

took place, they now have the proposal before them which creates two areas of reserve parking. With that, he turned the discussion over to Alan Shepard, P.E.

Alan Shepard, P.E., Partner , Nowakowski, O'Bymachow & Kane, 415 Howe Avenue, Shelton addressed the Commission.

Mr. Shepard indicated that, in talking with Staff, they came up with a couple of different layouts. They could put 5 parking spaces in front of the building. The spaces would be 90° pull-in parking connecting the walkway from upper to lower; that would meet the parking requirements for the Town, totally on their property. They still would have 4 parking spaces across the street even if they put a planted buffer in here. So they would have in excess of the required parking and the required parking would be on their property. They would still ask for this to be deferred parking, if possible, because they think that they could do OK with the parking that they have on site.

Comm. Flannery asked what he meant by "deferred."

Mr. Shepard responded that they would be deferred, meaning that, if need be, they can put them in; it can be re-evaluated.

Atty. Thomas added that they have agreed that it can be a condition of any approval.

Chair Parkins added that they won't disturb the area it unless it needs to be disturbed.

Atty. Thomas responded that it isn't going to disturb it because the pine trees aren't in great shape. There is about 40 feet. They would have to take down at least the center one, but as Rick pointed out, they are not in great shape.

Mr. Shepard commented that if they take out the center of a white pine, they should take out all three of them because the white pines like to wind buffer each other. If their branches, which are soft, if exposed, they will snap. He would rather have a cluster of them instead of stand-alone white pines.

Atty. Thomas indicated that it was also mentioned that besides putting the 5 spaces in, there may be some requirement for some minor landscaping along that area too.

Comm. Flannery asked if he was saying that they would definitely put four across the street and maybe 5 next to each other.

Atty. Thomas pointed out on the plan that this would be first and the other is secondary.

Comm. Flannery commented that then they don't have the 40.

Mr. Shepard responded that they have the capability of having 40.

Atty. Thomas added that they have the capability of complying with the regulations on their site but until they show the need for it, they would leave it as grass and leave the trees. That would be a condition of approval.

Mr. Shepard added that it would be deferred installation.

Comm. Flannery asked what if he didn't have those across the street put in and then those others deferred, if they are needed because then they have the 40.

Mr. Panico commented that those are the least convenient spaces though.

Comm. Flannery stated right now he only has 36 and his requirement is 40.

Mr. Panico responded that his requirement is 40 parking spaces and he has a plan showing 45 spaces. They are requesting that 9 of those 45 spaces, which is 20% be delayed until there is a demonstrated need. They have that provision in their Zoning Regulations for that to happen if the Commission is comfortable with it.

Comm. Flannery stated that right now, he only has 36.

Mr. Panico responded he has 36 spaces that will be installed with reserve space for an additional 9 which would bring it up to 45.

Comm. Flannery stated that her concern is that the 36 spaces will be filled and then that isn't enough and he'll be blocking the street.

Mr. Panico responded that would be when the Commission would say "hey, you need those spaces and now you've got to put them in."

Atty. Thomas indicated that they have to consider that this is not a private road; it is an easement. Not only the Commission would want it, but if this restaurant was having that much success, the owner will probably run to the Commission and let the Commission know that he is going to install those spaces.

Mr. Panico commented that another point is, as Rick informed him today, that driveway is actually a designated fire lane, so they aren't supposed to park there anyway.

Atty. Thomas added that they can't park there and they know that.

Mr. Panico stated that all the drives of condominiums are generally fire lanes.

Comm. Harger arrived at 7:12 p.m.

Comm. McGorty commented that as far as the entrance to the parking lot on the side - they mentioned the entrance downstairs is a common hallway that goes to the upstairs as well. He asked if that lower entrance was currently being used.

Atty. Thomas responded that it could be used if someone wanted to. There is nothing physically blocking it.

Comm. McGorty stated that his point is that, he drove by there on a couple of nights – a Friday and a Saturday – and cars do line that Sunwood Drive, and it is mostly the take-out. The problem is, that they are trying to account for square footage, but there is this other variable and that is people coming and going for take-out. There could be ten cars there at any time – like on a Friday night it is pretty busy. So, that is his concern.

Chair Parkins pointed to a location on the site plan and asked if that area there could be designated for take-out/pick-up only.

Comm. McGorty responded that he doesn't know if they have an enough in that area up there.

Chair Parkins asked if he saw anyone in the lower lot.

Comm. McGorty responded that there was, but he doesn't know if it's because they didn't want to park down there or what. He didn't go down there to see if the lot was...

Atty. Thomas asked if he was saying that no one was parked in the lower lot.

Comm. McGorty responded that there were cars but there were a lot of cars lined up on the road too. His thinking was that if it was open downstairs, it would actually make it easier for people, rather than walking all the way down the road and around the building.

Chair Parkins asked if, in other words, he's saying that the take-out should be available downstairs.

Atty. Thomas responded that you can easily get upstairs. There is a hallway.

Chair Parkins noted that everyone knows that people like convenience. They are going to park in the easiest place so that they can just run in and get their food and run out again.

Atty. Thomas indicated that what surprises him is that parking there is not the easiest because you can't go straight in – you'd have park out here, walk all the up, walk around here, and go in the back. It is not the easiest because you can't go straight in.

Comm. McGorty stated that is what is happening though.

Comm. Flannery added that it is either that or on the street.

Comm. McGorty asked how they can solve that problem.

Atty. Thomas responded that he wasn't aware of any parking on the street at all. He asked when this was happening – on Friday nights.

Comm. McGorty responded yes, around 6 o'clock-ish, 6:30 p.m. to 7:00 p.m. Plenty of people sit down and it is probably their peak for the take-out.

Chair Parkins stated that they could alleviate that by opening up the downstairs for take-out.

Mr. Panico commented that he thought the intent was to expand their operations to the lower level and in conjunction with that there would be a customer entrance there.

Atty. Thomas responded that there is a customer entrance there now, and certainly, anybody can use it.

Comm. Sedlock stated that when they went out to look at it, the problem was their walkway to go to the lower level, which gives access to the upper level, was entirely snow-covered.

Atty. Thomas stated that he isn't saying that he is using it right now. He is saying B.S. (Before Snow), you could walk into that entrance.

Comm. McGorty asked if they had a big function going on and you still have the take-out aspect of it, then where are people going to park. If they have a large gathering, they can't shut down the rest of the place.

Chair Parkins commented that they can't have a large gathering because the hibachi tables only accommodate 18 people.

Mr. Panico suggested that another possibility is that it be required that the take-out come in through that lower level. He added that right now the lower level isn't approved so it's not conducive for a customer to come in that way and get their take out that way. Perhaps once it is approved and up to grade, it is a reasonable solution to reserve those spaces for take-out. It is more convenient than running in from the curb.

Comm. McGorty added that it isn't a safe situation either.

Comm. Harger commented that they are already going to have the reception area there for the hibachi so they can bring the take-out downstairs.

Mr. Panico recalled attending a function there, before it was Hunan's, and entering through the bottom and going to the upstairs; and he doesn't remember having to walk through a kitchen or anything.

Mr. Shepard commented no, there is a bar right there.

Atty. Thomas stated that he thinks that they've done some interior reservations so that when you come up, you're not at the bar anymore, it is an eating area now. The upstairs bar is smaller now and it faces the front of the place. So now when you come in and up to the top, there are booths and tables – you don't go right into the bar.

Mr. Panico commented that may be a better solution for the take-out, if they do that much take-out.

Comm. McGorty stated that there is quite a bit, so he thinks that reserving some of those spots in that lot and having the access through the back rather than walking on the road.

Atty. Thomas stated that there is no problem with that condition.

Comm. Pogoda asked how long it would take, if once they get it generated, as Tom had mentioned, if people continued to park there because there was insufficient parking. He asked how long it would it take to get those parking spaces put there in front of the building.

Mr. Shepard responded that if it is the lower area that they are doing, they could do that in a couple of days. They have to take the tree down.

Comm. McGorty commented that he thinks that if they just designate spaces here because this other area is a last resort there and they really don't want to mess with that. He pointed out another piece of the property and commented that it is not optimal; it's not in great condition there.

Comm. Sedlock commented that it is better putting the 4 in across the street.

Mr. Panico stated that the take-out has to be the most convenient, because otherwise, people will just double park anywhere that they want to.

Comm. Harger indicated that they just need to erect a sign at the bottom that says "Take-Out Here."

Comm. Pogoda agreed and suggested that they have some spots designated as take out with pole signs.

Comm. Flannery asked if there were signs on the road that say No Parking now.

Chair Parkins responded that if there are, they have to be put up by the condo assoc. because it is condo property and it's not a City street.

Comm. Harger asked for some clarification about the deferred parking because she arrived a little late.

Mr. Schultz explained that the owner is of the opinion that he has enough parking but the Commission is saying that he has to show the parking, if it is needed. They were just saying that if needed, it could be put in within a couple of days.

Comm. Harger asked who is going to revisit this and how is that determination going to be made.

Mr. Schultz responded that if the Commission approves it, they would have a condition stating that in the event that parking is needed...

Comm. Harger asked who is going to determine the need – the barometer.

Mr. Schultz agreed – and asked who's the watchdog? They were discussing the peak on Friday nights around 6:00 p.m.

Comm. Pogoda asked if he has gotten any calls from the people at the condos.

Mr. Schultz responded no, zero, but what he is hearing from the Commission is that they want to stay ahead of that.

Atty. Thomas stated that they have to understand something, all condo residents park in there themselves so they aren't necessarily going to put up a red flag in that situation because the bullet has a tendency to boomerang. He is surprised, because if he wanted to short-trip it, he would park at the end, pull in between the spaces, run in, get his take-out and get out. If you park on the street, you have to walk all the way around. He means that he would pull into the upper lot and double park, run in...

Chair Parkins commented that there might not be any space in that upper lot.

Comm. McGorty stated that there could be 10 cars out there – they aren't going to fit in there, and they aren't going down below because that is even further to walk.

Atty. Thomas indicated that they will accept that condition.

Comm. McGorty stated that reason that he went out there was because someone told him the time when he needed to go and take a look at it and he did.

Comm. Harger commented that if they wanted to stay ahead of the game, as Rick mentioned, can they request that these 5 be put in.

Comm. McGorty responded that by opening up the bottom entrance and making it so there is building access (inaudible) because no one is going to walk all the way around.

Comm. Harger asked if there was a sidewalk there.

Atty. Thomas showed the location of the sidewalk, the walkway, the steps to go up and down... and stated that what he means is, they are obviously going to have to put a sign on the lower area that says "Take Out" so that people know.

Chair Parkins stated that he would have to indicate with a sign and make the take-out available downstairs so that people will learn that if they park on the top then they'll have to go all the way down to pick-up. They will know that for the next time.

Comm. Flannery suggested putting two spaces on either side of the tree and then they'll have their 40 spaces, which is the requirement.

Mr. Panico responded that they could probably do that, but as it was pointed out, those trees are kind of on their last legs, so...

Comm. Flannery commented that you could keep all of them up.

Mr. Shepard stated you really can't (inaudible...)

Comm. Sedlock indicated that he agrees with Atty. Thomas, if the owner sees a need for those spaces, he'll make sure they go in. Otherwise, people will say that they aren't going to that restaurant because there is no parking.

Mr. Panico stated that if he is experiencing 8 or 10 cars on the curb, then he is going to need them.

Comm. Sedlock commented that they'll probably be able to figure that out in about 6 months. If people miss the sign for the take out, park on the top and realize where they have to go pick up, they'll it end after the first time.

Atty. Thomas agreed that the first time, they'll do that, but the second time they won't. Take-out customers tend to be repeat customers.

Comm. Sedlock indicated that they only reason that they can't do that right now is because of the piles of snow.

Comm. McGorty stated that there has also been no activity downstairs for years.

Chair Parkins indicated that she believes it is agreed that they have the take-out counter downstairs.

Atty. Thomas responded that it isn't even a counter. He has a wait bar and a service counter downstairs. He doesn't need to do anything except physically bring the take-out downstairs.

Comm. Harger asked if there was going to be any movement toward this. She asked how they were going to measure whether or not this, and this needs to go in.

Chair Parkins responded that they are going to have to rely on the residents of the condos to contact Staff, if there are any issues, and if (inaudible).

Atty. Thomas stated that they also have Mr. Lewis here who lives across the street. At the last public hearing, he addressed his concerns and he's sure that Mr. Lewis will have observations as to what goes on over there.

Chair Parkins commented that if it becomes a problem, there is an immediate solution.

Comm. Sedlock added that they've said this can be handled in a weekend or a couple of days.

Mr. Panico indicated that sometime after Labor Day, they have to have a re-evaluation, because if they really think that they are going to need them then it has to be done before winter.

Atty. Thomas stated that he posted this property twice because the first public hearing was cancelled because of the snow. The second time he went to put it up, he almost got hurt climbing a snow mound.

Mr. Shepard added that asphalt plants will stay open until around December.

Mr. Panico commented yes, it's traditionally around Thanksgiving weekend.

Chair Parkins asked if there was anyone in the audience who would like to speak for or against this proposal.

Mr. Richard Lewis, 299 Old Bridgeport Avenue, Shelton addressed the Commission. Mr. Lewis indicated that he spoke to Atty. Thomas and they reviewed this plan together and he is no objection to the way it is laid out on this site plan.

Mr. Lewis stated that he wanted to make a couple of observations. He has lived in this house for 13 years and nobody parks in the street. If they saw someone parked on the street, it was because of the condition of the snow. This top parking lot is usually $\frac{3}{4}$ full and the other one is always empty. He doesn't think that they are going to have a problem. He assured them that if there are people parking in the street causing any disturbance, they will hear it from him first because he will come to this Board.

Mr. Lewis commented that he would not like to see this here (he pointed to the area on the plan) but he doesn't think that opening up the Take Out, is going to fill this parking lot to the point where they will have to park on the street. He can assure them of that. So, having lived here for 13 years and being this close, he doesn't have any problem with how it is laid out and he doesn't think that they are going to have any problems.

Mr. Lewis indicated that there are No Parking signs clearly marked along the street. He thanked the Commission.

With no one else wishing to address the Commission, Chair Parkins asked for a motion to close the public hearing.

On a motion made by Joe Sedlock seconded by Anthony Pogoda, it was unanimously voted to close the public hearing for Application #10-27.

OLD BUSINESS

Chair Parkins stated that she would be taking some agenda items out of sequence because they may need to add on some new agenda items after hearing from Jim Swift.

APPLICATION #10-29 BISHOP MANAGEMENT OF SHELTON FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (MIX USE FACILITY), COASTAL AREA MANAGEMENT SITE PLAN APPROVAL AND AMENDMENT OF FUTURE LAND USE PLAN OF THE PLAN OF CONSERVATION AND

DEVELOPMENT (POCD), 762 RIVER ROAD (MAP 12, LOT 35), IA-2 DISTRICT (PUBLIC HEARING CLOSED ON 2/23/11).

APPLICATION #10-30 BISHOP DEVELOPMENT OF SHELTON II LLC FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (RETAIL WITH DRIVE-THRU), COASTAL AREA MANAGEMENT PLAN AND AMENDMENT OF FUTURE LAND USE PLAN OF PLAN OF CONSERVATION AND DEVELOPMENT (POCD), 781 AND 785 RIVER ROAD (MAP 12, LOTS 29 AND 43), R-3 DISTRICT (PUBLIC HEARING CLOSED ON 2/23/11)

James Swift, P.E. and Landscape Architect addressed the Commission.

Mr. Swift addressed the Commission and indicated that he was speaking for the Applicant, Mr. Soffan in regard to his two River Road projects. In looking back, the notices that went out for residents living within 200 feet of the property had an erroneous date in it of April 24, 2007.

Mr. Swift indicated that April 24th is a Sunday and 2007 has already passed. He continued to say the legal notices were correct and the posting of the sites were correct; however, those notices were in error. So it is the pleasure of the Commission and they have full authority as to the efficacy of the notices, so it is the Commission's discretion whether they would like to reschedule these public hearings or whether they could contact these owners and do a private presentation. They would hold open any comments that they get and bring them to the Commission. So, that is what happened, the notice date was in error on the letters that he sent out for the Applicant.

Chair Parkins stated that she thinks that the nature of this project really warrants the resending out of the information and the rescheduling of the public hearing.

Mr. Swift responded OK.

Comm. Flannery asked if the letter that he sent out indicated that there was a request for the zoning to change.

Mr. Swift responded yes, it is basically the legal notice.

Comm. Flannery indicated that she had a lot of people question her about it because they did not know.

Chair Parkins asked if anyone had called City Hall to ask about this.

Mr. Schultz responded yes, today – they thought the 2007 was just a typo but they thought the hearing would be in April. Then they realized that the 24th is a Sunday, got confused, and they called up today.

Mr. Swift apologized for the inconvenience and requested that the Commission reschedule the public hearing. He asked if it was proper to deny without resubmission or is it proper to submit for withdrawal.

Mr. Schultz responded that he would need to submit a letter requesting withdrawal of Applications #10-29 and #10-30. The Commission will need a motion to accept the withdrawal and then they will motion to add the new applications.

Mr. Swift submitted his letters of withdrawal for Applications #10-29 and #10-30 to Mr. Schultz.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to accept the withdrawal of Application #10-29 and Application #10-30.

AGENDA ADD-ONS/CHANGES

Chair Parkins asked for a motion to add two applications under **New Business** – Application 11-08 and Application #11-09 and to schedule a public hearing.

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

On a motion made by Joe Sedlock seconded by Joan Flannery, it was unanimously voted to accept Application #11-08 and schedule a public hearing.

APPLICATION #10-30 BISHOP DEVELOPMENT OF SHELTON II LLC FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (RETAIL WITH DRIVE-THRU), COASTAL AREA MANAGEMENT PLAN AND AMENDMENT OF FUTURE LAND USE PLAN OF PLAN OF CONSERVATION AND DEVELOPMENT (POCD), 781 AND 785 RIVER ROAD (MAP 12, LOTS 29 AND 43), R-3 DISTRICT

On a motion made by Joe Sedlock seconded by Virginia Harger, it was unanimously voted to accept Application #11-09 and schedule a public hearing.

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE

Chair Parkins asked if any of the Commissioners had questions regarding Standards #1-#4.

Comm. Pogoda asked about Item #4 Ziko Remodeling, 113 Buddington Road – are they attaching a garage with a bedroom/bath to make it another rental unit.

Mr. Schultz explained that it is a single-family dwelling. They are attaching the garage and putting the bedroom and bath above it. He added that many of the smaller homes didn't have the multiple bathrooms. It can be stated on the permit that this is not an accessory dwelling unit and has to be maintained as a single family dwelling that is interconnected.

Chair Parkins asked if any of the Commissioners had questions on Staff Separates #1-#10.

Comm. Harger asked about #10 #5700 Donna Cadoret, 70 Congress Avenue (home office/temporary fundraiser) and what the regulations are for it.

Mr. Schultz explained that periodically they get requests for fundraisers that want to use their dwelling unit and need to establish a trade name in the Town Clerk's Office.

Comm. Harger asked if the person whose name appears here has to reside at that address.

Mr. Schultz responded yes.

Comm. Harger asked what happens if that is not the case. Mr. Schultz responded that it has to be a renter then. Comm. Harger asked what happens if that is not the case. Mr. Schultz responded that they would have to scrutinize it. Comm. Harger indicated that she thinks he should.

Chair Parkins asked if they were having fundraising activities there.

Mr. Schultz responded no, they are establishing a checking account as a fundraiser and using that address.

Comm. Flannery asked about #8 #5693, Ozzie Cotto, 137 Howe Avenue, Apt. 7 (home office/religious services).

Mr. Schultz explained that as they know, they have home offices for a variety of services and this is a religious service that is provided to other places that he travels to. It is good that this is brought up because there are court decisions on what triggers private service in one's home because you can bring friends over (party of 3, 5 or 10) as opposed to a bona fide church service which is regulated by this Commission. On the permit, the applicant is traveling but using his private residence for the trade name.

**SEPARATE #5689, R.D. SCINTO, INC., 2 TRAP FALLS ROAD:
REPLACEMENT OF GROUND SIGNS**

Mr. Schultz stated that they are revisiting this because the Commission imposed restrictions and they are requesting that it be revisited.

Larry Borque, ABC Sign Corporation addressed the Commission. Mr. Borque introduced Mr. Mike Cannif, Director of Facilities Development for St. Vincent's Medical Services. He stated that he hopes the Commission will agree that the ABC Sign Corporation has always tried to comply with their sign regulations; and above and beyond, they have tried over the years to accommodate any desires they have to make changes to their customer's signs.

Mr. Borque indicated that they are before the Commission tonight to request that the Commission accommodate St. Vincent's Medical Center. He showed some photographs of the signage for the Urgent Care Walk-In/St. Vincent's Medical Center. They are now re-branding their operations and they have already changed to the new signs in their Fairfield, Bridgeport, and Monroe facilities. The one commonality that they have is a white background on the St. Vincent's Medical Services shield.

Mr. Borque stated that when he was here with Dr. Schivo (?) and it was requested that the Commission would prefer not to have the white background but a blue one, the doctor agreed. However, when he returned and discussed it with the executives at St. Vincent's Medical Services, they asked him to return to the Commission and request that they be able to have the white commonality on the medical shield. It is important to St. Vincent's Medical Center that everyone realize that all four facilities are part of the new Urgent Care Walk-In system. This is basically their trademark logo and they really did not want their Shelton facility to be different than the other three.

Chair Parkins asked if the other names on the sign (Ct. Heart Vascular, Dr. Goldfarb etc.) are part of St. Vincent's too.

Mr. Borque responded no, and showed that they are only talking about the top portion with the St. Vincent's logo. At the last meeting, the Commission asked them to get rid of the white and have a blue background. So, they are here tonight requesting that the Commission allow them to have the white background on the medical shield so that all their facilities have uniformity. They try not to make any changes to a trademark.

Mr. Borque stated that he looked over the drawings and one thing that they can do to help the situation is eliminate some of the white on the rest of the sign. He hopes that the Commission is willing to work with them.

Comm. Harger asked if there was a previous version.

Mr. Borque responded that is the previous version. The only change that they made was in the square footage. The Commission asked them to bring the square footage down to 40 square feet. It is now 7' x 5.8." It was previously 42 square feet.

Chair Parkins commented that although they can't dictate color, they just thought it was a little bit busy and distracting.

Comm. Pogoda indicated that as it was mentioned, he thinks they should cut down a little of the white.

Mr. Borque responded that they would be happy to do that.

Chair Parkins asked what corner this sign would be on.

Mr. Schultz responded on the corner of Bridgeport Avenue and Trap Falls.

Mr. Borque stated that there is also a little directional sign and they will cut the white down on that too.

Chair Parkins asked for the location of that sign. Mr. Borque explained that it was on Trap Falls Road to get into the facility.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5689 with the requested changes.

**SEPARATE #5702, R.D. SCINTO, INC., 88 LONG HILL AVENUE:
REPLACEMENT OF GROUND SIGNS**

Larry Borque, ABC Sign Corporation, addressed the Commission. Mr. Borque distributed photos of the proposed signage. He indicated that they are going to raise the sign up a little bit and the other tenants in that Scinto park wanted a presence on the sign.

Comm. Harger asked how many are (inaudible)

End of Tape 1A, 7:50 p.m.

Mr. Borque indicated that there is one placed ground sign and there are new wall signs.

Chair Parkins asked which signs are going to be on the front and which ones are on the side.

Comm. McGorty asked which side was the front entrance of the building

Mr. Borque responded that Engineered Fibers is in the front so they will see two signs – when facing the building, the Preferred to the left and Engineered Fibers (inaudible)

Chair Parkins asked if the doors were located where the Preferred sign is. She indicated that she didn't see any doors.

Mr. Borque stated that unfortunately, these photos don't show their doorway but just to the right of where they are showing the Preferred sign, is the main entrance.

Chair Parkins asked if they had two entrances.

Mr. Borque responded yes.

Chair Parkins commented that the sign was quite a way away from their door. She asked if that was correct because he had said that the door was to the right of where that tree is.

Mr. Borque responded yes, basically that tree is to the left of their walkway from the parking lot to the main entrance for Preferred.

Comm. Flannery stated that they probably don't want their sign blocked by the tree.

Mr. Borque responded that's correct, that is why they asked to have it moved farther.

Mr. Panico asked why they would put the signs in a consistent row and position. The top of the sign for Engineered Fibers matches the top of the doors and windows and on the other one, the sign panel is above the door. He asked Mr. Borque if he was sure this was the same wall.

Mr. Borque responded that it is pretty level. He thinks the photographs were taken at different distances and it may be skewing it.

Mr. Panico indicated that they should look at the dimension between the top of that trim and the gutter line and compare it to the top of the door with the gutter line because proportionately, it is not the same. He added that they are different facades and that's the side elevation.

Mr. Borque responded no, the side elevation is where the driveway is, where Modern Plastics is.

Mr. Panico commented that something is inconsistent. He asked if the gutter line (inaudible).

Mr. Borque stated that he did not know – they may have added on to that building and didn't remain consistent.

Mr. Schultz asked if the Commission wants to just do the ground sign or would they like Staff to work it out.

Chair Parkins responded that the ground sign is fine. She likes that he is staying with this red and blue.

Mr. Borque indicated that what they could do, if the Commission would like, is to raise the Engineered Fibers Technology so that it is the same distance from the roof – they can do that.

Mr. Panico commented that (inaudible) He doesn't know what they are really dealing with and if they are on the same plane, the same façade or two different facades.

Mr. Borque responded that they are on the same façade.

Comm. McGorty commented that it is possible that there are windows that may go up higher than the other ones. He indicated that he thought that was the main entrance.

Mr. Borque responded yes, because they don't have windows to the left.

There was more discussion about the entrance location and the windows (inaudible, multiple conversations).

Mr. Schultz stated that Mr. Borque is in agreement to just act on the ground sign.

Chair Parkins indicated that they would act on the ground sign and table the wall sign. She commented that they would take a look at it.

Mr. Borque stated that he would provide a better photograph.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approval the ground sign for Separate #5702 and table the wall (building) sign.

**SEPARATE #5703, R.D. SCINTO, INC., 40 WATERVIEW DRIVE:
GROUND AND WALL SIGNS**

Mr. Borque provided a photo of the proposed signage for 40 Waterview.

Comm. Pogoda and Comm. Harger stated that the sign was nice, very sharp.

Chair Parkins asked what is meant by "night elevation."

Mr. Borque responded that sometimes they do that for the customer to show them what it will look when it is lit at night.

Comm. Flannery asked if the light would be in people's eyes.

Mr. Borque responded no, it's LED.

On a motion made by Anthony Pogoda seconded by Joe Sedlock, it was unanimously voted to approve the ground and wall signs for 40 Waterview Drive.

**SEPARATE #5706, MARTY SIGNS, 405 BRIDGEPORT AVENUE:
GROUND SIGN**

Mr. Schultz stated that this is a revisit to the Crabtree temporary sign. He showed the Commission photos of the proposed signage.

Marty ? (last name not provided) of Marty Signs, Westport, CT addressed the Commission. He indicated that he was here on behalf of Star

Commercial Realty to install the temporary sign at the new retail development at 405 Bridgeport Avenue.

Atty. Dominick Thomas addressed the Commission representing the owners of the property. He stated that they had given the realtor permission to put up the sign. He was present when the Commission was discussing it the last time and (inaudible).

Atty. Thomas indicated that he had not been advised of what was going on and when they were pointing out the location on the map, it was actually on Access Road which they don't own yet. Atty. Thomas stated that he is in the process of dealing with the State on that. He went back to the Applicant and indicated to them that if it was to be on their property, it would have to be up by the parking lot and this Commission had reduced the size substantially. He discussed it with them that the best location for this sign would be at the traffic light.

Mr. Schultz provided a map of the location.

Comm. Flannery asked why it was so high up in the air.

Marty of Marty Signs responded that there are bushes in front there and he wasn't authorized to do anything to them.

Chair Parkins asked if the bushes were on the property.

Atty. Thomas responded that right there, on that corner, he could not tell them if they were or were not. He has looked at a lot of maps and those bushes may be in the State right-of-way.

Marty explained that there is a small retention fence there too.

Atty. Thomas stated that they went through a nightmare with the State and everything. He couldn't stand here and tell them that those bushes are on their side of the property or on the Access Road property line.

Chair Parkins commented that she doesn't think that anyone is going to complain if they trim them down.

Comm. McGorty asked Marty about the fencing there.

Marty responded that there is a very low level, metal retention fence, just behind those bushes.

Comm. McGorty asked if it was closer to Bridgeport Ave.

Marty responded no, on the other side, on the back.

Chair Parkins asked if it was like rabbit cage material.

Marty responded (inaudible).

Atty. Thomas commented that they aren't going to object. The reason that they went back and forth with the State is because they have to define the area of discontinuance and what was actually given to the City in 1948. They had a problem with the maps – they generated a radius on the corner and it did not work out. So even if it is across the property line, it is on what is City of Shelton – Access Road. He doesn't think it is going to be a problem.

Chair Parkins asked what the height of what is being proposed right now.

Marty responded 14 feet high to the top of the sign – 6' x 6 ½' panel, 40 square feet. He indicated that they could do a 10' high and that would leave a 4' leg and then 6' above for the panel; it would lower that substantially. The top of the sign, roughly, would be the bottom of that blue rendering panel in the picture.

Mr. Panico stated that the zone regulations require that the sign be lower than a certain amount or higher than a certain amount for a sight line. If it is 4' or lower or 7' or higher – that in between is where somebody might walk underneath and whack their head.

Marty responded that this is 4 feet and then 6 feet above, so it is a 10 foot height.

Atty. Thomas indicated that at the last sign proposal which he was sitting in, the proposal was 8' x 12' and the Commission shrunk it to 5' x 8'.

Mr. Panico commented that the regulations provide a 40 foot maximum and the Commission saw no reason to go beyond that.

Atty. Thomas responded that they submitted a 12' x 8' proposal and he is keeping within this dimension, it allows the top of the sign to have the elevation picture that was done by Rose Tiso. Obviously, they will cut the bushes down and as long as they don't have another blizzard, they should be OK.

Mr. Panico stated that he thinks that the guideline figure is that the bottom of the sign is no higher than 4 feet off the ground; otherwise they have a zoning violation.

Atty. Thomas responded OK, that was no problem.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5706.

SEPARATE #5708, CEG, LLC, 464 HOWE AVENUE: RETAIL BUSINESS AND WALL SIGN REPLACEMENT

Mr. Schultz presented that this is Mr. Butts. He presented a rendering of proposed signage.

Chair Parkins indicated that she liked the name better.

Comm. Harger indicated that she did not like it.

Mr. Schultz indicated that this was a 2,000 square foot retail establishment with one employee, hours of operation 6 a.m. – 8 p.m., rear parking, front parking and curb parking. Previous tenant was Mr. Butts.

Comm. Harger asked if there was any idea of how much curb side parking they had in the front.

Mr. Schultz responded no, its first come, first serve – between Subway and...

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was voted (5-1) to approve Separate #5708. Comm. Harger voted in opposition.

SEPARATE #5690, CURTIS RYAN HONDA, 405-407 BPT. AVE.: TEMPORARY STORAGE OF UNREGISTERED MOTOR VEHICLES.

Mr. Schultz stated, as the Commission is aware, vehicles started popping up there. Their area of lease is 5,000 square feet which is up to 75 vehicles.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5690 in increments of one year.

SEPARATE #5691, WAL-MART STORES, INC., 465 BPT. AVE.: TEMPORARY OUTDOOR LAWN AND GARDEN SERVICE AREA

Mr. Schultz stated that this is their annual request for Memorial Day through Labor Day. They actually called in advance this year.

Comm. Sedlock asked if this was the same thing that they have every year. Mr. Schultz responded yes.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5691.

SEPARATE #5698, KIMBERLY EMBRY, 19 GEISSLER DRIVE: HOME OCCUPATION

Mr. Schultz indicated that, as they are aware, this Commission frowns upon the public visiting properties; however, they do have provisions in the regulations for home occupation. He read the background information for Separate #5698 indicating that the area that will be used for the operation is 50 square feet, one employee, hours of operation vary (Mondays, Wednesdays, Thursday 9 a.m. – 11 a.m.; 3 p.m. – 5 p.m.). The driveway is wide enough to accommodate two cars and Kimberly Embry, the Applicant, is present tonight to read her own statement.

Kimberly Embry, 19 Geisler Drive, Shelton addressed the Commission.

Ms. Embry stated that she is a chiropractor. She previously had a home office in Monroe and she moved to Shelton and applied for a trade name certificate in October. She spoke to Rick Schultz about this and she thinks that she may have misunderstood because she thought it was appropriate to see people unless there was a neighborhood issue. She sees about 10 -15 people a week. She is a full-time mother and her son is in kindergarten this year.

Ms. Embry indicated that she is asking permission to see that patient base, which is already established from her prior office. She does not advertise because she doesn't want strangers in her home. She basically uses her living room where she has a chiropractic table and a file cabinet. The hours provided are the hours that patients will stop in; however, it is not packed from 9 a.m. – 12 p.m. and 3 p.m. – 5:00 p.m. She does not overbook so there is never anybody waiting or parking on the road, and she has a very wide driveway anyway that can accommodate more than two cars.

Ms. Embry stated that she is actively looking for a space to rent and grow her office around the Fairfield/Shelton/Trumbull. She hasn't yet found a place that is affordable and where she can share a space. She doesn't want to lose her house, or not practice chiropractic, but she doesn't want to do anything she isn't supposed to do and make anyone upset.

Chair Parkins asked how it came to their attention.

Mr. Schultz responded that there was a compliant.

Ms. Embry commented that it was a retaliation from a neighbor that she has had to call the Police on twice; so, it's a personal issue there. This neighbor knew that she had this office. She had a falling out with him and he filed this complaint against her. However, she has had to contact the Police twice about this neighbor because of harassment. She has never had any other issues with anyone else. She lives right next door to a Shelton police officer and she thinks that she is in good standing with her neighborhood.

Chair Parkins indicated that the problem is precedent setting. If they allow her to conduct a business in her home, than the next person that comes – it causes them a dilemma.

Ms. Embry indicated that she had information from P&Z indicating which businesses are allowed as a home occupation such as a medical practitioner, dental office, etc. she doesn't want to hang up any signs or advertise for people come to her home business. She just wants to continue to see the small patient base that she currently has with approval from the Town while she is actively looking for an office space.

Mr. Schultz indicated that it is a home occupation. The Commission can impose certain restrictions, impose a time frame such as one year, etc.

Comm. McGorty commented that the worst case here would be if she had an overlap situation.

Ms. Embry responded that would be the worst case but that does not happen.

Comm. McGorty asked if she had plenty of room on the driveway and if it is just for a short time.

Ms. Embry responded yes there is and she didn't bring her appointment book, but she doesn't have a busy practice. Her goal is to have a busy practice. She has a patient base now that she had when she was in Monroe. She rents and her landlord sent a letter in. She is insured.

Chair Parkins asked if she owned the property.

Ms. Embry responded that she does not own the property.

Mr. Schultz added that is OK as long as she gets authorization from the owner.

Comm. Harger asked to hear the hours of operation again.

Mr. Schultz responded that it was Monday, Wed., Thurs. 9 a.m. – 11 a.m. and 3 p.m. – 5 p.m.

Comm. Harger stated that she thought she heard the Applicant say until 12 noon.

Ms. Embry responded that sometimes she works until 12 noon but that is usually when she breaks for lunch.

Mr. Schultz stated that he should put 12 noon in here then because it is important that it is correct in case people call up.

Comm. Pogoda asked how many people, generally, she gets in one day.

Ms. Embry responded that the most would be three. She also does visits to patients' homes too. Right now, she considers this her practice and she just needs a space to see the people that she saw before.

Comm. Flannery asked if this was a house or an apartment.

Ms. Embry responded that it was a house.

Chair Parkins asked if there is any signage.

Ms. Embry responded no.

Comm. Sedlock asked, because he has been to chiropractors, if she had clients that she sees ongoing or does she have a change-over of clientele. He indicated that when he goes to a chiropractor, he'll go for 7 or so adjustments when he throws his back out – but then he is done with it.

Ms. Embry responded that she runs a different type of chiropractic because she is a chiropractic neurologist so she does things like balance hemispheres in the brain, teach people how to eat well, lose weight; it is not a pain management clinic and she adjusts people for maintenance but the patients are stable and ongoing clientele. Her patients are like family to her.

Chair Parkins asked if she was comfortable with her current clientele and her business will not be hurt by not having signs.

Ms. Embry responded no, she doesn't want or need any signs. She didn't have a sign at her old office which she shared with her ex-fiancé. It's a business but she is not trying to attract people. It has always been a word of mouth type of thing.

Mr. Panico asked if her house address was well established in case someone who doesn't know the address can find her because they don't want someone knocking on all the neighbors doors.

Ms. Embry responded yes, she lives in a duplex but her yard has a lamp post with a number hanging off of it and it is even lit. The area itself is somewhat private.

Mr. Schultz asked if the Commission wanted to impose a one year restriction.

The Commissioners agreed to a one year.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5698 with a one year restriction.

SEPARATE #5701, BEACON INVESTIGATION, 4 RESEARCH DRIVE: OFFICE

Mr. Schultz indicated that this was for a private investigator. It is a 100 square foot suite #402 on Research Drive. Hours vary but that office is open from 9 a.m. – 5 p.m. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5701.

SEPARATE #5707, FASTENAL COL, 42-46 BPT. AVE: BUSINESS SALES OFFICE AND WALL SIGN

Comm. Harger asked if this was the old Bondos building. Mr. Schultz responded yes, and this is the first occupant for the renovated building; although they do have the apartment being used upstairs. No signage tonight for this, just the occupancy.

Mr. Schultz indicated that this would be on the Bridgeport Avenue level for industrial sales. The area to be leased is 2,900 square feet. The building overall is 4,400 square feet. The number of employees is three and, as they know, there is limited parking on the side. The hours of operation are 7 a.m. – 5 p.m. Monday – Friday. The leased area includes three parking spaces for the employees. This is industrial sales and they do not anticipate any visitors. They do have a company vehicle, a Dodge Ram, and he's assuming that one of the employees will drive that.

Chair Parkins asked if they have done anything with that crushed stone.

Mr. Schultz responded that they would make that a condition of approval – that they add mulch. He asked the Applicant if he understood that.

The applicant (name not provided) stated yes, and if it doesn't rain then he'll get it done this Saturday.

Mr. Panico asked if the 2,900 square feet was all one level – at street level.

Mr. Schultz responded yes.

Chair Parkins commented that he said it was industrial sales. She asked if it was like showroom sales.

The Applicant responded that it is an national company called Fastenol and it is industrial sales. There is a showroom.

Comm. Pogoda stated that if it's a showroom then there is going to be people coming in there.

The Applicant responded no, they don't do retail. They would sell to a company like Sikorsky.

Comm. McGorty added that it is industrial products, things like lubricants and stuff like that.

Chair Parkins asked what the point is of having a showroom, if no one is coming in.

Mr. Panico added that 3,000 square feet is a lot for three people – they'll get lost in 3,000 square feet.

Comm. Pogoda commented that if it is a showroom, they have to be showing it to someone.

Comm. McGorty indicated that they have to have storage somewhere.

The Applicant responded that they do industrial sales and typically they are applying to large companies, like a Sikorsky. They need to have a reasonable depot so people can come – typically, they source them here and it is a national company. They have these type of showrooms all over the country.

Chair Parkins asked if the supplies were going to be kept there as well, like a warehouse.

The Applicant responded no, because that is done nationally. It's just like - they sell cables, nuts and screws – it is just a display.

Mr. Schultz commented that it will be good to have someone occupying that space.

Comm. Harger asked, besides the 3 employee parking spaces, how many other spaces are there.

Mr. Schultz responded he has ten in total – but they have to be aware of the contractor.

Comm. McGorty commented that he knows there is a Fastenol in Milford. He asked if they were moving here from Milford.

The Applicant responded that he believes it is another satellite.

Comm. Flannery indicated that she would make a motion for the business sales part but not the signs part.

Comm. Harger added that there is also the condition about the mulch.

Mr. Schultz suggested some sign guidelines to the Applicant (inaudible). He added again that the decorative stone is going to be replaced with mulch.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5707 for occupancy only with the noted conditions.

APPLICATION #11-02, STEVEN BELLIS FOR SUBDIVISION APPROVAL (SILVER OAKS ESTATES: 4 LOTS), 816 LONG HILL AVENUE (MAP 12, LOT 17), R-3 DISTRICT.

Atty. Steven Bellis addressed the Commission. Atty. Bellis indicated that he is representing the Applicant and this is the 4-lot subdivision on Long Hill Avenue. There is an existing house that they are keeping and three additional lots. It meets the bulk standards and requirements for an R-2 zone. This is a standard subdivision.

Chair Parkins commented that she thought this was done last month.

Atty. Bellis responded that he has been here for the last few months. He is still waiting for an approval.

Mr. Schultz read the applicable correspondence from John Cook, Inland Wetlands, Fire Marshal, Conservation Commission, and the P&Z Staff Report.

***See attached correspondence to Richard Schultz from John Cook, Inland Wetlands dated March 8, 2011.**

***See attached correspondence to Richard Schultz from James Tortora, Fire Marshal dated March 8, 2011.**

***See attached correspondence to Richard Schultz from Thomas Harbinson, Conservation Commission dated March 8, 2011.**

***See attached P&Z Staff Report dated March 8, 2011.**

Mr. Schultz commented that the City Engineer's letter is forthcoming due to a delay on his behalf. They aren't anticipating any issues because this is straightforward subdivision as they will see.

Mr. Schultz asked Fred D'Amico to show the lower area, lot #4 regarding the 50 foot right-of-way. He indicated that the City likes to maintain a 50 foot right-of-way in the event that the pavement width has to be increased. The Commission only has control of the property in front of the subject subdivision.

Atty. Bellis commented that it is 50 feet in that area now.

Fred D'Amico, P.E. addressed the Commission. Mr. D'Amico showed the Assessor's Map and indicated that it is more than 50 feet until one area where it is very close, a little over 50. If they look at (inaudible)

Mr. Panico indicated that he was looking at their survey map earlier today and it looked like the center line of pavement is a lot closer than 25 feet to their property line.

Mr. D'Amico responded and showed that it is about 22-23 feet in this area right here.

Mr. Panico stated that it looks like a lot less than that.

Mr. D'Amico added that the right-of-way on the other side where Pine Rock Park is about 50 feet away.

Mr. Schultz commented that in the event that it is an issue, they have the land because these are all oversized lots so it is just something to be aware of. The Applicant is requesting fee in lieu of Open Space which is also recommended by the Conservation Commission. The appraisal indicates a value of \$77,240 resulting in a deposit of \$7,724 into the City's Open Space Trust Fund. He read the recommendations from the P& Z Staff Report (see attached).

Atty. Bellis stated that he likes everything except #4.

Chair Parkins commented that she fully agrees with that.

Comm. Flannery asked Mr. Schultz if he could read #4 again.

Mr. Schultz read "adherence to the recommendations of the forthcoming City Engineer's Report." He added that he has reviewed this with the City Engineer.

Chair Parkins responded no way.

Atty. Bellis commented that it was an open invitation to (inaudible).

Comm. Harger stated no, they can't agree to that.

Mr. Schultz stated that this Commission is not going to see a radical report on a conventional 4-lot subdivision.

Chair Parkins indicated that the only way that she will ask for a motion on this is if that is taken off and he feels that there will not be an issue on approving this.

Mr. Schultz responded that he was disappointed that the report didn't come in because he gave it to the Fire Marshal on Friday too, but it is what it is. He indicated that this Commission does have to act on it because the 65-day review

period ends March 17th. He has asked the Applicant and he does not want to give an extension.

Chair Parkins asked when their next meeting would be. Mr. Schultz responded March 23rd.

Mr. Panico asked how long the driveways are in front of each lot.

Mr. D'Amico responded that the squares are 75 foot squares and they can see that the front of the buildings are about 70 feet long, so they are all short.

Mr. Panico indicated that they need to have room for a couple of cars on the driveway otherwise, there are going to be problems.

Mr. D'Amico responded that he does have it widened on both sides. It comes in and then widens out in one area.

Comm. Harger asked if the garage was underneath.

Mr. D'Amico responded yes, but it could be attached – either way.

Mr. Schultz indicated that there were no public construction plans associated with this development. The Commission is aware of the subdivision plan and the Engineer signs off on the public construction component. He looks at drainage in the road and that type of thing too. There are no public improvements associated with this project. The Commission has a right to act on it.

Chair Parkins responded that she would redraft item #4 – in light of no major shortcomings or something. She doesn't want to leave it open-ended like that.

Comm. McGorty commented that they could say (inaudible).

Mr. Schultz responded that it has to refer to the subdivision regulations and be related to public improvements – and there are no public improvements with this subdivision.

Atty. Bellis asked why they need it then. He commented that he isn't really following all of this...

Mr. Schultz indicated that he still reviews drainage in the road and how the three driveways will impact it.

Mr. Schultz stated that the Engineer's department issues the new driveway cuts and assigns the street numbers.

Atty. Bellis asked if he does that on the subdivision or on the site plan.

Mr. D'Amico responded that he is going to have to approve the site plans and at that time he'll give the driveway permits.

Mr. Schultz stated that he would suggest that the Engineer submit his final review because that is all it is; there are no public improvements associated with this.

Chair Parkins asked if it was contingent on anything that he's aware of.

Mr. Schultz responded that would be right – have the City Engineer submit his final review.

Atty. Bellis commented that he doesn't know about this. He asked if it would be in the file.

Comm. Harger asked about the last lower lot on the left hand side on the map, and if that was the existing house.

Mr. D'Amico responded yes, that is the existing dwelling.

Comm. Harger asked if these were going up Long Hill.

Atty. Bellis responded that these would be up Long Hill Avenue from the existing house.

Comm. Harger asked for clarification about where the land was because she is aware of the existing Cape Cods going down Long Hill Avenue. She asked how many houses there were before the curve going down to Cumberland Farms. She added that she knows the last small Cape Cod is a blue one. She asked if these were houses before that on the left-hand side.

Mr. D'Amico responded that these houses are pretty far up from that River Road intersection.

Comm. Harger asked if they were past the Firehouse.

Mr. D'Amico responded no, they're before Wintergreen.

Atty. Bellis commented that it is flat but the back of the yard goes up.

Further discussions about the location (inaudible).

Mr. D'Amico showed that the Pinecrest properties ended where Ojibwa comes down to Long Hill; it is three more houses, at least, going north.

Mr. Schultz stated that he had a draft resolution and read it. He isn't making any reference to the Fire Marshal because he has no issues and the City Engineer is just going to report on it because (inaudible).

***See attached Draft Resolution for Application #11-02 dated March 8, 2011.**

End of Tape 1B 8:36 p.m.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Application #11-02 with the noted conditions.

NEW BUSINESS

APPLICATION #11-07, SHELTON IV HOTEL EQUITY, LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #27 (RECONSTRUCTION OF POOL BUILDING WITH SLIDE AND OUTDOOR STORAGE ROOM), 695 BRIDGEPORT AVENUE (MAP 29, LOT 1)

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to accept Application #11-07 for discussion.

Atty. Dominick Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant. Atty. Thomas stated that this application has been before them before, actually this Commission approved a

minor modification. They changed the standard footprint and the location of a fitness center and made a large expansion of the pool area with a slide in a totally enclosed area in October 2010.

Atty. Thomas stated that Jeremy Buffam New Castle Hotels, Project Manager came back before the Commission in February 2011 with a redesign that basically shrunk the footprint substantially. The new fitness center was eliminated and moved back inside where they have the existing fitness center which is going to be expanded. They've eliminated two of the three meeting rooms. So there will only be one meeting room and an expanded fitness center. They sent a design with a water slide on the outside of the building with the access inside and opening up inside into a water slide area. There is no access to the tubes from the outside. That application was denied without prejudice. This application was made as a minor modification to these plans. It was a minor modification of plans approved in October 2010. There was also a request made at that time for a fee waiver.

Atty. Thomas indicated that there were certain concerns raised and he thinks all the Commissioners have a copy of the letter from the President of the company. This letter from the President of New Castle Hotels addresses the Commissioners' concerns about the slide being used in a manner such as Coco Keys in Waterbury. This letter states that the slide is only to be used by overnight guests of the hotel. No one can go in there and just rent it. It is specifically for overnight guests. However, if someone holds a wedding, stays at the Hampton Inn and rents a block of rooms for guests and has a rehearsal dinner in the meeting room – they can use the pool because it is related to the overnight guests.

He also submitted a letter from Bill Purcell, Chamber of Commerce stating the beneficial nature of this modification.

Atty. Thomas addressed concerns about the color of the slide and explained that there would be a few sections that will have a clear top, although not as clear as a window would be, making some of the slide sections half clear and half solid.

Atty. Thomas stated that there had also been a request to screen the bottom area of the slide – the band is 12 feet high. Some suggestions were made for fencing. As a result of that they looked at some fencing alternatives on the Internet. They discovered that there is a large transformer outside in that area which is shielded by three relatively large arborvitae. He added that Some arborvitae come in different heights and planting 8 – 10 foot arborvitae close together would accomplish the same screening rather than having a fence. It would provide shielding of the whole bottom (inaudible). There are vinyl fences available, however, after reviewing it they thought the trees were more desirable for aesthetics (inaudible)

Comm. Flannery commented that she had concerns about children climbing on the slide structure outside like a jungle gym. The whole idea of the fence would be so that they don't have access to it outside.

Atty. Thomas responded that it would difficult for anyone to climb on it unless they are Spiderman with webs. It is a relatively high post off the ground. Besides, it would be a great liability for them to let anyone near there.

Mr. Panico commented that they need to provide for (inaudible)

Comm. Harger asked how high it was off the ground.

Chair Parkins asked if they were adamantly opposed to the fence because she thinks the wall would be more attractive with landscaping in front of it.

There was significant discussion about how much of the slide might be seen driving down Bridgeport Avenue from various vantage points such as the traffic light. (inaudible, poor recording...)

Atty. Thomas stated that they were not disputing the fence idea, they just thought that the arborvitae would be more attractive.

Mr. Panico responded that won't prevent unauthorized access around that area.

Atty. Thomas commented that if they decide on the fence, they aren't opposed. Their position is, as soon as Jeremy mentioned it, were the trees at 828 and Commerce where there is a solid wall of arborvitae ...(inaudible)

There was further discussion about the use of a fence, trees, screening (inaudible, bad recording...) for aesthetics and for safety purposes.

Comm. Harger suggested having a combination type fence such as what was done at Aspen Ridge.

Chair Parkins added that it could be a solid fence in a natural color that blends in and has plantings along the bottom.

After further comments (inaudible, bad recording) regarding the fence and planting options, Chair Parkins indicated that there was a consensus to have a natural fence with plantings.

Mr. Schultz indicated that they could work with Staff and he would inform the Commission as to a fence design and samples of fence material.

(remainder of discussion included inaudible comments about the number of semi-translucent segments on the slide, the requested fee waiver for the Applicant and the conditions of approval – inaudible due to poor recording).

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously roll call voted (6-0) to approve Application #11-07 with noted conditions and a waiver of fees for the Applicant.

Chair Parkins stated that they would need motions to add the new Applications for River Road and schedule another public hearing.

APPLICATION #11-08 BISHOP MANAGEMENT OF SHELTON FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (MIX USE FACILITY), COASTAL AREA MANAGEMENT SITE PLAN APPROVAL AND AMENDMENT OF FUTURE LAND USE PLAN OF THE PLAN OF CONSERVATION AND DEVELOPMENT (POCD), 762 RIVER ROAD (MAP 12, LOT 35), IA-2 DISTRICT (ACCEPT AND SCHEDULE A PUBLIC HEARING)

On a motion made by Joe Sedlock seconded by Joan Flannery, it was unanimously voted to accept Application #11-08 and schedule a public hearing for April 27, 2011.

APPLICATION #11-09 BISHOP DEVELOPMENT OF SHELTON II LLC FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (RETAIL WITH DRIVE-THRU), COASTAL AREA MANAGEMENT PLAN AND AMENDMENT OF FUTURE

LAND USE PLAN OF PLAN OF CONSERVATION AND DEVELOPMENT (POCD), 781 AND 785 RIVER ROAD (MAP 12, LOTS 29 AND 43), R-3 DISTRICT (ACCEPT AND SCHEDULE A PUBLIC HEARING)

On a motion made by Joe Sedlock seconded by Virginia Harger, it was unanimously voted to accept Application #11-09 and schedule a public hearing for April 27, 2011.

PUBLIC PORTION

Chair Parkins asked if there was anyone from the public wishing to address the Commission about any item not on the agenda. There was no one present wishing to address the Commission.

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

OTHER BUSINESS

ZBA APPLICATION #21-1: PRESENTATION BY APPLICANT, JEAN FABOZZI

Mr. Schultz indicated that he would provide some background on ZBA Application #21-1; Jean Fabozzi, 137 Howe Avenue is requesting a Certificate of Approval for an additional dwelling unit from 10 to 11, converting an existing detached garage by providing living space above it. This requires a reduction in minimum lot area per dwelling unit from 7,500 square feet to 3,687 square feet and a variance of permitted uses to waive the Special Exception and Site Plan of a multi-family as considered by this Commission. A public hearing is required for a Special Exception.

Mr. Schultz indicated the Applicant is requesting two things. A waiver of the lot area per dwelling unit and total land area that is needed by bumping it from 10 dwelling units to 11 dwelling units. The 11th which would be a loft area of the detached garage.

The second variance is to waive the Special Exception application that has come before this Commission which is for a public hearing, where notices would go out to property owners within 200 feet. Since the last meeting, this Commission directed him to write a letter to ZBA asking them to not look favorably on this.

Mr. Schultz continued that the ZBA, at their hearing, told the Applicant to go before the P&Z Commission. The ZBA believes that the Applicant needs to clarify in more detail, what she proposes to do. The Applicant is here tonight in conjunction with a map that highlights all the multi-family dwelling units around it and what the standard lot areas per dwelling unit.

Chair Parkins commented that at the last meeting where this came up, she recused herself because she thought she was related to the Applicant; however, she has since learned that is not the case, so she does not need to recuse herself.

Mr. Schultz stated that the Applicant is here tonight to provide an explanation of what is going on and Staff will review what is existing in the immediate neighborhood. If the Commission feels comfortable, they can direct Staff to modify the previous letter sent to the ZBA to look favorably upon her application. She is looking for a consensus from this Commission.

Chair Parkins asked if they would be acting on it tonight.

Mr. Schultz responded yes, action to direct Staff to notify or change the previous position of this Commission to the ZBA.

Comm. Harger asked for a clarification of the location.

Mr. Schultz indicated that it was before LaFayette School (inaudible)

Mrs. Jean Fabozzi, 137 Howe Avenue, Shelton addressed the Commission. She stated that this building was built back in 1970 and if she could use the word "grandfathered in..." Forty-one years ago when they built this apartment house (inaudible); she and her husband have lived there for 15 years. They came in and made significant renovations to the building, radical improvements to the outside conditions and surrounding area (yard, patio, fencing, greenhouse). Subsequently, they obtained more favorable individuals to rent the units. They have transformed the building and surrounding area to be suitable for children to safely play.

She and her husband have been living there on the premises as well. However, the apartment they share has become too small to accommodate family members for family gatherings. They need a larger living space. At present, they have to visit with the family in public restaurants just so everyone can fit.

Mrs. Fabozzi provided the photographs of the apartment building, surrounding areas including the driveway, patio, yard and the detached garage which she proposes to convert into a living space.

Chair Parkins asked for some clarification about the square feet per dwelling unit.

Mr. Schultz responded that it was one of the bulk standards. When they have a multi-family development, that requirement establishes how big the lot has to be to accommodate all those dwelling units. Over many decades, the P&Z Commission has determined that the lot area per dwelling unit needed to expand because now each dwelling unit needs two cars. There are a lot more factors other than parking. The Commission wants to see green space especially if there are children involved. It has changed dramatically.

Comm. Flannery asked if right now there were 10 apartments.

Mr. Schultz responded correct, 10 apartments.

Comm. Flannery asked if that was the same number that they had in 1970.

Mr. Schultz responded that it was the same.

Mrs. Fabozzi commented that when they first bought this, the only useable space was the parking area, a walkway to the front door and a walkway to the back door. She showed some photos of the building/area's appearance before improvements were made. Most of the areas around the building were overgrown or not useable.

Comm. Flannery asked what the existing zoning was.

Mr. Schultz responded that it was Multi-Family that allows the ten. R-4 does allow multi-family, as of right.

Mr. Schultz responded that is why she has gone to the ZBA. She needs relief because the lot does not comply with the current regulations. Mrs. Fabozzi is

providing the history of it because she feels that she is being penalized because the zoning is so restrictive.

Chair Parkins indicated that from this map, it appears that from a visual perspective, it appears that all of these houses are on approximately the same amount of space. It doesn't look like it is anymore crowded. One of her concerns had been about commercial use (inaudible)

Mr. Schultz commented that she would like to elaborate on the transformation of the garage and what it would like.

Mrs. Fabozzi commented that with her and husband continuing to live on the premises, they have a better quality tenant. They get the space rented through a realtor. They want to continue to live on the premises and turn the four bay garage into a two bay garage, and turn two of the bays and the upper storage space into living area. She stated that they would like to convert the garage into a one family home for herself and her husband that would be large enough for her friends and entire family to gather. It is very upsetting that they cannot have all the children and all their grandchildren visit at one time in the apartment that they are presenting living in. They have to have holidays and parties at restaurants to accommodate everyone.

Mrs. Fabozzi added that at the present time, their apartment building is booked to capacity and they still have three additional parking spaces, so they have ample parking.

Mr. Panico asked how many parking spaces they had, not including the parking in the detached garage.

Mrs. Fabozzi responded that they have 16 spaces. Most of their tenants are single people except one couple with a baby.

Mrs. Fabozzi stated that when they came to the Commission in 2002, they asked for a 4-bay garage and storage because that is what they wanted at the time. She asked Staff at that time what would happen if she wanted to turn this into a home at some point in time. Mrs. Fabozzi indicated that she was assured that all she would need to do is return to the Commission and ask for permission. She was told that she would probably have to appear before the ZBA. She went to ZBA and was denied because of the restrictions. But now ZBA sees the improvements that she and her husband have done to the property. The ZBA requested that she come to the P&Z Board for a favorable recommendation. So, if the P&Z gives them a yes, then the ZBA will give them a yes.

Mr. Schultz indicated that the application is currently pending. He stated that the Commission needs to determine if the pending application is reasonable for the conversion of the existing four bay garage to a two bay garage with a dwelling unit. A suggestion was made that it include a stipulation that it be owner occupied. He thinks that the Commission should also evaluate what is surrounding it. There is pre-existing multi-family around it.

Mr. Schultz stated that lastly, if the ZBA does not approve the special exception waiver, then it comes back to this Commission for a public hearing.

Mr. Panico commented that ZBA should approve the necessary variances. He really doesn't think that it is justifiable to have another public hearing. They are going through an extensive public hearing now and there are no physical changes on the ground. They aren't adding buildings. They are just reshaping the interior and the fact of the matter is that they are probably going to rip out some pavement. So there is no additional pavement or building expansion.

Mr. Panico stated that he didn't think that there was anything to be gained from a public hearing. The public hearing that is now being conducted by ZBA, all the abutters have been notified, so it will be the same people coming out to express the same concerns that they've given to the ZBA.

Mr. Schultz stated that if the consensus is favorable now, the Commission would direct him to write a letter saying that upon further review of the subject application, the P&Z Commission found the following. He added that he would list the issues that they discussed tonight.

Mr. Panico asked if this went through any lot area analysis to see what the lot area per dwelling unit is around that area.

Mrs. Fabozzi responded yes and she handed him a site drawing of the surrounding area.

Comm. Harger asked if there was some reason why this had to be characterized as an 11th unit.

Mr. Schultz responded it was because it is on one parcel.

Comm. Harger asked if there could be a split.

Mr. Schultz responded that would be in violation and they would have to get a variance for that.

Comm. Flannery asked if the garage was going to look the same with the same roof and all that.

Mrs. Fabozzi responded that she would like to bring the walls up and make it look like a normal home and put windows in it. She showed a sketch of what she would want to do.

Comm. Harger asked if she had a photo and asked if this is how it looked now.

Mrs. Fabozzi responded yes.

Chair Parkins asked if there was any way that could be subdivided.

Mr. Schultz responded it would require a variance.

Mr. Panico asked if they deduct the four garages from the complex, does it diminish their parking ratio.

Mr. Schultz responded no, it's still acceptable.

Chair Parkins asked what she was planning on doing with the roof.

Mrs. Fabozzi responded that if it is OK, she would like to bring the façade of the top floor up, because they are slanted right now and she has some beautiful paintings that she would like to hang on the walls. But if they want her to keep it the way it is, she'll find a way to hang them.

Mr. Schultz commented that it would be a roof alteration.

Chair Parkins stated that would require a modification.

Mr. Panico indicated that this is a very attractive garage structure and he thinks he said that way back when it was being built. He would suggest that she not change the roof lines. It is an attractive building.

Mrs. Fabozzi commented that her husband loves it the way it is too.

Chair Parkins stated that she would recommend that it be a single-family dwelling only and owner-occupied.

Comm. Flannery added that they don't change the roof either.

Chair Parkins stated that if the apartment building is sold, the house gets sold with it and that stipulation stays with it. So, whoever owns the apartments has to live in that house and it can't be used as a rental unit.

Mr. Schultz stated owner occupied, no exterior alterations.

Mr. Panico added no exterior alterations, except the elimination of the garage doors and anything required for the conversion of it from a garage to a house. He reiterated not to alter the roof line.

Chair Parkins agreed because then it might not be as clear cut.

Mr. Schultz commented that he would also indicate that there is no public hearing necessary at the P&Z level. OK, he has the consensus so that Staff can direct him to rewrite the letter with the noted recommendations.

Mr. Panico commented that if the ZBA approves the necessary variances and a waiver of the special exception application, they are going to need to come back for their Certificate of Zoning Compliance. They can bring the architectural at that time, so the Commission can be assured of what they are doing.

Mr. Schultz added that he will put that in the letter – that they'll keep this as a separate and not a standard.

Comm. Harger commented that up until 10 years ago she lived in this neighborhood and she has noticed the improvements. However, she bases her decision not so much on the need for additional living space for this family but because this is an appropriate use for that building.

Mr. Panico stated that he thinks it would be much better for Mr. and Mrs. Fabozzi to stay on the premises. When the owner resides on the premises, there is a different quality of tenant. An absentee landlord does not care what goes on. He added that it doesn't involve introduction of any additional buildings and the density of the neighborhood is not going to change.

Chair Parkins asked if they needed a motion on this.

Mr. Schultz responded no just a favorable consensus.

Chair Parkins indicated that the Commission provides a favorable consensus and wished the Fabozzi's good luck with ZBA.

APPROVAL OF THE MINUTES: 1/1/11 AND 2/1/11

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the minutes from meetings held on 1/1/11 and 2/1/11.

8-24 REFERRAL: SHELTON COMMUNITY GARDEN SITE #2, VICINITY OF 279 SOUNDVIEW AVENUE

Mr. Schultz indicated that he had a letter from the Mayor's Office requesting an 8-24 Referral for the Shelton Community Garden #2 on Shelton open space in the vicinity of 279 Soundview Avenue. It's the open space purchased with the Cape Cod style home on it. He read a letter from the City Engineer stating that he no concerns or reservations about the establishment of the community garden at this property.

***See attached correspondence to Richard Schultz from Robert Kulacz, City Engineer, Robert Kulacz dated March 8, 2011.**

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to give a favorable recommendation for the 8-24 Referral for Shelton Community Garden Site #2, Vicinity of 279 Soundview Avenue.

PAYMENT OF BILLS

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

STAFF REPORT

***See attached P&Z Staff Report dated 3/8/11.**

ZBA: Application #311-1, 70 Sunset Drive there is a request to accessory dwelling unit over the garage and connect it by a deck to the property which would require a variance to allow the accessory dwelling unit without a common wall, or a ceiling to a principal single family dwelling.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to direct Staff to write a letter to ZBA regarding a unfavorable report on ZBA Application #311-1.

ADJOURNMENT

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to adjourn at 9:53 p.m.

Respectfully submitted,

Karin Tuke
Recording Secretary, Planning & Zoning Commission