

**SHELTON PLANNING AND ZONING COMMISSION** **July 13, 2011**

The Shelton Planning and Zoning Commission held a special meeting on July 13, 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 Thomas McGorty  
Commissioner Anthony Pogoda  
Commissioner Joe Sedlock

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 clarified that this was a special meeting due to the fact that it is a rescheduled regular P&Z meeting, which was rescheduled due to commissioner availability issues. She reviewed the procedures of the public hearing for all those in attendance and indicated that the first public hearing for Application #11-05 was a continuation from June 16<sup>th</sup>.

**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 there was no new correspondence; however, there should be a letter there from him for the extension of this public hearing. He indicated that he would be acting as lawyer, engineer and architect for this meeting tonight. He stated that all Commissioners were provided with a packet containing a revised map and elevations that have been drawn. With respect to the changes, at the last meeting the architect, John Ruffalo, addressed issues with access at the rear of the building. Atty. Thomas indicated that his client, Mr. Kandel, has determined that in the rear he is going to build the ramp up from the handicapped parking spot. The ramp will run along the rear of the building and into the existing porch. A handicapped door entrance into the store will be added to the existing porch. The door leading to the second floor will remain where it is and the stairs to the second floor will be interior.

Atty. Thomas referenced Page 1 of the revised plan and stated that on the right side or the northerly side, they will see the proposed addition to the building. Also, on the right side it shows the proposed fence from the building to the existing fence. This was something the P&Z Planning Consultant requested

because he wanted there to be no temptation for anyone to park next door and run across the front yard.

Atty. Thomas indicated that they removed the parking space that was in the front. The porch is a partially enclosed porch; he clarified that there will be an archway entrance which will have no doors. There is not any need for a landing. To explain this, he referenced Page 2 of the proposed plan showing the front elevation of the store. A request had been made to show what the replacement front window would look like. They took the input from this Commission and Staff to heart, so the front window is going to match the size of the windows plus the shutters. A picture is included in the packet along with the drawing showing that the outside of the proposed new window matches the shutters on the windows upstairs.

Atty. Thomas stated that the sign, Mill Variety, will be a building sign along with some type of flag that would stick out pointing toward the street which would say Mill Variety also. The front porch area, where they see the openings, will be enclosed on that one side and slightly creating an archway. The archway will have no door. The front door that they see in the picture will become a glass, commercial entry door but that will be the only door. So in the wintertime, people will be able to walk up, enter into a covered porch and then go through the door – but they will not have to open a door to get to the porch.

Atty. Thomas referenced Page 3 of the proposed plan and indicated that it was a side view of the building. The side view of the building shows two things. Any time there is an addition to the building, it will have the same siding as they see on the building; therefore, the closure to the porch will be sided. In the rear of the building, the handicapped ramp will lead to a sign reading "handicapped door" allowing a handicapped person to come up the ramp, turn left, open the sufficiently sized handicapped door and enter the store from the rear.

Mr. Panico asked if the railing on the handicapped ramp would match the railing on the front porch and the railing around the front of the property.

Atty. Thomas responded that he hasn't discussed that with him. He asked if he was saying that instead of a pressure-treated type of thing, he would want it painted white. He stated that he hadn't gone into that much detail and was only acting as the architect tonight.

Mr. Panico indicated that, at the very least, the proposed railing on the front entry stoop and the railing on the back that encloses the handicapped ramp ought to be consistent.

Atty. Thomas responded that he understood and did not think that would be a big issue. He referenced Page 4 showing the rear porch and clarified that the door that exists there can be moved slightly over and it is going to be relocated but they would still use the interior stair because there is a hallway inside that door with enough room to move over. The entrance to the store and the porch is going to be where that wall is shown – the left wall.

Mr. Panico asked if the store entrance and the apartment entrance are going to be 90° to each other.

Atty. Thomas responded yes, 90° to each other.

Comm. Flannery asked about the location of the basement door.

Atty. Thomas responded that the basement door is going to have to go. He is going to have to make some arrangement. They discussed it but there is no

doubt that the Bilco doors have to go. There are a couple of options; it is a building issue. There are a lot of basements that don't have Bilco doors.

Comm. Flannery asked if that meant that there was another door to the basement.

Atty. Thomas responded yes, an interior door from inside. If he wants to keep an outside door, he probably has enough room to close off the Bilco door and create a right angle out door or hatchway door.

Atty. Thomas stated that Mr. Panico had been talking about having parking barriers along the parking spaces along the property line. Staff reviewed this and indicated that now that they see the fence is actually on the property. It is not a property line fence; therefore, there is no need for protection of his client's fence so they didn't show the parking barriers. They can also create a curb as was suggested. It would be up to his client as to whether he wants that or the cement parking things.

Mr. Panico asked if they want to move that fence.

Atty. Thomas responded no.

Mr. Panico indicated that it shows the parking spaces going about a foot beyond the fence.

Atty. Thomas responded that even if they did, they have room to move it and stay within the property line and create the curb on the other side of the fence. Atty. Thomas stated that he thinks that covers all of the issues that were brought up at the last hearing. He added that they in regard to his client's concerns, last week he received a notice to (inaudible)

Mr. Panico indicated that there was some informal discussion regarding his client's desire not to pave the parking area. He asked if that was correct.

Atty. Thomas responded that his client was present to answer any questions.

**Pramod Kandel, 556 Howe Avenue, Shelton addressed the Commission.**

Mr. Kandel stated that his sister, Jeanine Krapal (sp?) opened this business in 1994. They are so (inaudible) of their property manager, so they transferred the business to his father-in-law in 2006 and in 2009 it was transferred into his name. It is a family business.

Atty. Thomas clarified for Mr. Kandel that the Commission wanted to know if he would consider paving. He asked Mr. Panico if that was his question.

Mr. Panico responded that the original site plan drawings indicated that the yard was to be paved. However, he heard the other day that his client had the desire to not pave the yard, and to only pave the apron. He didn't know ...

Atty. Thomas asked Mr. Kandel if he understood the question that they were asking about not paving the whole thing.

Mr. Kandel responded (inaudible).

Mr. Panico indicated that it would be their preference that it be paved.

Atty. Thomas responded OK, the preference is that it be paved. He added that a lot of towns are actually saying that they prefer process at the present time because process creates fewer run-offs.

Mr. Panico indicated that they were fighting too many things. They have a grade alongside of it that will trough an unpaved driveway. They have a lot of maneuvering to get out of those four spaces in the back so that wheel turning all the time will chew up that base. It really should be paved.

Atty. Thomas asked Mr. Kandel if he understands that it has to be paved.

Mr. Kandel responded yes.

Atty. Thomas stated that he had been confused because he thought they were interested in having it not paved because some commissions are actually (inaudible).

Mr. Panico responded OK, it is going to be paved.

Chair Parkins asked if she was correct in understanding that there would be no front door to this store.

Atty. Thomas responded oh, no – there is going to be a front door.

Mr. Panico stated that it is still the front door but it is partially enclosed; for the handicapped access they'll have to come in from the back.

Chair Parkins commented that this looks like a glass door.

Mr. Panico responded yes, they are going to replace the residential door with a commercial glass door.

Atty. Thomas added that there is going to be a glass door at the end of the porch. There is going to be no door to the enclosed porch. He added that when they were discussing the issue of the enclosed porch, he thinks it was Comm. Pogoda who brought up the issue of having a landing, if there is a door at the top of the stairs. He clarified with his client that they are going to enclose the porch. There is just going to be an opening there. When you walk up the stairs that are there, you step into a porch but there is no door to open. But then the front door of the house, now a residential door, will become a commercial glass door.

Mr. Panico asked about the sign, Mill Variety, the one that is mounted on the front wall of the building. He stated that it would be non-internally illuminated and asked if they would use gooseneck lighting or something to that effect.

Atty. Thomas responded yes, they discussed that at the Staff session. He asked Mr. Kandel if he understood that the sign would have gooseneck lighting.

Mr. Panico added that it is not a box sign.

Mr. Kandel responded that he really didn't have any choice right now because he got a second letter (inaudible). He has to go up there and relocate.

Chair Parkins asked what he was planning to do for security for his windows. She indicated that there are a lot of "smash and grab" issues at convenience stores.

Mr. Kandel responded that he was going to put some metal bars from the inside or something like that.

Chair Parkins asked for clarification that he said metal rods from the inside.

Atty. Thomas stated that there is something that they need to be aware of in discussing the front window that they are doing. It is not a typical ground level window, so "smash and grab" would be a little difficult. He indicated that in his prior life representing criminal clients, they really don't want to cut themselves to shreds. If they were to smash, they'd have to jump in and grab – well, unless, of course they were 7'2".

Chair Parkins asked about the glass front door.

Atty. Thomas responded yes, well, they would have to smash and go in. He thinks that there is going to be some sort of a security system. You'd have to smash, run in and run back out again. You can't ever be 100%. They could probably put something behind the door. He's sure that the Commission is not going to want something ugly in the front window. It is high enough up and he could also have some sort of display case or something that could act as a barrier. As far as the front door goes, given the fact that he's enclosing the front porch and the front door will be recessed; if he wished, he could have a security door. In other words, there would be a security door opening into the building, in the opposite direction of the front door, and fastened against the wall. It wouldn't really be noticed because it is recessed inside of a porch. He has the option for that on the front door.

Chair Parkins indicated that the reason she was asking was because of the liquor establishment that opened on Howe Avenue. They don't want to see those metal grate windows and doors. They don't want to see that. If there is an issue, they are going to have to address it some other way than those metal windows.

Atty. Thomas responded that he understands what she is saying. Actually, he doesn't think that the front window, the display window, because of its height - it won't be that big of an issue. And if he does want to put the metal grate behind the door, they aren't going to see it. And if he wants to put a security door on the handicapped door in the back, they certainly aren't going to see it. He added because of the way that the enclosed front porch is, they wouldn't be able to tell what is there.

Mr. Panico stated that on the front elevation and the addition on the right-hand side, they had discussed with the architect the importance of maintaining the integrity of that vertical trim piece. So the addition should really start 6 inches to 1 foot recessed. Right now it has been eliminated but they should really maintain that vertical trim work.

Atty. Thomas indicated that he understood that the trim work should come all the way down.

Mr. Panico stated that they should maintain that integrity and start the addition 6 inches to one foot behind it.

Atty. Thomas indicated that some client's have to be a little bit cost conscious and with respect to the cost of the architect (inaudible). He did a very good job on the elevations and he doesn't think that it was the intention to eliminate it. He asked Mr. Kandel if he understood that the piece of trim running alongside there needs to stay there and the addition should be set back 6 inches.

Mr. Kandel responded yes.

Mr. Panico stated that by doing that, it is a lot better from a design point of view and a lot cleaner from a construction point of view.

Comm. Harger referenced Page 3 and asked Atty. Thomas to clarify the enclosed front porch and if he referred to a railing that is going up.

Atty. Thomas indicated that he drew those lines across there. The intent is that the front porch is going to be fully enclosed with a wall and the wall would be covered with the same paneling. So in looking at it from the side, it looks like the wall is going all the way out but in looking at it from the front, it is going to have what amounts to an archway over the front steps. They are still going to have siding. He referenced Page 2, he indicated that they are going to have siding that comes in a foot or so, on both sides, and that, of course, is going to be recessed because the porch is recessed a little.

With no further questions from the Commissioners, Chair Parkins asked twice if there was anyone in the audience that would like to speak in favor or against this proposal. With no response from the audience, she requested a motion to close the public hearing for this application.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #11-05.**

**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 LOT 15B), 27 AND 35 WATERVIEW DRIVE (MAP 79, LOT 15).**

P&Z Secretary Virginia Harger read the call of the hearing and one piece of correspondence.

**\*See attached letter dated July 6, 2011 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

**Raymond Pare, Chief Engineer, Wescott & Mapes Inc., 142 Temple Street, New Haven, CT addressed the Commission.** Mr. Pare indicated that he was the engineer and agent for Pitney Bowes. He introduced Steve Brandisi, Manager Major Projects, Pitney Bowes who would be able to answer any questions specific to the company.

Mr. Pare showed the subdivision map prepared by Wescott & Mapes and indicated that the plan was to subdivide the existing parcel approximately down the center in a north/ south direction as represented. For orientation purposes, the plan that they have entitled Re-subdivision Map shows Waterview Drive on the northern portion and beneath that is #27 Waterview Drive and #35 Waterview Drive, both under ownership by Pitney Bowes Shelton Realty, Inc.

Mr. Pare indicated that the total parcel is 22.6 acres or 984,456 square feet. The desire is to subdivide what is now known as Parcel #15 into a Parcel 15A and a Parcel 15B (15A being #27 Waterview with a size of 525,793 square feet and 15B, #35 Waterview Drive with a size 458,663 square feet). They have also submitted a Statement of Modified Uses and Standards for the PDD #12, the district that this property is located within. Of those standards, they are only modifying two of the existing standards and maintaining all of the others as they have been established for that PDD.

Mr. Pare indicated that the two standards that they request to have modified in order to achieve this subdivision are the maximum lot coverage from 50% to 65% lot coverage on a per lot basis and the minimum setback for the side property lines. Currently, the minimum setback is 25 feet but due to the

orientation and configuration of their line down the center of the site, they request to modify that setback from 25 feet to 10 feet. In actuality, they are achieving 13.1 feet from Building #35 to that new property line and they are achieving 36.4 feet from Building #27 to that property line which is depicted on the map.

Mr. Pare stated that as a side note, he requested to submit for the record, all the return mail receipts. The neighboring property owners were notified by mail, return receipt requests and all receipts did come back signed.

- Mr. Pare indicated that they are maintaining all the bulk standards for PDD #12.
- The minimum dimension square is a 200 foot square and they have a 500 foot square on each of the new parcels.
- Minimum lot frontage is 175 and they 960 and 1,200.
- Maximum number of stories is four and they have that.
- Maximum building height no higher than 60; they have that.
- Setback from the street line is a minimum of 75. They have 103 and 111. Minimum setback from the rear property line to the buildings is required 25. They have 338 and 222.

For the record again, Mr. Pare stated that they are requesting to change the side property line from 25 feet to 10 feet. They are achieving 13.1 feet and 36.4. He indicated that there were no residential districts near or neighboring the property so there were no concerns with that.

The maximum lot coverage allowable in PDD #12 established prior at 30%. They are well under that 10% at 35 Waterview and 22% and 27 Waterview Drive. Again, the total impervious coverage as previously established is 75%. They are well under that for each of the new lots. They aren't changing the surface composition of the properties; they are simply denoting a new property line down the center. The mathematics work out that #35 Waterview Drive will have 53% impervious coverage and #27 Waterview Drive has 61%. Each is below the 75% allowed.

The maximum floor area, percentage of lot, again, recomputing based upon the individual lots, currently, the maximum allowed is 50%. They request to change that to 65%. In the fact that the building on #35 Waterview Drive is only 38% and the building on #27 Waterview Drive is 59%. They thought that if the requirement was made 65% it makes a little cushion should anything arise to be changed in the future. Mr. Pare indicated that again, no change is proposed, the building footprints remain as they are, as does the parking allocation and the impervious coverage.

Mr. Pare stated that in working with Staff, they have incorporated all the latest verbiage from most recent PDD zones to include the latest storm water management criteria requirements, the latest maintenance property requirements and the latest requirements for signage. It is all in the PDD #12 Modified Uses and Standards represented here. No change to the infrastructure or the property whatsoever.

Mr. Pare indicated that lastly they have provided the legal descriptions as verbalized for each of the new parcels, 15A and 15B, and it is included in the PDD #12 packet. He concluded the technical presentation and offered to answer any questions from the Commission or from the public.

Chair Parkins asked for clarification purposes, they started off saying that there were only two specific modifications requested. He mentioned everything that

didn't change and wouldn't change. She asked him to clarify again those items that did change.

Mr. Pare responded that only two standards have changed. The first being the side yard setback which is the setback between the buildings and the new property lines. It was 25 feet and they are requesting the change to be 10 feet. The other change is the maximum floor area. It was 50% and they are requesting it to be changed to 65%.

Mr. Panico asked if this is the property map that they have placed before them showing this re-subdivision. Obviously, these two parcels need to share driveways for access, circulation, drainage facilities, etc. He stated that those cross easements should be indicated on the map or should somehow or another be accounted for.

Mr. Pare responded that Legal Counsel is preparing documentation, verbiage to go on land records for that purpose.

Mr. Panico asked if that means this is not the map that they would put on the land records.

Mr. Pare responded that this is the map in simple form to get the new property line established. Driveway easement and utility easement are hopeful to be done in a written document.

Mr. Panico stated that a record subdivision map and that is what will happen after this resubdivision is approved. There will be a new record subdivision for this parcel. That record subdivision map gets placed in the Land Records and should also reflect the cross easements.

Mr. Pare stated that will be done. It is in the works.

Mr. Panico responded OK, it will be done. He wants to make it clear that it does have to be done and that is the map that needs to be recorded.

Mr. Pare indicated that he understood and it will be done.

Mr. Panico stated that it needs to account for access out front and across the back as well as internal circulation, and the fact that there is storm drainage that goes back and forth between the two parcels. He doesn't know if there are any other utility considerations, but at least those have to be accounted for.

Comm. Harger asked if right now those easements have not been approved.

Mr. Panico stated that they haven't been compiled and haven't been shown.

Mr. Pare responded yes, that is correct, that detail has not been prepared yet.

Comm. Harger asked if they had those easements.

Mr. Pare responded that they've begun to prepare the easements for the driveway.

Mr. Panico added that before the Commission signs off on the record subdivision map to allow it to be recorded, that information will be on the map.

Comm. Flannery asked if they are planning on expanding the building when they have it going from 50% to 65%.

Mr. Pare responded that to his knowledge, there is no proposal to do so but that number gives a little buffer for the buildings as they exist. The actual number is 59 and they thought that 65 with a rounding error would be a nice number to have in the regulations.

Mr. Panico stated that this is simply an adjustment of those standards in order to accommodate the ability to divide this 22 acre parcel into two separate parcels from two different owners for two different occupants. It is not for the purpose of encouraging further development.

Mr. Pare added that is correct.

Comm. Flannery stated OK that is what she wanted to be clear on.

With no further questions from the Commission, Chair Parkins asked twice if there was anyone in the audience who wanted to speak in favor of or against this proposal. With no response from the audience, she asked for a motion to close this public hearing.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #11-12.**

**APPLICATION #11-13, DOMINICK THOMAS ON BEHALF OF CONNECTICUT COMMERCIAL INVESTORS, LLC FOR FINAL DETAILED DEVELOPMENT PLANS AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE, 811-819 BRIDGEPORT AVENUE (MAP 18, LOT 15), IA-2 DISTRICT.**

P&Z Secretary, Comm. Harger read the call of the hearing and two pieces of correspondence.

**\*See attached letter dated July 11, 2011 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

**\*See attached letter dated July 6, 2011 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the Applicant.** Atty. Thomas submitted the photographs indicating the posting of the property and the notification letters with all the green cards returned. He will represent that Storage Deluxe, the abutting property owner sent an email that they reviewed the plans and indicated their support for this proposal. He indicated that all the Commissioners were provided with an 11 x 17 packet of the landscape plans that will be addressed by engineer, Alan Shepard. They also have been given an elevation that was received yesterday showing a more colorful depiction of the building in attempt to match the existing buildings around the site.

Atty. Thomas indicated that the Commission is probably familiar with the site including Ruby Tuesday's, Bruegger's Bagels and Naugatuck Savings Bank. He briefly stated with respect to the area, they are going – and he clarified - this is a not a PDD site. This is a site that was approved by virtue of a Special Exception within the IA-2 zone. These are permitted uses in the IA-2 zone – restaurant, bank – and they are similar to 828 Bridgeport Avenue which was initially a Special Exception. It is now moving to a PDD which means the property owner is asking for a use not in the IA-2 zone which is retail. In turn for that, he is submitting himself to a PDD (inaudible) and discretion. The one thing that he wanted to call their attention to was 6G in the Statement of Uses and Standards. They added a two foot side yard for a drive-through canopy. The reason for this is that the existing drive-through bank is right along that southerly property line.

Atty. Thomas stated that in looking at, they anticipated that they don't have a canopy there. But in having done #828 where they do have a canopy that stuck out, they put that there in case Naugatuck Savings or any other bank that moved in wished to put a canopy over there with a drive through.

Atty. Thomas referenced the parking and added that the parking computation - the fact of the matter is, again, that if they take each use and separate each use and treat the parking as consecutive sentences as opposed to cumulative sentences, so to speak - stacking one on top of the other. Instead of looking at the fact that some people that tend to share parking and go to more than one use on the site. There is more than enough parking to accommodate the new building. If anyone has been on that site and to the rear of that site, very rarely have there been any cars. The rest of the proposal, the Statement of Uses and Standards, just supports what already exists on the site.

Atty. Thomas stated that he wanted to turn the presentation over to Alan Shepard, P.E. to address the issues - the most significant, besides the new building, would be the new right turn entrance in off of Bridgeport Avenue.

**Alan Shepard, P.E., Nowakowski, O'Bymachow & Kane, 415 Howe Avenue, Shelton, CT addressed the Commission.** Mr. Shepard showed the proposed layout and indicated that they designed it a few years ago but at that time, they did put in 240 lineal feet of 4x4 galleries in the parking area for the drainage. They aren't substantially increasing the impervious surface because basically they are taking away parking area and putting in a building. They feel that what they did before seems to be working fine and there is no need to upgrade that. From the original concept, they had buildings on either side. This puts a building in the back area so it creates a courtyard feeling. The new parking that they have around there made it wide enough that it actually adds to the parking patterns and streamlines the parking.

**End of Tape 1A, 7:49 p.m.**

Mr. Shepard stated that they are proposing a right hand turn onto Bridgeport Avenue going southbound. They have reviewed that with the State of Connecticut DOT and they are in favor of that. They've got a few items that they would like to see done. They want new curbing and possibly some drainage in the DOT right-of-way. There is ditch there and they want to look at doing a hard right there but that is an upgrade. Also, he has to label the telephone poles and put the painting stripes (inaudible) - but those are just housekeeping type items. But in general, those are easy to comply with and they will comply with those requirements.

Mr. Shepard indicated that as far as engineering, this is pretty straightforward addition to the property. He thinks that it kind of balances it out and gives it a courtyard feel. They set the building elevations to match the existing grades. As indicated, they will add drainage and catch basins to (inaudible). It is pretty straightforward and he offered to answer any questions.

Mr. Panico asked if he could explain why the reconstructed channelized driveway doesn't line up with the center line of the interior aisle. It is shifted to one side.

Mr. Shepard responded yes, because of the telephone pole.

Mr. Panico asked if it was a major expense problem to move it.

Mr. Shepard responded that telephone poles are not cheap to move nowadays and when they looked at it...

Mr. Panico asked if that was the UI pole near the entrance side.

Mr. Shepard responded yes, it's a new pole and they just put it in. When they looked at, because this is entrance only and out only, the shift didn't seem all that significant to them. He looked at moving it in a little bit closer northerly, but what happens with that is they thought – if they took it and brought it in with the TGI-Fridays alignment – there is too much activity.

Mr. Panico asked if he meant separating the two components of the entrance or shifting the whole thing.

Mr. Shepard responded shifting the whole thing.

Mr. Panico stated that then he'd have the conflict on the other side.

Mr. Shepard responded yes, and there is more congestion over there so he thought keeping it over here with less congestion was better – because there is more activity with TGI-Fridays.

Chair Parkins asked if that in-and-out didn't already exist now though.

Mr. Shepard responded just the exits. He explained that they would be adding an in-and-out but they would still be directed to come off Bridgeport Avenue and go onto to Bridgeport Avenue but not to have stacking over here.

Comm. Flannery asked about the three handicapped for Ruby Tuesday's that are right now for take-out. She asked if they were getting rid of those spaces. She mentioned that she frequents that place a lot and they are fighting for parking spaces for take-out right now.

Mr. Shepard responded that they can shift the handicapped parking spaces around. He asked if she was saying that they were designating other parking with the handicapped.

Comm. Flannery indicated that there is parking there right now for take-out but there is not enough parking there for take-out. She is backed up waiting to get in for take-out. It is very congested in that area. She is just making sure that they are still going to have handicapped some place.

Mr. Panico responded that there is no modification proposed for that portion of the site plan at all.

Chair Parkins added that this application is just for the back.

Comm. Flannery stated that the reason she is bringing this up is because a lot of times when she eats there, she'll park exactly where they are putting this building because there are no parking spaces open. She'll park where they are putting this building, so she doesn't think that they are going to have enough parking in that parking lot by putting that building there. Comm. Flannery added that she would not feel safe and secure if she had to park behind that building because she isn't visible to other people. She wouldn't park back there and does not like that parking lot. She won't eat there and she'll go somewhere else.

Mr. Shepard responded that the back area is pretty well lit and they have active stores that are right there.

Chair Parkins added that the back is usually reserved for staff anyway.

Comm. Flannery reiterated that right now when she goes there to eat, she is parking right there.

Mr. Shepard responded that she could go south by Bruegger's and there are more spaces that way.

Comm. Flannery commented that if she has to go hunting around for a parking space then she'll be out of there.

Chair Parkins responded that certainly that whoever pulls in there and doesn't want to park where there is parking available can certainly leave.

Comm. Flannery commented that she is just saying that she doesn't think that they have enough parking spaces.

Mr. Shepard responded that they have enough to meet the regulations. If it means reorganizing some things, he will speak to the owner, take a look at the property and see if they can reorganize a few things, but the number of spaces that they have is adequate.

Chair Parkins commented that is what their purview is – as long as the numbers are meeting requirements – where people park in relation to where the businesses are, is not (inaudible).

Comm. Flannery indicated that they should move that building back and put more parking in front of it.

Mr. Panico responded that other thing is the peak usage on the two – the restaurant and the building in the back. The building in the back has daytime peaks and the restaurant peak is after the hours of the other facilities. At the time the restaurant peak demands are there, virtually all the parking ought to be available to it.

Comm. Flannery indicated that even if those three stores are closed, no way is she going to park back there.

Mr. Panico responded that there are places on both sides of it.

Chair Parkins added that there may be a family who pulls in that will park back there.

Mr. Panico indicated that there are about 20 spaces that are affected. If you park in one of those 20 spaces, it is correct that they won't be there for you.

Comm. Sedlock asked what Comm. Flannery was proposing that they do.

Comm. Flannery responded that she is proposing that they move those buildings back and put more parking in the front.

Chair Parkins stated that then they won't have enough room to pull around.

Mr. Panico added that then they won't have good circulation around the building.

Mr. Shepard stated that this is the best traffic pattern. They've got parking in the front of the building and they could obviously, with the restaurants, they could talk to Staff and have them pull some back but that is an internal project management issue and not something (inaudible).

Comm. Sedlock asked what they are proposing for those buildings.

Mr. Shepard responded that it would be retail stores – but there is nothing concrete right now. But nowadays, as Tony Panico said, they have this situation in a lot of places around town where they have retail and a restaurant. They do peak at different times and it is not so much of a clash with the parking and they are set up for retail stores.

Comm. Sedlock asked if he meant with certainty that this was going to be retail and not a restaurant.

Mr. Shepard responded not that he knows of – no.

Chair Parkins commented that if this was zoned IA-2, it would be a special exception.

Mr. Panico responded that this is a Special Exception in the underlying zone, as were these. This would not fit because retail uses are not permitted in industrial zones. The underlying zone is an industrial zone and retail uses are not permitted, so in order to do that, they need to have some sort of a commercial zone. So, rather than a generic commercial zone, a much more controlled way is to approach this as a PDD.

Mr. Shepard commented that even with this approach, the driving factor in here is the existing buildings and this is almost ancillary to the existing buildings. The retail is three shops. It is not like it's a retail shopping center with a restaurant. This is still an office, restaurants, with three stores, so it is lesser in proportion.

Comm. Flannery asked for clarification of the handicapped parking spaces and Mr. Shepard pointed them out on the site plan.

Mr. Panico commented that he didn't count them all but there are well over 100 spaces without going behind that building or over to the far side of that building - that is just what is available on either side of it and between the restaurant and the building across the way.

Comm. Flannery explained that she was just telling them what she has experienced.

Mr. Panico indicated that there probably are spaces because he can't envision Ruby Tuesday's filling up over 100 parking spaces.

Atty. Thomas requested to address a couple of issues before opening this up for public comments. He stated that number one; he wanted to call attention to the parking table because he wanted to clarify something. Under the uses as proposed, that entire rear building being retail, the number of existing parking spaces required would be 71. The number of spaces that are there – there are 89 extra parking spaces less the handicapped spaces – there are 81 extra parking spaces. In other words, there is a substantial overage. The reason that he is pointing this out is because, if they took that entire 3600 square foot building and put a restaurant in there, they would still be under. They have no tenants. The intent is that nobody has been knocking down the door to put restaurants in this area but because they have Ruby Tuesday's which has been a successful restaurant, Bruegger's, which has been successful and across the street they have two other successful restaurants on Bpt. Avenue (Chili's and Longhorn) – but for the purpose of parking – if they were to add another restaurant – they would still be under. They have an enormous number of extra parking spaces.

Atty. Thomas also wanted to address Comm. Flannery's concern. Bruegger's Bagels closes at 3:00 p.m. and the Bank closes at about 5:00 or 6:00 p.m. At dinnertime, that area over there is pretty much empty and any lighting – this is a corporate, commercial and industrial area – the only residential is the mobile home park across the street and Renaissance up the street. The lighting here, even though it would be the typical downward lighting, it would still be brighter than normal for security purposes.

Atty. Thomas indicated that his client has had conversations with District 3. District 3 not only says it is OK to have the right turn in, they say that frankly, they have noticed that the traffic traveling southbound wishing to go into Ruby Tuesday's, or Newtown Savings Bank tends to go right by Parrot Drive, and then realize that they've gone too far. Usually they pull into the Storage Deluxe driveway, pull a U-turn and come out and make a left turn and then make another left turn into Parrot Drive.

He stated that traffic travelling northbound obviously sees Ruby Tuesday's or the bank and pulls into Parrot Drive. Traffic going southbound won't have the opportunity to turn into the site. On the proposed plan, there will be a new sign – on the Final Site Development Plans– there is a notation for a proposed new sign for the new building. The existing sign would remain which would be on the right side of the driveway, or the southerly side of the driveway. There would be a new sign on the northerly side of the driveway for the new tenants in the rear.

Mr. Panico commented that he couldn't recall too much about the pavement width in that area and he asked Alan Shepard if there was adequate shoulder width on that side to be able to slow down to enter into that entrance – so that you could get out of the southbound travel lane safely, slow down and then turn.

Mr. Shepard responded yes – that is one of the things that the State wanted them to show on the map – to show that you could slow down. He showed the traffic lane for slowing down and turning on the site map. He explained that in coming southerly, it is not always intuitively obvious that you need to go into Parrot Drive to get to Ruby Tuesday's. If you go too far, then you're already down the road and have to turn back around. This allows for the entrance in, which is more intuitively located for traffic patterns.

Mr. Panico agreed that coming north, as you proceed south on Bridgeport Avenue, Parrot Drive does come up suddenly.

Mr. Shepard responded yes, they've all done that so there is logic to that entranceway being there.

Chair Parkins asked if that was still under review by DOT.

Mr. Shepard responded that they sent a letter and he could submit it for the record. They've asked for a few minor things.

Chair Parkins asked if they were asking for some sort of turn lane markings.

Mr. Shepard responded no, they are asking for some more curbing, and he will submit that letter for the record.

Mr. Panico stated that he would ask that they re-examine the curb lines at the islands that define the entranceway in view of the fact that it is slightly offset.

Mr. Shepard indicated that the State wants them to pull one of the islands back a little bit because the snow plows catch the corners.

Chair Parkins stated that it would also be difficult for people making that northbound turn into there.

Mr. Shepard responded yes, that is why they want that island there.

Atty. Thomas stated that people traveling northbound, they are within a very short distance of Parrot Drive so the visual – it is not like situation where they don't even see that there is the other way to get in. They can't see it.

Chair Parkins responded yes, right, but they see up ahead that there are three cars up ahead waiting to take a left turn and if they can sneak in, they are going to. It is all about convenience.

Atty. Thomas stated that if they have one of those big tire trucks, they could just go over the island.

Chair Parkins responded that they've had this discussion before – it is all about convenience.

Comm. Pogoda asked if the Applicant intends to keep three distinct storefronts or, if there is one tenant, will he make it into just one store front, or does he want it to remain at three.

**Alan DaSilva, the Applicant, 19 Bridgeport Avenue, Shelton, CT addressed the Commission.**

Mr. DaSilva responded that they have no idea. This building is shown as spec at this point. They are simply showing the building as three bays so if they get tenants for 1000 square feet or 1200 square feet, they can break it into three bays. But if they have a bidder for one –for the entire building, they will make it for one tenant.

Chair Parkins responded that it would be one story though, correct?

Mr. DaSilva responded yes, one story.

Comm. Pogoda asked if what they were showing in that drawing/photo is basically what they plan to have it look like or will there be ...

Mr. DaSilva responded that the building will look like that except there will be awnings on building. The bottom of the building will be stone, as shown and the rest will be stucco. The colors may change. These are rendering colors so they may not be able to exactly match the rendering colors. The red on top where the signs are might not be red – that is just shown.

Mr. Panico asked if the rendering was going to stay as part of their record.

Atty. Thomas indicated that the rendering would stay but the Applicant is now submitting himself to their PDD discretion. So when the tenants come in and there is signage that comes in – it is signage and proposals that are within a PDD, not within a Special Exception.

Mr. Panico responded that there concern has always been that the signage be consistent. Bear in mind, they really are a part of this whole thing so he can't really turn his back on what is out there.

Mr. DaSilva stated that they control the signage and the only time that they don't go against the tenant is if they have a specific sign that is part of their brand that they cannot change. They have a building in Oxford where it is all local tenants

and all the signage is exactly the same. The signage that is shown is channel lettering signage.

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

Comm. Flannery asked if there was any chance of moving that building back.

Atty. Thomas responded that from an engineering standpoint – again, they have looked this over with the engineers and the architects and really, it is not what they would want for flow purposes. It would really not flow appropriately.

Chair Parkins opened the public hearing for the audience and asked twice if there was anyone wishing to speak in favor of or against this proposal.

**Robert Scinto Jr., One Corporate Drive, Shelton, CT addressed the Commission.** Mr. Scinto indicated that his family owns two buildings on this street and he would like to speak in favor of it. He thinks that a retail development would add a nice amenity for his tenants.

With no further comments from the audience, Chair Parkins requested a motion to close the public hearing.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #11-13.**

Chair Parkins called a brief recess of the meeting at 8:13 p.m.

**Recess 8:13 p.m.**

**Reconvened 8:23 p.m.**

### **OLD BUSINESS**

### **APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

Chair Parkins reconvened the meeting at 8:23 p.m. with Old Business. She asked if any of the Commissioners had any questions regarding the Applications for Certificate of Zoning Compliance Standards #1-29 or Separates #3 – #7.

Comm. Harger asked for clarification about #11 – Standard #5886, Tom Glover, 109 Old Mill Road, because they don't normally see requests for stairwells.

Mr. Schultz responded that was for an exterior stairwell that is going to be constructed to go from the ground to the second floor for a single family residence. This is the Wells property off of Long Hill. It is considered an exterior alteration.

Chair Parkins asked if they were making an apartment or something.

Mr. Schultz responded that (inaudible).

Comm. Harger asked for clarification about #14, Standard #5884 for an addition/deck on 27 Sportsman Drive and #15, Standard #5779 for an addition/deck on 82 Kanungum Trail in Pine Rock Park.

Mr. Schultz responded that they were standard, no issues, and all setbacks and bulk standards comply.

Comm. Harger asked for clarification about #29 Standard #5896 for Giordano Builders, 330 River Road for a roof alteration.

Mr. Schultz responded that this is the building next to the Riverview Cemetery with the big flagpole. The next building is the Body Shop, where the front 50 feet is flat and then it goes into a pitch. After this last January that they had, they are going to continue the roof.

**SEPARATE #5895, THE BODY SHOP 110, 803 RIVER ROAD, SIGN**

Mr. Schultz indicated that Staff is recommending that they table this but he wants to advise them that the Hodosi Body Shop will be occupying the first floor. There is still some additional work that has to be done including paving and landscaping. Staff has a bond for the project. He saw the channel lettering and it is red.

Comm. McGorty commented that they are big – the letters are a good size.

Comm. Harger asked if the sign was already up.

Comm. McGorty responded yes, they put it up today.

Mr. Schultz indicated that he did not know that. He explained that these are recycled letters from the Crabtree site that says the Body Shop. Staff will take care of that and it will be placed on the next agenda.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #5895.**

**SEPARATE #5877, SAJ COMMUNICATIONS, 30 OLIVER TERRACE, ADDITION TO CELL TOWER**

Mr. Schultz indicated that the Citing Counsel approved the addition and it entails six new antennas to the pole and six remote radio heads and miscellaneous ground equipment. Staff recommends approval.

Chair Parkins asked if they describe the additions and if they are like 30 foot wide disks.

Mr. Schultz responded that the pole is 130 foot – it was extended a couple of years ago, and this is a tower that can accommodate additional antennas.

Chair Parkins asked if they were extending the pole.

Mr. Schultz responded no, this is mid range. These are co-locations of which six are new antennas.

Chair Parkins indicated that they are switching now to the round disks rather than the oblong antennas.

Mr. Schultz responded that this is whip antennas and radio heads, so this is more traditional and the Citing Counsel approved this.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #5877.**

**SEPARATE #5871, SPLASH, 376 BPT. AVENUE, CANOPY**

Mr. Schultz stated that they tabled this from the last meeting and the Commission was directed to visit the site in Fairfield. He provided some illustrations.

**Jason Frank, Splash Car Wash, 376 Bridgeport Avenue, Shelton, CT addressed the Commission.** Mr. Frank stated that they were proposing to put a structure, exactly the same as the one in the photograph of their Norwalk store, in the parking spaces that face Bridgeport Avenue.

Comm. Harger asked if this was something that is rolled up at night.

Mr. Frank responded no, it is not. These two legs are affixed to concrete pads and the canopy sits over the structure that is inside. It has a metal wire that goes around and secures it to that. They would take it down if there was a snowstorm or a hurricane or something like that.

Comm. Pogoda asked if the metal poles would remain standing like that in the winter.

Mr. Frank responded yes.

Comm. Pogoda asked why they couldn't be removed if they were bolted to some kind of a pad.

Mr. Frank responded that they could be if you require it but they normally don't. It's heavy so it would take a lot to move them but they could. They are bolted, there are four bolts on the bottom.

Comm. Pogoda stated that he thinks that to have that standing up throughout the whole winter – just a couple of pipes standing up in the air, doesn't look good.

Mr. Frank responded that it's possible that they could do that.

Comm. Pogoda commented that he would like to see that.

Mr. Frank indicated that when they take the canopy off, they would remove the poles. He added that if they had a big storm, like a hurricane coming, they might just take the canopy off only during the storm and then put it back up.

Comm. Pogoda indicated that he understands that but during the wintertime, he doesn't like the idea of the poles sticking up in the air for months.

Mr. Frank stated that they could take them down in the winter and put them up in the spring.

Mr. Panico commented that they should agree upon some dates as to when they should come down.

Mr. Frank indicated that they could take them down for December and put them back up in April.

Comm. McGorty asked what the height of the poles would be.

Mr. Frank responded that the poles would be 13 feet, 6 inches.

Mr. Panico commented that for the months of December through March, it would be completely down.

Mr. Frank responded yes, they would take the whole structure down because they wouldn't want it up for snowfall.

Comm. Pogoda asked if there was any intent to – personally, he would like to see some screening from Bridgeport Avenue with some sort of evergreens.

Mr. Frank referenced Picture #7 and responded that it is currently screened with five evergreens. So if they added one or two more, they could do that to cover the full width of it. He pointed out the location of the trees along Bridgeport Avenue.

Comm. Pogoda responded that he knows that location because he goes by there 20 times a day. He knows it will be hard to get the trees to the height of that blue awning, but he would like to see more screening, if at all possible.

Mr. Frank indicated that he wasn't sure what the height of the trees was but he would measure them.

Comm. Pogoda stated that they aren't that high and there is enough space between them that you can see the building from Bridgeport Avenue. He would personally like to see more screening to offset the canopy.

Comm. Sedlock asked if the purpose of the canopy was to protect his workers from the heat of the sun.

Mr. Frank responded yes, because they are waxing cars in the sun so it makes it a little easier for them.

Comm. Harger indicated that she has gone to the site and she really doesn't care for this particular proposal. The one in Fairfield seems more screened from the back. This concerns her in this particular location because it is highly visible. She doesn't think it's a good idea and she wouldn't be voting in favor of this.

Comm. McGorty asked if there was room in the back corner.

Mr. Frank responded that the back corner is right where the vacuum area for the full service is, so it would be difficult to get cars in and out of there.

Comm. Pogoda asked if there was any way they could put it in the back where they are making the turn - towards the back because they have AT&T over there and no one would see it from Bridgeport Avenue.

Comm. McGorty commented that he just said that he has the vacuums back there.

Mr. Frank responded that the lane where it enters in, he doesn't believe that there is any property left between them and the telephone company. To the side of it there is a retaining pond over there and parking spaces over there.

Mr. Panico asked why it couldn't be over where the employee parking spaces are.

Mr. Frank responded that when there are cars in there being vacuumed, they wouldn't be able to get cars in and out of those parking spaces. The nose of the car would be right where the passenger side of the car being vacuumed is located.

Comm. Harger commented that they could park parallel.

Comm. McGorty asked if you could drive around there and go around the building.

Mr. Panico stated that they could put the proposed stands where those parking spaces are just as they are eliminating parking out here for it. So instead of eliminating those parking spaces, they would be eliminating the employee spaces.

Comm. McGorty commented that he thinks his point is that with the canopy there and the way the cars would be pointed, there wouldn't be any space between them and the cars that are being vacuumed.

Mr. Frank responded that he didn't measure it out but he is just thinking that.

Comm. McGorty indicated that he thinks that there is space there because you can drive around there. If you want to bail out and don't want to wait, you can go around.

Mr. Panico stated that right now the employees park in those spaces.

Comm. McGorty commented that they could lose those spaces and have the employee's park out in the front.

Mr. Panico stated that if they did that, it might not be necessary to take it down in the winter either.

Comm. Pogoda stated right, and going all the way back he doesn't think that would even be visible at that point from Bridgeport Avenue. It may be, but not as drastically. Their neighbor, AT&T has a fence so they aren't really going to care.

Comm. Harger asked if this was the only configuration or was there something with the cars going another way.

Mr. Frank responded that they could bring the cars in at more of an angle.

Comm. Harger asked if they could be one behind the other in a row.

Mr. Frank responded that could be pretty long and he doesn't know how long that is.

Comm. Harger asked how many cars they need to have under a canopy.

Mr. Frank responded that it is usually about four.

Mr. Schultz asked the applicant if he had a comfort level with the Commission tonight directing him to the rear or does he need to measure it.

Mr. Frank responded that he would like to measure it out if he could, just to be sure because he was not sure of what would happen if it was approved and he could not fit it in there.

Mr. Schultz commented that they could table it to August 9<sup>th</sup>.

Comm. Pogoda indicated that he would prefer that it be in the back, if at all possible and it would save them from taking down the poles.

Comm. McGorty added that they might have better shade back there too.

Comm. Harger asked if he had an overall site plan.

Mr. Frank responded that he could bring one.

Comm. Harger indicated that he should give it to Rick with the proposed location.

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

**SEPARATE #5889, DAN SZABO, 615 HOWE AVENUE, SIGN**

Mr. Schultz showed the Commission the sign proposal for Szabo's Seafood and asked the applicant to show them the location for the signs.

**End of Tape 1B, 8:35 p.m.**

**Dan Szabo, 615 Howe Avenue, Shelton addressed the Commission.** Mr. Szabo stated that he wanted it on both sides of the building and the backside of the building.

Chair Parkins stated that they are only allowed two.

Comm. Sedlock asked why he wanted it on the backside of the building facing Canal Street.

Mr. Szabo responded that when they come up from the Boys and Girls Club, there is really no visual of who he is. He is missing out on a lot of what goes on at the Boys and Girls Club.

Chair Parkins indicated that they have to go down the road to be able to come back up.

Comm. Pogoda added that they would see the sign on the way down. It isn't that there is a street coming from Canal Street – there is no through traffic.

Mr. Szabo stated that the only reason that he is asking for that is because when the Siding King was there, he had a sign on the back.

Mr. Schultz responded yes, but without the benefit of a permit. He told Mr. Szabo that the Commission appreciates what you've done.

Chair Parkins indicated that they are all in agreement that the phone number has to go.

Comm. Sedlock commented that it is take-out, most of his business is take-out.

Comm. McGorty stated that he has some seating.

Comm. Sedlock asked the applicant if most of his business was from take-out.

Mr. Szabo responded that they get a little bit of a lunch crowd but it's mostly take-out.

Comm. Sedlock stated that in this case, he thinks that the phone number is warranted.

Mr. Schultz asked the Applicant about the elimination of the text on the bottom – "fresh fish, seafood, chips, burgers."

Comm. Flannery commented that she needs that to know what he has there.

Chair Parkins asked for a motion to approve the sign

Comm. Harger asked what they are going to do with that phone number.

Comm. Pogoda stated that he has to get rid of it.

Comm. Flannery stated that they should keep it.

Mr. Schultz stated that they have two saying yes.

Comm. Pogoda responded that if they do it for one, then they have to do it for the rest.

Comm. Flannery commented that it was a catering business though.

Chair Parkins stated that they said no phone numbers to the (inaudible)

Comm. Harger indicated that they have to be consistent. They would be setting a precedent.

Comm. Sedlock asked if this would be the first time that they would be putting a phone number on a sign.

Comm. Pogoda responded yes, that they've approved.

Comm. Sedlock asked if there was a phone number on a sign - it hasn't been approved – they did it on their own.

Chair Parkins stated yes, that usually they ask for a number for the address but not a telephone number.

Comm. Sedlock stated that he didn't want to open a can of worms, but he thought that for this particular business it was warranted.

Comm. Pogoda indicated that he would make a motion to approve the sign without the phone number.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #5889 for the signage without the telephone number.**

**SEPARATE #5891, ARCHER SIGN, 671 BPT. AVENUE, SIGN/BUSINESS**

Mr. Schultz stated that this has two parts – occupancy for the pet store and the sign application. The two former occupants were Blockbuster Video and Sir Speedy in the back. The lease area would be 6,332 square feet occupying the space from Blockbuster and Sir Speedy. There would be two employees, hours of operation Monday through Saturday, 9 a.m. to 9 p.m. and Sunday, 9 a.m. to 6 p.m.

Mr. Schultz added that there are two parts for the sign – the wall sign and the monument sign at the corner.

Comm. Flannery asked if there were going to be any live animals.

**Robert Scinto Jr., One Corporate Drive, Shelton, CT addressed the Commission.** Mr. Scinto responded that there would just be fish. No live animals on the site. They would be selling dog food, leashes, dog shampoo and things like that.

Comm. Flannery asked if there would be any dogs or cats there.

Mr. Scinto responded no.

Chair Parkins indicated that they would take the business aspect of the application first and then deal with the sign, if they are in agreement on the business.

Comm. Flannery asked if they had horse food.

Mr. Scinto responded that he would call tomorrow and ask them to stock horse food.

Comm. Harger stated that she was not too crazy about this proposal for a business. It is one of their gateways, entrance into the city and she is not getting a warm fuzzy for this at all.

Mr. Schultz indicated that he wanted to share the background because in the late 70's, the ZBA granted a use variance for the whole building allowing retail. That is how Blockbuster Video got in. They did not approve it for food establishments and that is why the Commission rejected several food applications over the last decade. The use is permitted under the strength of the use variance.

Comm. Flannery stated that she liked it. She is a big pet owner and has a lot of friends who are pet owners and this would be great business.

Mr. Scinto stated that they have had the (inaudible) on the market for quite some time. This is a very respectable business and they do dress it up nicely but he understands what Comm. Harger is saying, but it is really a nice, high quality pet store.

Comm. Sedlock stated that he likes the business too but he thinks it is the sign that may be making them a little bit leery about it because it is a little bit gaudy. As Ginny said, the first thing coming in, you'd see a gaudy sign.

Chair Parkins agreed that it is such a prominent location.

Mr. Panico commented that it should be something a little more tasteful.

Mr. Scinto responded that it was better than the Blockbuster sign.

Comm. Sedlock agreed about the Blockbuster sign.

Mr. Schultz asked the sign company representative if there was a possibility to reduce it tonight or do they want to go back and prepare something.

**Jack Rawlinson, Archer Signs, 316 Boston Post Road, Milford, CT addressed the Commission.** Mr. Rawlinson stated that he and Rick had this conversation when he submitted the drawings. The colors and the letter style and all of that are set in stone. This is a national franchise. At one point, they were considering using some other colors but the franchise came back and said no.

Mr. Panico asked if that was their font also.

Mr. Rawlinson responded yes, that is their font. He commented that it is saying something because in Orange and in Westport, their signs must not be big enough because none of you folks have noticed them.

Comm. Harger stated that she noticed it on the Post Road across from Jacob Marley's.

Chair Parkins commented that she knows that McDonald's, when pushed and when they really want a location, they will conform to requests from zoning as well. She added that she would think that if they approve the business and tell them that they don't want this gaudy sign up there, then they are going to have to come back with an alternative for it or it won't get approved.

Mr. Rawlinson asked Chair Parkins to repeat what she had said because he didn't hear it.

Chair Parkins stated that there needs to be some concessions so if the business is approved and they don't like the sign, they'd like to know that the corporation would work with them.

Mr. Rawlinson responded that he brought some reduced drawings on Rick's recommendation.

Mr. Schultz asked if he was prepared to submit those now.

Mr. Rawlinson responded yes.

Comm. Harger asked if one of the activities at this location would be pet adoption.

Mr. Scinto responded no, absolutely not, just a retail operation – kitty litter, dog food.

The Commissioners discussed the newly submitted sign renderings.

Chair Parkins indicated that she would want to see it even smaller than that because the colors alone are so gaudy that it makes it stand out.

Comm. Pogoda commented that he thinks it is ruining the monument sign.

Chair Parkins stated that for the monument sign, they would require that it be white. They can do the yellow or green if they want but it has to be a white background – that is way too much.

Mr. Schultz indicated that the Commission spent a lot of time on that sign over the years. It is an important four-way intersection.

Chair Parkins asked if they would do a white background for the monument sign.

Mr. Rawlinson responded that at their insistence, he thinks that he could talk them into it.

Chair Parkins restated a white background - with the green letters.

Mr. Rawlinson responded yes, maybe he could put a little bit of a border around the letters to give them a little bit more definition.

Chair Parkins commented that "discount pet supplies" is written underneath it and there is no address number. They need an address on the bottom of this.

Mr. Scinto responded OK, no problem.

Chair Parkins asked them to go back and ask the Applicant if they'll put a white background with all one color lettering "pet supplies," preferably green on the monument sign. And remove the "discount pet supplies."

Mr. Rawlinson responded yes, although he probably shouldn't, but they can always come back with a new submission. Tentatively, he'll say yes.

Mr. Panico added for a point of information on the ground sign, right now Roly Poly and All State are on it. He asked if they are occupying space that, hopefully, is going to get vacated and the pet store is going to take over.

Mr. Scinto responded yes.

Comm. Flannery commented that he said Roly Poly was still staying.

Mr. Scinto responded yes, there are there, but when their lease expires, the Pet Supply Plus has asked to have first rights.

Mr. Panico stated that somewhere down the road, they can expect to see those two elements of the sign to be removed. And maybe then the pet sign could just slide up.

Mr. Scinto responded yes.

Mr. Schultz indicated to the Applicants that the Commission wants to table this until August 9<sup>th</sup> and have them work with Staff.

Comm. Sedlock stated that the problem is the sign, not the business so can't they just approve the business tonight. He made a motion that they approve the business and table the sign until the next meeting.

**On a motion made by Joe Sedlock seconded by Thomas McGorty, it was voted (4-1) to approve the business occupancy for Separate #5891 and table the signage application until the 8/9/11 P&Z Meeting. Comm. Harger voted in opposition.**

Mr. Rawlinson asked why they were tabling the sign.

Mr. Panico responded because it needs a lot of work.

Chair Parkins asked Mr. Rawlinson if he could commit to doing everything that the Commission just asked for.

Mr. Rawlinson responded that he thinks so, yes. He reiterated their requests for the color change, the removal of the black copy on the bottom of the pylon and reducing the wall sign to 30 inches high.

Chair Parkins asked if that would be a 30% reduction.

Comm. Sedlock asked when they plan to open this business upon approval – within what period of time?

Mr. Scinto responded the middle of August.

Comm. Sedlock commented that if they do this at the August meeting with the sign, then it could take care of everybody's needs and give them a little time on the sign.

Mr. Scinto responded that he thinks that it might be too late to be honest.

He added that he knows that they take possession of the property, take one week to stock and then they want to be in.

Comm. Flannery asked if they could use a temporary "Grand Opening" type of banner at first.

Mr. Scinto responded that he did not think so.

After some discussion, Chair Parkins indicated that they would like to see the letters go down to 24 inches high. She knows that they are showing a Plan B here with 30" letters but they like Plan C with 24 inch high letters.

Mr. Panico stated that it should come down to about 24" or 25" naturally – if the same proportions hold true – it was 36" to 36", then it went to 30" to 30" so if the same proportions hold true it would be about 24" to 24." They might want to recenter it.

Comm. Sedlock asked what they were going to do with the motion that they just passed.

Chair Parkins indicated that motion was for the business and it is all set. They were going to table the sign but the sign company representative is saying that he has the authority on behalf of the client to agree to a reduction to 24 inches, for the channel letters (24" high max) and also, for the monument sign doing a white background, eliminating the "discount pet supply" wording and make the letters all one color of green.

Mr. Panico suggested that they just stipulate that and if it can't be done then they'll have to come back.

Mr. Scinto agreed.

**On a motion made by Joe Sedlock seconded by Thomas McGorty, it was voted (4-1) to approve the signage for Separate #5891 for the signage with the noted modifications.**

**SEPARATE #5892, MEDITEX LAUNDRY, 48 BRIDGEPORT AVENUE, BUSINESS**

Mr. Schultz stated that they are back to the building on lower Bpt. Avenue that the Commission recently approved for the renovation. This is the old Bondos building. This is for a commercial laundry. The square footage of the lease area is 2300 square feet; this is the lower level. There is a contractor and storage yard in there. There will be four employees with hours of operation Monday through Saturday, 7 a.m. to 3 p.m. Three vehicles will be used for the business. Two dryers, four washers and a presser will be installed. Mr. Schultz asked the applicant to describe the vehicles they would be using.

**Larry Russo, Meditex Laundry Service, 48 Bpt. Ave. addressed the Commission.** Mr. Russo stated that the vehicles that would be parked there would be the employees vehicles.

Mr. Panico stated that their concern is that there is very, very limited parking on that property. They have had this discussion with the applicant that whoever the tenants were, they would have to have very low parking requirements. Now they are looking at three delivery vehicles.

Mr. Russo responded no, there is only one delivery vehicle and it actually gets parked inside the building.

Mr. Schultz clarified that the he was incorrect, it said three commercial vehicles on the application.

Mr. Russo indicated that the only other vehicles that would be there during operation would be from the employees.

Mr. Panico stated that they would have four employees plus the driver.

Mr. Russo responded that not all the employees have cars so it would only be his car and another employee's car for the most part, and then there would be the delivery vehicle. When the delivery vehicle isn't out making deliveries, it is parked inside the building.

Chair Parkins asked if he was considered as one of the employees.

Mr. Russo responded no.

Chair Parkins indicated that he has himself, the owner, plus four employees.

Mr. Panico added that only one of the employees drives.

Comm. McGorty commented that if the employees get cars, then there will be a problem.

Mr. Russo stated that he is not there all the time. He just checks in and leaves.

Chair Parkins asked if there was a garage bay there.

Mr. Russo responded yes, that is where the delivery vehicle truck would go.

Comm. Pogoda asked how many vehicle parking spaces he had allotted on the bottom.

Mr. Russo responded three.

Mr. Panico stated that it was going to impact whoever he gets for tenants for the second floor.

Chair Parkins commented that they are going to have to acknowledge that and its going to limit the ability for the use of the top. She asked the applicant if this was a Laundromat type of operation.

Comm. Sedlock responded no, it serves nursing homes and things like that - correct?

Mr. Russo responded yes and doctor's offices.

Chair Parkins commented that it is sort of like Russell Linen then.

Mr. Panico added yes, no customers.

Chair Parkins stated that she had no problem with it but it will restrict what they can do up above.

Mr. Schultz asked if he had any signage at this time because there is no public coming in.

Mr. Russo responded that there was no signage.

**On a motion made by Anthony Pogoda seconded by Joe Sedlock, it was unanimously voted to approve Separate #5892.**

**SEPARATE #5897, BAR 140, 140 CENTER STREET, BUSINESS**

Mr. Schultz stated that this is the currently unoccupied café next to Puffy's Garage on Center Street – where Long Hill Avenue comes out to Center Street – across from Caliente's.

Mr. Schultz stated that this was a small café with a lease area of 600 square feet. The number of employees would be 4 to 5, part-time.

**Joseph Bolero, 26 Bolero Drive, Shelton, CT addressed the Commission.**

Mr. Bolero indicated that they are proposing two different signs. One is the old-style, painted-on look for the side of the building and it's just an example.

Mr. Schultz continued that the hours of operation for the café would be 4 p.m. to 1 a.m. on Monday to Thursday and 12 p.m. – 1:30 a.m. on Friday, Saturday and 12 p.m. – 1 a.m. on Sunday.

Comm. Flannery asked if the proposed sign would be above the doorway.

Mr. Bolero indicated that there were two different signs that they were proposing. One is on the side of the building.

Chair Parkins stated that he has "Bar 140" on the top and "Center Street Café" below.

Mr. Bolero responded no, they are going to take that sign down. It was the last owner. It's the old sign.

Chair Parkins asked what he planned on doing with the "Bar 140."

Mr. Bolero responded that in the front, Justin Hawker and Hawker Metalworks downtown is going to make them a steel lettered sign with 21" high lettering to sit on that crown right there. It was difficult to make a Photoshop rendering of it. They used Photoshop to show a similar font to what they want to use.

Mr. Panico asked if he proposed to put his new sign above that molding below the windows as opposed to where the existing sign is.

Mr. Bolero responded yes.

Mr. Panico asked why he wasn't going to put it where the existing sign is.

Mr. Bolero responded that the person who is making the sign for them is a metal artist and he is custom-making it for them so they wanted to put it on the crown there and backlight it. It is kind of modern approach, like an art deco.

Mr. Panico stated that he is not quite sure what the proposed sign is going to be, quite frankly. He asked if it was just going to be letters that are backlit.

Mr. Bolero responded yes.

Mr. Panico commented that it has been drawn with a white background. He asked if it would have that white background.

Mr. Bolero responded no, it is going to be free-standing letters.

Mr. Panico stated OK, there's no white background. He asked if they would see the brickwork that is behind and between the lettering.

Mr. Bolero responded yes.

Mr. Panico stated that it would be metal channel letters and three numbers perched out there with some kind of a light behind it.

Comm. Harger asked if he felt he could achieve that effect by putting it where the existing sign is.

Mr. Bolero responded no, it is more an art deco kind of approach.

Mr. Panico asked how far away the letters would be from the building.

Mr. Bolero responded that it is 21 inches from the top of the window and about 8 inches out from that crown there.

Mr. Panico stated OK, so it will be 8 inches from the front wall.

Mr. Bolero responded that they are going to be right in the center there, so maybe more about 4 inches from the wall.

Chair Parkins asked if that lighting was going to affect the people that live in that apartment there.

Mr. Bolero responded that it is going to go up against the brick there. There are about three windows there and the light would be shining up the brick to backlight the sign.

Comm. Pogoda asked if it was going to affect the tenants.

Mr. Bolero responded no, it shouldn't, he doesn't see how it would.

Comm. Pogoda indicated that he would be concerned if there is any opposition once that sign gets up, the lighting goes on, and they start complaining to you that the light is in their windows.

Mr. Bolero stated that he spoke to the tenant upstairs and explained it to them and they have been very friendly. He told them exactly what he planned and they were excited to have someone coming in.

Comm. McGorty asked if that is why it is mounted on the shelf with the light shining behind the sign.

Mr. Bolero responded yes.

Comm. Harger asked if it was toward the street.

Mr. Bolero responded that the lights are backlighting it and they kind of just come up.

Chair Parkins asked if the lights are just being faced toward the brick and not from the brick outward.

Mr. Bolero responded yes, that's right.

Chair Parkins commented that he's really front-lighting it then.

Mr. Bolero responded yes, his terminology is incorrect.

Comm. McGorty indicated that it would be shining at the window then.

Mr. Panico asked if it would be fluorescent tube light up against it or two or three flood lights.

Mr. Bolero responded that it wouldn't be fluorescent but something more like flood lights. There was another option where they were going to use fiber-optic light to almost go near the back of the sign so it could be low and from behind for a lower light type of glow.

Comm. McGorty commented that anything that they put in the front would have to be a low energy type of a light because it is shining right into that window. So it can't be a floodlight because no one would want to live there.

Mr. Bolero responded correct, it is going to be more of a glow than a shining light.

Comm. Harger asked if a sign like this existed anywhere in the vicinity.

Mr. Bolero responded no, not really.

Chair Parkins commented that he is obviously looking for something very artsy but she doesn't think that it is going to work there with those residences.

Comm. McGorty reiterated that it would have to be a really low intensity light right there. He doesn't think that they want that effect anyway though. They really just want to bring it with a low intensity light.

Mr. Bolero responded that they don't have any plan of it being a blaring light, they just want it to glow behind the sign a little bit.

Comm. Pogoda commented that he doesn't have any problem with them lighting it but he's concerned about the resident above it. Again, he understands that he doesn't plan to put a big spotlight on it but what is not bright to one person might really bother another person.

**Joe Bolero Sr., 26 Bolero Drive, Shelton, CT addressed the Commission.**

Mr. Bolero stated that this is not going to be a bright sign. If they have ever seen the art deco type of signs in Miami, they don't have a blaring light behind them. The only thing that is going to be lit up is the letters. It is not going to shine in the windows and it is not going to shine toward the street, it is going to shine up. It will be very low.

Comm. Pogoda responded that it is not the street that they are worried about. Please understand that.

Mr. Bolero Sr. commented that it is not going to influence the tenants.

Comm. Pogoda responded that he may be saying so, but they are...

Mr. Bolero Sr. stated that he was guaranteeing that. The look that they are trying to achieve is...

Chair Parkins responded that she understands the look that he is trying to achieve but does he think that it is going to be visible from the street being up so high.

Mr. Bolero Sr. responded it would be barely noticeable.

Chair Parkins commented that she wasn't talking about the light, she asked if he thought the sign itself would be visible and effective. It is going to be a very pretty sign and they are obviously going to spend a lot of money to have it created, but will it be effective?

Comm. McGorty indicated that if it is illuminated properly, you'll definitely see it.

Mr. Bolero Sr. responded (inaudible). When they suggested floodlights, his son just agreed to it but they are not going to use bright floodlights. It will probably be some sort of a soft halogen or low voltage light.

Chair Parkins commented that the design is not being presented clearly and that is why they are asking if it will be backlit, front-lit, etc.

Mr. Bolero Sr. responded that it would be a light behind it like a (inaudible).

Comm. McGorty added that there are dimmable LED lights that you can get in a like a 2400 Kelvin (?) which gives it a low-intensity, yellow type of light and they are dimmable.

Mr. Bolero Sr. responded that is exactly what they would like. He was just concerned that his son wasn't describing it properly because they have a vision of what it is going to look like and it is nothing like the Commissioners are afraid it is going to look like.

Comm. Sedlock commented that he thinks that what he is saying is that these letters are going to stand out and there's going to be lighting behind it. So the lighting behind it will almost be like a border or glow.

Chair Parkins indicated that she understands it is going to be a glow. He was saying backlit and there is a difference between backlit and a low light glow or illumination.

Mr. Bolero Sr. responded that the letters are probably going to end up looking black.

Chair asked about the sign on the side.

Mr. Bolero Jr. responded that the sign on the side was going to be similar to an old-style brick painting. It is seen in places around New York and in New Haven and, they just really like the look of it. He explained that when you are coming down Bridgeport Avenue into Center Street, the first tall building seen is very visible. They would like to put some gooseneck lights under it and have it look very old-fashioned.

Chair Parkins asked if he was going to paint this on.

Mr. Bolero Jr. responded yes.

Chair Parkins indicated that they are going to need some dimensions to know how big it is going to be.

Mr. Bolero Jr. responded that it is going to be an oval.

Chair Parkins reiterated that they are going to need dimensions such as 6 feet wide, 3 feet high, etc...

Mr. Bolero Jr. responded that the center, the highest point will be about 5 feet and width will be about 12 feet.

Comm. McGorty asked what the colors in the painting would be.

Mr. Bolero Jr. responded that it would be dark, probably black with white letters. It is going to be on the red brick so...

Chair Parkins asked if he could somehow get the dimensions of the building and bring this sign back to the them showing the colors to be used and the dimensions so that they can see what it will look like on that wall. She added that it is very hard for the Commission to just take something like this and figure out how it might look.

Comm. Harger asked if he was purposely using two different font styles.

Mr. Bolero Jr. responded yes, from the front to the side, yes. The front is more of a modern art style and due to the age of the building, they would like to use some old-fashioned lettering on the side.

Comm. Harger asked that if they are going to be coming back anyway, could they provide a demo of the type of lighting. She explained that the Commission asked and one of the hotels on Bridgeport Avenue provided for them a demo of the type of lighting it would be.

Mr. Bolero Jr. responded OK.

Comm. Flannery added that the example Comm. Harger is talking about was from the Hotel Sierra.

Chair Parkins indicated that they could approve the business so that he could move forward on that and they can just table the signage until he returns with that information. She asked if the Commissioners were amenable to that.

Comm. Sedlock stated that he had a couple of questions regarding the business. He asked about the parking to be available.

Mr. Bolero Jr. responded that it would be street parking.

Comm. Sedlock asked if he had any agreements with anyone else in the neighborhood about parking such as the businesses down the street or the garage next to them.

Mr. Bolero Jr. responded no but he talked to the gentleman with the garage next to him. He was asked not to block his driveway. It is street parking plus there is a municipal parking lot up the street. They have noticed a lot of foot traffic on the weekends.

Comm. Sedlock commented that they are going with strictly street parking then.

Mr. Panico stated that the problem is that previous occupancy was the same kind of occupancy.

Comm. Sedlock responded that the problem with the previous occupancy was that there were problems with neighboring businesses, vandalism and late night bar situation type of things. So he just wondered, for his own best interests and safety if he was friendly with or made some agreements with those around him, especially the garage owner.

Mr. Bolero Jr. stated that he has made acquaintances with everyone in the neighborhood so far.

Chair Parkins added that it is tight and it is going to get tighter as more businesses and restaurants move in but Downtown has got to rely on pedestrian traffic. Avalon will be moving in there and there will be people walking, so hopefully this will help the businesses down there. Right now, they will just have to park in the municipal lots and walk.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the business occupancy for Separate #5897.**

Mr. Schultz informed the applicant that Staff would be working with him and the next P&Z meeting would be held on August 9<sup>th</sup>.

**Tiffany Negreiro, 17 Woodbine Road, Woodbridge CT addressed the Commission.**

Ms. Negreiro stated that she is partner for Bar 140. She just apologized that the front signage has been confusing. The Commission seems to get the general idea that it is glow around the sign that they are trying to achieve. As far as affecting the tenants, the sign sits between two windows and one of those windows is in the hallway so it does not affect inside anyone's apartment. The other window is inside one of the apartments. She indicated that the gentleman that lives there was very helpful and even assisted them in measuring the distance. They told him about the sign and he is perfectly aware of their approach to it.

Ms. Negreiro commented that as far as waiting another month to get that sign approved, she wondered if it was possible, if they all agree on this proposal for the front signage, if they could at least move ahead with that one because with the metal works, it is going to take a long time to get it together.

Mr. Bolero Jr. added that it is going to be a custom job from specs.

Ms. Negreiro stated that if they don't get it approved for another month, it is going to be tough for them to make even one sign in time for the opening.

Chair Parkins and Comm. McGorty both commented that they did not have a problem with the front sign.

Chair Parkins added that she assumes that if they are spending the kind of money to have something custom designed, then it is probably going to be very nice looking sign. They were just concerned about the lighting.

Mr. Panico stated that it is just going to have to be very soft lighting.

Comm. Sedlock asked when they plan to open.

Mr. Bolero Jr. responded that they were shooting for the end of August.

Ms. Negreiro commented that they believe that the sign is going to be fairly visible but again, they don't want it to be bright. Therefore, you'll be able to see it if you are in front of the building. The reason that they want that second painted sign, which they do want to look very artistic, kind of antique and nice, is because in coming down Bridgeport Avenue you can't see the front sign. They want to light it and have it look very nice so that is why they are proposing that sign.

Chair Parkins responded that they understand that, but it is hard for this Commission to take a look a black and white drawing and know what it is going to look like with no dimensions.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve the front sign only and table the wall signage for Separate #5897.**

**SEPARATE #5828 GARY GAMOU, 334 RIVER ROAD, BUSINESS**

Mr. Schultz indicated that this is the property where they are also altering the front portion of their roof. This is a transfer of business ownership. Staff is recommending that they are not required to provide another site plan because they are maintaining the conditions of approval from the previous Commission action. This is for auto body repair and sales. The lease area is 2100 square feet, 2 employees, hours of operation 8 a.m. to 5 p.m., Monday through Friday. The restrictions are to display up to 14 cars.

Comm. Harger asked if this is a different part because the addresses are different.

Mr. Schultz responded that this is the rear of it. This is right next to the Riverview Cemetery with the big flagpole.

Mr. Panico commented that he's reciting the conditions of the original approval.

Mr. Schultz responded right, because normally this would require a site plan because of the motor vehicle license. But this is just change of ownership. Mr. Curtis owns the building. Staff recommends approval.

**On a motion made by Joe Sedlock seconded by Virginia Harger, it was unanimously voted to approve Separate #5828.**

**SEPARATE #5905, ANTHONY BAUCO, 154 BEARDSLEY ROAD, HOME OFFICE.**

Mr. Schultz indicated that this is a unique one. The name of the home office is Blue Sky Fireworks. The applicant is the owner of the residence at 154 Beardsley Road. He has federal license to display fireworks, or pyrotechnics. He does large events in the tri-state area. The office area is 100 square feet, hours of operation would be 8 a.m. – 4:30 p.m., Monday-Friday. There are no special commercial vehicles. This is strictly a home office; however, he does have a federal license.

Mr. Panico asked if there would be any on-site storage of pyrotechnics.

Mr. Schultz responded no, that has to be strictly enforced and the Fire Marshal is aware of this. Their department came upon this and they told him that he must have a home office approved by the P&Z Commission, and they told him all of the restrictions.

Comm. Pogoda asked if this was just going to be selling out of his house on the Internet.

Mr. Panico stated that it is whatever business he has to conduct, arranging contracts, locations for fireworks shows, etc.

Comm. Pogoda commented that he's just saying there should be no storage of fireworks on the premises.

Mr. Schultz responded that he can't – it is strictly enforced.

Mr. Panico indicated that they have to stipulate strictly business activities, no storage on site.

Comm. Flannery asked where the fireworks were going to be stored.

Mr. Schultz responded that they would be in a warehouse in New Jersey. Normally, Staff would have processed this, but this is unique.

Chair Parkins stated that there just needs to be a condition that he can't have any fireworks there; it is just a home office.

Mr. Schultz responded OK, no storage and no signage.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was voted (4-1) to approve Separate #5905 with the stipulation of no storage and no signage. Comm. Harger voted in opposition.**

**SEPARATE #5907 DAVDAN LLC, 127 CENTER STREET, APARTMENT UNIT**

**David Orazietti, 127 Center Street, Shelton addressed the Commission.**

Mr. Orazietti indicated that they have about 650 square feet on the second floor above Caliente's that they can't use and they are looking to put a small apartment in there.

Mr. Schultz indicated that if anyone has been in that restaurant, they know that there is an upper mezzanine. Dave requested to have musical entertainment and the Commission rejected it. Now he is asking the Commission to consider that he be able to go to a mixed use. They will have to put up a solid wall there. The applicant has paved the driveway going to the back. One apartment would require 1 ½ parking spaces and they have agreed to provide 2 additional compact-sized spaces. The only exterior alterations would be to provide an actual stairwell. Presently, he has a deck on the second floor because it rises up and a stairwell will have to be put there to meet the building requirements.

Mr. Orazietti explained the site plan details of the parking spaces and the external stairs to the Commission.

Mr. Schultz added that the Commission had been very concerned about the external patio and the noise and so far, it has worked out well. The adjacent neighbor has not made any complaints. The applicant has complied with everything that he told the Commission would be done.

Chair Parkins commented that he should put some signage out there indicating tenant parking only.

Mr. Orazietti agreed.

Mr. Schultz stated that it would be a one-bedroom apartment.

Mr. Orazietti commented that it is only about 650 square feet, it is really small.

Mr. Panico asked if there were any issues with the Fire Marshal.

Mr. Oraziotti responded no, he said the Fire Marshal was going drop a letter off to the Commission. He stated that he spoke to the Fire Marshal yesterday.

Mr. Schultz stated that this is consistent with their downtown mixed use. Obviously, Danny O's has the apartments above and he has had a good track record. Also, this is one of the only sites that have on-site parking unlike the café across the street, and he has paved it.

**On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to approve Separate #5907.**

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

Mr. Panico indicated that before getting to the architectural considerations, he stated that he takes a little bit of an issue with the way that the parking calculations were done. He thinks that the numbers that got created are OK but he thinks that they have to approach them a little bit differently.

Mr. Panico stated that the reference on the map talks about a six-story building but it is really a five-story building which kind of threw him off when he was trying to figure out the parking. They were using a gross leasable floor area and that is not usually the approach that they take. They will sit down with the Applicant's technical people and work that out.

Mr. Panico stated that the overall parking seems to be adequate, it is just a matter of how they break it down and tabulate it. Their interest is in making sure that they have their full five spaces per thousand under the medical building because that is really needed. Using the site plans, Mr. Panico explained that peak parking in one location can obviously share space and the peak parking at the other location obviously comes at a different time than the medical building so they should pretty compatible in terms of overall usage.

Mr. Panico stated that he had some architectural comments about the front building especially. The front building is going to be visible on all four sides. The commercial emphasis is on the front, street side, but in reality, the parking is all in the back. At the present time, that is what is presented on the parking lot, and he really thinks that needs to have some more work done to it. He stated that among other things, the pair of entrance doors that go into the four potential tenants need to be made more attractive with the introduction of some finished separation and some signage so he thinks those areas need to be relooked at and reworked.

Chair Parkins commented yes, so it doesn't look like a big box from behind.

Mr. Panico stated yes, and if you're in parking lot, you would want to know where you're going and you wouldn't want to look at a freight door in the back and wonder if that is where to go. It almost has to be customer-oriented, even though they may not be their intent. All the attention has been paid to the front, and it is very attractive from the street, but the reality is that all the parking is in the back. So, that needs work.

Mr. Panico indicated that on the other building, he doesn't see any relationship architecturally between the two buildings and he doesn't know if that is possible.

They are both on the same site and they are part of the same complex. There are two different buildings. The front is a rehab of an existing building and the back is a brand new building and it's a multi-story building. The materials that they are using in the back are attractive. He just doesn't see any tie in to the front and he doesn't know if it is possible to make any tie in to the front but he would ask the architect to look at that again.

Mr. Panico stated that with a building of this nature, and they have learned the hard way, if the interior window treatments are not properly done, it can look pretty poor. If you drive up on Research Drive, the building on the corner, David Mack's building, there is not too much attention paid to how the window treatments are and especially in the early evening hours in the winter, it is a hodgepodge of open and closed blinds that really detracts from the building. He hopes that they somehow or another they could come up with a window treatment that isn't going to create that because obviously this is going to be a multi-tenant building. He indicated that tinted glass is going to take the curse off of that or truly reflective glass, or some standardization of the internal window treatments such as the blinds or the drapes so all the tenants have the same type of treatment.

Mr. Panico indicated that they need to have some dialogue with the Applicant to relay those concerns and see that they are addressed. Other than that, he has no major issues. Planning-wise, it seems like a reasonable proposal.

Mr. Panico stated that he had a lot of interest in the parcel across the street, he wanted to make sure that the Commission understood the nature of the proposal, he put some rough information together so that they could see the relationship between this side of the street and the other.

He explained the location of the River, the landfill, the commercial recreation center with the golf facility and the ice rink. He showed the location of the leftover remaining manufacturing facility and then the current proposal which is this long parcel going from River Road down to the River. He indicated that they have a relatively undeveloped area, but presently committed to manufacturing in the next zone. Obviously, those buildings are going to convert over to something else in the future. There is a lot of flexibility as to which way the usage can go.

In contrast, across the street, the second proposal that they'll be talking about is this parcel which abuts the residential area on the one side but it also has the continuum of commercial development below it. There is a remaining 6 acre parcel that will be influenced by the decision made on this piece. Obviously, if they favor the commercial proposal, then more than likely the remaining piece will eventually become a commercial proposal, especially the front portion of the site. Mr. Panico stated that he just wanted the Commission to be aware that they can't really look at that by itself – they have to also look at what is left.

Mr. Panico asked if the Commission wanted him to discuss the second proposal.

Chair Parkins indicated that she would like to take one at a time.

Mr. Panico responded that at this point in time, Staff just needs some direction as to where they are going and then they'll put the paperwork together.

Chair Parkins commented that she had no opposition to the buildings on that site. She had not thought about the window treatments but that is something that can be worked with the Applicant. She added that in terms of internal window dressing, she thinks that they are going to have the same issues. Some people will put the blinds up and others will put them down.

Mr. Panico responded that with the correct material, they've got half the battle. Mr. Scinto's buildings do it quite well. Maybe they ought to find out a little bit more about how he is able to achieve that.

Comm. Flannery commented that she works at a brand new school and they have big blinds that roll up and down. Every window has the same thing.

Comm. Sedlock asked if they could approve this with the recommendations that Tony suggested and have the rest worked out with Staff.

Mr. Panico responded yes, because at this stage, they are dealing with the zoning aspect of it. They need to decide if they are going to put the zoning in place to accommodate this and, if so, they can work out the next stage which is the final plans that they have to approve.

Comm. Sedlock commented that it seems like the people putting this building up aren't going to want anything haphazard.

Mr. Panico stated that they thought that at the office park too and it didn't work out the way they wanted it to.

Comm. Sedlock asked if they approve it, will Staff still have the ability to get things taken care of.

Mr. Panico responded yes, because those components come as part of the final building plans.

Chair Parkins indicated that what she's looking for tonight is if this is looked upon favorably, and if so, then she'll direct Staff to write a favorable resolution.

Mr. Panico stated that to overly simplify it – it is making a zone change and then going back to do the site plan review but they didn't want to get heavily into the site plan review unless the Commission wants to make the zone change.

Comm. Flannery stated that everyone knows that she is objecting to the reflective glass, eagles flying into the building, the height of the building and how close it is to the River.

Mr. Panico responded that part of their problem is exactly that – if they have the reflective glass then the aesthetic considerations that they have are taken away. They are going to have to sit with the architect and weigh what the pros and cons are of the possible materials he would consider. If the Commission as a whole is going to say no to the reflective glass, then he thinks that they should say it now, up front.

Comm. Harger asked Mr. Panico if he could clarify why on the drawings it says six stories but then he said five.

Mr. Panico responded that at the very bottom level there is a utility room that is really a basement. Maybe that's why they are calling it a six-story building but it is really five occupied floors. All there is on that sixth, that half floor, is the mechanical room and the elevator lobby. On the backside, (inaudible)

Chair Parkins asked the Commissioners if overall they had a consensus for Staff to write a favorable resolution because she would need someone to make a motion.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was voted (4-1) to direct Staff to prepare a favorable resolution for Application #11-09. Comm. Flannery voted in opposition.**

Mr. Panico stated that before they get on to the next Application, he went over all the CAM material and there are no issues. It is pretty straightforward and they will incorporate it into their resolution.

**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).**

Mr. Panico stated that he and Rick did not spend a lot of time with the site plan itself because they were more concerned with compiling enough information so the Commission can make a land use decision. As far as the commentary on the site, if he had his druthers he would have liked to see the building plane that it is being built on kept at a slightly higher elevation. But they are concerned with what kind of grade they can get up to if this is going to be the building configuration.

Mr. Panico stated that he wanted to ask the Applicant if he had looked at any other building configurations that might allow the plateau that the building is going to be built on to be kept three or four feet higher above River Road which would lessen the degree of cut in the back. However, they have not had those discussions yet.

Mr. Panico indicated that he would like to recommend that the Applicant look at a different architectural treatment with respect to the roof because he is thinking that if he's on River Road looking at this site cut out of the rock fairly close down to River Road level with a 45 foot rock cut behind it and single story building in front of it with a flat roof – he's not getting a good feeling on what it will look like. He is thinking that a more traditional type of roof structure might help that out. They haven't had an opportunity to sit down with the Applicant's architect to see if that is something that can be done or not.

Mr. Panico stated that the building itself is not an unattractive building but when visualized sitting with a 45 foot rock cut behind it, you get a different feeling for it. A different roof treatment may help.

Comm. Sedlock asked Mr. Panico what the six acres next to it that he mentioned earlier were zoned at.

Mr. Panico responded that presently it is residential zoning, R-3.

Comm. Sedlock asked, if they approved this for retail, in the overall long range plan, then they would probably have to approve retail all the way up the street.

Mr. Panico responded yes, because he thinks that to approve retail on that site, they are kind of saying that they have a pattern of strip retail along the highway, across the street, and they would expect it to continue until they run into the residential area and then it is going to stop. This is the parcel that is at the far end of it where it runs into the residential area. It is the northerly anchor. The intervening piece that remains with 300 or 400 feet of road frontage is ultimately going to fit with that. He is not suggesting that is a bad pattern.

Comm. Sedlock commented that in theory, somebody could actually put housing in there because it is zoned for housing.

Mr. Panico responded that if it was to be housing, it would undoubtedly be a multi-family development because there are so many site issues and it can't just be subdivided for single family houses. It won't work and it is cost prohibitive to try to do that. More than likely they would get a development of 40, 60, or 80 condos or apartments or something like that. They would probably have to approve the access way that wraps around Hodosi's Garage on the one end and tie it in with a serpentine type of access drive at the other end. It is a very rugged piece of property with the exception of the front half of it. The front half of it has a relatively nice grade to it but it is 30 feet above River Road.

Comm. Flannery commented that there are other houses on that road that high up because she looked at them. They are way up there.

Chair Parkins stated that someone would have to come in and spend a lot of money to be able to build there. They wouldn't build a single family house because it is just not economical to do it.

Comm. McGorty agreed that they would not make any money.

Comm. Flannery stated that there are a lot of single family houses on that street.

Comm. Harger indicated that the site doesn't lend itself to anything but multi-family and that is not on the table.

Mr. Panico stated that at one time they looked at Wintergreen and really it can't be expanded. He recalled having a discussion with the Commission back then that if they approved those two lots that would be it, that would be all you could do on Wintergreen because you can't get to the next piece. If you try to come in off of Long Hill Avenue, you'd have to cut through a 20 – 30 foot ridge. They wouldn't want to try to push a road through there because it is so rugged all around it. So, logically, what would probably happen is that they would try to access up and try to build a few multi-family units on the gentle part of the site.

Comm. Flannery asked if he meant the top part.

Mr. Panico responded yes.

Comm. Flannery indicated that you can do it because she looked at a log cabin that they put...

Mr. Panico responded that the single family wouldn't do it though. You couldn't get enough single family units up there to carry the expense of providing the access to get to that area – that is the difficulty.

Comm. Flannery asked if they couldn't just put a driveway up it.

Comm. McGorty suggested focusing on this application.

Comm. Flannery responded that this is the focus because it is a residential-3 zone. She added that she doesn't understand why they would even consider changing the zoning.

Mr. Panico stated that it is 30 to 40 feet above the level of River Road.

Comm. Flannery responded yes, she knows because she looked at a log cabin that high on River Road.

Chair Parkins stated that it is in an area that is commercial.

Comm. McGorty agreed that it is more in keeping with the area instead of sticking residential houses in there.

Chair Parkins added that it would increase traffic even more.

Comm. McGorty commented that as a businessman, you aren't going to build family units in there and not make any money and lose your shirt. It just does not work.

Comm. Flannery responded that there are residents that are there already and they came and spoke at the public hearing.

Chair Parkins indicated that their main concern was that it is not a restaurant and it is not a restaurant. They have control over that.

Mr. Panico stated that the Applicant has represented to them and they'll have it nailed down in the Statement of Uses that there will not be anything approaching a full fledged restaurant or food operation. There might be an ice cream shop or a coffee shop but that would be the extent of it. There would not be a formal sit down restaurant there belching out odors. They can certainly stipulate that in the Statement of Uses that goes along with that parcel.

Chair Parkins stated that she was leaning toward the zone change.

Mr. Panico stated that he thinks that they could create the necessary visual buffers for the adjacent residents also.

Comm. Sedlock stated that his concern was that steep cut and the safety of the people living up behind it. He did go down and took a look at the other one that had been done, and it is safe and well-done. But he still has a little concern.

Chair Parkins asked if he was talking about the auto body.

Comm. Sedlock responded yes.

Chair Parkins asked Comm. Pogoda how he felt about the zone change.

Comm. Pogoda responded that he was on the fence.

Comm. Sedlock asked who owns the 6 acre parcel next to it.

Mr. Panico responded that he didn't know.

Chair Parkins stated that this zone change will not affect that parcel.

Comm. Sedlock responded that actually it will and that's the point.

Comm. Flannery agreed that absolutely it would affect that parcel.

Chair Parkins stated that they are not changing the zoning of that parcel right now though.

Comm. Sedlock commented that it kind of forces them to go the same way.

Comm. Flannery agreed.

Chair Parkins stated that they could do both – residential in the back.

Comm. Flannery commented that it pushes the issue by changing the zoning.

Comm. Harger responded not necessarily, it is in line with what else is in that area.

Comm. Flannery commented that it is adding to the traffic.

Chair Parkins stated that no one is going to spend that kind of money to build a house there, that's for sure. They aren't going to blast through rock like that to put in one house.

Comm. Flannery responded that they could put it on the top.

Mr. Panico asked Comm. Flannery if she really wanted to encourage single family housing to be built there with the burden that it places on the city.

Comm. Flannery asked what burden.

Mr. Panico responded that every single family house is a burden to the city of Shelton.

Comm. McGorty added yes, because of public services and everything.

Mr. Panico stated that there isn't a single family house that he knows of that pays its way, especially if it has children in the school system.

Comm. Flannery responded that she is a teacher and she does not look at it that way.

Mr. Panico indicated that is what it boils down to though – they demand more services than they pay in taxes. It is not unique to Shelton – that is the way it is all over. That is why you see towns like Woodbridge and Orange, when big parcels of land become available, they are right in there trying to buy them out instead of letting a big development go in because they know that they can pay the taxes on the bond issue and still be dollars ahead.

Comm. Flannery stated that she is sure that all those people that bought houses in that area never expected to have a business put 45 feet below them.

Comm. McGorty commented "on a big road like that, come on, are you kidding?"

Comm. Sedlock stated that it looks like in the long run, both sides of that road are going to be developed commercially – that seems to be the next area to go.

Mr. Panico stated that if this parcel wasn't directly across from the Golf Center, he would probably have stronger reservations about changing it to commercial. But the fact of the matter is that it is directly across from the Golf Center which is a very active commercial facility.

Comm. McGorty commented that housing would not be a good transition for that area.

Chair Parkins stated that it was not practical.

Mr. Panico commented that the site doesn't enjoy the qualities that Crescent Village does. Crescent Village is a large piece perched up high with a good residential views of the River. They don't have that here.

Chair Parkins stated that they have an opportunity to put retail in that is going to serve all the people that moved into Crescent Village.

Comm. Flannery asked if that meant they were going to turn it into another Bridgeport Avenue.

Chair Parkins responded that she doesn't think that they can do that because there isn't enough room there to do that.

Comm. Harger added that it is on a different scale.

Mr. Panico asked what was wrong with Bridgeport Avenue.

Comm. Flannery asked if he ever tried driving down it.

Chair Parkins stated that she drives down Bridgeport Avenue every day.

Comm. Flannery commented that she does too and there are traffic issues.

Mr. Panico indicated that they have done a fantastic job with the amount of commercial development that they have allowed.

Comm. Flannery indicated that she does not want to turn River Road into Bridgeport Avenue. They already have one of those in town and one is more than enough.

Comm. McGorty stated that he never has a problem with Bridgeport Avenue and his office is downtown.

Mr. Panico added that the times that he is on it, he doesn't have any problems.

Comm. Flannery indicated that Rick knows that she is always calling him about problems on Bridgeport Avenue.

Comm. Harger commented that this is a major thoroughfare. It is not a country lane to get from downtown Shelton to Stratford. This is a business district. It has always been like that and it is going to remain like that and it is going to continue to develop along that way.

Comm. McGorty agreed and added that it is right near the Parkway and right near Route 8.

Mr. Panico stated that the major traffic component of River Road is already oriented to Sikorsky Aircraft. That is what creates the traffic burden on River Road in this area. It is the morning and evening commute. During the day, this section of River Road is quiet.

Comm. Flannery commented that there is a morning commute and an afternoon commute and she is always in it.

Mr. Panico responded that the commute has good things (inaudible)

Chair Parkins indicated that she is sensing that they could debate this issue all night.

Comm. McGorty commented that he thinks the consensus is a favorable one.

Comm. Harger indicated that it was favorable for her.

Comm. Flannery stated that she thinks it is unfavorable.

Comm. Sedlock indicated that he would give it a favorable.

Comm. Pogoda indicated that he would probably vote favorably.

Comm. McGorty stated that he was favorable.

Chair Parkins indicated that the consensus is favorable.

Mr. Panico indicated that they were going to take an opportunity to meet with the Applicant's architect to discuss some of the planning issues and the physical issues related to the site and that will somehow get reflected in the write-up.

Chair Parkins stated that she wants to make sure that the write-up contains some of the issues brought up by the residents there in terms of the limitations of food operations.

Mr. Panico indicated that part of the request was a drive in and they saw no reason to single it out and eliminate it. Therefore, unless he is told, he will not eliminate that part of it.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was voted (4-1) to direct Staff to prepare a favorable resolution for Application #11-08. Comm. Flannery voted in opposition.**

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

Mr. Panico indicated that all the issues that he and Rick brought out from their site visits seem to have been addressed. They were on the site three or four times. The difficulty here is that they are having a public hearing on something that is somewhat subjective. The public hearing aspect is really confined to the degree of activity that is going to be associated with this site and whether or not it can be successful on this site. Under that food category, it is labeled as a high activity use that they put into the Regulations 8 or 9 years ago because sometimes they work on some sites and not at other sites. Beyond that, the architectural stuff, they obviously share a concern about preserving the attractive residential character of that strip of five or six properties. They don't want to see it converted in such a way that it is unusual or intrusive in the block.

Mr. Panico stated that he thinks that he is doing it with the minimal amount of impact on the architecture of the building. The biggest impact is really the replacement of the two double hung windows and the shutters with the one large commercial window. Other than that, everything is pretty straightforward.

Mr. Panico stated that the handicapped accessibility has a ramp associated with it but it is wrapped around the back and does not have to be very much because the grades are not severe back there. The two entrances in the back work out fine in the back and he doesn't have any issues with that. He added that he doesn't have any issues with the way that the front stoop is essentially bringing preserved. He is going to enclose it a little bit but not with a door on it to get

out of the weather. And then he'll be changing the residential door to a more commercial looking door going into the store.

Mr. Panico stated that in regard to the signage, he is agreeable to working with the small panel sign directly over the window, non-illuminated. If it is illuminated, it will be with gooseneck lighting up above and nothing internally illuminated. He indicated that Rick suggested to get some visibility signage-wise to traffic up and down the street, a small projecting sign be incorporated somewhere around the entry and that is what he is proposing to do.

Mr. Panico stated that he is showing five sites but quite frankly, he would only have him stripe the fourth and not stripe that fifth site. If somebody pulls up there and there is no place to park and they want to park along the fence when they run in to get something, which is their concern. He would not encourage the use of the fifth spot. Theoretically, it works but from a practical point of view, he doesn't think that it does. For all intents and purposes, he's got four good workable spots.

Comm. Pogoda asked if there was sufficient room if someone did park across the fence. He asked if there would be room to turn around and what would happen in the wintertime with a lot of snow.

Mr. Panico responded that they have to be careful. He stated that he would never park there if it were tight because he would worry that someone might come into him broadside.

Comm. Pogoda stated that he would be concerned about the wintertime unless they remove all that snow from the area.

Mr. Panico responded that they would have to but they have no place to dump it.

Comm. Pogoda indicated that is what he is saying, they can't push it anyplace to get at least four cars in there.

Mr. Panico responded that they'll probably push the snow to the back property line and they might lose  $\frac{1}{4}$  to  $\frac{1}{2}$  of that space but then they would push everybody down and the handicapped space would become more like a regular space. The handicapped space is like one and a half space.

Comm. McGorty commented that if they have the type of winter that they just had, then they are going to lose a lot of space back there.

Comm. Pogoda stated that is what he is concerned about.

Comm. Sedlock commented that if they have the type of winter that they just had, then nobody is going to go back there anyway. They'll just park on the street and run in or not go in at all.

Comm. McGorty indicated that was his concern – that if they lose that parking, they are going to be double-parking on the street.

Comm. Pogoda stated that double-parking there is a real no.

Comm. McGorty responded that they do it though from time to time.

Mr. Panico stated that if they have a heavy snow, they will have a problem with street parking too.

Comm. Pogoda indicated that was another factor.

Mr. Panico commented that they couldn't base their decision just on that though.

Comm. McGorty stated that there are a lot of factors though.

Comm. Pogoda stated that it's a fact of life whether it is a bad winter or not.

Mr. Panico responded that it's a fact of life that affects every single property in the City as well as the City streets.

Chair Parkins indicated that she is just concerned about the impact to these houses. To have a driveway is one thing but this is going to be a commercial driveway with cars in and out, in and out...

Mr. Panico indicated that this property is zoned commercial. If there is a problem, it is that it has the wrong zone on it and it should not be in a commercial zone then.

Chair Parkins stated that she feels that it is unusual and intrusive.

Mr. Panico commented that if a person comes in and wants to use a property (inaudible)

Comm. Sedlock stated that he thinks that the people in the neighborhood expressed their concerns and they kind of addressed their concerns. He doesn't think that it is ideal either but it is zoned for it.

Mr. Panico indicated that he wanted to make another parallel here. If this was not a convenience store and it was ordinary retail store – i.e. Mr. Butts wants to open up his cigar store here, they would have no alternative but to approve it. All he would have to do is give the Commission a site plan, show what he is doing and that's it.

Comm. Flannery asked what was different about this.

Mr. Panico responded that he is creating a parallel here because they have very little alternative even in this particular case.

Comm. Flannery indicated that all they can really say is something about the cooking and the grill.

Mr. Panico responded that is correct.

Comm. Flannery indicated OK, she was fine with it.

Comm. Harger stated that they did have a property owner to the right that came in from out of town and she can take his position. He had talked about parking, trespassing, property values, and future commercial. There was another gentleman who had moved a couple of weeks before from the area who discussed the lack of parking and he was even the person who mentioned that the previous convenience store had been broken into twice. Comm. Harger stated that she thought that moving this particular business into this particular strip of buildings is going to have a negative impact on that whole area.

Comm. Sedlock stated that it is just moving across the street – it is the same business moving across the street so there won't be any extra traffic.

Chair Parkins indicated that it was a commercial building with parking on the side. It is more open. There is a backyard area.

Comm. Flannery commented that it is zoned for it.

Mr. Panico stated that they've required him to fence that property so that there will be minimal impact on the person next door. He indicated that he would also put the shoe on the other foot and say that if this Commission decided tomorrow that they didn't want commercial zoning in there and had a public hearing, the neighbor next door would probably be the first one to come in screaming and hollering that you're taking away his commercial zone away.

Comm. Harger responded that he has an apartment house.

Mr. Panico responded that it doesn't matter, it is a commercial zone. He'll say that he's had that commercial zone for years and you're taking it away from him. He'll say he was planning on tearing down his house and putting up a store and you'd be taking it all away from him.

Chair Parkins stated that this is something that they are going to regret.

Comm. Harger indicated that since day one, she did not think this was a good location for this.

Chair Parkins stated that it is definitely going to change the character of that strip. There is no doubt about it. They can put a pretty picture window in place of that and it is going to be loaded up with beer, cigarette and Lotto signs. They are changing the character. There is no doubt about it.

Comm. Harger indicated that there is a block closer to the center of downtown that she has always talked with Staff about how that particular property owner needs to clean it up. Let's see something like that in this particular location. In this particular group of buildings, she doesn't see it.

Mr. Panico stated that the flip side of that coin is that they have a unique circumstance here where the owner lives on the premises so he has a vested stake in his own property. Some of the properties in the block she just referred to are really in shambles because nobody lives there that own them.

Chair Parkins asked if that could be a stipulation that it is owner occupied.

Mr. Panico responded that he wasn't sure if that was enforceable. That is the circumstance that they have now.

Chair Parkins indicated that they did it with that converted garage with the apartment house over on Howe Avenue. They told them that they could convert the garage into a house, but it would have to be owner occupied.

Mr. Schultz responded that they agreed to that voluntarily.

Comm. McGorty commented about the driveway width. It is fine but where it is currently, it is very wide and two cars can get in and out without a problem. The last thing that they need is people coming down toward downtown around that corner. That is a problem.

Mr. Panico agreed but stated that it is marginal at best. It is relatively short.

Comm. McGorty stated that it's a problem if someone starts to pull in and someone can't make the turn because someone else is taking up too much of the driveway.

Mr. Panico indicated that they would have that issue, maybe with less activity, even if it were a three or four family house there.

Comm. McGorty agreed but added that the volume of traffic will be much different.

Comm. Sedlock indicated that he was in favor of it and added that he has a right to be there.

Comm. Flannery agreed that she was in favor of it too.

Comm. Sedlock commented that he is going to be living on the premises and it has been a family business for years.

Chair Parkins stated that it is the character that she's concerned about.

Comm. Sedlock indicated that years ago that was the character of the town, especially in that area. People lived upstairs and worked downstairs.

Mr. Panico stated that if they don't control it here, somebody could have come along and put a commercial front on the house. They could have gone out to the sidewalk and put a one-story box with a store front on it as they do on the block going to the center of town. That is all that those are. That is why they are trying to develop some regulations now that will help them control that to prevent it from happening.

**End of Tape 2B 10:15 p.m.**

Chair Parkins indicated that she wants the shutters back on.

Comm. Pogoda commented that he thinks that the shutters were going to go back onto that window.

Comm. Flannery indicated that they took the shutters off.

Chair Parkins added he is going to make it extra wide.

Comm. Pogoda stated that he thought he was going to make it extra wide but put the shutters back on. He thinks that the shutters should stay on.

Mr. Panico indicated that what they are suggesting is that the size of that window be made smaller to be essentially just a replacement for the two double hung windows – not an enlargement of that.

Comm. Pogoda commented that they shouldn't enlarge it but they should keep the shutters on it to preserve the residential look.

Chair Parkins indicated that their hands are kind of tied. She doesn't like it at all.

Comm. Sedlock commented that happens here a lot where they are forced to vote on things that they really don't like. This is another one of those situations. There is a gentleman here that has a family business passed down to him and he is just trying to make it. He wants to live in the house and it is zoned for this.

Chair Parkins responded that he was absolutely right but she is concerned about what happens if he moves out and puts a tenant in there. Then there is no control over how this property is kept up and that is when they are going to regret it.

Comm. Sedlock stated that the man deserves a chance to make it and if it goes that way, he'll be the first one to say that he was wrong.

Comm. Harger indicated that she didn't think that they should do it for the sense of a chance.

Comm. Sedlock responded that he has a right to do it though and if he pursues it, he will end up getting it in the end anyway. It will just force the man to spend more money trying to get what he deserves. They should give him the opportunity. He has been a gentleman all along. He has complied with everything they have asked for.

Chair Parkins stated that she wants to make it very clear that there is no grill or restaurant– that has to be very clear and it must be followed.

Comm. Sedlock agreed that they should put that in there then.

Comm. Flannery indicated that they should say no to any beer.

Mr. Schultz responded that he has that license. He has the right to sell beer and tobacco.

Comm. Pogoda commented that he has the right to sell beer.

Comm. Sedlock added that is what convenience stores sell, beer and cigarettes – the guy is trying to make a living.

Mr. Panico noted the stipulations for no food preparation, no grill, and signage in front windows.

Comm. Harger reiterated that there is absolutely not enough parking on the site. Howe Avenue is heavily traveled.

Comm. Sedlock commented that they could say that about a lot places like the bar that they did tonight. There is no parking there either.

Chair Parkins requested a motion to direct Staff to prepare a favorable resolution.

**On a motion made by Joan Flannery seconded by Joe Sedlock, it was voted (4-1) to authorize Staff to prepare a favorable resolution for Application #11-05. Comm. Harger voted in opposition.**

**SHELTON PLANNING AND ZONING COMMISSION: REWRITE OF SECTION 44: SIGN REGULATIONS (PUBLIC HEARING CLOSED ON 6/16/11).**

Mr. Schultz stated that Corporation Counsel has given the Commission the green light to proceed. He asked that his memo be read into the record. Additionally, he read a prepared draft resolution.

**\*See attached memorandum to the Shelton Planning & Zoning Commission dated July 13, 2011 from Atty. Thomas Welch, Corporation Counsel.**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously roll call voted (6-0) to approve the Shelton P&Z Commission Rewrite of Section 44: Sign Regulations.**

Chair Parkins thanked the Commission and Staff, especially Comm. Pogoda and Comm. McGorty.

Comm. Pogoda thanked Staff. This has been a long time coming and hopefully, this will alleviate the problems that they have at every meeting.

Comm. McGorty added that at least it is defined and in black and white now.

Chair Parkins commented that hopefully, it will save them some time. She thanked everyone again.

### **NEW BUSINESS**

#### **APPLICATION #11-15 KOBIS RESTAURANT FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #48 (INTERIOR MODIFICATIONS TO RESTAURANT), 514 BPT. AVE. (MAP 51, LOT 10), ACCEPT, DISCUSS AND POSSIBLE ACTION.**

**On a motion made by Joan Flannery seconded by Joe Sedlock, it was unanimously approved to accept Application #11-15.**

#### **Joseph Mingolello, Mingolello & Hayes Architects, 90 Huntington Street, Shelton addressed the Commission.**

Mr. Mingolello indicated that the original restaurant was Madison's and it was sold to Kobis. There was a large sports bar with Madison's and it generated a lot of traffic and caused a lot of problems with parking.

Mr. Mingolello displayed the site drawings and explained that Kobis would like to take the sushi bar and make it the regular bar with 8 -10 seats and eliminate their existing bar and make it the sushi bar. They would also like to eliminate the men's and women's toilet areas in the bar area. The restrooms in the existing restaurant are enough to support the whole restaurant. Additionally, they would like to make a small party room approximately 12 feet deep and the width of the removed toilet rooms.

Mr. Panico asked if the net effect of all these modifications would increase their total seating capacity.

Mr. Mingolello responded no, and it is probably a few less. He explained that when there is a bar, people stand, they don't sit. They are eliminating a lot of occupancy. Right now when they just count the seats, it is pretty much a wash between the bar seats and the sushi bar seats.

Chair Parkins commented that the sushi room can really become a cocktail lounge.

Mr. Mingolello responded that there is no bar in there though. It is just sushi with a few seats around the sushi bar itself and then some tables.

Chair Parkins asked if it was similar to Asian Bistro.

Mr. Mingolello responded that he had never been to the Asian Bistro.

Chair Parkins indicated that they do a Happy Hour at 5:00 p.m. and the place is mobbed.

Mr. Mingolello commented that the bar is on the other side. It is just sit down dining there right now.

Mr. Panico commented (inaudible)

Chair Parkins commented about the site plan and asked if this is their existing space right now. She asked if they had this many hibachi tables.

Mr. Mingolello responded yes and added that they want to move the Koi Pond. They want to relocate it and that becomes the restaurant waiting area. He showed the present location of the Koi Pond, a small bridge, a waiting area and the corner where they would like to move the Koi Pond. He explained the location of the sushi bar and the alcohol bar – and explained that they are really just flipping these two around. The toilet rooms would be eliminated to create the small party room.

Comm. Harger commented that there are over 170 seats occupied and asked how the two toilets each for the Men's and Ladies' Rooms could accommodate that.

Mr. Mingolello responded that it does. It accommodates 300 people according to the plumbing code. That was the first thing that they checked out to make sure the plumbing would be adequate for the occupancy before taking them out.

**On a motion made by Joe Sedlock seconded by Thomas McGorty, it was voted (4-1) to approve Application #11-15. Comm. Harger abstained from voting.**

### **PUBLIC PORTION**

Chair Parkins asked if there was anyone in the audience wishing to address the Commission regarding any item not on the agenda. She noted for the record that there was no one in the audience – nobody.

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

### **OTHER BUSINESS**

#### **8-24 REFERRAL: ACCEPTANCE OF 50 FOOT EXTENSION OF WELLS AVENUE**

Mr. Schultz read the 8-24 Referral and indicated that the BOA approved the extension of Wells Avenue by 50 feet with the stipulation that P&Z have a favorable 8-24 Referral. He stated that he had a letter from the City Engineer recommending the acceptance of the road 50 feet from the former cul-de-sac.

Chair Parkins asked if this came before them at another time.

Mr. Schultz responded yes, as a performance bond. This is going through the motions. This is a one-year maintenance and now the City is accepting it.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to report favorably on the 8-24 Referral for the acceptance of the 50 foot extension of Wells Avenue.**

### **APPROVAL OF THE MINUTES, ZONING ENFORCEMENT, PAYMENT OF BILLS, STAFF REPORT AND SUBCOMMITTEE CHAIR REPORTS**

Chair Parkins requested a motion to table the remaining agenda items until the next P&Z Meeting on August 9, 2011.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table the remaining agenda items under Other Business (i.e., Approval of the Minutes; Zoning Enforcement; Payment of Bills, Staff Report and Subcommittee Chair Reports).**

**ADJOURNMENT**

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

Respectfully submitted,

Karin Tuke  
Planning & Zoning Commission, Recording Secretary