

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept the letter authorizing an extension on the review period to January 12, 2011 for Application #10-16.

Mr. Schultz indicated that he received a phone call today regarding how he puts letter authorizations for the extension of review periods on the agenda. As the Commission was aware at the last meeting in December 2010, the review period was lengthened and the Applicant agreed to it. This however, confused at least one resident who thought that there would be no action tonight, but just a letter authorizing the extension. Mr. Schultz stated that he spoke to Assistant Corporation Counsel that assists them on the FOI-related issues. His recommendation is not to put anything attached to Old Business because it can be confusing.

Mr. Schultz stated that he did it though just to let them know that the letter was forthcoming and that they met the requirements because the Commission is obligated to render a decision within a 65-day review period. He indicated that in the future, it will not be included because it can be confusing. Asst. Corporation Counsel wants residents to call the P&Z Office for clarification or to attend the meeting. He wanted to relay this clarification to the Commission.

Comm. McGorty arrived at 7:05 p.m.

Chair Parkins indicated that at the last meeting there seemed to be a consensus amongst the Commissioners that they were ready to move ahead on the 714, LLC application. They directed Staff to draft up a resolution. She asked Rick Schultz to read that resolution so that they could make a motion on it and put it on the table.

Comm. Harger asked about the red comments on the Draft Resolution.

Chair Parkins responded that she made a couple of comments after Tony Panico drafted it up. Mr. Schultz indicated that he would identify those red comments when he reads the Draft Resolution.

Mr. Schultz read the Draft Resolution for Application #10-16.

***See attached Draft Resolution dated January 6, 2011; Rev. 1 1/10/11 for Application #10-16 Dominick Thomas on behalf of 714, LLC. Proposed Planned Development District (PDD) for a Retail Shopping Center at 405-407 Bridgeport Avenue at Nells Rock Road, currently zoned RBD. Conditional Approval of Initial Development Concept Plans. Adoption of PDD Zone Change.**

Mr. Schultz indicated that Staff recommends the second Friday of February 11, 2011 at 8:00 a.m. to adopt the proposed PDD zone designation to be known as PDD #70. He explained that both Staff members will be present to confer with the Chair to go over all the follow up issues that have to take place. Before the Statement of Uses and the legal can be brought downstairs to the Town Clerk's Office, all documents have to be modified, so they need the additional time.

Chair Parkins asked for a motion and a second to continue the discussion.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to discuss Application #10-16.

Comm. Pogoda asked Mr. Schultz about the Overall Site Plan Organization, Item B, page 7 (*"Consider elimination of the 2,800 square foot detached Bldg. C at the left rear corner of the site..."*). He stated that he does not have a good feeling

about Building C and he has always said that. He asked if they still have a right to put in that Bldg C if this resolution is approved.

Mr. Schultz responded yes, it would come before the Commission in the Detailed Development Plans.

Comm. Pogoda asked about the right rear knoll and if that was only a suggestion by Staff to leave a larger buffer. (*Page 8, Item d – “Reexamine the right rear of the site in an attempt to expand upon the buffer in the area of the existing wooded knoll.”*). He asked if it was just a suggestion, and not a mandate.

Mr. Schultz responded that was correct, it's not a mandate.

Chair Parkins commented that the resolution lends itself that they are aware that the Commission is not (inaudible). The Commission has approval of the final development plans.

Comm. Sedlock asked if that means that they have the right to say “no” to a building after this is approved – or do the developer have a right to put the building up and they have to just deal with it.

Chair Parkins responded that they have the right to approve the final development plans.

Comm. Flannery asked if this is approved tonight, does the owner of this property have the ability to sell it off to somebody because they don't want to develop it.

Chair Parkins responded that it is the right of any property owner.

Comm. Flannery asked if they might just try to sell it because it was approved for a PDD.

Chair Parkins responded that they could. The Commission still maintains control over what is developed there. They can't just sell it to somebody and have that person come in and put in whatever they want.

Comm. Flannery commented that this might just be a sales pitch.

Chair Parkins responded that it would have to be done by whoever is going to develop this site. Whether it is done now or whether it is done by the current owner or whether it is done by someone else, it doesn't matter. It is still going to have to come before the Commission with the same restrictions.

Mr. Schultz asked if any of the Commissioners had a question that after a two-year period of the effective date, if the submission isn't made, the Commission can initiate a public hearing. They can also grant an extension as they do on other projects.

Comm. Harger commented that she thinks Tony did a very good, detailed analysis and brought in a lot of the concerns that they had.

Comm. Flannery indicated that she was still not happy with the traffic study being only a “C” at that intersection and asked why they can't bring it up higher than that.

Chair Parkins responded that she thinks it was mentioned that this Commission has the right to commission their own traffic study depending upon the proposed uses that are proposed.

Comm. Flannery stated that the proposal says that he does not have to improve the intersection. Only Level "C" - that is all that is expected – that is the way that she reads it.

Comm. Harger referenced Page 4 of the resolution which states that *"such improvements will result in the preservation of a level of service of "C" or better after development."* She added that it isn't going to go down, it is definitely going to stay there or get better.

Comm. Flannery asked why they couldn't demand that the roads are done in a better way so that it is higher than a "C".

Comm. Harger stated that it is on the top of page 6 – when the final development plan comes in and if they decide that the traffic volumes should be examined again, then they can commission their own study.

Chair Parkins added that the STC is going to have a huge say in this as well. They are going to come in and do their own study.

Comm. Flannery noted that the Recycling Plant hasn't been done yet and their trucks haven't been going through that intersection yet either. She stated that was a concern.

Chair Parkins stated that all they can do is look at this application.

Comm. Sedlock asked if the STC does their next traffic study after they know what is going to be put in there - after it is presented to the Commission, will they know what the traffic flow is going to be there or will they do a study prior to that.

Chair Parkins responded that they would have to do it after the final development plans.

Mr. Schultz added that this action, if they do it tonight, allows them to make a submission, if they so choose.

Comm. Sedlock asked what happens if the Commission doesn't approve of what they approve is correct for the area, what is their recourse then.

Mr. Schultz responded that they can communicate with them through the Chief of Police, he is the local traffic authority. They solicit from the local traffic authority – the STC does. He explained that there have been many times when this Commission wanted a traffic light and the State said no. Obviously, they have the final say. They went to the Chief of Police saying that they think it is warranted at this time. They did not prevail; however, that is how it is done.

Comm. Sedlock asked if there was a second step to that.

Mr. Schultz responded that there is always an ability to convey the Commission's feelings – absolutely. It is done through the Chief of Police, the local traffic authority.

Comm. Sedlock commented that for himself, he is still not comfortable with that entrance coming down the hill on Nells Rock, especially in lieu of the bad weather they have been having around here lately. Although he sees a great need for this property to be developed, he is kind of hoping that the STC states that this is a little more dangerous than they are assuming.

Chair Parkins responded that she feels strongly that it is needed there to relieve some of the intersection traffic.

Comm. McGorty agreed and added that otherwise, they are going to have a line of cars backed up.

Chair Parkins commented that she thinks it was addressed that the turn in be of an adequate length to avoid any sort of bottleneck.

Comm. McGorty added that it is also a staging area where they can move over and get out of the normal ...

Comm. Sedlock commented that he is still concerned because it is all downhill. If there is any possibility that they get ice right from the top of Nells Rock past the entrance and all the way down then there is going to be a chain reaction kind of thing.

Comm. Harger stated that they aren't closing down Leavenworth Road after what happened last year.

Comm. McGorty commented that there is always a risk at that intersection even as it stands right now. He thinks that it will help by having the dedicated lanes to spread out versus having it just back up on the hill.

Comm. Sedlock commented that they have had this discussion before and he does agree. He would just like it to be on the record that he is concerned about that.

Comm. McGorty stated that as long as they can get in there and get out of the way and it is not a sharp turn where it is backing up a couple of people trying to get in there – it has to be a smooth flow right from Nells Rock in there with no impediment. As long as they can get in there and not back the traffic up, then it shouldn't be an issue.

Chair Parkins commented that the Commission will see it again when they come in with final development plans.

Comm. Flannery asked if they could put in any restrictions about not having a food store and not having a restaurant there. The first page states that "*said buildings would house a variety of retail tenants including a major food store, a bank, detached coffee shop and a variety of other retail tenants...*" She asked if they could be more restrictive as they were with Blockbuster. She asked if they could say it's OK to have a facility that makes wedding cakes, or a book store, or a Center Stage but no food stores or Dunkin' Donuts with high traffic generation.

Chair Parkins responded that personally she thinks that would be way too restrictive.

Comm. Flannery commented – but it is possible.

Comm. Sedlock indicated that he thinks that they would all be a lot more comfortable if they had a general idea of what was going in there.

Comm. Harger stated that they are going to have another look at this. This is just a concept.

Chair Parkins added that she isn't opposed to a food store going in there. It is a shopping center, if you can't go in there and shop but only go in to order a wedding cake, then...

Comm. Harger agreed that then it is no use to the residents.

Chair Parkins indicated that in addition to what Tony listed in there to add on, the permitted uses right now are building uses and facilities in the City of Shelton, full service food supermarket with accessory uses normally related thereto; stores where goods are sold or services rendered, primarily at retail; restaurants with take-out service and drive-up service windows; business and professional offices; banks and other financial institutions including a drive-thru for teller and ATM transactions; a cellular communications facility on a building within the PDD, subject to approval of the Planning & Zoning Commission. Signs and accessory uses customary to the aforementioned permitted use.

Comm. Flannery commented that Route 8 cannot handle the business it already has without bumper to bumper all the time.

Comm. Harger disagreed and stated that she does not think that is the case.

Comm. Sedlock asked if they were talking about Bridgeport Avenue.

Comm. Harger responded yes, and it is not bumper to bumper all the time – that is not correct.

Chair Parkins indicated that there are certain times of the day when businesses are letting out that there is traffic like there would be on any street when business is let out.

Comm. McGorty commented that he thinks Tony did a great job putting this together and he thinks that he covered everything. He feels comfortable with it.

Comm. Harger indicated that she thinks that this is a great step forward. She remembers what that corner looked like when it was Hazel's was there.

Comm. Sedlock asked if she meant Zack's – Hazel's was down by (inaudible).

Chair Parkins commented that if there is no further discussion, there is a motion and a second on the table, they'll do a roll call vote.

Comm. Pogoda indicated that there is some language in this resolution that he still doesn't feel comfortable with so he is going to have to vote NO.

Comm. Harger voted AYE.

Comm. Flannery voted NO.

Comm. Sedlock voted AYE.

Comm. McGorty voted AYE.

Chair Parkins voted AYE.

Mr. Schultz stated that the motion passed 4 – 2.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was discussed and voted to approve (4-2) Application #10-16. Comm. Harger, Comm. Sedlock, Comm. McGorty and Chairperson Ruth Parkins voted in favor of Application #10-16. Comm. Pogoda and Comm. Flannery voted in opposition.

APPLICATION #10-22, 252 GROVE, LLC FOR SUBDIVISION APPROVAL (SCENIC GROVE: 15 LOTS), RICHARD BOULEVARD (MAP 94, LOT 17), R-3 DISTRICT.

Mr. Schultz stated that at the last meeting the Commission instructed the Applicant to submit a plan that shows two temporary cul-de-sacs, and that has been provided. The Commission also asked Staff to report on the alternative plan. They have received copies of the letter from the City Engineer who supports a through road.

He stated that the Fire Marshal, however, did recommend approval with the two temporary cul-de-sacs which have an 80 foot diameter as opposed to 100. Mr. Schultz indicated that the Chair also asked Staff to have the Fire Marshal describe the route that the emergency vehicles would take and that has been provided in the letter as well.

Mr. Schultz clarified that it is in the letter provided to the Commissioners dated January 6th. He read a paragraph from the Fire Marshal, James Tortora's letter. *"For the Commission's information, the response to this location by the Fire Department will be from Echo Hose Company #1 and Pine Rock Park Company #4. The primary route would be by way of Coram Road to Grove Street to Scenic Grove Estates. The secondary route would be by way of Howe Avenue, River Road to Grove Street to Scenic Grove Estates."*

Mr. Schultz stated that to put this in the proper perspective, they have the City Engineer that is recommending a through road; no temporary cul-de-sacs. The Police Department is also supporting the City Engineer. The Fire Marshal who is representing the Fire Department is saying that the City can live with two temporary cul-de-sacs provided that they are connected. The project engineer will discuss that.

Chair Parkins asked if they would be connected via a right-of-way.

Mr. Schultz responded yes, a right-of-way and physically connected and graded out. In the event that Richard Boulevard is blocked off at that end, the emergency equipment could come in this end from Grove Street, go over the curbing, through the graded right-of-way to Richard Boulevard that way. It is imperative because that would a stipulation if the Commission were to go that route.

Mr. Schultz continued to say that providing two temporary cul-de-sacs – that the two cul-de-sacs would be physically graded to accommodate emergency equipment. They would have to put up some type of break-away fences because they don't want cars or four-wheel vehicles going in. They did that at the end of Lane Street where they have an unpaved portion that goes to Wesley. They have two gates there because cars were using that.

Mr. Schultz stated that tonight they have the two temporary cul-de-sac designs; Jim Swift and Atty. Bellis are here.

Atty. Stephen Bellis representing the Applicant, addressed the Commission. Atty. Bellis stated that he wanted to make it clear where they are on this. Their application is for the through road and the Commission asked them to present this alternative. They had Jim Swift prepare this document. Rick submitted this document of the alternative proposal to the various departments. The problem that they have now is a huge, and he thinks, insurmountable problem. The problem is that in the City Engineer's letter of 1/6/11, his last paragraph says, *"In the event that the Commission approves this*

alternative roadway plan, I will not endorse the plan or be a party to its implementation."

Atty. Bellis indicated that this means that they don't have a subdivision approval because under their subdivision regulations, in Section 3, the City Engineer is required and shall sign off the street construction plans. So under their own subdivision regulations, there has to be a block approved by the City Engineer. If the City Engineer is saying in this letter that he is not going to sign that, then this subdivision is a nullity.

Chair Parkins responded that she wasn't sure if Atty. Bellis was present when she made the announcement that they would not be deciding on this application tonight. They are well aware of the City Engineer's letter and this will be taken up with the appropriate individuals.

Atty. Bellis commented that was OK, he just wanted to make sure that the Commission knows that this is a huge problem because he didn't hear Rick read that portion of his letter.

Chair Parkins reiterated that they are well aware of it, absolutely.

Atty. Bellis commented OK, as long as it is in the record and they think they can handle this.

Chair Parkins stated that is why the Commission still needs some thought on this. They are trying to come up with a resolution that works for everyone.

Atty. Bellis responded that they were doing the same thing and that's why they drew the alternative plans.

Chair Parkins indicated that they want to make sure that their decision is sound and based on all the facts and information that they can possibly get.

Atty. Bellis stated that this is a new wrinkle.

Mr. Schultz stated that it is important that the Project Engineer convey to the Commission that if the two cul-de-sac scenario is approved, that the grading can be obtained to allow emergency equipment. They have to convince the Commission because, if that cannot be done, then the Fire Marshal reneges on his letter.

Chair Parkins added that they did have their consultant, Anthony Panico, provide some comments on this as well.

Mr. Schultz indicated that he has shared that with the Applicant tonight.

Chair Parkins stated that she has a question on the grading because...

Atty. Bellis indicated that he understands Tony's remarks and that is fine, but he doesn't think that they can get to the grading if he can't get the map signed.

Chair Parkins responded that she understands that completely and they also realize that this is an as-right project. She indicated that one of the things that they are concerned about is public safety. It's one of the biggest issues so she asked Jim Swift if he could show, in respect to that property, where Coram Avenue is and how the Fire Department would access or get to it.

Jim Swift, P.E., Project Engineer addressed the Commission. He showed a Google aerial view of the property and he showed where the Fire Marshal was

saying he would come down from Coram Road to Grove Street and the other route from River Road.

Mr. Swift stated that he thinks the plan speaks for itself. They have been over the issues. They feel that the temporary is appropriate because it leaves a right-of-way, a connection so emergency vehicles can pass.

He explained the temporary cul-de-sac is similar to everything else in town and it's similar to the Richard Boulevard cul-de-sac. It goes over to the side so that they can still make the detention pond work and it will push the houses back a little bit. It makes the grading of these two lots a little bit more severe but not horribly so. They are a little closer to the pavement than they would be otherwise the actual setback for the house is from the street line not the pavement line so they do have a little leeway to keep those closer. They feel that is more appropriate than pushing them into the back of the slope and the grading starts to fall away. From their perspective, they are ambivalent as to which way this gets done. Their main concern is whether this is buildable beyond this Commission.

Chair Parkins asked what the diameter of the cul-de-sac was.

Mr. Schultz responded it's reduced from 100 to 80 that require $\frac{3}{4}$ of this Commission to vote to waive that requirement.

Chair Parkins asked if a snowplow can get down there and turn around and if fire apparatus can get down there.

Mr. Schultz responded that they don't like it but they are doing it now for Richard Boulevard. It hasn't been an issue. The Fire Marshal physically went up there last week to review the existing turnaround to make sure that fire apparatus can turn around. He was satisfied, resulting in his favorable letter.

Comm. Flannery asked if the City Engineer gave a reason why he didn't approve this.

Mr. Schultz responded that the City Engineer agrees with Mr. Panico that fundamentally the whole Richard Boulevard – he was a Staff person when that was planned as a through road to Grove Street – so he really embraces that. It is a planning issue.

Chair Parkins added that it is a planning/technical, emotional issue. It is not an easy decision.

Comm. Sedlock asked why the City Engineer thinks it is a public and safety issue if the Fire Marshal doesn't think it is a public and safety issue.

Mr. Schultz responded because he's taken a more fundamental, engineering approach. He assisted with this Commission 25 years ago for the development of that area and he has always embraced the through road. He was very vocal for Maler Avenue when it went from Willoughby to Shelton Avenue. There was a lot of opposition on that one too and he felt very strongly. The Inland Wetlands Commission did not want that to be a through street and this Commission had a lot of difficulty with the Inland Wetlands Commission on that.

Mr. Schultz also mentioned that Blueberry from Huntington Street to Nichols Avenue – that was another very emotional proposal and the Commission felt very strongly. They had that old Blueberry neighborhood that did not want to be connected to 108 because it would become a shortcut, but the Commission said that they had to do it.

Chair Parkins commented that it was difficult for her, and she's not an engineer. She just thought that they were doing separate cul-de-sacs with a right-of-way easement being provided. She asked Mr. Swift if the grading would work.

Mr. Swift responded that it is fairly steep. As Tony said, it is somewhere in the 18% range.

Chair Parkins asked if that was acceptable.

Mr. Swift responded that he doesn't know, they would have to go to the emergency services people to determine from them. There are a few streets in town like it, such as the one right here by City Hall going straight down the hill – those are very steep streets.

Chair Parkins asked if it was about that steep.

Mr. Swift responded that it may be a little steeper but they should also consider that this will be a grass or gravel situation so it will be a little more slippery. So they might actually be comparable as far as actual, physical accessibility.

Chair Parkins asked, if that is the case with the slope, than what is it with the initial proposal of cutting through – what is the slope when they cut through.

Mr. Swift responded that there were a couple of things that happen. He showed one of the engineering drawings which he said were very confusing; however, he explained where the road would end if they did the temporary cul-de-sac. He stated that at that point there would be a 6" curb and a little shelf for holding snow and things like that.

Mr. Swift showed where the actual pavement for Richard Boulevard ended. He explained that they were proposing to rip it back to a certain point so that they can make that grade work. He drew another line on the engineering drawing to show how the grade would change.

Mr. Schultz asked how long of a run that is to give everyone an idea.

Mr. Swift responded that it was about 75 feet, maybe 100 feet.

Chair Parkins asked if they would have to bring in fill to raise it up or...it would still be a hill, but it would be a paved hill.

Mr. Swift responded that would be up to a lot of different conditions.

Atty. Bellis asked if she was asking about it as if it were a through road.

Chair Parkins responded yes – if they went with the through road plan.

Mr. Swift responded that if they went with the through road, than that line is 10%.

Chair Parkins commented that it would still be a hill.

Atty. Bellis responded yes, but 10% versus 18% - that is a standard (inaudible).

Comm. Flannery asked what would happen if they gave them open space in lieu of \$10,000.

Atty. Bellis responded that is not going to happen because they can't do that.

Comm. Flannery asked why.

Atty. Bellis responded because there are regulations that you have as to whether you can give open space or not, and it is not met under these circumstances. They met with the Conservation Commission and they don't want it as open space, they want it as fee in lieu of.

Comm. Flannery stated that maybe that was with the intention of having two cul-de-sacs; maybe now that it may be a through road, maybe that Commission would consider having open space.

Atty. Bellis responded no, he's saying no because he went to that meeting.

Mr. Swift commented that having open space doesn't help them generate or facilitate the cul-de-sacs in any way.

Atty. Bellis agreed that it would not at all.

Comm. Flannery stated that it would give them less houses and less traffic.

Chair Parkins asked how so.

Comm. Flannery responded that if they have open space instead of houses – if they had 13 houses instead of 15 houses then it would be two less families on the street.

Mr. Swift stated that he thinks that the Conservation Commission would rather have the money.

Atty. Bellis agreed.

Mr. Swift explained that there is no open space in this area.

Comm. Flannery stated that she was just saying that if they didn't have the go through maybe they could eliminate some of the families.

Chair Parkins asked what they would do with the open space of one lot.

Comm. Sedlock asked the Chair if there were going to be more conversations with the City Engineer about the cul-de-sacs or if this is etched in stone.

Chair Parkins responded that there is going to be more discussion on this. They are not going to make a determination on this tonight.

Mr. Schultz asked if the City had any more questions for the Fire Marshal.

Chair Parkins responded that she just wanted to get everything on the table so that the Commission is aware of the alternates and the difficulties that it may pose. She mentioned the grade and the option that the right-of-way remain there in the event that it does have to be opened up in the future. They certainly don't want any disaster down there and they'll have discussion on that. She indicated that was why she asked the question about how the emergency responders would come in. She added that she didn't know if that question had been posed - as if it was open, or if it was a through, and if there wasn't two separate cul-de-sacs, would they access it the same way and is it the quickest route of travel – because in an emergency, the emergency response has to be there as quickly as possible. She indicated that was where the public safety issue comes in and that's the reason she asked for the travel path of the emergency responders.

Mr. Swift responded that one of the things that came up was any blockage of one of the main routes in – that was a concern which is the point of having the second route. So it is not only an issue of where they come in for an emergency, but where they come in if the route is blocked. He indicated that he thinks that probably has a lot to do with the regulation to cap the number of lots at 20 anyway.

Chair Parkins commented that they weren't proposing 20 even though the regulations allow 20.

Mr. Swift responded no, that he was suggesting (inaudible).

Atty. Bellis responded 15, they are way under (inaudible).

Mr. Swift stated that if they had come in with a plan that just showed a cul-de-sac, they feel that would have violated the regulations because these exceed the count. That was how they were revised when they originally drew up the plans.

Chair Parkins asked how long Richard Boulevard has been there.

Atty. Bellis responded at least 25 years.

Mr. Schultz agreed that it was the mid '80's – it was done in phases. He indicated that the 65-day review period is January 13th. He asked Atty. Bellis for a letter authorizing an extension and he asked the Chair for a motion to accept it.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the extension of the review period for Application #10-22 until February 9, 2011.

APPLICATION #10-24, PIONEER GAS AND APPLIANCE CO., INC. FOR SITE PLAN APPROVAL (PROPANE STORAGE TANK FACILITY), 65 RIVERDALE AVE. (MAP 118, LOT 48), IB-2 DISTRICT – LETTER AUTHORIZING EXTENSION OF REVIEW PERIOD.

Mr. Schultz indicated that the Applicant was working with the Project Engineer to meet all the code requirements. This site is immediately adjacent to the fuel dispensing tank for the school buses. There are setback requirements that they have to deal with so they need more time to review that. He read a letter dated January 5th authorizing a 65-day extension of the review period for Application #10-24 over the name of William Papale Jr.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the 65-day extension for Application #10-24.

NEW BUSINESS

APPLICATION #10-29, BISHOP MANAGEMENT OF SHELTON FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE, COASTAL AREA MANAGEMENT SITE PLAN APPROVAL AND AMENDMENT OF FUTURE LAND USE PLAN OF CONSERVATION AND DEVELOPMENT (POCD), 762 RIVER ROAD (MAP 12, LOT 35), IA-2 DISTRICT – ACCEPT AND SCHEDULE A PUBLIC HEARING.

Mr. Schultz suggested February 23rd, the fourth Wednesday. He indicated that there was a lot there – he explained that when a zone change conflicts with a proposed land use category and the long range plan, the Applicant has to petition to change it. One of these parcels is moderate density residential and they want to go commercial; that's on the uphill side of River Road diagonally across from the ice skating rink. The other large property is two sites up from the ice skating rink going northerly. It is recommended for light industrial and they are proposing commercial because the proposed PDD has a mixed use for retail and for offices. So because of its proximity to the Housatonic River, it is in a Coastal Area Management. Staff has to send a referral to the DEP. This requires a public hearing for the PDD zone change and they have to amend to future land use plan and the POCD.

Chair Parkins asked if Staff had to send the referral to the DEP – they don't have to make their own application to the DEP?

Mr. Schultz responded that he has to send them agendas and the whole application because they work with Staff. The Applicants aren't fulfilling it. They ran into problems. It was problematic just like with the Aquarion Water Company when it's a watershed area. They asked the Applicant to do it and they weren't doing it and the BHC (inaudible).

Chair Parkins asked if there was a special form they had to fill out.

Mr. Schultz responded yes, and they have all that stuff and that is why they charge fees.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #10-29 and schedule a public hearing for February 23, 2011.

APPLICATION #10-30, BISHOP MANAGEMENT OF SHELTON FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE, COASTAL AREA MANAGEMENT SITE PLAN APPROVAL AND AMENDMENT OF FUTURE LAND USE PLAN OF CONSERVATION AND DEVELOPMENT (POCD), 781 AND 785 RIVER ROAD (MAP 12, LOTS 29 AND 43), R-3 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING.

Mr. Schultz indicated that this is diagonally across the street. A major cut has to take place and they have single family homes on Wintergreen and another private drive there.

On a motion made by Joan Flannery seconded by Joe Sedlock, it was unanimously voted to accept Application #10-30 and schedule a public hearing for February 23, 2011.

APPLICATION #11-01, 680 BRIDGEPORT AVENUE, ASSOCIATES, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (DENTAL OFFICES), 680 BPT. AVE., IA-2 DISTRICT – ACCEPT AND SCHEDULE A PUBLIC HEARING.

Mr. Schultz explained that this is the brick building across from Blockbuster, and because it is medical offices, it is a higher level of review.

On a motion made by Joan Flannery seconded by Joe Sedlock, it was unanimously voted to accept Application #11-01 for review and schedule a public hearing for February 23, 2011.

APPLICATION #11-02, STEPHEN BELLIS FOR SUBDIVISION APPROVAL (SILVER OAK ESTATES: 4 LOTS), 816 LONG HILL AVENUE, R-3 DISTRICT – ACCEPT FOR REVIEW.

Chair Parkins asked if this was an as-right.

Atty. Bellis responded yes, it was. It's a house on Long Hill Avenue; she wants to split off her house and she has three additional lots.

On a motion made by Thomas McGorty seconded by Joe Sedlock, it was unanimously voted to accept Application #11-02 for review.

PUBLIC PORTION

Atty. Stephen Bellis addressed the Commission. He indicated that he wrote a letter to Rick Schultz on December 29th about reducing Mr. Blakeman's bond and that was for the Huntington Woods subdivision. The roads were all done. He hadn't put in a guard rail. He put in an estimate of \$50K. He was asking the Commission to reduce the \$430K bond to approx. \$50K. He realizes that Rick was away last week and the request didn't make it onto this agenda.

Mr. Schultz stated that he would put in on for 1/26/11.

Atty. Bellis indicated that he didn't have much more to say than he just said. He doesn't think it will be a long discussion.

Chair Parkins asked if this had anything to do with the little island.

Mr. Schultz added yes, indirectly.

Atty. Bellis responded that he guesses it does – a little bit.

Chair Parkins indicated that she thinks that is going to need further discussion. She asked if that is why they received a letter from the engineer.

Atty. Bellis responded yes, probably. He indicated that is one issue and he understands where they are coming from on that but he still wants to get the bond reduced. He's not commenting on the other but the Aldermen feel differently. They are kind of caught in between, Mr. Blakeman is, because it is a \$430K bond he is paying.

Chair Parkins asked if they know where that stands on their agenda.

Atty. Bellis responded yes, he understands that Jim Swift is going to give the Commission the drawings of what they want done. They'll have them next week.

Mr. Schultz indicated that they would vote – it's an 8-24 Referral because it is another review.

Atty. Bellis agreed and stated that then it would go back to the Aldermen. He doesn't know which way this Commission is going to vote but it would go back to the Aldermen. They either approve the Commission's decision or they can overrule it. It is going to come back to the Commission.

Mr. Schultz added that it has been a whole evolution of the different designs.

Chair Parkins commented that more than likely that would not get to them until Feb. 8th.

Atty. Bellis stated that in the meantime, he didn't want to tie up the reduction of the bond. Whatever happens there, happens.

Chair Parkins responded that is what the bond is being held for though, correct?

Atty. Bellis stated yes, but just a small part of it.

Comm. Sedlock asked what little part of it – how much of it.

Atty. Bellis stated that he could give them an estimate on it.

Chair Parkins indicated that they realize that Mr. Blakeman is caught in the middle and they may be able to give him some kind of a temporary reduction if they have some idea of what it is.

Mr. Blakeman responded that was what he was looking for. He'd like to have a reduction in it. There is more than enough to cover up that island.

Chair Parkins stated that without any kind of cost, it would be hard for them to estimate that.

Atty. Bellis indicated that they would give them an estimate.

Mr. Blakeman stated that they would also submit a plan on that island so that they'll have everything.

Chair Parkins asked if there was anyone else in the audience who would like to speak on anything not on the agenda. Being no one, she asked for a motion to close the Public portion.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the Public Portion of the meeting.

OTHER BUSINESS

A. APPROVAL OF THE MINUTES: 9/14/10, 9/22/10, 9/29/10, 10/12/10, 10/26/10, 11/9/10 AND 11/30/10.

Comm. Flannery indicated that she had a correction on the October 12th minutes. She wanted to make an addition/correction (pg 18 of 26). Revision 1 of 10/12/10 minutes will be sent to the Town Clerk's Office.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the minutes of 9/14/10, 9/22/10, 9/29/10, 10/12/10 (with revision), 10/26/10, 11/9/10 and 11/30/10.

B. 8-24 REFERRAL: EXTENSION OF PUBLIC WATER TO 599-615 BOOTH HILL ROAD AND 10 OXFORD DRIVE

Mr. Schultz read a letter from the City Engineer dated November 5, 2010 to endorse the proposal to extend public water to the above mentioned properties. Staff recommends a favorable recommendation.

Comm. Flannery asked who referred that.

MR. Schultz responded the Board of Alderman.

Comm. Flannery asked if they received a petition and signatures.

Mr. Schultz responded yes.

On a motion made by Joe Sedlock seconded by Anthony Pogoda, it was unanimously voted to report favorably on the 8-24 Referral for the extension of public water to 599-615 Booth Hill Road and 10 Oxford Drive.

C. TURKEY ESTATES SUBDIVISION: RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF MAGGIE LANE

Mr. Schultz indicated that this was the newer subdivision going toward Buddington Road and Judson and Mill Street. Mr. Schultz read the Engineer's report dated November 2nd recommending the release the \$67,500 performance bond with conditions.

***See attached correspondence to Richard Schultz from City Engineer, Robert Kulacz dated 11/2/10.**

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to release the Performance Bond for the Turkey Estates Subdivision and to accept Maggie Lane.

D. TWISTED VINE ESTATES SUBDIVISION: REQUEST FOR ONE YEAR EXTENSION TO COMPLETE PUBLIC IMPROVEMENTS

Mr. Schultz indicated that this is the second one-year extension. They have a provision in their subdivision regs that they want to see the roads done in two years although the statutes give developers up to 5 years. Shelton wants to put the roads in so that people don't have problems when they go to get CO's, they want a paved road. He just about finished everything but the cold weather came quickly and Engineering said don't do it. There are a lot of factors when paving – wet, cold and improper paving. He read Mr. Schiabel's letter dated December 5th requesting a one year extension to complete the public improvements. Staff recommends approval.

***See attached correspondence to Richard Schultz from R. Schiabel dated 12/5/10.**

On a motion made by Thomas McGorty and seconded by Virginia Harger, it was unanimously voted to approve the request for a one-year extension to complete public improvements at Twisted Vine Estates Subdivision.

E. 40 WATERVIEW DRIVE (HUBBELL BLDG): REQUEST FOR RELEASE OF SITE BOND

Chair Parkins asked if he was all finished up there.

Mr. Schultz indicated that Staff reported that additional evergreens were planted. They heard from the neighbor.

Chair Parkins asked if that was in regard to this application or the other.

Mr. Schultz responded the Hubbell application, the other one is still ongoing.

Comm. Pogoda asked if the neighbor is satisfied with what went up.

Mr. Schultz responded yes, absolutely. He read the letter from R. Scinto requesting that the \$40K performance bond for 40 Waterview Drive be released.

It is recommended by Staff, especially upon completion of the supplemental evergreens that were installed right before the snow came.

Comm. Flannery asked how all the trees that were cut down next door to this effect this place.

Mr. Schultz responded that the other site is a stand-alone and they've been addressing it. Mr. Swift is revising the landscaping plan. He will be meeting with the Chair in a week or two to review the revised plans that show the additional landscaping. He stated that Mr. Scinto put in three rows of evergreens by the Riverdale Condos because they requested them, above and beyond what the Commission saw. Mr. Scinto is also going to do a double row of evergreens. One in back of the parking lot for the new light industrial building and along Coram Road, possibly berming it.

Comm. Pogoda asked how high the trees were.

Mr. Schultz responded that these are 6 – 8 foot white pines.

Comm. Pogoda asked if that was the biggest that they could get. The trees that were there were a lot higher than 6 – 8 feet.

Chair Parkins asked if they were talking about the Hubbell site or the other site.

Mr. Schultz responded the newer, other site. He will relay that the Commission wants them to start at a minimum of 8 feet because the revised landscaping plans are a work in progress.

Comm. Flannery stated that she wanted to be really careful releasing the site bond.

Chair Parkins commented that this property is separate from the Hubbell property and she wanted to be careful not to confuse them.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the request for release of Site Bond for 40 Waterview Drive (Hubbell Building).

Tape 1B 8:29 p.m.

F. 350 HOWE AVENUE (JOHNNY'S PIZZA): ACCEPTANCE OF AGREEMENT ON ALTERNATIVE EXTERIOR SIDING

Mr. Schultz read correspondence from Agni Kalici, owner of 350 Howe Avenue property agreeing to replace brick siding with a real brick veneer siding to be approved by P&Z.

Comm. Pogoda stated that he wants to see it before he approves it.

Mr. Schultz stated that it would be subject to the following: Certificate of Occupancy for all apartments and CO's for the 2 businesses (restaurant and one unknown).

He'll report to the Commissioners as to the status of the CO's for the apartments and invite Mr. Kalici to the Downtown Subcommittee meeting.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept the agreement on alternative siding for property at 350 Howe Avenue (Johnny's Pizza).

G. PAYMENT OF BILLS

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

H. STAFF REPORT

Mr. Schultz highlighted items from the P&Z January 2011 Report.

***See attached STAFF REPORT SHELTON PLANNING & ZONING dated January 11, 2011**

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission