

Chair Parkins asked if there would be a vehicle parked outside of the house advertising it.

Mr. Schultz responded no, it is all stated on the application. Everything is mobile now, mobile pet car, car washing, etc.

Chair Parkins asked for clarification of Standard #5299 Ex-Caliber School of Prizefighting, 415 Howe Avenue, business.

Mr. Schultz responded that there was a recent article, about a month ago, that they are occupying a portion of the Conte Building. They are occupying space and that is a permitted use. So, they actually have a ring in Shelton.

Comm. Harger commented that this is one of those after-the-facts.

Mr. Schultz responded that they can thank the local paper for bringing it to their attention.

Comm. Flannery asked for details about #5300, Ben Gershel, 2 Armstrong Road, renovation. She asked what type of renovation that was.

Mr. Schultz responded that it was for the industrial park, internal renovation of corporate offices. Whenever they do renovation work, they let the Commission know that they are upgrading it but not making additional space for new occupants because that requires a permit.

Chair Parkins indicated that with no further questions on the Standards, they will move on to the Separates.

SEPARATE #5268 TERNIAN, LLC, 30 CALI DRIVE, HOME OCCUPATION

Mr. Schultz stated that at the last meeting the Commission tabled this so that all the members could get a copy of the Statement of Use which was provided. The only issue was whether to revisit the application within six months or a year – that would be the Commission's call. Staff will meet with the applicant and have him come back for an update to the Commission.

Chair Parkins asked if everyone had a chance to read Mr. Calicci's response which was very informative and well-written. It answered every question and more than the Commission had asked.

Comm. Flannery asked what the business was.

Comm. McGorty responded that it was for the firearms – training and permit.

Comm. Flannery commented that they never made a decision on that, correct?

Chair Parkins responded that they were ready to make a decision but then when they found out he had submitted a lengthy document in response to all of their questions, they wanted to table it so that everyone would have an opportunity to review it. However, they indicated that it looked favorable for the Applicant at that point.

Comm. Flannery asked if new things had come up.

Chair Parkins responded no.

Comm. Flannery asked again if she didn't think some new things came up since he spoke.

Chair Parkins knew that Comm. Flannery had not been able to attend the last meeting but commented that she did not know what she was referring to.

Comm. Flannery responded that this was the man who wanted to sell guns from his house.

Chair Parkins responded that he is not, he's going to be teaching and he'll be able to order a firearm for his student(s).

Comm. Flannery added - and accept delivery at his house.

Chair Parkins stated that he was not going to have a home store front.

Mr. Schultz added that very importantly, the applicant notified the neighbors.

Chair Parkins asked if she had the report in her package.

Comm. Flannery responded that she is concerned about the terrorist that they found living on Long Hill Avenue.

Chair Parkins responded that she didn't think that was relevant to this at all.

Comm. Harger added that he has definitely has indicated all of his (inaudible)...

Chair Parkins commented that individual purchased his firearm from Valley Firearms which has a storefront on Howe Avenue.

Mr. Schultz indicated that maybe they would like to do the 6-month.

Comm. Sedlock stated that his original concerns had been about the safety and he thinks those questions have been answered in full. They are headed in the right direction with this. He agreed with Staff to revisit it in 6 months. Comm. McGorty agreed.

Chair Parkins asked for a consensus for 6 months to make sure that there are no concerns with the residents.

Chair Parkins indicated that she did have a question from Page 3 in regard to how many classes does he plan to have because he had indicated that it would be no more than one or two a month. She realizes that he is doing this on a part-time basis but asked how many individuals he would have in a class at one time.

The applicant, Mr. Victor Calicci, 30 Cali Drive, responded that there cannot be more than two per the NRA.

On a motion made by Joe Sedlock seconded by Anthony Pogoda, it was voted (5-1) to approve Separate #5268 with the condition that the Commission will revisit it in six months. Comm. Flannery voted in opposition.

SEPARATE #5302, DON STANZIALE, 101 MOHEGAN ROAD, SIGN

Mr. Schultz indicated that this was the Mohegan Gas Station and they are changing from Getty to British Petroleum (BP). He passed around renderings of the replacement signs – the monument sign, the roof sign and the canopy sign on the side near all the pumps.

Chair Parkins asked if they were exceeding the height that they currently have.

Mr. Schultz responded that everything is status quo. He asked the applicant if that was the only thing new – except that little graphic on the canopy. Presently, there is nothing on the canopy, correct?

Don Stanziale, owner of 101 Mohegan Road, the Getty Gas Station addressed the Commission. He responded that the sign stays the same, it is just going to change, obviously, from Getty to BP. No size or anything changes. The canopy, nothing really changes except that they want to put their logo on the top. He doesn't really want to do that – have the Star on the top. He'd like to have the canopy stay the way it was previously approved to be. He'd like it to stay looking like a residential area.

Chair Parkins agreed and indicated that the ultimate decision is with the Commission.

Mr. Stanziale commented that his biggest thing is the front sign and they'd like to do it LED. He thinks it would be better for people driving up the road. Right now, the prices really can't be seen. It is not a bright white LED; it will be green. There is no height change or anything.

Chair Parkins asked if the LED would just be on the monument sign and a wall sign.

Mr. Stanziale responded that it will just be on the monument sign.

Chair Parkins asked if it would be similar to what is on Howe Avenue – the monument sign with the LED lights behind it.

Mr. Stanziale responded yes, exactly. The sign in one of the pictures that says "Service" above the doors – that is not going to change either.

Chair Parkins asked if the LED gets turned off at night when they close.

Mr. Stanziale responded yes, it will be. He's saying yes right now – but is that going to be an issue?

Chair Parkins responded that would be their preference in a residential zone.

Mr. Schultz asked if the consensus was to not allow anything on the canopy.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5302 with the stipulation that there be no graphics added to the canopy and the LED sign lights are shut off at night after closing.

SEPARATE #5314, SCHIABLE REALTY, LLC, 475 -479 HOWE AVENUE, SIGN

Mr. Schultz showed a sign rendering of the Liberty Tax Service, the other two are not to be included. And then, for the Wine & Spirit Shop and for the address, he showed the wall signs that they would be considering tonight. He stated that there were three signs – Liberty Tax Service, Shelton Wine & Spirits and Address.

Chair Parkins asked if that was the one up above that was going to go under the gooseneck lamps.

Mr. Ken Schiable responded that all three of them would be under the gooseneck lamps. They have two different sign guys but they are making their signs consistent in height and fitting across that banner so Liberty is actually going to be a little smaller than it was. They will be solid aluminum with enamel.

Mr. Schultz indicated that this fulfills the submission requirements because the Commission approved the uses.

Chair Parkins asked if they really need all the additional writing on this sign – Cigarettes, Lotto, Cold Beer, Ice.

Comm. McGorty agreed that it kind of cheapens it a little.

Chair Parkins commented that she didn't care for it but it was nice type.

Mr. Schiable responded that as an alternative they could use an appliqué on the window instead of on the sign.

Comm. McGorty commented that he thinks it is nicer off the sign - it is a nice sign but it just takes away from it.

Comm. Pogoda added that it is a clean sign, and they want it to remain clean.

Mr. Panico added that Liberty Tax Services looks clean.

Mr. Schiable indicated that he asked them to do it in brown but it isn't going to happen because they are a national franchise.

Comm. Harger commented that they've had color control before though.

Comm. McGorty responded that they've tried but they can't control the color.

Mr. Schiable commented that the previous tenant had a pre-existing sign in that color.

Chair Parkins suggested the other option that they have down below where they can put it, so it keeps the sign clean and classier looking.

Comm. Pogoda indicated he'd make a motion deleting the additional words on the sign and use the second proposal that they have on the bottom to do that.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5314 with the signage modifications discussed.

SEPARATE #5318, DEBRA MCGLONE, 63 SPOKE DRIVE, IN-LAW

Mr. Schultz stated that they have a two-story addition to the rear of the house, the lower level will be the in-law, 680 square feet interconnected to the main house and with an outside slider so that it complies with the ingress and egress. He showed a copy of the proposed plan.

Chair Parkins asked if he said it was a two-story 600 square foot addition.

Mr. Schultz clarified that it was a two-story addition of which the lower level is the in-law apartment which contains 680 square feet. The upper is a three season's room.

Comm. Flannery asked what the zoning was.

Mr. Schultz responded that this was an R-1 zone.

Comm. Flannery asked if their rules allow a huge addition with an in-law apartment.

Mr. Schultz responded that the regulations allow conversions within and also add-ons for homes that are five years of age or older provided that it does not exceed 900 square feet. So their proposal is a two-story addition of which the lower level, the 680 square feet, is the in-law connected to the main house. They won't see it – architecturally the Commission has concern when they start adding on a large addition to the side. This one is in the rear, so it won't be seen.

Comm. Harger asked if there was access in the lower level to the three season's room.

Mr. Schultz responded no, they have to go through the main house.

Mr. Panico asked if the main house had a living level space at the in-law apartment level.

Mr. Schultz responded that is a basement area.

Chair Parkins commented that the season porch is on the bottom level.

Mr. Schultz responded no, that is the in-law. The in-law is on the lower level.

Chair Parkins asked if the season porch, the kitchen, the bedroom – is that all 680 square feet.

Mr. Schultz responded that the in-law is 680 square feet.

Comm. McGorty commented that is not including that, right? – from the porch over (inaudible)...

Chair Parkins commented that they aren't including that (inaudible)...

Mr. Panico indicated that the three season porch is at the upper level at the main (inaudible)...

Mr. Schultz apologized that he had read the application incorrectly. This is a single story addition.

Chair Parkins commented that it is all one level then...(inaudible)

Comm. McGorty showed where it says proposed lower level no addition.

Mr. Panico indicated that this is throwing him.

Mr. Schultz apologized and indicated that he had a busy day today like a year and a half ago when they had a normal economy.

Mr. Panico commented that the only concern that he would have is that in-law apartments require a direct connection from the main living space to the in-law apartment.

Mr. Schultz responded yes, there is an addition to the main principal drawing unit.

Mr. Panico commented that it isn't to the living area, it is to the basement.

Mr. Schultz responded that they've allowed that in the past. They just want to make sure that it is interconnected. It is to the rear, if the Commission has any questions...

Chair Parkins asked if that season porch could be accessed from the inside of the house.

Mr. Schultz responded absolutely. He asked if the applicant was present. The applicant was not present.

Chair Parkins stated that she wasn't so sure about that.

Mr. Schultz indicated that he'd get more detailed information.

Chair Parkins commented that it looks like it may be a deck or something from up above coming down.

Mr. Panico added that it looks like this space is closer to the living space of the upper level (inaudible...) otherwise the three season porch would not be accessible from the main living level.

Mr. Schultz suggested tabling Separate #5318 for more information.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table Separate #5318.

SEPARATE #5319, JACEK ZALESKI, 147 BIG HORN ROAD, RETAINING WALLS

Mr. Schultz indicated that in zoning regulations when a retaining wall, pre-cast, or even poured, is over four feet in height, it has to come before the Commission. This is for landscaping purposes. They are doing a two-tier, rear yard area. He showed the location in upper White Hills. What they do is send a referral to the Engineering department because they look at the engineering component and they are satisfied that because it is a pre-cast type of design that it should not be an issue.

Mr. Schultz indicated that he did not have the details of the materials. The Commission could require that, so if they would like to table that, (inaudible, sirens)

Comm. Pogoda commented that he would like to (inaudible)... like they did on Soundview.

Mr. Schultz responded that this is pre-cast and the Commission doesn't want to guess.

Chair Parkins asked if this was going in the back of the house.

Mr. Schultz responded that he would have Staff take a photograph of it so they can see how the yard moves.

On a motion made by Joe Sedlock seconded by Anthony Pogoda, it was unanimously voted to table Separate #5319.

SEPARATE #5329, CPG ARCHITECTS, 15 PROGRESS DRIVE, SIGN

SEPARATE #5331, LEX PRODUCTS CORP, 15 PROGRESS DRIVE, OFFICE/ASSEMBLY/WAREHOUSE

Mr. Schultz indicated that they had two separate applications, one for signage and one for occupancy. LEX Products Corporation will be occupying the entire building located at 15 Progress Drive. It is 48,500 square feet, 150 employees, hours of operation 7 a.m. – 8 p.m. This is going to be staggered shift because there are only 119 spaces and there is a large sales force. This is both for office and warehouse. It's one of the older industrial buildings – principal use is the office; accessory use is warehousing.

Chair Parkins commented that it is manufacturing as well.

Comm. McGorty asked what the products were.

Mr. Schultz responded that they were electrical products. He asked if the applicant was present. The applicant was not present.

Comm. Pogoda stated that the paper had mentioned something to the effect that there was going to be some demolition – they didn't say what portion or what. Are they going to be adding any bays that they know of?

Mr. Schultz responded that would trigger a site plan.

Comm. Pogoda commented that he was wondering, because if they are going to be doing shipping because the last company that had intentions of going in there, they had that problem because they wanted to put in additional bays...

Mr. Schultz commented that he asked the applicant to come tonight because this is a big situation.

Chair Parkins commented that they are doing renovations inside.

Mr. Schultz indicated that the use is a permitted use and it is good to see them occupied, but he suggested they table this.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table Separate #5331.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table Separate #5329.

Mr. Schultz asked the Commission, if they are up in the Corporate Park, visit 15 Progress Drive just to take a look at it because it has a good sized parking area.

SEPARATE #5335 FOR CHANGE OF USE FROM RESIDENTIAL TO OFFICE (1ST FLOOR), 2 LONG HILL AVENUE.

Mr. Schultz indicated that this is adjacent to Puffy's Garage. Mr. Panico will do the presentation.

Mr. Panico explained that it on the corner of Long Hill and Center Street. It is a two-story brick residential building. Looking at the building on the right hand side there is a rather large yard with a two car garage in the back that may have been used for a business activity at one time. Apparently, there is a prospective buyer for the property, Goodman Insurance and they are looking to occupy the first floor and eliminate the dwelling unit. If they continue to grow and need

more space, they'll go into that second floor space and eliminate the dwelling units all together.

Mr. Panico indicated that they are asking for a waiver of the site plan. It is a permitted use subject to administrative review of the site plan. He drove by the property. He thinks that the use works fine except he'd like to see some additional information about what, if any, is going to be done to the site. There is ample room on the right hand side for parking 6 or 7 cars, but at the present time, it is an irregular, unfinished condition. He thinks it would behoove them to try to get that site upgraded somewhat. If it is to be a parking lot, it needs to be put into proper shape for that purpose. He'd like an opportunity to work with them to see if they can eliminate the need for parked vehicles to back out into the street. He thinks that there is enough space there to be able to pull in and park in either direction so that a car could maneuver and be front forward.

On the left hand side there is generous space for two cars that are being used now and that is to be continued to be used for the second floor tenants. The site is capable of supporting the use. The building is appropriate for the use. He thinks it is just a matter of knowing the degree to which they can expect to see site improvements to be made. And for that reason, he isn't sure that they want to waive the site plan. At least they need a plot plan even if it is not a full blown engineering site plan. Right now they don't indicate any sort of exterior site improvements. They need to find that out and, if they waive the site plan, they won't have the ability to do that.

Jim Goodman, Goodman Insurance, addressed the Commission. Mr. Goodman indicated that the plan right now is to repave the parking lot and set up the parking as Mr. Panico suggested. He was thinking of diagonal parking up against the fence.

Mr. Panico responded that is why Staff would welcome the opportunity to work with them once they have some information as to how much space is out there because the last thing in the world that they want to see is cars out of necessity, having to back out into the street. If they can turn those cars around, it would be desirable.

Mr. Panico asked Mr. Goodman what type of improvements he was planning on. What is he going to do with the garage building? There is some old leftover signage that he assumes will be removed.

Mr. Goodman responded that will all be gone. It will be upgraded.

Mr. Panico stated that he needs to get that information down on paper. As far as his proposal for the premises, that is not an issue at all. The Commission's rule in this case is acting an administrative capacity to review the site plan. He thinks that there is ample amount of site space for necessary parking, which is really their only concern other than aesthetic enhancement to the site, because it kind of is at a gateway into downtown.

Mr. Goodwin responded in agreement, that it would be a professional office building. They are going to put siding on the garage and the siding will match. Sal Mato is going to be the General Contractor.

Mr. Panico indicated that they've worked with Sal on other renovations or rehabs and he has done a wonderful job. He doesn't see why he won't do so here, but they need to have the information. He knows that he is going to be creating a handicapped access ramp on the parking lot side.

Mr. Goodman responded that yes, he will.

Mr. Panico commented that he didn't know to what degree that might take away from the parking – if it will be an issue or not.

Mr. Goodman responded that it will be very little.

Chair Parkins indicated that he'll need a designated handicapped parking spot as well.

Mr. Goodman responded that they will absolutely put that in right next to the ramp.

Chair Parkins asked if this sale was pending approval by this Commission for a change of use.

Mr. Goodman responded yes, pretty much.

Mr. Panico commented that he thinks the Commission could, if they are of a mind to, approve the change of use subject to finalization of the details of the site layout with Staff. Primarily with respect to the main parking lot to the right of the building.

Chair Parkins asked if they make a motion to approve the use change and then direct the Applicant to work with Staff for site improvement.

Mr. Panico responded that would be fine – he doesn't have a problem with doing it that way. He's already expressed his intention to repave it. If he was here tonight saying that he was going to park on it the way it is, then he would be worried about doing that.

Chair Parkins added that he has already made the commitment.

Mr. Goodman responded that he wants it to be professional.

Comm. Harger asked about his comment that he'd be siding the building. It is completely brick now. Is there some specific reason, is the brick beyond repair or decayed?

Mr. Goodman responded that there are some settling issues with the brick that need to be addressed and they want it to look really nice so, yes, there are some issues, but nothing that they can't work with.

Chair Parkins asked if it was possible to incorporate some of the brick in with this plan though rather than siding over everything.

Mr. Goodman responded that he did not know.

Comm. Harger stated that when they have a period house, so to speak, and there are other things going down Center Street that have brick, so it would be nice in keeping with that period.

Mr. Goodman responded that the problem is that the brick really needs to be covered up or it is not going to look professional. They looked at that long and hard because naturally, they don't want to go to the expense but unfortunately...

Chair Parkins asked if they wanted the material to come back before Staff has that (inaudible).

Comm. Harger responded that she'd like to approve the use.

Comm. McGorty agreed to approve the use so that he could move forward.

Comm. Pogoda indicated that he'd like to see the site plan and see what he is going to be doing. He'd like to see what they are going to use to cover it.

Chair Parkins asked for a motion to approve the change of use from residential to office.

Comm. Sedlock asked if they could do it through the Downtown Subcommittee too.

Chair Parkins responded yes.

Mr. Panico asked if his intention is to cover that brick. Comm. Harger added yes, that is why she brought it up.

Mr. Goodman responded yes, pretty much, because if they go down and take a really good look at it.

Mr. Panico commented that he didn't – he just drove down, pulled into the driveway to get an understanding of the site and how it was working. When he glanced at it, the building looked to be in pretty good condition.

Mr. Goodman responded that particularly on the left side, facing the building, there is a great deal of settling that has happened over the years to the point where the windows are shimmed somewhere between 2-3 inches.

Comm. Harger commented that she doesn't quite follow how siding is going to alleviate that.

Mr. Goodman responded that it is going to just cover it up.

Chair Parkins added it is cosmetic – it is not going to structurally change.

Mr. Goodman indicated that he'd be back anyway for signage and whatnot. But for the present time, to get the sale done...

Comm. McGorty stated that he would make a motion and Comm. Pogoda seconded to approve the usage change

Chair Parkins added that it would be with the condition that the Applicant will discuss the site plan with the Downtown Subcommittee.

Comm. Harger indicated that she was the DSC chairperson, so perhaps they could do a site visit.

Mr. Goodman responded that he'd like to do that.

Mr. Panico asked if he had the property surveyed yet.

Mr. Goodman responded no.

Mr. Panico indicated that he'll probably want to do that for his closing anyway. In order to be able to understand what you're dealing with on the site, he really needs it.

Mr. Goodman asked if he was talking about a building inspection.

Mr. Panico responded no, a survey so that he knows where his property lines are so there are no surprises as to where the lines are.

Mr. Goodman responded that he could do that but he thinks it is fairly clear.

Mr. Panico indicated that if he was buying the property, he would want it surveyed. If he seeks financing of any sort, they will demand one.

Chair Parkins commented that for his own protection down the road – don't put in a parking lot and find out that parking lot is not on your property.

Comm. Harger asked if the building was occupied with tenants right now.

Mr. Goodman responded yes.

Chair Parkins asked for a motion to change the use.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to change the use for Separate #5335 with the applicant coming back to the DSC for architectural and site plan review.

APPLICATION #10-01: ACCEPT LETTER OF WITHDRAWAL FROM 714, LLC

Mr. Schultz indicated that this was for the Crabtree site. The Commission never officially accepted the letter because they cancelled the meeting. So a motion is in order to accept the letter.

On a motion made by Joe Sedlock seconded by Anthony Pogoda, it was unanimously voted to accept the letter of withdrawal for Application #10-01.

APPLICATION #10-07, RELATED PROPERTIES CORP. FOR MINOR MODIFICATIONS OF DETAILED DEVELOPMENT PLANS FOR PDD#2 (FAÇADE IMPROVEMENTS TO RETAIL STORES WITHIN SHELTON SQUARE SHOPPING CENTER), 862-898 BPT. AVE. (MAP 9, LOT 14)

End of Tape 1A 7:37 p.m.

Mr. Schultz read a letter from the Fire Marshal recommending approval.
***See attached correspondence to Richard Schultz from James Tortora, Fire Marshal dated 5/6/10.**

Mr. Panico read the Draft Resolution for Application #10-07
***See attached Shelton P&Z Commission Re: Application #10-07, Related Properties Corp. for Minor Modifications of Detailed Development Plans for PDD #2**

Mr. Panico added that essentially right now the signs are pretty clean across the building with the one exception of the restaurant with the box sign. If the applicant could see fit to work with that restaurant and get that box sign replaced, it would certainly... In looking at the elevations provided, they will see that is the only one that sticks out.

Also, he reminded the applicant, that when future tenants come in to keep them away from the box signs. That is something that they can't do as a Commission but they would strongly suggest that the applicant do.

Chair Parkins asked why they couldn't on a PDD.

Mr. Panico responded because the signs were already there.

Chair Parkins asked about in the future.

Mr. Panico responded yes, they could but the PDD regulations that applied at the time that this was approved didn't stipulate that so they would just have to work with the applicant. They are dealing with an applicant now who saw fit to invest a lot of money and upgrade the overall appearance of the center. It's in his own best interests also to do anything he can to further enhancing that renovation.

Comm. Flannery asked about all those signs that are currently up there that have a red background so they are more like white signs- like the Bed Bath & Beyond one that is white. What are they going to do now with the background being white? How are they going to make these signs show up? They'll have to do something otherwise they will just blend in with the new façade.

Mr. Panico responded that they are all illuminated signs.

Comm. Flannery indicated that the reason that they are showing up is because they have a red background, but if they put a white background – they are all going to have to change their signs or else they are not going to show up.

Paul Dumont, Related Properties, addressed the Commission. Mr. Dumont indicated that they feel, and their architect feels, that most of these signs, in the booklet that he gave the Commissioner, they are red backgrounds. It will be on white so there will be enough contrast. They are going to put these signs back up. To address the Commission's recommendation on the box signs, they agree 100%. They are encouraging and will require the one tenant, they will work things out with them to change the existing box sign at the Happy Family restaurant. There is an additional one on a small store that is vacant now. That one will come down and not be put back. They will incorporate into their leases about the signage standard that includes channel letters.

Mr. Panico commented, that as an owner, he has more control over it than they do as a Commission. They've strived in the past working with the prior owners – thirty years ago, the Commission was trying to keep everything red or white and after a while on a couple of court cases, they sort of lost that battle. They now have new regulations that aren't applicable yet but would give them more leverage working with the applicant mainly by requiring the applicant for centers of this nature to show them up front what the signage is intended to be and that will then get adopted as part of the final plans. But those controls don't exist yet.

Mr. Dumont indicated that if he had it to do all over and start 30 years ago, he'd agree 100%.

Mr. Panico commented that all in all the other signs aren't that bad.

Mr. Dumont responded that the Commissioners are easier to deal with than some of his tenants.

Chair Parkins asked if the samples displayed were the treatments that they are proposing.

Mr. Dumont showed the samples of the finishes – the accent color that will be on the tops of the cornices and the columns. He showed the background color, and the color of the bases of all the columns. They will have split face block and

he showed the material to be used – a precast concrete block. The dry bit will continue the rest of the column up. The reason for that is because the landscaping and the elevations are erratic and they needed to standardize everything to one basic height. He showed the sconces that will be in an antique bronze tone and alabaster type lenses that will be placed on each of these columns giving a very soft light up and down – not harsh.

Mr. Panico asked if that column treatment was the same column treatment that would be applied to the big sign out front.

Mr. Dumont responded yes, it will all be consistent at this point.

Chair Parkins asked for a motion if there were no further questions from the Commission.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously roll call voted (6-0) to approve Application #10-07.

NEW BUSINESS

APPLICATION #10-10, NANCY'S TREE PLANTING FOR SITE PLAN APPROVAL (CONTRACTOR'S STORAGE OF LANDSCAPING MATERIAL), 153 BPT. AVE. (MAP 105, LOT 37), CB-2 DISTRICT – ACCEPT, DISCUSSION AND POSSIBLE ACTION.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #10-10 for review.

Mr. Schultz showed the site plan to the Commission and mentioned that it was the site immediately adjacent and to the south of the Shell Gas Station that was recently renovated, and across the street from the new bakery.

This application is a result of Staff contacting the property owner advising them that a site plan approval was never done for the contractor's storage yard. They have had repeated situations and this is a result of Staff contacting the owners to know a submission was made.

Chair Parkins asked if there were repeat situations on this site.

Mr. Schultz yes, on and off, on and off because it is a vacant piece of property and the applicant is across the street and it worked out well for him to use it.

He read correspondence from the City Engineer and the Fire Marshal.

***See attached correspondence dated 5/6/10 to Richard Schultz from James Tortora, Fire Marshal.**

***See attached correspondence dated 5/7/10 to Richard Schultz from Robert Kulacz, City Engineer.**

Mr. Schultz explained that the City Engineer makes reference to concerns that the Commission can see on the drawings. He indicated that the Applicant has received copies of both correspondences and is aware of it.

Mr. Schultz indicated that the Commission has accepted the application and has 65 days to act on it, but they have received some serious recommendations from the Office of the City Engineer. As Staff has indicated, this has been ongoing, on and off, and his office has received complaints over the years mainly from the Commission because they have always envisioned a major upgrade for the gateway to downtown from Exit 13. As indicated, the Applicant is not the owner but the applicant has is operation across the street so it works out nicely for him

and he is of the opinion that this can work. He is also of the opinion that any reasonable conditions that this Commission set forth he would be agreeable to. The applicant is here tonight if the Commission has any questions.

Mr. Schultz reiterated that the fundamental questions are – if the use is a permitted use, this is a commercial zone but the City Engineer and Staff to some degree has always stated that this site has unique, inherent problems. It is not wide. It is the gateway. They have always tried to clean it up. They all know what Mr. Butler has done to his site and to the old printing press down the street as well. Staff would like some feedback from the Commission. The City Engineer has said that the site plans as submitted are incomplete but Staff does not want to burden the applicant with additional information to be put on the site plan.

Chair Parkins asked if he said the applicant is not the owner but the owner is across the street.

Mr. Schultz responded no, the Applicant owns the business across the street, but the applicant is not the owner.

John Todice, the applicant, addressed the Commission. Mr. Todice indicated that on this site he'll be conducting the same activities that they've been seeing for the last 8 – 9 years. Nothing has really changed much. Going forward, a 5000 square foot building also built on this site. Roger Spinelli is the owner of the property. As of now, he has not gotten an excavation permit to uphill the material off the hill to see how far the rock goes back. That's why the shovel is there; that is why that burden has been cut on that slope off the top soil pile to make sure it has a stable spot to take the burden material off the rock so they can see how much is there. There is progress and Roger is going to be doing something on that site.

Mr. Schultz indicated that Mr. Spinelli does want to proceed.

Chair Parkins asked if they were doing excavation and site work without a permit.

Mr. Schultz responded no, that is another site issue, the work above and beyond he submitted, and the engineer has submitted that. They've had some history on this property.

Mr. Panico commented that it is a very difficult site because the slope begins almost at the back of the walk with the exception of that one area where they have maybe 40 feet from the property line to where the slope begins and in the other direction there may be 100 feet or so. There are about 4,000 or 5,000 square feet total area to work in.

Mr. Todice responded but the amount of excavation that is going to go on here (inaudible)

Mr. Panico commented that is about the size of a footprint of a good-sized house.

Mr. Todice indicated that it is a pretty good site for what he does and he only has two more months stockpiling mulch on this site until Roger goes forward and gets his excavation permit. Then 5,000 -6,000 yards of material is going to be dropped on that site in order for this thing to go forward with a building on it.

Chair Parkins asked why they would be bringing in stuff.

Mr. Todice responded that it is all coming off – all the burden is coming off of the hill.

Comm. McGorty commented that they are going to dig into the hill and see how far it goes (inaudible)

Chair Parkins asked if this was a temporary operation.

Mr. Todice indicated that it is temporary – 2 months and then after this (inaudible) He went forward with what Rick suggested and went to the board and got a drawing done and (inaudible)

Chair Parkins commented that she went by it today and it is a mess.

Mr. Todice responded that it is too tight – he thought Roger was going to go forward. He is not going to speak for him but he thought he was coming in to get an excavation permit to take the burden material off and go from there and try to sell the material off but the marketplace that they have right now to sell anything is not good.

Chair Parkins indicated that she has gone by there and seen a pile of mulch, or a pile of topsoil and that has been fine but she went by there today and it just looks like there is a major operation going on there. There is no screening.

Mr. Todice responded that it is not really a major operation.

Chair Parkins commented that it looks like it to her.

Mr. Todice remarked that it is just a very tight site as they see it but they are going to put 5000 yards of material on the ground where she sees it right now; hopefully, they can move the material off. He's sure it is going to be a couple of year's process.

Chair Parkins asked if what he is taking off the hillside is going to go there.

Mr. Todice responded yes, when he takes material off the hill and goes back 80 feet from the curb line of that sidewalk.

Chair Parkins asked if he thinks that he is going to process it from there.

Mr. Todice responded that he doesn't know if he is going to process it - hopefully he'll get something out of there that doesn't have to get blasted.

Comm. McGorty explained that he's displacing that material and putting it in the space in the front.

Mr. Panico commented that for him to go back and create 80 feet of useable ground he is going to have 40 foot high cuts.

Comm. McGorty agreed that it would be a pretty steep grade.

Mr. Todice responded that it is steep but Bruce Butler did the same thing next door – the same rock contour as in the back of this but the stockpile of the material is sitting right now where she sees the shovel sitting on that hill hopefully they can go back 80 feet before they hit rock. The other portion of the material, where the mulch is right now, is rock.

Mr. Panico stated that if they go back 80 feet before they hit rock, and there is a 40-50 foot difference in elevation, how are they going to support that material if it is not rock?

Mr. Todice responded that it is all rock, it is rock – it is a solid cut, it is rock but hopefully, it is stable. It's just like Bruce's. Bruce did the Shell Gas Station Drive Through which is the same type of rock material, they are sure of it. What he is doing right now is just submitting an application to stockpile a little bit of mulch there temporarily.

Chair Parkins responded a little bit...

Mr. Panico added that for him to service these stockpiles, he'll have to do it from his operation across the street which means there will be vehicles going back and forth.

Mr. Todice responded that everything stays right where it is. Everything is going to be handled from that site. There are two driveway cuts in place right now, four are coming off of Bridgeport Avenue to haul the material off. If it goes forward, who knows if there is money available to do this particular thing – hopefully, there is because there is 5,000 yards of burden material that is going to come out of there.

Mr. Panico responded that it is difficult for the Commission to review a temporary or an interim use of the property without knowing what the ultimate use is going to be.

Mr. Todice stated that he agreed 100% but he followed Rick's instructions and came forward and gave a drawing to show what it was for.

Mr. Schultz indicated that Staff is hearing more questions than answers so he is going call the owner tomorrow and schedule a Staff meeting and address all these concerns. Staff will give the Commission a full report in 2 weeks because there a two distinct issues going on here. The temporary use and then the build-out of the site but he wanted to get something in because the Commission deserves to see something.

Chair Parkins commented that she'd like to see some sort of landscaping there – it's a nursery, so put some tall, potted plants there because it looks horrible.

Mr. Todice responded that he'll clean it up.

Comm. Harger asked if there was no other location in town.

Mr. Todice responded (inaudible).

Other comments (inaudible).

Mr. Schultz indicated that Staff knows what to do on this.

Chair Parkins commented call the owner in.

Mr. Todice responded that he thought Roger was going to be here tonight too.

Comm. Sedlock asked what is going to happen until this is taken care of– is the mulch going to continue to pile up.

Mr. Todice responded that they can only do 20 yards at a time there.

Comm. Sedlock asked if it is going to be another 20 yards at a time before they get this thing rectified.

Chair Parkins asked Rick what the current situation is.

Mr. Schultz responded that the application has been accepted tonight and it is ...

Chair Parkins asked if he could continue operations.

Mr. Schultz responded that is up to this Commission – they can direct him to issue an order to stop everything until it is resolved or allow him to continue to work, monitored by Staff to make sure that there is no spilling over on the sidewalk as reported by the City Engineer's Office. Their job is to watch the sidewalks – encroachment.

Mr. Todice responded that there really is nothing on the sidewalk.

Chair Parkins indicated that she needed a better understanding – is he bringing material there and screening or is it material that he is taking off of the site being screened right there.

Mr. Todice responded no, the material that is there right now was brought in to make a shelf so he could get the excavator to sit and pull that burden material off of the slope which he thought Roger was going to submit an engineering site plan for – an excavation plan.

Mr. Schultz commented that has to stop – that he will issue an order on.

Mr. Todice responded that is not even going to be done – that's done.

Mr. Schultz indicated that he can still issue an order.

Chair Parkins asked where the mulch is coming from

Mr. Todice responded that he brings it in and then he just moves it off, and puts it in his truck and delivers it to your door. That is what it is all about.

Chair Parkins asked if he was delivering it – people are not driving to the site to pick it up.

Mr. Todice responded yes, he delivers it to the door. Yes, there is two parts to this.

Chair Parkins indicated that for the first part there is a Cease and Desist on it and they can no longer excavate but now they have already used up space because they have that pile sitting there.

Mr. Todice explained that the pile has to sit there until the excavation permit is issued by the Town for Roger to excavate the materials because there is no other way to excavate the back of that hill.

Chair Parkins asked if he had no other place to store a pile of mulch.

Mr. Todice responded that he wished he did, unless he brings it across the street to his own place.

Chair Parkins suggested bringing it across, if you have space there, any new mulch and if you get rid of what you have there now – if the Commission doesn't

make you move it – but than any new mulch... Do you have a place to put it across the street?

Mr. Todice responded yes.

Comm. Sedlock stated that they are going to allow him to get rid of the mulch that he has right now but any new mulch coming in shouldn't go there.

Chair Parkins responded that's correct.

Comm. Harger commented to Mr. Todice - complete what you have, then use your property.

Chair Parkins added that he has a pile of mulch there now and they'll allow him to disburse that but not bring anything new in and the rest of it (inaudible).

Mr. Schultz stated that in the meantime he and Tony Panico are meeting with the applicant and the property owner to come up with a resolution for both issues because if he wants to proceed than this pending application is a moot point. He'll just have to get rid of it.

Mr. Panico commented that in order for him to consider anything logical at this stage of the game for Mr. Todice – you really have to know what the property owner intends to do with the property.

Chair Parkins indicated that they won't request that he move the mulch back to his property but no further mulch is to go on there (inaudible)

Mr. Schultz stated no further stockpiling.

Mr. Panico commented that with respect to the top soil that is stored there – what is going to happen with that now?

Mr. Todice responded that hopefully, he'll sell it to somebody.

Chair Parkins asked if he would be screening it anymore.

Mr. Todice responded no.

Mr. Panico indicated that the Commission is allowing him to sell off the material that is already stockpiled with no activity with respect to creating more top soil or replenishing the mulch pile.

Comm. Harger suggested a time frame on this.

Comm. Pogoda responded that it will be based on the market.

Mr. Todice asked everyone to buy some mulch then it would be gone. He indicated that the pile on his drawing with the shovel on it for the pile of topsoil has to stay there until he excavates the back of that hill because that is the shelf.

Mr. Schultz responded that Staff will look into that.

Mr. Panico commented that if that material has to stay there, then he needs to take proper precautions to isolate it and stabilize it.

Mr. Todice stated that he'd put a silt fence around it but that pile has to stay there in order for them to move that burden material off.

Mr. Schultz indicated that they'll have a full report in two weeks because they want to get this straightened out.

APPLICATION #10-11, AJ'S GARAGE FOR SITE PLAN APPROVAL (BLDG. EXPANSION FOR AUTOMOTIVE REPAIR), 17 ALGONKIN ROAD (MAP 12, LOT 87), CA-2 DISTRICT – ACCEPT, DISCUSSION AND POSSIBLE ACTION.

Mr. Schultz familiarized everyone with the area and presented a site plan of the area and the buildings under review. He explained that the rear building does auto emissions, the repairs are up in front on River Road. The Applicant has asked that the Commission to consider acting insofar as they would like to do the work as soon as possible – the footing and the addition. He indicated that he received the Fire Marshal's and City Engineer's reports.

***See attached correspondence dated 5/7/10 from Robert Kulacz, City Engineer.**

***See attached correspondence dated 5/6/10 from James Tortora, Fire Marshal**

***See attached Staff Reported dated 5/11/10 from Richard Shultz**

Mr. Schultz indicated that the applicant is here to talk about the exterior materials.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application 10-11.

A.J. Monaco, owner of AJ's Automotive addressed the Commission. Mr. Monaco indicated that the major reason for doing this project is because the roof is getting really bad. His associate, Robert Shapiro, went on top of the roof and they determined that it is too dangerous to be up there. Additionally, the supports for the doors are starting to go sideways. Mr. Shapiro suggested to him that they do this addition because if he just does the roof, it isn't going to help this building.

Mr. Shapiro commented that it is an old building that is basically ready to collapse.

Chair Parkins asked if they were doing anything to rehabilitate the building besides putting an addition on it.

Mr. Monaco responded that it's coming down.

Mr. Panico asked if this was a replacement of a building in this area.

Mr. Monaco responded yes, that corner section is terrible.

Mr. Panico asked if he was going to remove what was there and rebuild.

Mr. Monaco responded yes, right.

Chair Parkins indicated that it's a replacement then, not an addition.

Mr. Monaco explained that it was a little corner in the back.

Comm. Harger asked if Oronoque Upholstery was still there.

Mr. Monaco responded yes, they aren't going to even touch that.

Chair Parkins asked if he was making the building any bigger – just replacing something, right?

Mr. Monaco responded yes, basically replacing the old, rotten wood really.

Mr. Schultz asked the applicant to detail the materials.

Mr. Monaco explained that the building right now is consistent with block. It has vinyl siding on it and a truss roof – that is on the main part of the building. This was just a flat roof, and the water was just sitting on top of it and the roof is all rotted after all these years. He showed the plans where there are going to build it 8 or 9 feet of block and the rest is going to be framed out and it is going to have truss roof on it, a shingled roof with a 4" pitch. It is going to be consistent with what is there right now.

Mr. Schultz noted that it is a roof alteration too.

Chair Parkins asked if then they'd be demolishing the old part, carting it away, framing it, and then building it.

Mr. Monaco responded (inaudible).

Comm. Pogoda asked if it was the same square footage as the existing building.

Mr. Monaco responded pretty much so, yes.

Chair Parkins asked if they had three bays there now.

Mr. Monaco responded yes, they have three bays. They are just trying to square off the building to make it look normal.

Chair Parkins asked if now they would have four bays, correct?

Mr. Monaco responded yes, 4 bays. One is going to be small and the other three will be the same. They are basically just going to square off the building because it just looks weird.

Mr. Schultz commented that this was the original Pine Rock Firehouse built back in the 30's.

End of Tape 1B 8:22 p.m.

Chair Parkins asked where they tested for emissions.

Mr. Monaco showed the location and responded that sometimes he tests them downstairs or on top. Right now he tests them on top because the up and down doors are getting bad.

Comm. Harger asked if there was a basement to this.

Mr. Monaco responded no.

Comm. Harger asked why he said "downstairs."

That's where the bays are in the back. That corner is getting bad. That's where the addition is going to be and the removal of the other one. It's on a different level than the emissions, it's on top.

Mr. Panico asked the location of the four overhead doors and where they face.

Mr. Monaco responded that they face the back – 110.

Mr. Panico asked what goes on at #19 Algonquin.

Mr. Monaco responded that he owns that – it's a three-family and the property next door.

Mr. Panico asked if the doors are going to face that 3-family.

Mr. Monaco responded no.

Chair Parkins asked for a clarification on the drawing for the doors.

The Commissioners reviewed the site drawings (comments inaudible).

Mr. Panico had some questions regarding some inconsistencies in the drawings as to the full footprint of the building addition area.

Mr. Monaco explained that there were two different levels existing in the building that aren't clearly shown on the drawing (inaudible comments)

Chair Parkins asked to see the traffic flow for cars going into the bays.

Mr. Monaco showed her on the site plan how they come in from 110 (comments inaudible).

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to approve Application #10-11.

APPLICATION #10-12, BUTLER COMMERCIAL SERVICES, LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #43 (PARKING AREA EXPANSION AND RENOVATION OF OFFICE BUILDING), 97 BPT. AVE.(MAP 117, LOT 3) – ACCEPT FOR REVIEW

Mr. Schultz indicated that he would provide some history on this application to explain why it is before the Commission tonight. The old intermediate school is finishing up and they have some erosion related problems impacting this property.

Chair Parkins asked if that what is indicated as the existing building at the top of the drawing.

Mr. Schultz responded yes, it's the old intermediate – upper elementary school now.

Mr. Panico clarified the location and the line between Butler's site and the school site.

Mr. Schultz continued that upon further review of both sites because of the sediment erosion control, Staff determined that a parking area was built without the benefit of a review by the P&Z Commission.

Mr. Panico showed the shaded area that had been done without planning.

Mr. Schultz indicated that this is after-the-fact. In addition to that the original approval for this development had the reconstruction of that perimeter but the five year period to complete it has elapsed so the applicant wants to revisit that. The applicant is present because he has a third request for a temporary trailer

which the Commission will have to authorize. Mr. Schultz indicated that tonight the Commission needs to accept this application, determine if it is minor or major and then entertain the applicant's request for a temporary trailer on the premises as well.

On a motion made by Virginia Harger seconded by Thomas McGorty it was unanimously voted to accept Application #10-12 for review.

Chair Parkins asked what these buildings are used for up there right now.

Mr. Schultz responded that they are individual tenants.

Chair Parkins asked how they could not have been parking up there.

Mr. Panico responded that they have parking and showed the location of the parking on the site map and explained that it goes all the way up the hill into the back.

The applicant saw the need for additional area for storage of larger vehicles. It is a general parking area because there are large vehicles that go up there that the applicant uses.

Chair Parkins asked what type of large vehicles.

Mr. Schultz responded dump trucks, backhoe.

Mr. Bruce Butler, Butler Commercial Services LLC addressed the Commission. Mr. Butler indicated that he does his own maintenance of both properties, the gas station and the piece in the back. He has an excavator up there, a small dump truck, salt spreader and snow plows for the winter time. There is also a tenant up there who is a landscaper so he has a trailer back there. The bigger bulkier stuff that was taking up two spaces is out in front.

Chair Parkins asked if he was renting it out.

Mr. Butler responded no, it is just the existing tenants and himself.

Comm. Harger asked how long the shaded area had been paved.

Mr. Butler responded that has been there for three years. He didn't know how tight the PDD requirements were. Because he had his equipment back there anyway –

Mr. Panico indicated that in a regular industrial zone, that would have required site plan approval – PDD or no PDD.

Chair Parkins asked if it was just grass before.

Mr. Panico responded no, it was excavated.

Mr. Butler added that it was all dirt and that dirt is now all stockpiled on the backside. He's been taking it out of there a little at a time as he needed it.

Chair Parkins asked if this had been excavated as well though.

Mr. Panico responded that it had to have been (inaudible).

Mr. Butler commented that it was about 3 or 4 feet high.

Comm. Harger referenced the legend of the site drawing where it says "denotes proposed pavement" is already paved.

Mr. Schultz indicated that the small structure that the Chairman pointed out before was never renovated and he wants to include that with this application because the 5-year period has elapsed.

Mr. Butler commented that there was an existing water problem that they addressed when they got the original approval on that. There was some water that came down from the school. Thankfully, he hesitated to do the renovations because shortly after he was completed up the hill, they announced the plans for the school that was going to go on up there. There was always a water issue. They put a couple of catch basins in there and he chose not to do the renovation until they were done because he had no idea what their plans were. In September or October they were doing some site work up there and they sent two feet of silt down the hill and it actually collapsed the back wall of that building so luckily he didn't do the renovation. Otherwise, it would have been a big mess.

Mr. Panico asked about the building that he's proposing to build there – it looks like it is bigger than the one that was there.

Mr. Butler responded that actually it is smaller than the one that is there – he showed on the site plan that the gray area is what they are going to keep and the outlined area is existing.

Mr. Butler responded that the existing building was the entire piece that was there and they are going to remove the left side and the front.

Mr. Schultz indicated that there is a net decrease.

Mr. Butler responded yes.

Mr. Panico asked if that was for his own use.

Mr. Butler responded that is where his office and storage is going to be. It is going to look more like a residential house. There is going to be a one car garage with a reverse gable on the right hand side.

Comm. Pogoda asked what the square footage would be.

Mr. Butler responded that it would be about 1200 or 1300.

Mr. Panico indicated that the concern that he would have is where someone would park when they are using that building;

Mr. Butler responded that the pavement line is in there now. That is what is currently paved so it is going to be enough room for a couple cars. That is all there is – it is just for his own use.

Comm. Pogoda stated that it's strictly for his own use – he isn't going to have people coming and going.

Mr. Butler responded yes, nobody. The reason that he needs this is because he is now sharing an office. He used to have an office behind the gas station but when he did the drive through he took that piece of building down. He moved into one of the offices inside the convenience store. It is difficult for him to function in there, maintaining all these properties with a desk. The request for the trailer is for an office trailer and a storage trailer because there is material in

this building and he needs a place to put it while he constructs it. So, they are temporary until he can get this done and get back in there.

Chair Parkins asked if the two buildings are temporary until this other building gets constructed?

Mr. Butler responded yes.

Comm. Harger asked if they were just modular units.

Mr. Butler responded yes, modular office unit and a modular store unit.

Comm. Pogoda asked if the new building would be one level.

Mr. Butler responded yes.

Comm. Pogoda asked how big the other building was.

Mr. Butler responded that the existing building is 2600 or 2700 square foot. This one might be 1500 – 1600. He is going to keep the garage to put the snow equipment and landscaping equipment in there and the office will be to the side.

Chair Parkins commented that he is really just asking for a temporary placement of those buildings.

Mr. Panico indicated that to reinstitute the approval for a building slightly less than what was approved there originally...

Mr. Butler responded that no, this is exactly what was approved originally, that hasn't changed. The only thing he needs to do is get it re-approved because the five years is up.

Mr. Panico commented that he thought he said he would be reducing it by that amount.

Mr. Butler responded that he is – that was part of the original approval.

Mr. Panico asked if it is going to be architecturally as he said back then.

Mr. Butler responded yes.

Mr. Panico commented that it is a re-approval of this and a legitimizing of the grading that was done back there and the temporary trailers during the construction period.

Chair Parkins commented that she doesn't think that is major – it's minor.

Mr. Panico added that in his estimation, it isn't major. If there was further expansion of these buildings, then he would say yes. If the proposal to do this and they didn't know what they were going to run into, then he would be on the fence. But it has already been done.

Chair Parkins asked for a consensus for a minor modification.

Mr. Schultz indicated that Staff is going to have to sit down with the Applicant and go over details. They have drainage issues, they will come to a resolution on that; hopefully, on the school side and with the Applicant.

Chair Parkins indicated that they would continue the discussion at the next meeting with no motion necessary.

Mr. Butler asked if he could get authorization for the temporary trailers. He would like to get the trailers in so that he could get that building cleared out and start to move on this.

Mr. Panico indicated that he didn't see any harm in that because that site work down below is already done.

Chair Parkins asked if they didn't have to have the site plan approved before getting permission to put trailers up.

Mr. Panico stated that his concern in looking at the site plan is not about the lower level because they already approved something down there. He was more concerned about the work that is done on top to make sure that it is done to the satisfaction of this Commission and the Engineer's Office. He will need to go out with Rick to look at what happened up top but the area has already been graded so they could put a temporary storage trailer up there. He thinks that they need a time frame – if he gets this approval how long is it going to take to do the work he wants to do?

Mr. Butler responded that the only issue that remains is to make sure that they are done at the school so that they don't have a reoccurrence of what happened.

Mr. Panico asked if this Commission gives approval for his request, how long from that point until his construction work is completed.

Mr. Butler responded that he wants to do this right away, but he wants to make sure that the school is done. He is not planning on a year.

Mr. Panico suggested that the Commission grant him the temporary trailers for a period of one year and if work is not completed than he has to come in and justify continuing the trailers until it is completed. He'd like to see a time limit put on it.

Mr. Butler commented that he is renting the trailers – not buying them – so it is in his best interests to get them out of there as quick as he can.

Chair Parkins asked for a motion for approval the temporary trailers for a period not to exceed one year.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to authorize the use of temporary trailers for Application #10-12 for a period up to one year.

APPLICATION #10-13 PETITION OF DOMINICK THOMAS TO AMEND THE STATEMENT OF USES AND STANDARDS FOR PDD #64 (HOTEL SIERRA: REDUCITON OF REAR YARD SETBACK FROM 10 FEET TO 8 FEET) ACCEPT AND SCHEDULE A PUBLIC HEARING

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission. Atty. Thomas indicated that he wanted to explain that he received a call from Shelton Hotel Associates. They were in the process of doing their survey and during the course of it, they discovered in one corner adjacent to Armstrong – he showed some photographs of the offending corner. He brought some 11x17 maps over so that they could see the rear yard set line is at a severe angle. Basically, it is on the other side of the retaining wall.

Atty. Thomas showed a view from the parking lot looking at one of the offending corners and a photo of the back area of the building. He explained that the property line shoots away from the building. So the property line is on the other side of the retaining wall. The offending area has a double corner, as it comes to the back it jogs in and out in the back. To the best that Rose Tiso can explain it, he believes the surveyor that KBE hired followed his points but they had a lot of difficulty making sure that they put the sewer line in correctly and they had to make some adjustments. That adjustment caused one of these two – one being 8.8 and 9.5 feet. That is why he is asking for 8 feet to round it off. It is an area that is less visible, especially during the leafy season.

He spoke to Lynn Fusco and Dennis Riley, the president and then the CFO of Fusco today and indicated to them that there would most likely be a public hearing because it is a change to the regulations.

For those not on the Board at the time there was an appeal to the Special Exception which was approved. They never appealed the hotel, they appealed the Special Exception and as a result there was a landscaping plan approved and that landscaping has been completed. The hotel is presently operating under a temporary CO.

Chair Parkins indicated that this is an issue between the Hotel, the property owner and Fusco.

Atty. Thomas responded no, not really, it isn't over their line, it isn't infringing on their property. It is really in the setback. They were quite upset. He showed the back area photo and explained that the property line is on the other side of the retaining wall. There is really no way to utilize those extra two feet for anything in that corner of the building than stairs because they can see how the property veers away. If they were going to expand the building back there, since this is a PDD, they would have to come back into the Commission.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept Application #10-13 and schedule a public hearing for 6/23/10.

PUBLIC PORTION

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

Leslie Wheeler, Treasurer for the White Hills RC Eagles Club addressed the Commission. Mr. Wheeler indicated that they recently put in a request to change the hours for their electric planes. In October of last year, the Commission had said that the electric planes, even though they are basically harmless and have no sound, was going to be stopped at 4 o'clock. As treasurer, what this really means is that anybody who works, which is like half the Club, won't be able to continue membership because they come home at 5 o'clock and they can't fly in the evening. As they know, the Club has been observing all the rules and regulations that the Commission has laid down for them. However, there was a situation, he doesn't know whose fault it was, when they decided to do that, the commission said to chop their flying wings off at 4 o'clock for electric planes. They didn't realize that they already had a permission from the accusing neighbors. They had already agreed, and he'll read it to the Commission "electrics can fly from 8:30 a.m. to dusk daily." One of the things that he remembers the Commission saying was that they can't just say that because they don't know what dusk is. They are asking them to change that rule allowing them to fly their electric planes.

At this point in time, they are happy with 8 p.m. or 9 p.m. – whatever they would like. They need to have that changed because the reality is that half the

club is going to leave because they cannot fly their electric planes after 4 p.m. As they know, the electric planes have basically no sound and are very light. They can't fly long distances because they aren't as strong as the gas powered planes. They are willing to follow all the rules, however, that particular rule. So they had put in a request to the subcommittee asking that this be changed. They would like the Commission to allow them to fly the electric planes beyond 4 o'clock in the evening. In any case that is going to permit the people flying electric planes which are light, safe and quiet. The people who objected had already approved in the early part of October that it would be OK to do so. He'd be happy to submit this.

Chair Parkins commented that this is not on the agenda – she asked if it went before the Zoning Subcommittee.

Mr. Schultz responded that there had been discussion on it and they are ready to report on it. He conveyed their position to the President which was essentially to wait another year.

Mr. Wheeler commented that they can't wait another year because they won't be around in another year. They can't pay the rental fee of the field with half the membership. And as the treasurer, that is what he is really concerned about. He indicated that he had officers here from the Club and he talked to a number of them and they are going to leave if they can't fly their electric planes after 4 o'clock. It really is not fair. He could understand the gas and they comply with those rules but the electrics – please, they can't wait a year.

Comm. Sedlock asked if they have had any incidents since they started.

Comm. Pogoda responded that they haven't flown long enough.

Comm. Sedlock asked how long they have been flying.

Comm. Pogoda responded since October.

Mr. Wheeler responded that the season was almost over last year.

Comm. Pogoda asked how long they have been flying this year.

Mr. Wheeler indicated that they have been flying about one or two months this year. The electrics can't go beyond 4 o'clock and that kills anyone who works. This regulation is saying to them that their club can't have anybody who works. It can only be us old guys who don't work – it doesn't affect him, he can fly in the afternoon. They are following the regulations to a T and they really need to have that changed and they really can't wait a year.

Chair Parkins indicated that at this point, this is the Public Portion, so they will accept his comments for consideration and possibly revisit at the end of the meeting when there is a discussion from the subcommittee.

Chair Parkins asked if there was anyone else from the public who wanted to speak on something.

Mr. Steven Gray, 48 Pinetree Hill Road, addressed the Commission. Mr. Gray asked about one of the items addressed this evening piqued his curiosity. Under Certificates of Zoning Compliance, the first item for home occupation, he doesn't know if he heard correctly – he asked whether the man doing the firearms training in his home was going to have 2 clients a month or 2 classes a month.

Comm. McGorty responded that the max was no more than 2 at time – in a class.

Chair Parkins added that classes are typically held once or twice a month.

Mr. Gray thanked the Commission.

With no further comments, Chair Parkins asked for a motion to close the Public Portion.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the Public Portion.

OTHER BUSINESS

APPROVAL OF MINUTES: 3/9/10 AND 4/13/10

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the minutes of 3/9/10 and the minutes of 4/13/10 with the noted correction on page 1.

CRESCENT VILLAGE CONDOMINIUMS: REQUEST FOR REDUCTION OF SITE PERFORMANCE BOND

Mr. Schultz indicated that they are requesting a reduction from \$50K to \$25K. The site is about 75% completed if they hadn't been up there. The only issue was this past winter and that has been resolved. They had a lot of rain in the late winter and that was corrected right away. Staff is recommending the reduction of the site performance bond.

Comm. Pogoda asked what ever happened to the agreement, and he doesn't know if it has anything to do with this, that John Anglace had worked out with Crescent Village on that open spot that got cut down on Long Hill Road.

Mr. Schultz responded that's a private parcel that the City got through eminent domain and the City replanted it.

Comm. Pogoda asked what they replanted because he doesn't see anything there.

Mr. Schultz responded that they did with evergreens – white pines.

Chair Parkins added that she didn't see anything.

Mr. Schultz commented that was owned by Zuckerman...

Comm. Pogoda asked how big they are – he expected at least 8 or 10 footers – there is nothing there. They are samplings – what are they a foot?

Comm. McGorty responded that in 40 years they will be big.

Comm. Pogoda commented that scrub brush would be better looking than what is there. OK, it has nothing to do with this anyway...

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the request for reduction of a Site Performance Bond for Crescent Village Condominiums.

865 RIVER ROAD: REQUEST FOR RELEASE OF SEDIMENT AND EROSION CONTROL BOND AND SITE PERFORMANCE BOND

Mr. Schultz indicated that this is the two-story retail building that replaced the old restaurant there – Esther’s Hacienda...They held this up because Inland Wetlands piggy-backed their bond and there were some plantings that were recently installed last week. They did a beautiful job on the embankment that goes down to the Far Mill River. Staff recommends approval.

Comm. Flannery asked how they know that the plants that they put in last week aren’t going to die and then they’ll have problems with erosion.

Mr. Panico responded that it wasn’t their landscaping – it was Inland Wetlands.

Mr. Schultz added that Inland Wetland sometimes piggy-backs ours – they don’t like to hold them.

Mr. Panico added that they aren’t their required plantings.

Mr. Schultz stated that he would have recommended the release last year, but he held on to the bond.

Chair Parkins added that they should have released this bond last year, they already held on to it another year.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve the request for release of Sediment and Erosion Control Bond and Site Performance Bond at 865 River Road.

ZONING ENFORCEMENT:

1. 4 PARTRIDGE LANE: INITIATE LEGAL ACTION FOR NON-PERMITTED BOARDING HOUSE

Mr. Schultz indicated that tonight Staff was ready to recommend that they initiate appropriate action but the owner sent them a response today. This is a single family dwelling that is not being occupied by the owner. Today’s letter confirmed that there is a pair of related individuals and four unrelated individuals for a total combined of six. The definition of a single family for Shelton is for up to six unrelated individuals. The reason this was investigated and a notice was sent out is because many of the neighbors in the area saw many out-of-state cars staying overnight, especially on the weekends. So, they started an investigation with the Police Department and ultimately sent out a certified letter requesting that they property owner confirm how many people are residing there.

Mr. Schultz stated that they are starting to see more single family homes in town that are being purchased as an investment. They don’t control how many people can stay in the house, if they are related because there are still large families but if they are unrelated the maximum number is six. He is satisfied that the owner responded to his letter but they still need to be vigilant and monitor it. He is recommending that the Commission not to take any action but direct Staff to monitor the property as it has been doing and to work with the property owners and the Police Department.

Mr. Schultz added that he was surprised to receive it very late today but obviously they are aware that Staff is watching them and will not tolerate any inappropriate behavior and they need to comply with the Shelton Zoning Regs.

On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to direct Staff to monitor property at 4

Partridge Lane and take appropriate zoning enforcement action, if necessary.

Comm. Sedlock asked the Chairman if they could take up the matter of the White Hills Eagle Club request.

REPORT FROM CHAIRMAN/SUBCOMMITTEE CHAIRS

Chair Parkins agreed and asked for the report from the Subcommittee Chairs – the Zoning Subcommittee.

REPORT FROM CHAIRMAN/SUBCOMMITTEE CHAIRS

Zoning Subcommittee

Mr. Schultz indicated that as stated in the Staff Report dated today, the Zoning Subcommittee met on 4/29/10 and they discussed a variety of issues including the White Hills Flying Club and Staff was advised that it was the consensus of the Subcommittee to wait at least another season or a year. He conveyed that back to the Club and they were aware of tonight's regular meeting to address the Commission. Obviously, they are hearing the request of the Flying Club to revisit it. Just as a reminder, they held a public hearing, it was a Special Exception. He was of the opinion that if they should decide to modify the conditions of approval, that it be done through a public hearing to benefit the public.

Mr. Schultz stated that the Flying Club has indicated that they've been flying for two months. There was one incident in which they were very good about advising Staff and obviously, it didn't result in any problem. He knows that the Zoning Subcommittee is going to meet again, so maybe they could do something at that level and report back in two weeks so that the Commission can decide what the consensus is. They will be prepared to submit a modification of the Special Exception. They could accept that and take it to a public hearing – they are meeting 6/23/10.

Comm. Sedlock commented that they had a public hearing originally and the people got the opportunity to speak once and then the Commission made the time schedule. Why do they have to go back and have a public hearing if they want to change it?

Mr. Schultz responded that would be the worst case scenario – like the minor or major.

Mr. Panico commented that if there was a limitation or a restriction that the Commission chose to put on it, he would think that if they are comfortable with it, they could probably revisit that without having to go back to a public hearing.

Mr. Schultz responded that he is putting that out because obviously, eventually, the neighbors are going to be made aware of it. And if they present that question, they are going to have to handle it accordingly.

Comm. Pogoda commented that they could get the Zoning Subcommittee together.

Chair Parkins indicated that she would actually like to get it on the agenda for the next meeting, if possible.

Comm. Pogoda responded that they could get a meeting done before that.

Mr. Schultz agreed that it would be nice to iron it out, present a resolution and see how the Commission wants to proceed with it.

Comm. Sedlock added that time is fleeting for these people, it is the middle of May, June...

Chair Parkins commented that she thinks that they bring a valid point to the table.

Comm. Flannery noted that the next public hearing is before Memorial Day Weekend so why can't they do it in two weeks – the public hearing.

Mr. Panico stated that there was no sense having a public hearing on an open question. If they were going to go the route of a public hearing, it ought to be predicated on a proposal to establish certain hours but he thinks that they need to talk about it as a subcommittee. He is inclined to agree with Joe that he doesn't think a public hearing is necessary.

Chair Parkins commented that they are only changing one item.

Mr. Schultz suggested doing a trial period as well.

Comm. Sedlock asked about the problem with the neighbors – they haven't had a problem with the neighbors?

Chair Parkins commented that it is just the electric that they are asking for and they can make so that during the summer months they can go to a certain hour (inaudible)

Mr. Panico stated that when they gave the approval, they gave it with restricted hours as well as restricted flying space. Of the two, the restricted flying space was the more important component.

Comm. Pogoda added that it was about the safety issues.

Chair Parkins indicated that they would put it on the agenda for the next meeting which is 5/26.

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 Staff Report dated 5/11/10**

Downtown Subcommittee: DSC Chair Harger discussed her concerns about Johnny's Pizza, the appearance of the building in lieu of the upcoming Memorial Day Parade. Chair Parkins requested that Staff contact Atty. Thomas to find out the status of that. Comm. McGorty indicated that he had seen some activity on it.

End of Tape 2B 9:09 p.m.

Mr. Schultz indicated that he will be adding a section called Zoning Enforcement Program because they are very involved in that and he wants to highlight certain issues for the Commission.

The Commission discussed having a fine imposed for after-the -fact applications where there is evidence of it because the amount of after-the-fact applications is increasing. Mr. Schultz indicated that he would assign it to the fee schedule for the Commission to adopt. Chair Parkins suggested that they think about any

other tweaking to the regulations that the Commissioners would like to see before going to a public hearing.

ADJOURNMENT

On a motion made by seconded by, it was unanimously voted to adjourn at 9:15 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission

