

**SHELTON PLANNING AND ZONING COMMISSION**

**June 16, 2011**

The Shelton Planning and Zoning Commission held a special meeting on June 16, 2011 at 7:00 p.m., Shelton City Hall, Room, Auditorium, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins  
Commissioner Joan Flannery  
Commissioner Virginia Harger  
Commissioner Anthony Pogoda

Staff Present: Richard Schultz, Administrator  
Anthony Panico, Consultant  
Patricia Garguilo, Court Stenographer  
Karin Tuke, Recording Secretary

Tapes (3) and correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org)

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chairperson Parkins called the meeting to order at 7:01 p.m. with the Pledge of Allegiance and a roll call. She reviewed the procedures of the public hearing for all those in attendance.

**PUBLIC HEARING**

**APPLICATION #11-05, PRAMOD KANDEL FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CONVENIENCE STORE RELOCATION) 556 HOWE AVENUE (MAP 129B, LOT 11), CA-3 (CONTINUED FROM 5/10/11).**

Chair Parkins indicated that there was no additional correspondence.

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the Applicant.** Atty. Thomas indicated that this is the continuation of the public hearing. He presented Mr. Schultz with a request for an extension so that they could conclude the public hearing because the previous extension was for Tuesday.

It has been his understanding that his client delivered the revised maps from the engineer to the P&Z Administrator.

Atty. Thomas stated that those plans are from the architect and he received an electronic copy from Alan but he inadvertently sent the one that still has the parking space in the front, but obviously the one that has been sent down has removed that space in the front. The plans in front of Comm. Flannery and Comm. Pogoda are from the architect and it show what is to be done to the building. (inaudible – vacuum cleaner).

**John Ruffalo, architect, John Ruffalo III Architects, 415 Howe Avenue, Shelton, CT addressed the Commission.** Mr. Ruffalo stated that what they see before them on the easel is a configuration of the existing house that is in the color gray. What they are trying to propose, and what they are trying to indicate is going to happen to the structure -is that on the right side where they see a blue area – it is going to contain the existing display floors for drapes that are going to be transferred over from the street. So the house at that point would be expanded out to approx. the same line on the furthest right hand side

of the building. It is approx. 27 feet in length and about 6 feet in depth at its widest portion.

This will be on the first floor. It would require the re-support of the second floor (inaudible – background noise) It would be enclosed up to the first story. They are going to match the texture and the look of the house with that build-up of the house (inaudible). The gray area that they see at the left hand corner is where the accessible walkway would be into the house. It is not a ramp; it is an accessible walkway, because the pitch of the elevations of the back parking area have been raised (inaudible) almost 2 feet to 4 feet on the engineer's drawing to allow for handicapped parking, other parking and accessibility into the back of the building. So, the rear of the building will be the accessible way into the building for those with handicapped conditions.

Mr. Ruffalo stated that there will be a stairway that is going to come down from the second floor. The second floor will be a residential area which will house the owner of the building and his family. They are going to be taking away the interior stair to the second floor and also some other modifications at the corner to be able to provide that stairway. So, those are the additions to the building.

Mr. Ruffalo indicated that they are looking at the front porch area which is the white area in the lower left corner that they probably want to give some enclosure to, to look like the house, to create a vestibule in that area before they walk in as a wind break situation. That area is existing and it has the walkways existing up to that open porch area. So basically, those are the conditions that they are going to be dealing with for the structure of the house.

Mr. Panico asked how they will treat the roof connection to the house over the addition – because the addition is only going to be at the ground floor, correct.

Mr. Ruffalo responded yes, the addition is at the ground floor and they are going to be looking at trying to continue the same pitch as the upper roof on that, and try to maintain it so that they have the connectivity of the addition to the existing house.

Mr. Panico asked if he would be enclosing that front platform area with a railing.

Mr. Ruffalo responded that what they want to do is match the window façade of the existing house in that way so it is totally enclosed to create a windbreak. Also, in the lower gray area fronting Howe Avenue, there is going to be sort of a large picture window for viewing into the store.

Mr. Panico asked if they would be seeing these details or if they have been provided.

Mr. Ruffalo responded no they have not.

Mr. Panico stated that he is getting a little confused on what is now the front porch as the front entry. He asked if the proposal for that is to be enclosed.

Mr. Ruffalo responded it is to be enclosed, yes.

Mr. Panico asked if it is to be enclosed, what is to serve as the landing at the top step if you're coming up the front walk.

Mr. Ruffalo responded that they are going to have to adjust for the landing and get some enclosure back into there. They are trying to get a windbreak in there so it will still have a landing out there and he's not sure at this time if they are

going to have to extend it a little bit. They haven't gone through that whole process yet.

Mr. Panico asked when he thinks that some of those decisions might be made.

Mr. Ruffalo responded that he has to discuss that with his client.

Comm. Harger asked if Mr. Ruffalo could discuss a little bit more about that rear staircase for the family to access to the upstairs.

Mr. Ruffalo asked if she was referring to the second floor stairs on the exterior.

Mr. Panico asked where their doorway would be.

Mr. Ruffalo responded that their doorway will be coming out of an existing bedroom in which they are going to create a hallway area in the upper floor area.

Mr. Panico asked about the ground level where the ramp would be coming in – he asked if the doorway to the upstairs was going to be at the corner and then the entrance to the commercial area inboard from that, or vice versa.

Mr. Ruffalo responded yes. On the floor plan, he showed the location of the walkway and doorway into the first floor. At the second floor level, the doorway will be up at the top here.

Mr. Panico stated that he was concerned about the ground floor level.

Mr. Ruffalo responded that it is more of a walkway as a ramp. They've had to create five feet inside of the building floor.

Mr. Panico asked if there was room there to do a passage door for the second floor as well as the commercial entrance for the first floor – handicapped accessible.

Mr. Ruffalo responded yes, they will be at different levels.

Mr. Panico stated that is what is confusing to him. He asked at which level...?

Mr. Ruffalo responded that the stair is for the second level, the second floor.

Chair Parkins asked if they were enclosed inside the entranceway in the back.

Mr. Ruffalo responded no, the walkway is open, and it goes into an enclosed area inside the house. The stairway will exit from the second floor and come down because they will be getting rid of the interior stairway that goes to the stair.

Comm. Harger commented that there isn't any artist's rendering of that back treatment.

Mr. Ruffalo responded no, they haven't done any.

Comm. Pogoda asked if the stairs were going to be internal or external.

Mr. Ruffalo responded that they would be external.

Comm. Pogoda stated OK, they are going to be external now.

Mr. Ruffalo responded that they would be partially enclosed because they have to have a rating against the uh...(inaudible)

Mr. Panico asked if what they were looking at in green was a structural addition.

Mr. Ruffalo responded that the stairway there is a structural addition.

Mr. Panico asked how the ramp would work then.

Mr. Ruffalo responded that the ramp is on the side of it – the walkway. There is enough room for both.

Comm. Flannery asked if they had to have two entrances and exits for the upstairs.

Mr. Ruffalo responded not in a residential.

Comm. Harger commented that the apartment upstairs at her parent's house has two.

Comm. Pogoda commented that he thought they needed two. He asked Mr. Ruffalo if he needed two.

Mr. Ruffalo responded that this is owner occupied space, so you only really need one and they also have emergency windows out of the bedroom too.

Chair Parkins asked if they were supposed to jump.

Mr. Ruffalo responded that is the code.

Comm. Pogoda asked that just because the owner is living up there that makes a difference – what if it wasn't the owner.

Chair Parkins asked what happens if they rent it out.

Mr. Ruffalo responded that he thinks that one and two family situations, if there was a rental apartment, they would have to provide a second way out. But because he is the owner, he does not necessarily need to have two stairways. There is only one interior stairway now.

Comm. Harger asked if there was an attic in this building.

**Pramod Kandel, 556 Howe Avenue, Shelton, CT addressed the Commission.** Mr. Kandel responded that they do not have an attic. They have a small (inaudible).

Mr. Ruffalo indicated that Mr. Kandel is stating that he doesn't have a walk-up attic.

Comm. Harger asked if there was anything up in the peak above the second floor.

Mr. Kandel responded that whatever size they have in the house, it stays the same size. They aren't going to add anything.

Chair Parkins asked Mr. Kandel if he has storage up in the attic.

Mr. Kandel responded that he has storage. He can't walk around up high there but (inaudible)

Chair Parkins asked if he had a pull down hatch with some stairs to get up there.

Mr. Kandel responded no, that he has a stair there but he has an automatic door that he keeps closed.

Chair Parkins asked if it was a walk-up though – she asked if he had to pull a latch down and climb up a ladder.

Mr. Kandel responded no, he has a stair.

Mr. Panico asked Mr. Ruffalo if the current hatchway to the basement is going to have to be relocated or moved.

Mr. Ruffalo responded that they are going to have to remove it and rework inside to get the basement. There is a way down into the basement from the interior and they are going to have to rework that because of the conflict between the walkway for the handicapped accessible does cross against the (inaudible).

Comm. Pogoda asked Mr. Ruffalo if they were going to see a complete set of drawings because right now, the new ones that they just gave them don't even show what he just discussed in the green and blue. He indicated that this wasn't showing him anything. It is basically the old set of drawings. Also, he would really like to see the layout and what their intentions are for the front.

Comm. Pogoda commented that right now, they mentioned that they are thinking about enclosing it and as Tony said, there can't just be a step going right in. There needs to be some type of a landing. Personally, he would like to see something prior to making any decision.

Mr. Ruffalo responded that he could not give him that answer right now until he discusses it with the client.

Comm. Pogoda responded OK.

Mr. Panico stated that he thinks that what the Commission is most interested in is what that street elevation is going to look like with the enclosed, or partially enclosed, entryway and with the addition on the right side and the roof treatments as compared to the rest of the house, and the picture window – storefront window arrangement- that they are proposing.

Chair Parkins asked if there were any other questions or comments.

Comm. Harger commented that she thinks there are a lot of answers that could be achieved by having a better set of drawings with more detail and artist renderings. When that detail is available, it could lead to other questions.

Mr. Panico suggested that they could still close the hearing because what they are really talking about are architectural characteristics of the building. The site is really what they are having the public hearing on. While it will influence their ultimate decision, he thinks that they could close the public hearing.

Chair Parkins indicated that before they do that, they need a motion to accept the extension that was provided through to today because it ran out as of Monday.

**On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to accept the extension for the public hearing on Application #11-05.**

Chair Parkins asked if there were any other questions from the Commissioners.

Comm. Flannery asked about the blue section of the site plan and how many inches from the property line was allowable.

Mr. Ruffalo responded that there was probably only about 2 ½ feet but they have zero setback at the site. It is CA-3 zone. They are not going to the property line.

Mr. Panico stated that the only site plan issue that he has was when they talked about enclosing that property line from the front corner where the fence is back and tie it into the structure so that it would discourage anyone from improperly parking in the neighbor's lot and coming across the front lawn to the door. And since they were going to be taking down part of that fence anyhow, they figured it wasn't an issue but it just doesn't show on the drawings.

Mr. Kandel commented that he knows he has to put a fence on the side.

Mr. Panico indicated that Mr. Shepard should be instructed to just draw and label the fence enclosure.

Atty. Thomas commented that one of the issues, as Mr. Panico stated, the reason that it's a public hearing, and it is unfortunate that this type of proceeding is a public hearing, because when it is closed, the amount of communication is restricted. Public hearings have certain rules that prevent further discussion. Atty. Thomas stated that the purpose of this public hearing is simply because it is a convenience store. That is the whole purpose of this. His client has no problem providing anything. The communications between his engineer and his architect were over a period of time – they just got things to them at this point. Certainly, his client has represented at the public hearing that he has no issues with respect to the fencing on the side.

Mr. Panico stated that they just want to see something with the I's dotted and the T's crossed. The two concerns that he has on the site plan are the fence treatment and also the provision of some sort of a physical barrier in the back to prevent the bumpers of the cars from hitting the fence that is on the common line between him and his neighbors.

Atty. Thomas commented that Comm. Pogoda has mentioned that he'd like to see how they are going to enclose the landing, if they are going to do it. He assumes that they are requiring that any enclosure match the existing site. Certainly, the architect can design any planning for that. He doesn't see any standing issues since they have discussed them here – since they have been raised during the public hearing. He doesn't see any issues of us showing exactly what the nature of it is; especially since they don't relate to the issue of a convenience store going in there. They relate to the issue of what it is going to look like.

Mr. Panico stated that it's an indirect relationship because if it is not going to look like that, then it shouldn't be allowed to go in there, and that's the bottom line.

Atty. Thomas stated that he was not going to get into an issue because the use is permitted. It can look like what it looks like. It is basically what the law is.

Chair Parkins commented that it's definitely a deviation from the character that (inaudible)

Atty. Thomas stated that they definitely don't want to deviate from the character and neither does the client want to deviate from the character. He has the nicest looking little house in the area and he does have before and after pictures.

Mr. Panico stated that the Commission would be much more comfortable having an architectural elevation and appropriate details that it would attach to this action so that it can implement them down the road. Absent that, all they have is representations and arguments such as what is the picture window in the front going to look like. Their thoughts were of replacing the two windows with one and maintaining the residential character. That may be one thing, but if your client thinks he wants to rip everything out and put a big storefront window in than that is something else. It is something that they do not want to see. So to be sure, they need to see the detail of what he proposes and agreeing to it.

Comm. Pogoda indicated that he had another question regarding the cooler on the right – that blue space – he asked how tall that was going to be.

Mr. Ruffalo responded that it was going to be about 7 feet tall. Inside the house there is about an 8 foot normal floor to ceiling height so they are going to be having a beam under it. So they've got 10 inches to get a beam to support the second floors. So the cooler sitting on the floor is only about 7 feet high.

Mr. Panico commented that the impression will be an expansion of the first floor of the house. That's what it will look like.

Mr. Ruffalo responded that in this case part of the cooler will be inside the existing house. In this case it will not be.

Chair Parkins asked if the cooler was outside the house.

Mr. Ruffalo responded yes, it is outside the existing line of the house.

Chair Parkins commented that they are putting an addition on though and the cooler will be indoors.

Mr. Ruffalo responded that this section will be outside the line of the house and this will also be outside the line of the house. He's just explaining that part of the cooler and the walkway behind the cooler will be inside the house and in the new addition.

Comm. Pogoda asked Mr. Ruffalo if he was going to square that off on the bottom or is that space going to be left.

Mr. Ruffalo responded that they were talking about sort of setting it back so that it is not just straight across.

Mr. Panico stated that they requested that the architects set that back a little bit to preserve the basic lines of the house. If you try to bring it in flush, you get an awkward arrangement.

Atty. Thomas stated that the three options would be to:

1. Keep the public hearing open to see these things;
2. To take an action with certain conditions that are required to be met including Staff approval of architectural designs based upon the Commission's requests.
3. To close the public hearing and receive submissions of what was discussed at the public hearing and represented to be done at the public hearing.

Chair Parkins indicated that she first wanted to see if there was anyone in the audience who wanted to speak for or against this proposal. She asked if there was anyone in the audience and there was no response. She asked Atty. Thomas if he was amenable to giving them another extension to keep the public hearing open until July 12<sup>th</sup>.

Atty. Thomas stated that it is well beyond the time of the public hearing. If he gives them an extension, he'll have to look at giving them a double extension to close the public hearing and to act. He has to look at the application. He'll have to compute it out and submit it to Rick.

Mr. Panico indicated that before they vote on this, he wanted to point out that he was disappointed that they didn't have what they thought they were going to have so that they could finish this up tonight. If they are going to keep the public hearing open, they at least need to have the assurance that they are going to have all the details worked out before they get to that point so they're not frustrated again.

Atty. Thomas responded that he understands and once they develop an outline for his client to have discussions with his architect and his engineer, he'll make sure that the outline is correct. Many of the discussions with the architect and the engineer took place without him being present, but he will intervene with Staff.

Chair Parkins commented that their concern is that the architectural view of this house turned into a convenience store is in a residential neighborhood.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to extend the public hearing for Application #11-05 until July 13, 2011.**

**PROPOSAL OF THE PLANNING AND ZONING COMMISSION: RE-WRITE OF SECTION 44 (Continued from 5/10/11)**

Mr. Schultz indicated that Staff has provided the latest revised copy of the draft which they have before them tonight. They have been advised by Corporation Counsel, if they close the public hearing tonight, to table any action on it.

Chair Parkins added that they are still waiting for word from ACLU.

Mr. Panico stated that they just want to make sure that there isn't some word that needs to be changed to satisfy the ACLU. They are very confident that what they have is fine but as a courtesy to them, they are giving them an opportunity to tell us whether there is something more that they would like done.

With that being said, Chair Parkins asked if the Commissioners had any changes they would like to address even though they just received this tonight.

Mr. Panico stated that the only changes that they see in here are recommendations of the Corporation Counsel predicated on the initial comments by the ACLU.

Chair Parkins stated that started with Page 7, they removed "tree" and on Page 9 they made changes to item "g."

Mr. Panico commented, for the Commission's sake, if after reading this last revised addition, they noted something questionable, please notify Staff so that they can look at before they sit down and try to adopt it.



Chair Parkins asked if there was anyone in the audience who wanted to speak in favor of or against the sign regulations being proposed.

**Alderman Eric McPherson, 72 Wheeler Street, Shelton, CT addressed the Commission.** Alderman McPherson commended the Commission for their efforts with regard to the sign regulations. He knows that they spent a lot of time working on them. He and Alderman Finn had met with the Subcommittee and a lot of work was going into it. He believes that when they are done, they are going to have a very good product that it is going to benefit the entire City. He commends them and pledges to continue to do what he can to work with them on this issue. It is very, very important. He knows that recently on the Board of Alderman they had somewhat of a sign ordinance dealing with signs on City property and he believes that is going to be a part of your general ordinance or regulations. They are trying to come up with something on the BOA to also back them up with that. It is a lot of work and he commends them for doing it. It is very important and he believes that in the end they will get a desirable product. He offered to help them however he could. He thanked the Commission.

Chair Parkins asked if there was anyone else in the audience wishing to speak in favor of or against the sign regulations being proposed. Sensing none, she asked for a motion to close the public hearing on the sign regulations.

**On a motion made by Comm. Flannery seconded by Virginia Harger, it was unanimously voted to close the public hearing for the Proposal of the Planning & Zoning Commission Rewrite of Section 44: Sign Regulations.**

Chair Parkins moved on to Old Business and Applications for Certificate of Zoning Compliance.

**OLD BUSINESS**  
**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

Chair Parkins asked if there were any questions on Standards #1- #36.

Comm. Harger asked about the last one #5824 Theresa Kieley, 54 Windsor Road for a home office. She asked if they had any vehicles or anything with the office.

Mr. Schultz responded no vehicles, just a standard home office.

Chair Parkins asked if all of the additions were within the Shelton Planning Regulations.

Mr. Schultz responded that they all comply with the Shelton Zoning Regs.

Chair Parkins asked about #5629 Antonio DeSousa, 213 Coram Road, for a detached structure.

Mr. Schultz responded that it is just a detached garage.

Chair Parkins indicated that they would move onto the first Separate #5801.

**SEPARATE #5801 SUPERIOR STORAGE OF SHELTON, 289 BRIDGEPORT AVENUE, SHELTON, CT – WALL SIGN AND RELOCATE GROUND SIGN.**

Chair Parkins asked if any of the Commissioners had a chance to drive by there because they were supposed to put up some sample letters. The place is far in the back.

Comm. Flannery asked if they still had a phone number on it.

Comm. Pogoda responded yes, and that is going to have to go.

Chair Parkins commented yes, no phone number.

Mr. Schultz added that was the consensus at the last meeting.

Chair Parkins asked if it was named Superior Storage of Shelton or Shelton Superior Storage.

Mr. Schultz responded that it was Superior Storage of Shelton.

Comm. Harger asked Rick Schultz if the applicant came back in at all about fixing or doing something with the monument sign down in the front.

Mr. Schultz responded yes, they want to relocate that up on the hill, further away from the street line and they'll take that opportunity to clean it up.

Comm. Pogoda asked if they said how they were going to put the monument sign.

Mr. Schultz responded that they want to keep it status quo but relocate it further up the hill so that it is more highly visible.

Chair Parkins commented that she didn't think that it was going to make it any more visible unless they put a number - #289 – Bridgeport Avenue so that there is a number associated with it. She relayed that she had been driving up Bridgeport Avenue today and she had a hard time finding numbers on buildings.

Comm. Pogoda stated that it is going to have to be large enough because it is far enough back (inaudible)

Comm. Harger commented that it depends upon the direction you're coming (inaudible)

Chair Parkins suggested putting #289 and Superior that would give her (inaudible)

Comm. Flannery asked if they would be getting rid of the phone number.

Comm. Pogoda responded yes.

Chair Parkins added that, if anything, the street number is going to help her more than a phone number. You can't drive by there slow enough to write down a telephone number.

Comm. Pogoda commented that even standing at the light, some people aren't going to be able to see it even where it is positioned right now.

Chair Parkins that she is going (inaudible)

Comm. Harger stated that behind the building (inaudible)

Chair Parkins asked if this was for the wall sign and the ground sign.

Mr. Schultz responded that it's the identical structure just moved up the hill.

Chair Parkins commented that right now it has the name, the phone number and all that stuff.

Mr. Schultz suggested that they stick with the wall sign and he'll work with her to clean that up. He suggested acting on the wall sign.

Mr. Panico asked if there was any confusion as to what the color was going to be because what they illustrated was not red.

Chair Parkins stated that she thought it was going to be red.

Comm. Pogoda added that there were other colors. There was red but there was something else.

Chair Parkins commented that they just temporarily placed some letters up there.

Mr. Panico stated that what they illustrated was not red. Whatever it is, they are very subdued letters and if it turns out being red, it is going to give you a different impression – just as long as they are aware of it.

Chair Parkins commented as to whether the numbers 289 should be smaller than the letters used for Shelton Storage just so that it differentiated that it is a location number.

Mr. Schultz responded OK, he'll mention a smaller font.

Comm. Harger indicated that she should clarify the semantics because she thinks that there is another storage facility in Shelton that goes by Shelton Storage or something.

Mr. Schultz showed the application indicating it was Superior Storage of Shelton.

Comm. Harger commented that on the drawing that she provided, she put something different.

Mr. Schultz responded yes, it was just a sample though.

Comm. Pogoda commented that they should put the letters in black if it is going to be on a white background. He thinks the letters in Self Storage are going to hit you faster in black than blending in with red.

Chair Parkins responded that she thinks their logo is red and that is why they are doing the red.

Comm. Flannery suggested putting the #289 in black.

Comm. Pogoda added that is what he meant – the #289, so that it stands out from the red.

Chair Parkins agreed that she would have better luck with that as far as getting visibility. She asked for a motion for the wall sign.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5801 for wall signage only.**

**SEPARATE #5825, SCOTT PUSTOLA, 10 WATERVIEW DRIVE, PARKING EXPANSION.**

Mr. Schultz stated that he notified all the Commissioners about their desire to add approximately 100 square feet of more asphalt in front of the building to pick up a couple of more parking spaces. The Building Department has issued a Certificate of Occupancy. It is minor but he just wanted the Commissioners to understand what was going on and the consensus was to do a simple Certificate.

Chair Parkins asked if they were taking away a walk way.

Mr. Schultz responded that it was grass, landscaping, pretty minor.

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5825.**

**SEPARATE #5838, GEORGE JENCO, 99 CHAMBERLAIN DRIVE, FILLING OF PROPERTY/SHED**

Mr. Schultz indicated that the Commission has another request for filling and grading at another residential property in town. Staff has had an opportunity to go to the site, before the fact, and he directed the property owners to notify the abutting property owners. They will confirm that with the Commission. This is a little over 900 cubic yards of fill material. Staff has gone to the site to see what is on both sides of the property. The property to the right there is the remains of a stone wall and a tree line ends a little bit in back of that so they will be consistent with that.

Mr. Schultz indicated that he also received a letter from the Project Engineer. He read the letter dated June 16, 2011. In regard to the proposed re-grading for the property on 99 Chamberlain Drive, it should be pointed out that there are new impervious surfaces, a 2:1 slope will be maintained and there is no re-grading proposed within 35 feet of the rear property line. Given the above, there will be no impact to the neighbors with the proposed re-grading. Obviously, proper soil erosion controls and construction techniques and adherence to the plans shall be followed.

Mr. Schultz added that the critical component is the sediment and erosion control.

Comm. Flannery asked for clarification as to what was shown in one of the provided photographs.

Mr. Panico responded that is the backyard of a house (inaudible).

Mr. Schultz added that they received all favorable letters from the neighbors. He added that their next public hearing for Zoning Regulations will deal with filling and grading. Right now, Staff has the ability to issue any permits for any type of filling and grading. He reiterated that they had favorable letters from the neighbors and a letter from the project engineer. He addressed the applicants and indicated that they have to make sure that the fill is clean because they had a situation in the past with concrete and rebar.

**On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to approve Separate #5838 with the condition that clean fill will be used and sediment erosion control measures will be maintained.**

Mr. Panico asked if there was a time limit on getting the work done.

Mr. Schultz asked the applicant if he needed 6 months or a year – prior to the end of the growing season. He asked if October 1<sup>st</sup> would work.

**End of Tape 1A – 7:47 p.m.**

The applicant, George Jenco, responded that yes, October 1<sup>st</sup> would give the area time to stabilize and they can put the shed in next spring.

Mr. Schultz reiterated that it would be completion by October 1<sup>st</sup> for the grading.

Comm. Flannery stated that he needs another year for the shed.

Mr. Schultz responded that they have two years to put the structure in.

**SEPARATE #5840, ROSA CONNORS, 189 CORAM AVENUE, BUSINESS**

Mr. Schultz indicated that this was a hair salon down the road by the Route 8 overpass on the left hand side. They are proposing to add a medical spa that includes injections such as Botox. They are in there through a use variance so any type of change comes back before the Commission so that you know what is going on.

Chair Parkins asked if that has to go to the health department.

Mr. Schultz responded yes, Naugatuck Valley Health has to approve it but insofar as this is a use variance, the Commission's job is make sure that it is not an expansion of a non-conforming use. This is within the family of the type of services.

Chair Parkins asked if it was an additional business moving into the space.

Mr. Schultz responded that it is an additional service within the family of services. Staff is satisfied. They haven't had any problems with parking.

Chair Parkins added that it would still be conditioned upon approval by the health department.

Mr. Schultz responded yes, that's right.

Comm. Pogoda asked if there was any expansion to the building.

Mr. Schultz responded no.

**On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to approve Separate #5840.**

**SEPARATE #5836, MARK NUTOLO, 444 HOWE AVENUE, BUSINESS**

Mr. Schultz stated that this is the Ralph Mato's building and the previous space was a hair salon.

**Mark Nutolo, the applicant addressed the Commission** and introduced his business partner (name inaudible).

Comm. Harger asked for clarification as to which store this was.

Mr. Nutolo responded that it is next door to the flower shop and across the street from Danny O's. There also used to be a barber next door.

Chair Parkins asked if the barber moved out.

Mr. Nutolo responded yes, like yesterday, because the landlord told him the space was vacant. He was a little wigged out about it because it was directly next door to the door that they're going to have and there were rough characters out front and stuff. Something just did not seem to be right. So he got them out but they moved directly across the street at the light, right over Bridgeport Avenue.

Chair Parkins asked if it was near Kleto's Package Store.

Comm. Flannery asked if they would be taking both spaces.

Mr. Nutolo responded no, they are taking one space #444 Howe Avenue. He indicated that his business was for tarot card reading, Reiki, astrology charts, aromatherapy, candles, oils and scents.

Mr. Schultz added that it would be 1000 square feet, two employees, and hours of operation would be Monday through Saturday, 9 a.m. to 9 p.m.

Comm. Harger asked about the signs.

Mr. Nutolo responded that the signs were actually going to be in the inside of the window. They aren't going to put anything on the outside of the building. They are going to be 2' x 2 ½' so they won't be very large but they want to get noticed so they were thinking of maybe neon.

Mr. Schultz indicated that they do need to have details on that.

Mr. Nutolo indicated that they had certain signs made without neon and they just stick on inside the glass. He asked if they could use that.

Mr. Schultz responded that the Commission prefers that.

Mr. Nutolo indicated that is what they would like to go with because it stands out. The neon is an extra bill that goes even higher so this way they could save money on electricity.

Chair Parkins asked if he was saying that the stick-on signs stand out more than the neon.

Mr. Nutolo responded yes, because they are trimmed with gold and baby blue and it looks beautiful.

Chair Parkins said OK, she thought he was going to say that it was some outrageous design or something.

Mr. Nutolo responded no, Naugatuck Signs actually does them and they are stick-ons and they go inside of the windows.

Comm. Harger commented that the character of that whole building was that there were uniform tops and they don't want to deviate from that.

Mr. Schultz added that when they are missing, it is very apparent.

Comm. Harger commented that she didn't think that they should deviate from that.

Mr. Schultz added that it was a balance.

Mr. Nutolo indicated that they have one in the window and one on the top of the building.

Chair Parkins commented (inaudible)

Comm. Harger stated that (inaudible).

Mr. Schultz asked if Staff can work with them on the wall sign.

Mr. Nutolo responded yes, of course.

Mr. Schultz explained that the Commission could act on their occupancy and then they will take it up at the next meeting.

Chair Parkins stated that it will be for the business use, not the signage.

Mr. Nutolo asked if they would be allowed to put a sign in the window.

Mr. Schultz responded that they eventually will be able to, yes, but they want to work with them on a permanent solution.

Comm. Harger indicated that it has to be a separate application.

Mr. Schultz stated that tonight's application is for the occupancy. He told the applicant that they would need to come into the office at a later date and show them some examples of what they would like to do for signage.

Mr. Nutolo responded that he actually made a sketch that he wanted to show the Commission. He showed drawings of what he proposed for the inside of it and how he wanted the windows to be. He explained that he wanted the drawings to be stick-ons. This is not a neon sign.

Mr. Schultz indicated that it was difficult to read because it is so busy.

Mr. Nutolo responded that he just put color into it, no wording.

Mr. Schultz asked if they know of another store in the region where they can take a photograph of it.

Mr. Nutolo indicated that the pawn shop on Howe Avenue, the one after crossing the light from the bank has red and gold stick-ons signs with an awning. They don't want to have an awning, they just want the stick-on letters.

Chair Parkins commented that right now that whole side of the street has signage over on top and in the windows and they would like to keep that uniform. If there is a big white space missing and there's no signage there...

Mr. Nutolo responded that there were actually three or four of those signs missing on the front of that building.

Mr. Schultz indicated that the Commission is going to try to get the new occupants to do it. Their next meeting is July 12<sup>th</sup>. He asked if they would be in there before the 12<sup>th</sup>.

Mr. Nutolo responded that they actually wanted to try to start business before the 12<sup>th</sup>.

Mr. Shultz indicated that they do allow temporary banners. So let's work on the occupancy and Staff will work with the applicant on the permanent.

Comm. Harger asked if he had plans to do curtains in the window too.

Mr. Nutolo responded that he was thinking of doing something like a blind or a curtain to give it a richer look – something more upscale. It is sort of something that women love to come to and men love it too, the Latino community loves it. It is great and works out. He has done this business for 17 years of his life. He's been in Manhattan for a long time.

Comm. Harger commented that there is some nice window treatment at the liquor store up where Mayflower Florists used to be.

Mr. Schultz indicated that Staff will work with the applicant on a permanent solution for the window display and the walls.

Mr. Panico commented that he would tend to recognize that he's in the middle of a commercial strip, even though they want a slightly different type of an occupancy, they don't want to be too different from the rest. He would tend to play down the treatments, rely on their privacy, curtain inside, etc.

Mr. Nutolo explained that this was just a quick sketch he did and he had no intention of doing any draping – just on the top edges and then the stick on letters saying that they do astrology charts, Rieki, tarot card readings. They have no plans for flashing bulbs. It will look very nice

Mr. Panico asked what the name of the establishment would be.

Mr. Nutolo responded that they are just going to put Tarot Card Reader. Some counties list it under psychic readings because they don't have specific licensing for it. He doesn't know how they do it in Shelton.

Chair Parkins asked how many staff.

Mr. Nutolo responded that it was just the two of them and it is done by appointment only. It is not done by walk-ins and it is only one person at a time.

Chair Parkins asked what the hours would be.

Mr. Nutolo responded that he is trying to do from 9:30 a.m. to 7:30 p.m. or 8:00 p.m. because across the street they have Danny O's with a happy hour time. And directly across from them is a little outside area so he knows that a lot of people will see it so he wants to stay open until happy hour is over - Monday through Saturdays. If they could work with him on the permanent sign that would be great and he would like to put one out on the building to be seen from the bridge.

**On a motion made by Joan Flannery seconded by Anthony Pogoda, it was voted 3-1 to approve Separate #5836 for business occupancy only. Comm. Harger voted in opposition.**

Comm. Harger commented that she didn't know if this was an appropriate time to bring this up but this is the second example of an application for a business that is very vague, with not enough detail in the drawings. She wants to go on record that she will not be interested at all in seeing anything unless they have clear details because it is just starting to get away from things.

Mr. Schultz added that it should be for the whole package.



Comm. Harger responded exactly, for the whole package. There are just too many things that come before them. If they want to get things rolling then they have to have their work done ahead of time before they come to the Commission so that they have all the facts in front of them and they can act on things in a timely manner. It doesn't work well for us and it doesn't work well for the businesses. Maybe it is something that Rick can convey.

Comm. Pogoda added that he thought Ginny makes a good point. It takes up their time and other applicant's time.

**SEPARATE #5814, R.D. SCINTO, 2 TRAP FALLS ROAD, BUSINESS**

Mr. Schultz indicated that they have four new occupants within Mr. Scinto's facilities. The first is at 2 Trap Falls Road for a 25,000 square foot, 75 employees for a consulting firm, hours of operation Monday through Friday 8 a.m. – 5 p.m. Staff recommends approval.

Comm. Flannery asked what kind of consulting it was.

Mr. Schultz responded that it was public consulting – Butler Consulting.

Comm. Flannery commented that her concern is that this building is not handicapped accessible yet. He keeps promising to put in the handicapped doors but they haven't seen them yet. She really doesn't want to see any business in that building until then.

Chair Parkins stated that is a Building Department issue; that's not a Planning & Zoning issue.

Mr. Schultz indicated that Comm. Flannery knows because he forwarded her a letter from the Scinto organization and they are in the process of complying with that building code issue.

Chair Parkins asked which building this one was.

Mr. Schultz responded that it was the first building going up the hill from Bridgeport Avenue. Comm. Pogoda added that it was where St. Vincent's Medical Center is located.

Chair Parkins questioned why it would not be handicapped accessible because there are elevators in it.

Comm. Flannery indicated that it was the doors. A person with a wheelchair cannot get the door open without somebody else holding it. There is no button on the wall to open it. She knows about people having hardships there.

Mr. Panico added that it was a building that was medically-oriented too.

Chair Parkins commented that if Mr. Scinto has indicated that he's addressing it, she's sure that he is addressing it.

Mr. Schultz responded yes, he got the e-mail today.

Chair Parkins indicated that it is still a matter for the Building Department. They just approve the business occupancy.

Comm. Flannery commented that they still don't know what kind of consulting business it is. She added that they were just discussing that the Commission needs to have all the details.

Mr. Schultz stated that it is the Commission's call.

Mr. Panico commented that there are physical details as opposed to operational details. Comm. Pogoda agreed.

Chair Parkins added that 25,000 square feet is a large business. She's sure that it is not some fly by night business venture.

Mr. Schultz stated that he will remind Staff to state what type of consulting business it is and that the Commission wants that detail of information.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was voted (3-1) to approve Separate #5814. Comm. Flannery voted in opposition.**

**SEPARATE #5813, R.D. SCINTO, 1 CORPORATE DRIVE, BUSINESS**

Mr. Schultz indicated that this was 1 Corporate Drive, Prudential Financial Services. It is 11,700 square feet, 300 employees, Monday-Friday 8 a.m. – 5 p.m. Staff recommends approval.

Comm. Pogoda asked if they were monitoring the parking situation with these.

Mr. Schultz responded absolutely. Chair Parkins added that she is there every day. She'll let them know if there is a problem and she can't park.

Mr. Schultz added that the top deck is still unoccupied. This is a relocation; they are constantly relocating.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5813.**

**SEPARATE #5815, R.D. SCINTO, 2 CORPORATE DRIVE, BUSINESS**

Mr. Schultz stated that this is also Prudential. It is for 11,893 square feet, 300+ employees, Monday through Friday, 9 a.m. to 5 p.m. There are different divisions of Prudential occupying different areas of the building.

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5815.**

**SEPARATE #5736, R.D. SCINTO, 2 ENTERPRISE DRIVE, BUSINESS**

Mr. Schultz stated that this is for Sila Solutions Group. They are a business and technology consulting firm. They are leasing 11,958 square feet, 40 employees, Monday through Friday, 8 a.m. to 5 p.m.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5736.**

**SEPARATE #5816, R.D. SCINTO, 4 CORPORATE DRIVE, BUSINESS**

Mr. Schultz stated that this is for Ehrlich Bariatric, 2,085 square feet lease area, 3 employees, Monday through Friday, 9 a.m. – 5 p.m.

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5816.**

**SEPARATE #5826, STAMFORD TENT, 1 CORPORATE DRIVE, TEMPORARY TENT**

Mr. Schultz indicated that Prudential provides movies during the summer months and Stamford Tent is providing the movie screen. This is a temporary structure.

Comm. Harger asked if this was for access by the public.

Mr. Schultz responded that Prudential is the applicant and it is open to the public and the tenants.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5826.**

**SEPARATE #5843, ANTHONY MARRA, 2 ENTERPRISE DRIVE, BUSINESS**

Mr. Schultz stated that this is financial planning services, 220 square feet, one employee, hours of operation 8 a.m. – 5 p.m. Monday through Friday.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5843.**

**SEPARATE #5857, AFFORDABLE IMPROVEMENTS, 738 BPT. AVE., BUSINESS/SIGN**

Mr. Schultz asked if the applicant was present. The applicant was not present. This is the former hubcap lady's property. It is the two-story building setback, next to the Kidney Dialysis and the Planet Fitness.

Mr. Schultz indicated that they had a change in owner, and the owner is the occupant. He brought a copy of the site plan to show the Commission because the dumpster area was never done so they have a bond on it. But first he will discuss the occupancy. The company deals with corporate staffing and recruitment.

Chair Parkins asked if this was McIntyre.

Mr. Schultz responded that it was Kenzie and Company LLC doing business as the McIntyre Group, corporate staffing and recruitment. The building overall is 4,000 square feet, 14 employees, hours of operation are Monday through Friday, 8 a.m. – 6 p.m. The use is permitted and there is sufficient on-site parking. Staff advised the new owner of the lack of the dumpster enclosure. The previous owner brought in metal storage containers which have since been removed. The current owner is of the opinion that they don't need a dumpster. So he is asking the Commission if they want to do a formal action by eliminating that condition of approval or just approve it and have Staff monitor it.

Chair Parkins asked how they get rid of their garbage.

Mr. Schultz responded that they were just going to remove it internally by outsourcing it. There are essentially trucks that come in to the offices and remove it.

Comm. Harger asked if that means they will not have anything outside.

Mr. Schultz responded that he just doesn't want a metal storage container to show up like in the past, but they are saying that they do not need it.

Comm. Pogoda asked about the bond that they still have on it.

Mr. Schultz responded that they still have a bond on it and he's not inclined to release that yet. It has to come before the Commission anyway.

Comm. Harger commented that it would pretty much be office paper waste.

Chair Parkins added that they would also have kitchen and some lunch and coffee trash.

Mr. Schultz stated that if they don't need a dumpster and enclosure then so be it – that site is tiny anyway. Staff will monitor it and he won't release the bond. He has to check into the legality of that bond anyway but he wanted the Commission to be aware of it. Staff recommends approval.

Comm. Harger asked if there was a space available in the rear of the building that they can use if they need it.

Mr. Schultz responded yes, absolutely.

Comm. Harger and Mr. Panico discussed the dumpster enclosure (comments inaudible).

Chair Parkins commented that she thinks that firm is relocating from 1 Corporate Drive.

Comm. Flannery asked what the sign looked like.

Mr. Schultz showed the rendering of the signage.

Chair Parkins asked if there was another sign back there because it almost looks like a sandwich board.

Mr. Schultz responded that it's a wall sign - he thinks that is just how it appears graphically.

Mr. Panico asked if this was an existing sign.

Mr. Schultz responded that there are no signs there.

Mr. Panico asked if this is what they were proposing.

Mr. Schultz added that he does not recall seeing a sign there.

Chair Parkins asked if this is (inaudible).

Comm. Harger asked if there was a sign at the exercise place – at that entrance.

Comm. Pogoda commented that there is one setback for the fitness place.

Chair Parkins commented that it was a nice sign. Comm. Pogoda agreed that it was a nice, clean sign.

Mr. Schultz added that it was a double-sided sign and there is a street number on it too.

Comm. Pogoda requested that Staff monitor the refuse situation.

**On a motion made by Joan Flannery seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5857 for the business and the signage.**

**SEPARATE #5841, ALFRED ZAKHOUR, 450B HOWE AVENUE, BUSINESS/SIGN**

Mr. Schultz asked the applicant if he brought the sign details tonight. Mr. Zakhour responded that he did not. Mr. Schultz stated that what is happening is that the applicant will state that they want to get the sign approved too and that they are preparing it, but then they don't. So, tonight this will just be for the occupancy. This is Ralph Mato's building too.

Chair Parkins asked if he was moving in next to the Tarot Card Readers.

**Mr. Alfred Zakhour, 450B Howe Avenue, Shelton, addressed the Commission.** Mr. Zakhour responded that no, he would be between the convenience store corner and the flower shop.

Mr. Schultz stated that this is for a \$1 Retail Store, 1400 square feet of lease area. The hours of operation would be Monday through Friday, 9:30 a.m. to 8:00 p.m.; Saturday and Sunday 9:30 a.m. to 6 p.m.

Comm. Harger asked what the name of the business would be.

Mr. Zakhour responded that it would be Dollar Bargains.

Mr. Schultz stated that this would be a husband and wife – so two full time employees. He asked the applicant if he heard the Commission discuss tonight about having uniform signs.

Mr. Zakhour responded yes, he'll keep them the same.

Mr. Schultz indicated that he wants to work that out with him. They need the details – an illustration of what it will see. If he comes in tomorrow for the occupancy, they will need another application for the signage.

Mr. Zakhour responded that he understands that they want them to look the same.

Mr. Schultz reiterated that when they don't have all the details, that is when they run into problems.

Comm. Harger asked the applicant if he would be keeping the glass storefront area clear and not covered up.

Chair Parkins clarified that they just didn't want to have it covered with paper signs.

Mr. Zakhour responded that he understood and he'll keep it looking nice.

**On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to approve the business for Separate #5841.**

**SEPARATE #5858 INNOHAVEN, LLC, 1 CONTROLS DRIVE, BUSINESS/SIGN**

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission.** Atty. Thomas indicated that he was representing

the applicant and that all the Commissioners should have a copy of the site plan, two signs that are being proposed, and a Statement of Use. There is an existing sign in the front. This building is for pharmaceutical research and development. It is at the end of Controls Drive, there is a large buffer and it is down a drive way on Controls Drive. The sign out in the front is for visitors, FedEx and UPS can know who is in there. Those are entities that are related to Innohaven, LLC. Innohaven is going to purchase this building and they are going to be leasing to various research entities that research, develop drugs and deal with large pharmaceuticals when their research is complete.

Mr. Schultz stated that the Commission is considering two proponents. One is for the business occupancy and the other is for the permanent wall sign and the ground sign.

Atty. Thomas indicated that he also wanted to point something out about their HVAC units that are on the roof of the building. They are going to be putting labs in and they have to put in updated HVAC units which they are going to put on the ground level, not on the roof. This building is setback and it's enclosed. So based on a preliminary review during the purchase, he drew on the old site plan which he picked up from Rick Schultz, of the approximate locations of where these updated HVAC units – the type that are used in laboratories where this type of work is being done.

Mr. Schultz indicated that Innohaven, LLC is a pharmaceutical research and development company. The building is 18,000 square feet. The initial number of employees is 10, increasing to 25. The hours of operation will be 8 a.m. to 6 p.m. Monday through Friday with flex hours at all times. As Atty. Thomas indicated there is a need to install ground level HVAC equipment.

Mr. Panico asked Atty. Thomas if he could describe a little bit about the HVAC units that he is talking about. He asked if they were big box units or a step above residential-type units.

Atty. Thomas responded that he thinks that they are heat pump units – he asked Atty. Harry Shoshak (sp?) who is present to represent the business.

Atty. Harry Shoshak responded that they don't exactly know what type of units they are at present because they don't have a load factor yet for all the equipment that is going to be installed into the buildings. They had a meeting with a contractor and an HVAC subcontractor and they are working on plans. They anticipate that they will probably have to increase the current HVAC capacity, the air conditioning capacity. As to the heating capacity, there are currently two boiler systems that they believe will be retained upon certain. They anticipate having plans within the next 60 days.

Mr. Panico asked if they would not impact those windows and they would be low enough. Their concern is if they are right out in the front.

Atty. Thomas approached the site plan to show the location of the front area (discussion inaudible)

Comm. Harger indicated that she thinks the question about the air conditioning units is whether they are like the Carrier type seen outside of a person's home.

Atty. Shoshak responded that where they plan on placing them, there are no windows.

Multiple discussions (inaudible)

Mr. Panico indicated that he was concerned because the air conditioning units face Controls Drive.

Atty. Thomas responded that it is totally wooded, the whole thing from the beginning to the end - totally buffered.

Chair Parkins asked if there were any windows in the back though.

Atty. Thomas responded that there are no windows on the side or the rear.

Comm. Flannery indicated that she had a totally different question. She asked if they would be testing the drugs on any live animals.

Atty. Shoshak responded no.

Mr. Panico asked where the front door was located on the site plan.

Atty. Thomas showed the location of the walkway, the front door, the proposed wall sign (multiple discussions, inaudible)

Mr. Panico asked where the landscaping feature is.

Atty. Thomas commented that he shrunk this down from Rick's original plan. He showed the front door, entrance in the back to the parking lot, the front landscaping, a long driveway (about 100 feet). He showed the location where they would like to have the other sign.

Mr. Schultz indicated that they need to add the number one to that sign for 911 purposes.

Chair Parkins asked if these were two separate businesses.

Atty. Shoshak responded that they were interrelated. Two of the companies are owned by the principal – Nanoverse is a publically owned company.

Chair Parkins asked if the black and the blue was their logo.

Atty. Shoshak responded that they were doing that for identification purposes only.

Chair Parkins was wondering where they could put the 1 Controls Drive.

Atty. Shoshak responded that they will put it anywhere that they would like it.

Atty. Thomas indicated that they could either incorporate in or do a drop down underneath.

Comm. Pogoda responded that it might be cleaner that way.

Atty. Shoshak indicated that the other two companies are only listed for identification purposes – if somebody is looking for the company such as FedEx, UPS or something of that nature. He has no problem doing the drop down.

Comm. Harger asked if Innohaven is doing business as (inaudible)

Atty. Shoshak responded that Innohaven was set up as a special purpose company just to acquire the building.

Atty. Thomas indicated that he spoke to Rick if he needed one for all of the tenants and he informed him that no, the building owner only. These are all interrelated entities.

Comm. Harger clarified that there would be no live animal testing at the site.

Atty. Thomas and Atty. Shoshak concurred that there would be no live animal testing. Atty. Thomas stated that he put in flex hours because it is a research facility so obviously scientists may need to work at 3 a.m. in the morning.

Comm. Harger asked about regulating (inaudible)

Atty. Shoshak indicated that Dr. Barton could address that issue.

**Dr. Randy Barton, Chief Scientific Officer addressed the Commission.**

Atty. Thomas asked him if he could tell the Commission what type of waste they generate and how they plan to dispose of that waste.

Dr. Randy Barton responded that they would have very small quantities of chemical waste. In the State of Connecticut, they are listed as a Conditional Exempt Small Quantity Generator so that is less than 200 lbs per month which would be less than half of a 500 gallon drum. They wouldn't generate that much hazardous waste. All organic solids at the present time and the plan for the future would be to recycle internally. Any hazardous chemical waste would be stored and disposed of through a commercial contractor. Any biological waste that would be decontaminated internally would be removed by a contractor. Again, they aren't testing with any live animals or anything like that.

Comm. Harger asked if he mentioned that they would be recycling and purifying it in house.

Dr. Barton responded yes, in house; again, they are an early stage, pre-clinical company. They would plan to early phase clinical trials synthesizing the material at that site. In the overall scheme of things, it is a very small quantity generator.

Comm. Harger asked if this was the type of work that needed to be done in clean rooms with sterile clothing.

Dr. Barton responded yes, when they get to the point of generating material for early clinical trials. They have to be adherent to current, good manufacturing practices as specified by the FDA.

Comm. Harger asked how often materials would be removed from the site.

Dr. Barton responded that because they generate very small quantities, it would probably only need to be on a weekly or monthly basis.

Comm. Harger asked what means of transportation they would use.

Dr. Barton responded that it would be by a licensed commercial contractor regulated by the State for any chemical or biological waste.

Atty. Shoshak responded that he wanted to put this into perspective for them. This is standard practices but in reality the status of this type of lab is not much different than a clinical diagnostic lab, a doctor's office lab or a dentist's office lab. What Dr. Barton has explained is a process that is required by all of these safe entities and they wouldn't be generating any type of waste in excess of what any clinical diagnostic, commercial lab would generate; actually less than that.



Comm. Harger explained that they could look at going to Quest Labs up on Bridgeport Avenue to have blood drawn, transported and tested, but when you're talking about medical research and testing, it sort of makes her want to check it out with more questions.

Comm. Flannery agreed that they are using chemicals that aren't normally used.

Atty. Shoshak indicated that he understands their concerns. Some of the chemicals that are used are actually currently used and approved by the FDA for medical and therapeutic use. He understands their concerns about the testing but any testing that they do which is pathogenic to humans, they have collaborations with private academic contract research labs and federal government labs.

Comm. Harger responded that she understands but they are going to be adjacent to a residential area and using public roads.

Atty. Thomas stated that is why he wanted to have Atty. Shoshak and Dr. Barton present to answer any of their questions.

Chair Parkins asked if that process is regulated by the DEP.

Atty. Thomas responded that he thinks it is the DEP. Atty. Shoshak concurred that it was the DEP and added that in general there are no pathogenic products in this facility. Any testing, live animal testing, drug testing, etc. is done outside in government labs certified to do that type of work.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5858.**

**SEPARATE #5868 KNS CONTRACTING, 505 HUNTINGTON STREET, GROUND MOUNTED SOLAR PANELS**

Mr. Schultz indicated to the applicant that the Commission members have a map of the site location and a project description. He asked him to discuss the detail of the structures that they are proposing to install and he'll discuss the restrictions in their regulations.

**Michael Mount, Director of Sales, Opel Solar, 3 Corporate Drive, Shelton, CT addressed the Commission.** Mr. Mount indicated that he is representing Opel Solar who will be the owner of this project and the applicant, is a contractor to them that will be doing a portion of the installation. One contractor will be doing the electrical work and KNS Contracting will be doing the structural foundation work.

Mr. Mount explained that what they have before them is a solar project. It is 36 kw in total capacity that uses three different types of technology. It would be located at the Aquarian Water Treatment Facility at 505 Huntington Street. They are putting it in for multiple purposes. It will generate power that will be utilized by Aquarian interconnected behind the meters to offset the purchases that they make from UI. It generates about 10% of their total requirements so it will be a small contribution to their total requirements. They are putting it in for that benefit to Aquarian but they are also being a Shelton business. They are putting it in for demonstration, as well as test purposes for their own company.

Mr. Mount indicated that Opel Solar is located at Corporate Drive and they make the trackers. They make single axis trackers, dual axis trackers, roof-mounted and ground mounted trackers. Trackers are mechanical mountings that the solar

panel is put on that then tracks the motion of the sun. A single axis tracker is mounted north to south and they track the sun from the east in the morning to the west at night. Dual axes trackers are put on pedestals and they track the sun, both in elevation and turning it in ? Mr. Mount stated that by putting panels on trackers they greatly increase the power output of the panels themselves. That is their primary business. They purchase panels from other people. They also manufacture certain types of panels which are not appropriate for Connecticut, a high concentration panel but those will not be used currently but they may at times interchange them for testing purposes.

**End of Tape 1B, 8:33 p.m.**

Mr. Mount stated that at the site they are going to have three single axis trackers, one dual axis tracker and a fixed tilt system which is manufactured by another company that they have relationships with. The fixed tilt system is a system that is firmly mounted to the ground, tilts up at an angle towards the sun to give a little bit more from the horizon. The reason that they are doing all three is because they want to demonstrate their technologies appliance. At this point they have installations in Trumbull and Wallingford. They will be putting some in Newtown in the near future. They would like to stay in Shelton to show customers and clients that come from as far away as China, Ukraine, Russia to see the technology just a few minutes from their office.

Comm. Harger asked what the sizes of these were.

Mr. Mount responded that they vary in size. The single axis trackers are 7 to 8 feet long, 10 feet wide and the pivot point will sit about six feet off of the ground. So at their greatest height they will be 7 to 8 feet high.

The dual axis tracker is a larger device. There will be a single one of those. It will be 27 wide, 22 feet tall and it is mounted on a single pedestal. He doesn't have the exact dimensions for the fixed mount system but it would be approx. 6 to 9 feet tall and slope down. It would be 16 feet long by approximately 9 feet wide, 9 feet high to a low point of about 4 feet.

Comm. Pogoda asked where they were located in Trumbull.

Mr. Mount responded that it was at the Sports Zone. Right outside that facility, they have a number of dual axis trackers.

Comm. Harger asked how much of the grassy area this would take up.

Mr. Mount responded that they have a lease on the property from Aquarian for about 2/3 of that. There is an outline on the photograph and that is the portion that they are leasing. The reason that it is structured that way is because there is a 36" underground water pipe that is in that section that they are not leasing. The trackers will be spread within that dotted line. Footprint-wise, it will be only a small fraction of it, probably less than 20% in terms of footprint but it will be spread throughout most of it.

Chair Parkins commented that it is very heavily vegetated between the road and that (inaudible).

Mr. Mount indicated that in talking to Mr. Schultz, he suggested the concept of photographs to assist the process. He has some photographs of the property of the largest tracker if they would like to see them. He did not add the rest of the trackers.

Chair Parkins asked if he had a photo of the one that is 27 feet tall.

Mr. Mount indicated that the photos show an aerial view of the property showing where it is in relation to the reservoir. The second slide shows where the big tracker is – on the backside of the property, furthest away from Huntington Street.

Mr. Panico asked about the vegetation in terms of access from the sun.

Mr. Mount responded yes, definitely they would like to clear cut on both sides but they are not going to do that. Any type of shade is going to diminish the power. The vast majority of the day they will have a clear shot. Ideally, you would like to be in an open field with no trees near you, no buildings nearby but in this case, rarely do you get an ideal location in a developed area such as this.

Comm. Harger asked how large this grassy area was anyway.

Mr. Mount responded that it is probably in the general range of 150 feet x 120 feet. They originally had that area set aside for expansion but realized that it was an unlikely concept for them in the near future and these units could potentially be removed if they had to down the road.

Chair Parkins asked if they would be sitting on concrete foundations.

Mr. Mount responded that they sit on concrete foundations. The single axis tracker will have five high beams that are bored into the ground with concrete holding the beam in place and then they mount it on that. The dual axis tracker is a single pedestal so it requires a more substantial structure that is concrete reinforced with rebar in the ground. The other structures will just have posts with concrete. All the structures in the foundations have stamped EE? drawings.

Chair Parkins asked if they would just be putting in one of these 27 foot by 23 high.

Mr. Mount responded yes, only one single one. What he tried to do with the progressive shots is show them what it would look like from the street going into the driveway to give them perspective. He added that it was well set back from the street.

Comm. Flannery asked if he was doing any clear cutting.

Mr. Mount responded that they are doing no cutting or grading. It is a level lot.

Comm. Pogoda asked how long they have been using the solar panels in Trumbull.

Mr. Mount responded that it was about three years. They also have demonstration facilities in Wallingford, and rooftop facilities at schools in Plainville.

Comm. Pogoda asked if the ones in Trumbull were roof-mounted.

Mr. Mount responded no, the ones in Trumbull are pedestal mounted toward the rear of the building on the left. Very few people even notice them. Those are very similar to the dual axes, the one that they are putting up except the ones at the Sports Zone are smaller version of that same tracker.

Chair Parkins asked about the combination of everything that they are putting in there – one 27 foot, and two 23 feet high.

Mr. Mount commented that the combination of all those units – the three single axis trackers which are low to the ground and the very long ones are going to produce the most because they have 36 very large panels on them. The total project will be producing about 36 kw. It is a relatively small project. It would be large for a home but small by commercial standards.

Chair Parkins asked, although it has no relevance, could he share what a project like this costs.

Mr. Mount responded that he could give them a general figure but would prefer not to share specifics on this project. Each of these technologies has a different cost and rarely would they all be put together. So this project would not be representative of what they would see. Large utility scale projects are going in for well under \$4/watt - \$4000/kilowatt. They are going in for closer to \$3 and some under \$3/watt. Home projects are going to be more than twice that. So if they were going to be putting a unit in your home, it may be \$8/watt as opposed to a utility putting in a very large scale \$3/watt. On an initial cost basis, they are still not to where it would be if you put in gas turbine or diesel unit. The costs have come down. The panels are less than half than what they were three years ago and still dropping. So it is a large growing industry right now and they are going to see a lot more of this is Shelton and around the state lines.

Chair Parkins commented that this is more of a showroom.

Mr. Mount responded yes, this is more of a showroom. It is a working contribution to the community and to Aquarian but it helps them and helps their business by being that close to us. So instead of being 45 minutes away, they are 5 minutes away. Also the State just passed their energy bill, it has not been signed into law yet but both the House and the Senate have passed it which is also promoting solar and other alternative energy.

Comm. Harger asked how many employees were at this Aquarian facility.

Mr. Mount responded that he could only venture a guess from the size of the building and having walked through the building that there are probably 50 – 60 people there. It is a fresh water treatment – not a waste water plant but they aren't going to be impacting that at all. The only interconnection that they have is electrical with their service connections. They will have zero impact on their plant operations.

Chair Parkins asked if they had a length of a lease on this site.

Mr. Mount responded yes, they have a lease on the site that can be renewed. They also have options for Aquarian to buy at the end of the lease too. It is more than likely that either it will be renewed or purchased by Aquarian at the end of that lease rather than be removed but they don't come to an agreement on either of those, then they would be removed.

Mr. Schultz stated that seven years ago the Commission adopted new regulations dealing with accessory structures in residential districts and they took a shot at the solar panels. What they did not do was to evaluate different uses in their residential zones including the Aquarian Water Company and for that matter, their convalescent homes – because they are all going to go this way. They adopted regulations that have a 10 foot height restriction. Down the road, with the Zoning Subcommittee, they need to revisit it and add the proper standards. They have the single axis which is fine but the double axis gets higher. When you have an Aquarian Water Treatment plant like this on a large site, with proper screening, it can work. So now they are seeing specifics.

Mr. Panico stated that this could almost be viewed as an accessory use to the Aquarian facility. It is dwarfed by the other buildings around it.

Mr. Schultz stated that they need to revisit it at the Zoning Subcommittee Level because this is going to be a thing that is coming up, and he doesn't want the public to misconstrue this provision. The overall height in their one axis is 40 feet, so they are below it.

Chair Parkins commented that he is talking about setting a precedent.

Mr. Schultz responded yes, for solar panels – 10 feet in a traditional neighborhood and it has to be screened. This is well screened as they all know. They are going to see more facilities going down this road which they want to encourage because they are going green.

Mr. Panico commented that he thinks the uniqueness of this being an ancillary component of the entire Bridgeport Hydraulic Company Filtration Installation ought to be made because this is not a stand-alone facility.

Mr. Schultz commented that there isn't any need to have a higher level of review at this time but they need to revisit the regs.

Chair Parkins asked if there would be a lot of traffic coming in and out of there.

Mr. Mount responded that he really did not think they would be adding to the traffic that much. They will have the ability to monitor it offsite with internet links to monitor both their trackers as well as the power output panels. They will have technicians there on occasion. There would be one or two people there at a time and on a rare occasions, like a couple times a month, they may have clients there looking at.

Mr. Panico asked if there was security to the site.

Mr. Mount responded that there is security to the site. The site itself is covered under the Homeland Security Act because of fresh water standards and security associated with that. It is locked at night. It has access and monitoring throughout the day and security into the building.

Mr. Panico commented that it would be an attractive inducement to kids in the neighborhood and stuff.

Mr. Mount responded yes, he thinks it is and most of the time the attractive nuisance comes in the panel theft as opposed to other things. Fortunately, there are enough people out there that have some discomfort with something electrical so they are less likely to take off with that than something like a lawnmower sitting in the yard.

Chair Parkins stated that she knows that there is a gate on the driveway. She asked if there was a perimeter fence.

Mr. Mount responded that there is no perimeter fence.

Chair Parkins commented that it's not really secured.

Mr. Mount responded that it is not secured other than for vehicular traffic and for monitors.

Comm. Flannery asked if there were any security cameras.

Mr. Mount responded that he was told that there are but he does not know if they provide 100% coverage or not – if they are covering the field or not. There are cameras there but he doesn't know their extent.

Comm. Harger asked if there was going to be some kind of fencing around those units or motion detectors in different locations.

Comm. Pogoda asked if somebody went to this facility and touched one of the panels, would there be any danger to them if they started touching something – health, physical danger, shock, death.

Mr. Mount responded that anytime you have electricity there are risks outside. All these panels and all the exterior items, everything that they are putting out there will be UL rated and have a licensed electrician do the installation. There is no exposed power but it is similar to the meter sitting on the side of the house or an exterior light or an exterior light socket – there is going to be electricity out there. All of the wiring between the trackers, from the trackers to the converter that convert for the DC power of the panel to the AC power which is in the building. It is all going to be underground conduit so there are no overhead lines or any above ground lines that people would trip over. They are trying to make the installation as clean as possible and aesthetically pleasing as possible. They are putting gravel around each of the trackers to keep the lawn mowers away from the panels but leaving the grass in between.

Comm. Pogoda asked about the other facilities where they have these panels and if they were secured with fencing.

Mr. Mount responded yes, in Connecticut, they have the Linden School which is on a rooftop. They have the Sports Zone which is a public facility with parking immediately adjacent to it. This is a little bit different facility. They worked with Aquarian to try to decide whether they wanted to put fence in and their preference was to not because of aesthetics. Right now it is a nice transition. It is a nice green lawn going in and they are going to be putting these structures up there – but they are green energy structures as well as having the grass there. They are trying to maintain aesthetics. If they do put up the fence, they gain some protection against some of those risks but greatly diminish the aesthetics as well as being more visible from the street with a fence all around it.

Comm. Pogoda asked if there was any protective agency – more or less like UI having transformers and substations being required to have fencing. He asked if there was any such an agency or requirement demanding that this should be fenced in any way, shape or form.

Mr. Mount responded that there is no requirement that this be fenced. The requirements are based on voltage. About the 600 volt range, 1000 volts and up is when they need to go to fencing and site protection. The voltages that they operate at, they specifically operate at the voltages that eliminate that.

Chair Parkins commented that the property is posted to have no trespassing. She assumes that if they realize there is a problem, then this Commission will have to decide how to protect the problem.

Mr. Mount agreed and indicated that it would be something that they would continue to monitor because they have an investment, they have concerns about public safety and property damage. Aquarian also has the same. They are members of the community and they are too, and they also have families at home. They are not trying to create an unsafe situation but if they start losing equipment, seeing damage, or if they start seeing too much interest, then a

fence is always a possibility that they have already discussed. They are willing to go forward but they are hoping to go first without it.

Comm. Harger asked if there was any area where it needs to be mounted on a building.

Mr. Mount asked if she meant mounted on a building as opposed to what they are doing.

Comm. Harger responded yes.

Mr. Mount responded that they have a rooftop. They are running conduit across the roof for the electrical connection. Their rooftop, as with many commercial buildings, is crowded and kind of sporadic in terms of the arrangement of equipment up there. It is a possibility but it is not what they wanted to do with this particular project in terms of demonstration. They do have roof top trackers and they really have to be designed. The building has to go through a structural analysis to determine if it can handle it to begin with. Beyond that, they have to time the installation at the same time that a new roof is going in. They don't want to spend a couple hundred thousand dollars putting solar panels in and then five years later having to replace the roof.

Chair Parkins asked if satellite control monitoring would require them to put up any sort of tower to do that.

Mr. Mount responded that they have an Ethernet connection. They will monitor it through a web connection. They will run an Ethernet cable out to the site. The tracker controls the panels, the converters all have feedbacks coming into that. They do have wireless capabilities of their units. It is a Zigbee-based control system where their control unit sits out in the field right next to the trackers communicates with three of those trackers wirelessly. They do have this connection that allows them to monitor it from virtually any location in the world.

Mr. Schultz commented that Staff is saying that the water treatment facility is a permitted use in the R-1 zone; this is a subordinate activity to it with a limit up to 40 feet. They are saying that because they are satisfied with the existing situation, buffer, safety, etc. it does not need to go to a public hearing. However, they do need to revisit it in their regs. They are going to be getting more of these and they will need to have the standards.

**On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to approve Separate #5868 for ground mounted solar panels.**

**SEPARATE #5871, SPLASH CAR WASH, 376 BPT AVE., CANOPY OVER DETAIL AREA**

Mr. Schultz indicated that Splash is on the corner of Bridgeport Avenue. They are seeking approval for a permanent canopy over the detail area. Insofar as this is a PDD, this can be processed in one of three ways. The application tonight as presented; they can deem it as a minor modification to the Detailed Development Plans and requiring a submission to the P&Z Commission; or a major modification which would trigger a public hearing. Because this is a PDD, they first need to determine how they want to process it.

Chair Parkins commented that she doesn't think it requires a public hearing. She indicated that she wasn't sure what was going on with all the different drawings and if they were in stages of being installed.

**Jason Frank, Splash, 376 Bridgeport Avenue, Shelton, CT addressed the Commission.** Mr. Frank explained that the first five photos are of the exact same structure that he has in another location so he took pictures so they could see what it would look like. It is at their Norwalk store.

Mr. Schultz asked if it was a fabric material.

Mr. Frank responded that it is a fabric material that you can see through a little bit. It just blocks the sun, it is not waterproof, it is not canvas. It is just a fabric material that provides shade while the cars are being waxed and detailed. The structure itself stays up year round. The blue canopy comes off for the wintertime if there is snow or anything, but the poles stay up year round.

Comm. Pogoda asked about storms and heavy winds. He asked what the wind rating was.

Mr. Frank responded that the canopy is rated up to 150 mph but the structure itself is rated for hurricane winds. The wind can pass right through it. He showed the effect in Photo #2 and added that the air can pass through it. Typically, they take them down when there is a call for high winds because the canopy just comes off at the four corners.

Comm. Pogoda asked if they ever had any problems with it at their Norwalk facility.

Mr. Frank responded that they have not. They actually have seven of these structures in seven of their other car washes.

Comm. Flannery asked if they were all blue.

Mr. Frank responded yes, they are all blue but they do make other colors. He showed the photos of the areas where they would propose to put it where they are currently detailing the cars.

Comm. Harger asked about the bottom right hand picture.

Mr. Frank explained that it was a photo of the back of the tent and the tent would be parallel to Bridgeport Avenue. Looking up from Bridgeport Avenue, these trees would be a buffer to that area, so they might just see the top of it.

Comm. Pogoda asked how high it was.

Mr. Frank responded that it was 8 feet to the bottom of the tent so it's an 8 foot clearance for a vehicle. The very top of the poles are 13.5 feet. It is a two post cantilever design so there are no posts in the front so they don't have to worry about vehicles hitting them. The only posts are in the back so there are only two posts.

Comm. Pogoda asked what the posts were made out of.

Mr. Frank responded that the posts were made out of steel.

Comm. Pogoda asked if it was coated and if it would get rusty.

Mr. Frank responded (inaudible)



Comm. Pogoda stated that he would be concerned about what it would look like after a long winter or whatever.

Mr. Frank indicated that the tent shown in one of the photos has been at that location for 6 or 7 years and they haven't done anything to it. They could paint it, if they wanted them to.

Comm. Pogoda commented that his concern is that it would be galvanized because he would hate to see rust with their building being as nice as it is. It wouldn't look good for them either.

Chair Parkins asked if it is portable.

Mr. Frank responded that it is not. It is anchored and it requires two footings that are 8' x 3' deep x 3 ½' wide.

Chair Parkins asked if there was something that they could temporarily erect for them so that they could see it before they approve it.

Mr. Frank responded no he could not, because they need to have the footings – it is a two post tent, so it has to be anchored into the ground.

Comm. Harger asked if their detailing business was such that they have a call for it in the winter.

Mr. Frank responded that they do some detailing in the wintertime but this is more for the summertime when the sun is really glaring down on the cars and they like to have a shaded area.

Comm. Harger asked if they have considered something a little more permanent to mimic the building with open sides.

Mr. Frank asked if they were talking about a permanent structure. He said that he guesses that they could consider it.

Chair Parkins commented that she doesn't like the image that it is going to present on Bridgeport Avenue.

Comm. Flannery stated that there are a lot of trees there blocking it.

Chair Parkins responded that there aren't any trees there blocking it.

Mr. Schultz stated that it's up on the hill.

Chair Parkins asked if all their carts and everything stay out underneath there as well or do they bring them in at night. The only thing that would stay out would be the tent. So everything that goes in and out right now would continue to go in and out. The only thing that would stay would be the poles and the blue canopy on the top.

Comm. Harger commented that she doesn't (inaudible)

Chair Parkins asked if he could do a temporary structure.

Mr. Frank responded that his fear with a temporary structure would be that it's flimsy – if they are talking about a pop-up tent type of structure. They just tend to break or blow with a small 20 mph gust of wind. The permanent structure is a pretty significant investment to buy one of these.

Mr. Panico asked what the length of the tent would be.

Mr. Frank responded 40 feet.

Mr. Schultz stated that it was 40' x 20', 13'6" high.

Mr. Frank commented that curb to curb it is 50 feet – he showed the size of it on the photo being approximately curb to curb.

Mr. Panico asked if the support structure was one on each end of this.

Mr. Frank explained that it is two legs, a cantilever design with the footing underneath. The footing gives it the integrity. The triangular shape at the top is what gives its structural integrity because it would only be two legs instead of four.

Mr. Panico asked what would prevent it from sagging in the middle.

Mr. Frank responded that there are crossbeams that go up inside shaped like an "X" in the middle. He showed a photo of the "X" in the middle.

There was discussion about the supports of the tent (inaudible).

Mr. Panico asked where the closest installation was located.

Mr. Frank responded Fairfield on 1400 King's Highway Cutoff. They have one of those there – the exact same size, same color, same manufacturer. It has been down there for 5 or 6 years.

Mr. Schultz asked how it held up in the January weather.

Mr. Frank responded that they take the blue tarp off. So if there is any snow load, they just leave the poles.

Mr. Panico asked if they take the skin down every winter.

Mr. Frank responded yes, every winter, the blue tarp comes off. they could leave it up and then take it down when it snows but they generally just take it down in December and put it back up in late March or April.

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to table Separate #5871.**

Chair Parkins called for a brief 5 minute recess at 9:10 p.m.

Chair Parkins reconvened the meeting at 9:15 p.m.

**APPLICATION #11-09 BISHOP MANAGEMENT OF SHELTON FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (MIXED USE FACILITY), COASTAL AREA CONSERVATION AND DEVELOPMENT (POCD), 762 RIVER ROAD (MAP 12, LOT 35), 1A-2 DISTRICT (PUBLIC HEARING CLOSED ON 4/27/11).**

Comm. Flannery commented that they have Bridgeport Avenue as a place to put office buildings and she really does not think that they should start a precedent of having office buildings on River Road. She doesn't want to start that. It is commercial and it is industrial but it is not office buildings as of right now.

Mr. Panico stated that he thinks she needs to have the Commission initiate a zone change because the underlying zone that is there at the present time will allow an office building to move in tomorrow. It doesn't need a zone change. The component of this proposal that requires a zoning action has to do with the retail use of the existing deteriorated industrial building out in front. That is the retail component not permitted by the current zone. The industrial zone that is there now would permit that office building.

Comm. Flannery asked if it would be permitted even if it is not industrial.

Mr. Panico responded that is correct because one of the permitted uses in an industrial zone is office buildings.

Comm. Flannery asked if that means that they are now going to have office buildings up and down River Road.

Mr. Panico responded that he doesn't know if you will or you won't but industrial zoning allows office buildings, yes.

Comm. Flannery asked what zone change they were requesting.

Mr. Panico responded that the change portion that necessitated the amendment to the zoning regulations and hence, the PDD approach, was to allow retail activity in that front building because retail stores are not permitted in the industrial zone. Therefore, they assembled an overall plan and brought it in as a comprehensive planned development district and one which would preserve the industrial building up front, totally reconstruct it and occupy it for retail activity and at the rear portion of the site overlooking the river they would put an office building.

Comm. Flannery commented that the retail portion would require a lot of traffic.

Mr. Panico responded that she heard the traffic presentation. Certainly, there is traffic involved.

Comm. Flannery asked if that was why the current zone has no retail there because of the traffic.

Mr. Panico responded that at the time that the zoning pattern was established 40 years ago, nobody visualized retail down there.

Comm. Flannery commented that less than 10 years ago they redid the zoning for the whole town of Shelton.

Mr. Panico responded that they did not redo the zoning.

Chair Parkins commented that they came up with the Plan of Conservation (inaudible)

Mr. Panico stated that there was an update of the comprehensive plan (inaudible)

Comm. Flannery stated that she remembers spending evenings going to that (inaudible).

Chair Parkins commented that every ten years they are required to come up with (inaudible).

Chair Parkins stated that in light of the time, the full agenda, and the fact that two commission members that sat through these public hearings are not present tonight, she would like to make a recommendation to table the discussion of these applications.

Comm. Pogoda and Comm. Harger agreed.

Mr. Panico agreed that it was a wise thing to do because obviously one commissioner has concerns over proposed uses and the nature of the development on this site. Then when they go to the site across the street, they are going to hear that Staff has some concerns about proposed uses and they want to point those out to the Commission if they decide to go that route.

Chair Parkins added that she thinks they need all the commissioners that sat through the public hearings.

Mr. Panico agreed that it is wise to have a full Commission. The best you can do tonight is get a consensus but then it will have to be discussed with the other members.

Chair Parkins asked for a motion to table this application.

Mr. Schultz asked the Applicant for an extension.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table the discussion of Application #11-09.**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept the extension for Application #11-09 until July 13, 2011.**

**APPLICATION #11-08 BISHOP DEVELOPMENT OF SHELTON, II, LLC FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (RETAIL WITH DRIVE THROUGH) COASTAL AREA MANAGEMENT SITE PLAN APPROVAL AND AMENDMENT OF FUTURE LAND USE PLAN OF THE PLAN OF CONSERVATION AND DEVELOPMENT (POCD), 781 AND 785 RIVER ROAD (MAP 12, LOTS 29 AND 43) R-3 DISTRICT (PUBLIC HEARING CLOSED ON 4/27/11).**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table the discussion of Application #11-08.**

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to accept the extension for Application #11-08 until July 13, 2011.**

**APPLICATION #11-05 PRAMOD KANDEL FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CONVENIENCE STORE RELOCATION) 556 HOWE AVENUE (MAP 129B, LOT 11), CA-3**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table discussion of Application #11-05.**

**APPLICATION #11-10 PIONEER GAS & APPLIANCE CO., INC. FOR SITE PLAN APPROVAL (30,000 GALLON PROPANE TANK AND STORAGE YARD), 65 RIVERDALE AVENUE (MAP 118, LOT 42), IB-2 DISTRICT**

**Atty. Steven Bellis addressed the Commission representing the Applicant.**

Atty. Bellis indicated that this property is owned by Mr. Luther and there is a letter where he gives permission for the Applicant to use his property for his tank. It is in IB-2 zone which is an industrial zone and storage of propane is a permitted use under Section 44 where it allows commercial storage, sale, distribution of fuel and bottled gas. But clearly it is a permitted use in an IB-2 zone. There is an exclusion for tanks for petroleum to 10,000 gallons but he faxed an opinion letter to Rick where the Connecticut General Statutes have interpreted petroleum as being different than propane, they made that distinction. Other towns have also made that distinction. So his opinion based upon the Connecticut General Statutes is that it is a permitted use but the exclusion for petroleum does not comply.

**End of Tape 2A, 9:23 p.m.**

Atty. Bellis stated that the next step is to take a look at whether it complies with their Flood Ordinance 847. He has given them a letter from ECUC East Coast Utilities Company. They are the company that is going to install it. He gave them a copy of their flood ordinance and asked them to give him a letter, which is in the commissioner's packets, indicating that this tank will be anchored with tie-down straps. That was one of the requirements in the ordinance. It will have a fill pipe that will be extended above the high water mark for the 100 year flood and it will have a special pressurized double-check valve screw so that flood water can't get into the propane tank.

Comm. Harger asked how high that hundred year flood level is.

**James Swift, P.E. addressed the Commission.** Mr. Swift indicated that there is a number on the drawing, there is a flood elevation on there.

Mr. Panico asked if it was 21.5.

Mr. Swift responded yes, about 22 feet.

Atty. Bellis commented that the land already sits 14 feet above the river. That pipe would prevent any water from going in so they meet all the criteria under the Flood Damage Ordinance 847.

Comm. Flannery asked how it was going to be anchored.

Atty. Bellis responded that it would be anchored with tie-down straps.

Comm. Flannery asked what that meant – if it would be plastic, leather...

Mr. Swift responded that they are steel straps that are engineered to resist the buoyancy of the tank as if it were empty. The calculation is done assuming that the tank is empty, is fully submerged so there is a force trying to lift it and the straps and foundation are engineered to resist that force.

Atty. Bellis stated that he had an expert review this application and he thought that he was going to come on Tuesday but he got rescheduled. He has written a letter and that should be in the Commissioner's package. He's a registered environmental scientist with a pretty impressive curriculum vitae that he has attached. He is not going to read the whole letter but he'd like to highlight a couple of the points.

Atty. Bellis stated that the letter states he has reviewed this proposal under the Fire Safety Analysis (FSA) and he's also under the National Fire Protection

Agency. He said that this application was designed and prepared according to those guidelines. In Connecticut, the NFPA, has been adopted, at least parts of it, up to certain years. He went above and beyond that and took the more stringent standards not adopted by the State of Connecticut. He went by the latest most stringent standards which he calls the 2011 versions. He claims that this particular tank "would make it one of the safest propane storage facilities in Connecticut, eventually all existing propane plants will be required to upgrade to the safety standards incorporated in this facility." So what is being proposed to this Commission is not required by State law but exceeds State law for emergency and fire safety.

Atty. Bellis added that this was approved by the Inland Wetlands Commission and he understands from Rick, that the Shelton Fire Marshal is on record approving the application as well.

Mr. Schultz indicated that he would read the letter when he finishes his presentation.

Atty. Bellis stated that there has been some correspondence to the Commission. He has no problem with competitors in town, it is good for all of us, good for consumers to keep prices down. However, they think that they should consider the source when competitors writing letters that wants to try to exclude a business – that is not good for the town. Some of the criticism that they have seen toward this application has been coming from a competitor in the same business who would not like to see this application approved. Pioneer Gas has been in this town for many, many years. There have been tanks down there of various sizes over the years. What they are trying to do now, they simply want to remove the tank that is there and install this new 30,000 gallon tank which meets all of the regulations for the state and local ordinances.

Comm. Harger asked what the current tank size was.

Atty. Bellis responded that the one that is there right now is about 18,000 gallons.

Comm. Harger commented that this is to store propane, commercial (inaudible)

Atty. Bellis stated that the trucks come in the U-shaped driveway, fill up and go deliver the propane.

Chair Parkins asked if there were any local people filling up small gas tanks.

Atty. Bellis responded no. there are also what they call bobtails, or little tanks, they are also stored on that site as well.

Chair Parkins stated that she did a site visit there today. She saw gas grill size tanks and it looked like a junkyard.

Atty. Bellis responded that yes, those will be cleaned up and tied down under this new application.

Comm. Harger asked why they have to be there.

**Bill Papale, owner of Pioneer Gas, addressed the Commission.** Mr. Papale responded that they were just there temporarily until the scrap guy comes and takes them off of their hands.

Chair Parkins asked if they just collect them from customers.

Mr. Papale responded that when people come in with an outdated tank that they would like to dispose of, they will take the old one if they buy a new one.

Chair Parkins asked if they take it from their retail on Center Street.

Atty. Bellis stated that the ones he was referring to were the larger, 100 gallon tanks.

Chair Parkins responded no, she meant the smaller, domestic size scattered all over the place. So the current tank that is down there is 18,000. In relation to size, this one would be almost double. She asked if it would be a lot higher, wider, or longer.

Mr. Papale responded yes, it is proportionately larger.

Chair Parkins commented that the site plan says it concrete tank storage pad with steel tie-downs so there is a pad over there and a tank over here.

Mr. Panico asked what that pad was for – is it for an existing pad or a pad for a future tank.

Mr. Papale responded that the pad is a proposed pad so that the tanks that they store for residential use on installations can also be strapped down to meet the flood ordinance.

Chair Parkins asked if that pad would then be for strapping down the smaller tanks.

Mr. Papale responded that it would keep the smaller tanks used for the side of homes and to prevent them from floating away by being strapped down as well with steel eye hooks into the concrete.

Chair Parkins asked if they could cage them or something.

Mr. Papale responded no, he doesn't think so.

Mr. Panico asked if those tanks would be stored on that pad.

Mr. Papale responded yes, they would be.

Chair Parkins commented that then there will be another pad underneath the proposed 36,000 or is there an existing pad there.

Mr. Papale responded that would actually just be gravel. The actual foundations are on the detail. There are two U-shaped foundations that go into the ground and then under the tank would just be gravel.

Mr. Panico stated that it is just two concrete saddles that the tank sits in and the strap goes over the top to keep it from floating. The other one is a pad on which the smaller tanks will be stored and it also has provisions for tie-down strapping.

Mr. Papale responded yes, that's correct.

Chair Parkins asked if these were bollards surrounding the tanks.

Mr. Panico responded yes, to protect the tank from being inadvertently struck by a vehicle.

Comm. Pogoda asked about the tie downs for the smaller tanks that would be put into homes and if they were just put there temporarily.

Mr. Papale responded yes, temporarily.

Comm. Pogoda commented that they buy them, set them there until the customer needs them.

Mr. Papale stated that the size concrete pad allows for a maximum of 30 of them.

Comm. Pogoda asked what the maximum gallon (inaudible)

Mr. Papale responded approximately 100 gallons.

Mr. Panico asked if they had those 20 lb ones on the site.

Mr. Papale responded no.

Chair Parkins stated that there are some there right now.

Mr. Panico added that they won't be those on the site – it will either be the big ones that they dispense from or the pad on which they will store the residential scale ones.

Mr. Papale responded yes, that's correct.

Comm. Flannery indicated that one of the public concerns had been that a truck exploded nearby there or something and they didn't want that to reoccur.

Mr. Papale responded that it was electrical issues in the engine which could happen on any truck and that was not caused by any of the propane; nor did any of the propane ignite.

Chair Parkins added that the cab of the truck caught on fire.

Mr. Panico commented that he thinks that there is more of a liability here with the fuel tank along here in the middle of all the buses (inaudible).

Chair Parkins commented that it is supposed to be (inaudible)

Comm. Harger asked if there was something that happened with a school bus.

Atty. Bellis responded yes, there was a fire.

Chair Parkins commented that it was the truck fire that caused the school bus fire.

Mr. Papale responded that the truck that caught on fire was on the property line and some of the flames touched the buses and melted the back bumpers.

Comm. Harger asked if that was the engine fire.

Mr. Papale responded yes.

Chair Parkins added that the point is that the propane did not explode or catch on fire.

Comm. Harger asked what kind of safety provisions are there.



Atty. Bellis responded that there are design safety provisions that they have done with these tanks to bulk them up with the steel. His understanding from the expert that he spoke with, in the old days they just wanted to make sure that the fire trucks could get there quickly. But they have changed that and had it designed to the more recent standards which is a tougher tank.

Comm. Harger asked what the difference between that and what was on the site plan under the cement thing.

Comm. Flannery commented that she was going to ask the same thing.

Mr. Schultz added that he an encasement for spill for heating fuel.

Atty. Bellis responded that may be petroleum – that is a different product.

Mr. Panico asked how many delivery trucks will be located at this location.

Mr. Papale responded approximately five or six.

Mr. Panico commented that there were a lot of parking spaces on the plan.

Mr. Papale responded that also doubles so an employee can park and get from the truck without having to get into the truck, park it on the side of the road and then pull his car in.

Chair Parkins asked if he had six trucks now.

Mr. Papale responded that he has five now and that one that was in the fire. The tank and everything is fine with it and in the future they may put it on a new chassis.

Comm. Harger asked if he was planning on clearing out the whole area.

Mr. Papale responded yes. He already has plans to remove the trailer that is down there along with the old diesel tank that is there and the other torpedo shaped tanks.

Comm. Harger asked if this would all be asphalt.

Mr. Papale responded yes, paved. It has to be pavement so that he can have the parking spaces.

Chair Parkins commented that people would feel more secure having a cleaner site and feeling that the people owning and operating it are keeping it nicer.

Mr. Papale stated that it is going to be cleaner, the metal is coming out and all the fences will be redone and it is going to be paved.

Comm. Harger asked what his timeline would be if this was approved tonight.

Mr. Papale responded that if it was approved tonight, he would like to have it completed by September. They have a short construction season here.

Chair Parkins asked if he also stored at Bridgeport Avenue – the 100 gallon tanks.

Mr. Papale responded that there was no storage there. The only time that there may be a tank in the cage there is if they paint one which would be empty. It would be there overnight while the paint dries and then they'd take it out.

Chair Parkins asked if they park trucks down there on Bridgeport Avenue.

Mr. Papale responded no – no bobtails are parked there overnight – maybe a pick-up truck on occasion.

Mr. Panico asked if the site is secured in the off hours – are the gates locked.

Mr. Papale responded that the gates have combination locks and it is a well lit area.

Mr. Panico asked if there was somebody on site throughout the day.

Mr. Papale responded no.

Chair Parkins asked if the drivers themselves (inaudible)

Mr. Papale added that they go in and out periodically throughout the day but there are no set times but probably four or five times a day there is someone down there.

Chair Parkins asked if the drivers actually fill the trucks themselves.

Mr. Papale responded yes.

Comm. Flannery asked if they all have the combination to the gate.

Mr. Papale responded yes, all the employees do. The combinations get changed upon termination of any employee or anything like that.

Mr. Panico commented that maybe the configuration of the gate needs to be adjusted somewhat so that when a truck comes and has to get out and open the gate, that the truck can park and not obstruct any traffic. It would just be a matter a kicking that gate back into the site a little bit. If it is generally going to be locked, if the trucks come to refill, he has to park somewhere to open the gate.

Mr. Swift responded that he is just thinking about the apron as he is pulling in because it is always at an angle. He's not pulling in at 90 degrees.

Mr. Panico agreed that if they just kicked that gate around 90 degrees, it might just be enough.

Mr. Swift stated that he could look into that.

Chair Parkins asked if they could have a remote gate and they could use something like a garage door clicker. It would make it easier because they wouldn't even have to get out of the truck.

Mr. Papale responded that it could be a possibility.

Chair Parkins added that they can also change remote control combinations and it might be safer.

Mr. Panico asked how often they get refills for the 30,000 gallon tank.

Mr. Papale responded that it would probably be on the same type of schedule as it is now, which during the summer is about 2 or 3 times per week. In the winter it is about once a day, 5 times a week Monday through Friday.

Chair Parkins asked if he meant they come in once a day to fill a 30,000 gallon tank.

Mr. Papale responded yes they will come in once a day, the transport only holds 9,000 to 10,000 gallons.

Comm. Pogoda asked what the capacity was of the individual trucks.

Mr. Papale responded about 3,200 - so about 3 loads (inaudible)

Mr. Panico asked Jim Swift if he ran the turning template so that they can pull in and out regardless of which direction they are coming from.

Mr. Swift responded correct.

Chair Parkins asked if staff had to be on site when they come in.

Mr. Papale responded yes when they come in they offload themselves.

Chair Parkins asked how they have access.

Mr. Papale responded that the carrier that they use has the combination to the gate.

Comm. Flannery asked if the 30 gallons is filled to capacity.

Mr. Papale responded that at maximum capacity you can only fill a propane tank to 80% to allow room for the vapor.

Comm. Flannery asked if it was filled to 80% at all times.

Mr. Papale responded no, not at all times.

Mr. Panico commented that is why they get a refill at least once a day.

Mr. Papale responded yes, during the busy, winter months.

Chair Parkins asked how many customers they serve in Shelton.

Mr. Papale responded that he was not certain but it was about 700-1000.

Mr. Schultz read the favorable report from the Fire Marshal and the recommendations from the City Engineer.

**\*See attached correspondence to Richard Schultz, P&Z Administrator from Fire Marshal, James Tortora dated 6/4/11.**

**\*See attached correspondence to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer dated May 27, 2011.**

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

**NEW BUSINESS**

**APPLICATION #11-12 PITNEY BOWES SHELTON REALTY INC. FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD #12 (27 AND 35 WATERVIEW DRIVE FACILITIES) AND RE-SUBDIVISION OF LOT 15 (2 LOTS: LOT 15A AND 15B), 27 AND 35 WATERVIEW DRIVE (MAP 79, LOT 15): ACCEPT AND SCHEDULE PUBLIC HEARING.**

**On a motion made by Joan Flannery seconded by Virginia Harger, it was unanimously voted to accept Application #11-12 and schedule a public hearing for July 13, 2011.**

**APPLICATION #11-13 DOMINICK THOMAS ON BEHALF OF CONNECTICUT COMMERCIAL INVESTORS, LLC FOR FINAL DETAILED DEVELOPMENT PLAN APPROVAL (COMMERCIAL BUILDING) AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE, 811- 819 BPT AVENUE (MAP 18, LOT 15), 1A-2 DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING**

**On a motion made by Joan Flannery seconded by Anthony Pogoda, it was unanimously voted to accept Application #11-13 and schedule a public hearing for July 13, 2011.**

**APPLICATION #11-14, DOMINICK THOMAS ON BEHALF OF 140 BRIDGEPORT AVENUE, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (PARKING EXPANSION AND OCCUPANCY OF SECOND FLOOR AREA), 140 BRIDGEPORT AVENUE (MAP 105, LOT 63), CB-2 DISTRICT: ACCEPT FOR REVIEW**

**On a motion made by Joan Flannery seconded by Anthony Pogoda, it was unanimously voted to accept Application #11-14 for review.**

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby Ct addressed the Commission for the Applicant.**

Atty. Thomas indicated that they may recall that this application was made for 140 Bridgeport Avenue on which Chaves Bakery is located and where they make the most delicious hot dog and hamburger rolls. People eat the rolls without putting any burgers in them on Memorial Day. Additionally, there is a package store located there.

Atty. Thomas stated that this was a proposal to put a one-on-one physical fitness training facility on the second floor. Kyle Goeller who is going to operate it explained that he would have a maximum of two employees, two customers and two possible waiting customers. The Commission denied the application without prejudice to see the parking issue.

Atty. Thomas indicated that he had about 135 photos that he can't download on this IPAD to show that there have been no parking issues. He has been there a couple of times such as the Friday before Memorial Day when everybody wanted hot dog rolls, hamburger rolls and booze. He has to say that when he was there at lunch time there were several cars parked in the front row, 50% full in the middle row and the back row empty. As they stated the last time, they had no problem with the landlord designating those front spaces for that tenant. They access it by walking along the side of the building and going up to the second floor. The parking in the back has been redesigned to add two more spaces for the employees. So the two employees would park in the gravel parking spaces in the rear and the four spaces in the front are not going to impact in any way.

They wanted three months. He doesn't think that there have been any complaints. He hasn't heard anything from Rick.

Chair Parkins asked if the two employees included the owner.

**Mr. Kyle Goeller, 55 Kneen Street, Shelton addressed the Commission.**

Mr. Goeller responded that it is an employee and one trainer.

Atty. Thomas stated that there is room upstairs for two clients to be taken care of at the same time. They anticipated that they would need six spaces but two would be for the employee parking in the rear.

Chair Parkins asked to see the two spaces that were added.

Atty. Thomas showed the site plan with the redesign for the new spaces. They would prefer to have the employees in the back gravel area.

Comm. Pogoda asked what the hours of operation would be.

Atty. Thomas responded the hours of operation are 6 a.m. to 5 p.m., seven days a week.

Mr. Goeller responded that they might close earlier on Saturday and Sunday depending upon what the clients would want.

Chair Parkins asked which spaces would be designated for them.

Atty. Thomas responded that they can be on whatever side she wants them on.

Chair Parkins commented that she wants their parking away from the bakery store parking who want convenience.

Atty. Thomas suggested designated the three spaces to the right as they pull in and then one more on the left. He really doesn't think that they are going to need four spaces for their customers but put three on the right and one on the left. Or they could put three on the right and one for the far space if they want to keep them all far away but related to the same area.

Chair Parkins commented that she thinks it is going to be hard to designate them separately. They could make signage but it would be hidden by the brush.

Mr. Panico asked if they were talking about designating the customer parking for the upper floor.

Chair Parkins responded yes the spaces farthest away – these three spots.

Mr. Panico commented that they can (inaudible)

Atty. Thomas stated that the times that he has been there, it has been in and out activity so it is not like the lot stays full.

Chair Parkins indicated that by saying "parking for the gym only" – the people that normally park closer aren't going to want to park there anyway. It is sort of to give the message to the people using the gym to park there.

Mr. Panico commented that he thought the three were sufficient.

Chair Parkins indicated that any signage could be hidden behind that landscaping.

Atty. Thomas mentioned that since it is by appointment only, they can instruct their clients where to park.

Chair Parkins agreed because they are staying there for an extended period of time and not just running and running out.

Comm. Harger asked how long the appointments were.

Mr. Goeller responded that they offer 20 minutes, 30 minutes or 45 minutes.

Comm. Flannery asked if they would be putting up signs stating those spaces were for the gym.

Chair Parkins responded yes, that was the suggestion. It won't be visible from the road and it would be behind the brush; people using the gym will be directed to use those spaces.

**On a motion made by Joan Flannery seconded by Anthony Pogoda, it was unanimously voted to approve Application #11-14 with the parking designations discussed.**

### **PUBLIC PORTION**

Chair Parkins asked if there was any one in the audience wishing to address the Commission on any item not on the agenda. There was nobody left in the audience.

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

### **APPROVAL OF THE MINUTES: 4/12/11, 4/27/11 AND 5/10/11**

Comm. Pogoda asked to table because he hadn't read them.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table the approval of the minutes from 4/12/11, 4/27/11 and 5/10/11.**

### **8-24 REFERRAL: RENTAL AND/OR SALE OF SINGLE FAMILY DWELLING LOCATED AT 279 SOUNDVIEW AVENUE**

Chair Parkins indicated that this is the property for the community garden. They subdivided out the one acre parcel in the front with the house on it. The City still owns it but they did subdivide it.

Comm. Flannery asked if this was one of the items voted on for open space a few years ago. Was this one of the items that people voted to spend money on for open space.

Chair Parkins stated that she does not believe there was a referendum on this.

Comm. Pogoda agreed no, there was no referendum.

Comm. Flannery commented that she thinks there was.

Comm. Pogoda stated that is the land that the City bought from Al DaSilva. Al DaSilva bought it from the owner – and that was it. He doesn't remember that there was a referendum on that.

Comm. Flannery stated that she thought that if the people voted for that and wanted the open space then they have no right to sell it and should rent it. Additionally, it is a bad economy right now so they shouldn't sell anything, they should just rent it.

Comm. Harger explained that the 8-24 Referral just says that they don't need this for any zoning purposes so the BOA can sell or rent it. The rent or sale is up to them.

Chair Parkins added that they have a letter from Tom Harbinson.

**End of Tape 2B 10:10 p.m.**

Mr. Schultz stated that the request came from the Mayor's office for the purpose of renting or selling it. He read correspondence from City Engineer, Robert Kulacz who had no issues and a letter from Thomas Harbinson, Conservation Commission.

**\*See attached correspondence to Richard Schultz from Robert Kulacz, City Engineer.**

**\*See attached correspondence to Richard Schultz from Thomas Harbinson, Conservation Commission.**

Mr. Schultz stated that their recommendation is to report favorably or unfavorably on either the sale of the house on the one acre lot or the rental of the house on the one acre lot.

Comm. Flannery asked if he said that they are using it to store stuff.

Mr. Schultz responded that the City of Shelton, before they sell it or rent it, has to be aware that there are activities connected to the Community Garden.

Comm. Flannery asked if they said they were using the house and storing shovels and stuff in there.

Chair Parkins responded that they don't have the right to use it if it wasn't designated to them by the City to use it. So if anything is being stored there, it will have to be removed if it is rented or sold. She added that she thinks Tom Harbinson is saying that whoever rents it or buys it, needs to be aware that there is a community garden there and can't say that they weren't apprised of it.

Comm. Flannery asked what property goes with the house.

Mr. Panico responded that there is one acre with it.

Comm. Flannery asked if the Community Garden was around it.

Chair Parkins responded that the Community Garden is in the back of it.

Comm. Flannery asked if you have to go through that one acre to get to the Community Garden.

Chair Parkins responded that there is a separate access but it is in the immediate vicinity.

Mr. Schultz added that the homeowner needs to know about the activity occurring in the morning and during the day.

Comm. Flannery stated that her point is that this is not the time or place to sell a house.

Chair Parkins responded that is not up to us. Their purview is just to say that there is no reason why it should not be. If the economy was good, it still wouldn't matter.

Mr. Schultz asked if they would like to report favorable or unfavorable on the rental and or sale of it.

Chair Parkins indicated that she would recommend to report favorably.

Comm. Harger recommended reporting favorably.

Comm. Flannery stated that she is still confused because renting something and selling something are two different things.

Chair Parkins responded that it is up to the Mayor and the Board of Alderman at this point in time whether it should be rented or sold. If they feel that they can rent it out, hold off, and make more money before they sell it, that is their prerogative. This Commission's prerogative is only to say that they have no conflicts with them doing either – renting or selling.

Mr. Panico stated that what they are saying is that they have no municipal use for that building.

Comm. Flannery stated that Tom is saying that they do.

Mr. Panico responded no, that is not what Tom is saying. The City is saying that they have no municipal use for that residential structure and they would like you to give them a report concerning whether they rent it or sell it. He suggested that if she has things to express, she could express them in her action. Tom is saying, whatever you do with it, if you are going to put somebody in there other than the City, make sure they are aware of the community gardening activities that are taking place. Sometimes it may start early in the morning or go into the evening and it may intrude on the livability of the property.

Comm. Pogoda stated that the property stays the same; the house isn't something they use or anything like that.

Chair Parkins commented that she would like to recommend; it is certainly the Mayor's discretion, but she would like to recommend, that if Open Space Funding was used to pay for the purchase of it, that any sale go back to the Open Space account.

Mr. Schultz stated that he could attach that.

Chair Parkins indicated that it is our recommendation. They cannot dictate to the Mayor or to the Board of Alderman.

Comm. Pogoda indicated that Ginny made a motion, and he'll second it.

Comm. Harger asked if they, as a Commission, feel as though that they are going to use this for some Planning and Zoning purpose.

Comm. Pogoda responded no.



Comm. Flannery asked if could have the motion include Tom's points that if it is sold or rented, the money goes back to open space.

Chair Parkins responded that she just made that recommendation. It is not condition, it is a recommendation.

Comm. Flannery asked if she could break it up and say that she is in favor or renting it but not selling it.

Chair Parkins responded no, it is their decision.

Comm. Harger added that they do not need it for Planning & Zoning purposes.

Mr. Panico asked Comm. Flannery what her reason would be to give it up for rental but not for selling it.

Comm. Flannery responded it was because the economy is so bad.

Mr. Panico stated that is an economic decision that the BOA has to make.

Comm. Harger commented that rentals are more in demand these days because people can't afford to buy.

Comm. Flannery added that she did not want to give up an acre either.

Chair Parkins commented that it makes the City a landlord and the City is not in the business of being landlord. It is up to the discretion of the Mayor and the BOA as to what they want to do with it.

**On a motion made by Virginia Harger seconded by Anthony Pogoda , it was voted (3-1) to report favorably on the 8-24 Referral for the rental and/or sale of single family dwelling location at 279 Soundview Avenue. Commissioner Flannery voted in opposition.**

**8-24 REFERRAL: HUNTINGTON STREET/BUDDINGTON ROAD INTERSECTION IMPROVEMENTS**

Chair Parkins displayed the site map and indicated that this version has been modified because they did not want a bypass lane. There is no bypass lane proposed in this which makes it even worse. Now when cars come to turn over here, there is no way to get around that. It has made the whole situation even worse.

Mr. Schultz indicated that this also came from the Office of the Mayor and he read the report endorsing the proposal from the City Engineer.

**\*See attached correspondence to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer dated June 10, 2011.**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to report unfavorably on the 8-24 Referral for the Huntington Street/Buddington Road Intersection Improvements.**

**SILVER OAKS ESTATES SUBDIVISION: REQUEST FOR 90-DAY EXTENSION TO FILE RECORD MYLAR MAP**

Mr. Schultz indicated that this was the subdivision that they approved on lower Long Hill Avenue adjacent to Pine Rock Park. They need additional time to file the record map.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the request for a 90 day extension to file record mylar map for the Silver Oaks Estates Subdivision.**

**ZONING ENFORCEMENT OFFICER: CONTINUED AUTHORIZATION FOR RICHARD SHULTZ AS ZEO**

Mr. Schultz indicated that he is the Administrator by his title, however, when Larry Sheridan passed away 12 years ago, because of the staffing, he was appointed. He has kept that appointment but several of the Commission members have changed. He continues to sign his name on Zoning Enforcement actions and Ray Sous suggested that he get authorization from the current, sitting Commission. He indicated that he had a letter from Ray Sous stating that he has every right to continue in this capacity. He wanted to make sure that there were no conflicts with his union clarification. Mr. Sous suggested that he get the continued authorization from the current Commission because it is not his primary responsibility. By the Commission's authorization, he can put a legal in the paper and he can continue in that capacity.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve continued authorization for Richard Schultz as Zoning Enforcement Officer.**

**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.**

**STAFF REPORT**

Comm. Pogoda suggested tabling the Staff Report. Chair Parkins asked about the Cease and Desist Order for Long Hill Avenue.

**77 Long Hill Avenue commercial dog breeder in residential area** – Mr. Schultz indicated that he contacted the owner and she advised him that the business card that she provided to the Commission that he showed her was invalid. She claimed that she never issued it. She claims that she is not boarding any animals at her house. He informed her that it would be brought up at tonight's Commission meeting and they'll make the determination to proceed. Mr. Schultz indicated that he would proceed.

**ADJOURNMENT**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to adjourn at 10:30 p.m.**

Respectfully submitted,

Karin Tuke  
Planning & Zoning Commission, Recording Secretary