

**SHELTON PLANNING & ZONING COMMISSION**

**APRIL 10, 2012**

The Shelton Planning and Zoning Commission held a regular meeting on April 10, 2012 at 7:00 p.m., Room 303, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins  
Commissioner Nancy Dickal  
(alternate for Comm. J. Flannery)  
Commissioner Joan Flannery  
(arrived 8:25 p.m.)  
Commissioner Virginia Harger  
Commissioner Josh Kopac  
(alternate for Comm. Harger/arrived 7:03 p.m.)  
Commissioner Elaine Matto  
Commissioner Thomas McGorty  
Commissioner Anthony Pogoda

Staff Present: Richard Schultz, P&Z Administrator  
Anthony Panico, Consultant (via phone)  
Karin Tuke, Recording Secretary

Tapes (2), correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org)

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Chair Parkins called the meeting to order at 7:01 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that P&Z Consultant, Tony Panico would be participating in this meeting via a conference speaker phone.

**OLD BUSINESS**

**APPLICATION #12-01 PETITION OF STEVEN BELLIS ON BEHALF OF SHELPET, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS AND BASIC DEVELOPMENT PLAN S FOR PDD #2 (SHELTON SQUARE SHOPPING CENTER: FREE STANDING AUTOMOBILE FUELING FACILITY WITH CANOPY), 900 CANOPY AVENUE (MAP 9, LOT 15) PUBLIC HEARING CLOSED ON 3/28/12.**

Chair Parkins stated that they would begin with Application #12-01 which was the public hearing that they closed on March 28<sup>th</sup>. She indicated that tonight they would discuss amongst themselves and Staff the merits of the application based upon what was presented by the Applicant and its subject experts along with comments from the public. While they will not be voting on this tonight, she stated that she hopes to reach a consensus by the end of the discussion on whether or not to direct Staff to prepare a resolution to vote on at the next meeting.

Chair Parkins indicated that the discussion should be centered on the modification of the PDD to change the Statement of Uses and Standards to allow a refueling station.

**Comm. Kopac arrived at 7:03 p.m.**

Chair Parkins indicated that in addition to the applicant and his associates, they have heard from about six members of the public. She thanked those people for taking the time to participate in the process. She thinks that it is important to note that several of them, and they so identified themselves as such, have some relationship to the existing gas stations that are here in Shelton. For the sake of time, she asked that the Commissioners focus on the issues in an orderly fashion. She mentioned three discussion points that she feels were raised by the public, the applicant and the Commission

members. She stated that the first group is basically jobs, the tax base and the use of the site itself.

Chair Parkins stated that the current site has been about 50% occupied for some years now, as pointed out by the property owner. The owner's reasoning is mostly about visibility and the obsolete nature of the building. Banks are looking for lots of glass and street visibility now which is pretty evident in looking at TD Bank and the other banks coming in that want high visibility. Even though it wasn't mentioned, from a visual perspective, lots of glass is a safety issue, especially in using the ATM.

Chair Parkins noted that businesses are looking for amenities such as cafes and gyms that are located in Class A office space and the Applicant pointed out that there is quite a bit of that type of space still available in Shelton which is making it difficult to market that property. For many years the second floor has been occupied by the Chamber of Commerce. She commented that it was not brought up that this organization is a not for profit business and therefore, pays no property tax to this City. So, it is not paying tax on any of its computer equipment or anything like that.

Chair Parkins commented that the Chamber did relocate in Shelton so those five jobs have not been lost fortunately. Therefore, those office jobs wouldn't have been lost to two or three kiosk workers. She did not want to degrade kiosk workers because they provide jobs for high school students and people not trained for higher paying jobs.

Chair Parkins indicated that in regard to the tax that would be generated; there was no Assessor present to validate any of the information that was presented so it is really hard to wrap your arms around a lot of the figures that were thrown out. However, the property owner clarified that the real property, the land itself, would be valued and assessed according to the income that is being generated by the leaseholder. She added that for her understanding, Stop & Shop would have to present what the sales are and that is kind of based with what the value of the land is based on. In addition, they would be paying personal property tax on the equipment. There were a lot of numbers thrown out for that as well – a \$1M and \$1.5M had been thrown out.

Chair Parkins stated that her experience has been that people want convenience. There is no facility in that section of Shelton right now to serve the many people that exit Route 8 in and around those two exits. Also, there are residents that live in that area that may not want to travel down Bridgeport Avenue.

Chair Parkins commented that in her opinion, the property owner has made a lot of improvements to this property over the last couple years. The landscaping has been kept very nice. They aren't proposing to take down that buffer and they are proposing to add additional landscaping. That current shopping center, years ago when it was vacant for quite some time, the owners or the previous owners did a good job of marketing that to provide some quality retail and dining for the residents and commuters in Shelton.

Chair Parkins indicated that she thinks Stop & Shop keeps that facility fairly clean. The shopping carts are never all over the parking lot and they do a good job maintaining that. She commented that one of the other things that she doesn't think was brought up is that she traveled to the area Stop & Shop's (two in Milford, Seymour, and Ansonia). She noted that with this one the situation is kind of unique because the facility, rather than being in the main parking lot, which most all of them are although separated from the store's parking lot; this one is kind of hidden behind Stop & Shop so it is not as obtrusive to the parking area itself. She added that those were her thoughts and comments on those three subjects. She opened the discussion and suggested taking it in categories to be helpful and not bounce all over the place.

Mr. Schultz stated that he wanted to add one thing to remind everyone that it was stated that the watershed goes to the Far Mill River.

Chair Parkins commented yes, that is under her environmental category. She has tax base, jobs, use of site, travel issues/stacking, need for the station and environmental concerns.

Mr. Schultz added that he just wanted to highlight that because he knows how sensitive the reservoir is in Stratford.

Chair Parkins stated that she did check on Mr. Troutman's letter and it was read into the record at the beginning of the first public hearing. There had been some question about whether the Commissioners had received copies of it.

Comm. Harger asked Chair Parkins to read her list of categories again.

Chair Parkins responded that she spoke about jobs, tax base and use of site which is what the main discussion is going to be. The other issues are traffic issues and stacking, the need for the station/competition and environmental issues.

Comm. Matto asked if she was suggesting that they discuss these one at time and summarize.

Chair Parkins responded yes, she was just trying to keep her thoughts on the use of the building, and the jobs aspect etc...

Comm. Harger indicated that she thinks Chair Parkins was on the point with the fact that the building has been vacant for a number of years and the tenant really had minimal property taxes. She thinks this is the kind of building that has outlived its usefulness. Renovating it wouldn't do any good and she doesn't think that the property owner has been lax in his efforts to market it and get new tenants. It certainly isn't worthwhile to him to have it remain empty. She thinks that this is a good use for this particular property. She likes the fact that it's the kind of business that is going to bring services to that area of Bridgeport Avenue whether people are working or living in Shelton. It is the type of business which is long overdue for that section of Bridgeport Avenue. There have been times when she has had to go to Stop & Shop in Derby to use her points.

Comm. Harger stated that she thinks that the environmental issues that were brought up are minimal in that everything goes out to the Far Mill River. In regard to the traffic/stacking, she commented that she was the one who asked for the traffic flow to go in the opposite direction – that was the only thing that she didn't like about this – having the traffic come in from the little feeder road parallel to Bridgeport Avenue. She thinks it would be better to have the traffic coming down and exiting that way.

Comm. Harger commented that she already spoke about the need for this and added that the competition is good for everybody. She doesn't think that Shelton is jammed with gas stations at that end of Bridgeport Avenue at all. She thinks it is a great proposal for the use of that property. She added that the fact that there will be screening in front of it will help too because it won't look like it does at some other Stop & Shop's where you immediately see the canopies and pumps. Everything will be sort of hidden but still accessible.

Comm. McGorty commented that in regard to the tax point, it is kind of a no-brainer. It is a real general repair, refurbish or rebuild and there is enough capacity right now for Class A space. It wouldn't be worth it to do that right now because there is so much capacity.

Comm. McGorty added that his main concern was the traffic. It sounds like it is not so much of an issue but on the weekends he didn't have a clear feeling about it because there wasn't any data about weekend traffic flow.

Chair Parkins commented that she thinks all the facilities are different too. She indicated that on Friday, she was out in the Milford area and she went by the first one there off of Route #1. There were 4 or 5 cars there at about 5:00 p.m. She went further up to Orange and then back to that Stop & Shop later for groceries and the Connecticut Post Mall and again, there were only about 6 or 7 cars at the facility. She wasn't certain if it was just timing or what it was.

Comm. Matto stated that there is probably a limit to how long people want to wait.

Comm. McGorty agreed that if it he looks in and it's crazy, he won't even bother. He asked what they said about the peak hours.

Comm. Dickal indicated that she wasn't opposed to the idea and her only thought about it was that she would hope there would be some consideration about the traffic. She lives off of Bridgeport Avenue and sees it on a daily basis. If it was smaller scale – from 10 to 6 - then she thinks it would be better and alleviate the traffic. She commented that with Duchess and Burger King being there, all Shelton Square stores, the gym and Stop & Shop itself, she has a real issue with one exit coming in and one exit going out. She thinks that is why she is really stuck about this whole thing.

Comm. Parkins responded that she would agree with that. She doesn't think that the flow is optimal right now as designed. She agrees thinks that they all kind of feel that it could certainly be worked.

Comm. Dickal stated that at times there are impatient people and she thinks it is an area where there could several fender benders – with people going there at lunch time, with limited time, rushing, and going from Burger King or Duchess and then getting gas. She added that time would be added for people paying with cash, waiting in line, etc. She stated that she would be more enthusiastic about it if it were smaller scale, like from 10 to 6.

Mr. Panico (via speakerphone) commented that he thinks that the traffic needs to be perceived in two different categories. One category is the traffic generated coming off of Bridgeport Avenue and whether the site can adequately handle any increase in traffic. The second issue is the traffic on site in terms of how you access and egress the facility itself. He doesn't know if anyone has any concerns about the ability to service the shopping center from Bridgeport Avenue with the signal-controlled intersection. His major concern is how they handle on-site traffic and in particular, the flow of vehicles through the gas station facility. He isn't happy with the way it was submitted. He thinks that they need to give a lot of thought to reversing the flow so that if there is going to be any congestion in terms of feeding the pump it happens on the rear service road and not the critical aisles that connect across the entrances in the front of Stop & Shop.

Chair Parkins responded yes and stated that she thinks that they all share that same opinion. They don't really think that the traffic issue is going to be on Bridgeport Avenue, it is going to be more internal in regard to the flow. It is certainly something that they can direct the Applicant to work with Staff on.

Mr. Panico responded OK.

Chair Parkins commented that personally, she thinks that they have the space there to stack the cars appropriately. It is just about figuring out the right configuration of egress to get in and back out. She added that she is a Stop & Shop shopper. She collects the points but gives them to her daughter because she is such a good mom. Personally, she goes to Costco to get gas but she only goes out there when she has to go to Costco. She gets her gas first and then goes to the grocery store. Everybody has their own shopping patterns but you aren't going to wait in line with groceries, perhaps with items melting, in the car either.

Chair Parkins stated that she thinks that the site itself, internally, has the room. It is just a matter of figuring out how to configure it.

Comm. McGorty agreed.

Chair Parkins indicated that she knows that there was some question about the report that was submitted but it was prepared by a traffic engineer using the standards allowed by DOT – so that is the data they have to work with right now. There were some comments made about the assumptions that this facility was going to be a high traffic generator of new business. Again, because it is not a discount, and she reiterated, it is clearly not a

discount gas facility, you have to spend \$100 in groceries to get just 10¢ off so you either have to spend a lot of money or save a lot of points. It is not like this is going to be a wholesale club like BJ's or Costco that are going to generate the kind of business that is there.

Chair Parkins commented that there is also the Shell Station on Bridgeport Avenue that accepts the rewards points and she has never seen an issue down there with tons of traffic. She doesn't know what their fueling rate is going to be but that is also a factor. Costco's is super fast.

Comm. Matto stated that they only take credit cards – at Costco. There is no person there.

Comm. Pogoda commented that BJ's takes cash and they have a kiosk there with someone to take cash or credit cards.

Chair Parkins indicated that there is a kiosk there for people who have cards that can't be read.

Comm. Matto indicated that she doesn't know how old this building is but it just seems like it can't be that old and maybe not many years ago, somebody came here with a great idea for this building and it was approved. So now they have this building and they say it is not working. She is sympathetic to the owner because he can't find any other way to use this site to generate revenue. It can't have been that many years ago that ...

Comm. Pogoda commented that the building has been there for quite awhile.

Chair Parkins responded yes, it's PDD #2. She asked Rick Schultz how long they've been doing PDD's.

Comm. Dickal added that Great Country Bank was originally the one who went in there.

Mr. Schultz responded that it was about 1979.

Comm. Pogoda indicated that it's been there a long time – like 30 years.

Chair Parkins recalled that there had also been a lot of controversy about Burger King and its drive-through going in there.

Mr. Schultz responded yes, that was the first fast food in Shelton. They had several commissioners then that did not embrace that concept until their grandchildren persuaded them.

Chair Parkins commented that another thing that came up – there was one resident that took the time to come and pointed out that there are currently 12 gas stations in Shelton and an additional 12 gas stations just over their borders. However, regulating competition is not within their purview so they really can't take that into consideration. There was also a prediction that the trend for the next 5 or 10 years is going to be lower gas requirements. She added that she personally believes that is speculation, as much as she would like to see natural gas fueled vehicles. She added that if there is a shift toward SNG then stations are going to have to put in electric or whatever fuel is being used.

Mr. Panico commented that irrespective of that, they still need refueling stations of some sort.

Chair Parkins agreed so they could just be converted. As they mentioned before, environmental concerns that were raised, contamination of watershed areas, she thinks that the applicant's engineer addressed those adequately. He assured the Commission that Stop & Shop is in full agreement with using Best Management Practices as mentioned by Mr. Troutman in the letter he submitted. The applicant indicated that Stop & Shop not only adheres to Connecticut State requirements but they also incorporate all

of the State Standards for states that they do business in as well. So it would be over and above.

Chair Parkins indicated that she thinks everybody seems to be in agreement with her comments.

Comm. Dickal stated yes, the traffic within ...

Chair Parkins indicated that the traffic within, it's mostly about the circulation within the station and again, that would have to go before a public hearing. They will have another crack at that. They will close this public hearing on the use and then they'll come back to the Commission for a Detailed Development Plan. Meanwhile, they can work with Staff to come up with a plan that they think is going to work and come back to the Commission at a public hearing. She asked the Commissioners if there was a consensus to ask Staff to prepare a favorable resolution for the next meeting.

The Commissioners agreed that there was a consensus. No motion was necessary.

Chair Parkins made the directive to Staff for a favorable resolution. She asked Mr. Panico if he heard that and if they were crystal clear on everything tonight.

Mr. Panico responded yes, he's heard everything good tonight including background voices.

**APPLICATION #12-03 PETITION OF STEVEN BELLIS ON BEHALF OF BSL CT DEVELOPMENT LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS AND BASIC DEVELOPMENT PLANS FOR PDD #52A AND APPROVAL OF DETAILED DEVELOPMENT PLANS (89 UNIT ASSISTED LIVING FACILITY), 708A BRDIGEPORT AVENUE (MAP 29, LOT 26) (PUBLIC HEARING CLOSED ON 3/28/12).**

Chair Parkins indicated that the public hearing on this application was held on the Detailed Development Plan since the PDD #52A was already approved in 2008 along with the daycare center that is up there. During the public hearing, the Applicant presented the site design, the architecture and discussed traffic. They are requesting two modifications to add parking standards at .75 spaces per unit within 200 feet of the site. They had requested .5, that's the change, so it's actually an increase. They requested a 10 foot setback from Old Stratford Road. It is really 130 feet from the road but because of the property and the cliff, they need a 10 foot setback.

She commented that Attorney Bellis presented purchase and sale agreement contract applicant he has with Benchmark Senior Living so that they will actually own it. It is 89 units with a combination of studio, one-bedroom and two-bedrooms with the vast majority being studios and one-bedrooms. Twenty units are going to be dedicated to the Harbor Unit, a memory care unit for early stage dementia or Alzheimer's. There will be a private courtyard for them with gardening opportunities. She knows that Comm. Flannery had asked about that.

Chair Parkins noted that the only public comment was regarding safety for the residents which can possibly be addressed with fencing or such. Another comment was made that the residents do have the freedom to leave. They aren't being held against their will, so if they feel like going down to have something to eat or going to the store, she's sure that they're welcome to do that.

Chair Parkins commented that the Applicant still needs Wetlands approval. The Wetlands Commission is meeting this Thursday night. They need WPCA approval too. If there is a consensus to approve this, they can direct Staff to prepare a resolution for the next meeting. By that time, the other approvals will have been granted or denied.

Mr. Schultz indicated that they have all favorable recommendations from the various departments as was read into the minutes.

Chair Parkins asked if there were any comments from the Commissioners.

Comm. Dickal commented that the only concern that she has is that he said he would try his best about the blasting. Several years ago, she was involved with Jason Perillo and John Anglace because she doesn't want to see anyone have any more well damage, foundation or driveway damage. So as long they can get that under control, it would be fine. She added that naturally, there's fencing for the safety of the residents and the staff because of the cliff at that end.

Chair Parkins responded that she believes that they did not commit to not doing any blasting but (inaudible)...

Comm. Dickal commented that if it's done appropriately and with (inaudible)...

Chair Parkins continued that she believes that since that time, blasting regulations have been employed so (inaudible)...

Comm. Dickal responded yes, that's right because that is where she became involved.

Chair Parkins stated that they certainly have to follow those with the Fire Marshal.

Comm. Dickal indicated that's right – that's her only concern.

Comm. Matto asked about the inspections for neighbors (inaudible comments)...

Chair Parkins indicated that there are regulations that stipulate that.

Comm. Pogoda stated that he thinks it is a good fit for the area compared to what possibly could have gone there. When they initially planned Split Rock that was possibly going to be office condominiums and that would have generated a lot more traffic. This thing might generate 1% additional traffic off that space.

Chair Parkins added that it would probably be mostly on weekends and evenings.

Comm. Pogoda indicated that even if it does, most of the seniors there, the gentleman said would be an average age of 85 years old. He's not saying that age group doesn't drive cars, but it would be limited.

Comm. Matto commented that it wouldn't really be their traffic. It would be staff and visitors. They get a lot of help from the outside; they get a lot of (inaudible)...

Comm. Pogoda stated that yes, but it wouldn't be enough to generate a lot of traffic. He thinks that it is a good fit for that area. It is a good tax generator.

Comm. Dickal agreed that she was pleased with the tax revenue that they would be getting for that.

Comm. Pogoda commented that they were all concerned when Split Rock went in with the traffic situation at that corner. The applicant did a good job of adding the extra lanes over there. There is traffic there but it isn't to the point of being so congested that you can't get around that corner. Maybe at certain times of the day it is worse than others, but throughout the day - he goes through that area a lot and there really isn't any concern. The traffic signals have done a good job with the traffic flow. He thinks it is a good fit for the area and he thinks that they've done a nice job with the architecture and surrounding area.

Chair Parkins agreed that it was a good fit up there.

Comm. Harger agreed and stated that when they look at all the different kinds of things that could possibly work there...

Comm. Dickal agreed that it was a wonderful thing.

Comm. McGorty added that the proximity is great for them – pharmacy, restaurant...

Comm. Pogoda added that they could walk to most of it and they don't even need a car.

Comm. Harger commented that she was up in Split Rock the other day and it was all cleared but their landscaping plan looks nice. There are going to be a lot of trees because they definitely need that up there.

Comm. Pogoda agreed that they have to soften it with all the rock that they have up there.

Chair Parkins added that they want to have an attractive looking facility because people shop around for assisted living facilities.

Comm. McGorty commented that the architecture is beautiful but the grounds have to be on the same plane.

Chair Parkins indicated that it has to afford them an outdoor environment as well that is safe. She is sure that the facility owners know what they are doing because this is their line of work. She directed Staff to prepare a favorable resolution.

Mr. Schultz responded OK and suggested saying goodnight to Mr. Panico.

Mr. Panico responded that he didn't think he would have much more to contribute. Those were the two issues that he wanted to hear the discussions about so he can get started preparing those final resolutions.

Chair Parkins commented that they look forward to seeing him in a couple of weeks.

Mr. Panico indicated that the only thing that didn't get mentioned on the Assisted Living Facility – and Staff will work with their design – regarding the safety controlled fencing, sidewalks and things of that nature for people that will be walking around the site. They will work that out with them.

Chair Parkins indicated that she recalls that they mentioned that they would be willing to work with Staff on that.

**Anthony Panico leaves the meeting at 7:30 p.m.**

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

#### **SEPARATE #6200 AGNI KALICI, 350 HOWE AVENUE, BUSINESS**

Mr. Schultz indicated that he was pleased to report that this was Johnny's Pizza. He's is going to be occupying the left side. There are two businesses on the first floor. He'll be occupying 1000 square feet, 4 employees, hours of operation will be Monday through Sunday, 11 a.m. – 10 p.m. It is a pizzeria and it will have the ovens, the counter and some tables; however it is mostly take-out. There will be 4 tables and 8 chairs. He wanted to remind the Commission and he would like them to make this a condition of approval – that the meters on the side of the building have to be covered.

Comm. Pogoda stated yes, they need to have them covered (inaudible)....

Comm. McGorty commented yes – he thought they were going to change that faux brick they had on there.

Chair Parkins stated that he said it would be after he got started and raised some cash.

Mr. Schultz responded yes, and that is going to be the next phase. He will advise Mr. Kalici that the Commission is anticipating his agreement that was signed for the next occupant. He wants to get those meters enclosed.

Comm. Pogoda agreed about the meters. He thinks that there ought to be some limit as to how long they are going to give him to change that siding. He knows that he said once he started getting some funds but ... He asked if it would be six months, a year, two years...

Mr. Schultz stated that the agreement says before full occupancy.

Chair Parkins commented that upon renting the second half – that would qualify...

Mr. Schultz indicated that is why he's bringing this up because he wants to relay that to him but he needs to box in the meters now.

Chair Parkins responded OK and upon rental of the second unit, he is to replace the siding.

Mr. Schultz stated yes, to go with the gray siding that he has.

Comm. Pogoda asked if he was going to get an agreement from him that he will do this.

Mr. Schultz responded that he is going to invite him to the Downtown Subcommittee because he's the type of businessperson that needs guidance and he needs to hear from the Subcommittee because the excuse that he used was that he had heard from someone on the BOA that the simulated brick was OK. He asked the Commissioners if they recalled that. He'll include that though.

Comm. Harger asked if this was the old Salemm house. Mr. Schultz responded yes, right on the corner.

Comm. Pogoda responded that it's the Leaning Tower of Pizza.

Chair Parkins commented that it is a condition of approval that he has to box in the utility meters and upon rental of the other retail space, siding is to be replaced.

Comm. Pogoda indicated that was why he asked for a time frame but they can't give him a timeframe if he doesn't get it rented for another year.

Chair Parkins responded that it behooves him to rent it (inaudible)...

Comm. Pogoda commented yes, it does, but if he can't get anybody in there then he'll claim that he doesn't have the funds to do it.

Comm. Harger suggested within 6 months of renting the second unit.

Chair Parkins commented that she would say 6 months after he gets in there.

Comm. Pogoda stated that is what his thought was too.

Chair Parkins asked if they wanted to say six months from the time he opens his business or upon rental of the other unit.

Comm. Harger indicated that she would go with six months.

Chair Parkins stated that if he can't do it, he can come back and (inaudible)...Let's give him a timeframe because she thinks if they don't give him a timeframe, then he'll delay it.

Comm. Pogoda agreed and said that is what he was concerned about.

Chair Parkins added that without a time frame, he'd delay it and it would be his right to do that. She suggested either within 6 months or upon rental of his second retail space.

Comm. Pogoda asked Rick Schultz if he came in with a sign or anything.

Mr. Schultz responded no.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6200 with the noted stipulations.**

**SEPARATE #5777 – RAMON PERALTA, 431 HOWE AVENUE, BUSINESS**

Mr. Schultz stated that this was the Schiabe building where Dunkin Donuts is located and as they know, there are multiple tenants there. This is for a graphic design company leasing 876 square feet. They will have one employee with hours of operation Monday through Friday, 10 a.m. – 6 p.m. They will have computer and normal office equipment. No signage at this time. Staff recommends approval.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #5777.**

**SEPARATE #6232 – NEW ENGLAND FIREWORKS, 478 RIVER ROAD, TEMP. SALES**

Mr. Schultz indicated that this is a vacant storefront at the old A&P and the Applicant is present. He stated that in the State of Connecticut, for about 10 years now, certain class fireworks can be sold retail. This is going to be temporary from May 15<sup>th</sup> to July 5<sup>th</sup>.

Mr. Schultz stated that he took it upon himself to get a letter from the Fire Marshal because the Commission likes to know if the site is capable of accommodating the use. He read a letter from the Fire Marshal regarding inspection and occupancy for the site to be used for retail sale of fireworks.

**\*See attached letter dated March 27, 2012 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

Chair Parkins asked how much space he would be using.

The Applicant (unidentified) responded that it would be about 700 square feet.

Mr. Schultz repeated that it would be for May 15<sup>th</sup> through July 5<sup>th</sup> and told the applicant that they regulate banners. He asked him to please come into the Office because they allow A-Frame signs and banners with restrictions.

The Applicant responded OK.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6232.**

**SEPARATE #6230, ABC SIGN CORP., 100 BEARD SAW MILL ROAD & 1 FAR MILL CROSSING**

Mr. Schultz stated that as they know, Health-Net is no longer in their campus and then they have Mr. Scinto's campus. Sikorsky's in there and they are having problems when people visit and think they are going to Health-Net. He indicated that Mr. Scinto has received permission from Health-Net to put up the directional signs. There is one there right now and this sign will have Health-Net (or whoever it is going to be) and then Sikorsky on it.

Chair Parkins asked where Sikorsky was located and if it was in the back or on the side when you come in.

Mr. Schultz responded that you go over the bridge, facing an existing sign for Health-Net – and these are the directional signs. He took it upon himself, because he was having problems with the visitors going to Sikorsky. Health-Net still owns the building but says that he should proceed with an application to the P&Z Commission so that the signs can help them and Sikorsky. Mr. Schultz indicated that these signs comply with the new regulations.

Comm. Harger indicated that she was driving around there Sunday afternoon and she knows the exact location he's talking about. She was confused and knows exactly what they're talking about.

Mr. Schultz stated that this is on the PDD portion of the Health-Net site that will help Mr. Scinto's occupants as well as whoever occupies the Health-Net site. He added that with the Guard Shack, it gets pretty busy.

Chair Parkins asked if it was still guarded.

Mr. Schultz responded oh, yes. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6230.**

**SEPARATE #6142 JING REN, 514 BPT AVENUE, SIGN**

Mr. Schultz stated that this application was tabled and he showed the location of the proposed signage and some photographs.

Chair Parkins commented that it was in the State Right-of-Way.

Mr. Schultz indicated that it has to be off of the Right-of-Way.

Chair Parkins asked how far back they could put it from the Right-of-Way.

Mr. Schultz responded that he penciled it in on the site map. He commented that he thinks that an alternative would be the A-frame.

Chair Parkins stated that they have a sign there now.

Mr. Schultz indicated that it was not by official permit.

Comm. McGorty asked how big it was.

Comm. Harger responded by showing how big it was.

Chair Parkins indicated that her concern was about the other businesses there. She understands that they are trying to get exposure but they have a big sign on the monument and (inaudible)...

Comm. McGorty stated that all this, they only have a little window going by, then you don't see it because of all the woods.

Chair Parkins commented OK, if you miss the entrance here (inaudible)...She indicated that once you go by it – it is right there.

Comm. McGorty pointed out a location to put something but then realized it wouldn't be seen when the trees grow in anyway.

The Commissioners reviewed the location map and the location of the requested signage (comments inaudible).

Mr. Schultz pointed out where the State Right-of-Way ends.

Chair Parkins commented that it wasn't going to do any good where it can go.

Mr. Schultz indicated that they can't put it in the State Right-of-Way unless they get permission so the Commission can't authorize anyplace else.

Comm. Pogoda asked why they would want to put it there because at that point, you're already there – at the restaurant.

Chair Parkins agreed that you'd already be right in front of the restaurant by the time you saw the sign anyway.

Comm. Pogoda commented that as soon as you pull into the entry way you can't miss the Wild Konji, there's nothing in front of it. It doesn't make any sense.

Comm. Harger added that the tenant took that property with the knowledge of this. They can't rectify a problem like that.

Mr. Schultz suggested an A-frame and they can bring it in every night as an alternative.

Comm. McGorty agreed and (inaudible)...

Chair Parkins asked where they would put the A-frame.

Mr. Schultz responded (inaudible) ...that right-of-way is wide there.

Comm. McGorty commented that they know where it is. Unless you're looking for the place and just driving on Bridgeport Avenue (inaudible)...

Chair Parkins commented Asian Bistro... (inaudible) they don't have road frontage in that place and (inaudible)...

Comm. Pogoda added that place is mobbed. After a while, it gets a little bit (inaudible)...

Comm. Harger commented that they have the big sign.

Comm. McGorty stated that Split Rock is easier to find than this – this is covered with all this brush out front... (inaudible)

Comm. Pogoda responded yes, but you can see anything in there from here.

Chair Parkins stated that they like the greenery.

Comm. McGorty commented that he isn't saying that is a bad thing but (inaudible)...

Comm. Pogoda indicated that all that is there are shrubs. There aren't trees – you can see that whole restaurant from the road.

Mr. Schultz asked if the Commission wanted to deny this without prejudice or table this again.

There was further discussion regarding the visibility of the restaurant from the Bridgeport Avenue (comments inaudible)...

Comm. McGorty asked if they care if it's inside there – on the side (inaudible)...

Comm. Harger questioned why they need that sign when they are right in front of the restaurant. If you don't know you're there yet, then (inaudible)...

Chair Parkins commented that it doesn't serve any purpose there and she asked Mr. Schultz what his recommendation would be – the sandwich board.

Comm. Pogoda indicated that he wanted to deny without prejudice.

Mr. Schultz commented that he would like to work with them because the sandwich boards (inaudible)...

Chair Parkins asked if he wants to do the sandwich boards on a temporary to see if that helps.

Mr. Schultz responded yes, absolutely, it's a win-win with the sandwich board.

Comm. McGorty commented that there is no signage in there other than on the front.

Chair Parkins stated that there is a big monument sign at the entrance by the first light. They are second from the bottom. Sprint is on the bottom.

Comm. Pogoda added that you can see it from the road, really...

Mr. Schultz asked if the Commission had a problem with Staff issuing the temporary sign permits because they really want to get them on the spot. Normally, signs go before the full Commission but if they can get them to come in – everyone – and be able to reject or issue a permit then he'll put it on the list.

Chair Parkins commented that she wasn't following what he was saying.

Mr. Schultz stated that normally all signage goes before the P&Z Commission but to get them to come in and apply – they are looking for a rejection or an approval when they come to the office.

Comm. Harger responded that they have to wait. The Commission needs to see it.

Comm. Pogoda asked what else they could do – it still has to come in front of the Commission.

Chair Parkins asked what he was suggesting.

Mr. Schultz stated that it is a policy of the Commission...

Comm. McGorty asked if this was as far as a temporary sign.

Mr. Schultz responded yes, temporary.

Comm. McGorty asked if there were rules.

Mr. Schultz responded yes, they have them.

Comm. McGorty stated that if there's rules then it is there in black and white. He should be able to do ...

Mr. Schultz indicated that he wants to make sure that they feel comfortable with that because this is a brand new (inaudible)...

Comm. Harger responded temporary, OK...

Mr. Schultz added that first and foremost, they are going to get a phone number on there so that they can contact somebody right away. They have to have a contact person, cell phone number...so on Monday or the weekend Fred can say "this sign has to go, it has exceeded the time limit or it's obstructing sight lines..."

Chair Parkins agreed that was a good idea because otherwise they would have to wait a month or until they have a meeting so that's fine.

Mr. Schultz asked if the consensus would be to deny this then.

Comm. Pogoda responded yes, deny without prejudice.

Chair Parkins stated yes, they don't see the sense in it.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to deny without prejudice Separate #6142 for signage.**

**SEPARATE #6182 STEVEN SANTIAGO, 442 HOWE AVENUE, BUSINESS**

Mr. Schultz indicated that this was Ralph Matto's building and another hairdressing store is going in where the former hair salon was located. This is 500 square foot leased area with 2 employees, hours of operation are 9 a.m. to 7 p.m. Monday through Friday and Saturday 8 a.m. to 4 p.m.

Comm. McGorty asked for clarification as to the location.

Comm. Harger responded that it was two stores up from Liquid Lunch, there was (inaudible)...

Mr. Schultz added that it is kind of in the middle with the convenience store on the end.

Comm. McGorty asked if that was where City Styles hairstyle used to be there.

Mr. Schultz responded yes.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was voted (5-0 with 1 abstention) to approve Separate #6182. Comm. Matto abstained from voting.**

**SEPARATE #5984, ORCHID DESIGN, 80 SHELTON TECHNOLOGY CTR, SHED**

Mr. Schultz indicated that this is Ivy Brook Road off of Constitution Boulevard. He indicated that because this is an LIP, it normally requires a site plan submittal but this is pretty minor in nature. Staff recommends that the Commission consider waiving the site plan and acting on the application. The Applicant is present to indicate what he plans to store in the shed. This is a traditional design shed.

Comm. Pogoda asked if this was in the (inaudible) portion.

Mr. Schultz commented that it cannot even be seen from the road.

Chair Parkins asked if this would be a pre-constructed shed.

Mr. Schultz responded yes.

The Applicant (unidentified) indicated that he would be storing a table saw, extra air compressor, metal stock, small (inaudible) and other things that aren't usually used.

Comm. Pogoda asked if it was anywhere near the road then.

Mr. Schultz responded no, it is perched up high and nobody can see it and there's all those evergreens that were installed. The whole campus is well-maintained and this is consistent with the area. It won't impact any adjacent neighbors. Staff recommends waiving the site plan and approving it.

**On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #5984 and waive the requirement for a site plan.**

**SEPARATE #6218, NANCY INGLESE, 90 HUNTINGTON ROAD, BUSINESS & SIGN**

Mr. Schultz indicated that this is the Huntington Depot and this is for All State Insurance. The office will be 984 square feet with 2 employees, hours of operation Monday through Friday, 9 a.m. to 5:30 p.m.

Comm. Pogoda asked for clarification as to which spot they would be taking there.

Mr. Schultz responded that it would be upstairs next to Mingolello & Hayes Architects. There is another office on the other side. He added that the signage is consistent up there. He asked if they wanted to see a sample.

Comm. Pogoda asked if they would be consistent with what it there.

Mr. Schultz responded that they have to be. He has a copy of their lease – it has to be a white background with black letters.

Chair Parkins commented OK, it is outlined in the lease.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6218.**

**SEPARATE #209 VERIZON, LANE STREET, TELECOMMUNICATIONS**

Mr. Schultz stated that finally, this is for the pine tree. For the newer members, Mr. Schultz explained that this is called Stealth. It's a 120 foot telecommunications pine tree. The Citing Council held a public informational meeting here at City Hall and Commission members and Staff attended. Obviously, the only people that objected were the immediate property owners because it was something that they never anticipated. There is that area on Shelton Avenue from the Intermediate School to the Country Club where there is no service. They persuaded the Citing Council and the Citing Council said yes, there is an immediate need and they ultimately approved it. Just like the affordable housing statute – the Citing Council has the final say on it. This will be accessed from Lane Street and maintained from Lane Street. It is 100' x 100' leased area.

Chair Parkins commented that it has been at least three years that it has been...

Mr. Schultz indicated that the applicant reminded him that this is the state-of-the-art design. It does not look like the bottle-cleaner tree because there are some like that he's seen from the highway.

Chair Parkins asked if they provided a picture or any photos by any chance.

Mr. Schultz responded that he has the original one (inaudible). He did not have any photographs available. Staff recommends approval based upon the Citing Council approval.

**On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #209.**

**SEPARATE #6211 – TICE BROS., 11 HIDDEN POND LANE, IN-LAW**

Mr. Schultz showed a site map showing the location of Hidden Pond Lane on the Trumbull town line off of Nichols Avenue. He explained that this is an 889 square foot in-law apartment using part of the existing house and an addition. He showed the Commissioners the detailed plans and added that all the homes on Hidden Pond are all upscale, million dollar homes. All those homes, by and large, have garages on both ends of the home. This is important because this Commission scrutinizes that. This addition has a garage with the picture window above it which allows them to go in up the stairs.

Chair Parkins asked if that garage was existing.

Mr. Schultz responded no, it is proposed. It's a new addition but it is important that this fit in with the neighborhood. The neighborhood has mainly three car garages and then one (inaudible). He showed the floor plan of the interior with bathroom, kitchen, living room and portions of the original home that it will share.

Comm. Matto asked if this was an actual in-law apartment.

Mr. Schultz responded yes, that this is for the mother. They require an affidavit for that. Most of the homes up there are 4500 to 5500 square feet plus – but that doesn't include the finished basements. Also, the homes are all set back pretty far too. It is a very attractive addition which is consistent and that's something that the Commission wants to see.

Comm. Harger asked about conformance with one main entrance.

Mr. Schultz responded yes, because it's interconnected.

Comm. Dickal commented that she had a concern about the stairs and she doesn't know the health of the person and if, eventually, will need a handicapped ramp to access it.

Comm. Harger responded that is an interior issue.

Comm. Dickal commented OK, she thought the stairs were outside.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6211.**

**Comm. Harger departed at 7:58 p.m./Comm. Kopac acts as alternate**

**APPLICATION #12-04 PITNEY BOWES SHELTON REALTY, INC. FOR CONCEPTUAL APPROVAL OF MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #12 (PARKING EXPANSION), 27 WATERVIEW DRIVE (MAP 79, LOT 15) – ACCEPT FOR REVIEW**

**APPLICATION #12-05 PITNEY BOWES SHELTON REALTY, INC. FOR CONCEPTUAL SITE PLAN APPROVAL (PARKING EXPANSION), WATERVIEW DRIVE (OVERFLOW PARKING AREA), (MAP 79, LOT 13) – ACCEPT FOR REVIEW**

**APPLICATION #12-06 PITNEY BOWES SHELTON REALTY, INC. FOR MAJOR MODIFICATION OF DETACHED DEVELOPMENT PLANS FOR PDD #12 (PARKING EXPANSION), 35 WATERVIEW DRIVE (MAP 79, LOT 11) – ACCEPT AND SCHEDULE A PUBLIC HEARING**

Chair Parkins stated that she was informed this evening that the next three applications are all going to be scheduled for a public hearing.

Mr. Schultz added that all the Commissioners received copies of the site plans. As they are aware because they had a public hearing last year, Pitney Bowes is subdividing the property into two lots - #27 Waterview and #35 Waterview. No. 27 Waterview is going to continue to be maintained by Pitney Bowes and they will be bringing in more employees; therefore, they will need some more parking. That site will also use the overflow parking which is across the street.

Mr. Schultz stated that they have three applications here – the first two are for #27 Waterview Drive which Pitney Bowes will continue to occupy; the overflow parking lot across the street which needs to be expanded when the employees start to come in. They do have a provision in the Shelton Zoning Regulations when you have more than 40 parking spaces expanded, it triggers the need for a public hearing. Even though Staff believes that the #27 site is pretty minor because much of the proposed parking can't be seen; it is about the number of spaces that are being proposed. Those two require a public hearing.

Mr. Schultz stated that the third site (#35 Waterview) is the building that is going to be sold and that needs extensive parking upgrades. When that building was built, they only needed enough parking spaces to supply the employees. He believes that they are at 3 spaces per 1000 and as they know, this Commission requires 3.5 spaces per 1000. The

industry now is looking for 4 and 4.5 spaces per 1000 because the cubicles are getting smaller. Accordingly, when the Commission accepts these applications, they also need to schedule a public hearing for all three. Staff recommends that the public hearing be held on Wednesday, April 25<sup>th</sup>. They should not have a problem securing the Auditorium or Room #104. He asked for their preference. He added that he thinks Room 303 will be too tight and he doesn't like a situation where enough people come and they request to go to another room.

Chair Parkins asked if the Auditorium was being used. Mr. Schultz responded no, not on a Wednesday. Chair Parkins indicated that they should use the Auditorium to be safe for Wednesday, April 25<sup>th</sup>. She asked if this could be done in one motion.

Mr. Schultz responded yes, as long as reference is made to all the Application numbers because this is for all three sites which are currently controlled by Pitney Bowes. They all know what their intentions are and what their needs are. It is all about parking because when there's a large campus built like this for their specific needs and then they sell one, then the need arises for more parking.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was voted (5-1) to accept Application #12-04; Application #12-05 and Application #12-06 for review and to schedule a public hearing for April 25, 2012. Comm. Kopac voted in opposition.**

### **PUBLIC PORTION**

Chair Parkins asked if there was anyone in the audience wishing to speak on an issue not on the Agenda.

**Wesley Wheeler, 203 Fox Run, Shelton addressed the Commission.** Mr. Wheeler indicated that he was the treasurer of the White Hills Eagles RC Club. He stated that two years ago, they had an approval to fly their planes on private property belonging to Sam Stern. Later the decision of this Board was to restrict the flying times. Chris Jones specifically gave it a lot of thought, like 1 ½ minutes, and said that it would be chopped off at 1 p.m. It was immediately adopted and they have been living two years with this time restriction ending at 1 p.m. They lost ten members the first year and another ten members the second year – so that's \$2,000. They are in trouble. They need to have that time restriction relaxed; otherwise, they don't know if their club can continue. They are asking if there is a chance to get that time changed.

Mr. Wheeler stated that they also took a look at an Ordinance #858 which was adopted on May 12, 2011. Chapter 7 which is regarding Health and Sanitation, Article 3 which is Noise, Section 7-42 Definitions and under that they are pretty well covered. As they know, they were approved by the Police Department for a low enough sound to be able to do it in that range from Mr. Woods's area. He indicated that this Ordinance says that with those specifications, they can fly from 7:30 a.m. to 9:00 p.m. He added that is what the Ordinance is. He doesn't know if P&Z has to pay any attention to ordinances or not, but they are trying to encourage this Board to consider changing that and changing it say to 9 a.m. to 9 p.m. so that they can bring back members. The members that work – forget it – they can't even do it. He wanted to introduce the Regional District Manager, Andy Figlar.

**Andrew Figlar, 335 Navajo Loop, Shelton, addressed the Commission.** Mr. Figlar stated that he was present for two reasons – one as a homeowner in Shelton and the second reason is that he is the Associate Vice President of District 1, Academy of Model Aeronautics. He indicated that his job as Associate VP is to take care of the clubs in Connecticut and there are 40 remote control clubs totally 3000 men. Mr. Figlar added that they might think it was just old men but actually younger boys are coming in to it. The White Hills Eagles RC Club which is the club here recently added on a 7-year old, a 9-year old and an 11-year old so there are young people coming in. It is not just a bunch of old, gray-haired people that want to fly airplanes on somebody's property. He explained that the advantage of a remote control club is model aeronautics, model

aviation, and the development of aviation. He added that none of the airplanes that are in the air today would be there if not for the models that preceded them.

Mr. Figlar stated that the problem is that this club is in jeopardy and needs this Board's help. It needs them to expand the time a little bit. He knows that they have difficulties. He was here two years ago in the Auditorium when Mr. Woods spoke out against them. He was not a Shelton resident at that time but he is now. He moved to Aspetuck so that he could be 1 ¼ mile away from the field. They need more time because the men that work during the day can't fly there under the present restrictions. They aren't going to pay \$100 to join a club where they can't fly. So they have quit and as Mr. Wheeler said, the club has steadily lost members because of these time restrictions.

Mr. Figlar stated that he had some suggestions. He indicated that electric planes make no noise whatsoever – zero. Therefore, they should have complete tolerance of them which means that they should be able to fly from 8 a.m. until 8 p.m. They make no noise. There is no decibel reading whatsoever – you can't even tell if an electric plane is in the air. It looks like a hawk flying around. He indicated that would be one change that the Board could make.

Chair Parkins asked if it made any kind of whine.

Mr. Figlar responded no, none that could be heard.

Comm. Pogoda asked why the people that live near there say that there is.

Mr. Figlar responded that they don't want the club there.

Comm. Pogoda stated that is a matter of opinion (inaudible)...

Mr. Figlar responded not really that he has sat on Mr. Wood's property when the club had demonstrations. He and others were his guests, sat on his patio and they had a demonstration flying of electrics. You couldn't hear them. There is no whine. He asked them to trust who he was on this.

Comm. Matto commented that she was just curious because she can't hear electric cars.

Mr. Figlar stated that they just aren't going to hear an electric plane. They are just too small. It doesn't put out enough energy.

Chair Parkins commented OK – but as compared to the gas which are.

Mr. Figlar stated that his recommendation was for the Board to go 8 a.m. to 8 p.m. with electric. Glow engines burn a special fuel and what makes the noise on a glow engine is not the engine but the propeller. They are hearing the high-speed propeller. The engine is really pretty quiet. It has already been tested at the field by the Police Department to be acceptable within decibel levels.

Chair Parkins asked if he knew what those readings were.

Mr. Figlar responded of course because he was there. The maximum tolerable level is 93 decibels at 9 feet. Of all the engines that were tested, the highest one was 86 decibels at 9 feet. They were pretty well under the decibel reading. He was there and helped conduct the test.

Chair Parkins asked what the Noise Ordinance was.

Mr. Schultz responded that it is lower than that. It is 55 decibels during the night.

Chair Parkins commented that it might even be lower than that at night. It may be 45 at night. She would imagine that it is higher than 65 during the day. She asked Rick Schultz to check on that.

Mr. Figlar recommended that something be done for the people who work to have chance to come and fly. A reasonable thing for glow engines might be 9 a.m. to 7 p.m.

Chair Parkins asked if he was proposing this for 7 days a week.

Mr. Figlar responded no, they don't have to do it on a Sunday if they are against that but certainly on a Saturday because that is when people aren't working. The biggest days – he added that he's a working person – his biggest days would be a Saturday and Sunday. The Board needs to discuss this and come up with a better plan, otherwise, they are going to lose this club in Shelton. If they lose this club, they are going to lose a lot of community action, community spirit and community following. They pay a lease of \$3,300 to the Sam Stern Farm and they can't do that if they don't have any members. They can't have members, in other words, people aren't going to join a club that they can't fly at.

Comm. Matto asked what would be their optimal number of members and how many they had before losing members.

Mr. Wheeler responded that they started off with 65 and they now have 30.

Mr. Figlar offered to answer any questions they had.

Chair Parkins asked what the practicality of safeness of flying at dusk because she can't imagine that they have a lot of visibility at dusk.

Mr. Figlar responded that some of the planes have lights, and he owns planes that have lights but he's afraid to fly them at dusk.

Chair Parkins commented that she thinks that she would restrict that for sure.

Mr. Wheeler stated that they don't have anybody flying after dark, absolutely not.

Mr. Figlar agreed and stated that after dark they positively don't have anybody because it is too hard.

Chair Parkins commented that even at dusk when the sun starts setting, there are shadows and (inaudible).

Mr. Wheeler responded yes, that's right. He asked them to remember that they are dealing with intelligent people here. They aren't going to do something that would jeopardize their own plane and smash it into a tree or something. They aren't going to fly at dusk.

Mr. Figlar stated that they have planes that they fly inside the Shelton Community Center. He personally flies those – little electrics – and without the lights he can't see the planes and that's inside a lit up gym. Nobody is going to be flying after dark or even at dusk.

Chair Parkins stated that this is two different types of planes then – the electric planes and the glow engine planes.

Mr. Figlar indicated that the electric planes are not the issue. The issue is the glow planes.

Chair Parkins stated that if the Commission were to agree to extend the hours she would think that it would be more for the electric planes rather than the glow engines. The only concern she would have is, as he mentioned, if they were to restrict just Saturdays. She understands what he is saying about their club but they also have people home on the weekends. And with the glow engines, the ones that make the noise, she thinks that to have to listen to that Saturday and Sunday all day long would be a little nerve wracking. So if they were to limit it to just one day a weekend, and she is not speaking on behalf of the whole Commission, but just throwing some ideas out for discussion purposes. Chair

Parkins stated that if they were to limit it to one day, they wouldn't necessarily allow the Sunday to be for all the special events.

Mr. Figlar stated that if they recall, a year and a half ago, all of the neighbors were polled and only two neighbors were opposed. All of the other neighbors, and there were like 15 neighborhood houses, 13 said it was not an issue.

Chair Parkins indicated that they are going to have to check on the decibel rating because when he said 93, she ...

Mr. Schultz stated that he has the information. The day is 7:30 a.m. to 9 p.m. a decibel of 55. From 9 p.m. to 8 a.m. it is 45 decibels.

Chair Parkins commented that they would be exceeding the noise ordinance so they could be considered a nuisance.

Mr. Wheeler responded well, after 9:00 p.m.

Chair Parkins stated no, during the day, the noise ordinance is 55.

Mr. Figlar asked Mr. Schultz if he had the results of the Police test.

Mr. Schultz responded yes, he'll have to pull that out.

Mr. Figlar stated that once he pulls that up, he thinks that they'll find it was significant. They were well within the Police Department's decibels.

Mr. Schultz commented that if they stay for the rest of the meeting, this will be reported on in his Staff Report under the Zoning Subcommittee. He'll have more things to share with them.

Chair Parkins commented that she brought this out at the last discussion to potentially do this just during the summer – from about Memorial Day to Labor Day – increasing the hours because they don't really fly in the winter anyway. She thanked Mr. Figlar and Mr. Wheeler for their time.

Mr. Wheeler stated that he had one more comment about the neighbor that is 200 feet from Mr. Wood's house. He signed a petition welcoming the club to fly on the weekends because they like to sit in their backyard and watch the planes fly.

Chair Parkins asked if there was anyone else in the audience who wanted to speak on anything not on the Agenda. There were no other comments.

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

#### **OTHER MATTERS**

#### **APPROVAL OF THE MINUTES: 12/13/11; 1/10/12 AND 2/14/12**

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was voted 4-2 to approve the minutes of 12/13/11; 1/10/12 and 2/14/12. Comm. Kopac and Comm. Dickal voted in opposition.**

#### **PAYMENT OF BILLS**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was voted 5-1 to approve the payment of bills, if funds were available. Comm. Kopac voted in opposition.**

#### **STAFF REPORT**

Mr. Schultz indicated that all the Commissioners were given copies of the P&Z Staff Report dated 4/10/12.

**\*See attached P&Z Staff Report dated April 10, 2012 from Richard Schultz, P&Z Administrator**

He reported on ZBA, Citing Council, UI Exit 12 Substation stated, Zoning Subcommittee, Downtown Subcommittee and the Zoning Enforcement Program.

Zoning Subcommittee Report

- 15% Open Space Set Aside

Mr. Schultz reported that the Zoning Subcommittee met on March 29<sup>th</sup> to discuss the pending Subdivision Zoning Regulations regarding the increase to the Open Space Set-Aside. As they heard at the public hearing, there was opposition and it was suggested to have everyone meet at the Zoning Subcommittee. Corporation Counsel was present and went over the State Statutes which clearly allows the P&Z Commission to consider it.

Mr. Schultz stated that they need to be very detailed in their Subdivision Regulations explaining what the purpose is of expanding from 10% to 15%; there has to be a rationale. Other towns have done it and there haven't been any appeals but clearly Corporation Counsel said that they can proceed. They just need to spell out the foundation and explain why they are doing it and for what reason. It cannot be willy-nilly because they cannot do it and it will be knocked down.

Mr. Schultz indicated that it was a very good discussion. Corporation Counsel is doing more work and they are going to have a follow-up meeting. The Shelton Builders Association was present as well as other interested parties and they are moving in the right direction.

- Filling & Grading Amendment

They also met to discuss other pending amendments to Section 32: Filling and Grading (removal of Earth material).

**Comm. Flannery arrived at 8:25 p.m.**

- White Hills RC Flying Club

Mr. Schultz reported that one of the members was going to go to the site and meet with the property owners and conduct another assessment. They were also advised from the Mayor's Office that the City of Shelton may entertain City-owned fields for alternative locations. This information was forwarded to the Club. Once again discussing it tonight, there are some clear alternatives. The key here is communication; they are not always going to make everyone happy but there is always room for compromise and getting that consensus which he believes that they are all working on right now.

Chair Parkins asked if this would be taken up and the next Zoning Subcommittee Meeting and possibly be on the agenda for their April meeting.

Mr. Schultz responded yes, absolutely at the next Zoning Subcommittee and on the May 8<sup>th</sup> P&Z Agenda for discussion and some type of action.

Mr. Schultz gave a report on the Downtown Subcommittee Meeting in which they discussed the final changes to Avalon. Also, he reported on Zoning Enforcement Program, Sign Enforcement, Filling & Grading, POCD and the status of Single-Family Dwellings. He advised that Wednesday, April 25<sup>th</sup> would be the next P&Z Meeting/ Public Hearing to be held in the Auditorium at 7 p.m.

**ADJOURNMENT**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to adjourn at 8:34 p.m.**

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary