

SHELTON PLANNING & ZONING COMMISSION AUGUST 10, 2010

The Shelton Planning and Zoning Commission held a regular meeting on August 10, 2010 at 7:00 p.m., Room 303, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present:

Chairperson Ruth Parkins
Commissioner Patrick Lapera
(alternate for Virginia Harger)
Commissioner Thomas McGorty
Commissioner Anthony Pogoda
Commissioner Joe Sedlock
Comm. Ludwig Spinelli
(arrived 7:02 p.m.
(alternate for Joan Flannery)

Staff Present:

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

Tapes (2) and correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website www.cityofshelton.org

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairperson Ruth Parkins called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members.

OLD BUSINESS

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE
STANDARDS 1-22**

Chair Parkins asked if any of the Commissioners had questions regarding Standards 1-22.

Comm. Pogoda asked for clarification regarding Standard #5320 regarding a building renovation and roof alteration at 17 Algonkin Road.

Mr. Schultz recalled that it was a previously approved site plan for a gas station with an auto emissions building in the back on River Road.

Comm. Spinelli arrived at 7:02 p.m. (alternate for Comm. Flannery)

Chair Parkins asked about Standard #5453 for a covered walkway at 294 Booth Hill Road.

Mr. Schultz responded that it was a covered walkway from a house to a detached garage.

Chair Parkins asked about Standard #5462 for Kore Fitness at 25 Meadow Street.

Mr. Schultz responded that it was for a home office with no business conducted there.

**SEPARATE # 5374 CHARCO 2000 INC., 281 CANAL STREET,
MANUFACTURING**

Mr. Schultz explained that this was the application that the Commission tabled; further information was received by the DSC. They have occupied this for the second time on Canal Street and he has learned that they bought another building on Brewster Lane in the event that they have to leave a third time. They are committed to staying in Shelton. When Canal Street is redeveloped they will be losing their ability to stay there but now have another spot in Shelton.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5374.

SEPARATE #5424, CLEAR WIRELESS, LLC, 605 HUNTINGTON STREET, TELECOMMUNICATIONS ANTENNAS

Mr. Schultz explained that Clear Wireless will be doing the next two applications. At the direction of the Commission, he contacted the three abutting property owners and told them that they would have the ability to address the Commission and have the applicant answer their questions. He reminded the Commission that this was the Aquarian water tank at the corner of Huntington Street and Isinglass. There are antennas up there already that were previously approved by the Commission a couple of years ago. This is the second application for additional antennas. He added that one of the questions by the abutting property owners was if there was room for a third application. He has been advised by one of the neighbors that he can see the tips of the antennas above the evergreens, but as the Commission is aware, the regulations encourage co-location instead of constructing new towers. The applicant is present to go over the details of the installation, and there is one neighbor present to ask questions.

Atty. Jennifer Herz, Brown & Rudnick, 185 Asylum Street, Hartford, CT representing Clear Wireless LLC addressed the Commission.

Atty. Herz provided a brief overview of the goals of Clear Wireless LLC. She indicated that right now they are unveiling their core D system using wireless technology. It's an upgraded network that allows for larger and faster data transfers. Currently, they are installing and upgrading the networks throughout Connecticut. Clear Wireless' goal when unveiling this new system is to use existing locations first and foremost by using existing buildings or existing towers. They do this so that they don't have to construct any new towers in any area. In this area they have chosen to use an existing water tank so that they don't have to build a tower in this area. She showed a site drawing of the proposed telecommunications antenna locations.

Atty. Herz explained that this site does comply with their regulations and Shelton's preference to locate on sites with existing carriers. Clear Wireless is proposing to install three antennas and three dishes. Its installation will not be any higher – it will probably be seen at the same height or lower than the existing installations so they are not making this site any taller than it currently is. This site is surrounded by trees providing a fair amount of screening. This site is FCC compliant and there will be no further environmental impacts because they are using an existing location.

She addressed a question regarding an additional carrier on the tank. She indicated that it was a difficult question to answer because it could probably structurally support another carrier, but there are many facing factors that have to come into account. Each antenna has to have a certain amount of space from the next antenna so that it can transmit properly. She isn't sure if this would or would not be possible on this tank. There is a possibility; every carrier has

different spacing requirements and different sized equipment; therefore, it is a difficult question to give an exact answer on.

Chair Parkins asked if the Citing Council approval was required when they are just adding on to an existing location or if that is just when they put up a new tower.

Atty. Herz responded that Citing Council approval is required only for a new tower. Water tanks are a little tricky – they are considered a tower once they are not in use anymore but when they are currently in use, as this one is, it is considered within a local jurisdiction and doesn't require Citing Council approval.

Chair Parkins asked if the trend was going toward using these dishes instead of these long antenna types.

Atty. Herz responded yes, this site actually has both. Clear Wireless is a little bit different in their installation. Right now, this network is a wimax network so they are using Cingular, like Starbucks, their hot spots in their internet data so it is a little bit different than the traditional coverage as far as the dishes are concerned in order to connect to the network so that they can speak to each other as far as data. They are getting traditional coverage from the antenna such as the voice mail and the cell phone.

Chair Parkins commented that one of her concerns is that these dishes are more obtrusive than just a thin antenna; so, if they are putting up all these dishes and dotting along this tank, she thinks that additional screening is going to be needed so that residents don't have to look at this.

Atty. Herz responded that she could appreciate that concern. She noted that these dishes really aren't huge. They are about 2 feet in diameter. They really aren't that big at all. They will all be painted to match the screening. It does sound different than what they're used to but they are not big dishes.

Chair Parkins asked if they would be painted green.

Atty. Herz responded that they would be painted whatever color the water tank is – she believes they will be painted a gray color. These dishes are 2 to 2 ½ feet in diameter and can be painted any color that the Commission would like. Typically, they are painted gray because that does blend the best against the skyline but it could be any color.

Fred Barmer, 615 Huntington Street, Shelton addressed the Commission. Mr. Barmer indicated that he owned the property adjacent to the tower. He asked if there is some condition that could be put into the application so that the tower would not exceed the height of the existing ones. He asked what would prevent Clear Wireless from putting up a 50 foot tower with a flashing light on top of that.

Chair Parkins responded that they would have to come back to this Commission for that.

Mr. Panico added that it wouldn't be allowed under the regulations.

Mr. Barmer asked if they were within the regulations right now – what is the max.

Atty. Herz responded yes, it is 20 feet. They are not that much taller. She indicated that she thought they were 5 or 6 feet taller than the top of the point,

but they'd be happy to agree to a condition that it could be no taller than the existing telecommunications structure.

Mr. Barmer indicated that his other concern was with health hazards.

Atty. Herz responded that are FCC compliant. The FCC has jurisdiction over health concerns related to telecommunications antennas and equipment. In their application they have submitted a statement that they are compliant with FCC regulations.

Mr. Barmer commented that didn't tell him if there was a health hazard or not.

Atty. Herz responded that health questions, unfortunately, are under the jurisdiction of the federal government and the Federal Communications Commission is the commission that determines and decides health effects.

Mr. Barmer asked if anyone knew if there were any health hazards involved.

Comm. McGorty responded that he would assume that if the FCC governs that - and the RF levels on the site so there's a threshold, and they have to be below it.

Mr. Barmer commented that now there are twice the number of antennas on it though.

Chair Parkins added that their permit would have to be compliant with the regulations - with the additional antennas.

Mr. Barmer commented that the fence around the building needed to be a lot higher to cover that building. Last year they left a Port-a-Potty out all winter long and that was all he could see out of the back of his house.

Atty. Herz responded that unfortunately that is a different carrier, Verizon Wireless, so they don't have any control over that location.

Mr. Schultz indicated that he would notify them about it.

Mr. Barmer asked for clarification as to how the antennas ran and where the equipment was located.

Atty. Herz showed him the location of the Clear Wireless equipment area underneath the tank on the displayed illustration. She explained that each carrier has a different equipment area. The existing carrier and tower there now is Verizon.

Chair Parkins noted that the same regulations apply to Verizon if they try to expand. They can't go any higher than their permits.

Mr. Panico added that there is a maximum height requirement and not to exceed stipulations.

Mr. Schultz stated that the three abutting property owners appreciated the Commission's directive to contact them. He would like to have that mandatory notification requirement added to the regs.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5424 with the condition that the telecommunications antennas do not exceed the existing heights.

SEPARATE #5450, CLEAR WIRELESS, LLC, 2 MOUNTAIN VIEW DRIVE, TELECOMMUNICATIONS ANTENNAS

Mr. Schultz stated that this is the California Closet building on the right hand side going up Mountain View Drive off of Constitution Boulevard South. Several years ago the Commission approved a roof-mounted antenna in this light industrial area. Atty. Herz will go over the details. The existing antennas are located to the rear. You have to physically go to the rear of the building to see it because the road going down is so low and the building is perched up. It works well as long as they continue to put it to the rear of the building.

Atty. Jennifer Herz, Brown & Rudnick, 185 Asylum Street, Hartford, CT representing Clear Wireless LLC addressed the Commission.

Atty. Herz reiterated that Clear Wireless tries to use existing telecommunications sites. T-Mobile is on this rooftop and Clear Wireless proposes to put a pole on this rooftop as well that will hold three antennas and two dishes. Previously, the network upgraded with the same goal for this site to provide larger and faster data transfers for this area of Shelton. This is FCC compliant and will have minimal environmental effects since they are using an existing structure and locating their equipment and antenna on the rooftop of an existing structure. As seen from the photo simulations provided with the application, the visual effects in the surrounding area are very minimal. There is a heavy tree line in the surrounding area, and as Rick mentioned, it is a good location. Atty. Herz concluded and offered to answer any questions.

Chair Parkins asked if they were the same size dishes – 24”.

Atty. Herz responded yes.

Mr. Panico asked if it would be the same height.

Atty. Herz responded yes, it would be no taller than the existing pole – they are both 20 feet.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5450.

SEPARATE #5400 BIANCA SIGNS, INC., 521 RIVER ROAD, SIGN

Mr. Schultz indicated that this was tabled at the last meeting. It is for the sign replacements at Riverdale Diner on River Road. There is a proposal for a wall sign over the front entrance. He passed around renderings of the proposed signage and indicated that the applicant was present to discuss why they would like to pursue it. He recalled that the graphic of the coffee cup/saucer had been one of the issues.

The applicant, Leslie Clementi, addressed the Commission on behalf of Riverdale Diner.

Ms. Clementi showed sign renderings and explained that they originally planned the cup and saucer graphic for the gable sign but it was too small. They would just be doing the words “Riverdale Diner” in blue letters there. The other two signs are just replacement faces for the existing signs with their new logo.

Mr. Schultz commented that this would be two ground sign replacements and then a new wall sign over the entrance.

Ms. Clementi added that there would also be a metal sign, a replacement, but larger than what they have on the back fence.

Chair Parkins asked for clarification as to which rendering would be for the metal sign.

Ms. Clementi showed the proposed signage and explained that it would be a flat, metal sign that is printed and located at the rear of the property on the new fence.

Chair Parkins asked for clarification about one of the other sign renderings.

Ms. Clementi explained that would be for the pylon sign on River Road so nothing about that is changing other than the new face and the cup above the sign.

Mr. Panico asked if they would be adding the cup above the actual sign.

Ms. Clementi responded yes, because it is part of their logo – so the new thing on it would be the coffee cup. She explained that they use the logo throughout their business on all of their graphics.

Mr. Panico asked if the pylon sign was at its maximum height without the cup.

Mr. Schultz responded that he wasn't sure – 8'x5' would be the max. Comm. McGorty asked what the dimensions were on the River Road pylon sign.

Ms. Clementi responded that sign existed and the measurement they took of it was 4'x8'.

Mr. Panico asked Rick what height they were allowed.

Mr. Schultz responded 8 feet x 5 feet – no larger than 8 feet in any one dimension - so the existing sign is smaller.

Chair Parkins asked if the cup was included within the 8 feet.

Ms. Clementi responded that it was 20 inches high – it would be a little bit above the required 5 feet height. From the bottom of the sign to the top of the cup, it would be outside of the 5'x8' requirement.

Mr. Panico asked when that came into play, because on the last one they saw there was never a part of a sign that projected outside the sign. That is new tonight.

Ms. Clementi responded that he sent it in about a month ago and they had approved it in the Building Department, but he came back because they said that Zoning had to approve it, and that is why they were told to come here tonight.

Comm. Pogoda commented that they never saw that sign before.

Mr. Schultz added that in some towns, they do everything in the Building Department.

Chair Parkins and Mr. Panico agreed that the pylon sign was much more acceptable without the cup sticking out of it.

Mr. Panico suggested to the applicant that the coffee cup be incorporated into the main body of the sign; it would be much more acceptable than with the cup sticking up outside of the sign.

Ms. Clementi responded that would be fine, she wasn't aware of the dimension limitations, so it is obviously outside of that.

Chair Parkins displayed the sign rendering that the Commission would find acceptable to be used for the ground sign and for the pylon sign proportioned accordingly. The gable sign would be what was proposed by the applicant but with the elimination of the graphic – the coffee cup.

Ms. Clementi responded that the gable sign would have the cup on it with the Riverdale Diner on it.

Mr. Panico referenced her earlier comment that she said she would be taking the coffee cup off of the gable.

Ms. Clementi responded that was because they were putting it on the pylon – it needs to go on (inaudible).

Chair Parkins asked if she would be taking it off of the gable and putting it on the pylon.

Ms. Clementi responded that they were originally taking it off of the gable and putting it on top of the pylon but if they aren't putting it on top of the pylon then they'll have it on the gable.

Chair Parkins indicated that they would be taking it off the gable and putting it on here.

Comm. McGorty commented that the sign can contain the graphic within it.

Mr. Panico noted that the pylon sign would still have the cup.

Ms. Clementi responded yes, on the pylon it would look just like this – within that 4'x8' ...

Mr. Panico commented that there wasn't any need, in his estimation, to have that on the pylon seen coming down the street and have another on the gable. It is enough that there's redundant signage, but at least get rid of the coffee cup.

Ms. Clementi responded that is what their logo is, and it is like a three dimensional sign which is a very retro diner graphic and that is part of their whole brand identity. They have it at their other diner and that is part of the design of the building.

Comm. Pogoda asked where the other diner was located.

Ms. Clementi responded Cromwell.

Comm. Pogoda commented that is Cromwell. This is Shelton.

Ms. Clementi responded that she was just saying that they own both and that is their brand identity for both.

Comm. Sedlock asked which direction the sign on the building would be facing – would it be facing the area where they practice bus driving.

Mr. Panico responded that it will be seen driving down River Road coming to the diner because it is a nice, large parking lot. In the view across the parking lot you will see the gable end and looking to the left, you'll see the pylon sign.

Chair Parkins commented that she thought it was classier looking without the cup.

Comm. Pogoda commented that if they approve it here, than they have to approve it at everybody else's. He asked them to show him a diner that doesn't serve coffee.

Mr. Panico noted that they still have the logo introduced on the pylon sign and introduced on the ground sign.

Ms. Clementi responded that the front of the building is a huge parking lot so when you enter the building now, it is just a parking lot and there's no identity for a person walking up to the building. It always looks good to have that logo appear again.

Mr. Panico commented that it can't be missed; it is a well designed entryway – it has the projection, it has the roof over it...there isn't much doubt in anyone's mind that that is the entry into the building.

Ms. Clementi agreed that the entryway is very well designed.

Comm. McGorty stated that the street sign is about 40 or 30 feet from the entrance – so it is close proximity. He doesn't think that they could mistake it for anything else.

Chair Parkins indicated that she thinks they are hearing a consensus that the Commission is looking for the gable sign to not include the coffee cup and the road sign – pylon sign – to include the cup as per the logo.

Comm. Sedlock asked what the reason was that they don't want that cup in the sign over the door.

Comm. Pogoda responded that they have been trying to eliminate that on all the signs. He commented that if it is "Pete's Bakery" then he thinks everyone knows that there are rolls and bread in there. They know the "Pizza Palace" is serving pizza and the "Diner" is serving coffee. It starts to proliferate and they are coming in with everything they have in the store - on the sign. He noted that they can't control color or anything like that but they are trying to systemize it so that everything is more or less uniform. They have been trying to do this for a long time.

Mr. Panico indicated that the number of ground signs are limited – isn't that, in effect, a ground sign?

Mr. Schultz responded yes, they are allowed one sign per street front.

Mr. Panico indicated that they have one. They have the ground sign on one side, the pylon sign on the other side and they want to put a sign on the fence. It seems like an awful lot of signage.

Mr. Schultz told the applicant that she was allowed one sign per street.

Ms. Clementi responded that there is one on Constitution Blvd and one sign on Rt. 110.

Mr. Schultz responded than that's it, they aren't supposed to have a third.

Ms. Clementi indicated that when they did the fence, they (inaudible)

Mr. Schultz responded that signs pop up all the time without proper permits, what they are suggesting is (inaudible)

Mr. Panico stated that is a 4'x6' sign to be mounted on the fence which is kind of facing toward the intersection.

Comm. Sedlock added that it faces Constitution.

Mr. Panico pointed out on a site drawing of the area the locations where there was a pylon sign, the gable sign, and a ground sign and there is a fence that goes through where they want to put a fence sign. They seem to be getting carried away with the signage.

He indicated that they are allowed signage on Constitution and River Road and some kind of building identification sign; however, the fence sign is a ground sign in his estimation, and they aren't allowed to have it.

Chair Parkins asked if that fence sign wasn't on that little side street.

Comm. Pogoda pointed out the location of Commerce and said no, it's not allowed (inaudible)

Mr. Schultz (inaudible)

Ms. Clementi commented that the sign on the fence was approved when they did the fence. They said they could have it.

Chair Parkins asked who "they" was.

Ms. Clementi responded the Building Department.

Chair Parkins indicated that they don't have jurisdiction.

Ms. Clementi responded that she was right there a couple of months ago when they put the metal fence up and they said the Diner could replace the metal sign that is already there.

Mr. Panico commented that would be assuming it was a permitted sign – but it is not a permitted sign.

Ms. Clementi responded that they didn't get the permit originally. Everything there is existing; they are just replacing what was there.

Mr. Schultz stated that, as she is learning, in Shelton, this Board approves all signage. They don't delegate it to Staff or to the Building Department.

Chair Parkins commented that if the sign was there prior with additional signs, then it was non-conforming. She asked the other Commission members if they wanted to reduce the signage.

Comm. Pogoda responded that he was just against the cup – leave the signs to three and he doesn't want the cup.

Chair Parkins asked if he didn't want the cup – at all – or just on the gable.

Comm. Pogoda responded no cup at all.

Ms. Clementi asked at all – where?

Comm. Pogoda responded “anywhere.”

Ms. Clementi commented that was their legal logo – how can they change that?

Comm. Pogoda asked the Chair if the ground sign is legal and if they had proper authorization to put that ground sign replacement up?

Chair Parkins responded that the signs aren't up as of yet, are they?

Mr. Schultz added that the sign that is improper is on the fence – the one that encloses the garbage dumpsters. That one popped up a couple of years ago.

Comm. Sedlock asked how long ago did that pop up – was it before she owned the business.

Ms. Clementi responded that they have owned it for over 8 years and all these signs were there when they bought the business. They are just replacing them because they are all falling apart.

Chair Parkins commented that would be one of their new regulations (inaudible)

Comm. Sedlock responded that it isn't a regulation at the moment and these signs were there.

Chair Parkins stated that right now the existing signs do not have graphics on them though.

Mr. Schultz summarized that the issue is the graphic – can they live with it or do they want it eliminated, if at all.

Chair Parkins commented that she could live with it on the pylon sign on River Road.

Ms. Clementi indicated that she is just looking at it now and the pylon sign where they were proposing to put the cup on top, that sign will actually not fit this logo. It will only fit “Riverdale Diner” so it would only be the sign on Constitution that they would be able to fit their whole logo.

Mr. Panico suggested re-proportioning the sign.

Ms. Clementi stated that is what the Commission is asking for and actually on the River Road sign, the cup will not fit within that box.

Mr. Panico indicated that what this Board is trying to say is that the use of the cup logo is permissible, by some members, provided it stays within the field of the sign. If they have to re-proportion it because the pylon face is a different size than the ground sign face, than that is her issue to deal with.

Ms. Clementi responded that she was just saying that it won't be on the River Road sign, no matter what; it will be on the Constitution.

Comm. Pogoda asked if it would only appear on one sign – out of the three?

Ms. Clementi responded that it would be on Constitution and it could fit on the metal sign on the back of the building, if that scale would work.

Comm. McGorty asked if the metal sign was on the fence – the illegal sign.

Comm. Pogoda added yes, the illegal sign, the one they are taking off. He commented that he thought they should go with the three signs – the gable without the cup...

Chair Parkins indicated - the River Road sign without the cup and the Constitution sign with the cup incorporated into the sign as indicated.

Ms. Clementi asked if they could replace the metal sign on the rear.

Comm. Pogoda responded no, that comes off.

Chair Parkins added that would bring her into compliance.

Ms. Clementi asked her sign guy could come back in tomorrow and get the permit.

Mr. Schultz responded yes, after they take action tonight, with those conditions.

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to approve the signage with the noted stipulations for Separate #5400.

SEPARATE #5465 VISION DESIGNS, 864 BPT AVENUE, SIGN

Mr. Schultz indicated that this was for the Super Saver Spirits store at Shelton Square.

Scott Johnson, Vision Designs, 50 Beaver Brook Road, Danbury, CT addressed the Commission on behalf of Super Saver Spirits.

Mr. Johnson indicated that they would like to take down the old sign. They are replacing the façade so the owner would like to upgrade the signage.

Chair Parkins asked if the photos showed the new façade.

Mr. Johnson responded that it did not; they are still working on it.

Mr. Schultz added that this would be internally illuminated channel letters.

Mr. Panico asked how this would be effected by the new façade work.

Chair Parkins commented that it what she is trying to figure out too – how it blends in because they discussed whether there was going to be new signage.

Mr. Schultz responded that the Commission wants channel letters because they have two box signs. They can't control the colors but wanted to go with uniform, channel letters.

Chair Parkins asked how high the letters were.

Mr. Johnson responded that they were 28".

Mr. Panico asked Rick what the permissible size was.

Mr. Schultz responded that, as he discussed with the applicant, there is a hodgepodge up there. There is no uniform size.

Chair Parkins asked if the sign rendering was to scale.

Mr. Johnson responded that it was to scale. The Dress Barn signs, which are 2 or 3 stores down, are 26 ½". He added that he thought they looked good and not too cramped.

Comm. Pogoda asked how this was going to fit in with the re-do that they are doing there and if he had talked to the people doing it.

Mr. Johnson responded that yes, he has a very rough copy of what the façade would look like. He is working with the contractor and currently, the look that they are going with will be like the Edge Fitness next door. He knows that the Edge lettering was very high – like 3 1/2 feet.

Chair Parkins asked if he could drop the letters down 2 inches to 24".

Mr. Johnson responded that he had a rendering of that too. They are going to move that pillar on the left to the corner versus where it is presently at. He added that his rendering does not include the trim or any of the molding, just the letters. He showed the Commission Option B sign rendering with letters at 25" which is below the 26" used at Dress Barn.

Comm. Pogoda asked what the original size shown had been.

Chair Parkins responded 28".

Mr. Johnson responded that it was 28.7" and this is 25.8" – it's a 10% reduction - he was trying to go off of the Dress Barn size.

Mr. Panico asked if he was married to having these block letters.

Mr. Johnson responded that yes, his client is, yes – that is the look that he (inaudible).

Chair Parkins commented that she didn't mind that and she thinks that the façade is going to be so attractive that ... (inaudible) and then to put these humongous letters on it, it is really going to (inaudible)...

Mr. Panico added that the signs are so close together (inaudible)...

Comm. Pogoda added that it is almost a mish-mosh because they are so close together.

Mr. Panico added that if it was smaller signs in a field, you could tolerate the change in font but (inaudible).

Comm. Sedlock asked if the façade was going to be finished before these signs went up.

Comm. Pogoda commented that he would assume so, they just started at the opposite end and they've been working on it for about three weeks.

Chair Parkins commented that the façade is going to make the signage much more visible to begin with because the signs aren't going to be hid underneath a roofline. It is going to be much more prominent and she thinks it would be

much more attractive not to have these humongous letters glaring out of this attractive looking façade. She would personally like to see the letters at 24".

Comm. McGorty commented that it has to be visible from Bridgeport Avenue.

Comm. Sedlock asked the applicant when his client planned anything with this.

Mr. Johnson responded that he was planning to do it when they were ready with the façade. They are running behind schedule but it was supposed to be in the next 2 to 3 weeks.

Chair Parkins commented that she thinks that they need to set some sort of a standard because others will be coming back in for the same thing.

Comm. Lopera indicated that 24" would be a 15% reduction instead of 10% that he is proposing.

Comm. Pogoda asked if the client would be amicable to 24".

Mr. Johnson responded that he wants to go off of what the Dress Barn sign is.

Chair Parkins commented that Dress Barn is going to have to move their sign too.

Comm. Pogoda stated that they can't control the color or the font, but they are trying to get some uniformity.

Chair Parkins noted that there are a lot of letters in SUPER SAVER SPIRITS and it is going to take up a large block of the sign. She thinks that it is going to be very visible and it would be nicer looking to not have the letters so massive.

Comm. Pogoda added ...and almost running head on into the next sign.

Mr. Johnson asked if he'd be able to do a 15% reduction as Comm. Lopera said and make it 25" – at that point it is only 1 inch.

Comm. Pogoda asked if the 15% reduction would be 24" or 25". If 15% is 24" would he go for 24"?

Mr. Johnson commented that he thought 15% was 25".

Comm. Lopera recalculated the 15% reduction to the 28" letters at 24%.

Comm. Pogoda asked Mr. Johnson if he would be comfortable with that.

Mr. Johnson responded yes, as long as Dress Barn doesn't put their same signage up and it looks like he didn't do his job because the contractor he spoke to made outlines of the signs and their plan is to put the signs back up.

End of Tape 1A 7:52 p.m.

Chair Parkins indicated that they don't have any control over the existing signs if they choose to re-use them, but they do have control over changes to signage.

Mr. Johnson stated that on the other sign committees that he's worked with, once they sign is taken down, it is no longer grandfathered in because the sign has been taken off the structure.

Comm. McGorty commented that would be if it was non-conforming to begin with.

Mr. Johnson indicated that in every other town he has worked with, the rule of thumb has been that if there's a light box that is too big – it can't be removed, taken back to the shop, worked on it and then put it back. The work actually has to be done right there, because once it is removed it is no longer enforced.

Mr. Schultz commented yes, if you do it voluntarily – that is pretty excessive.

Mr. Panico stated that in this case, since the removal is being caused by the reconstruction of the façade, the Commission would look more favorably on putting the sign back up if that were needed.

Mr. Johnson responded that would throw out the whole idea of having everything conform because it is not determined because of the sizes.

Mr. Panico asked if this was a brand new sign or is this a sign that is already there.

Mr. Johnson responded that it would be brand new sign.

Mr. Panico stated that if they were coming in with a brand new sign they would put the same thing on them.

Mr. Johnson commented that technically if they take those signs down, they should have to apply for a new permit.

Mr. Panico responded that would be if they willingly take them down – these would be taken down by the contractor that is reconstructing the façade. He would have the obligation to reinstate the condition that was there relative to the signage. So they can't put the tenant in the middle of that mix.

Comm. Lopera added – unless they are changing the sign.

Chair Parkins asked the applicant if he knew his area in length there.

Mr. Johnson responded that he thought it was about 35 feet.

Chair Parkins asked about the 15% reduction – how long would that be at the original 28" letter size.

Mr. Johnson responded 392".

Mr. Schultz commented that was about 32 ½ ".

Comm. Pogoda commented that is about 30 feet out of the 32 1/2 feet.

Chair Parkins indicated that would be end to end – it wouldn't even fit – at the original proposal.

Mr. Panico commented that he'd like to see a scaled portion of this on the façade with the sign mounted on it. That is the only way that they are going to know.

The other commissioners agreed and suggested tabling this.

Chair Parkins indicated that they need to see a scale to see how it is going to fit width-wise and height-wise and how it is going to fit onto that facade.

Mr. Johnson asked if he had to wait until they finished building the façade.

Comm. Pogoda responded no, just provide a scale drawing of the façade.

Chair Parkins added that they wanted him to show the dimension of what the width is going to be between the pillars using the proposed signage with 24" letters to see how it fits in.

Mr. Panico added that they'd like to see it in an actual true scale indicating the precise dimension of the façade area on which he is going to be mounting his sign and also reflecting the limit of the tenant's space and then this Commission can make a decision.

Mr. Johnson asked what size letters did they want to see.

Chair Parkins responded the 24" letter – she added that she thinks that he is going to find that is tight.

Mr. Panico commented that they are speculating about the size – but this Commission is not going to be happy if they see that sign starting at one end of that vertical element and extending to the next vertical element.

Mr. Johnson commented that when Dress Barn puts their signs back up, it is going to look (inaudible).

Mr. Panico responded that they have no control on Dress Barn at the present time.

Chair Parkins indicated that they voiced their opinion to the landlord regarding the signage and what the Commission's expectations were going to be on it. They are taking it one case at a time and unfortunately, he has been the first.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table Separate #5465.

SEPARATE #5442 CFS CONSUMER FINANCIAL SERVICES, 4 RESEARCH DRIVE, BUSINESS

Mr. Schultz indicated that this is a new occupant. The company name is CFS Consumer Financial Services. They provide asset recovery services. They have 18 employees; hours of operation 7 a.m. – 7 p.m. M-F and 8 a.m. – 1 p.m. on Saturday. Staff recommends approval.

Comm. Pogoda asked if parking was an issue there.

Mr. Schultz responded no.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5442.

SEPARATE #066 JOHNATHON SABO, 605 BOOTH HILL ROAD, IN-LAW

Mr. Schultz indicated that this applicant received a variance from the ZBA to allow a 975 square foot in-law apartment. The maximum is 900 and the dwelling unit normally must be at least five years or older and this is under five years. He showed the Commission a copy of the plot plan and explained that the new addition had been highlighted.

Comm. Pogoda asked the reason for the excessive square footage over their regs.

Mr. Schultz responded that it was a design factor by the homeowner. The homeowner was not present.

Comm. Pogoda asked if the ZBA had the right to approve something going over their regs.

Mr. Schultz responded yes, absolutely. This is not the first one to exceed 900 max.

Comm. Pogoda asked if the reason is just a design – not a hardship.

Mr. Panico commented that they must have demonstrated a hardship to the ZBA.

Chair Parkins added that they need a hardship to get it, don't they?

Mr. Schultz responded that there are some families that just like that extra room.

Comm. Spinelli asked if there was a handicapped individual or anything.

Mr. Schultz responded no and added, that as they are all aware, when doing an addition on the home, it is designed for the permanent occupancy – the original owner is not there forever, so obviously, that comes into play as to what people's needs are. This is on a private street off of Booth Hill Road, the home is not even seen.

Comm. Pogoda asked if this was under 5 years.

Mr. Schultz responded yes, and he added that the addition is to the right of the house.

Chair Parkins asked if they have to own it for five years.

Mr. Schultz responded that the regs require the house to be in existence – not ownership. They didn't want new constructions to incorporate in-law apartments.

Chair Parkins asked how old the house was.

Mr. Schultz responded it was three years and X number of months – under four months.

Comm. Sedlock asked if there was a reason provided as to why they want the in-law apartment right now.

Mr. Schultz responded no, it is just a design factor. The appeal period is over.

Chair Parkins commented that they have no recourse then.

Comm. Pogoda stated that in other words, they have to approve it.

Mr. Panico asked if the ZBA granted the reduction in age.

Mr. Schultz responded yes, absolutely, this is probably the third one that they have granted – most of them haven't been well over the 900, most have been about 925 or 950.

Chair Parkins asked if they were within their jurisdiction to do that without a hardship. She thought that they had to prove a hardship.

Mr. Schultz responded that you always have to prove a hardship but the neighbors didn't appeal it and neither did the Commission.

Mr. Panico added that in order to appeal the ZBA's decision, you have to be an aggrieved party.

Mr. Schultz responded that in the past, this Commission has reluctantly approved it and directed Staff to write a letter to once again remind them that the Commission spends a lot of time formulating the regulations and that the ZBA needs to understand that. He suggested that the Commission do that.

Comm. Pogoda made the recommendation that they write a letter to them in whatever language they see fit.

Mr. Schultz responded that he wrote a similar letter several years ago. The Chairman, Mr. Glover will read it the meeting.

Mr. Panico asked if they checked for internal access and so on.

Mr. Shultz responded yes, that part was scrutinized because they went to a public hearing.

On a motion made by Joe Sedlock seconded by Ludwig Spinelli, it was unanimously voted to approve Separate #066 and to direct Staff to write a letter to the ZBA regarding the issues discussed by the Commission.

SEPARATE #067 JAMES CONNERY, 15 TREELAND ROAD, IN-LAW

Mr. Schultz responded that this in-law is in full compliance. It is 600 square feet and it is a conversion within the existing house. It complies with all requirements. He showed the Commission a copy of the floor plan. This is in the lower level of a raised ranch. Staff recommends approval.

Comm. Pogoda asked if they were taking over the whole basement.

Mr. Schultz responded yes, the plan is the whole lower level.

He explained that just as the homes have gotten larger, the in-law apartments are going in that direction too because some parents that have lived in larger homes and find it difficult to shrink down under 1000 square feet.

On a motion made by Thomas McGorty seconded by Joe Sedlock, it was unanimously voted to approve Separate #067.

APPLICATION #10-08 OPTIWIND CORP. ON BEHALF OF MBI INC. TO AMEND THE ZONING REGULATIONS BY ADDING SECTION 49 (DISTRIBUTED WIND ENERGY FACILITIES): RESCHEDULE PUBLIC HEARING CONTINUATION DATE.

Mr. Schultz read a letter dated August 4, 2010 addressed to himself from Matthew Speck, Optiwind Corp and MBI providing the notice of their decision to withdraw their application.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept the request for withdrawal of Application #10-08.

PUBLIC PORTION

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

Ingrid Waters, 261 Long Hill Crossroads, Shelton addressed the Commission. Mrs. Waters indicated that she was speaking for herself, her husband and on behalf of the Long Hill Crossroad neighbors. She relayed that they were grateful and relieved that MBI withdrew their request for a 200 foot wind turbine by Opti-Wind because there is no room in this densely populated area of Shelton for such a large structure. She thanked the Commissioners for the intense research they did in order to get an idea of the impact that this wind turbine would have on the community and the immediate area.

Chair Parkins asked if there was anyone else wishing to address the Commission. There was no one.

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: 6/28/10 and 7/13/10

On a motion made by Anthony Pogoda seconded by Thomas McGorty it was unanimously voted to approve the minutes of 6/28/10 and 7/13/10. Commissioners Lopera and Spinelli abstained from voting because they did not attend those meetings.

CRESCENT VILLAGE CONDOMINIUMS: REQUEST FOR ONE (1) YEAR EXTENSION ON SITE PLAN APPROVAL

Mr. Schultz explained that this was the second one year request on the five year site plan approval. The Commission can grant up to an additional five year period. He read a letter from RGR Shelton LLC dated 8/5/10.

***See attached correspondence to Richard Schultz from Al Ziedins dated August 5, 2010.**

Mr. Schultz stated that Staff wants to advise the Commission that the site has been stabilized completely. The development has worked with Pine Rock Park Firehouse, as they are aware, for the emergency entrance. Furthermore, they have not received any complaints and the Commission is aware of the present market conditions. He added that it is very slow and for projects of this size, it is a reasonable request. As he indicated, this will be the second one-year extension. They hope that the market will improve and they'll be completed.

Chair Parkins asked if they had 90 out of 135 built.

Mr. Schultz responded yes.

Mr. Panico asked if the units sold and occupied were served by completely finished roads.

Mr. Schultz responded yes, finished roads and the community building is complete with the pool. The visitor parking is in also.

Mr. Panico asked if any of the current owners or occupants would be adversely impacted if this project strung out an extra year.

Mr. Schultz responded no. He added that if they hadn't been up there lately, it is a very clean project and they had great success early on with a stronger market.

Comm. Pogoda commented that he had been speaking to Justin at their meeting last week and he had mentioned that there still isn't a completion in the buffer area. He'd like one of them to go out and look at the area.

Mr. Schultz responded that they can make that a condition of approval.

Comm. Pogoda commented that he wasn't 100 percent sure what he expected.

Mr. Schultz responded that they could look at that. They've been very cooperative overall. He added that this is a PDD so the Commission can require additional landscaping material.

Chair Parkins indicated that they would go back to the original and make the approval conditioned upon all the conditions having been met.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the request for a one year extension on Site Plan Approval for Crescent Village Condominiums subject to fulfilling the buffer area requirements.

ZONING ENFORCEMENT

1. 44 LISA DRIVE: LANDSCAPING PROJECT

Mr. Schultz indicated that Staff has been communicating with the Commission on this particular project at 44 Lisa Drive. For the record, he read his last letter to the property owner. He added that he met with them last Friday.

Dear Mr. & Mrs. Lichvar:

This letter is to confirm their meeting of July 28th regarding the unfinished landscaping improvement project of your property on 44 Lisa Drive. The landscaping completion plan with document was also reviewed and updated to ensure completion.

As stated in my letter of May 6th, landscaping activities are permitted under Section 32.2.2.2 of the Shelton Zoning Regulations provided that said improvements do not cause danger to the public health or safety including stagnant water, soil erosion, water pollution, or excessive drainage run-off.

It is imperative that you finish filling and grading work to not negatively impact the adjacent properties and the City of Shelton street system. Your landscaping completion plan indicates that your filling and grading of loom will be completed by August 6th, 2010. Failure to comply with this activity by said date will be reported to the Planning & Zoning Commission at their August 10th meeting. You are also reminded that you are to seed all exposed lawn areas by August 31st and to remove your rock pile by the same date.

Chair Parkins asked how this came to his attention and if there was a complaint.

Mr. Schultz responded that this is the property with the large stone wall that encroached partially within the City right-of-way that went to the BOA. As they are aware, there are many sites in Shelton that like to do filling and grading. Some fall under the as-of-right landscaping – and that is an issue that they are addressing at the Zoning Subcommittee. They have to quantify it – whether it be 100 cubic yards, 200 cubic yards, etc. because they have a situation like this

where it is a large area but the work is not being done in a timely manner and that is what is aggravating to the property owners. Then, of course, there are the drainage concerns, this particular area is somewhat level but there still could be drainage concerns. So, there are a host of issues. They are regulating this under the current regulations that give Staff the control over it.

Chair Parkins asked if they pulled a permit to do this.

Mr. Schultz responded yes.

Chair Parkins asked if it was an after-the-fact permit.

Mr. Schultz responded yes, well, after-the-fact, Staff gets calls over the phone such as "can I do filling and grading on my property under landscaping?" Generally speaking, they say yes, but Staff has learned that they have to go out there because people are not being entirely clear and forthright. This is a large area.

Chair Parkins agreed that it was a large area. She added that she went out there today and she still can't quite figure it out.

Mr. Schultz stated that considering what they have gone through, he would have suggested having a public hearing on it. It isn't as severe as Ladyslipper or Wabuda Place.

Chair Parkins commented that not knowing the slope that existed prior to them doing all this fill, it is hard to get a grasp without seeing any plans of what really went on there. But she doesn't understand why they are trying to fill all the way up to the top of that stone wall – so that it's level with the top of the stone wall?

Mr. Schultz responded that the stone wall turned into a retaining wall.

Chair Parkins commented that she didn't understand and asked if it was indicated on plans that they submitted.

Mr. Schultz responded yes, in part because it was a general plan but he thinks they just had excess material and they figured that they would have to spread it because they didn't want to haul it off.

Chair Parkins asked where the excess material came from.

Mr. Schultz responded that they brought in all this loam and it had to be spread.

Chair Parkins asked why they brought in the loam.

Mr. Schultz responded that he does this for a living and (inaudible)

Chair Parkins commented that it is a dumping ground.

Mr. Schultz responded that's right, in part, yes. So they have this quagmire going on and he can't emphasize how important the rewrite of the Filling and Grading Provision is and the Zoning Subcommittee is working on that. He added that it would be done right after the Sign Regulation rewrite.

Chair Parkins commented that Staff is monitoring this.

Mr. Schultz responded yes, and there might be a couple of residents here tonight who want to address the Commission. The Commission's role now is either to direct Staff to initiate legal action as needed – because they aren't meeting again

until Sept. 12th or to continue to direct Staff to monitor it and report at the next meeting.

Chair Parkins stated that she thinks this Commission would like to know what the plan is – what their overall plan is and what are they trying to accomplish.

Mr. Schultz responded that their plan is to regrade using all of that loam that was deposited. They have these large piles of loam that have been regraded. Now they have to seed it and get the grass growing – obviously, this is not the time to do it.

Chair Parkins asked if this wall hadn't come before this Commission too.

Mr. Schultz responded yes, many years ago. It had to go before the BOA and they had to make some modifications and one of the conditions was to erect STOP signs at that intersection of Lisa and Frank.

Comm. McGorty asked if once they get through all that grading and everything – is it compliant?

Mr. Schultz responded that it can be, it is just that the residents are very concerned – when you don't submit an engineer's grading plan with a stamp on it because that engineer that draws it, usually monitors it.

Chair Parkins asked if this amount of fill requires that process.

Mr. Schultz responded that under the proposed regulations – absolutely, yes. And if they start it from the very beginning, because Staff has to use its discretion as to whether it is landscaping or is it a large project that needs the benefit of an engineering plan – and the answer is that it should have required a public hearing. Because the Commission puts timeframes on it like 6 months and do the bonding, etc.

Chair Parkins asked how long this has been going on.

Mr. Schultz responded years.

Comm. McGorty asked if they had an Engineering Plan now.

Mr. Schultz responded no.

Comm. McGorty asked who was monitoring it.

Mr. Schultz responded Staff and the Engineering Department have gone out there but he asked them to do a more detailed ...

Comm. McGorty commented that he thought they should really be on top of it because there is no engineering plan and there's no oversight to make sure it gets done right.

Mr. Schultz requested that the Commission direct him to write a letter to have them inspect it, because they have taken the position that it is more of a private matter. Mr. Schultz stated that he's not an engineer - but the Engineering Department says that they don't want to get involved in these private matters. They review it when a submission is done.

Chair Parkins agreed because then they are doing the Engineering which means if anything goes wrong, they are responsible for it.

Comm. McGorty asked why an Engineering Plan isn't requested at this point.

Mr. Schultz responded that was an option that this Commission has in lieu of going to court. It would be a step that the Commission would do. They would get an engineer to do an plan showing the existing grades and the proposed grades.

Comm. McGorty indicated that he thinks it needs to be done because there are other houses in the neighborhood surrounding this and this could disrupt a lot of different things with drainage and everything else.

Mr. Schultz responded that he informed the owner that the Commission might take that route.

Chair Parkins asked if the owner was present.

Mr. Schultz responded that the owner said he would not be present.

Chair Parkins asked if any of the neighbors were present.

Fred Delbuono, 40 Lisa Drive, Shelton, CT addressed the Commission.

Mr. Delbuono thanked several of the gentlemen that, over time – not months but years, that this issue has been going on. Mr. Delbuono indicated that it is his property that would potentially have the most impact.

Chair Parkins asked if he was in the back.

Mr. Delbuono responded no, on the side. The back belongs to a family member of theirs. He stated that the best way that he could describe it – and some of the people at the table have had an opportunity to take a look at pictures that he has taken over a period of time – during a heavy rainstorm that they just had, the wall prevented the water from moving as it has for 34 years. (He has lived there for 34 years). The water ponded in that particular area.

Mr. Delbuono commented in regard to the letter that Rick Schultz read with the deadline of August 6th, the material has not been spread over the property as of that date. They have been doing some work the last couple of days. Their mode of operation is to do whatever it is that they are doing over the weekends and on Mondays and well into the evenings. They are very tired of listening to heavy earthmoving equipment – he isn't talking about months, he is talking about over two years plus months of activity that has gone on.

Mr. Delbuono indicated that his letter writing to the Planning & Zoning Commission as well as the BOA has cited this fact. His overall concern is for the potential water damage coming onto his property. He reiterated that as of August 6th that material was not spread, so again, they have gone against what the town has required them to do.

Mr. Delbuono explained that they are moving that dirt from one complete section to various sections and he has concerns about that ponding water which he mentioned. They have been filling the wall – not the retaining wall – his impression of it, and he is not an engineer, is that they are doing everything they can to keep that water from running onto their family's property.

Mr. Delbuono indicated that he is fearful that what they are doing is eventually going to run onto his property. Regardless, of the aesthetics, they have piled dirt into the corner to raise the level of the land and, in effect, all that water that was ponding in the front before they moved that dirt is going to go in a northerly

direction. The northerly direction from that corner is in a downward slope into a stream that is behind this family's property.

Mr. Delbuono expressed concerned about the water flow and the effect on his house, his septic system and the potential for damage.

Comm. Pogoda asked Rick Schultz if they could mandate – seeing that this is more than just a landscaping project – him getting an engineer at this stage of the game.

Mr. Schultz responded that he was going to recommend that they make a motion to direct the owner to submit an engineering site plan and incorporate all the information that is necessary as determined by Staff and to further state that failure to comply will result in legal action. He thinks that is a fair step instead of taking him to a public hearing. He added that if the owner fails to do it, he has enough letters that will go to the judge who will see that he has not kept his part of the bargain.

Comm. Sedlock asked what the timeframe was on this – how long is that going to take because this homeowner is pretty concerned about what is going to happen with this water right now.

Mr. Schultz responded immediately – the next meeting is September 12th.

Chair Parkins commented that they could give him 30 days to get an engineer's drawing.

Comm. Pogoda indicated that he thinks that they need it before then. He doesn't know how long it takes to get a certified engineer out there but that is not his problem.

Mr. Schultz stated that if he fights that requirement, then they'll have to take the next step. There are really two issues. It will show the limits of where all the work was done, the new grades, how the fill impacts and how that stone wall has turned into a retaining wall because that could affect the city street system.

Mr. Panico asked where, as you face the property, is that grading against the stone wall taking place.

Mr. Schultz responded the right, rear of the house – and that is right to the brim.

Chair Parkins commented that the whole property has been raised up to the top of that wall, not just the back – the whole thing has been raised. She went by there today.

Mr. Schultz responded that all those issues will be incorporated in the engineer's report.

Chair Parkins asked if there were any other residents who would like to speak.

Joe Filingeri, 45 Lisa Drive, Shelton, CT addressed the Commission. Mr. Filingeri indicated that he has lived there 36 years and it has always been a nice looking neighborhood but lately it looks like a slum simply because of what is going on across the street. He takes pride in his property and all the other neighbors take pride in their property. They all do their best to improve the property but this guy has come along with a backhoe and some fantastic idea of the Berlin Wall and it has made a slum out of the area.

Mr. Filingeri added that is his concern because he looks right into it because he is on top of the knoll. He invited the Commissioners to come and look at it from his living room.

Comm. Laperla asked if the loom graded away from the house – is the house now higher – has he made the house a knoll.

Chair Parkins responded that the existing driveway is still at the level that it is now and the front (inaudible).

Mr. Panico added that the front left hand corner of the house seems to be the high spot of the grades around his house so the water grades down his left side and across the front and around. He hasn't created a knoll.

Chair Parkins commented that it appears to her that he was trying to make a level yard up as high as the wall on all sides– that is how it appeared to her today.

Comm. Laperla asked where is the height of the house versus the height of the wall. Is the house now below the wall?

Comm. Pogoda responded no.

Mr. Filingeri's nephew (name not provided) commented that his uncle wanted to let the Commission know that he did rip out the driveway today – and what he is planning on doing with that now is another issue.

Mr. Panico asked if that was the driveway that he had constructed.

Mr. Filingeri's nephew responded yes, the driveway that he constructed and he moved the location of the driveway inhibiting the fire department's access to the fire hydrant on that corner. He is aware that this has been an issue with the Fire Marshall's Office. He has now ripped out the driveway material that he had there up until today.

Chair Parkins asked where his new driveway is located.

Mr. Filingeri's nephew responded that it is on the corner of Frank and Lisa. His driveway used to be on (inaudible...)

Comm. Spinelli commented that there appears to be a potential for a hazard being developed and he suggested that they have a Cease & Desist Order immediately so that no further damage is done until the Engineer gets a chance to come out and see what has taken place. Because they certainly don't want to have any issues with fire access or other safety issues related to this.

Mr. Schultz added that knowing what they know now, including the comments from the neighbors, clearly the Commission should make a motion to issue a Stop Work Order immediately first thing in the morning. They will inform the owner to stop all work and to hire a professional engineer and submit those plans.

Comm. Spinelli indicated that they should give the owner so many days to get the engineer data.

Mr. Schultz responded yes, the next meeting is September 12th and they will say to get that ASAP.

Comm. Sedlock asked the neighbors, if they issue a Stop Work Order right now if it grades against their property right at the moment.

Mr. Delbuono responded that he is not any engineer but he would like to say that there is potentially damage being done right now the way the property is now – with water ponding, etc.

Comm. McGorty stated that it sounds like it is redirected toward that property with the pitch of the land running downward.

Comm. Sedlock asked what they could do to stop that situation.

Chair Parkins responded that she didn't think that they could do anything except issue a Stop Work Order to make sure no further damage takes place and get an engineer plan so that any further work that's done is going to be a benefit rather than a detriment.

Comm. McGorty asked if the proper silt fencing was around the whole project.

Mr. Schultz responded that this has been stockpiled until recently and (inaudible). The engineering plan will have a sediment and erosion control plan (inaudible)...He asked for a motion to direct Staff to issue a Stop Work Order immediately and to direct the homeowner to hire a professional engineer to prepare a drawing which will be reviewed by Staff and the P&Z Commission at its 9/14/10 meeting.

Mr. Panico indicated that they needed to qualify that a little in case he has a potential drainage problem that needs to be addressed right now. He hates to see them issue a Stop Work Order, have a problem occur and then have him say that occurred because he stopped the work.

Chair Parkins commented that he has no sediment and erosion control in place. Whether the neighbor is his relative or not (inaudible)

Comm. McGorty added that needs to happen ASAP.

Mr. Schultz responded that the erosion control is a separate issue – that can be enforced any time (inaudible)... that will be incorporated with the Stop Work Order. Sediment and erosion can guide the water on that property line if it is installed correctly.

Comm. Sedlock asked how they put that in this evening.

Mr. Schultz responded that the Commission needs to direct Staff to issue a Stop Work Order and enforce Sediment and Erosion control and to direct the homeowner to retain the services of a Professional Engineer.

Comm. Pogoda asked what time period they were going to put on him to get the engineer.

Mr. Schultz responded by the September 14th meeting.

Comm. Pogoda indicated that he thought they needed it before then so that they know. He thinks two weeks should give him enough time to get an engineer and get something to Staff or some discussion going before their meeting.

Mr. Schultz responded that they are going to find out right away because he'll email them – whether he is going to obtain services or fight it. At least the Stop Work Order will be posted on the property and he knows that the other

homeowners know that they have this Commission's support to get this job done.

On a motion made by Ludwig Spinelli seconded by Joe Sedlock it was unanimously voted to direct Staff to issue a Stop Work Order for work being conducted at 44 Lisa Drive and to enforce Sediment and Erosion control and to direct the homeowner to retain the services of a Professional Engineer within the next two weeks.

SIGN REGULATIONS AMENDMENT

Mr. Schultz indicated that as he reported to the Commission last time, the Commission set a tentative public hearing date of September 14th so that he could send out notices to all the Regional Planning agencies. That is the date of the regular meeting. The public hearing for Crabtree is on the 22nd. He suggested a third meeting for September.

End of Tape 1B 8:34 p.m.

Comm. Pogoda commented that they should go to three meetings if they have to because they keep pushing this off. He hopes that the Commissioners have taken a good look at the regulations. If they don't get it in on a third meeting in September, then they are looking at the end of October again and going toward the holidays again. He hates to push it off. They can see the problems that they are having tonight. They are spending so much time on one or two signs and this is going far beyond what he thinks that they should be doing at their meetings. There are more important things for them to be looking at. They need to have some definitive regs. He would like to see them have a third meeting if they have to, with that one thing on the agenda, and that was his suggestion.

Chair Parkins responded that she agreed and appreciated his comments. She added that she thought it was important for them to get the comments from the business sector and the meeting with the Chamber is very important. She indicated that she had attended the Street Committee Meeting last week and the P&Z regulations were on the agenda for discussion and she was invited to partake. She stressed to them the importance of them putting an ordinance together to accompany this because without the ordinance, there isn't much that they'll be able to do to enforce it.

Chair Parkins stated that Alderman Finn was present and he wanted some changes made to the regs to incorporate political signs. She agreed with him to address some of his concerns to the regs, but she thinks some of his concerns need to be addressed through the ordinance as well. So they have to sort that out. She thinks there needs to be some mention but she thinks that in terms of – right now there is a mutual agreement between the two political parties in town that the use of city property will not be used for political signs. Sometimes when there is an out of town candidate that is running, such as in a primary, they just come in and just start putting signs down. Again, she doesn't think that belongs in their regulations, she thinks that belongs in the ordinance.

Mr. Schultz added that they are usually placed in the right-of-way.

Chair Parkins indicated that she has asked Rick to work with them on the ordinance to try to get that going. It may get delayed if they don't get some kind of assistance.

Mr. Panico commented that he did get some feedback on Alderman Finn's request about a sign ordinance relative to the political signs. He sent him a copy of it.

Chair Parkins indicated that she received a copy too and was confused by some parts of it and wants to take a look at it again. Some of the things are already covered in their regulations.

Mr. Schultz agreed that there was some overlapping.

They continued to discuss the use of political signage on private property and public property, and public right-of-ways.

Chair Parkins commented that they do need a little more time so September 14th is a little soon to hold a public hearing, but she also agrees completely with Comm. Pogoda's comments that they need to get this done and on the books.

On a motion made by Anthony Pogoda seconded by Joe Sedlock, it was unanimously voted to reschedule the public hearing for the Sign Regulations for Wednesday, September 29th.

PAYMENT OF BILLS

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

STAFF REPORT

See attached P&Z Staff Report dated August 10, 2010.

REPORT FROM CHAIRMAN/SUBCOMMITTEE CHAIRS

Comm. Sedlock asked Chair Parkins regarding a conversation with Alderman McPherson about the graffiti downtown. He asked if she had received any feedback on that.

Chair Parkins indicated that she met with the Police Chief and Captain Madden and they discussed the lack of police presence down there and things that could be done such as put a cop on the beat. They said if they put a cop on the beat then the vandals will get smart and begin to know when the police are in certain areas. They are looking into other options and they are aware of the concerns in that area. They gave her the indication that they know about the issues there and are working on it.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Patrick Lopera, it was unanimously voted to adjourn at 9:00 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission

STAFF REPORT
SHELTON PLANNING AND ZONING DEPARTMENT

MEETING DATE: August 10, 2010

SUBJECT: Miscellaneous Zoning and Planning Matters and Meeting Schedules

ZONING MATTERS

1. **ZBA Agenda**: Please review the 8/17/10 ZBA agenda. Please note Appl. #610-1 regarding an appeal of the Zoning Enforcement Officer. This matter is scheduled to be acted on at the 8/17 meeting. (see attached agenda)
2. **CT Siting Council**: There was one application before the CSC during this review period:
 - a. Lane Street (Brownson C.C.): Verizon Wireless for final approval for the installation of a 120 foot monopole designed as a pine tree. The branches will be up to 127 feet above ground level.
3. **United Illuminating**: The Engineering Dept. has had no additional discussions with UI officials regarding their Old Stratford Road property during this reporting period
4. **Zoning Subcommittee Report**: The ZS met on 7/23/10 and 7/23/10 to discuss the re-write of Section 44: Signs. The Chairman of the BOA's Street Committee attended the 7/23/10 meeting. A report will be given by the ZS's Chairman.
5. **Downtown Subcommittee Report**: The DS held its last meeting on 7/16/10 to inspect the renovations work at 350 and 475 Howe Avenue properties. A report will be given by the DS's Chairman.
6. **Zoning Enforcement Program**:
 - a. 38 Lark Lane: blight and junk yard conditions; owner contacted; on-going
 - b. 90 Poplar Drive: blight and junk yard conditions; owner contacted; on-going
 - c. Valley Transmission: toilet removed
 - d. 351 Long Hill Avenue: Staff sent out second notice to complete removal of two remaining junk cars; on going
 - e. 45 Nichols Avenue: junk yard conditions; owner contacted; on-going; uncooperative and will recommend legal action

- f. 77 Capital Drive: blight conditions; owner contacted; on-going
- g. 19 Treeland Road: construction of deck without permit; owner contacted; on-going

7. Filling and Grading Projects:

- a. 39 Wabuda Place: work started on 6/23; ongoing inspections by Staff (work approx. 95 percent completed)
- b. 11 Ladyslipper Drive: work started on 6/19; ongoing inspections by Staff (work approx. 75 percent completed)
- c. ^{#470} 190 Huntington Street (corner of Trap Falls Road): on-going work; owner directed to remove remaining earth material by end of summer in conjunction with completion of single family dwelling; no Certificate of Occupancy will be issued until all material is removed and property loamed and seeded.

PLANNING MATTERS

- 1. **2006 Plan of Conservation and Development:** The PZC continues to implement the recommendations of the PCD. The ZSC has prepared its latest Draft Sign Regulations Amendments which have been distributed to all PZC members. The Zoning Subcommittee is currently working on the re-write of Section 32: Excavation and Filling. A joint meeting with Conservation Commission representatives will be scheduled to discuss the change to the Subdivision Regulations requiring 15 percent open space setaside instead of 10 percent.

MEETING SCHEDULE

- 1. **Special Meeting for August:** There is no special meeting scheduled for the month of August.

****Permits Issued for New Residential Units for 2010 (thru 8/10/10)****

- 1. Single Family Detached Units: 7
- 2. Multi-family Units: 0

City of Shelton Board of Zoning Appeals
54 Hill Street, Shelton, Connecticut

Gerald Glover, Chairman
Ralph Matto, Vice-Chairman
Linda Adanti
Phillip A. Cavallaro, Sr.
Edmund Conklin
Jack Fitzgerald
Robert Harbinson
Philip J. Jones
Zoning Enforcement Officer
Building Inspector
Planning & Zoning Commission
Corporation Counsel
Wetland Enforcement Officer
Fire Marshall
Conservation Commission
City/Town Clerk

Meeting, Tuesday, August 17, 2010 at 7:30 P.M.
Hearing Room, City Hall, 54 Hill Street, Shelton

- #710-4** Latisha Hamel of 59 Woonsocket Avenue, Shelton, CT for a certificate of approval for an 18' x 30 ft. pool to be located on the property of the applicant at 59 Woonsocket Avenue, R-4 zone, and which requires a reduction in setback from the rear property line from 25 ft. to 15 ft. Application states in the rear is Krill and Shpak, and on the left is Garrido.
- #710-5** 88 Long Hill Cross Roads, LLC of One Corporate Drive, Suite 100, Shelton, CT for a certificate of approval for a loading dock and ramp to be located on the property of the applicant at 88 Long Hill Cross Road, IA-2 zone, and which requires a reduction in setback from the street line from 50 ft. to 46 ft. Application states on the right is FREI Real Estate LLC, in the rear is Giannattasio and Crown Point Center, LLC, and on the left is Giannattasio.
- #810-1** Joseph Dignartino of 22 Rodia Ridge Road, Shelton, CT for a certificate of approval for a one car detached garage to be located on the property of the applicant at 22 Rodia Ridge Road, R-1 zone, and which requires a reduction in minimum setback from the street line from 40 ft. to 19 ft. Application states on the right is Carol Hongo, in the rear is City of Shelton Conservation Land and on the left is Karl Smith.
- #810-2** Joseph Ovesny of 164 East Village Road, Shelton, CT for a certificate of approval for a 6' x 32' front porch to be located on the property of the applicant at 164 East Village Road, R-1 zone, and which requires a reduction in minimum setback from the street line from 40 ft. to 30 ft. Application states on the right is George Payne, in the rear is Martha Insalaco and on the left is John & Barbara Gregory.
- #810-3** James & Barbara Freebairn of 107 Gray Street, Shelton, CT for a certificate of approval for a pool deck to be located on the property of the applicants at 107 Gray Street, R-1 zone, and which requires a reduction in minimum setback from the left side yard from 30 ft. to 15 ft. Application states on the right is Dritenbas and Tomatore, in the rear is Urbani and Micanovic and on the left is Spencer.
- #810-4** Brian Pagluiso of 61 Beardsley Road, Shelton, CT for a certificate of approval for a 32x16 inground pool to be located on the property of the applicant at 61 Beardsley Road, R-1 zone, and which requires a reduction in minimum setback from the rear property line from 30 ft. to 10 ft. Application states on the right and rear is Ronald Rogliano, on the left is Lee Nichols and in the front is Carl Leonzi.
- #810-5** Patsy Sorrentino of 264 Soundview Avenue, Shelton, CT for a certificate of approval for a 2460 sq. ft. two story barn to be located on the property of the applicant at 264 Soundview Avenue, R-1 zone, and which requires an increase in maximum square footage from 750 sq. ft. to 2460 sq. ft. (2 FL), and a variance to allow a bathroom in the barn. Application states on the right is Karbowski, in the rear is City of Shelton, on the left is Schultz, Pelloth and Stace.



ROBIK GLANTZ BUILDERS, LLC
GENERAL CONTRACTORS & DEVELOPERS
1925 Black Rock Turnpike, Suite 203, Fairfield, CT 06825

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PLANNING & ZONING

August 5, 2010

Mr. Richard Schultz
Planning and Zoning Administrator
City of Shelton
Office of Planning and Zoning
54 Hill Street
Shelton, CT 06484

Re: P&Z Application #05-57 and PDD #49

Dear Rick,

On behalf of RGR Shelton, LLC, I am requesting a 1 year extension to the development as we are not yet complete. Of the 135 units originally planned, we have over 90 units occupied and have several closings occurring this month. However, we are building in pace with sales and, as I'm sure you're aware, they have slowed during the past 18 months.

If you have any questions please do not hesitate to contact me at 203 948-1478. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in red ink, appearing to read 'Al Ziedins'.

Al Ziedins