

Mr. Pavlucik asked that now that the Board is equally divided, male and female, does she expect big differences – big changes?

Comm. Flannery responded that she just feels that she could make a change here, on this Board, because she is a female and she has a voice – and now she feels as though it is a fair town.

Mr. Pavlucik asked her if it wasn't fair before.

Comm. Flannery responded - not in 1999.

Mr. Pavlucik asked Comm. Flannery if she agreed that the rules and regulations are non-sexist.

Comm. Flannery responded that the rules are written non-sexist – "correct."

Mr. Pavlucik asked if she had to follow them.

Comm. Flannery responded "correct."

Mr. Pavlucik asked if that meant in the decisions that she makes.

Comm. Flannery responded "correct."

Mr. Pavlucik asked if that then meant that it had nothing to do with the sex of the six people and the alternates.

Comm. Flannery responded that she wanted an explanation for that in 1999.

Mr. Pavlucik asked if she held that theory to base (inaudible).

Comm. Flannery responded that she has seen a change since 1999.

Mr. Pavlucik asked if that meant that they could expect more nail shops or something, beauty salons, or an abortion center...

Chair Parkins politely interrupted Mr. Pavlucik and commented that she really did not understand where he was going with these questions. She recalled that he initially thanked them for doing a community service and that is what they are all doing here. They are all giving time away from their families to serve on this Commission and that article was in no way meant to be discriminatory against males. There was no male bashing intent in that article.

Mr. Pavlucik responded that it sounds like it though.

Chair Parkins apologized to Mr. Pavlucik that he perceived that. She noted that she did not write the article. She was questioned by a reporter and she gave her responses to the best of her abilities – in fairness to this Commission.

Mr. Pavlucik commented that he would conclude by saying that he's been a resident here for 10 years and an admirer of Shelton for 20 years before that, from Stratford, where he was brought up. He made the move 10 years ago and has been extremely pleased since then with 99% of the development that this group and all its predecessors approved to get it to where it is today. He added that most people would agree that is what Shelton is known for today – balanced growth and the low taxes.

Chair Parkins asked Mr. Pavlucik if he could comment on any of her other statements from that article.

Mr. Pavlucik asked which ones she was talking about.

Chair Parkins referenced her statements that she saw great things happening in this City and that she wanted to be a part of it.

Mr. Pavlucik responded that there was no question about that – it's not controversial. That's neutral. Everybody agrees – nobody would deny that. Mr. Pavlucik stated that he just hopes that there is not some hidden agenda or conspiracy here.

Chair Parkins responded that he is certainly welcome to come to every meeting.

Mr. Pavlucik commented that he attends a lot of them – some people recognize him here. He added that he didn't like the implication that the things that were done by all the predecessors, including some of the people sitting here – some of the men and Mr. Pagliaro, Mr. Cribbins, and all the others and the developers in town, Mr. Scinto, that have made this a unique community in this area – are going to suddenly be topsy-turvy or be changing or stopped. Mr. Pavlucik commented that when he already hears things like – what he would call a strange response to a sign request on tonight's agenda. Those were very bizarre types of comments. He hopes that they aren't going to reverse all the progress that has been made just because they have a 3:3 sexual representation on this Board. He'll be interested to see how this develops.

Chair Parkins asked Mr. Pavlucik if he had read the minutes of the last P&Z Meeting.

Mr. Pavlucik responded that he did not.

Chair Parkins suggested that he read them because it may allay some of his concerns.

Mr. Pavlucik commented that the agenda wasn't available on line. Chair Parkins responded that she understands that the website was down.

Mr. Pavlucik responded that he has filed a complaint about that – so he tried to look up that information but it is not available. He keeps getting an error message on his computer.

Chairperson Parkins explained that was just today...the website was down.

Irving Steiner, founder of We Are One, interjected that was not the fault of this Commission.

Chairperson Parkins added nor is the article that was written.

Mr. Pavlucik commented that Chair Parkins was quoted in the article and he just wanted to know if the quote is correct.

Chairperson Parkins responded that her quote was correct.

Comm. Harger made a final comment to Mr. Pavlucik that she did not think he had anything to worry about because even though Ruth (Chairperson Parkins) has pink on, so does Tony (Comm. Pogoda).

Everyone agreed that Comm. Harger made a good point.

Chair Parkins asked if there was anyone else wishing to address the Commission regarding any item not on the agenda. There was no one. She asked for a motion to close the Public Portion.

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to close the Public Portion.

End of Tape 1A (7:49 p.m.)

OTHER BUSINESS

AGENDA ADD-ON

ZONING ENFORCEMENT: 110 NORTH STREET

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to add a Zoning Enforcement issue to 1/12/10 Agenda.

Mr. Schultz explained that the issues at hand are construction of accessory structures in violation of the zoning regulations and some miscellaneous commercial equipment. They have been trying to resolve this for over a year and a half and they are ready to take it to the next level.

Comm. Harger asked for a clarification of the zoning violations.

Mr. Schultz responded that there were accessory structures built without the proper permits and in violation. He explained that they have regulations to deal with temporary structures, such as those shelters, with time frames on them. Additionally, they have regulations with what can be parked and stored on the property regarding commercial equipment. This has been ongoing, and they've been trying to resolve it and it has not been resolved.

Comm. Flannery asked what the address was. Mr. Schultz responded it was property at 110 North Street. Comm. Flannery indicated that she received an e-mail from someone who has the same type of problem at 31 Lucille Drive.

Mr. Schultz responded that is an ongoing issue and has been brought to his attention too.

Chair Parkins asked if there had been communication or if there had been any action.

Mr. Schultz responded that they had a meeting in the Mayor's Office with all parties to resolve it and it is going nowhere... and, the time has come. Usually, when they get to this level, it gets resolved because everyone sees the writing on the wall...before going to court.

Mr. Schultz summarized for the new members that Zoning Enforcement is such a important component of local zoning regulations. Zoning is only good if it is enforced so they will continue to see this type of thing.

Chair Parkins asked if there had been any attempts to clean it up or nothing at all.

Mr. Schultz responded that there had only been a lot of rhetoric.

Comm. Flannery asked how she should respond to the e-mail she received.

Mr. Schultz advised her to reply that it has been received by the Department and has been inspected and documented – this is for Lucille Drive.

Comm. Harger asked if their actions for 110 North Street should be to authorize legal action.

Mr. Schultz responded yes, to authorize legal action.

On a motion made by Comm. Pogoda seconded by Thomas McGorty, it was unanimously voted to authorize legal action for zoning enforcement at property located on 110 North Street, Shelton, CT.

Comm. Flannery asked if the same thing would happen at 31 Lucille Drive.

Mr. Shultz responded yes, absolutely.

Chair Parkins commented that after receiving that e-mail, she didn't know if anyone else did, but she took a drive to Lucille Drive. She commented that,

quite frankly, she only saw a small pick-up dump truck parked in someone's driveway down near their own garage on Lucille Drive.

Mr. Schultz commented that there is an issue with the magnetic commercial letters that are supposed to come off.

Chairperson Parkins responded that she could tell there were signs on the truck, but she could not see, in any way, anything on it because of the way that the truck was parked. They do have a trailer there. There is no signage on the trailer though. It is just parked in the side of the yard.

Comm. McGorty asked what kind of trailer – a landscape trailer or something?

Chairperson Parkins responded yes, just an open landscaping trailer with nothing in it. It is just sitting on the side of the yard. She indicated that she drove down there on a Saturday, and there was a sander in the back of his truck.

Mr. Schultz recalled that the matter had been discussed before this Commission last year – but it will come before this Commission if it has to.

Comm. McGorty asked if Zoning Enforcement had gone by there to monitor the situation.

Mr. Schultz responded yes, he consulted with them today.

Comm. McGorty asked if they took any photos or anything.

Mr. Schultz responded yes, they have a digital camera – whenever they have a situation like this, they have to document it. That is what the judge wants to see, a documented history.

Chair Parkins commented that the house faces Lucille Drive but the property goes all the way down to Longmeadow – so it sort of has road frontage on both or back frontage on Longmeadow.

Comm. McGorty asked if the truck was obscured by the house when she drove by. He asked her if it was far up where she couldn't see it.

Chair Parkins responded that she could not see signage from either Longmeadow or Lucille Drive. She couldn't see it.

Comm. Harger recalled that there had been many other issues at this house with that neighbor – the fence, the gazebo, etc.

Mr. Schultz reminded all the commissioners that when they do receive calls directly, they can tell people that they need to document it and send it to the P&Z Office. Staff will take it up with the Commission as they normally do.

APPROVAL OF THE MINUTES: 11/10/09, 11/24/09, 12/08/09

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the minutes of 11/10/09, 11/24/09 and 12/08/09.

PAYMENT OF BILLS

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

STAFF REPORT

***See attached P&Z Staff Report dated January 12, 2010**

Mr. Schultz reviewed items from the Staff Report and commented that he had emailed all the Commissioners regarding the UI purchase of the Old Stratford Road property. He still has no indication of what they will do with the property but he'll advise all the Commissioners as soon as he knows.

Mr. Schultz relayed that Zoning Subcommittee met on 12/15/09 and listened to a presentation from a wind turbine company, headquartered in Torrington. Obviously, the manufacturer would like Shelton to consider zoning regulations that would allow wind turbines up to 200 feet in elevation. He attached the materials with the Staff Report for everyone to look at. Mr. Schultz added that other issues being reviewed by the Zoning Subcommittee include some high priority zoning regulations amendments and sign regulation amendments which impact a lot of local businesses.

COMMENTS FROM CHAIRMAN/SUBCOMMITTEE CHAIRMEN

ADJOURNMENT

Chair Parkins brought up that Jim Oram from the Citizen's Advisory Group has invited the P&Z Commission to any and all meetings of their Board held on the 3rd Wednesday of the month (Jan. 20th, Feb 17th ...) at 7:30 p.m. at the SDSC Offices to familiarize themselves with the goals of the Citizen's Advisory. As an option, Chair Parkins suggested inviting the Citizen's Advisory Group to a P&Z meeting when they have a light agenda.

Chairperson Virginia Harger distributed minutes from the Downtown Subcommittee and reviewed the comprehensive update given by Jim Ryan at the

last DSC meeting in regard to the progress of development in the downtown area. There was further discussion about the plans for the River Walk, traffic patterns in the area, parking in the area, obtaining grant money, etc.

Mr. Schultz added that the Animal Shelter Committee found a site for the dogs on Riverdale. He and Chair Parkins have been invited to the next meeting on Feb 7th to hear the preliminary plans and what will happen with the Pink Elephant and ultimately, it will come before the P&Z Commission.

Mr. Schultz indicated that the Citing Council wants an official position of the City as to a standard for the metal tower versus the evergreen. Chair Parkins added that they have indicated that they would prefer a tree as long as it is a nice looking, realistic looking tree. There was further discussion about the tower and the impact on neighbors.

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

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission