The Shelton Planning and Zoning Commission held a regular meeting on August 9, 2011 at 7:00 p.m., Shelton City Hall, Room, Room 303, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present:   Chairperson Ruth Parkins
Commissioner Joan Flannery
(arrived 7:06 p.m.)
Commissioner Virginia Harger
Commissioner Thomas McGorty
Commissioner Anthony Pogoda

Staff Present:    Richard Schultz, Administrator
Atty. Ray Sous, Corporation Counsel
Karin Tuke, Recording Secretary

Tapes (2) 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

CALL TO ORDER/ PLEDGE OF ALLEGIANCE

Chairperson Parkins called the regular meeting to order at 7:03 p.m. with the Pledge of Allegiance and a roll call. She requested a motion to go into an Executive Session with Atty. Sous and Richard Schultz regarding some pending litigation.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to go into an Executive Session at 7:03 p.m. and to invite Corporation Counsel Attorney Sous and P&Z Administrator, Richard Schultz.

EXECUTIVE SESSION (7:03 p.m. – 7:17 p.m.)

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the Executive Session at 7:17 p.m. with no votes having been taken.

Chair Parkins requested a motion to withdraw legal action against Mr. Lichvar.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to withdraw legal action against John Lichvar, 44 Lisa Drive, Shelton, currently pending in Milford Superior Court.

OLD BUSINESS
APPLIcATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Chair Parkins asked if there were any questions regarding Standards 1 – 16.

Comm. Harger asked if all the Standards #1-16 that included additions and decks were within the standards.

Mr. Schultz responded that everything is in compliance with the Shelton Zoning Regulations.

Comm. McGorty asked for clarification about the home office for Staff Separate #3 - #5932 A. Sadowski, 125 East Village Road.
Mr. Schultz responded that it was a home office for a contractor.

Comm. Flannery asked what the home office was for Staff Separate #5906, Robert Simpson, 75 Walnut Tree Hill Road.

Mr. Schultz responded that it was for web development. He indicated that they would add more detail about these separates in the future. He clarified that Separate #5950, Anthony DiZenzo, 20 Spicebush Lane was for a computer development home office and Separate #5948, Sibilia Electric, 67 Sorghum Road was a home office for an electrical contractor.

Comm. Harger asked how the two-family to one-family on Separate #5945 had evolved.

Mr. Schultz responded that the home owner decided for a variety of reasons, including taxes and Fire Marshal codes. It will now be #42 Ann Avenue and all information will go to the Assessor’s Office, Engineering and Building Departments.

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

Mr. Schultz indicated that this had been tabled at the last meeting. This is the recently constructed auto body facility. The applicant is present and he was unaware that the Commission needed to take action before he installed the channel letters. These red channel letters were salvaged from the Crabtree Auto Body Shop. The letters are 2’ in width, 24” high and 19’ in length. The applicant also did a sample ground sign that the Commission is not acting on tonight but he'd like them to look at the rendering.

William Hodosi, owner, The Body Shop 110, 803 River Road, Shelton addressed the Commission. Mr. Hodosi indicated that he wanted to use the same brick that is on his building for the monument sign. He dug down and it will be on a footing with plantings all around it. It will look very nice.

Comm. Flannery commented that “Experts since 1979” should be on one line because she mistakenly thought that was the address.

Mr. Hodosi responded that it is a rough sketch and his sign painter will make sure that it doesn't look that way.

Comm. McGorty commented that he liked the ground sign but thinks that the channel letters on the building take away from it. He thought that something more creative could have been done. The old channel letters are big and close the road, and the letters probably worked better for Crabtree a little farther away from Bridgeport Avenue. He likes the monument sign and it is a nice-looking place but he thinks that it just kind of takes away from it with the channel letters.

Mr. Hodosi responded that he loves the letters.

Chair Parkins asked if he would be adding 110 on to them.

Mr. Hodosi responded no – it will just say The Body Shop.

Comm. Harger asked what the significance of the “110” was.

Mr. Hodosi responded that it was because it is on Route 110.
Chair Parkins commented that the name of the facility is the The Body Shop 110. She asked if the “collision repair” and “expert service” would be smaller beneath that.

Mr. Schultz responded that this is just a rough sketch – they will get the details.

Mr. Hodosi added that he would have the sample ready for next month’s meeting.

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to approve Separate #5895 for the channel letter signage.

SEPARATE #5871, SPLASH, 376 BRIDGEPORT AVENUE, CANOPY

Mr. Schultz indicated that this was also tabled with the suggestion that an alternative location be made. That has been done and the Applicant would like to go over the details with the Commission tonight.

Jason Frank, Splash Car Wash, 376 Bridgeport Avenue, Shelton, CT addressed the Commission.

Mr. Frank stated that he called Rick Schultz to request that he come over to look at the location with him but he was told that one of the Commissioners had already come out and recommended putting it on the side of the building, closer to the back. He showed a map prepared for a previous application outlining the site and the parking locations. Mr. Frank explained that the tunnel located there is 100 feet long so they were going to use the back 50 foot section of it. He showed the planned location for the detail canopy tent and explained that it would be further to the back. Presently, it is a grassy area so they would need around 50 feet because the tent is 40 feet and it would give them 10 feet on either side for the footings.

Chair Parkins asked for clarification as to the location of the bypass lane.

Mr. Frank clarified that location. He indicated that the tent is 20 feet deep so he wanted to go 30 feet with an area that would give them 5 feet in the back for their carts and supplies, and then another 5 feet so that cars won’t stick into the bypass lane. He didn’t want it right where cars would be driving by.

Chair Parkins asked if this would eliminate all the storage of all those containers that they have out there now and all the drying stuff.

Mr. Frank responded the drying ones that they use to dry the cars in the front of the building would be there but the all other items would be moved to a different area.

Comm. Harger asked what the normal depth of a parking space was.

Mr. Schultz responded that it is usually 18 feet. A parking stall is 10’ x 18’ and 9’ x 20’.

Mr. Frank indicated that right now it is grass with some rock so they are going to have to excavate it and pave it. They will probably excavate, put the fittings in for the tent first, and then pave it.

Mr. Schultz added that this was also recommended by Tony Panico.
Mr. Frank stated that the location would work fine for them as long as he goes back a little bit more so that he doesn't have any cars encroaching on the travel lane.

Chair Parkins added that they were concerned about the visibility of it.

Mr. Frank responded that if 30 feet is not enough, he can go 40 feet. The owner owns all the property over there so any extra few feet isn't an issue.

Comm. Harger asked what was there now for screening from the street.

Mr. Frank responded that there are trees along Bridgeport Avenue.

Comm. McGorty commented that there is foliage between Bridgeport Avenue and where the tent is going to be. He added that he thinks that accomplishes it.

Comm. Harger asked Comm. Pogoda if he went to look at it.

Comm. Pogoda responded that when he went out there with Mr. Panico, he suggested that they could also take the excavated soil, place it in the back and berm it and get some trees on top of that to provide visual screening and make it higher from the road. This way, the berm will give it some screening and then putting evergreens on the top staggered as they are in the other location. He commented that something like a white pine would grow quickly.

Chair Parkins added that it would also shield the poles that would be noticeable if they leave them up.

Mr. Frank asked if they still wanted them to take the poles down in the winter and put them back up.

Comm. McGorty responded that it probably won't be an issue if they do all that screening.

Mr. Frank indicated that he had no problem screening it from the rear, he just wants to get some shade over the guys working.

Mr. Schultz stated that he added all those conditions.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the canopy for Separate #5871 with the noted conditions.**

**SEPARATE #5909, SPEEDY SIGN DESIGN, 515 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz indicated that this was for Captain’s Pizza permanent wall sign. It is internally illuminated. They changed the colors from red to blue. They are moving very shortly. The sign is 24’ x 8’ feet and it is recessed back.

**On a motion made by Joan Flannery seconded by Thomas McGorty, it was unanimously voted to approve the signage for Separate #5909.**

**SEPARATE #5959 ATTY BENJAMIN PROTO, 827 RIVER ROAD, SIGN**

Mr. Schultz indicated that there are two Cumberland Farms sites on River Road. The first is for 827 River Road.

**Attty. Benjamin Proto, representing Cumberland Farms addressed the Commission.** Attty. Proto stated that there is presently a free-standing sign at
the street location. It is a manual sign in which the employees have to go outside and change the numbers. They propose to change that sign to an exact same size sign but it would be an LED electronic sign. The prices could be changed inside from a central location. There is no size change and no color change. It is just a replacement of the manual sign to an electronic sign.

Mr. Schultz displayed the rendering of the proposed LED sign and indicated that it complies with the new regulations.

Chair Parkins asked what the height of the sign would be.

Mr. Schultz responded that its 15 feet and they used to allow 20 feet.

Comm. McGorty commented that it is currently not lit, and asked if there were any houses near there on Long Hill. The Pizza place is across the street and the landfill. He asked if it would be on for 24 hours.

Chair Parkins commented that there is a house right on top in the back.

Atty. Proto responded that the numbers are lit so the prices - (inaudible)

Comm. McGorty commented that they’ll be on 24 hours so he just had concern about any houses (inaudible)

Atty. Proto commented that Comm. Harger asked if the upper portion of the sign would be illuminated. It is currently illuminated and it will continue to be illuminated. The only thing that will change will be the manual number to the electronic number.

Chair Parkins asked what color.

Atty. Proto responded that it would be red.

Comm. Harger asked what the height of the old sign versus the new sign would be.

Atty. Proto responded that there would be no change in height.

Mr. Schultz clarified that it is actually 3 feet shorter – it was 18 feet and now it’s 15 feet, and it meets the new regs.

Chair Parkins asked if the price of cigarettes would be on the sign.

Atty. Proto responded no, that is the drawing of the old manual sign.

Chair Parkins asked if it would be blinking or if it would be static.

Atty. Proto responded that it would not be blinking. It will only blink when they change the prices.

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to approve the signage for Separate #5959.

SEPARATE #152, ATTY BENJAMIN PROTO, 464 RIVER ROAD, SIGN

Atty. Proto, representing Cumberland Farms, stated that he would be requesting three things for this application. First, he is requesting the waiver of a site plan review and they are requesting a sign change. The sign change is exactly the
same change as was made at the 827 River Road/Long Hill location to go from a manual sign to an electronic sign with the same size and the same colors.

Att. Proto indicated that the third piece of this was the proposal to install bollards in front of the store to protect it from people driving into the store. Unfortunately, they need to do that and would plan to install ten all the way across the store, equally spaced and covered in white plastic with green reflective striping. He showed some photographs of the proposed green and white bollards.

Mr. Schultz commented that the white is preferable. They have seen the yellow which is very sharp.

Chair Parkins asked if this facility was also open 24 hours.

Att. Proto responded that he believes it is open 24 hours.

Comm. Flannery asked which one got robbed.

Att. Proto responded that the store by Long Hill got robbed and it was shut down for a period of time. This location is next to Danny O's.

Chair Parkins asked if there were any residents in the area.

Mr. Schultz responded that there is the shopping center. It drops down before there are any residents. It is undeveloped across the street.

Att. Proto commented that to the best of his knowledge, there is no residential anywhere near where this sign is going to be put in.

Mr. Schultz indicated that a motion would be in order for the placement of the bollards, site plan waiver and the signage.

**On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to approve Separate #152 for signage, waiver of the site plan and placement of the bollards.**

**SEPARATE #5960 ARI YIANNOULIS, 99 BRIDGEPORT AVENUE, SIGN**

Mr. Schultz stated that this is the Shell Gas Station and this is the sign for the drive-through called Ari's Luncheon. He persuaded the Applicant to go smaller so that he wouldn't have to bring in Alternates B & C. The letters are 16” tall.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the signage for Application #5960.**

**APPLICATION #5947 PRAMOD KANDEL, 524 HOWE AVENUE, BUSINESS**

Mr. Schultz stated that subsequent to the public hearing, the Applicant advised his office that he found an alternative location at the old Valley Printing, 524 Howe Avenue. He showed the Commission a copy of the floor plan and explained that the site was immediately adjacent to Webster Bank and had onsite parking. There is a telephone pole there, but there are spaces for 5 or 6 cars.

**Pramod Kandel, Mill Variety, addressed the Commission.** Mr. Kandel stated that he will be getting four parking in the front. The lease area of the building is 34 feet deep and 34 feet in the front.
Comm. McGorty asked about the garage facing on the right side and if it would be staying.

Mr. Kandel responded that he wasn't going to work on anything outside. He requested that he clean up everything but…(inaudible)

Mr. Schultz commented that it was going to be a condition.

Comm. McGorty asked if it was the owner who has that garage.

Mr. Kandel responded yes. He is going to put his Mill Variety signs on the parking for the customers - that way they can easily come in and go out.

Chair Parkins asked if the owner was running a business out of there as well.

Mr. Kandel responded that he has some business but it's (inaudible)

Mr. Schultz commented that they have Valley Printing, then the transmission place and the travel agency.

Comm. McGorty asked if they were still there.

Mr. Schultz responded yes, just not frequently.

Comm. McGorty asked about the transmission place - the garage there.

Mr. Schultz responded that he is saying that he is not occupying it. He is occupying 1020 square feet - which is the printer.

Mr. Kandel responded that Webster Bank (inaudible) and he is going to keep two parking - one parking for his garage and (inaudible).

Mr. Schultz asked Mr. Kandel if he was occupying the space and the end.

Mr. Kandel responded no.

Comm. Harger indicated that it used to be a Laundromat.

Mr. Kandel responded yes, it is a very small place. He might eventually take the inside part for the (inaudible).

Comm. McGorty asked for clarification if he was taking the location of some garage doors and mechanics.

Mr. Kandel responded no.

Comm. McGorty commented OK - he understands that he will just be taking where Valley Printing was and nothing to the left or right of it.

Mr. Schultz stated that the hours of operation would be from 6 a.m. to 9 p.m. Monday through Sunday.

Mr. Kandel responded that on Sunday he would close at 12 noon.

Mr. Schultz restated that it would be 6 a.m. - 12 p.m. on Sunday. He indicated that there are still a lot of unknowns and things that Staff has to work with the Applicant on. He is also requesting an ice box outside and Staff isn't ready to go into those types of details.
Comm. Harger asked for clarification as to what type of ice box.

Comm. McGorty indicated that it is the box with the bags of ice in it.

Chair Parkins commented that would take up some of his parking.

Mr. Schultz agreed and suggested that they just act on the occupancy tonight – the inside only with no signage. They need to determine if they want to have a hearing or not and just work on the 1020 square feet of occupied area.

Chair Parkins responded that there would only be a public hearing because a convenience store is a high traffic generator.

Mr. Schultz responded yes and it is immediately south of the previous site that they had a public hearing on. This is zoned for it.

Comm. McGorty commented that this site is a much better fit. It is more conducive to that type of business.

Mr. Schultz stated that the Applicant has indicated that he’s prepared to withdraw the older application tonight.

Chair Parkins asked if Mr. Kandel will withdraw his other application tonight, if the Commission waives the site plan and approves this application.

Mr. Schultz responded yes, he has prepared a letter dated August 9, 2011 indicating that he hereby requests to withdraw his Application 11-05 without prejudice. They will take that up later tonight.

Chair Parkins asked the Applicant if he was all set with his lease or is he waiting for Commission approval.

Mr. Kandel responded that he has no lease over there. He is supposed to move 740 (inaudible).

Comm. McGorty clarified that he is waiting for this approval before he signs his lease.

Mr. Kandel responded yes, he had no place else to go right now.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the business occupancy and waive the site plan for Separate #5947.

Mr. Schultz asked if the Commission wanted him to read the next seven business occupancies together or one at a time.

Comm. Harger responded no, read them all together.

SEPARATE #5738 R.D. SCINTO, 3 ENTERPRISE DRIVE, BUSINESS

Mr. Schultz indicated that this business is for a medical device manufacturer called Spine Wave. They have 9 employees; 24,040 square feet of leased area; hours of operation are Monday through Friday, 9 a.m. – 5 p.m.

Chair Parkins asked who the previous occupant was.

Mr. Schultz responded that Tempur was the previous tenant.
Comm. McGorty asked if this was manufacturing or sales.

Mr. Schultz responded that it was sales but they manufacture medical devices. This is the office component of that.

**SEPARATE #5914 R. D. SCINTO, 4 CORPORATE DRIVE, BUSINESS**

Mr. Schultz indicated that the previous occupant was New England Fertility. This is a medical office, 2824 square feet with 9 employees, hours of operation are Monday through Friday, 9 a.m. to 5 p.m., Northeast Medical.

**SEPARATE #5916 R. D. SCINTO, 6 CORPORATE DRIVE, BUSINESS**

Mr. Schultz indicated that the previous tenant was Profitness and this is for TRC Global Solutions which is an employee relocation company. The leased area is 3260 square feet, 12 employees, 8:30 a.m. – 5 p.m., Monday through Friday.

**SEPARATE #5919 R. D. SCINTO, 11 FOREST PARKWAY, BUSINESS**

Mr. Schultz indicated that MBI was the previous tenant. The new occupant is Lex Products, 180 employees, 60,000 square feet, 7 a.m. to 12 midnight Monday through Friday.

Chair Parkins indicated that Lex Products, right now, is on Research Drive. She asked if this was an additional facility for them because they don't have enough parking where they are.

Mr. Schultz clarified that they are at 1 Forest Parkway and this is 11 Forest Parkway.

Comm. Pogoda commented that they aren't on Forest Parkway, they are on Research Drive.

Mr. Schultz responded that it says 1 Forest Parkway.

Comm. McGorty added that they are in the old ITT building.

Mr. Schultz indicated that there were a lot of different addresses on the application.

Chair Parkins stated that they should table this one in order to get clarification. They'll table #5919.

**SEPARATE #5912, R. D. SCINTO, 2 CORPORATE DRIVE, BUSINESS**

Mr. Schultz indicated that this is for Robert Half, Temporary Services, 6 employees, 2118 square feet, 7 a.m. to 6 p.m. Monday through Friday. The previous tenant was consulting, Jack Welch, GE.

**SEPARATE #5917 R. D. SCINTO, 1 CORPORATE DRIVE, BUSINESS**

Mr. Schultz indicated that this is Prudential, 2700 square feet, 30 employees, Monday through Friday 9 a.m. to 5 p.m.

**SEPARATE #5918 R. D. SCINTO 4 CORPORATE DRIVE, BUSINESS**

Mr. Schultz stated that this is Lab Corp for a blood drawing facility. The lease area is 2044 square feet, 6 employees, Monday through Friday, 9 a.m. to 5 p.m. Previous tenant CSMSIPA.
Comm. McGorty asked to go back to #5919 because there is no reason to hold it up.

Chair Parkins commented that they need clarification on it.

Mr. Schultz responded that it is manufacturing - Lex Products.

Comm. McGorty asked if this was a new application and has nothing to do with the other one.

Mr. Schultz responded no it has nothing to do with the other one.

Chair Parkins asked what the address for the application was.

Mr. Schultz responded that it is 1 Forest Parkway. He'll get that clarification.

There was further discussion as to the location of Lex Products and other companies on Research Drive.

Chair Parkins clarified that Lex Products is located on Research Drive and they aren't moving. They may be adding another facility at this location.

Mr. Schultz indicated that he could find out if it is an expansion, do this internally and let the Commissioners know by e-mail.

Chair Parkins indicated that their approval will be for Lex Products moving into 11 Forest Parkway as a new business. She asked for a motion for the seven Separates that have been discussed.

On a motion made by Thomas McGorty seconded by Virginia Harger, the following Separates were unanimously voted on and approved for business occupancy:
Separate #5738 at 3 Enterprise Drive;
Separate #5914 at 4 Corporate Drive;
Separate #5916 at 6 Corporate Drive;
Separate #5919 at 11 Forest Parkway;
Separate #5912 at 2 Corporate Drive;
Separate #5917 at 1 Corporate Drive and Separate 5918 at 4 Corporate Drive.

SEPARATE #5946 RESORTS, 4 RESEARCH DRIVE, BUSINESS

Mr. Schultz indicated that this for an advertising business named Resorts. They have 800 square feet, 2 employees, hours of operation are 10 a.m. to 4 p.m.

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to approve the business occupancy for Separate #5946.

SEPARATE #5925 TIM GREER INSURANCE AGENCY, 487 HOWE AVENUE, BUSINESS

Mr. Schultz indicated that this was Schiable's building at 487 Howe Avenue. This is 1700 square feet for an insurance and financial services business with three employees and the hours of operation 8:40 a.m. to 7:00 p.m. Monday through Friday.

Chair Parkins asked if this included any signage.
Mr. Schultz responded no signage.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve business occupancy for Separate #5925.**

**SEPARATE #5958 JAGA, LLC, 61 HOWE AVENUE, BUSINESS**

Mr. Schultz stated that this is the group of retail stores by Lafayette School. They are combining the previous floor area of the dog groomer and the convenience store. It is 1500 square feet. This is for liquor storage. The State of Connecticut recognizes two more for their population.

Chair Parkins asked if this would be one of the two.

Mr. Schultz responded yes.

Chair Parkins commented that one more liquor store can open in Shelton.

Mr. Schultz stated that there would be one full time employee, hours of operation would be 10 a.m. – 9 p.m. Monday through Saturday. They have shared parking. This is pre-existing, non-conforming.

Comm. Flannery asked if there were any other liquor stores in that area.

Comm. McGorty responded that there was Cleto’s and Sunnyside.

Chair Parkins asked what they would be doing about security on the windows. She asked the applicant if she planned on putting metal grates or metal roll down windows.

The Applicant, unidentified, responded no.

Mr. Schultz indicated that they can make that a condition of approval.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #5958.**

**SEPARATE #151 R&R AUTOMOTIVE REPAIR & SALES, LLC, 78 BRIDGEPORT AVENUE, USED DEALERS LICENSE & WALL SIGN**

Mr. Schultz stated that this is the old Bread Box on lower Bridgeport Avenue that had multiple tenants in there. The Commission required a site plan and he showed them the submitted site plan. He indicated that the Applicant is requesting a waiver of the site plan because nothing has changed; however, when Staff gets an application such as this, they go out to determine if there are any unregistered vehicles or parts, etc. They noticed several drums that are going to be removed. It is very clean in the front. There was an unregistered vehicle.

**Orlando Rodrigues, the Applicant addressed the Commission.** Mr. Rodrigues indicated that he talked to the owner about it about them and they are operational. They are his vehicles and he is going to get the tires off and get them out of there.

Chair Parkins asked who owns the property now.
Mr. Schultz responded that the owner is from Bridgeport but he couldn’t recall his name; he purchased the property ten years ago.

Chair Parkins asked about the drums because there is a little stream that goes back there.

Mr. Schultz responded that yes, they are adjacent to Bearing Ground Brook and they have to be removed.

Chair Parkins asked if Inland Wetlands had been out there.

Mr. Schultz responded that Mr. Cook just got back from vacation today and he is aware of it. So those are the issues. They are requesting a waiver of the site plan, there are drums that need to be removed from the site and the unregistered truck needs to be removed from the site; it is not street worthy. The applicant is looking for a used car dealer, 6 employees, Monday through Friday, 9 a.m. to 7 p.m. with 28 parking spaces on site. He’ll have a tow truck and a flatbed truck. The applicant is looking to sell up to 12 motor vehicles.

Chair Parkins asked where the tow truck and the flatbed would be parked.

Mr. Rodrigues showed the location on the lot at the far end where he would be parking the vehicles.

Mr. Schultz indicated that he also had a letter from the Fire Marshal dated 8/9/11 addressed to him indicating his conditions for approval of the site plan.

*See attached correspondence to Richard Schultz, P&Z Administrator dated August 9, 2011 from Fire Marshal, James Tortora.*

Comm. Harger asked if the signage was planned to go into the windows.

Mr. Schultz responded no, it is wall signage.

Mr. Rodrigues clarified that it would go right onto the building itself – centered on the building.

Comm. Harger asked about the garage doors.

Mr. Rodrigues responded that there were two bay doors and to the right there is a bay window and an entrance into the office.

Comm. Harger asked if there was an overhead door in the back.

Mr. Rodrigues responded yes there is – it’s the third bay. He put siding on the face of it and the same thing on the front of the building to clean it up.

**End of Tape 1A 8:05 p.m.**

Comm. Harger asked about the sign being centered because it was more of a vertical sign than a horizontal.

Mr. Rodrigues clarified that there is actually a space between the bays that goes straight up which is right at his center point. So it will fall into that space perfectly; he measured the exact length of it.

Mr. Schultz asked if this would be internally illuminated or solid.
Mr. Rodrigues responded that it was solid. He has lights already existing that could be maneuvered a little.

Chair Parkins asked if the two garage bays that he has in the front would be working bays where cars come in for repairs.

Mr. Rodrigues responded yes.

Chair Parkins asked if that meant that he would not be having cars parked out there with flags and all that stuff for sale.

Mr. Rodrigues responded no, that would be at the opposite end.

Chair Parkins asked if all the cars for sale will be at the side of the building.

Mr. Rodrigues responded no, they aren't even using those spaces. Everything is going to be on this side (he showed the location on the site plan).

Chair Parkins commented that there would be no parking of vehicles in the front of the building and asked if that was correct.

Mr. Rodrigues responded that was correct with the exception of customer vehicles. He showed the spaces that he has available which would fit three or four cars easily.

Chair Parkins asked if he would be doing a new curb cut.

Mr. Rodrigues responded no, everything is going to be existing but he is going to do the lines a little differently.

Chair Parkins asked if there was a curb cut there already.

Mr. Rodrigues responded yes.

Comm. Pogoda asked if he was just going to be doing repairs. He asked if he was going to be bringing in wrecked cars that need body work.

Mr. Rodrigues responded no.

Chair Parkins asked if he tows someone in, it is going to be for auto repair - not body repair.

Mr. Rodrigues responded yes, that's correct.

Comm. Pogoda asked if any parts would be left on the outside of the building if they have to do an engine or transmission job.

Chair Parkins indicated that they don’t want cars left out on cement blocks with no tires on them.

Mr. Rodrigues responded no, he isn’t with that (inaudible)

Comm. Pogoda commented that they have had problems with that place before where they had junk. It was a mess and it is a highly visible location.

Mr. Rodrigues responded that since he has been there the main thing that he has been doing is pulling tons of useless stuff junk of the place. That is not one of the things that they will be doing there.
Chair Parkins asked if he would be leasing this.

Mr. Rodrigues responded yes.

Comm. Harger asked about a location on the site plan and if he planned to leave it empty.

Mr. Rodrigues responded yes, as of right now but he is going to clean it up and paint it just so it looks better.

Chair Parkins indicated that she had no issues as long as he didn’t have any cars parked in the front for sale. She indicated that she was concerned about those drums in the back though.

Mr. Schultz stated that he is listing the conditions which include up to 12 vehicles for sale, all drums to be removed before issuance of the zoning permit. He added that he has to sign off on this and he is hearing loud and clear from the Commission that those drums have to go.

Chair Parkins stated that it isn’t the applicant’s issue.

Mr. Rodrigues responded that he has made it his issue and he has scheduled for them to be picked up first thing in the morning. By 10 a.m. tomorrow they will not be there.

Mr. Schultz indicated that he would be following up on that because he has to sign off on it.

Mr. Rodrigues indicated that Jose Rodrigues, also present, would be taking over the operation at some point.

Mr. Schultz continued that all unregistered motor vehicles and motor vehicle parts have to be removed from the existing site. No outside storage of motor vehicle parts and no vehicles to be stored in front of the garage doors.

Chair Parkins commented that something had to be added about no body shop issues.

Comm. Harger added that anything that has to be worked on overnight has to be stored inside.

Chair Parkins indicated that they have plenty of parking there on the side if they are only having 12 vehicles.

Comm. Pogoda commented that it is anything that gets parked and that’s why he asked to make sure that there weren’t going to be any junk vehicles brought in.

Comm. Harger indicated that is the fine line that Ruth is talking about – auto repair but not body shop.

Chair Parkins stated yes, this is for mechanical auto repair. She asked for a motion to waive the site plan, and approve the business with those conditions. She asked that Inland Wetlands knows what was in those barrels and that they’ve been in that creek before so that someone is held accountable for that.

Chair Parkins asked if they only had the one sign going up.

Mr. Rodrigues responded that he had that sign and he wasn’t sure about the small signs he has that say “tune-up,” “front-end,” etc. He added that normally
they go on the windows but he was thinking of putting them on the building because the building is long enough.

Chair Parkins asked if he meant he would put them over the garage bays.

Mr. Rodrigues responded yes.

Comm. McGorty asked how big they were.

Chair Parkins asked the applicant to come back in with that for sign approval. She stated that he would be getting this sign approved but any additional signs he would need to come back and give them some measurements and provide a sample. She asked him to please not just go ahead and do it.

Comm. Pogoda commented that the sign he has needs an address.

Mr. Schultz stated that he could put it on the face of the building by the door or something.

Mr. Rodrigues responded that he had a mailbox there with a number on it and he only took it off temporarily to paint the building but it will go back up.

On a motion made by Joan Flannery seconded by Thomas McGorty, it was unanimously voted to approve Separate #151 for a used dealer’s license, waiver of the site plan and the wall signage with all noted conditions.

SEPARATE #5957 C&C LANDSCAPI NG, 48 PERRY AVENUE, HOME OFFICE

Chair Parkins asked why this home office wasn’t listed with the Standards.

Mr. Schultz responded because it is a home office that is special because they have noticed parking of commercial equipment so they want the Commission to know what is going on and for the applicant to be fully aware of the conditions of approval. The applicant is here to advise the Commission where he parks his commercial vehicles exactly. This is for C&C Landscaping Plus, LLC for a landscaping business, 75 square feet for the home office, hours of operation are 9 a.m. to 5 p.m., one employee. He has company vehicles that include a 2002 Chevy dump truck and a 2004 Ford diesel truck. Equipment storage is located in Derby.

Mr. Schultz asked the applicant if he understands the conditions of approval and asked if he had equipment storage in Derby.

The Applicant, unidentified, responded yes.

Comm. Flannery asked if the dump truck would be at Perry Avenue.

Mr. Schultz responded that he has a right to come and go, for lunch as an example. It can’t be parked there permanently, overnight or for any long durations.

Comm. Harger asked what side of Perry Avenue this was on – the Webster Bank side of the street?

The Applicant responded that it was on the opposite side.

Comm. Harger asked if there was access to the property from Coram Avenue.
The Applicant responded yes, from Coram Avenue.

Mr. Schultz explained that the property goes back to Coram Avenue, St. Joseph’s Church side all the way to Perry Avenue.

The Applicant indicated that it is where Curtain Call is located. Curtain Call is basically on the side of his backyard. It does not cut through.

Comm. Harger commented that the parking could be on the Coram Avenue side as well even though they have a Perry Avenue address.

Mr. Schultz indicated that he has written down the conditions of approval which include no parking of any commercial vehicles including the 2002 Chevy dump truck and the 2004 Ford diesel truck and all related equipment including trailers. Hours are limited from 9 a.m. to 5 p.m. Monday - Sunday and there is to be no signage.

Comm. Flannery asked if there was a big sign on the side of the dump truck.

The Applicant responded that the company name is on the doors and then on the back of the truck.

Chair Parkins commented that she's sure that if he starts parking his equipment on Perry Avenue, there are going to be a lot of complaints.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5957.**

**SEPARATE #149 DWD PARTNERS LLC, 496 RIVER ROAD, TEMPORARY SCREENER AND CRUSHER**

Mr. Schultz indicated that they have to excavate for the motor vehicle storage facility on River Road and they want to screen and process the materials to be used on the site. They would need three months and the conditions of approval would be the normal conditions in the Zoning Regulations that deal with dust, etc.

Comm. Flannery asked about the hours because of the noise.

Mr. Schultz responded that the hours of operation would be Monday through Friday, 8 a.m. to 5 p.m. They persuaded Richard Boulevard not to do Saturdays and that was a blessing. There are also homes in back of this, he asked if the Commission wanted to do Monday through Friday, 8 a.m. to 5 p.m. at this location.

Comm. Pogoda agreed Monday through Friday and nothing is to be taken off site.

Chair Parkins asked if they were actually crushing stone and what they were excavating.

Mr. Schultz responded that the site has a lot of buried stone.

Comm. McGorty added that they have to put in a lot of footings and foundations. It is probably filled with all kinds of stuff.

Mr. Schultz added that they can use the material.
Chair Parkins asked for a motion for Monday through Friday.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #149 for a temporary screener and crusher with the condition that it be operated only Monday through Friday.**

**SEPARETE #145 SAI COMMUNICATIONS, 162 BIRDSEYE ROAD, ADDING ANTENNAS AND CABINETS.**

Mr. Schultz indicated that the next two applications are add-ons that were approved by the Connecticut Siting Council. The first one on 162 Birdseye Road for three add-on antennas and adding a ground-mounted cabinet.

Comm. Pogoda asked if the cabinet was within that enclosed area.

Mr. Schultz responded yes, that whole area.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #145 for new antennas and cabinets.**

**SEPARETE #144 T-MOBILE TOWERS, 308 RIVER ROAD, REPLACE POWER CABINET AND ANTENNAS**

Mr. Schultz indicated that this was the large flag pole. This is an Emerson Power Cabinet to replace an existing cabinet and replace existing antenna with three new antennas. Fortunately, they are all inside.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #144 to replace power cabinets.**

Chair Parkins asked Atty. Steven Bellis in the audience if he was present for any item other than Item #C under Other Matters on the agenda.

Atty. Steven Bellis addressed the Commission and stated that he was present for the bond release on Huntington Wood Subdivision.

Chair Parkins responded that it was going to be tabled.

Atty. Bellis asked the reason why and (inaudible)

Chair Parkins responded that she did not think that they had enough information on that in terms of the City’s desires for the release of that bond.

Mr. Schultz commented that Staff would work with the Mayor’s Office and the Commission.

Atty. Bellis asked if the Mayor’s Office wanted to finalize that agreement and if they wanted something in writing.

Chair Parkins responded yes, that they just want more information because they want to make sure that they aren’t just releasing a bond.

Mr. Schultz added that they are getting there.

Atty. Bellis asked if they are going to install all the wood base on (inaudible)
Mr. Schultz responded that is something that his client agreed to do voluntarily. There are some other deficiencies which they can address now too. He has a City Engineer’s report, which he isn’t going to read, indicating that the as-builts were not submitted but they were submitted late last week. The monuments were certified too, they were installed.

Atty. Bellis commented that the only issue that he thinks he is referring to is Buddington Road not doing that work on the intersection.

Chair Parkins responded no, it is actually the release of the bond. She just wants to make sure that it is done properly.

Mr. Schultz indicated that he would go over it with Atty. Bellis tomorrow because this just came up late. He’ll give him the date of the next meeting.

Chair Parkins indicated that it is not an issue of the intersection because this Commission has never been in favor.

Atty. Bellis responded that he knew that and that is why he’s confused.

Chair Parkins stated that it is more just the release of the actual bond and how it is being handled. She apologized that he had to come down – she didn’t want to have him sit here for the rest of the meeting.

APPLICATION #11-09 BISHOP MANAGEMENT OF SHELTON 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. Schultz indicated that the Commission had a favorable consensus and directed Staff to prepare a resolution for this application and the adjacent application. The Commissioners have copies of the Draft Resolution which he will read for Application 11-09.

*See attached Draft Resolution for Application #11-09 dated August 2, 2011.

Chair Parkins asked for a motion and a second on the table for discussion. She commented that they did come to a favorable consensus although the minutes incorrectly indicate a 4-1 vote, it was actually a 5-1 vote.


Comm. Flannery commented that they are still talking about the use of reflective glass but they might change it. They are very wishy-washy about it and she is upset about that part. In the beginning of it, they said that they would definitely be using reflective glass but then they discussed not using it and now they are going to use it anyway.

Mr. Schultz stated that they definitely want to use a darker reflective glass so they don’t see the blinds. That is their position on it.

Chair Parkins indicated that the Final Detailed Development Plans will indicate exactly what material is going to be used.
Comm. Flannery responded that they are still going to use reflective glass so she is very upset about that. She added that she thinks this type of building is better suited for Bridgeport Avenue and the Crabtree property, and not on the river. She does not think that this is a good place for it.

Chair Parkins commented that she personally thinks that it is going to be a pretty addition to the river.

Comm. Flannery stated that she thinks they are ruining the river.

Comm. Harger indicated that the Crabtree property has been available and no one has proposed anything.

Chair Parkins added that this individual owns this particular property and this is what he is proposing to put on it.

Comm. Flannery reiterated that she does not think it is appropriate. It is ruining the character of River Road.

Comm. Harger commented that she thinks it is upgrading it.

Comm. Flannery responded that if they look at the 10 year Master Plan of Development, they wanted all the development on Bridgeport Avenue - not to build up River Road. Nobody wanted that and if they want to build up River Road, they can do it after the 10 year Master Plan of Development is redone. She indicated that she went to all of those meetings when it was discussed how Shelton should be laid out and everyone agreed that the development should be on Bridgeport Avenue and not on River Road.

Comm. Harger responded that she doesn’t think that is entirely true.

Chair Parkins indicated that it is a guiding plan, not a Bible and things change.

Comm. Flannery stated that they should wait another four years until they change the Master Plan of Development before they accept something like this.

Comm. Harger commented that she thinks it is an upgrade for that area. She asked Rick Schultz why it was necessary on Page 1 at the bottom paragraph where it begins “the petitioner to have to include that the properties currently owned by Bishop Development LLC...” She asked why it had to include that they own other property in the area.

Mr. Schultz responded that he just wanted to tie it in because he is trying to acquire more property in the area.

Comm. McGorty commented that they are mutually exclusive and it doesn’t have a bearing on it but it’s fine if he wants to connect the dots.

Mr. Schultz indicated that if they would like it omitted, it can be omitted.

Chair Parkins commented that it didn’t jump out at her but maybe the point of adding it in there was just to say that he already has a major development there so he’s taken ownership to relay the quality of his work – his development.

Comm. Harger added that she thought some language could be added to bring that point across a little bit better.

Chair Parkins asked Comm. Harger if she would like that strike from the resolution.
Comm. Harger responded no but she was glad to have it clarified better.

With no further discussion, Chair Parkins asked for a roll call vote.

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

Chair Parkins indicated since the Applicant for Application #11-08 was not present, she would exercise her right to take items out of sequence in order to keep audience members from sitting through more lengthy resolutions prior to their own. She moved on to Application #11-05.

**APPLICATION #11-05 PRAMOD KANDEL FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CONVENIENCE STORE RELOCATION), 556 HOWE AVENUE (MAP 129B, LOT 11), CA-3 DISTRICT (PUBLIC HEARING CLOSED ON 7/13/11).**

Mr. Schultz indicated that a motion is in order to accept the withdrawal letter dated August 9, 2011.

*See attached correspondence to P&Z from Pramod Kandel dated August 9, 2011.*

*On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to accept the withdrawal letter dated 8/9/11 without prejudice 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 15b), 27 AND 35 WATERVIEW DRIVE (MAP 79, LOT 15) (PUBLIC HEARING CLOSED ON 7/13/11).**

Mr. Schultz indicated that Staff prepared a report resolution and stated that they are now in possession of the final prints incorporating all of the easements that were brought out by Staff. There were no comments at the public hearing from the adjacent property owners. As they are aware, Pitney Bowes is essentially consolidating, and in all probability, will be selling one of the buildings on this two-building site. In order to facilitate that, they needed to re-subdivide into two parcels. He read the draft report dated August 9, 2011 and added that the record map is ready for the Chairman to sign and a motion is in order subject to the noted conditions. Staff had been working with the Applicant for months on this.

*See attached resolution for Application #11-12 dated August 9, 2011.*

End of Tape 1B 8:47 p.m.

*On a motion made by Thomas McGorty seconded by Joan Flannery, it unanimously roll call voted (5-0) to approve Application #11-12.*

**APPLICATION #11-08 BISHOP DEVELOPMENT OF SHELTON II, LLC FOR INITIAL DEVELOPMENT CONCEPT APPROVAL AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (RETAIL WITH DRIVE THRU), COASTAL AREA 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. Schultz indicated that Staff had prepared a report resolution dated August 9, 2011 regarding Application #11-08.

*See attached Resolution for Application #11-08 dated 8/9/11.

Chair Parkins commented that at the last meeting there was a favorable consensus although the minutes incorrectly stated the vote was 4-1, it was actually 5-1. She asked for a motion for discussion.

Comm. Flannery made a motion for discussion and it was seconded by Thomas McGorty.

Comm. Flannery commented that there was nothing mentioned about the fencing to protect the children against falling down the cliffs in adjacent yards that they are going to create. They talked a little bit about fencing and screening but they didn’t discuss how tall the fences would be.

Mr. Schultz commented that the Commission controls that.

Comm. Flannery agreed but indicated that there was nothing mentioned.

Mr. Schultz responded that they make reference to the fact that they need to provide adequate fencing and landscaping. The final detailed plans will show that and they’ll be able to decide if they want vinyl coated or stockade fencing - that is the Commission’s call.

Chair Parkins asked how far up their property line was. There will be a rock cut, but is there a flat area?

Mr. Schultz responded that it is 30 feet. They will have to go with a high fence - not 6 feet.

Chair Parkins added that it has to be something attractive too.

Mr. Schultz agreed that it had to be something that would not stick out especially when the leaves are off the trees. They will want to give that a lot of consideration. They will want at least 5 – 10 feet from where it drops and then have the evergreens to screen it. They may want to do both.

Chair Parkins noted that there is a cliff there now.

Comm. Harger asked a question about the top of Page 9, Section C where it discusses specifically prohibiting certain types of food establishments.

Mr. Schultz responded yes, fast food establishments.

Chair Parkins commented that the biggest concern from residents was grills and emitted odors. For example, if a sandwich shop is allowable, it should be spelled out in the Statement of Uses.

Comm. Harger agreed that the whole thing - food service - lends itself to something different than fast food.

Mr. Schultz stated that they will spell all of that out. Actually, as the Commission is aware, they go through three levels of scrutiny - the basic plans, the final plans and then the occupancy. It doesn’t sit well with some people in the community, but they still do it.
Comm. Flannery commented that she is still upset that it is a residential area. She thinks that it should stay residential.

With no further discussion, Chair Parkins asked for a roll call vote.

**On a motion made by Joan Flannery seconded by Thomas McGorty, it was roll call voted (4-1) to approve Application #11-08. Comm. Flannery voted in opposition.**

**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 (PUBLIC HEARING CLOSED ON 7/13/11).**

Mr. Schultz indicated that this is for the multi-tenant building in the rear. The significant issue is how to best address the entering and exiting from Bridgeport Avenue and that will be addressed when they submit to DOT. Staff thought that it made sense to re-evaluate that because right now it is only exiting with a right hand turn. Staff is looking for a consensus at this time but that is probably the biggest component of this entire submission.

Mr. Schultz indicated that the Commission had asked and the Applicant has no specific occupants. It will generally be some smaller type of tenants.

Chair Parkins asked if he was looking for a consensus for the use of the building back there.

Mr. Shultz responded yes and this goes right to the final. The issues are the entering and exiting to the subject site, location of the building and architectural of the building.

Chair Parkins commented that she had no problem with the building or with the architecture. She has no problem with the ingress and egress onto Bridgeport Avenue as they propose, but she assumes that the STC - She asked Rick Schultz to differentiate when STC is in control and when Conn. DOT is in control.

Mr. Schultz responded when more than 200 parking spaces and 50,000 square feet of building area - total combined - they look at the whole site.

Chair Parkins asked – that when it is larger, the STC gets involved.

Mr. Schultz responded yes, that's correct, they have the final say.

Chair Parkins commented that she assumes that the STC will be involved then.

Mr. Schultz stated that the building is to emulate Bruegger’s Bagels as opposed to Ruby Tuesday’s which is a separate architectural. They want to use the stucco, high-end awnings and have control of the signage. As always, in the resolution, they can request that samples be provided to the Commission.

Comm. Harger asked about the egress onto Bridgeport Avenue in front of Bruegger’s Bagels if it was both an in and out or just a right turn.

Chair Parkins responded that it is right turn, outbound only. They are proposing an island on Bridgeport Avenue to prohibit people from taking a left going northbound.
Comm. Harger asked if people could still head to Walgreen’s by going down Parrot Drive.

Mr. Schultz clarified that it would be like Staples and they re-evaluated Bridgeport Avenue then. They really had to modify that because people were still taking left-hand turns.

Comm. Flannery asked if they had any say in regard to the surveillance and the lighting for behind that store.

Mr. Schultz responded yes, absolutely, the Commission has site lighting controls. All that would be included in the resolution.

Chair Parkins added that naturally if they have parking back there, they are going to have it illuminated.

Comm. Flannery stated that they need surveillance cameras too.

Chair Parkins asked why they need to have surveillance cameras.

Comm. Flannery responded that they should because of the lady that got mugged at Shop Rite and was dragged by the car.

Chair Parkins indicated that was not behind the building, it was right in the middle of their parking lot.

Comm. Flannery responded yes, and now this is going to be worse because it is behind the building.

Chair Parkins stated that she does not think that they can require people to put in security cameras; it is outside of their purview.

Comm. McGorty agreed that there are insurance risks that they are going to take. If it is not lit properly, then they will be setting themselves up, but they can’t mandate it.

Comm. Pogoda added that they rob stores and banks every day with their faces right on the cameras and they don’t care. Cameras are not going to stop anybody from being mugged.

Comm. McGorty agreed and commented that the lighting is important though.

Chair Parkins added that she thinks that most of the people parking back there would be the employees who would exit from the back.

Comm. Harger commented that she thinks it is a well thought out plan suitable for that area.

Mr. Schultz stated that he would have a draft resolution prepared for the next meeting.

Comm. Flannery reiterated that she is 100% against it.

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 #11-13. Comm. Flannery voted in opposition.

NEW BUSINESS
APPLICATION #11-16 FRANCISCO VERISSIMO FOR TEMPORARY SPECIAL EXCEPTION APPROVAL, 182 BUDDINGTON ROAD (MAP 62, LOT 43), R-1 DISTRICT - ACCEPT AND SCHEDULE PUBLIC HEARING.

Mr. Schultz indicated that this is one of three residences in town that have been cited. They persuaded him to submit an application or face going to court. They have two others tonight under Zoning Enforcement that face going to court because they refuse to cooperate.

Comm. Harger asked what has been done so far.

Mr. Schultz responded over 800 cubic yards of fill.

Comm. Harger asked about how many dump truck loads that would be.

Mr. Schultz responded that it is unlimited and it has been going on for many months. It is an interior lot that is 1000 feet off of Buddington Road. Staff found out about this by following a truck going there on Monday. They know when they don't work but they have a part time person on Monday. As a side note, the Zoning Subcommittee is going to be bringing it up. The next action is the 15% set aside but after that, it is the filling and grading provisions. Right now it is wide open and Staff can allow unlimited amounts of fill to be brought in under landscaping and it is just too open.

Comm. McGorty stated that 800 cubic yards would be 53+ tri-axels at 15 yards per truck.

Mr. Schultz stated that he has a letter in the file stating that the fill is not contaminated.

Due to conflicts with schedules, the next P&Z regular meeting could not be held on 9/13. Mr. Schultz suggested making the next regular meeting a special meeting to be held on Tuesday, September 20th.

Chair Parkins directed Rick to contact the Town Clerk to cancel their regularly scheduled P&Z meeting on Tuesday, September 13th and reschedule a special P&Z meeting to be held on Tuesday, September 20th at 7 p.m. in Room 303.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #11-16 and schedule a public hearing for September 20, 2011.

PUBLIC PORTION

With no one in the audience wishing to address the Commission on any item not on the agenda, Chair Parkins asked for a motion to close the Public Portion.

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

OTHER MATTERS


Comm. Flannery commented that she had an issue regarding the meeting from 7/13/11. She indicated that the minutes on Page 22 reflect that the Pet Supplies Plus stated that when asked, that they would not have any live animals, just fish. However, she showed a store flyer for Pet Supplies Plus showing that birds
would be available for purchase in the store. She added that they are not supposed to have parakeets.

Chair Parkins commented that birds aren’t animals.

Comm. Flannery responded that she is a science teacher and birds are considered animals.

Chair Parkins commented that they are fowl and they didn’t specify fowl. Comm. Flannery responded that it is still an animal and the applicant said that there would only be fish – no live animals. Therefore, they are not allowed to have these parakeets.

Mr. Schultz asked for a consensus as to what the Commission would like him to do.

Chair Parkins responded that parakeets don’t bother her at all.

Comm. Flannery stated that she has a big issue in the way that they are handled and mistreated. She is part of PETA and other pet organizations that are totally against the way that birds are handled by pet stores.

Chair Parkins asked if she meant that store specifically.

Comm. Flannery responded pet stores, in general, how they handle the birds.

Chair Parkins commented that they can’t make a blanket statement – that’s discrimination.

Comm. Flannery indicated that in the minutes they said that they would have fish only.

Comm. McGorty added that maybe they handle the birds great there.

Comm. Flannery stated that is why she specifically asked them if there were going to be any live animals and he said no, only fish.

Chair Parkins commented that is Rob Scinto who answered.

Comm. Harger stated that he is the landlord so he should know what he agreed to rent.

Chair Parkins commented that she personally did not care and asked how the other Commissioners felt.

Comm. Flannery responded that she cared – big time.

Comm. Harger commented that a while back when the H-3 Pet Supply on Bridgeport Avenue was approved there was discussion about live animals. They have kitten adoptions all the time and she thinks that is in violation.

Comm. Flannery indicated that they don’t have kittens there.

Comm. Harger responded that they do bring them in for the day or something.

Chair Parkins added that they do dogs too. They do special events.

Mr. Schultz indicated that it normally requires Commission approval because it is a PDD.
Comm. Pogoda stated that they should be coming in front of the Commission as a special event then.

Comm. Harger added that they have a sandwich board on the road all the time about kitten adoption.

Chair Parkins asked if that Pet Supplies Plus store flyer was for the Shelton store. Comm. Flannery responded yes, their address is right on it – “opening soon.”

Comm. Harger indicated that she would support Joan on this because she wasn’t particularly crazy about this occupancy anyway.

Chair Parkins directed Rick to tell Pet Supplies Plus that there should be no live animals – no fowl, no chickens.

Comm. McGorty indicated that he didn’t care as long as they aren’t being abused or running around on Bridgeport Avenue.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the minutes of 4/12/11; 4/27/11; 5/10/11; 6/1/11 and 6/16/11.

8-24 REFERRAL: ACQUISITION OF OPEN SPACE (OAK VALLEY ROAD EXT)

Mr. Schultz indicated that it is landlocked as opposed to directly abutting. He showed a location map and pointed out Oak Valley Road and Nells Rock Road. Comm. Flannery asked if this was open space for the city.

Mr. Schultz responded yes and indicated that he had a letter from the Mayor’s Office requesting an 8-24 Referral for the city to purchase the subject property as open space. Additionally, he read a letter from the City Engineer supporting the proposed acquisition of the 13 acre parcel.

Comm. Flannery asked if it was all wetlands.

Mr. Schultz responded that a portion of it was but this facilitates the Shelton Lakes Greenway from the High School, the trail all the way to Huntington Woods and then to Buddington Road.

*See attached correspondence to Richard Schultz, P&Z Administrator dated August 5, 2011 from Robert Kulacz, City Engineer.*

Before voting, there was further discussion as to the exact location of the Oak Valley Road parcel on the site map.

On a motion made by Thomas McGorty seconded by Joan Flannery, it was unanimously voted to report favorably on the 8-24 Referral for the acquisition of open space at Oak Valley Road Ext.

HUNTINGTON WOOD SUBDIVISION: REQUEST TO RELEASE PERFORMANCE BOND

Chair Parkins indicated that they would be tabling this until the 9/20/11 meeting.

10 WATERVIEW DRIVE: REQUEST FOR RELEASE OF SITE BOND AND SEDIMENT AND EROSION CONTROL BOND
Mr. Schultz indicated that this was the Mercantile Building which is all done. He read the request for the release of the Sediment Erosion Control Bond in the amount of $5,000 and the Site Bond in the amount of the $10,000 being held by the City for the completion of improvements associated with the site plan known as Mercantile Application #09-20 to be released. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve the request for release of the Site Bond and the Sediment and Erosion Control Bond for 10 Waterview Drive.**

**CRESCENT VILLAGE CONDOMINIUMS: REQUEST FOR ONE YEAR EXTENSION TO COMPLETE PROJECT**

Mr. Schultz stated that this is the last extension and they don't need any more. He has a letter and they took out final permits today for the last phase.

**End of Tape 2A, 9:39 p.m.**

Mr. Schultz read a letter from RGR Shelton LLC requesting a one year extension to the development. It stated that of the 135 units originally planned, they have 107 units occupied and upcoming closing scheduled.

Comm. Harger asked if this was final 28 units that they are going for.

Mr. Schultz responded yes, and that is it.

*See attached correspondence to Richard Schultz, P&Z Administrator dated August 1, 2011 from RGR Shelton LLC, Al Zedence (sp?)

**On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to approve the request for a one year extension to complete project at Crescent Village Condominiums.**

**ZONING ENFORCEMENT PROGRAM: AUTHORIZATION TO INITIATE LEGAL ACTION**

1. **49 BLACKS HILL ROAD: FILLING AND GRADING**

Mr. Schultz stated that for 49 Black Hill Road and 73 Far Horizons Drive there is illegal filling and grading. He contacted them and issued a Cease and Desist Order. One owner for Blacks Hill Road came down and they had a nice discussion with the whole family and they said that they would not do it. They own 5 – 6 acres next to the Upper Elementary School and they feel that they are entitled to it because they have a farming operation. However, that is not exempt. He added that this also triggered Inland Wetlands because there is a watercourse.

Mr. Schultz added that the application that they accepted tonight for Buddington Road took months to get the submission but it also takes months to get the legal action. These are not a couple 100 cubic yards. These are substantial and the one on Blacks Hill Road has the neighborhood up in arms.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to authorize the initiation of legal action for property located at 49 Blacks Hill Road.**

2. **73 FAR HORIZONS DRIVE: FILLING AND GRADING**
Mr. Schultz indicated that this is the same thing in upper White Hills and the neighborhood is up in arms. They had several issues up there with a variety of properties and this one is major filling and the resident refuses to cooperate.

On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to authorize the initiation of legal action for property located at 73 Far Horizons Drive.

Mr. Schultz added as a side note that Staff calls these property owners the next day and a Legal goes into the Connecticut Post the next day. He informs them to please read the Legals and expect a letter from the City Attorney. Sometimes that helps when they see it in the paper.

3. **8 BOEHM CIRCLE: FENCE WITHIN RIGHT OF WAY**

Mr. Schultz stated that they can remove this one for now because they have hired a land surveyor and they are going to relocate the fence.

Chair Parkins asked whose right-of-way it was in.

Mr. Schultz responded that it is owned by Michael Bolero. He built a new home at the end of Boehm Circle and the right-of-way is considered a street as determined by the City Attorney because of the width. It has to go outside of the easement area because that strip is also a right-of-way for three other homes. He hired Tracy Louis from Monroe to survey it so it can be taken off the agenda.

4. **351 LONG HILL AVENUE: JUNK VEHICLES**

Mr. Schultz indicated that he has been reporting on this location for a long time due to the unregistered motor vehicles. It is located across from the old Ripton School.

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to authorize the initiation of legal action for property located at 351 Long Hill Avenue.

**PAYMENT OF BILLS**

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

**STAFF REPORT**

Mr. Schultz addressed ZBA issues because there are two applications that are noteworthy that the Commission may want to direct him to write a letter to the ZBA about.

Staff has been receiving calls over the last year or so regarding these larger parcels of properties on the Housatonic River side that are very steep and in most cases do not comply with the buildable requirements. In the R-1, you need to have 30,000 square feet of level, buildable land. He indicated that this was the case here. These are two homes down from the old Indian Wells Country Store. It is a large piece of property but it is very steep. They need to go to ZBA to reduce the 30,000 square feet of buildable area to 17,000 square feet which is almost half for one of the lots. The other lot is to reduce it from 30,000 square feet to 14,000 square feet. One of the lots has a house on it.
Mr. Schultz stated that the Conservation Commission is quite interested in the protection of the natural resources. Most of the time it requires a substantial amount of filling and the filling requires a lot of clear cutting. In most instances, you will see it from the River. The Conservation Commission is quite concerned about it.

Mr. Schultz stated that about 8 -10 years ago, immediately adjacent on the north side to Wes Blakeman's condos on River Road there was a log cabin. He came in to split the property and it required extensive re-grading and ZBA denied it. Once again, 14 years ago, he and Tony Panico realized that all of the level land in Shelton has been developed and they are facing larger parcels in town with steep topography that are going to need to fill and destroy the natural vegetation. This is the first one to come up along the Housatonic River. This regulation went into effect, in part to protect the natural resources of the community, especially on the Housatonic.

Chair Parkins asked what they are looking to do.

Mr. Schultz responded that they want to split the property, reduce the size substantially and level it out. One lot would have 17,000 and the other lot would be 14,000. ZBA may or may not listen.

Comm. Pogoda asked if the Conservation Commission has written a letter to the ZBA.

Mr. Schultz responded no, they are waiting for P&Z to take the lead and they would take it up at their meeting on Thursday. It is up to them to review it in detail, dissect it and make a determination if this is following the intent and purpose of the P&Z regulation that they've adopted.

Chair Parkins agreed that this is their regulation that they are asking for a variance on it so that is why they have to take a lead.

Mr. Schultz indicated that if the Commission finds it significant and substantial and worthy, they can direct Staff to write a letter to ZBA indicating that they are against it.

Comm. Pogoda commented that they should draft a letter indicating that they are totally against this.


Comm. Harger agreed that the environmental impact is overwhelming.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to direct Staff to prepare a letter to ZBA regarding ZBA Application #811-2 and #811-3.**

Under Zoning Enforcement, Comm. Harger asked what happened with 215 Mill Street with the camper because legal action was requested for tonight.

Mr. Schultz stated that he will put that on for the next meeting. This has been going on for a long time. The son lives in Oxford, the parents are elderly and need help.
ADJOURNMENT

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to adjourn at 10:00 p.m.

Respectfully submitted,

Karin Tuke
Planning & Zoning Commission, Recording Secretary
SHELTON PLANNING AND ZONING COMMISSION  
August 9, 2011  

DRAFT REPORT/RESOLUTION  

RE: Application #11-08 Petition of Bishop Development of Shelton, LLC, for Initial  
Development Concept Approval, Approval of a Coastal Site Plan Review (CAM),  
Amendment of the Future Land Use Plan of the Plan of Conservation and Development  
(POCD) and Adoption of a Planned Development District (PDD) for a Commercial  
Building for retail sales and services and medical and professional offices, 781-785 River  
Road, currently zoned Residential R-3 District.  

The petitioner proposes to establish a Planned Development District (P.D.D.) on a 1.084 acre  
site fronting on the westerly side of River Road, extending to a depth of approximately 220 feet.  
The site is in a transitional use area, with automotive and other commercial uses to the south,  
single-family homes to the north and directly across River Road from a manufacturing use as  
well as the Sports Center, a commercial recreation complex. It is situated within the delineated  
coastal area although on the westerly side of River Road and approximately 1,100 feet from the  
river’s edge. The site consists of two parcels having a total of approximately 190 feet of frontage  
on River Road (C.D.O.T. Route 110). The site is characterized by steep topography that rises up  
from River Road to a height of about 53-55 feet above the River Road pavement. Any  
development of the site will necessitate extensive excavation, blasting and grading. The site is  
vacant and the property is currently owned by Bishop Development of Shelton, LLC, whose  
partners are also the principals in the major commercial recreation facility/sports center located  
opposite the subject site.  

The proposed development consists of a single, one-story retail structure having a floor area of  
5,988 square feet, supported by parking for 29 cars and accessed by a driveway from River  
Road. This structure also anticipates the possible need of a drive-up window on the south side to  
serve the needs of a bank, coffee shop or similar occupancy. A traditional fast-food chain  
restaurant is not proposed and the applicant is willing to accept such a use restriction. In view of
the steep site topography, grading will necessitate a rock cut of approximately 43 feet in the rear. The rock cut would be 25-45 feet from the rear line to allow for vegetation and security fencing. The property line of the nearest house to the north is approximately 30 feet from the rock cut at that location. Parking is provided both in the front and rear of the building, with a single driveway to River Road and circulation around the entire building. Initial Development Concept Plans submitted for the proposal are accompanied by a Statement of Uses and Standards and are entitled “Proposed Retail Facility, 781 to 785 River Road (Route 110, Shelton, CT.)” with the cover sheet dated Nov. 6, 2007 and prepared by James R. Swift, Professional Engineer – Landscape Architect, Lewis Associates, Land Surveyors and Mingolello & Hayes, Architects. The Commission has reviewed the subject Initial Development Concept Plans and the Application for Coastal Site Plan Review, is familiar with the area and existing site conditions, has considered how the site is proposed to be developed as well as the future land use of adjacent vacant land and the comments expressed at the public hearing and notes the following observations and findings:

1. As noted above, land uses in the vicinity are mixed. The site as residentially zoned cannot accommodate single-family homes due to the serious constraints of topography. High intensity, multi-family development might be feasible but may conflict with the adjacent single-family neighborhood. Well-designed and controlled retail development of the River Road frontage can effect a reasonable transition from the automotive services and commercial development on the south to the established residential neighborhood to the north and west. To overcome the potential issues and concerns associated with the wide range of uses allowed by a conventional commercial zone, the PDD approach would be the most desirable, giving the Commission full control over future uses and better controls over the design, layout and appearance of the development proposal. To simply change the existing Residential R-3 zoning district to a conventional commercial district might open the site up to other potentially undesirable uses and activities, including a continuation of the automotive and other highway-oriented commercial activity.
The subject site is roughly rectangular in shape with just under 200 feet of street frontage. Significant regarding of the existing topography is necessary to obtain modest grades in the parking area and reasonable access to River Road. The grade changes and rock cuts will aid in isolating the proposed use from the adjacent residential area. However, appropriate measures including safety fencing, vegetation preservation and additional evergreen screen plantings will be needed. Full utility services are available in River Road and all on-site utilities will be located underground. All storm water runoff is proposed to be collected and discharged into the State drainage system in River Road (Route 110). There will be no direct storm water discharge to the Housatonic River. In view of the above, there should be minimal if any impacts on inland wetlands and watercourses and it is anticipated that an administrative permit will be processed by the Inland Wetlands Officer. The Shelton Water Pollution Control Agency (WPCA) has approved the connection to the sanitary sewer system which is an extension of the Town of Stratford system. The applicant will be responsible for all additional fees imposed by the town of Stratford.

The site lies within the delineated coastal area along the Housatonic River and the required Application for Review of Coastal Area Site Plans was submitted and forwarded to the Connecticut Department of Environmental Protection (CTDEP). There are no anticipated adverse impacts on any coastal resources. The DEP response concluded that after a review of the proposal for consistency with the goals, policies and standards of the Connecticut Coastal Management Act, they had no comments on the proposal.

The new proposed retail building is single story in height and faces River Road. It is of contemporary design, with a flat roof, an exterior of brick veneer, glass display windows and a stone veneer base and accent features. Staff has requested that an alternative roof design be considered, incorporating the features of a more traditional sloping roof with provisions for accommodating rooftop mechanicals in a well or with other appropriate screening treatment. Such a roof design in combination with an elevated floor level if possible, would improve the visual qualities from River Road by minimizing the visual impacts of the rock cut at the rear
of the site. Additional design and materials review is needed and will be addressed as alternative detailed designs are prepared for submission for final approvals.

5 Any development of this site is expected to involve significant excavation, including rock blasting and removal. The applicant will adhere to all requirements of the Fire Marshal’s Office as well as the City’s blasting ordinance and regulations. At minimum, all properties within a distance of ___ feet of the proposed blast site shall have pre-blast surveys. The applicant should submit a blasting program as part of the application for Final Site Development Plan approval, setting forth in detail the blasting program, hours of operation, provisions for pre-blast surveys, blast monitoring, times of blasting, insurance coverage, etc.

6 A traffic study was submitted with the application and concludes that there will be no significant, adverse impacts on the area road system. River Road is a State highway and the Applicant will require ConnDOT approval of all proposed activities within the public right-of-way. However, the size and scope of the proposal is such that an STC Certificate is not required, although overall impacts along River Road will be reviewed by the STC in conjunction with another proposal by the same applicant for another site close by, which review will include nearby intersections. The ConnDOT will dictate any needed improvements to River Road at the entrance, such as turning lanes and entry design and results will submitted to the Commission for its review as part of Final Site Development Plans.

7 The plans were referred to the Fire Marshall and the City Engineer for their review and comments. Only minor concerns were noted about the fire lane widths. Also, the site engineering and landscape plans will require further clarification and detailing as part of the preparation of Final Development Plans and will be reviewed by staff. All concerns of staff and municipal departments will be addressed prior to sign-off of final approvals of said Plans.
8 Shelton’s adopted Plan of Conservation and Development identifies this area on the Future Land Use Plan for “Medium Density Residential” use. The subject PDD proposes a retail/office building consistent with the “Restricted Commercial” Land Use designation. That land use designation currently applies directly across the street to accommodate the commercial recreation complex. The PDD approach as requested provides the necessary element of control over design of the retail facility as well as the range of commercial uses to be allowed. At this time, the Statement of Uses and Standards needs to be revised and modified to clarify certain language as well as the permitted uses and standards, especially with respect to uses, to severely restrict the potential for restaurant uses that may result in odor issues impacting the adjacent residential area.

9 The Commission convened and completed a duly noticed public hearing on April 27, 2011. Comments were received from two (2) adjacent home owners and the property owner of Centrix, across the street. Concerns expressed included safety, noise, lighting, odors from restaurant activities, blasting impacts, etc. The Commissioners raised several questions relative to blasting, grading and safety issues as well as architectural designs and materials. All questions were adequately addressed by the applicant and his representatives who noted that there is no proposal for a fast food operation and that this and all other concerns, including blasting issues, can and will be considered more fully during the final design phase to the satisfaction of all responsible boards and commissions.

After further discussions of the PDD petition, the CSPR application and the Future Land Use Plan modifications, the Commission was prepared to render its decision and authorized staff to prepare a favorable RESOLUTION for their consideration and action. On the basis of the findings and concerns noted above, the following RESOLUTION is offered for consideration:
RESOLUTION

WHEREAS the Applicant has submitted a complete petition for the establishment of a 5,800 square foot retail facility under the provisions of the Planned Development District regulations on a 1.085 acre site fronting on River Road, which site is now zoned Residential R-3 District; and

WHEREAS said petition was accompanied by a proposed amendment to the Future Land Use Plan of the Shelton Plan of Conservation and Development as well as an application for approval of a Coastal Site Plan Review CSPR, which CSPR was referred to the CTDEP for comments; and

WHEREAS the Commission held a duly noticed public hearing on April 27, 2011 to consider said applications; and

WHEREAS the Applicant has submitted Initial Development Concept Plans, including a traffic study, preliminary engineered site plans and preliminary architectural design plans, in order to provide the Commission with the design information and details necessary to render an informed decision; and

WHEREAS the Commission is familiar with the subject site and the applicable zoning regulations and has reviewed in detail the proposal and all accompanying documents thereto and subject to the comments set forth above the Commission notes the following:

1. The application complies with the applicable zoning requirements.

2. Preliminary reviews have been made by the Fire Marshall and the City Engineer. All identified concerns relate to on-site conditions and will be addressed during the final design phase.
3. The site is currently vacant and is characterized by steep topography that precludes reasonable development under existing zoning. The proposal adequately addresses storm water drainage issues and proposes to connect to the State system in River Road. All utilities are available in River Road at the site frontage, eliminating the need to access services from Wintergreen Avenue.

4. The Coastal Site Plan will result in no adverse impacts on nearby coastal resources. All site activity occurs more than 1,000 feet from the Housatonic River. The Coastal Site Plan Review was found to be consistent with the goals, policies and standards of the Conn. Coastal Management Act.

5. The proposed building for retail sales and service uses requires commercial zoning accommodation under a PDD and a modification of the Future Land Use Plan of Shelton’s adopted Plan of Conservation and Development as it applies to the subject site.

6. Existing and proposed utility services are adequate for the proposed development. The entrance drive modifications, internal circulation system and proposed parking facilities are adequate to serve the proposed development and projected traffic should not overload the street system in the area.

7. The preparation of Final Site Development Plans will need to address all outstanding concerns of the Fire Marshall and City Engineer as well as issues relative to landscaping, engineering and construction details and should include a detailed program addressing all aspects of the blasting program. A ConnDOT permit application approval will be needed to address all requirements and concerns of ConnDOT with respect to necessary drainage connections, driveway proposal and regarding and other improvements occurring within the River Road right-of-way.

8. The proposed PDD designation encompasses a parcel of greater than 20,000 square feet and is consistent with the comprehensive plan of zoning for the City.
NOW THEREFORE, on the basis of the above, the representations made at the public hearings and other discussions of the Commission, the Shelton Planning and Zoning Commission hereby takes the following actions:

A. The Coastal Site Plan Review application is approved as consistent with the goals, policies and standards of the Conn. Coastal Management Act.

B. The proposal is consistent with the existing pattern of development in the general area and therefore the Future Land Use Plan of Shelton’s adopted Plan of Conservation and Development is modified by extending the land use designation on the opposite side of River Road, changing the designation of the subject property from “Moderate Density Residential” to “Restricted Commercial”.

C. In accordance with the provisions of Section 34 of the Shelton Zoning Regulations, the subject Initial Development Concept Plan is hereby approved subject to the following conditions and adjustments:

   a. Approval of the ConnDOT regarding curb cut, drainage and driveway improvements and satisfaction of all engineering concerns of the City Engineer and comments and concerns of the Fire Marshall and Local Traffic Authority as well as any and all other applicable municipal boards and commissions.

   b. Modification and revision during the preparation of Final Site Development Plans as necessary in response to all concerns noted above and any outstanding concerns of the Commission and its staff, including the submission of a detailed blasting program that addresses pre-blast surveys criteria, scheduling of blasts, proposed monitoring, hours of operation, evidence of adequate liability insurance and compliance with all State and City blasting ordinances.
c. Submission of a modified and revised Statement of Uses and Standards to clarify language, address outstanding concerns of staff regarding accessory uses and applicable standards and specifically prohibiting certain types of food service establishments.

d. Development of modified building design and details with particular attention to roof design and to address concerns with architectural design features and use of proposed exterior finishes.

e. All utility services shall be located underground. Confirmation of final approvals by the Inland Wetlands Commission, the WPCA and the Town of Stratford relative to sewage discharge.

f. Application for Approval of Final Site Development Plans including all supporting design details, information and evidence of any other final approvals, shall be submitted to the Commission on or before January 1, 2012 for review and approval. No permits shall be issued for any site or building construction prior to endorsement of the approved Final Site Development Plans.

C. On the basis of this conditional approval of Initial Development Concept Plans subject to the stipulations and modifications set forth above, the subject PDD is hereby adopted for the reasons found in the discussions preceding the motion and shall be identified as PD #73.

All such approvals, modifications and adoptions set forth herein shall become effective on Thursday, September 1, 2011 at 8:00 a.m.

The above RESOLUTION was moved by Commissioner [Name] and seconded by Commissioner [Name].
Upon completion of all further discussion, on a roll call vote, Commissioners _McGrady_, _Herger_, _Poseda_, __________ and ___________ voted in favor.

Commissioner _Flannery_ voted in opposition.

The Chairman declared the **RESOLUTION** adopted **4 to 1**
SHELTON PLANNING AND ZONING COMMISSION
August 2, 2011

Draft Report/Resolution

RE: Application #11-09 Petition of Bishop Management of Shelton, LLC, for Initial Development Concept Approval, Approval of a Coastal Site Plan Review (CAM), Amendment of the Future Land Use Plan of the Plan of Conservation and Development (POCD) and Adoption of a Planned Development District (PDD) for a Mixed-Use Facility for retail sales and services and medical and professional offices, 762 River Road, currently zoned Industrial IA-2 District.

The petitioner proposes to establish a Planned Development District (P.D.D.) on a 3.95 acre site fronting on the easterly side of River Road, extending to the Housatonic River. The site is in a transitional use area, adjacent to a manufacturing use as well as an under-utilized industrial site and lies directly across River Road from a multi-family condominium development. It is situated within the delineated coastal area with approximately 170 feet of frontage on the Housatonic River, as well as 200 feet of frontage on River Road (C.D.O.T. Route 110). The site is characterized by moderate, rolling topography that generally slopes down from River Road toward the river before dropping off sharply within 125 to 150 feet of the river’s edge. The front portion of the site is occupied by a deteriorated, single-story metal industrial structure. The property is currently owned by Bishop Development of Shelton, LLC, whose partners are also the principals in the major commercial recreation facility/sports center located 300 feet south of the subject site.

The proposed development contemplates the total rehabilitation of the existing industrial structure at the front of the site, transforming it into a contemporary, 11,800 square foot multi-tenant retail structure. This structure also anticipates the possible need of a drive-up window on the south side to serve the needs of a bank, coffee shop or similar occupancy. In addition to the existing building, a new, multi-story office building is proposed at the rear of the site, taking advantage of an orientation and views of the river. The office building would have five (5)
floors and a total gross floor area of 53,600 square feet. Taking advantage of the natural slope of the site, parking is provided at the basement level, beneath a portion of the building, with an entrance to the lower level lobby and elevators. The remainder of the basement level is not counted as floor space for determining parking needs, since it is windowless and will be devoted to mechanical equipment, storage and other uses not necessitating additional parking. The total site area between the two buildings is devoted to customer/visitor parking. A total of 262 spaces is shown. Initial Development Concept Plans submitted for the proposal are accompanied by a Statement of Uses and Standards and are entitled “Proposed Mixed-Use Facility, 762 River Road (Route 110, Shelton, CT.)” with the cover sheet dated Feb. 2, 2011 and prepared by James R. Swift, Professional Engineer – Landscape Architect, Lewis Associates, Land Surveyors and Mingolello & Hayes, Architects. The Commission has reviewed the subject Initial Development Concept Plans and the Application for Coastal Site Plan Review, is familiar with the area and existing site conditions, has considered how the site is proposed to be developed as well as the comments expressed at the public hearing and notes the following observations and findings:

1. As noted above, land uses in the vicinity are mixed. The site as zoned can accommodate the primary office building component but not the rehabilitation of the smaller, existing building for retail occupancy. Therefore the applicant opted to seek a planned development district designation, with its inherent detailed review and restrictions, to overcome the potential issues and concerns associated with the wide range of uses allowed by a conventional commercial zone and to afford the Commission better controls over the design, layout and appearance of the development proposal. To simply change the existing Industrial IA-2 zoning district to a conventional commercial district to overcome use issues might open the site up to other potentially undesirable uses and activities.

2. The subject site is roughly rectangular in shape with some 200 feet of street frontage, easily accessible utilizing the existing River Road curb cut. The topography is readily adaptable to the proposed layout, with limited re-grading of the site to achieve uniform grades in the parking area without impact on adjacent properties and without impact on the river frontage.
There is no site disturbance proposed within the 100 foot Uplands Review Area adjacent to the river. Full utility services are available in River Road and all on-site utilities will be located underground. All storm water runoff is proposed to be collected and retained by an on-site storm water retention system, with all storm water percolating into the sandy soils. The retention systems have been placed in areas of porous, sandy soils having high percolation rates that can readily absorb the storm water runoff. There will be no direct off-site storm water discharge to the Housatonic River. In view of the above, there should be no impacts on inland wetlands and watercourses and it is anticipated that an administrative permit will be processed by the Inland Wetlands Officer. The Shelton Water Pollution Control Agency (WPCA) has approved the connection to the sanitary sewer system which is an extension of the Town of Stratford system. The applicant will be responsible for all additional fees imposed by the town of Stratford.

3 The site lies within the delineated coastal area along the Housatonic River and the required Application for Review of Coastal Area Site Plans was submitted and forwarded to the Connecticut Department of Environmental Protection (CTDEP). There are no anticipated adverse impacts on any coastal resources. Consistent with the DEP comments, water dependency will be accomplished by the provision of meaningful public coastal access to the river at the rear of the site, with a reasonably graded pedestrian path and the designation of public parking in close proximity to said point of access. The details of said access will be worked out during the final development plan stage. With the provision of suitable public access, there are no inconsistencies with the proposal and the goals, policies and standards of the Connecticut Coastal Management Act.

4 The building proposed for rehabilitation and restoration is single story in height and will take on a contemporary appearance with articulated roof features. The exterior materials are primarily stucco with accent columns and a base of thin stone veneer. Further architectural adjustments are needed, especially to the rear elevation (parking lot side) with enhanced entries, additional windows and appropriate identification signage. The new office building is five (5) stories in height on the River Road side and six (6) stories on the side facing the
river. It is also of contemporary design, proposing a reflective glass exterior wall treatment with granite stone panels at the first floor level as well as on the exposed portions of the basement level. If possible, it would be desirable to create some improved architectural and/or exterior materials tie-in/relationship to the front building. Also, it will be important to maintain a consistency of exterior appearance of the interior window treatments, especially in the evening hours when offices are illuminated and visible from outside. Additional design and materials review is needed and will be addressed when detailed designs are submitted for final approvals.

5 River Road is a State highway and the Applicant will require ConnDOT approval of all proposed activities within the public right-of-way. A traffic study was submitted with the application and concludes that there will be no significant, adverse impacts on the area road system. However, the size and scope of the proposal necessitates an STC Certificate, application for which requires a detailed, written traffic study evaluating impacts on River Road. Said traffic evaluation by the STC will examine conditions at the Long Hill Avenue intersection regarding signalization warrants and will dictate any needed improvements to River Road at the entrance, such as turning lanes and entry design and submitted to the Commission for its review and comments. It should be noted that the existing curb cut is intended to be used and no additional curb cuts are proposed. The STC Certificate approval will have the final say and will dictate any need for road and/or intersection improvements on River Road.

6 The plans were referred to the Fire Marshall and the City Engineer for their review and comments. Minor concerns were noted about the fire lane widths and building features. Also, the site engineering and landscape plans will require further clarification and detailing as part of the preparation of Final Development Plans and will be reviewed by staff. All concerns of staff and municipal departments will be addressed prior to sign-off of final approvals of said Plans.
Shelton's adopted Plan of Conservation and Development identifies this area on the Future Land Use Plan for "Office/Light Industrial" use. The subject PDD proposes a significant office building consistent with said Land Use designation but the intent to retain, rehabilitate, renovate and convert the existing structure to low intensity retail and personal services necessitates a designation of Restricted Commercial land use. The PDD approach provides the necessary element of control over design of both the retail rehabilitation effort and the office building component and will severely restrict the proposed commercial uses. At this time, the Statement of Uses and Standards needs to be revised and modified to clarify certain language, the permitted uses and standards, especially with respect to uses and to make allowance for shared parking facilities.

The Commission convened and completed a duly noticed public hearing on April 27, 2011. Comments were received from four (4) members of the public. The adjacent property owner of Centrix was concerned about another major driveway in the area as well as what impacts, if any, would there be on his future expansion potential. A representative of the Crescent Village Condominiums across River Road questioned trip generation figures and the timing procedure with STC/DOT vs. zoning approvals. An area resident expressed concerns about the general level of traffic on River Road and the potential for accidents associated with the additional activity. Mr. Purcell of the Valley Chamber of commerce expressed support of the Concept Plan and the use of the PDD approach for maximum control. The Commissioners raised several questions relative to the rehabilitation efforts, office building height in relation to the nearby rink structure, architectural designs and the use of reflective materials on the office building exterior, maintenance of the public access-way to the riverfront, etc. All questions were adequately addressed by the applicant and his representatives who noted that all these concerns can and will be considered more fully during the final design phase to the satisfaction of all responsible boards and commissions.

After further discussions of the PDD petition, the CSPR application and the Future Land Use Plan modifications, the Commission was prepared to render its decision and authorized staff to
prepare a favorable **RESOLUTION** for their consideration and action. On the basis of the findings and concerns noted above, the following **RESOLUTION** is offered for consideration:

**RESOLUTION**

**WHEREAS** the Applicant has submitted a complete petition for the establishment of a mixed-use development under the provisions of the Planned Development District regulations on a 3.95 acre site fronting on River Road, which site is now zoned Industrial IA-2 District; and

**WHEREAS** said petition was accompanied by a proposed amendment to the Future Land Use Plan of the Shelton Plan of Conservation and Development as well as an application for approval of a Coastal Site Plan Review CSPR, which CSPR was referred to the CTDEP for comments; and

**WHEREAS** the Commission held a duly noticed public hearing on April 27, 2011 to consider said applications; and

**WHEREAS** the Applicant has submitted **Initial Development Concept Plans**, including a traffic study, preliminary engineered site plans and preliminary architectural design plans, in order to provide the Commission with the design information and details necessary to render an informed decision; and

**WHEREAS** the Commission is familiar with the subject site and the applicable zoning regulations and has reviewed in detail the proposal and all accompanying documents thereto and subject to the comments set forth above the Commission notes the following:

1. The application complies with the applicable zoning requirements.
2. Preliminary reviews have been made by the Fire Marshall and the City Engineer. All identified concerns relate to on-site conditions and will be resolved during the final design phase.

3. The rear portion of the site is currently vacant while a deteriorated, vacant industrial building with related parking area is positioned in proximity of River Road. The proposal retains all storm water drainage on-site and results in no increase in storm water runoff from the site. All utilities are available in River Road at the site frontage.

4. The Coastal Site Plan will result in no adverse impacts on nearby coastal resources. There will be no site disturbance within the 100 foot Uplands Review Area that abuts the Housatonic River. Meaningful public access to the water resource will be provided, satisfying the need for water dependency.

5. The principal office use is consistent with existing zoning whereas retail sales and service uses require commercial zoning accommodation under a PDD and a modification of the Future Land Use Plan of Shelton’s adopted Plan of Conservation and Development as it applies to the subject site.

6. Existing and proposed utility services are adequate for the proposed development. The entrance drive modifications, internal circulation system and proposed parking facilities are adequate to serve the proposed development and projected traffic should not overload the street system in the area.

7. The preparation of Final Site Development Plans will need to address all outstanding concerns of the Fire Marshall and City Engineer as well as issues relative to landscaping, engineering and construction details, details of public access to the river, etc. An STC Certificate and ConnDOT permit application approvals will be needed to address all requirements and concerns of the STC with respect to necessary road, driveway and intersection improvements mandated and occurring within the River Road right-of-way.
8. The proposed PDD designation encompasses a parcel of greater than 60,000 square feet, is consistent with the comprehensive plan of zoning for the City and will not alter the industrial zoning of the adjacent parcels.

NOW THEREFORE, on the basis of the above, the representations made at the public hearings and other discussions of the Commission, the Shelton Planning and Zoning Commission hereby takes the following actions:

A. The Coastal Site Plan Review application is approved as consistent with the goals, policies and standards of the Conn. Coastal Management Act.

B. The proposal is consistent with the existing pattern of development in the general area and therefore the Future Land Use Plan of Shelton’s adopted Plan of Conservation and Development is modified by changing the land use designation of the subject property from “Office/Light Industrial” to “Restricted Commercial”.

C. In accordance with the provisions of Section 34 of the Shelton Zoning Regulations, the subject Initial Development Concept Plan is hereby approved subject to the following conditions and adjustments:

   a. Approval of the STC regarding traffic and street improvements and satisfaction of all engineering concerns of the City Engineer and comments and concerns of the Fire Marshall, Local Traffic Authority and ConnDOT as well as any and all other applicable municipal boards and commissions.

   b. Modification and revision during the preparation of Final Site Development Plans as necessary in response to all concerns noted above and any outstanding
concerns of the Commission and its staff that may arise during the on-going
review process.

c. Submission of a modified and revised Statement of Uses and Standards to clarify
language and address outstanding concerns of staff regarding accessory uses and
applicable standards.

d. Development of modified building design and details to address concerns with
architectural design features and use of proposed exterior finishes.

e. All utility services shall be located underground. Confirmation of final approvals
by the Inland Wetlands Commission, the WPCA and the Town of Stratford
relative to sewage discharge.

f. Application for Approval of Final Site Development Plans including all
supporting design details, information and evidence of any other final approvals,
shall be submitted to the Commission on or before January 1, 2012 for review and
approval. If said proposal is to proceed in phases, each phase shall be capable of
being self-sufficient and during the interim time period, all disturbed and
undeveloped portions of the site shall be finished in a manner acceptable to the
Commission. No permits shall be issued for any site or building construction
prior to endorsement of the approved Final Site Development Plans.

C. On the basis of this conditional approval of Initial Development Concept Plans subject
to the stipulations and modifications set forth above, the subject PDD is hereby adopted
for the reasons found in the discussions preceding the motion and shall be identified as
PD #72.

All such approvals, modifications and adoptions set forth herein shall become effective on
Thursday, September 1, 2011 at 8:00 a.m.
The above **RESOLUTION** was moved by Commissioner **McGority** and seconded by Commissioner **Harger**

Upon completion of all further discussion, on a roll call vote, Commissioners **McGority**, **Posada**, **Harger**, **Parkins** voted in favor.

Commissioner **Flamery** voted in opposition.

The Chairman declared the **RESOLUTION** adopted 4 to 1
STAFF REPORT
SHELTON PLANNING AND ZONING DEPARTMENT

MEETING DATE: August 9, 2011

SUBJECT: Miscellaneous Zoning and Planning Matters and Meeting Schedules

ZONING MATTERS

1. **ZBA Agenda**: Please review the 8/16/11 ZBA agenda. Please refer to Applications #811-2 and 811-3 for a proposed split of property located at 1017 Howe Avenue requiring a reduction of minimum contiguous building area for both parcels. (see attached agenda)

2. **CT Siting Council**: There was were no new applications submitted to the CSC during this review period.

3. **United Illuminating**: The Engineering Dept./Planning Depts. have had no discussions with UI officials regarding their Old Stratford Road property during this reporting period.

4. **Zoning Subcommittee Report**: The ZS held its last meeting on 7/08/11 to discuss an amendment to the open space setaside requirement requiring changes to the subdivision and zoning regulations. The Subcommittee will be recommending a public hearing to be scheduled in the fall. The ZS also started preliminary discussion on the rewrite of the Section 32: Earth Materials Removal regulation.

5. **Downtown Subcommittee Report**: The DS held their last meeting on 7/8/11 to discuss the Draft Downtown Comprehensive Plan. The next meeting scheduled is 8/12/11.
6. **Zoning Enforcement Program**

<table>
<thead>
<tr>
<th>Previously Reported High Priority Matters</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 351 Long Hill Avenue: Staff sent out second notice to complete removal of two remaining junk cars; <strong>legal action against owner will be requested at the 8/09/11 meeting</strong></td>
<td>On-going</td>
</tr>
<tr>
<td>b. 215 Mill Street: unregistered camper: owner contacted; legal action will be requested at 8/9/11 meeting</td>
<td>On-going</td>
</tr>
<tr>
<td>c. 49 Maple Lane: junk motor vehicle; owner contacted; 2nd notice sent to owner; on-going</td>
<td>Resolved</td>
</tr>
<tr>
<td>d. 77 Long Hill Avenue: commercial dog breeder in residential area; owner contacted; Cease and Desist Order to be issued</td>
<td>Order Issued</td>
</tr>
<tr>
<td>e. 44 Lisa Drive: complete regarding and stabilization of property in accordance with approved plans.</td>
<td>Legal Action Initiated</td>
</tr>
<tr>
<td>f. 77 and 81 Far Horizons Drive: junk yard conditions and Anti-Blight</td>
<td>Resolved</td>
</tr>
<tr>
<td>g. 73 Far Horizons Drive: filling and grading without permits; <strong>legal action will be requested at 7/13/11 meeting</strong></td>
<td>On-going</td>
</tr>
<tr>
<td>h. 182 Buddington Road: filling and grading without permits; owner contacted and has agreed to submit Temporary Special Exception Application by 7/12/11 meeting</td>
<td>Filed Application</td>
</tr>
<tr>
<td>h. 49 Blacks Hill Road: filling and grading without permits; Cease and Desist Order issued.; <strong>On-going legal action will be requested at 8/09/11 meeting</strong></td>
<td></td>
</tr>
</tbody>
</table>
On Going Low Priority Matters

a. 233 Coram Road: junk yard conditions; owner contacted; On-going

b. 21 Cedar Wood: unregistered motor vehicle; owner contacted; on-going (one vehicle removed) On-going

c. 15 Spoke Drive: unregistered motor vehicle On-going

d. 8 Boehm Circle: placement of fence within street right-of-way On-going

e. 23 Regan Circle: commercial truck On-going

f. 24 Regan Circle: commercial truck On-going

New Matters

a. 1 Seneca Road: junk yard conditions
   (business owner contacted to remove junk vehicles and motor vehicle parts)

Filling and Grading Projects:

a. 11 Ladyslipper Drive: an inspection was conducted by Staff on 6/17/11 to confirm that all the work has been completed; a final inspection with the contractor will be scheduled before the bond is placed on the 8/9/11 agenda for release.

b. 470 Huntington Street (corner of Trap Falls Road): on-going work; Staff inspected the property on 5/10/11 to confirm that the front area has been cleaned up; owner directed to remove remaining earth material before Final Zoning is issued for the reconstructed single family dwelling.

c. 44 Lisa Drive: Assistant Corporation Counsel has served the owner papers on the pending lawsuit; the owner is working on all remaining items to comply with the order. A Cash Bond remains in effect to ensure the work is completed. The owner is also in violation of the Street Ordinance which is overseen by the BOA.
PLANNING MATTERS

1. **2006 Plan of Conservation and Development**: The PZC continues to implement the recommendations of the PCD. The PZC adopted the rewrite of the sign regulations at their 7/20/11 meeting. The Zoning Subcommittee is currently discussing the re-write of Section 32: Excavation and Filling and is recommending a public hearing on the changes to the Zoning/Subdivision Regulations requiring 15 percent open space setaside instead of 10 percent. The DSC continues to discuss the Downtown Comprehensive Plan.

MEETING SCHEDULE

1. **Special Meetings for the Summer Months**: There are no special meetings scheduled for the summer months. The next regular meeting is scheduled on 9/13/11. A special meeting in September will be needed for new public hearing items.

**Permits Issued for New Residential Units for 2011 (thru 8/9/11)**

1. Single Family Detached Units: 21
2. Multi-family Units: 0
City of Shelton Board of Zoning Appeals
54 Hill Street, Shelton, Connecticut

Gerald Glover, Chairman
Ralph Matto, Vice-Chairman
Linda Adanti
Phillip A. Cavallaro, Sr.
Edmund Conklin
Robert Harbinson
Philip J. Jones
Zoning Enforcement Officer
Building Inspector
Planning & Zoning Commission
Corporation Counsel
Wetland Enforcement Officer
Fire Marshall
Conservation Commission
City/Town Clerk

Meeting, Tuesday, August 16, 2011 at 7:30 P.M.
Hearing Room, City Hall, 54 Hill Street, Shelton

#811-1 Joe Pereira of Pereira Engineering, LLC of One Enterprise Drive, Suite 312, Shelton, CT for a certificate of approval for the construction of a single story building for a financial institution to be located on the property of Charles J. Davison, Trustee of a Testamentary Trust Under the Will of the Late Charles N. Davidson at 500 Shelton Avenue, CA-2 zone, and which requires reductions in setbacks from the street line from 40 ft. to 25 ft., from the rear property line from 40 ft. to 35 ft. and minimum setback from the residence district boundary line from 40 ft. to 35 ft. Application states on the right is 59 Old Shelton Road, LLC.

#811-2 Nancy and George Berntsen of 1017 Howe Avenue, Shelton, CT for a certificate of approval for a proposed lot 22 with the applicants’ existing one family home located at 1017 Howe Avenue, Proposed Lot 22, R-1 zone, and which requires a reduction in the minimum contiguous building area from 30,000 sq. ft. to 17,000 +/- sq. ft. Application states on the right is the applicant, in the rear is Housatonic Railroad Company, and on the left is William & Gloria Kiss.

#811-3 Nancy and George Berntsen of 1017 Howe Avenue, Shelton, CT for a certificate of approval for a proposed lot 22A to be located on the property of the applicants at 1017 Howe Avenue, Proposed Lot 22A, R-1 zone, and which requires a reduction in the minimum contiguous building area from 30,000 sq. ft. to 14,000 +/- sq. ft. Application states on the right is the Allen & Gina Ovezny, in the rear is Housatonic Railroad Company and on the left is the applicant.

Possible Decision on:

#711-3 Stephen Zuber of 2 Federal Road, Shelton, CT for a certificate of approval for a building lot to be located on the property of the applicants at 2 Federal Road, proposed Lot 2, R-1 zone, and which requires a reduction in the minimum lot size from 40,000 sq. ft. to 37,163 sq. ft. Application states on the right is Lot 2, Stephen Zuber, in the rear is Stephen Zuber and on the left is 10 Federal and 6 Sorne.

SHELTON BOARD OF ZONING APPEALS
by Philip Jones, Secretary

If you cannot attend this meeting, please notify Gerald Glover.
SHELTON PLANNING AND ZONING COMMISSION

DRAFT REPORT/RESOLUTION August 9, 2011

Re: P&Z Application #11-12: Modification of Statement of Uses and Standards for PDD #12 and Resubdivision of Lot 15 (aka Lot C) for 27-35 Waterview Drive, Pitney Bowes.

Findings:

1. Pitney Bowes Shelton Realty is seeking approval of the Modification of Statement of Uses and Standards for PDD #12 by changing the area, location and bulk standards and adding other standard language to the document and approval of the Resubdivision of Lot 15, a 22.6 acre parcel, into two lots for their property located at 27-35 Waterview Drive. The site is currently served by municipal sanitary sewers and public water.

2. The subject property currently contains two multi-story buildings and is served with on-site parking for employees and loading. Additional parking is provided off site on an adjacent parcel owned by Pitney Bowes.

3. The applicant indicated at the public hearing that they are consolidating its operations and are planning on selling one of its building which requires this modification and resubdivision.

4. The applicant has explained satisfactorily to the Commission how they will accommodate the splitting of the property including the necessary easements for vehicular circulation and utilities.

5. There were no public comments received at the public hearing held on 7/13/11. No adjacent property owner expressed any concern with the proposed modification and resubdivision.

6. There were no concerns expressed by the Fire Marshall or City Engineer.

Motion:

On the basis of the findings set forth above and the discussions of the Commission preceding this action, it was moved by Commissioner and seconded by Commissioner to approve Application #11-12 subject to the following conditions:

1. The applicant shall make further minor adjustments to the final wording on the Statement of Uses and Standards subject to the satisfaction of Staff.
2. All future owners of 27 and 35 Waterview Drive shall ensure that adequate parking requirements for the current and future uses of the two buildings will be maintained at all times. There shall be no parking of motor vehicles on Waterview Drive at any time.

3. The effective date shall be Thursday, September 1, 2011 at 8:00 am.

Said application is approved for the reasons set forth above and in the deliberations of the Commission and for the following specific reasons:

1. The modification/resubdivision does not materially change any of the basic elements of the original Planned Development District.

2. The modification/resubdivision should not have a negative impact on the Shelton Heights Industrial Park and the existing infrastructure should be able to accommodate the proposed changes.

3. The conversion is consistent with the Plan of Conservation and Development and the Comprehensive Plan of Zoning for this area.

Roll Call Vote
On a roll call vote, Commissioners [Redacted], [Redacted], [Redacted], [Redacted], [Redacted], and [Redacted] voted in favor.

Commissioner [Redacted] voted against.