

morning at the SEDC Offices. She asked Commissioner Harger if she would like to continue on the DSC.

Comm. Harger agreed to continue on the Downtown Subcommittee for her two year term.

Chair Parkins asked Comm. Matto if she would be available to attend the DSC meetings.

Comm. Matto responded that she would love to; however, she has to work on Fridays.

Comm. Pogoda stated that they meet early in the morning around 8:30 a.m. for about 1 ½ hour meeting.

Comm. Matto responded that she is working at that time. She would look into the possibility of doing it though.

Chair Parkins stated that there has been some discussion about moving it to later in the day so that could be a possibility.

Comm. Harger indicated that a couple of years ago they started doing it earlier in the day for the businessmen that like to come.

Comm. Matto asked for clarification as to who attends the DSC.

Comm. Harger responded that Comm. Pogoda, the Chairperson, Anthony Panico and Rick Schultz from Staff.

Chair Parkins explained that the DSC is an informal forum for developers or people that are seeking information or proposing something for Downtown, or people downtown that want to see something different.

Comm. Matto responded that she could try to arrange it if it only meets once a month.

Chair Parkins stated that they would tentatively put her on the DSC for now. A schedule is available in her packet. She indicated that the Zoning Subcommittee meets as needed and doesn't really have a set schedule. She asked Comm. Flannery if she would like to continue serving on the Zoning Subcommittee.

Comm. Flannery agreed to serve again for her two year term.

Chair Parkins asked Comm. Pogoda and Comm. McGorty if they would like to remain on the Zoning Subcommittee. Commissioners Pogoda and McGorty agreed to continue of the Zoning Subcommittee for their two year terms.

Rick Schultz indicated that a motion was not required for the Subcommittee assignments because they were a selection of the Chair and the Commission.

Chair Parkins stated, as a matter of policy for the new members, especially the alternates, State Statute provides that the discussions at the table regarding different applications can only be discussed by the acting members. Alternates would be asked to sit in if one of the Commissioners is not able to attend. They are certainly welcome to attend all the meetings and they are encouraged to attend them to become familiar with their process and the applications if they are needed to step in as alternates. Unfortunately, they cannot speak or vote at

any regular session where they are not sitting in for one of the Commissioners. She wanted to clarify this policy.

Comm. Harger stated that she wanted to comment on the assignments for the Valley Council of Governments. They have their monthly meeting on the fourth Tuesday of the month at 5:15 p.m. for approx. one hour. She has been the representative from Shelton P&Z. The other members are reps from the Derby, Ansonia and Seymour P&Z Commissions. It is chaired by Bob Flaherty, the Chairman of the Ansonia P&Z. She wanted to throw it out there for anyone interested in being an alternate from this Commission.

Chair Parkins asked if this was something that she was looking to get a replacement for or would she like to continue on the Council and have an alternate assigned.

Comm. Harger responded that she would continue unless someone is really interested in doing it, she'd be happy to give them the experience. Otherwise, if someone would just like to be the back-up, than that is fine too. It is a small group session and the purpose of it is to hear the proposals that are going on in other towns that would impact the whole region. It is facilitated by the Planner who makes recommendations; however the Council discusses the recommendation, whether it is appropriate for the region and if they would be in support of it. Information is provided by all the area Planning and Zoning Commissions and administrators.

Comm. McGorty asked where and when it meets and indicated that he would take the alternate spot for the Valley Council of Governments.

Comm. Harger responded that it meets on the fourth Tuesday of the month at the Derby Railroad Station at 5:15 p.m. She doesn't expect that much will be done in December because of the timeframe.

Chair Parkins added that any of these Subcommittee meetings are open to the public and everyone is welcome to attend.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Chair Parkins commented that in the past they have been spending a considerable amount of time on the Pre-Approved Standards and Pre-Approved Separates. She indicated that one of the reasons that they gave approval authority to Staff was so that it wouldn't take up time and discussion at this table. Although it has been her past practice to ask if there were any questions on those Standards, she will be deferring and ask that anyone with questions about them, please feel free to contact Staff prior to or after this meeting.

Comm. Flannery commented that the only thing that she brings up at every meeting is that she would like to have more information on the home offices.

Chair Parkins responded yes, and she asked that anyone with questions about them contact Rick Schultz during the day in the future.

Rick Schultz commented that he could attach the information on the copies to the Commissioners.

Comm. McGorty asked if he would be making copies for everyone because he feels that if Staff has done their due diligence on it and it meets all the standards, then he doesn't need to have copies of it.

Rick Schultz agreed that he would make copies for Comm. Flannery or anyone who wants them.

Mr. Panico suggested expanding on the detail for the agenda items with the home offices.

Comm. Matto asked for clarification as to what the difference was between Staff Approved Standards and Staff Approved Separates.

Mr. Schultz responded that they are applications that are reviewed, approved or denied by Staff in the office. Standards are the simple types of applications like additions, pools, sheds – as of right items. Separates are applications such as home offices, when people work out of their homes for profit or gain. They are somewhat more involved. The third category, of which there are none this month, is when the Commission approves a site plan that includes a zoning permit which is automatically approved.

Chair Parkins commented that if no one has any concerns, making this adjustment will save them a little bit of time which is important when they have longer agendas than they do tonight.

Comm. Harger asked to have Rick quickly go through the Staff Approved Separates since they will be starting this after tonight's meeting.

Mr. Schultz provided clarification for the following Staff Approved Separates for home offices. He indicated that #6066, Road Star, 106 High Street is a home office for a trucking services, one employee, 30 square feet; #6064, 100 Cranston Avenue is for a home improvement home office, one part time employee, 75 square feet; #6089, 69 New Street, distribution of materials home office.

Mr. Schultz explained that in accordance with the new sign regulations, Staff issues permits for temporary signs such as #6088 is a temporary sign for the Wells Christmas Trees and #180 for a temporary banner, 10 days at Sikorsky Federal Credit Union for Bank Transfer Day. He added that the new sign regulations allow for the temporary signage but people are expected to come in for a permit indicating what it is for and how many days the sign will be up.

SEPARATE #182 – BCI COMMUNICATIONS, 1077 BRIDGEPORT AVENUE, ADDING COMMUNICATIONS

Mr. Schultz indicated that the first two separates are for co-location. This is for Huntington Point, the office building at Exit 11 on Bridgeport Avenue and Huntington Street. Twelve years ago the Commission allowed a roof-mounted telecommunications systems where an artificial skin was built showing brick to screen it. There is room for add-ons which won't be seen because it is screened. The add-ons include three LTE antennas adding 6 RRH's and 3 RBS's. This is a cabinet, roof-mounted behind the skin. For the new members of the Commission, he explained that they really encourage co-locations in the area instead of free-standing towers because no one wants to see towers. Shelton is fortunate because they have mid-rise and high-rise buildings and they can add co-locations to them.

Mr. Schultz added that the next application is at a church steeple in Huntington Center. They are going to be adding to that. Another example would be the flagpole on River Road that the Commission periodically gets requests to add on to. They are all examples of co-location telecommunication that serves everyone who uses a cell phone. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #182.

SEPARATE #6083, BCI COMMUNICATIONS, 31 CHURCH STREET, ADDING COMMUNICATIONS

Mr. Schultz indicated that this is at St. Paul's Church. They are adding 3 LTE antennas, 6 RRU's and 1 RBS cabinet. This is completely screened within the steeple. He added that it is a source of revenue for a non-profit, it is screened and it provides a service. Staff recommends approval.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6083.

SEPARATE #6078 MAXIE SIGNS, 26-30 HUNTINGTON STREET, WALL SIGN

Mr. Schultz showed the Commission the rendering of the proposed signage for Realty Quest. Realty Quest is the building located between the gas station and Beechwood Market. They are located on the second floor. This will be on the wall facing Hugo's or Beechwood on the side of the building. It is a 4' x 5' metal Alumilite sign with vinyl trim around the edges and back bolted. It is non-internally illuminated.

Mr. Panico asked if this was going to be mounted on a panel and then on the wall or if the individual pieces going to be directly mounted on the wall.

Mr. Schultz responded yes, individual pieces.

Chair Parkins asked if they needed the bottom part of the sign with www.realtyquest.com.

Mr. Schultz responded that they have been allowing that. He asked the Applicant if the web address was important to have.

The Applicant (name not provided) responded that she would like to have it.

Chair Parkins asked if they have an actual address for the business.

The Applicant responded that they are on the second floor.

Chair Parkins asked if they were using "second floor" as opposed to an actual address.

The Applicant responded yes. She asked if they wanted her to take out the www.realtyquest.com.

Comm. Pogoda responded, no but suggested putting the dot.com after the Realty Quest above it.

Mr. Schultz responded that isn't part of their logo though.

There was discussion regarding phone numbers and web addresses on signs. (comments inaudible).

Comm. Pogoda stated that it was a matter of safety because people would tend to stop, hit the brakes, slow down to get the numbers off the sign.

Mr. Panico added that the numbers are so long that it is hard to get it in one glance.

Comm. Harger commented that is pretty much the root of why they don't want the phone numbers.

Chair Parkins stated that this is just the same thing as the numbers. It kind of detracts from the sign too.

Comm. Flannery asked if this was the first time they ever had a website on there.

Mr. Schultz responded that Shelton Square was the first to do it with a tiny font on the old monument sign, but they got that replaced. He asked the Applicant if she could handle it without the website address because the consensus of the Commission is to suggest that the www.realtyquest.com be eliminated.

The Applicant responded that if they can't have it, they will do without it.

Comm. Flannery commented that most people would just Google it anyway.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6078 with the noted modifications (no web address on the signage).

SEPARATE #6091 – KELLY CALANDRO, 100 CENTER STREET, WALL SIGN REPLACEMENT

Mr. Schultz indicated that this is the last component for the new restaurant, Verace Pizzeria, Market & Italian Eatery. The proposed signs are the main sign on Center Street and one sign on each side.

Comm. Harger asked for clarification from the applicant if the sign on the left side was for parking and if it would be on the Simonetti's Cleaners side.

The Applicant, Kelly Calandro, responded yes.

Comm. Harger asked if they didn't think they would need one the other way because of the big parking lot.

Ms. Calandro responded that they thought the sign could direct people in one way and out the other.

Comm. Pogoda indicated that he could see what she means – go in the left side and come around to the right side – exit only.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6091.

SEPARATE #6085 – ST. JOSEPH CHURCH, 424 CORAM AVENUE, ELEVATOR

Comm. Harger stated for the record that St. Joseph's Church was her employer.

Mr. Schultz indicated that the dark shaded area on the site plan is the location of the elevator. The elevator is being installed to provide access to the three levels, the main Church, the sidewalk and the Church Hall. He indicated that a lot of the older churches in the community and throughout the State need elevators. It is something that they see quite a bit to be co-compliant.

Comm. Harger stated that there is an existing ramp right now and this would take the place of it. The angle has never been right and people have remarked over the years that it is difficult to push someone up in a wheel chair.

Mr. Schultz stated that it is important to note that this will not impact the use of the facilities.

Comm. Harger stated that it is the back right side of the right side entrance.

Chair Parkins commented OK, it is by the school and asked if it would go all the way down to the basement level.

Comm. Harger responded yes, there would be an exterior door on the outside driveway level and it would go up to the Church and open up into the Church or go down into basement Church Hall.

Chair Parkins asked if they would have to excavate.

Comm. Harger responded yes, they will be.

On a motion made by Joan Flannery seconded by Thomas McGorty, it was unanimously voted to approve Separate #6085.

SEPARATE #6090 – STRATFORD CAT PROJECT, 350 BRIDGEPORT AVENUE, CAT ADOPTION

Mr. Schultz reviewed for the new members that this retail shopping center is in a Planned Development Center (PDD) across from Curtiss-Ryan on Bpt. Avenue. Whenever special events are being held, it has to come before the Commission; for example, sidewalk sales, or in this instance, pet adoptions. Stratford Cat Project wants to hold a public adoption on December 3, 2011 from 11 a.m. to 3 p.m. There is an adoption of approximately 20 cats and kittens. This Commission wants to know the duration of the event, if this is going to be a regular event, the time of day and if there will be sufficient parking. They know that the time of day will be fine for this event because there is a lot of parking.

Mr. Panico asked if Dec. 3rd was a Sunday.

Mr. Schultz responded no, it is a Saturday.

Mr. Panico asked what area they would be occupying.

Comm. Matto responded that it is right at the pet store, H-3 Pet Supply. She asked if they didn't have cat adoptions all the time.

Comm. Harger responded that yes, they do.

Mr. Schultz added that they have told them that they need permits.

Comm. Matto commented that they have them on a regular basis.

Comm. Harger added yes, on a regular basis with balloons and a sandwich board out in front.

Mr. Schultz stated that because this is a special zone, the Commission – well, it's just like Wal-Mart who has special events.

Chair Parkins commented that it has just been brought to their attention that they need approval.

Comm. Matto asked if they would have to apply every week if they do this every week.

Mr. Schultz responded yes, absolutely. He has not been aware of that, but he has been advised about it.

Comm. Matto indicated that she approves of cat adoptions and thinks that it is a nice thing that they do it. She goes there a lot. They are just trying to help the cats find homes.

Mr. Schultz stated that it just has to be regulated.

Comm. McGorty stated that the thing is that they've found out about it after-the-fact.

Comm. Harger stated that it came to the retail merchant's attention that they are not in compliance and now they will start.

Comm. Matto asked if they will have to come in every week once they get a permit to do it.

Mr. Schultz responded yes, absolutely. When they come into the office tomorrow, he'll go over it with them. This also insures that they regulate for temporary signs such as banners and A-frame signs – it all goes hand in hand.

Mr. Panico added that if it turns out that it is something that they want to do on a continuous basis, he thinks they should think about an amendment to the permitted uses.

Comm. Harger commented that if her memory serves her correctly, she thinks that was brought up at the time of the application as to whether or not they were going to do that and they were told that no, they were not.

Mr. Panico stated that it is alright if it is once or twice a year but if it is going to be a regular weekly-type thing than it is an activity that should be something that is contemplated by their Statement of Uses.

Comm. Matto commented that it is not a big thing – when you go in there (inaudible)

Mr. Panico indicated that unlike the generic zoning regulations which are pretty broad, in this particular case for a PDD, they pretty much identify fairly specifically the nature of the uses that will be permitted and this was not listed. For example, one of the other store owners may claim that when they signed their lease, this wasn't one of the permitted uses.

Comm. Matto clarified that she was not saying that they shouldn't have to go through the process or anything, but she just wanted to share with everyone that it is a nice little thing that they are doing there. It is very low key thing and not a big event (inaudible).

Comm. McGorty indicated that they just need to submit something when they are going to do it – that's how the system works.

Comm. Harger added that it is not a part of their business.

Chair Parkins commented that their business is selling pet supplies not animals.

Comm. Harger commented that as in the point that Tony brought up; another merchant in that shopping strip may have never had the opportunity to discuss this.

Mr. Panico added that he can't think of any reason why another merchant would be upset but they can't be denied the opportunity to say something because it was not something in the lease that they signed.

On a motion made by Elaine Matto seconded by Joan Flannery, it was unanimously voted to approve Separate #6090.

SEPARATE #6060 – JOANNA DIORIO, 55 ORONOQUE TRAIL, IN-LAW

Mr. Schultz stated that this involves an in-law apartment in which a variance was granted from 900 square feet, the maximum size allowed for an in-law apartment, to 1,012 square feet. It also increases the 33 1/3% to 39% of the total floor area. He showed the Commission a floor plan and site map. He explained that it was a split level type of house and showed the location.

Mr. Panico asked if ZBA approved this.

Mr. Schultz responded yes.

Mr. Panico commented that it is really pushing the limit to where it's almost a two family house because it is almost a full size apartment. Before, the idea was that the in-law was secondary thing.

Mr. Schultz stated that he is reading from the ZBA that this was an after-the-fact. This is a pre-existing. It was an in-law that was created without the benefit of a permit. It was in existence for 10 years.

Comm. Matto asked if it was still be used as an in-law.

Mr. Schultz responded yes, that is why it is before the Commission tonight.

Mr. Panico asked if it is going to be subject to the in-law restrictions then.

Mr. Schultz responded yes, absolutely.

Comm. Flannery asked for clarification on the floor plan as to which part was the in-law.

Mr. Schultz pointed out the location of the in-law on the second floor. The lower level is the principle, single family dwelling. The stairs going up to the second floor are the apartment which is 1,012 square feet with the bedroom, bath and entertainment area.

Mr. Panico asked if exterior appearance has changed very much.

Comm. Pogoda asked if there was anything additional.

Mr. Schultz responded no, this is all existing. This is after-the-fact and they wanted to keep the 1.012 square feet. It was granted and it has been there for 10 years.

Comm. Matto asked if it was the same, original owner.

Mr. Schultz responded yes. As they know, ZBA has a public hearing and there was not opposition.

Comm. Flannery asked if they originally applied for the 900 and it was approved.

Mr. Schultz responded no, it was existing. They did it without a permit. They converted that area of the house into an in-law apartment. When people try to refinance or try to sell, this comes to his office. If they are told that they don't recognize it, then the homeowner has to get the proper approvals. If it is over 900 square feet, then they have to go to the ZBA and get relief.

Comm. Matto asked if they have to go there first.

Mr. Schultz responded yes.

Comm. McGorty commented that there is tax revenue that has been lost (inaudible)

Mr. Schultz added that the State of Connecticut ties your hands on a lot of things.

Chair Parkins asked how it would be the same owners.

Mr. Schultz responded that it was refinancing. They come to P&Z and ask if this in-law is in compliance with the City of Shelton. If it is not, then it's ZBA first and P&Z Commission second. As he said, ZBA has a public hearing so if anyone feels as though it is a detriment to the neighborhood they can speak, but in this case there was none.

Mr. Panico asked if they can only get to the 2nd floor through the living space of the first floor.

Mr. Schultz responded yes. There have been no exterior modifications on this house.

Mr. Panico added that it truly is an in-law apartment because they can only get to it from the other unit.

Mr. Schultz stated that Staff recommends approval.

On a motion made by Joan Flannery seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6060.

SEPARATE #6076 – R. D. SCINTO, 4 CORPORATE DRIVE, BUSINESS
SEPARATE #6075 – R. D. SCINTO, 2 CORPORATE DRIVE, BUSINESS
SEPARATE #6068 – R. D. SCINTO, 5 RESEARCH DRIVE, BUSINESS
SEPARATE #6067 – R. D. SCINTO, 2 ENTERPRISE DRIVE, BUSINESS

Mr. Schultz stated that he would read the details of all four of the Scinto business occupancy separates. He stated that Separate #6076, 4 Corporate Drive is for a company named Opti-Care. They are leasing 900 square feet, five employees, hours of operation M-F 9 a.m. – 5 p.m. They are replacing the tenant Lab-Core.

Mr. Panico commented that Opti-Care is normally a retail activity.

Mr. Schultz responded no it's professional, medical offices – eye specialists.

Mr. Schultz stated that Separate #6075, 2 Corporate Drive is for Prudential. They are occupying/leasing 25,985 square feet, 250 employees. They are replacing General Electric.

Separate #6068, 5 Research Drive is for Noresco, a construction company. They are leasing 9,870 square feet, 36 employees, hours of operation M-F 9 a.m. to 5 p.m. they are replacing a company called Web Loyalty.

Separate #6067, 2 Enterprise Drive, a company named 2 Enterprise Drive. They are a marketing company leasing 4,181 square feet, 10 employees, hours of operation are M-F 9 a.m. – 5 p.m. They are replacing Enterprise Suites.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6076; Separate #6075; Separate #6068 and Separate #6067.

SEPARATE #179 – DEKZON, LLC, 2 IVY BROOK ROAD, BUSINESS

Mr. Schultz indicated that this the newer medical office building on Ivy Brook off of Constitution Boulevard on the right hand side. This is a new occupant for the second floor. They filled the first floor already and they have plenty of parking there. They are leasing 2,025 square feet for medical offices. Most of Griffin Hospital and its spin-offs are occupying that particular building. A lot of private offices in the older homes located in Derby and Ansonia near Griffin Hospital are slowly expanding and vacating those premises because they are not handicapped accessible and have parking problems.

On a motion made by Thomas McGorty seconded by Anthony Pagoda, it was unanimously voted to approve Separate #179.

SEPARATE #6093 – MARGARET WILLIAMS, 414 HOWE AVENUE, BUSINESS AND SIGN

Mr. Schultz stated that this is next to Kleto's. The Children's Boutique had been there. This store will be called Silver Racks and it is a consignment retail. It will have a lease area of 600 square feet with two employees, hours of operation 9 a.m. – 7 p.m. Monday –Saturday. He showed the Commission the rendering for the proposed wall sign with a white background, black lettering, not internally illuminated.

On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to approve Separate #6093 for the business and signage.

APPLICATION #11-18 PINE ROCK AUTO SALES, INC. FOR MODIFICATION OF USED CAR DEALER LICENSE (INCREASE FROM 8 VEHICLES TO 12 VEHICLES), 1 SENECA TRAIL (MAP 5A, LOT 39), CA-2 DISTRICT

Mr. Schultz indicated that the owner, Mr. Sinsky is in the audience because he would like to address the Commission.

Mr. Michael Sinsky, owner Pine Rock Auto Sales, Inc. addressed the Commission. Mr. Sinsky indicated that he was unable to contact his attorney because of the short notice he was given about this meeting. He indicated that he was unable to defend himself in this matter or to know anything about it. He doesn't understand it completely and asks if they would continue this until he can reach his attorney.

Chair Parkins asked Mr. Sinsky if he made this application.

Mr. Sinsky responded yes.

Chair Parkins asked how he knows nothing about it.

Mr. Sinsky responded that he doesn't know anything about what is happening with it so he needs his attorney.

Chair Parkins asked if he doesn't understand what their process is. She added that she is a little unclear as to what he means.

Mr. Sinsky responded that he didn't know that he had to be here and had to cancel a previous engagement to attend. He was told today; he was notified this afternoon and it was too short notice to get a hold of his attorney. They all made the Pledge of Allegiance here tonight for liberty and justice for all. It is not liberty or justice if he doesn't understand what he's doing. He is unable to defend himself.

Chair Parkins indicated that she appreciates his comments. She asked Rick what the procedure was for notifying applicants that they are on the agenda.

Mr. Schultz responded that they notified him as he did – as they know, it was a short week last week. This is a rather unique application insofar as they have an active Cease & Desist Order. There is also an impending lawsuit from the adjacent property owner. The Commission is obligated to render a decision. The clock is ticking. They had to make this retroactive to the September meeting.

Chair Parkins asked if the Applicant was willing to give them an extension on the time.

Mr. Schultz added that he can, that is correct. All the parties are here because the inspections were made and the property owner was notified today. He told Mr. Sinsky that it would be in his best interests to be present, and he is. They can do a couple of things – authorize an extension to the December 13th meeting or have Staff read the report and make a decision.

Mr. Panico asked if he has shared his concerns with the Applicant.

Mr. Schultz responded that he has, in part. He thinks it would be beneficial if he reads his report. It is chronological order, it is detailed.

Chair Parkins commented that she thinks it would be helpful especially for the new commissioners or for those who were not at previous meetings when this matter was brought up. She said that they would not make any decision on this tonight but she would like the Commission to have Staff's background on this information. They will accept Mr. Sinsky's offer for a continuance and give him time to speak with his attorney.

Mr. Sinsky thanked the Commission.

Atty. Richard Volo, 435 New Haven Avenue, Derby, CT addressed the Commission. Atty. Volo asked if he could speak after Mr. Schultz reads his report. He represents A.J. Gas Station.

Chair Parkins responded yes.

Mr. Schultz informed Mr. Sinsky that he would need a letter authorizing the Commission to extend this to the December 13th P&Z Meeting.

Chair Parkins asked Mr. Sinsky if he could quickly just write something out stating that he authorizes this extension because they have state statutes that they have to follow.

Mr. Sinsky wrote a signed statement authorizing an extension to the 12/13/11 and submitted it to Rick Schultz.

End of Tape 1A, 7:40 p.m.

Mr. Schultz read his chronological report regarding Pine Rock Auto Sales Inc. located at One Seneca Trail. He indicated that is the last public road in Shelton before getting to the Stratford town line. It is a small side street which isn't used by most people unless they have to go there. It is immediately adjacent to A.J.'s Gas Station and Emission's Center.

He read the timeline of information for the Commission:

The Applicant receives approval from the ZBA on Sept. 20, 1983 for a Certificate of Zoning Approval for a Used Car Dealer's License with conditions that no more than 8 vehicles be stored on the property, no motor vehicle parts be stored on the property so as to visible from the street, and no vehicles, tow truckers or wreckers be parked on Seneca Trail.

The DMV subsequently approves the license with the noted conditions on June 27, 1984.

In August 2011, the Shelton P&Z Dept. received a formal complaint regarding the improper operation of Pine Rock Auto Sales Inc.

On September 9, 2011 an inspection was made of the subject property and a notice of violation was sent by certified mail to the license holder informing them that their business operation was in violation of the license issued by the DMV and the approved application of Certificate of Zoning Compliance.

When the subject license holder failed to comply with the notice of violation, a Cease & Desist Order was sent by Certified mail on September 21, 2011.

On Sept. 22 2011, the owner of Pine Rock Auto Sales submitted an application for modification of the existing used car license increasing the number of motor vehicles from 8 to 12.

This application was ultimately accepted for review at the November 1st with an official acceptance date retroactive to October 11, 2011 as recommended by Corporation Counsel.

Mr. Schultz added that this is the pending application that the Commission is considering. The subject application was submitted to the Fire Marshall who submitted a report dated November 22, 2011 not recommending approval. On November 23, 2011 an inspection was conducted on the subject property by Staff who found that total of 13 motor vehicles and related parts stored outdoors and in violation of the license and the Cease & Desist Order.

Mr. Schultz added that at one time there had been over 20 vehicles.

Furthermore, it was determined that the business was operating a motor vehicle junkyard as defined on the Section 14-67G of the Connecticut General Statutes.

It should be noted that the owner is going to appeal that because ultimately the DMV says whether it is or it isn't. Staff is taking the position that it is because when you see the vehicles that are no longer attended to or rusting away – that is the position they are going to take. He doesn't agree with it. DMV ultimately determines it.

Comm. Matto asked how long it would take them to do that.

Mr. Schultz responded that it is a process and he has not participated in something like this. This is one of many steps. There is a pending lawsuit going on and a pending application to modify his license because he had up to 8 vehicles, but he kept over 20. He wants to modify it to 12 at any time.

Mr. Panico added that it is under the purview of the Zoning Regulations of the City of Shelton that it is a junkyard. They have sufficient evidence.

Mr. Schultz responded yes and indicated that, not to confuse this, back in the 1980's and part of the 90's, ZBA handled motor vehicle licenses. The State Legislator went back and forth but ultimately gave it to this Board. So, that is why they are hearing this.

Comm. Harger asked if there was indication as to how fast the DMV will respond.

Mr. Schultz responded that he did not know but they are in complete communication with them. Obviously, he got his permit but let it grow into something that is in violation. There wasn't problems reported to this department or to the State but now they have a complaint that it is in violation.

Comm. Matto asked if it was a neighbor complaining.

Mr. Schultz responded yes, it is the immediate neighbor but there are other neighbors too. The President of Pine Rock Auto Sales was contacted by phone today, November 29, 2011 to advise Staff that two more vehicles were sold but were not yet removed by the buyers. Staff was advised that more time was needed to comply with the Cease & Desist order as all the vehicles have a value and it is difficult to sell all the remaining vehicles and parts as quickly as ordered.

Chair Parkins asked what the Cease & Desist Order is doing if they are still operating the business.

Mr. Schultz responded that the Cease & Desist Order is to get rid of the vehicles and the next step is to take it to ...

Chair Parkins asked if that means he can't take anything else in...

Mr. Schultz responded yes, and he thought it made the most sense to deal with this pending application, get it out of the way and then have the Commission direct Corporation Counsel to take appropriate action.

Chair Parkins commented that she is sure that it will come to that but in all fairness, the Applicant just found out that this would be on the agenda today, so she thinks that they would find themselves in a little bit of a sticky situation had they not accepted his continuance.

Mr. Schultz responded that his department has been notifying him and he is in the loop; however, he expects a closed communication line because they have been meeting with him every other week and he knows what is expected. He just hasn't gone through this process as a lot of people. Ultimately, this Commission can choose one of three actions. One is to deny the application as

recommended by the Fire Marshal with the fact that he's failed to comply with the Cease & Desist Order and for operating a junkyard. All those three issues come into play.

Mr. Panico commented that they also need to determine if the site is adequate to handle 12 vehicles as opposed to 8.

Chair Parkins indicated that just because he cleans it up it doesn't mean that they have to automatically approve it.

Mr. Schultz indicated that the second option that they have is to approve the application with the total number of vehicles not to exceed a number that they decide upon with the same conditions as outlined by ZBA on the original license and other additional restrictions such as maintaining the fence. If they recall, there was vegetation that he reported about.

Mr. Schultz stated that the third option would be to accept his withdrawal of the application, if he so chooses.

Mr. Panico commented that he (inaudible)

Mr. Schultz responded that is why he told Mr. Sinsky that it was important for him to be here and that is why he was here.

Chair Parkins indicated that they will act on it on December 13th one way or the other (inaudible)

Atty. Richard Volo, 435 New Haven Avenue, Derby, CT addressed the Commission. Atty. Volo provided a document to Rick Schultz that he just prepared today. He stated that he had a report that he would like to distribute to the Commission members. He commented that he is representing A.J.'s Service Center.

Atty. Volo stated that in regard to the comments by Mr. Schultz that the jurisdiction to put a stop to what he referred to as a recycling operation today in his email to him – that jurisdiction is joint and the State, the City and the local Zoning Authority and that is pursuant to Section 14-67V. With all due respect, the City is empowered simultaneously with the State to put a stop to the continuing operation of what used to be entitled as a motor vehicle junkyard but what is now being defined as a motor vehicle recycling operation. Having made the determination affirmatively pursuant to your inspection last week, that this is a recycling operation and that he does not, under your authority have a permit to operate that. It is within your jurisdiction to immediately issue a Cease & Desist Order to stop operating a recycling operation which he is doing. The cars are not intended for use on public highways.

Mr. Schultz responded that he would take that on advisement. He has to check with Corporation Counsel.

Atty. Volo indicated that he understands that. He has been speaking to Atty. Welch about some of these issues. The point is that instead of waiting for an issue on the Cease & Desist Order and letting him have time to resolve those problems, they now have a disclosure that he is operating a motor vehicle recycling operation which used to be defined as a junkyard.

Atty. Volo stated that in his brochure to the Commission, he indicates that Public Act #96167 substituted Motor Vehicle Junkyard License for Motor Vehicle Recycler's License so the terms are synonymous.

Chair Parkins asked Rick Schultz if he was referring to a comment made he made in which you referred to it as a motor vehicle recycling (inaudible)

Mr. Schultz responded yes, he called it a junkyard but it is called a recycling operation. The State changed the terminology.

Chair Parkins clarified that she just wanted to make sure that they were both talking about the same thing and Atty. Volo wasn't twisting his words.

Mr. Panico added that when they are trying to dispose of parts – it is recycling.

Atty. Volo stated that he made a copy of an email that he sent indicating that the operator of the business is storing outdoors more than two unregistered motor vehicles that are no longer intended for or conditioned for legal use on a public highway. Based on my inspection and the above noted observations, I have determined that Pine Rock Auto Sales Inc. is operating a motor vehicle junkyard in violation of Section 14-67V.

Atty. Volo handed the Commissioners copies of relevant statutes, and on behalf of his clients, he asked the Commission through Mr. Schultz to entertain an immediate Cease & Desist Order for his ongoing maintenance of a motor vehicle recycling operation. They do have the authority in conjunction with the State. It is not exclusive of the State, they have the authority locally to initiate that Cease & Desist Order. It calls for a fine, incidentally. Every day is a separate violation and as noted in his comments, every day is \$100 for each day it is not terminated and 90 days in jail for each day that the operation continues.

Chair Parkins commented that was a State Ordinance not local.

Atty. Volo responded that it is a State Law but it is an enforcement action that is given to the town and to the State simultaneously. They don't have to defer to the State DMV. Atty. Volo stated that he can't get the gentleman to return a phone call or an e-mail. He doesn't know what communication that they have with him but he is taking a hands-off approach as far as they are concerned. This is why they are glad they initiated the lawsuit. They are amending the lawsuit to include a claim for this violation. But if they are having a junkyard operated in this town without a permit, it does not look good for the town of Shelton.

Chair Parkins responded that they are going to take his comments under advisement but again, they take their advisement from their Corporation Counsel not from someone else's attorney. So while they appreciate his time, comments and information on the law, they defer to their Corporation Counsel.

Atty. Volo stated that before leaving, he would like to note that the hearing on this case is January 19, 2012 and all witnesses are still under subpoena, including Mr. Schultz. They intend to amend the case to include this violation, the maintenance of the junkyard. If it is not resolved before then, criminal action could be pursued by the town if Corporation Counsel puts its blessing behind it. It is a serious issue for a resident to operate a junkyard without a permit.

Chair Parkins commented that they understand the frustration of his client and they will certainly take action on this on December 13th. It is unfortunate that it had to be, but it's in fairness to their applicant.

Atty. Volo stated that he understands that.

Cynthia Kasper, 12 Saginaw Trail, Shelton, addressed the Commission.

Ms. Kasper provided more recent photos because she wants to make sure that everybody knows what this place looks like. She provided photos of news reporter Kent Pierce from Channel 8 Investigates that came to look at this place with the overgrowth of shrubs and weeds. She noted that the weeds on this property are as tall as the reporter, Kent Pierce. The place is a junkyard.

She provided a photo taken this morning of the lot. It looks like he cleaned up a little but there are actually 14 cars and cars parts all around the property. She commented that all the stuff that appears to have been cleaned up from the ground is actually now located on the other side of the building underneath some tarps – so it is still there. She showed a photo of the front of his building and told the Commission that is what they have to look at every time they go up and down that street in their neighborhood.

Mr. Schultz stated that blight issues will be taken up next but zoning issues are taking precedence.

Ms. Kasper stated that she wanted to point out a weed that has grown so large that it is leaning up against the fence and it is now circling around the fence. She showed another part of his property that shows the edge of his foundation with a beam in the back corner hanging off that is bolted to the ground. She questioned whether or not it might be a safety violation and asked if his building should be inspected.

Mr. Schultz commented that the use is first and then the building is next. Community Development takes care of Anti-Blight and works with all the departments.

Chair Parkins commented that this will be resolved on the 13th. She asked for a motion to accept the extension and table this until 12/13.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept the extension for Application #11-18 to the December 13, 2011 P&Z Meeting.

NEW BUSINESS

APPLICATION #11-23, DWD PARTNERS LTD. FOR MINOR MODIFICATION OF DETAIL DEVELOPMENT PLANS FOR PDD #1 (EMERGENCY ACCESS AND EXTERIOR BUILDING MATERIAL CHANGES TO THE AUTOMOTIVE STORAGE FACILITY), 496 RIVER ROAD, (MAP 54, LOT 1): ACCEPT, REVIEW AND POSSIBLE ACTION

Chair Parkins indicated that the site plan on this has already been approved. They are approving a modification based upon concerns of the Fire Marshal.

Mr. Schultz responded that he has all favorable reports to read once they get a motion on the table.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept Application #11-23 for review and discussion.

Mr. Schultz stated that he would read reports from the City Engineer and the Fire Marshall and then Mr. Panico will go over the particulars.

***See attached correspondence to P&Z Administrator, Richard Schultz from City Engineer, Robert Kulacz dated November 22, 2011.**

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

Mr. Schultz stated that they have two issues here – the relocation of the emergency access way from the other building to this side for accessibility because of the grades. Also, there are building material changes in which the applicant provided samples.

Mr. Panico stated that the original proposal by the Applicant to resolve the emergency access condition was to utilize a driveway that is on the adjacent property which is also the applicant's property. It was determined that they were going to provide that access over here (he showed the location on the site plan).

Mr. Panico indicated that apparently when the Fire Marshal really looked at it carefully, he wasn't happy with the grades and he didn't want to think about his equipment having to negotiate a grade up and then a grade back into the site so he really did not like that solution.

Mr. Panico stated that, unfortunately, they did not know about that when they went through this the first time. At first the Fire Marshal was OK with it but when he looked at it in the field and looked at it more carefully, he wasn't happy with it. There is a strip of land with a driveway that goes down to Sal Matto's place in the back. They negotiated an easement over that strip so that they could provide an emergency access condition from that road into the site at a location at this point where they have a 20 foot wide aisle to enter. Then the emergency vehicle can reverse itself as it has to get out. The reason that it can't come in here is because this structure has a low overhead that is continuous across the top so that they have security to protect this area.

Mr. Panico commented that he prefers this solution and it is something that came up in early Staff discussions. They kind of pushed for this but they came up with this other way of doing it so they agreed. They gave them a drawing showing that but quite frankly the drawing is very meager. They need to look at this a little more carefully to see if there is any necessity to adjust grades because they have a foot and a half of grade change between the two different pavements. It is not a very long distance.

Secondly, they did not show them graphically how they intend to close off the area that was originally going to be the emergency access way. The whole site is secure and there is fencing around it so they have to show the curbing and tie it in. Mr. Panico stated that with the attention to those details he thinks that the modification to the access is a good one.

Mr. Panico commented that as far as the material change, this building was to be provided with a brick skirt for the bottom 2 feet to 30 inches. They decided that they would rather use a cut cobblestone effect. They have a sample of the actual stone. It is not plastic; it is actual stone. Either one would work fine.

Mr. Schultz stated, for the benefit of the new members that when they have significant projects of this size, and this is another PDD, the Commission sees changes. The changes are either minor, as this is, and it can be handled administratively. If it is major, and the Commission decides whether it is minor or major, if it is major, they have another public hearing. Staff believes that this is minor but it is the Commission's call whether they feel comfortable with the changes and want to act on it tonight.

Mr. Panico added that the basic function and operation of the plan is the same as it always was. The activity comes and goes in a controlled fashion in that

manner. It is only a matter of if there is a need to get an emergency vehicle there, how do they get it into the site in the event that they can't get in one way. The way it would be is with a gated entrance at this location.

Chair Parkins commented that the Fire Marshal likes it.

Mr. Panico responded yes, they worked it out with the Fire Marshal. His preference is to have it here.

Comm. Harger asked if it was 18 inches higher than the roadway.

Mr. Panico responded that the grade of the new development is 18 inches higher than the grade of this driveway so they will have to (inaudible) It is more a case of changing 18 inches within a relatively short distance of maybe 10 feet – that's a 15% grade. The Fire Marshal is happy with it and the City Engineer says it is going to work.

Mr. Schultz indicated that he would read the draft motion.

Mr. Panico asked how they were going to handle the gate – what will it be like.

Mr. Schultz responded that he was going to show samples to the Commission because it is highly visible.

Mr. Panico added that it needs to be locked with a key provided to the Fire Department.

Mr. Schultz commented that another thing with the PDD's is that they will see samples of everything and it is the Commission's call. He read the draft motion for Application #11-23 with conditions. He indicated that Staff would have another meeting with the applicant and get all the final changes.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Application #11-23.

OTHER MATTERS

APPROVAL OF THE MINUTES: 11/1/11

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table the approval of the 11/1/11 meeting minutes.

APPROVAL OF 2012 PZC AND DOWNTOWN SUBCOMMITTEE MEETING SCHEDULES

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the 2012 PZC and DSC Meeting Schedules.

50 WATERVIEW DRIVE: REQUEST FOR RELEASE OF SITE BOND

Mr. Schultz stated that R.D.Scinto requests that the performance bond in the amount of \$15,000 being held by the City to insure the completion of the site plan known as 50 Waterview Drive be released. He indicated that this is the building to the south of Hubbell on Constitution Boulevard. Staff recommends release.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve the request for release of the site bond at 50 Waterview Drive.

CRANBERRY ESTATES: REQUEST FOR RELEASE OF SEDIMENT AND EROSION CONTROL BOND (PHASE 1), PERFORMANCE BOND (PHASE 1); AND TREE RESTORATION BOND (PHASE 1).

Mr. Schultz indicated that he would first address the tree restoration bond. He reviewed for the new members that there had been illegal clear cutting before this project started. Some trees were installed and the condition was to wait one growing season. He indicated that they have exceeded that and all of the trees have taken well. They weren't even lost in the October 30th snowstorm.

Comm. Flannery stated that she would like to take a walk around there. She requested that they table this until the next meeting. She added that it is right in her neighborhood and she is really concerned about it.

Mr. Schultz asked if they wanted to table all three bonds and put it on the next meeting.

Comm. McGorty asked Rick if he had been out to see it.

Mr. Schultz responded that he was out there again today with Inland Wetlands.

Comm. McGorty stated that he wanted to make a motion to release the bonds.

Comm. Flannery indicated that she really needs to take a walk up there and it is very important to her. She did not have time over the weekend to go there.

Chair Parkins asked if the other bonds were important to her such as the Sediment and Erosion Control.

Comm. Flannery responded that she is concerned about all three. She asked that it be delayed two weeks. This area is right in her backyard.

Mr. Schultz encouraged everyone to take a look because they've done a very nice job.

On a motion made by Joan Flannery seconded by Virginia Harger, it was voted (5-1) to table the Request for Release of Sediment and Erosion Control Bond, Performance Bond and Tree Restoration Bond for Cranberry Estates. Comm. McGorty voted in opposition.

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to adjourn at 8:25 p.m.

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary