

***See attached correspondence to Richard Schultz from City Engineer, Robert Kulacz, dated 9/8/10.**

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5492.

SEPARATE #5505, COASTERS TAP & GRILL, 882 BRIDGEPORT AVENUE, RESTAURANT/SIGN

Chair Parkins asked if this was in the Shelton Square Shopping Center.

Mr. Schultz responded yes, that Separate #5505 and Separate #5490 deal with Shelton Square. He indicated that Separate #5505 deals with the occupancy – this is the old Metro restaurant. They are downsizing it a little bit. The doctor's office/Vision Center is going to be taking space from the old Metro leaving 3,700 square feet. The hours of operation would be 11 a.m. – 12 p.m. They are requesting the same liquor licenses that were there before.

Additionally, they want to show the Commission the new wall sign. He indicated for anyone who hadn't been up there, that they have completed most of the façade work. Tonight, they will hear about sign replacements for Coasters Tap & Grill and the Happy Family Chinese restaurant. Additionally, the overall length of the sign they approved last month for the liquor store...

Chair Parkins responded that they didn't approve it – it was tabled.

Mr. Schultz commented that there had been overall support for it – shrinking it down- once they got the information – and that information is going to be provided tonight. He reiterated that Coasters Tap & Grill would be the same use that previously occupied the site, the Metro. It is smaller.

There was some confusion about the Separate numbers for the Chinese restaurant and Super Saver Spirits Liquor Store. It was determined that the liquor store signage would have to be an add-on to the agenda because the information came in unexpectedly.

Chair Parkins asked to work on the restaurant first – Coasters Tap & Grill. She asked if they submitted a site plan because they are obviously knocking down the dining room section and just keeping the bar area.

Mr. Schultz responded that they would be using the left side of the old Metro and half of the dining room. He indicated that the site plan had just been submitted and Staff had not had an opportunity to look at it. He added that the direction that the Commission has been giving the owners of Shelton Square is to go with the channel letters on signage.

Chair Parkins commented about the size (inaudible).

Comm. Pogoda commented (inaudible).

Mr. Panico commented that it is a pretty good size façade (inaudible).

Comm. Harger asked if the applicants were present. She asked if the layout of the sign was a take-off on a "coaster."

The applicant (name not provided) responded "sort of."

Comm. Harger asked if that was their logo.

The applicant responded (inaudible).

Chair Parkins asked if it was to scale, and if it was going to take up that whole façade.

Mr. Panico commented that they could have had a traditional sign with the words stretched out a lot further.

Chair Parkins commented that they've given the dimensions to the sign, but she is questioning its size in relation to the façade area.

Mr. Panico responded that they are within code, if that is what she means.

Comm. McGorty commented that he thinks Chair Parkins is talking about proportionately - whether or not it is proportionately to scale – to what the façade is.

Mr. Panico responded that it looks like it and commented as to the depth of the façade.

Comm. Pogoda asked if the sign was in scale as to the façade on this drawing.

The applicant (unidentified) indicated that he didn't know. The signs were done for them by Signs Unlimited, who does most of the signs throughout the area. Signs Unlimited told him that it was up to what would, hopefully, be approved by the Board based on what the requirements are.

Mr. Panico responded that the background above the sign and the background below the sign are (inaudible).

Comm. Pogoda commented that the applicant doesn't know if this is to scale.

Mr. Schultz indicated that the representative from Shelton Square was present.

Paul Dumont, representing Shelton Square, addressed the Commission.

Mr. Dumont indicated that this was the first time he was seeing this sign from their tenant. He explained that there was approximately 8 feet of facade, on the new façade, between the cornice and the top of the roof. So, this is not quite to scale.

Comm. McGorty asked if it was going to be a couple of feet on the top and the bottom...

Mr. Panico commented that it is only going to leave about five inches.

Mr. Dumont agreed and added that they would have recommended to this tenant that it be reduced so that it would be more in keeping with the others. Especially when they get to the other sign that they have, Rick Schultz has a copy of it, they will be able to see what he is talking about.

The Commission reviewed the signage for Happy Family Chinese Restaurant and continued to discuss the signs and locations of the signs at Shelton Square but the discussion was inaudible.

Mr. Panico asked where this structure was relative to Stop & Shop. There was further discussion about the other store locations on the rendering provided (inaudible).

Mr. Dumont presented a photograph to show the location of the other stores next to Coasters at Shelton Square and the position of Coasters in the nook of those stores.

Comm. Pogoda asked if they can just reduce the coaster.

Chair Parkins asked the other Commissioners if they wanted a dimension to work with.

Comm. McGorty responded that they should leave at least a foot above and below, right?

Mr. Panico noted that it was approximately 96" and this is sign 76" so it's about 10 inches above and below – if the estimates are correct.

Mr. Dumont responded that as the owner, they are trying to standardize things a little bit. They would like to see a foot below the new cornice and no more than 2 feet below the bottom of the roof. So, if there were 8 feet, that would leave approximately 5 feet from the roofline.

Mr. Panico asked if, when he was saying "the bottom of the roof", he meant where the brick line ends.

Mr. Dumont responded from the roofline – there's a soffit there which is seen in the picture. There is the canopy roof...

Chair Parkins asked if he was looking for a height of 60 inches max.

Mr. Dumont responded that would probably be good – anything more than that in height would be missed because as you approach the shopping center it would be clipped by your vision.

Chair Parkins reiterated that it would be 5 foot tall max.

Mr. Panico asked if they were looking at a photo of the new façade.

Mr. Dumont responded yes, it is a photo of the new façade. They superimposed the new Chinese restaurant sign on to it, to scale.

Mr. Panico asked about the gray band along the top of the façade and how wide it was.

Mr. Dumont responded that it was approx. 15" and that color will be changing. They would like to leave a foot below the colored band.

Mr. Panico asked if a foot of the background would show.

Mr. Dumont responded yes, they would leave a foot, and have the contrast and then 2 feet below, at least.

Mr. Panico asked if the Commission could accept that as one of their guidelines, one of their rules.

Mr. Dumont responded that they are going to encourage all of their new tenants to do that. He has to work with what he has with the existing tenants and with the existing signs. They have all been approved. If they took the signs down, then they are putting them back up. They have some pictures to show the Commission because they put up four signs today that kind of follow those guidelines.

Mr. Panico commented that they could be guided by that guideline for all new signage – 12" below and 24" above.

Mr. Dumont stated that some tenants have 24" letters and they would recommend that they go a little bit further down so they may be 2 feet below the cornice band.

Mr. Panico indicated that they could advise a sign limitation area and the sign has to fall within that.

Mr. Dumont added that some tenants have 40 feet of storefront so they have much more area to play with.

Chair Parkins commented that they don't necessarily want to see a letter from one end to the other.

Mr. Dumont responded that he completely understands that. He showed a rendering of the shopping center and explained that in creating their new façade, they have broken up the areas. He showed what represents approx. 32 or 33 feet, with some a little bit longer at 36 feet but they have broken it up so that they don't see the whole thing.

Mr. Panico agreed that otherwise the signs start running into each other.

Mr. Dumont commented that they have added those breaks with the columns, so if there is enough room in between and they are the proper scale, they will achieve that and the letters won't run into each other.

Chair Parkins indicated that 8 feet is his total space and he'd like to see 24" and 12" so (inaudible).

Mr. Dumont responded that it would be no closer than 12" on the top – he's working with five feet with an appropriate width.

Mr. Panico commented that the Coasters rendering should be fine if it is scaled down to his spec.

Mr. Dumont responded that could be made more of an oval possibly to get a greater width. It would achieve the same thing; they would still get the same identification, probably even better.

Chair Parkins agreed that it needed to be about 1 ½ feet shorter.

Mr. Dumont indicated again, that as you walk up to the Center, your vision gets clipped from the canopy roof so the closer you walk in, the less of that sign you see. With those guidelines, pretty much all the sign will be seen from the traffic lane that goes in front of the shopping center.

Mr. Schultz stated that he got the modifications on that.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5505 with modifications to the signage.

SEPARATE #5490 PAUL DUMONT, 872 BPT AVENUE, SIGN

Mr. Schultz indicated that this was for the Happy Family Chinese Restaurant. He showed a rendering of the proposed replacement signage. The old one, a box sign, was one of the last remaining box signs up there.

Mr. Dumont told the Commission that they removed the box sign and replaced it with channel letters, as discussed.

Comm. Pogoda asked if it would be coming down a little bit.

Mr. Dumont responded yes, in keeping with those guidelines discussed, this will come down slightly. It is probably about 6" now and to scale it will come down another 6". He added that they are already working in the guidelines that he just stated.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5490 with modifications to the signage.

Chair Parkins asked if they had any other signs for that shopping center.

Mr. Schultz asked if the applicant for the sign tabled at the last meeting was present.

Scott Johnson indicated that he was present representing Super Saver Spirits.

Chair Parkins stated that they needed a motion to add this to the agenda.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to add Application for Certificate of Zoning Compliance Separate #5465 to the evening's agenda under Old Business.

SEPARATE #5465 VISION DESIGNS, 864 BPT AVENUE, SIGN

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

Mr. Johnson stated that he was at the meeting last month and the Commission asked him to reduce the size and show it on the new façade. They haven't finished the façade for that unit yet, so he is showing it on another.

Mr. Dumont added that he has taken their elevation and superimposed their sign onto their elevation.

Chair Parkins asked if it was to scale.

Mr. Dumont responded yes, to scale.

Chair Parkins asked what the height of the letters were.

Mr. Johnson responded that they were 24".

Comm. Flannery asked how long it was.

Mr. Johnson responded that it was 314".

Mr. Dumont added that it was approx. 26 feet, 2 inches. It is going into a 32 foot dimension between columns.

Chair Parkins noted that he has 3 feet on each side.

Mr. Dumont indicated that the Olympia Sports which they put back up today is approximately the same letter dimensions – so that is a 24" letter dimension on that. He showed the Commission a photo of the Olympia Sports signage.

Comm. Pogoda asked what the space between columns was on this one.

Mr. Dumont responded that it is approx. the same – about 32 feet.

Comm. Flannery asked what was there for Olympia Sports – 26 feet.

Mr. Dumont responded that the whole sign for Olympia Sports is just shy of 24 feet so it's a few feet smaller. There is about 4 ½ feet on either side of Olympia Sports right now.

Mr. Panico asked what the vertical size of the Olympia Sports lettering was.

Mr. Dumont responded that it was 24". He commented that he thinks the plan that was just submitted is out of scale – the plan for Super Saver.

Chair Parkins commented that they figured it out at the last meeting that it was barely going to fit.

Mr. Dumont responded that he has shrunk that down – he asked if the original proposal was for 32".

Chair Parkins responded no, he started at 28". He went down 15%.

Mr. Panico asked if it was down to 24" now.

Mr. Johnson responded yes.

Mr. Panico commented that is consistent with the 24" on those other signs.

Chair Parkins added that they want to see at a minimum, three feet on each side.

Mr. Dumont showed a rendering that he thought was a little bit more to scale than the one previously shown. If that could be moved down slightly, he thinks it would give him the dimensions on either side. He added that in looking at the actual photo of the Olympia Sports sign on the façade, if it was extended out another foot on each side that would be the scale.

Mr. Dumont stated that this one is no greater than the Olympia Sports because that is a 24" letter. On that sign, he suggested going two feet from the cornice line and that would be exactly where Olympia Sports would be.

Mr. Panico commented that it would seem to him that it would be desirable, with that type of sign, to maintain that sign.

Mr. Dumont agreed that was what he was trying to do. He is encouraging all the tenants to follow those guidelines. He indicated that it would be 24 - 24 so the bottom of that sign is 4 feet below the top of the cornice. That way it doesn't get clipped – that is why he said no more than 5 feet below the top of the cornice for any other sign because they are losing a lot of the vision and scale.

Chair Parkins indicated that she didn't have the renderings from last time. She asked if he had condensed these.

Mr. Johnson responded that he scaled the whole thing down.

Chair Parkins asked if he actually condensed the letters to a different type.

Mr. Johnson responded that when he brought it down, it brought it in also so it isn't as long.

Chair Parkins asked if he condensed the font itself, not just made it shorter.

Mr. Johnson responded that he had to do it proportionately, otherwise, it will distort the letter.

Chair Parkins asked if he used the same font.

Mr. Johnson responded yes, it's the same font.

Comm. Flannery asked why it wasn't more creative.

Mr. Johnson responded that is what they wanted.

Comm. Flannery commented that it could be in different writing – like Villa is in different letters and Olympia Sports has different letters. This is all block letters. She asked if he could get more creative.

Mr. Johnson responded that he could get very creative but they don't...

Chair Parkins responded that they don't want any liquor bottles or anything like that.

Comm. Flannery commented that she didn't mean that, she just meant changing the writing to something fancier or like Olympia Sports that has white in the center and red around it.

Chair Parkins stated that she was fine with the font as long as it doesn't extend out, as long as it stays on the sign.

Mr. Dumont explained that the sign would be 3 feet on both side and 24" letters which are the same height. It is only really a foot bigger on either side than the Olympia Sports sign. As you can see, the scale is appropriate on Olympia Sports and that is an actual sign that is on the building right now.

Comm. Sedlock stated that they asked that he reduce it 15% and he's reduced it 15%, and it seems to be consistent with the other things going on there, so he'd like to make a motion that they approve this.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was voted (5-1) to approve Separate #5465 with the modifications made to the signage. Comm. Flannery voted in opposition.

SEPARATE 5472, DONNA NEAL, 216 LEAVENWORTH ROAD, RESTAURANT/SIGN

Mr. Schultz explained that this was a change of ownership and replacement of a wall sign. This is the donut shop in White Hills Shopping Center. The hours of operation are 5 a.m. – 3 p.m. Monday-Friday; 5 a.m. – 2 p.m. Saturday; 5 a.m. – 1 p.m. Sunday. There will be four part-time employees. The owner is Donna Neal who currently works at Jeremiah's. This is the area where all of the signs are box signs.

There was discussion regarding the signage (inaudible).

Mr. Panico asked how much of their rented space is taken up by the sign.

Mr. Schultz responded that he didn't know how much it took up on the front façade.

Mr. Panico indicated that he was trying to figure out the width and how much of it is covered.

Mr. Schultz responded that they are replacing the existing box sign. So, if the Commission has some changes, then he'll incorporate the changes and then he'll measure it.

Mr. Panico asked if there was an existing sign that it was replacing.

Mr. Schultz responded yes, absolutely. They are taking the panel out and putting a new panel in. It goes back a long time. Staff recommends approval.

On a motion made by Joan Flannery seconded by Joe Sedlock, it was unanimously voted to approve Separate #5472.

SEPARATE #5473, JOSEPH GROSSO, 865 RIVER ROAD, FITNESS STUDIO/SIGN

This is the new two-story commercial building on the Stratford town line by Sikorsky. This will be occupying the upper floor area. The leased area is 2500 square feet, 3 employees, hours of operation 9 a.m. – 9 p.m. They have 17 parking spaces in their lease agreement. There are plenty of parking spaces there because it has not been 100% occupied. The building overall is 15,000 square feet and they are occupying 2500 with this fitness studio. It is a permitted use, and they only requested a ground sign. There are three slots there. It is consistent with what is there. Staff recommends approval.

Mr. Panico asked if there was anything on the building.

Mr. Schultz responded no.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5473.

SEPARATE #5495, CAREY OUELLETTE, 4 CORPORATE DRIVE, MEDICAL OFFICE

SEPARATE #5494, CAREY OUELLETTE, 2 ENTERPRISE DRIVE, OFFICE

SEPARATE #5496, CAREY OUELLETTE, 6 CORPORATE DRIVE, OFFICE

SEPARATE #5489, CAREY OUELLETTE, 1 ENTERPRISE DRIVE, OFFICE

Mr. Schultz indicated that he'd like to take all of these together because they are all within the Scinto Corporate Offices. There is a lot of square feet up there and they are constantly reminding them to come in for occupancy so that they can keep a list. He added that his list is shared with SEDC, who shares it with the State of Connecticut. So they really rely on getting the occupancy because P&Z has all the information.

Mr. Schultz stated that all of the uses are permitted. The applicant, Carey Ouellette is representing R. D. Scinto. The medical office building, Separate #5495 is Dr. Smerling with five employees, 1988 square feet. The three offices include Separate #5496, Sikorsky at 6 Corporate Drive, which has 210 employees. Separate #5494, 2 Enterprise Drive, the company is called Hybrid. It is an office with 12 employees and Separate #5489; the office at 1 Enterprise

Drive is a corporate office with 20 employees. All of them are consistent with the PDD zoning. He added that they are making a conscientious effort to maintain 100% of the occupants up there. These four are in compliance with Shelton Zoning Regulations and Staff recommends approval.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5495; Separate 5494; Separate 5496 and Separate #5489.

SEPARATE #5477 STEEVES OFFICE SYSTEM, INC., 915 BPT. AVE., PHYSICAL THERAPY CENTER

Mr. Schultz indicated that this is the office building located to the right of the Homestead Hotel and Avalon Apartments. This is replacing the studio that was out in front on the left corner, Masterpieces. He showed the Commission the proposed floor plan.

He indicated that the leased area is 2,570 square feet, and overall the building is 31,000 square feet. This is a single story building. There are five employees, hours are M-F 8:30 a.m. – 5:30 p.m. All of the three uses will now be interrelated – they all have interconnecting doors that go to the back. Staff recommends approval.

Comm. Harger asked how many parking spaces there were.

Mr. Schultz responded that they need 10 spaces and they have plenty.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5477.

SEPARATE #5508, CARMEN HOVES, 61 HOWE AVENUE, RETAIL VARIETY STORE

Mr. Schultz indicated that the previous tenant was Extra Perk Café. The applicant was not present. It is 600 square feet; hours of operation 6 a.m. – 9 p.m. Mon. – Sat. and Sunday 7 a.m. – 3 p.m.; 2 employees; new store name is Kirby's. This is just for the occupancy and Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5508.

SEPARATE #5466, SEPARATE #5466, PRUDENTIAL, 1 CORPORATE DRIVE, INTERIOR ALTERATIONS

Mr. Schultz indicated that he put this on the agenda because Staff just wanted to assure the Commission that this interior partition work of existing office space and it is not resulting in any new occupants. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5466.

SEPARATE #5476, DAN BEARDSLEY, 278 LEAVENWORTH ROAD, PARKING EXTENSION

Mr. Schultz indicated that the applicant was present. He reported to the Commission when the Cider Mill was expanded internally with no addition. The owner indicated that they needed to provide more gravel parking during peak demand because there was actually parking occurring on Route 110 Leavenworth Road.

Mr. Schultz indicated that the applicant went to the Wetlands Commission and received approval. He showed the Commission the proposed parking design. This will now connect two areas on his property that provides for better overall circulation. Dan is present to provide a quick overview.

Chair Parkins asked if it was still the same in and out set-up.

Mr. Beardsley responded that it would be.

Mr. Schultz added that Dan has two curb cuts; one to go to another barn and then the Cider Mill. This parking expansion will also have a driveway that connects to that other driveway. It will provide better overall circulation. Mr. Schultz asked the applicant to describe his peak periods to the Commission.

Mr. Beardsley, 39 Perry Road addressed the Commission. Mr. Beardsley explained that he owns the Beardsley Orchard and Cider Mill. They started a Pick-Your-Own operation about five years ago, and as people come in and park for Pick-Your-Own, they spend more time in the parking areas. They ran out of parking spaces and people are parking on both sides of Route 110 and this creates a safety issue. They would like to put in this extension of the parking area and then the driveway to connect to their existing horse farm parking area, which will be overflow parking. They will put a gate so that they can't go in and out of both parking areas so there will be just one in and out.

Chair Parkins asked if he meant that the existing driveway by the horse farm will not be used as an egress or ingress.

Mr. Beardsley responded that was correct, they would just have one in/out at the Cider Mill. In addition to that expansion for the parking, the driveway will give them access to their irrigation pond to do maintenance on their still way because that has been washed out over the years.

Chair Parkins asked if there would be parking near the horse farm field as you as you travel down the extended driveway.

Mr. Beardsley responded, yes, there will be overflow parking in the horse farm area.

Chair Parkins asked if he also added some spaces in his original parking area.

Mr. Beardsley responded yes, it will add 12 – 14 more spaces for a total of 54 spaces.

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to approve Separate #5476.

SEPARATE #5512, UNITED METHODIST HOMES, 580 LONG HILL AVENUE, WALK-IN COOLER/FREEZER

Mr. Schultz indicated that this is to the rear of the Crosby Commons but there is a wall that screens it from any exterior view. They need to free up space in their dining room so they are proposing a walk-in cooler/freezer on a pad. The area measures 8' 3" x 13' 1". He noted for the record that when United Methodist came in to his office, he indicated that it was important for them to try to communicate all modifications to the condo complex, insofar as what occurred with the back-up generator. The applicant indicated that he does do that with the president of the adjacent condo association.

Additionally, Mr. Schultz indicated that he mentioned to the applicant the need for replacement plants for plantings that died this past summer. Obviously, he wouldn't advocate planting anything at the present time with the drought condition. There are residents that want that job completed. Also, Mr. Schultz indicated that he brought up to them that the plantings in the back by the generator need to be supplemented with some more upright arborvitae. The applicant agreed to do that.

Mr. Schultz concluded that the walk-in freezer/cooler area is well screened.

Comm. McGorty asked what the dimension of the freezer was, not the pad.

Mr. Schultz responded that he didn't have the dimensions of the freezer, but they are screening it in well. He showed a diagram with the location of the pad and the walled in area.

Chair Parkins asked if this was located in the patio area.

Mr. Schultz responded yes, it is completely enclosed.

Comm. Sedlock asked if there was any noise associated with this.

Mr. Schultz responded there is always some noise, but it is minimal. He added that this is a Planned Development District. The Commission can handle it like a Certificate, such as this, or it could be a minor modification handled administratively. A major modification would trigger a public hearing. He added that due to the nature of it, it is something that could be handled at this level.

Chair Parkins stated yes, unless there are apartments right on top of it, and if there is some kind of fan associated with that freezer.

Comm. Pogoda asked if there had been any comments from any of the residents knowing that this is going in.

Mr. Schultz indicated that there had been. He asked the resident present to address the Commission.

A resident from the Views of Long Hill (name not provided), Asbury Ridge, Shelton, CT addressed the Commission.

The resident commented that she just came in to ask if they filed any application for any modification because the other day they started work with a big truck before filing it.

Mr. Schultz clarified that a large truck had been there to maintain a sewer line. This resident had not known that, so she came into the office to ask about it. He made her aware of this pending application at that time, because he needs to communicate with everyone. There needs to be a spirit of cooperation with everyone informing the residents.

The resident responded that she found out then that there was an application taken out on that day.

Chair Parkins asked the resident if she had any concerns with this application.

The resident responded no, her concerns would just be with the occupants of Crosby Commons who live above and around it, not for herself. It is well shielded from her.

Mr. Panico added that it was totally enclosed and obviously has to be insulated somehow.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5512.

End of Tape 1A 7:46 p.m.

SEPARATE #075 CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, 40 WATERVIEW DRIVE, ROOF-TOP ANTENNA

Mr. Schultz indicated that this was the new Hubbell building and they did get the application regarding the need for Hubbell to have their own communication. He showed some photographs of the surrounding views that were taken by the applicant. He provided the plans showing the location and what the antenna looks like. The applicant is present to answer any questions. There is a parapet that appears to be several feet in height which does some screening. The applicant will advise the Commission where it is going to go and he indicates that it will be adequately screened. He commented that he was more concerned with the Coram Road side for the obvious reasons.

Ken Baldwin, with Robinson & Cole representing Verizon Wireless, addressed the Commission. Mr. Baldwin indicated that he has tried to provide the views of the surrounding areas with some photos. Mr. Baldwin stated that Hubbell and the City worked very hard on this building and one of their primary concerns was that they keep the antenna mass toward the center of the building so that it wasn't visible from the surrounding areas. He thinks that they achieved that. He provided an elevation drawing showing the elevation, but in actuality, there is another plan that shows that the antenna mass, which stands about five feet tall. It is 37 ½ feet away from the closest roof edge and that edge is to the northerly roof line.

Mr. Baldwin explained that this is a two-antenna system attached to a mass that extends about five feet above the roof line. There is a two foot parapet wall. The antennas connect what will be a new in-building wireless system inside the public building to the outside network.

Mr. Baldwin explained that when a building like this is built with seals of concrete, the wireless signal that might be in the area is attenuated to the point where it is not useable inside the building. So they've actually incorporated a wireless system into the building and then these two small antennas will connect that system to the outside network.

Mr. Baldwin reiterated that their goal was to install a structure toward the middle of the roof so that it wouldn't be visible even from the property. However, they did take some photographs around the condominiums at the far end of the building to make sure about the views. He added that, with the vegetation and the topography in the area, it is really not something that is going to be visible from (inaudible).

Chair Parkins asked if it was 5 feet with only 3 feet actually visible because they've got a two foot wall (inaudible)

Mr. Baldwin responded yes, and he thinks that given the angles and the height of the building (inaudible). In the elevation drawing, yes, they are seeing three feet on that, but the reality in sitting down below and with the angle of the view, you aren't going to see anything.

Chair Parkins asked how big that mast is.

Mr. Baldwin responded that from the top of the pole structure it is five feet. The pole itself is narrow but the large parabolic antennas are (inaudible).

Mr. Panico commented that from the drawing, the only place that it is visible is when you are coming around Waterview Drive at street level, and then the whole roof is visible. In coming around the curb, you are almost at the same level and you do see all this mechanical equipment, so obviously (inaudible.) But from the other side, the gentleman is correct; you will not see it at all from the condos.

Mr. Baldwin indicated that the one antenna is 2' x 3' and then the Yankee antenna is akin to the old TV antenna. It is flat, tubular steel.

Mr. Panico asked if this installation was strictly for Hubbell not for Verizon.

Mr. Baldwin responded that it was Verizon service, but strictly for use inside this building.

Mr. Panico asked if this helps or hinders anyone else using Verizon services.

Mr. Baldwin responded it does not. Although, if you were a Verizon customer and you happen to be outside the building, you might get some benefit immediately around the building, but it is just for the people inside the building.

Comm. McGorty asked if, since the wireless device was inside the building, it must radiate to the surrounding areas.

Mr. Baldwin responded not too much because the same way that signal on the outside is kept from getting into the building, the signal on the inside is kept from getting out of the building. However, there is a little bit of bleeding outside the building.

Comm. McGorty asked if they have it coming down through those antennas to some nodes inside the building from a wireless network.

Mr. Baldwin responded yes, voice and data services. The roof top antenna connects that building unit to the outside macro network in the area.

Mr. Panico commented that this is not for general enhancement of Verizon's services, it is just for Hubbell.

Mr. Baldwin responded that was correct, the antennas on the roof do not provide phone service for those driving in the area.

Mr. Schultz commented that Staff recommends approval, as submitted.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #075.

SEPARATE #5523, FITNESS CLUB, 900 BPT. AVE.

Mr. Schultz indicated that this was a unique application and he would provide some background history and the Commission can use its discretion. This is 900 Bridgeport Avenue. This is the Coco property which is located diagonally across the street from Burger King and where People's Bank is located. There is a dentist's office in the front and then there are 4 or 5 buildings in the back. Several years back this Commission approved a zone change for a multi-story medical office building; so, the zone is a Planned Development District. It

replaced the former zone which was an industrial IA2. The IA2 allowed fitness centers subject to a Special Exception (public hearing).

Mr. Schultz indicated that this applicant came in to occupy one of those buildings. The building is 4000 square feet, the number of employees would be four; hours of operation 6 a.m. – 9 p.m. Monday through Friday, Saturday 6 a.m. – 5 p.m. and Sunday 7 a.m. – 1 p.m. He told the Commission that the issue before them was that the current zone does not allow this use. This Commission has to determine if they want to grandfather that use in, although that particular building didn't have a fitness center.

Mr. Schultz commented that it was like Canal Street with all the industrial buildings; they have a right to continue to go in with industrial related uses or other uses that are permitted including offices. The family of uses that was permitted before this PDD zone allowed fitness centers as a special exception. The Commission needs to determine if they want to allow this use through a simple application tonight, if they are satisfied, or to have a public hearing or to amend the PDD to allow this as a permitted use. Right now, the PDD allows medical offices and professional offices.

Mr. Panico indicated that the two concerns he would have would be the additional traffic activity on a rather substandard access/egress driveway in order to serve customers of the fitness center. Secondly, and he isn't sure which building they are in, but if that building has no visibility on Bridgeport Avenue, then they are going to be looking for some type of identification sign to let people know where they are. So, it is a signage concern and the condition of that driveway whether or not it is conducive to the additional turnover that it would get with a fitness center.

Mr. Schultz responded that the Applicant was present to share with the Commission about their establishment because it is not a regular, open-to-the-public type of thing where there is a large influx.

Lou Santella addressed the Commission. Mr. Santella explained that this was more of a destination kind of gym. It is open to the public for people to come, but it is for power lifting and world strongmen. In Shelton and New England alone, they have the best in the world. The larger gyms and newer gyms do not allow this kind of training and don't have the facilities. They have the best athletes in the world that would come to this facility. It is only 4000 square feet; it is not a facility that can handle hundreds of people. The maximum is probably 20 people in there at one time. They are going to have two trainers in there. If they do open, they will have more than four employees. They'll have 14 because of the hours of operation and it would be more part-time employees because that is too long a day (6 a.m. – 9 p.m.) for a personal trainer.

Mr. Santella indicated that the building that they were talking about would be Building #2. It is about 250+ feet off of the road. It has about 80 feet of tree line between it and the condominium complex. The signage issue is not really an issue because it is at 900 Plaza and there is a small sign. They aren't really looking for signage because it is more of a destination gym. They already have a couple of hundred of serious weightlifters.

Mr. Panico asked if he was saying that he was not going to need a sign.

Mr. Santella responded that he would probably put one of those little ones like the existing ones that are there that hang down – that is something they would look at. They don't want to get involved in that because they don't really want a ton of walk-in people; they want serious fitness people.

Chair Parkins asked if it was a membership only.

Mr. Santella responded yes, it is membership. You have to pay to be a member. They have Olympic lifters; there are 800 Olympic lifters in Connecticut alone, spread all over and they either have to go to Naugatuck or Stamford because there is nothing in between. This is more of a specialized gym.

Mr. Panico asked if they would accept the normal person who just wants to have a general fitness program who is not an athlete.

Mr. Santella responded yes, of course, but most people would come in when they want to take it to the next level, then this is the type of gym they would come to. It isn't heavy cardio, there is no Zumba. It is a specialized gym.

Chair Parkins asked if there was already a monument sign out there.

Mr. Santella responded that there was a 900 Plaza sign – a big ground sign that you can't miss when you come off of that exit.

Chair Parkins asked if there was any room to put names underneath the 900.

Mr. Schultz responded there are a couple already but – well, anything is possible, but they have always wanted to replace that sign.

Chair Parkins commented that if anyone comes for additional signage, they can say that they want a monument sign and it can be incorporated into that.

Comm. Flannery asked if there was enough parking.

Mr. Santella responded that in the back where they are, they measured it out as 47 spaces. It is designed for 128 but they don't need that many; if they did, then they would have to move. He stated that it was 4.5 spaces per 1000 square feet that is allotted in the PDD so if they get 20 or 22 spaces they will be fine. They are not going to have that many people in that gym at one time. If it warranted more parking then he would have to move to a bigger location.

Chair Parkins asked if there was only one access way into there.

Mr. Schultz responded that there was only one major curb cut.

Mr. Santella asked if they wanted to see the plot plan. He showed the Commission the location of Building 2 and the driveway. The Commissioners discussed the plan, but the discussion was inaudible.

Mr. Schultz reiterated that this was a judgment call by the Commission – a simple Certificate – yes or no; an elevated review for a Special Exception; or a the modification of the Statement of Uses & Standards.

Mr. Panico commented that he didn't think he would suggest modifying the Statement of Uses & Standards, the PDD. He indicated that he visualized this as an interim use and hopefully, eventually, Mr. Coco will build that development.

Mr. Schultz added that this use could be an accessory use if it fits into the large medical office building.

Mr. Panico commented, yes, at that time, but at that time, if this building goes – whatever his arrangements are with Mr. Coco as far as the length of his lease is beyond their concern.

Mr. Schultz stated that obviously, this Commission likes to see buildings occupied for economic development, but it is a judgment call.

Mr. Panico asked who the previous tenant was.

Mr. Santella responded that it had been Super T's – a T-shirt company.

Comm. McGorty commented that they did silk screening and all that.

Mr. Panico stated that he would rather see the Commission come to a conclusion that this is a use that the entire complex, now, today, is a non-conforming situation and that this use is consistent, in terms of non-conformity, with the previous occupancy and allow it to occur. They would be eliminating one non-conforming use and instituting another one, and they are consistent in terms of their intensity and activity. They are substantially the same as far as impact on the site.

Comm. Sedlock indicated that he would make that motion.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5523.

SEPARATE #5487, 64 HUNTINGTON STREET, REAL ESTATE OFFICE

Mr. Schultz indicated that this was Dr. Montenegro's renovated building and this is the first occupant. He showed the Commission a drawing of the location and asked them to note the offsite parking arrangements. They are designated seven on the site next to the subject building. He showed the location of the restaurant and commented that the lower level parking was fenced in.

Mr. Panico asked how many square feet it was – is it just a portion of the building?

Mr. Schultz responded that it is $\frac{3}{4}$; the building is 1,684 square feet. They will be occupying two floors containing 1,296 square feet. So essentially there's about 350 square feet.

Mr. Panico commented that it's about 85% of the building.

Comm. Pogoda asked how many employees there were.

Mr. Schultz responded that there are between 1 and 26 agents. This Commission is aware that a lot of agents work out of their homes and they just come on the weekends or whenever to their desks.

Mr. Panico commented yes, until they have a Staff Meeting one day.

Chair Parkins commented - or if they meet with clients.

Mr. Schultz stated that they need two levels because they have between 1 and 26 agents. They have indicated in their Statement of Use, 5-7 agents addressing 2-3 clients can be occupying the building at any one time.

Mr. Panico asked how many parking spaces they had available for them.

Mr. Schultz responded that they have seven off site.

Mr. Panico asked if it was 7 off site, not on-site.

Mr. Schultz responded it was because of the fencing.

Mr. Panico asked if those spaces were in the back of Dr. Montenaro's building.

Mr. Schultz responded yes, right.

Mr. Schultz discussed the history, how the building was salvaged and they renovated it. They had a pre-existing, non-conforming situation in historic Huntington Center. The site next to it is for another story. Montenaro owns the property next door to it and they are designating seven spaces which are shown on the site plan.

Comm. Flannery asked if they knocked down a building to get those seven spaces.

Mr. Schultz responded that they are shared spaces.

Mr. Panico indicated that they have seven spaces exclusive to this building, if he remembers it correctly.

Mr. Schultz responded, no, there was parking on the street. The lower parking got fenced in by the Beards.

The Commission reviewed the site plan and parking – discussion inaudible.

Comm. McGorty commented that there was a fence but there was a walk through if you parked in the next lot – is that all fenced in, is that part of his property?

Mr. Panico responded that you can't get to it.

Chris Vacouls, Managing Partner for the Higgins Group, addressed the Commission. Mr. Vacouls stated that he was in Montenaro's brick building and hopefully, they are moving into this renovated yellow house. In the back, there are 5 or 6 allocated spaces back there but it has been fenced in by the other owners of the Shopping Center.

Mr. Vacouls stated that Wendy Montenaro, who owns the brick building, has allocated them 7 spots in their parking lot at 56 Huntington Street –where Arabella's is. There is an upper lot, a front lot and (inaudible). He has been there for three years in that building on the second floor and they have never had any more than five agents at one time. The dentist's office is closed on Friday and Arabella's is busy at night.

Chair Parkins commented that once they move out, that space will become vacant and somebody else will move in.

Mr. Vacouls responded that he can't say what is going in there but an attorney may be taking it with his partner. There really isn't room to put anything too big in there with a lot of employees because there's only about 500 square feet.

Chair Parkins commented that they would take precedence for the parking though, correct?

Mr. Vacouls responded no, she has it in the lease that she is allocating those spots to me.

Mr. Schultz asked if there would be signs on them for you – you have to put signs up.

Mr. Vacouls commented that the only time they'd need it would be for any early morning meeting or night meeting but other than that...

Mr. Panico asked what defined any early morning or night meeting.

Mr. Vacouls responded that it would be after 6 or 7 because a lot of agents have full time jobs. He has 8 -10 full time agents, most of them work out of their home, and come to the office 3 or 4 times – usually there are two shifts a day.

Mr. Panico indicated that they've have some experiences with other real estate agencies that operate on the same manner but they had weekly or bi-weekly meetings of all the agents on site and that was a horror show.

Mr. Vacouls responded that they wouldn't do that. They have about 400 all together but 15 different offices and the main meetings are down in Westport or Fairfield so he wouldn't have many meetings at this office.

Mr. Schultz noted that this was the Higgins Group.

Comm. Pogoda commented that those parking spaces have to be designated, if not, you know it is not going to happen.

Mr. Panico asked if the property owner give him permission when he needs more spaces to use those spaces back there.

Mr. Vacouls responded that if he can develop that next piece, the parking will be in the back as well. He isn't sure what is going to be allowed there.

Mr. Panico asked if his arrangement with his prospective landlord was such that if he needs for an extra 4 or 5 spaces on occasion, he could have them made available.

Mr. Vacouls responded yes, she has a letter that says they would be able to use that parking.

Mr. Panico commented that he didn't want to see his agents suddenly encroaching on the shopping center next door because then they would start having issues.

Mr. Vacouls responded that absolutely, he wouldn't allow that anyway. It is part of their whole thing that they have to use those spots – obviously, they fenced it off for a reason. He isn't looking to make any waves with that stuff.

Mr. Schultz commented that he is assuming that the Commission wants Staff to contact the owner to let them know that the second occupant will be scrutinized.

Chair Parkins responded yes, their parking is going to be minus and there are going to be constraints to the parking that she has allocated to this tenant.

Mr. Schultz asked Mr. Vacouls if he could ever use the remaining spaces.

Mr. Vacouls responded yes, it could be but he doesn't think that (inaudible).

Mr. Schultz indicated that he was going to suggest that.

Chair Parkins commented that they just have to be diligent in whatever they approve for the next tenant otherwise they'll have people parking out on the street there and it will get really crazy.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5487 with the modifications for designated parking spaces.

APPLICATION #09-33 REQUEST TO MODIFY CONDITIONS OF APPROVAL BY AUTHORIZING ONE UTILITY POLE AT THE 140 BRIDGEPORT AVENUE PROJECT.

Chair Parkins asked if all the Commissioners had been down there to see this.

Mr. Schultz indicated that the Applicant's representatives were here to answer any questions.

Alan Shepard P.E., Nowakowski, O'Bymachow & Kane, 415 Howe Avenue, Shelton addressed the Commission. Mr. Shepard explained that this property has a Bearing Ground Brook in front of it and there has been a lot of discussion about the box culvert in front of it. They met with UI and UI didn't feel comfortable putting the utilities over the box culvert. They have a water line coming in the back. They made suggestions to go over it because of the water course. From the other side of the brook, it goes underground into the building.

Mr. Shepard explained that the whole coordination of things is a little bit out of sequence here and he apologizes for that, but there has been different management taking over the construction of the building, so little things have been out of order. The pole is over on the other side of the property line. He looked at it and he appreciates the concerns of having the Bearing Ground Brook in front of the property. In front of the pole it does go underground to the building. Along Bridgeport Avenue they do have a lot of facilities that have an above ground power, so it is not totally in keeping with what is in the area, but from the pole to the building, it will be underground so it won't be attached to the building either. Hopefully, this Board is OK with it.

Mr. Panico asked if that was a private pole or a UI pole.

Mr. Shepard responded that it was a UI pole but it is on private property. They have an easement for it.

Mr. Panico commented that they will maintain it and they will want to use it at the property next door when it develops.

Chair Parkins indicated that she went out to see it and doesn't understand where the utilities would have come from. She asked if they would have just put another pole on Bridgeport Avenue and run the utilities under.

Mr. Shepard responded that they have poles on Bridgeport Avenue on both sides, but they would have had to go under the box culvert which would have been problematic. This was a lot easier. They would have to go across wetlands too. It was UI that actually had the maintenance issues with everything so they were the ones who dictated it. They have a lot of say.

Mr. Panico asked if there was anyway their service could have come in from the backside.

Mr. Shepard responded that it could have but they had the water and then the UI engineer indicated, although he did not speak to him directly, that he'd rather

come from a power source on Bridgeport Avenue where they have more power available. But they do have an underground water line that came in the back.

Mr. Panico commented that it seemed to him that if you could cross the brook that would have been the next best thing.

Mr. Shepard agreed that it would have been the next best thing, but it is a sizeable brook. When he looked at it, and given all the different options, it is probably the best solution possible given the box culvert and the brook. It is not attached directly to the building so they do have underground from there over.

Chair Parkins added that it is not too noticeable right now with all the leaves on the trees but once they come off, it will just be a little more prominent that the wires are extending over there so it is just more of a visual coming from the center of town out but it is already done.

Mr. Shepard commented that he does agree with that but he can understand their point of view that it is difficult. There is not an easy answer on this.

Chair Parkins responded that they would have appreciated a heads up from them before it got put in about what the difficulties were.

Mr. Shepard explained that the construction company has changed and they have a different team in there, and when that happened they ran into these little glitches. He thinks that part of that was due to financing.

Chair Parkins asked if they needed to modify the approval.

Mr. Schultz responded that they need to authorize that one utility pole.

Comm. Harger asked if the State Traffic Commission approved the location of the pole.

Chair Parkins responded that it's on private property

Mr. Shepard responded that for the curb cut and everything, they did go to the DOT.

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

APPLICATION #07-02, REQUEST TO MODIFY DRAINAGE AND GUARD RAILS FOR HOUSATONIC RISE RESIDENTIAL DEVELOPMENT

Mr. Schultz indicated that he wanted to read the City Engineer's recommendation. Insofar as this is a private residential community, the Commission has the final say; however, when it comes to infrastructure, it is good to hear from the City Engineer's Office. This isn't a public street where the Engineering Department carries more weight, obviously.

***See attached correspondence from Robert Kulacz, dated 9/14/10.**

Chair Parkins asked if there's ever been an intention of offering it to the City or the City or asking the City to take it on.

Mr. Schultz responded no, this exceeds all of their standards. He indicated that the applicant was here to address any concerns that the Commission may have, specifically regarding the installation of the boulders versus a guard rail. Historically, the Commission allowed it on Constitution Boulevard in the 80's.

The City Engineer opposed it that at that time, but the Commission did allow it. They haven't really had another request until this application.

Chair Parkins asked if the boulders were still in place on Constitution Boulevard.

Mr. Schultz responded yes, between Constitution Boulevard and Ivy Brook.

Chair Parkins asked if Ivy Brook was a city road.

Mr. Schultz responded yes, it is a public right-of-way.

Phil Tiso, Rose & Tiso, representing the applicant, Jim Blakeman, addressed the Commission. Mr. Tiso indicated that he was aware of the letter this afternoon and spoke to Jim Blakeman, and he's certainly willing to put the guard rail there. He has already placed the boulders, but in lieu of this letter, the guard rail will have to go in. They are here for two items – the guard rail was one and the second one is the drainage. He doesn't know if that was addressed in the letter.

Mr. Schultz indicated that it was a non-issue because this went to Wetlands and that was approved, so if he can just give an overview of the drainage changes.

Mr. Tiso explained that when they originally came in with the subdivision, it was requested that they put in a plunge pool to catch some run-offs coming down the hill. Jim Blakeman has installed, per John Cooke's recommendations, some swails along the ridge to divert some intermittent water courses to divert them to a full-time watercourse. They've done that and John Cooke is happy with that and that eliminated the run-off that went into this plunge pool.

So, Jim Blakeman had constructed the pool; it is nothing more than a very large depression about the size of this room and it doesn't do anything. It is just a big hole in the ground with a pipe in the bottom of it. He requested that they fill that in, but they are still proposing to put some storm drainage where the pipe inlet in the odd event that rainstorm and a spring of water comes down the hill there is somewhere for it to collect and be diverted off into the street. The only request is not really to change the drainage pattern but instead of having a 6 foot hole, which he was concerned about once he saw it, because kids might be playing in it. So they are lifting it up to a 2 foot depression that will be landscaped, but it will still pick up the water and still divert it in the event that there is a run-off coming down the hill. Mr. Tiso indicated that there was really no net change in the drainage but aesthetically and safety-wise it is much better way to go.

Comm. Flannery asked for clarification about the location. Mr. Schultz responded that it is Howe Avenue where it turns into Leavenworth Road, so Housatonic Rise is at the furthest terminus of Howe Avenue.

Mr. Schultz reiterated that they have two components. The Commission just heard from the applicant that they are going to back off on the boulders and go with some type of guardrail.

Comm. Harger commented that they'll be removed not modified.

Mr. Panico stated that they should put something with a timber face on it. If they need the guardrail, fine, but just bolt some timbers to the base of it like they did on the Merritt Parkway. It is more expensive, but it is a short strip.

Comm. Pogoda agreed yes, for aesthetics.

Mr. Schultz commented that this drainage was a little bit more than minor so the Commission really needed to bless it and the guard rail boulder was obviously a significant issue because it is a public safety issue. The only motion that is in order is for the revised drainage plan.

Mr. Tiso added that when he spoke to John Cooke today, he asked that they add some elevations to the drainage which he did on these plans. He'd like to submit them for the record.

Mr. Panico asked about the swail that Mr. Cooke asked him to put along the back and where it would be discharging to.

Mr. Tiso responded that there is a main brook and a whole wetland corridor. It ends up in the same place, it is just diverted.

Mr. Schultz added that for the record, the revised plans have been submitted.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve the revised drainage plan for Application #07-02.

Chair Parkins asked for clarification about home offices listed under the Separates on his list of Applications for Certificate of Zoning Compliance.

Mr. Schultz explained that there is some confusion in his office about some home offices being listed as Separates when they are actually generic Standard home offices. He added that they handle all the simple home offices in house.

Comm. Harger asked about Separate #5510 Fine Persian Rugs & Antiques, 217 Soundview Avenue for a home office and a sign. She asked for clarification about the sign.

Mr. Schultz responded that they allow 1' x 3' signs. It is going to say Oriental Rugs.

Comm. Harger asked if it was going to be on the mailbox.

Mr. Schultz responded that mailboxes are on the right-of-way. It has to be at least 10 feet in on the property.

Comm. Harger commented that it is in a residential area.

Mr. Panico asked if this was just a business office for the Persian rug people.

Mr. Schultz responded yes, no sales. It is all international via the computer.

Comm. Harger asked what he needs a sign for.

Comm. Pogoda also asked why he would have a sign there. Why would he get permission there when nobody else who has a home office has a sign. Before they know it, they'll have a proliferation of signs.

Mr. Panico added that they can have a sign for a home office but it is only supposed to identify the occupant. Like John Jones, Surveyor or Harry Brown, Attorney at Law.

Chair Parkins commented that they can't have Fine Persian Rugs & Antiques as a sign.

Mr. Panico asked if that was their name – Fine Persian Rugs & Antiques.

Mr. Schultz responded yes.

Mr. Panico responded that he didn't think that was an appropriate sign in a residential area.

Chair Parkins added that they aren't supposed to have in and out traffic so there shouldn't be a sign out there advertising.

Mr. Schultz responded that they have allowed it for the professionals such as the doctors, but he would give them a call because it has not been erected yet.

NEW BUSINESS

APPLICATION #10-17, 88 LONG HILL CROSS ROAD, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (LOADING DOCK ADDITION), 88 LONG HILL CROSS ROAD (MAP 51, LOT 12), IA-2 DISTRICT – ACCEPT, DISCUSSION AND POSSIBLE ACTION

Joe Pereira, Pereira Engineering, 1 Enterprise Drive, Shelton addressed the Commission. Mr. Pereira indicated that with him tonight were Bob Scinto and his son, Rob Scinto, 88 Long Hill Cross Road, LLC. Mr. Pereira stated that this project is very straightforward, they have an existing industrial building located in an IA2 zone and they are simply looking at a loading dock in the front of the building. Using a map of the site, he explained the location just southwest of Route 8, the underpass. He showed areas of screening going up the road and the elevation that would have the proposed loading dock below. He added that it was not very visible from the road.

He showed some architectural elevation plans and explained that they are looking for an approximately 800 square foot addition. They would put the loading dock with the doors right at the edge so that they won't have a loading platform. Therefore, when it is closed they won't have a area that accumulates garbage.

They also have a drive-through whereby they would have the ability to put a door and get a vehicle through - again, just giving a clean look from the outside.

Comm. Flannery asked what type of business it was.

Mr. Robert Scinto, 88 Long Hill Cross Road, LLC addressed the Commission and explained that they make fiber that is broken down for electronic equipment. It is a very specialized business.

Comm. Flannery indicated that she was just wondering why the trucks had to come into the building.

Mr. Scinto responded that it would just be for UPS and Federal Express deliveries.

Mr. Schultz indicated that he had a letter from the City Engineer which he read to the Commission indicating that there were no comments or concerns.

***See attached correspondence from Robert Kulacz, City Engineer, dated 9/9/10.**

Chair Parkins asked if they would be closing off two entrance ways.

Mr. Pereira responded that there is an existing door into a space that is currently vacant so they want to block that up and introduce the new (inaudible).

Chair Parkins asked if that was in the back of the building or the side that faces Long Hill Avenue.

Mr. Pereira responded that it was the side that faces Long Hill.

Comm. McGorty asked if it was further out to the right where there used to be a patio.

Mr. Pereira responded yes and showed the location on the site map of Long Hill Cross Road and the entrance and a small lawn area. He added that it is not really visible from the road.

Mr. Schultz indicated that the applicant has asked this Commission, because it is a minor proposal, to accept the application for review and approve it with conditions.

Comm. Flannery asked what the conditions would be.

Mr. Schultz responded that it would be adherence to the Fire Marshal's report.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #10-17.

End of Tape 1B, 8:43 p.m.

Mr. Panico added that he was on the site and he is satisfied that it should work fine but he would like to see some introduction of low level evergreens in through there because while there is some evergreen material there, most of the stuff is really deciduous. He thinks that over time that would help to buffer it more – just in that area between the parking lot and the street line. There doesn't need to be much and not very big, because over time they will grow.

Mr. Schultz reiterated that the two conditions would be the Fire Marshal's report and the evergreens.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Application #10-17.

PUBLIC PORTION

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

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

OTHER BUSINESS

APPROVAL OF MINUTES: 8/10/10

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the minutes of August 10, 2010. Commissioner Harger and Commissioner Flannery abstained from voting.

REQUEST FOR RELEASE OF SITE BOND: 39 WABUDA PLACE

Mr. Schultz indicated that the property owner is requesting a release of the \$5,000 site bond. This was for the filling and grading in the backyard area. They used the stones to build a retaining wall. Staff has inspected it. They've completed it and added nice landscaping treatments. He talked to the neighbors and they are pleased. These are large yards to begin with. Staff recommends approval on the release.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve the request for release of the Site Bond at 39 Wabuda Place.

ZONING ENFORCEMENT

1. 44 Lisa Drive: Landscaping Project

Mr. Schultz indicated that the property owner is here and he was directed to submit an engineering site plan which he has done. The adjacent neighbor, through their attorney, is requesting that they have an opportunity for their selected P.E. to review the same plans.

The property owner is here to indicate that he has satisfied the requirements of the Commission. He is assuming that they may delay any type of endorsement insofar as the abutting property owner is acting to review the engineering site plan. He read a letter from Atty. Dominick Thomas who is representing Fred and Kathy DelBuono who reside at 40 Lisa Drive.

***See attached correspondence from Atty. Thomas to Richard Schultz dated 9/13/10.**

Mr. Schultz indicated that he had a copy of the Engineering Site Plan that he would provide to the abutting property owners. He stated that 44 Lisa Drive is saying that they have satisfied the request of the Commission by hiring an engineer preparing the plan. He would like to finish the job and do the seeding. The abutting property owner; however, is saying that they would like to review it before this Commission takes any type of endorsement.

Mr. Schultz stated that the City Engineer's Office received this late last Friday. He discussed it with them and they are satisfied based on the property owner's engineer's report which is part of the submission, and that the City of Shelton road system will not be impacted. They are not going to comment on any potential impact to 40 Lisa Drive and that is why 40 Lisa Drive is asking the Commission to hold off on any endorsement including the lifting of the Stop Work Order. He reiterated that they have a Stop Work Order, they have to submit the plans and the Commission has to be satisfied before authorizing him to finish the regrading and seeding.

Comm. McGorty asked if anything had been done since the Stop Work Order was put in place.

Mr. Schultz responded yes, he posted the property and emailed the Commissioners. There was some activity going on but he was satisfied that it wasn't impacting anything. It was some other associated activity on the driveway part. For the record, the applicant has hired a P.E., has submitted the plan along with the narrative from the engineer, and essentially he is saying that the stone wall was turned into a retaining wall on the Frank Drive side. It was structurally sound. There are two issues here – is that wall structurally sound.

The City Engineer is satisfied because the P.E has stamped his plan and stamped his report.

Mr. Schultz added that it should also be noted that there is an encroachment on the parent's property but that is another side issue. The remaining issue is whether or not 40 Lisa Drive is satisfied. They want to defer it to their own engineer.

Comm. Flannery responded that she agrees with them. She took a look at it today and she was wondering why there weren't holes in the bottom of that retaining wall letting water out through the bottom. She indicated that she would be very concerned if she was the neighbor.

Mr. Panico commented that all retaining walls need to have a (inaudible).

Mr. Schultz indicated that the property owner is present if he would like to speak.

Chair Parkins asked what wall Comm. Flannery was speaking of – the one on Frank or the one abutting the property owners.

Comm. Flannery responded that she looked at the entire wall on all sides – it surrounds the whole property except where the parents are – and it didn't look like there were enough holes for the water to drain out properly. She has her own water problems on her property so she is sensitive to the water issues that come before them. She added that she would like to have the neighbors be able to have their engineer look at the engineering report.

Comm. Pogoda indicated that along the same lines, he thinks that the abutting land owner should have the ability to review this with his engineer but in a reasonable time frame. Because, if the gentleman who owns the property wants to get this stuff done before wintertime comes– regrading, reseeding or whatever else needs to get done – he has a short window.

Mr. Panico commented that they gave the owner a short window to prepare it so there is no reason it can't be reviewed in a short window.

Comm. Pogoda commented that is right, so let's give them a reasonable amount of time to review it and then let the owner start working.

Comm. Flannery indicated that she didn't see any problem with reseeding. There was all green grass over it. When she went over to see it today, the whole top was covered with grass so she didn't think seeding was an issue.

Mr. Schultz asked the owner, John Lichvar, what would be the ideal window to finish the work so that the Commission has an understanding. Then they can coincide with the upcoming meetings.

John Lichvar, 44 Lisa Drive, Shelton addressed the Commission. Mr. Lichvar indicated that as soon as possible would be optimal. He sees the point of the Committee's questioning, but an engineer signed off on it stating that there is no evidence of water going onto the neighbor's property. He also has an issue with the use of the backyard because it is in the process of being seeded. It doesn't need to be graded, but it needs to be seeded. They own the property next door to the property in issue and there is a disabled person who uses the backyard to go back and forth between the two properties. It not being seeded is an issue of safety for that person as well. He doesn't have a problem with any kind of a report that the neighbor wants to submit about the engineer report, but time is an issue with him. He doesn't see the possibility of going another week or two and being able to seed and have a successful planting for this upcoming

season. It would force him to wait until next year to complete the seeding of the backyard which he'd like to avoid because he has an agreement with P&Z chairperson to submit a landscaping completion plan. It seems as though the neighbor was adamant that he wanted that completed. It was a major issue. He complied with that and had it done as soon as possible. He had it done in 10 or 11 days from when he got the notice. So he started grading, he started the process, leaving him to seed the lawn to prevent any kind of erosion problems.

Comm. Flannery commented that she wanted to make the point that they are going through a drought so they don't really have a clear idea of where the water is going right now.

Chair Parkins indicated that she wanted to make a couple of points and some clarifications. She stated that it was the Commission that asked for the submission, not the Chairperson. Also, her understanding is that this particular filling and grading has been going on for years so to put a timeframe on it that you need to get it done within a month... She doesn't think that there is any requirement for them to do it, it is good protection for not only the resident but for himself because if this ends up causing damage then it is going to end up in court and that is something that they would like to avoid as well.

Chair Parkins stated that in all fairness, they did ask him to do it in a very short period of time. They would also request that the neighbor make the review in a short period of time. Any report that is submitted to them has to be stamped by a P.E. so they are going to be putting their license on the line. They certainly aren't going to fabricate any condition that does not exist out there. So she would feel good with putting a two week window on it and asking them to review it within a two week window.

Mr. Schultz responded that realistically on the 9/29 meeting there is a possibility of putting it on the end or the next meeting is 10/12.

Chair Parkins indicated that she'd prefer not see it go to October 12th if at all possible.

Comm. Sedlock asked if the neighbor was present and if he could get it done by the time.

Fred DelBuono, 40 Lisa Drive, Shelton addressed the Commission. Mr. DelBuono indicated that in compliance with the attorney that he hired, he believes that is his plan. He indicated that he was ready to go on it. As the Chairperson said, it has been two years that this process has been going on. He expressed appreciation for Comm. Flannery's comments who came over and (inaudible).

Chair Parkins asked Rick Schultz to put this on the agenda before the public hearing on the 29th.

Mr. Schultz indicated that this will be tabled then until September 29th.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to table the Zoning Enforcement issue for property located at 44 Lisa Drive for the purpose of receiving the engineering review by the adjacent landowner, until the 9/29/10 meeting.

2. 111 Mohegan Road: Junkyard Conditions

Mr. Schultz indicated that Staff wants to inform this Commission that this property owner refuses to cooperate. Junkyard conditions include motor vehicle parts. As part of their ongoing Zoning Enforcement Program, they are at the level now where they would recommend legal action. A motion is in order.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to authorize Staff to initiate legal action for property located at 111 Mohegan Road due to junkyard conditions.

HUNTINGTON WOOD SUBDIVISION: (BUDDINGTON ROAD/HUNTINGTON STREET IMPROVEMENTS): REPORT ON STREET COMMITTEE MEETING

Mr. Schultz indicated that he had a letter to read from Atty. Steven Bellis dated 9/10/10 addressed to him.

***See attached correspondence to Richard Schultz from Steven Bellis dated 9/10/10.**

Mr. Schultz stated that at the next meeting in October, the Commission will have a report from the City Engineer saying that all the public improvements have been completed for Huntington Wood Proper and that final plan is going to be finalized for the new intersection. He wants all the public improvements to be accepted by the BOA. Mr. Schultz stated that is one issue and he will put it on the October 12th agenda to accept all the roads and drainage. This Commission was hesitant in accepting it because on Huntington Street intersection was a big to-do. It has taken this long. There was discussion about saving this island because it has become an icon.

Comm. Sedlock asked what the reason was that they were getting rid of this thing in the first place.

Chair Parkins stated that she likes it.

Mr. Schultz responded that it was for public safety.

Comm. Sedlock asked how many accidents have there been. He lives there and never saw any accidents.

Comm. Pogoda commented none - he likes the island and he drives by it every day.

Chair Parkins indicated that they are probably going to see more accidents when they change it because people are going to pull out in front. She asked why they were fixing something that wasn't broken.

Mr. Schultz indicated that there will never be a consensus on this.

Comm. Sedlock commented that it was a big waste of money.

Chair Parkins indicated that they need to go to the Street Committee. She asked when it was on the agenda.

Mr. Schultz asked if she was serious.

Chair Parkins responded yes, why

Comm. Sedlock asked if anyone could help him out and tell him what initiated this.

Comm. Pogoda responded that this has been going on for a long time.

Mr. Schultz indicated that the neighbors on both sides of Buddington Road have been asking when the improvements will take place because Mr. Blakeman was going to widen the roads and leave the center island there.

Chair Parkins commented that he isn't going to widen it and now he wants to take the island out and there is going to be a hard turn, and when people stop and make that hard turn ...

Mr. Schultz stated that the BOA has the final say.

Mr. Panico commented that they are going to be coming up a grade, stopping on that grade, and they are going to have a problem.

Comm. Pogoda added that it is definitely going to be a hard turn.

Comm. Flannery commented that he is doing this to save money.

Comm. Sedlock responded -- but it is costing money.

Comm. Flannery added that he doesn't want to widen the road.

Chair Parkins stated that you can't widen the road because there is property there.

Comm. Pogoda agreed stating that there is property right there on the corner.

Mr. Panico stated that the applicant didn't initiate taking out that island.

Mr. Schultz responded no, it's an evolution from the BOA.

Mr. Panico commented that it is initiated by the City.

Mr. Schultz stated that the BOA has the final say because it is a right-of-way.

Mr. Panico commented that it is not because of the money...

Comm. Sedlock indicated that he didn't say it was a money issue just that it is going to cost money to do that.

Chair Parkins stated that there are going to be more traffic accidents there.

Comm. Sedlock asked if it's being initiated by the City, does it have something to do with the plowing of that area.

Comm. Flannery indicated that she had attended one of the Board of Alderman meetings and there was a discussion that it was hard for the fire engines to get through there.

Mr. Schultz commented that it is hard to negotiate when there is a lot of traffic there. He added that they are very pleased with the T intersection at Huntington Street and Trap Falls.

Mr. Panico stated that Huntington Street is as flat as this table though. When they make a T out of this they are going to be sitting at a Stop sign on a very steep slope.

Mr. Schultz indicated that the Applicant is asking that he not be put in the middle because the Aldermen have the final say. He wants this Commission to recommend the release of the bond for Huntington Wood Proper.

Comm. Pogoda asked if they could send something to them stating the Commission's position.

Mr. Schultz responded that of course they can, they did it on Mill Street.

Chair Parkins asked if it was unanimous, first of all.

Comm. McGorty commented that he thinks that if they create a T, they are going to create more problems.

Comm. Sedlock indicated that he was on board.

Mr. Panico suggested they get the design of the T intersection done, put in a cost estimate and reserve that amount of the bond - then release the rest of it and let it sit for a year to see how it functions as is when the development is completed. It is virtually completed already, there are only a few more units.

Comm. Flannery agreed with that idea.

Mr. Schultz responded that the BOA wants to go ahead with the improvements and they can't stop that. They can only "recommend" that it is inconsistent with the original design solution.

Comm. Pogoda commented that they are not going to be able to do it this year.

Chair Parkins commented that it is the entrance to a designated scenic road.

Mr. Schultz agreed that the window now is ...

Chair Parkins asked if this was before the Street Committee or is it before the Full Board now.

Mr. Schultz responded that it was going to the Full Board.

Comm. Pogoda stated that he recommends that they send a letter to them.

Chair Parkins commented that it should state that it is historic.

Comm. Sedlock commented also that it is a question of safety.

Mr. Schultz indicated that the consensus here is to keep the raised island.

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to pay bills, if funds are available.

STAFF REPORT

***See attached Shelton Planning and Zoning Department Staff Report dated September 14, 2010**

REPORT FROM CHAIRMAN/SUBCOMMITTEE CHAIRS

Zoning Subcommittee

Mr. Schultz stated that the Zoning Subcommittee met in August to discuss the rewrite of the Sign Regs. The public hearing will be held on 9/29/10. He and Chair Parkins will be going before the Valley Chamber of Commerce on 9/24. He continues to work with the sign industry. The Citizen's Advisory Board will be accepting it at their meeting on 9/15/10.

Downtown Subcommittee

Comm. Harger indicated that Goodman Insurance would like to renovate a house at the lower end of Long Hill Avenue (#2) and use the whole house and two-bay garage for offices and overflow storage. They have a plan for 8 parking spaces. They will be salvaging a two-story brick building and have agreed to stay away from the use of siding.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to adjourn at 9:10 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission

STAFF REPORT
SHELTON PLANNING AND ZONING DEPARTMENT

MEETING DATE: September 14, 2010

SUBJECT: Miscellaneous Zoning and Planning Matters and Meeting Schedules

ZONING MATTERS

1. **ZBA Agenda**: Please review the 9/21/10 ZBA agenda. Please note Appl. #610-1 regarding an appeal of the Zoning Enforcement Officer. This matter is scheduled to be acted on at this meeting.(see attached agenda)
2. **CT Siting Council**: There were no applications before the CSC during this review period:
3. **United Illuminating**: The Engineering Dept./Planning Depts.have had no discussions with UI officials regarding their Old Stratford Road property during this reporting period
4. **Zoning Subcommittee Report**: The ZS met on 8/12/10 to continue discussion on the re-write of Section 44: Signs. A report will be given by the ZS's Chairman.
5. **Downtown Subcommittee Report**: The DS held its last meeting on 9/10/10 to discuss the renovation work at 2 Long Hill Avenue. 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 with progress
 - b. 90 Poplar Drive: blight conditions; owner contacted; on-going with progress
 - c. 233 Coram Road: junk yard conditions; owner contacted; on-going
 - 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; 100 percent completed)
- b. 11 Ladyslipper Drive: work started on 6/19; ongoing inspections by Staff (work approx. 75 percent completed); final work phase will resume shortly.
- c. 470 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 Meetings for September:** There are two special meeting scheduled for the month of September: 9/22: Crabtree PDD and 9/29: Sign Regulations.

****Permits Issued for New Residential Units for 2010 (thru 9/14/10)****

- 1. Single Family Detached Units: 11
- 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

RECEIVED
AUG 27 2010
PLANNING & ZONING

Meeting, Tuesday, September 21, 2010 at 7:30 P.M.
Hearing Room, City Hall, 54 Hill Street, Shelton

#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.

#910-1 Barry Mucci of 61 Armstrong Road, Shelton, CT for a certificate of approval for a two story garage with an in-law apartment above to be located on the property of William & Sally Distassio at 207 Dickinson Drive, R-1/PRD-13 zone, and which requires reductions in the minimum setback from the left side yard from 20 ft. to 10 ft. and from the rear property line from 30 ft. to 23 ft. Application states on the right is Sloditskie and on the left is Searles, Kelley and Krusky.

#910-2 J&D Country Builders, LLC of 9 Huntington Street, Shelton, CT for a certificate of approval for a single family residence to be located on the property of the applicant at 71 Lane Street, R-1 zone, and which requires a reduction in setback from the front property line from 40 ft. to 30.9 ft. Application states on the right is Wolff and on the left and rear is Shelton Land Conservation Trust.

#910-3 Claire & Rui Gloria of 49 Hiawatha Trail, Shelton, CT for a certificate of approval for a 21 ft. round above ground pool with a 12x14 deck to be located on the property of the applicant at 49 Hiawatha Trail, R-1 zone, and which requires reductions in the setback from the rear property line from 40 ft. to 10 ft. for the pool and from 40 ft. to 30 ft. for the deck. Application states on the right is Capozzi and Tanning, on the left and rear is Shelton Open Space and in the front is Lindade.

Possible Decision on

#610-1 Jacqueline S. Cable of 8 Cots Street, Shelton, CT for an appeal of ZEO decision regarding a detached structure located on the property of Rick Plante at 12 Cots Street.

SHELTON BOARD OF ZONING APPEALS
by Raven Michalak, clerk
Philip Jones, Secretary

If you cannot attend this meeting, please notify Gerald Glover

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September 13, 2010

Richard Schultz
Planning & Zoning Administrator
Planning & Zoning Commission
City of Shelton
54 Hill Street
Shelton, CT 06484

VIA FAX and E-MAIL

RE: Zoning Enforcement Action / 44 Lisa Drive

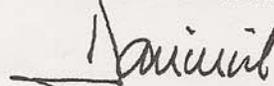
Dear Rick:

Please be advised that I am representing Fred and Kathy DelBuono who reside at 40 Lisa Drive, which is the property abutting 44 Lisa Drive. I have reviewed the Planning and Zoning Commission minutes of August 10, 2010. As you are aware, my clients have great concern over the impact of the ongoing illegal grading on the abutting property. I viewed the property in April, 2010, and at that time there was a berm on 44 Lisa Drive preventing drainage onto the rear of my clients' property. That berm has since been graded away creating a situation of surface water being redirected from 44 Lisa Drive onto the rear portion of my clients' yard.

I would request that when you receive the engineered site plan from the property owners of 44 Lisa Drive that you provide my clients with a copy in order to permit them to retain their own engineer to review the plan. I will not be able to attend the meeting on Tuesday, September 14, 2010, but I assume you will just be receiving the engineered site plan at that time and you will need the City's engineering department to review the proposed plan. Please contact me if there is any problem with my clients receiving a copy of the proposed landscape and drainage plan.

Thank you for your attention.

Very truly yours,
Cohen and Thomas



DOMINICK J. THOMAS, JR.

DJT:d
cc: Fred and Kathy DelBuono