

The Shelton Planning & Zoning Commission held a regular meeting on Tuesday, May 8, 2012 at Shelton City Hall, Auditorium and Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairman reserved the right to take agenda items out of sequence.

Commissioners Present:                      Chairperson Ruth Parkins  
   Commissioner Anthony Pogoda  
   Commissioner Virginia Harger  
   Commissioner Elaine Matto  
   Commissioner Joan Flannery  
   Commissioner Nancy Dickal  
   (arrived 7:14 p.m./alternate for Comm. McGorty)

Staff Present:                                      Richard Schultz, P&Z Administrator  
   Anthony Panico, P&Z Consultant  
   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**

Chair Parkins called the regular meeting of the Shelton Planning and Zoning Commission to order at 7:04 p.m. in the Auditorium with the Pledge of Allegiance and a roll call of members present.

**OVERVIEW OF DOWNTOWN MARKET STUDY**

Chair Parkins stated that tonight James Ryan, President of SEDC is present to share the results of a marketing study that was conducted on the Downtown area. She thanked Mr. Ryan for attending to make this presentation to them.

**James Ryan, President SEDC addressed the Commission.** Mr. Ryan indicated that this is just a step above a marketing study. It is a combination marketing study/report card and programmatic recommendations for Downtown and a progress report. He stated that as they sit before the Shelton Planning & Zoning Commission with their responsibilities for developing a long-range plan of development, the work at the Shelton Economic Development Corporation is to assist the City periodically with these types of plans. This is in many ways a report on the progress of the plans that have been put in place by the City of Shelton and the Shelton Planning & Zoning Commission. The SEDC is an implementation agency.

Mr. Ryan indicated that it is really special tonight because one of their original directors, Ralph Matto is with them. The Board started their work in 1983. This speaks volumes to the fact that Rome was not built in a day and that is not just an excuse for being slow. He commented that difficult things take a lot of time. Mr. Ryan stated that Tony Panico, who is another great example, has been working with this City since the 1960's on making sure that plans of development were in place that people could work off of. As an administrator that deals with different stages that are planned, he will tell them that you cannot go to Hartford or Washington D.C. or any government agency without being armed with a plan and with budgets and with a vision and with support for it. He indicated that is what the Planning & Zoning Commission in the City of Shelton has done. He added that he was delighted to share this information.

Mr. Ryan indicated that the reason that he can go through this presentation in ten minutes is because he doesn't want them to try to memorize it tonight. They are going to be putting this on-line – the full report. This is only a snapshot of it and they want everybody – residents, businesses, elected/appointed officials - to use this as a guide as they think about where they go from today in Downtown and the investments that are

going to be made in future, etc. They also have the benefit of having Ruth Parkins and Tony Panico on their Board so they have a direct linkage to the Planning & Zoning Commission. The Planning & Zoning Commission also has a very valuable subcommittee, the Downtown Subcommittee which Ginny Harger chairs that comes to their office regularly to share information on their plans.

Mr. Ryan provided a PowerPoint slide presentation and stated that this first slide really shows them three images – they are all on one slide. He explained that on the left hand side, the image shows their Downtown area but it shows the relationship between their Downtown area, Derby and Route 8. Obviously, everything in terms of economic development operates off of the Route 8 corridor.

Mr. Ryan explained that the bottom right hand side shows the Development Plan that was approved by Planning and Zoning where approximately 600 units have been approved for development. The Birmingham Company has already built 103 units and 250 units are currently underway by the Avalon Company. Mr. Ryan stated that a very important point about that approval – the City got a grant in the late 1980's from the State of Connecticut, a Small Cities Grant, and they did a planning study that showed how those properties, some very blighted and some vacant, could be adapted, could be reused or replaced with housing. This particular approval, their approval is reflective of that – from 1991 from the Plan of Development. This is something that has been in the works since then.

Mr. Ryan commented that if someone comes up to them and says “Oh, my goodness, look at the significant development that they have just put in place for these developers.” He explained that was not the case. This has been the plan. This has been work that has been in progress – time, commitment, effort and investment.

Mr. Ryan indicated that the top right hand side of the PowerPoint slide is the Birmingham property and that is just an example of how a vacant property could be put back into productive reuse again. He stated that these are the gross numbers. That factory at one point in time paid \$4,000/year in taxes and now it is just under \$400,000. He added that later in the presentation, they have a net amount after the cost of government, etc. on what the pick-up is for the community.

Mr. Ryan stated that the next slide shows them the old B.F. Goodrich site on the top left hand side. There were 2400 jobs that were lost, not only for Shelton, but for the Valley and the State of Connecticut. This rebuilding program really began then.

Mr. Ryan indicated that the second slide on the top, right hand side is the remnants of that burned out site. All the way to the right is the first site improvement program and remediation program where Canal Street was widened and the utilities were put underground. He stated that what they popularly call “The Slab” was brought back to life. First, it was with the intention to have it serve as a development parcel for new private investment and then, because the City of Shelton is flexible and creative, they kept it permanently in their inventory as public open space. This was a giant add-on for their program. Although an industrial park would have been nice, this was even better.

Mr. Ryan explained that the bottom left-hand side of the slide is the site improvements that are currently being designed for the Upper Canal Street area that correspond with the Avalon and other investments. He added that at another time, he would give them an update on that and he said that it is very complex. It is a work that is being divided into phases that are based on responding to the needs of the new private investments and it is based upon the amount of resources that are available financially. Mr. Ryan stated that the bottom right-hand side is the Avalon investment; it is 250 units and it is a million dollar investment.

Mr. Ryan commented that they talked about a marketing study. The consultant, Malone & MacBroom looked at market conditions. He explained that the next particular graphic, which he indicated would be on their website in about one week, discusses how things are going in the overall market. He added that Shelton is doing quite well. He provided a summary which states that there is a large inventory of office and industrial space available but not necessarily in Shelton. He added that their Class “A” vacancy rate is

either the best, the lowest, or near the lowest in Fairfield County. Their pricing is better than most of Fairfield County.

Mr. Ryan commented that the ownership/housing downturn has created a new opportunity for the housing development in Downtown with rental housing. Mr. Ryan stated that what they are hearing from the investors, the present investors, and others that are contemplating making an investment in Downtown, is that they foresee a strong rental market for a generation to come. He added that there was no question that their economy remains strong and their labor force is growing and it's very attractive to companies that want to relocate or grow here and for people that want to move here.

Mr. Ryan indicated that what Shelton has done so well since the investments in the 1960's in their infrastructure is that they have the solid potential for continued economic development. They have put the infrastructure in place, they have made the public investments that they need to, upgraded their waste water treatment facilities and they are on top of their game. He added that other cities wait for something to happen but Shelton plans it and does it. Mr. Ryan stated that it is always a debatable point but he will tell them that they are coming to Shelton because they are shovel-ready for people to build.

Mr. Ryan indicated that they are a net importer of labor. As they look at the statistics, it pretty much tells them that the people that live in Shelton go to work and where the people from the region come from. There is a great opportunity for potential renters in the area; their income is significant – anywhere from \$75,000 to 200,000.

Mr. Ryan continued by showing another slide and explaining that it was another example of opportunities in Downtown. He stated that the top right hand slide is the Brownfield's Redevelopment Program where they are currently very active. Those four Brownfield's sites will become an attractive development parcel – two parcels that they will see very soon. The bottom right hand side is the approval that the P&Z Commission put in place for the Canal Street program. There are mixed use potential and this talks about what those are and explains other examples in the region such as Milford and Downtown that would be parallels.

Mr. Ryan stated that what they want to do is have an environment – and P&Z has been working on this with the update of their Plan – they want to have someplace where they can capture the new income that is coming into the Downtown and the numbers are staggering when you see those. He stated that these are the net fiscal impact from the investments. He indicated that this information was compiled by an economist and it's called the Riechert's Model in which they look at all the costs that are necessary to serve a property. The net pick-up after schools, police, fire, snow removal, etc. at the Birmingham is under \$17,000/year. This information is necessary for people who may want to do something in town and who want to know what is in it for the regulars of the City of Shelton. He indicated that it ends up being an investment. If they have an asset that is underperforming and by investing in that asset they are bringing it back to life and naturally they are creating, in his opinion, a permanent annuity for Downtown. He stated that this was just one example.

Mr. Ryan stated that for Avalon and other properties in Downtown, there is up to approx. \$700K - \$1.1M that will be generated net. Potential consumer spending power for the Avalon and the balance of the approved properties will be \$21M forecast for disposable income in Downtown. The strategies of Planning & Zoning and the City are going to be working on are (inaudible...). They are going to connect Canal Street with Howe Avenue which is their main street and make sure that those people can move out onto their main street and support the businesses that are in place or the new businesses that are expected to come. And at a point in time, because they have a grant from the State of Connecticut for intermodal transportation improvements connect with Derby as well and walk back and forth across the Derby Shelton Bridge just like they used to in 1900. He added that this is very exciting.

Mr. Ryan commented that Derby will benefit from their investment and they will benefit from Derby's investment. They are a bit ahead of the curve but ultimately they will catch up. These types of investments are going to bring others to Shelton and to the region.

Mr. Ryan indicated that the next slide shows just half the side of Downtown where the Avalon investment is going. On the other side where the brown area is shown on the rendering, those sites will also generate another \$4M - \$5M in disposable income. They are going to be working with P&Z, with the Administration, the Aldermen and others for a very effective Citizens Group on making attractive connections and creating an environment that is conducive to living and doing business.

Mr. Ryan stated that right now people may say “well, there are some flaws in Downtown...” He commented that there are always flaws; you work on them, you improve them and you stay on your game. If there are security issues, than you engage with people who are involved in that. If there are maintenance issues, than you engage with those people. Things don’t go away. There is no such thing as a one-time fix for those types of issues. Those are management responsibilities that are post-development and those are being worked on right now.

Mr. Ryan indicated that the next slide shown is an example of an area where there is other development that is going to occur. He explained that when coming across the Derby/Shelton Bridge, the property on the left hand side is called the Spongex property. He indicated that the owner is in very active negotiations for the development of about 50 units there. On the bottom center slide, they see the former Rolfite Site; they’ve been working on that for about nine years and they are just finishing the environmental clean-up. It can be made available for new private investment. It is likely that it will be combined, although there is no guarantee, likely to be combined with the Spongex property and the original International Derby Silver property. Planning and Zoning shows it as an area where there may be a possible outlet – one way outlet road – extension of Center Street.

Mr. Ryan stated that the acquisition of that particular site for tax foreclosure made that opportunity available. The sites on the right hand side of the railroad track - there are actually four. One remains as public open space and they call that the Salastic (sp?) Site. They just picked up a grant from the State of Connecticut because Shelton was ready for \$325,000. The other sites, Axton Cross, Chromium Land and Samarias (sp?) have ongoing clean-ups that they should start to wrap up over the next year. Those will be combined into one development parcel and that can generate anywhere from 50 to 100 units depending upon what Planning & Zoning likes.

Mr. Ryan commented that what Planning & Zoning created a Riverfront residential district anticipating this type of potential investment. The last time this type of report card market study, it said that Shelton’s investments in Downtown to create public spaces and residential and mixed-use development would be best supported by those sites being mixed-use development. So the P&Z Commission has already keyed that up so that they can go to work once the sites are environmentally clean.

Mr. Ryan stated that the adaptive reuse that they see this coming on line - they think that the Downtown Planning Committee will be meeting with the owner in the very near term. The redevelopment of those formerly environmentally compromised sites will be coming on line soon. They see other features and amenities that they would like to see have factored in such as open space, other water features, an amphitheater and a Riverwalk extension.

Mr. Ryan indicated that on the slide where they see the new Avalon Program, there is a Riverwalk Extension that will start to be built next year that is going into final design. He added that if you take the time to go down to Canal Street right now, they will see a nice public private partnership that the Rotary and the City of Shelton is building for a very attractive open air pavilion. He added that this is a nice partnership.

Mr. Ryan stated that something that they feel is a very significant priority is the demolition of the Chromium Process Building for surface parking and transportation related improvements. The property is in full diversity bankruptcy. They are doing studies that are associated with the City’s consideration of implementing this. He cannot say that the City will implement it but he will tell them that they are advocating that. One

of the strategic pieces like the B.F. Goodrich site decision, the asphalt plant Planning and Zoning approval with all private money a 4 ½ acre asphalt plant was demolished with no public dollars. It is just giant.

Mr. Ryan stated that this particular Chromium Process Building is the gateway to the area that they are implementing at the Brownfield sites and working with P&Z and coming up with a good final plan for that. It is very exciting and it is something that has to be carefully studied but something that is a big opportunity for Shelton.

Mr. Ryan indicated that the next slide showed the Rolfite site, the Spongex as one layout. When they hire a consultant, they don't tell them what they want; they say that these are the plans and ask them what the best job is that they might get. They take that and share it with others such as the P&Z Commission so as they go forward, they know – it raises questions because there may be something that they might have missed or something that they would prefer.

This particular one shows mixed use development. It shows housing, offices and retail. As he understands, the owner of the development is talking about housing only but that is a good discussion that they can have with the P&Z Commission.

Mr. Ryan showed the Brownfield sites and how attractive they can be – a water feature and the old Bearing Ground Brook, an attractive housing feature on Axton Cross Site and then of course, the prospect of creating supporting parking right across the street from that development parcel. This is parking that would support visits, parking that would support new private investment, parking that would support other properties such as the Birmingham, etc.

Mr. Ryan indicated that when they finish that, well, they are never really done. He showed a map, an insurance map, that shows Shelton every ten years. In going back 80 years, things are always changing. Now the dynamic is changing, Shelton is re-emerging from another period and repositioning itself so that the whole physical plant and the investments there will be operating defectively. So when this happens, they are going to start looking at Howe Avenue again and the Conte block and those properties. They are going to be looking at the municipal parking lot and the potential that holds for providing long-term surface parking or possibly air right development.

Mr. Ryan showed a section of how that might be laid out. These aren't approved project plans – these are concept plans. This is a guide to making those decisions on what the Shelton Plan is going to be about. This is a tool to get them to the right place. It confirms what he said about the additional consumer spending expected in that Brownsfield area of about \$4M.

Mr. Ryan stated that the report had a great conclusion, it said to keep their eye on the ball. It said that the housing units that are forecast for Downtown Shelton, 500-600 units will go and he indicated that they are going. They are getting calls for additional units as he speaks. He added that fully developing Canal Street will enhance Downtown - Shelton knew that 30 years ago. They have been working on it. Mr. Ryan stated that Ralph Matto, our first planning – Ralph was laying this out with them and then Tony was coming in and polishing things up. They have to keep on doing that. Successful redevelopment is all about (inaudible) your important neighborhoods, and it isn't just Downtown. There are other neighborhoods that are deeply as important.

Mr. Ryan stated that they are never finished with their responsibilities but when they get the major stuff done in Downtown, they can concentrate on other things and deploy your resources appropriately.

Mr. Ryan indicated that the last thing point he'll tell them because in Shelton they accent the fact green development is very important - access to the waterfront, using green technologies, encouraging developers to incorporate those into their properties and having the City be a leader in that. They think that they are making good progress on that. He asked everyone to please look for this on their website. It is a public document, and they can send it anywhere that they want to. It is not something that they created.

They hired a consultant but it is private work that is done and it is a tool. He thanked the Commission for their attention.

Chair Parkins commented that there is a lot more information in that report so as Mr. Ryan stated, they can certainly use it as a tool as they entertain future development downtown. She added that she's looking forward to exciting times.

**Comm. Dickal arrived at 7:10 p.m. and will be sitting in for Commissioner McGorty.**

Chair Parkins asked for a motion to reconvene and go upstairs.

*Recess Meeting at 7: 25 p.m.*

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to recess at 7:25 p.m. from the Auditorium and reconvene in Room 303 at 7:30 p.m.**

*Reconvene Meeting at 7: 30 p.m. in Room 303.*

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

Chair Parkins indicated that the resolution for this application was just forwarded today and, unfortunately, all of the Commissioners have not had an opportunity to review it. She suggested making a motion to table the discussion and the review of the resolution to give everyone more time to take a look at it.

**On a motion made by Joan Flannery seconded by Anthony Pogoda, it was unanimously voted to table Application #12-01 until the May 23, 2012 meeting.**

**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 BRIDGEPORT AVENUE (MAP 29, LOT 26) (PUBLIC HEARING CLOSED ON 3/28/12)**

Mr. Panico stated that in accordance with the discussion from the last meeting, the Commission asked Staff to draft a resolution favoring an approval of Application #12-03. He read the Draft Resolution for P&Z Application #12-03.

**\*See attached P&Z Report for P&Z Application #12-03 dated May 8, 2012.**

After Mr. Panico concluded reading the draft resolution, Chair Parkins commented that the report seems to covers everything.

Mr. Panico responded yes, some of it has to be redundant but that is they way that they do it. He added that they explain the background, talk about it and then put it into the actual motion.

Chair Parkins asked for a motion to approve this resolution for discussion. Comm. Harger motioned and Comm. Matto seconded.

Mr. Schultz indicated that he wanted to make one correction regarding the Building Zone Map being adjusted to incorporate 52B as the Phase 2 area.

Mr. Panico stated that he didn't mention it because he felt as though it was more of a technical issue.

Mr. Schultz stated that he wanted it to be in this. The official Building Zone Map will show 52A minus (inaudible)...

Mr. Panico commented that 52A is going to be just for (inaudible)...for senior living.

Mr. Schultz stated that 52B would be Phase 2.

Mr. Panico apologized because he didn't know that Rick wanted to call it 52B. He added that 52A will be overall one and Phase 2 will be 52B.

Mr. Schultz responded yes, because that reflects the Statement of Uses and Standards.

Mr. Panico stated that he would go back and clean up the language used in the report.

Chair Parkins asked for clarification as to what 52A would be.

Mr. Schultz responded that 52A is the existing – the whole and up to Tutor Time.

Mr. Panico asked for clarification that what he was calling 52 in here is really going to be 52A and the Senior Center is going to be 52B.

Mr. Schultz responded yes, correct.

Comm. Flannery asked a question regarding Page 2 of the Resolution #1. She commented that it still gives them an opening to blast and she is against that completely. She needs for them to just drill like he suggested that he would do. She added that if there is going to be any blasting or an opening for blasting, she would not approve of it or vote for it.

Mr. Panico responded to Comm. Flannery that, from a practical point, he can't give her that assurance. The Applicant did their due diligence and probed all over the place, and they don't see the need for any blasting. But, you never know if there is going to be a little knob of rock that is sticking up between where they probed down in two holes. Their engineer indicated at the public hearing that the last thing in the world that they want to do is go and blast something like that; they would try and just rip it out.

Mr. Schultz added that they could use a hammer mallet.

Comm. Flannery commented that she understands that. It is what he said but she does not even want to leave an opening.

Mr. Panico responded they she can't tie their hands.

Chair Parkins added that she can't tell them that they cannot blast.

Mr. Panico stated that State Law allows them to blast.

Comm. Flannery commented yes, and to damage her well.

Mr. Panico stated that you would have to have some very special reason that was unique to this subject that says they can't blast.

Comm. Flannery responded that her special reason is that the last time that they blasted, they collapsed her well and it cost her \$4,000. She added that she had to pay for it and she has never gotten reimbursed. She commented that was her special reason.

Chair Parkins commented that they discussed this at the last meeting.

Comm. Flannery responded yes, she knows that they did, and they still have an opening here.

**End of Tape 1A 7:50 p.m.**

Mr. Panico stated that the conditions that apply to the lower part of the site and to the site in general involved massive rock blasting. He added that he can see where maybe that caused Comm. Flannery to have an issue. However, they are talking now about a site that is prepared, an overburdened cover has been placed on it. There is theoretically enough for the majority of their work but they don't know what they may encounter until they go in there and start digging a trench to run a utility line. If all of a sudden they hit a little knob of rock, they are going to have to knock that out, but they will do it without blasting. They don't want to blast. It is cost prohibitive to go up there and start doing the blasting and that is why they went to the expense of probing the whole site because they did not want to be faced with having to go up there and do any blasting. Mr. Panico commented that he thinks that based upon everybody's due diligence, it is highly unlikely, but he cannot give any guarantee – no one can.

Mr. Panico stated that you could have a house in a residential area sitting there and all of sudden they need to put a new sewer line in and the location for it has a little bridge of rock. He asked what you would do – not put the sewer line in? He commented that no, you are going to get somebody to take that piece of rock out either by hammering or however they have to do it.

Comm. Flannery stated that they could go around it.

Chair Parkins responded that you can't go around it when you are putting in a foundation.

Mr. Panico stated that if it is reasonably practical to go around what appears to be a little knob, he is sure that is what they will do. They don't want to blast either. They aren't dealing with a situation where the only way that this is going to make that work will involve blasting. That is not the case here at all.

Chair Parkins commented that they would have to get a blasting permit and go through that entire process (inaudible)...

Mr. Panico commented to Comm. Flannery that her neighbor could decide to put a garage on, determine where to put the footing and finds that he has a little bit of rock to deal with. He is not going to not blast. Whether she likes it or not, her neighbor could go to the Fire Marshal and get the necessary permits so that he can have a blaster come in and take away that piece of rock so that he can put in his garage. He added that there is nothing that they can do about that. He has to follow the requirements of the Blasting Ordinance that they have in town together with the Fire Marshal's rules and regulations that come down from the State.

Mr. Panico stated that the only time that they would have control is if they were looking at something that wanted to be built into a whole hillside of rock and they know that the only way it is going to be built is with massive rock excavation. He added that is not the case here and it's not what they are dealing with. He indicated that the only words that he thinks that he could use would be that it is "highly unlikely" that blasting is going to be necessary.

Chair Parkins asked a question regarding the walkway in front of Tutor Time since that is a separate property.

Mr. Panico responded that they are a separate property but they are interrelated situations with shared parking and things of that nature. He stated that he's sure Counsel can tell them whether that is doable or not. It would be to everyone's advantage because they don't want to disturb the other side (inaudible)...It occurred to him too – why build another redundant walkway?

Chair Parkins commented that she knows they are going to do everything that they can to keep their resident's safe. So if they know that their residents want to walk down there, they are going to find a way.

Mr. Panico indicated that he would not want to disturb the rock spine that is out there. It serves a very nice function there aesthetically and from a protective standpoint. The only place that they have to be careful is along the property line of Old Stratford Road because that is the only area where they are up high and there's a fall off there. They need to make sure that is properly protected - the area that sort of skirts around the detention pond there which needs to be protected. Mr. Panico stated that other than that, the site is pretty well protected by that existing rock.

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

Comm. Pogoda stated that it is a good fit. It is a piece of property that is going to bring a good tax base back to the City. Traffic is going to be negligible compared to what was originally planned to go there – office condos. He added that he thinks it is a great fit for that area and there is a need in their City for something like this. It has been a long time coming and he wishes the Applicant good luck.

Chair Parkins indicated that they have a motion on the table so they will do a roll call vote.

**On a motion made by Anthony Pogoda seconded by Elaine Matto, it was roll call voted to approve (5-1) Application #12-03. Comm. Flannery voted in opposition.**

**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) (PUBLIC HEARING CLOSED ON 4/25/12)**

**APPLICATION #12-05 PITNEY BOWES SHELTON REALTY INC. FOR CONCEPTUAL SITE PLAN APPROVAL (PARKING EXPANSION), WATERVIEW DRIVE (OVERFLOW PARKING AREA), (MAP 79, LOT 13) (PUBLIC HEARING CLOSED ON 4/25/12)**

**APPLICATION #12-0 PITNEY BOWES SHELTON REALTY, INC. FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #12 (PARKING EXPANSION) 35 WATERVIEW DRIVE (MAP 79, LOT 11) (PUBLIC HEARING CLOSED ON 4/25/12).**

Mr. Schultz stated that these are three independent applications but they are all Pitney Bowes.

Chair Parkins indicated that they closed the public hearing on Applications 12-04, 12-05 and 12-06. They are all Pitney Bowes located at 27 and 35 Waterview Drive. She stated that they will continue their discussion tonight.

Mr. Schultz stated that they Staff was looking to have a consensus, hopefully, tonight and then they could direct Staff to prepare a resolution for the May 23rd meeting.

Mr. Panico provided site plans and stated that of the three applications, one of them is just a site plan review process. That is the one that deals with the parking across the street. It had to be processed as a Special Exception because a major expansion triggers a Special Exception. It is an existing industrial zone and parking is allowed as of right.

The other two parcels are within the PDD so they require even closer scrutiny and that is why they were able to avail upon them during their Staff discussions. Mr. Panico commented that they did oblige Staff with adjusting some of the concerns that they had. He showed the area where they had some concerns with additional parking that was chewing into the frontage of the street. He indicated that it was pretty much where it is at grade and they weren't picking up very many spaces because they were parallel spaces because that is all that would fit. Mr. Panico indicated that was not worth disturbing the front end view of the buildings when they aren't getting much benefit out of the parking.

They asked them to rework the corner which they have done and there were a few other suggestions that they made.

Mr. Panico indicated that Comm. Harger made one point about the parcel across the street. He showed the areas where she had suggested some parking, thereby, shortening the depth of it.

Mr. Panico stated that the answer to her question is that yes, it could be done. It is probably a little bit more costly because there is more grading and excavation work that would need to be done. He indicated that he isn't sure of the relative benefits of moving things 40 or 50 feet away which is all they can really reduce it by.

Mr. Panico commented that Chair Parkins brought up the point that this would be a more functional lot if at least some weather protection were provided in the form of a covered walkway. He stated that it was an interesting thought. They weren't up in arms embracing it but he thought it was an interesting point. He would like to hear what the other Commissioners think about it. Even though they are asking for a conceptual action, he thinks that they need to be up front and tell them what they need to do as part of this conceptual approval. Then they can take the next step. It was through Staff's suggestion that they were able to obtain a greater number of parking spaces closer into the road. They were not aware of the fact that there was a way of encroaching within those 75 feet that the regulation says 50% of that setback area has to be kept green. It doesn't necessarily mean 50% uniformly across. It could be 100% in some areas and less in others. This allowed them to not go as far back as - originally all that parking they were attempting to get back here.

Mr. Panico indicated that on the other side of the coin, he thinks that the Commission needs to keep in mind that is an existing industrial zone and when the original subdivision was put into place this 75 foot buffer was established as an added protection above and beyond what the basic zone would allow. They did try to respect people living in the area by giving them more protection but they need to also understand that an industrial building could go in back there as of right. It just has to satisfy layout and setbacks, configurations and things of that nature. He indicated that certainly, he thinks the parking is the lesser of two evils as contrasted to a building. There are ways that they can deal with the potential negative impacts. He added that he thinks it would be primarily in the wintertime when there are no leaves on the trees, it gets dark early and cars leaving might be flashing headlights. Therefore, they could talk about some vegetative planting that would subdue that impact.

Mr. Panico stated that Staff's point of view is that they think that these improvements will work. He thinks that they need to explore the consequences of requiring or not requiring or to what degree they want to impose a requirement about a covered walkway and put the ball back into their court, so to speak. He added that at that point, they could provide guidance to them.

Mr. Panico indicated that his understanding is that the construction of all of these parking spaces was going to be sequenced in - on an as needed basis. He suspects that what would probably happen is that if they are going to do anything at all, they are going to do the front ones because they are the most beneficial spaces. He stated that time and again, they stressed with them that they want convenient spaces that are going to be useable. There is no sense in putting spaces way out that are too far away and they aren't going to be useable. Then there are going to have the same problem with the parking on Waterview Drive. He stated that every time that they've had the problem and the Police Department had to go out there and do some enforcing, they have always cooperated with them and it stopped. However, they don't want to run the risk of it starting all over again.

Chair Parkins commented that they are also not utilizing most of this parking right now either so the issue doesn't really exist right now.

Mr. Panico responded that's right but on the other hand, they were up front with Staff and they are contemplating bringing more divisions to this area which is going to put an added burden on the parking lots.

Mr. Panico referenced the site drawings and asked if everyone was familiar with what was going on here. He added that he thinks this will work. Grade-wise it is partially, at least on one end, it is down below the edge of the road. It is an area that is servicing loading docks anyhow. They were able to avoid disturbance along here to maintain that campus atmosphere. He added that he thinks that works.

Mr. Panico showed another portion of the plan and commented that it was the one that bothered him more than anything else. They have a building that has been lying out there vacant and they would kind of like to see it get put into some productive use again. The only way that is going to happen is that they need to show the ability to create more parking. Once again, it is not to say that they are going to run out tomorrow and start building all of this parking without knowing whether they need it or not.

Mr. Panico indicated that he thinks that they need to know and they need to have in their pocket an approval that says that they can do it. Therefore, when they are negotiating the sale of this to somebody, that somebody knows that if they want a certain parking ratio, they can either build all or parts of this. Once again, they would build the easy parts first. As a last resort, they would get into some of the parts that require heavier grading and retaining walls.

Mr. Panico commented that it will work. The important thing is that they do not want to see this one area disturbed and that they are able to at least preserve 60% or 70% of that to give the feeling of a campus setting – with two nice buildings and attractive driveway entrances.

Chair Parkins asked if anyone had any comments on those points. She commented that her only thought on the walkway – and the Applicant did make a point that they are very environmentally and safety conscious and they do a lot for their employees. She added that she can certainly attest to that. She has many friends that work there and she's been in that facility many times and she's seen what they do for their employees.

Chair Parkins commented that she didn't know that she necessarily wanted to mandate that they provide a walkway but she thinks that it is a huge incentive to get people to use that upper lot, if they know that they have a covered walkway that is safe and out of the elements especially during snow and rain rather than trying to run through the parking lot with other cars coming in. She indicated that was her thought behind asking them if they had considered that.

Chair Parkins questioned that whether it is something that they want to ask that they seriously consider – if they start seeing people park out there - or doing it as an incentive. She added again that she doesn't really know if she necessarily wants to mandate the walkway.

Comm. Pogoda stated that he thinks that the last point that she brought up would be better taken. At least he would feel that way. He commented that, as she said, he wouldn't mandate it but he would put it in their mind that if and when there is going to be problem there or employees give feedback about parking there. People that are parking there may say that they don't like walking in the snow and rain. If that isn't the main issue, they may hear that people just don't like walking all the way back there.

Chair Parkins stated that the other problem is where they would put it. If they are going to put it way down here (she showed the location on the plan), then they still have other people that aren't going to be able to utilize it. It would only be used by people parking in a certain row. It might not be practical in those terms.

Comm. Pogoda indicated that his point is that he'd like to see what happens first. They can let them know beforehand that they are going to let them think about. Then they can

wait and see what happens with the parking. If it starts becoming a problem and the feedback that they are getting from people parking out there – let's hope that they don't.

Chair Parkins commented that they might do it on their own at that point.

Comm. Pogoda agreed and added that he wouldn't mandate it. He wouldn't want to see it mandated.

Comm. Harger asked if once they cross the road, there is a sidewalk or something.

Chair Parkins responded that there is just a striped crossway.

Comm. Harger asked if the other parking lot was delineated as to where they should walk to get to the building.

Chair Parkins responded that it is just the stripes that walk into that circle. There is a sidewalk for that entrance.

Comm. Harger commented that she thinks that based upon human nature people are going to park as close as they can to the facility.

Chair Parkins agreed that they would park as close as they can to get there. They aren't going to walk across the parking lot to get to the covered walkway.

Mr. Panico pointed out the location of a couple of sidewalks in the parking lot.

Comm. Harger pointed out the location of some of the parking spaces and asked if it was possible for some of those spaces to be widened so that it is a little more conducive to...

Chair Parkins commented that those are landscaped islands though.

Comm. Harger referenced the sidewalk at Griffin Hospital that goes up to the Guard House. It is something that makes it a little bit easier for people to want to use it.

Mr. Panico asked if she was suggesting a walkway somewhere in that area.

Comm. Harger responded yes, a couple of them.

Mr. Panico asked if she means rather than having to rely on walking in (inaudible)...

Comm. Harger commented yes, it is good to have every other one be widened just so that people are more inclined to not (inaudible)...

Chair Parkins stated that they are going to lose their (inaudible)...

Mr. Panico added that they are going to lose their walking (inaudible)...

Comm. Harger stated that they aren't using the gray areas.

Comm. Dickal commented about the walkways that Comm. Harger mentioned before at Griffin Hospital. She indicated that Bridgeport Hospital ran into a problem where they needed extra parking and because they were concerned about the safety of the employees, they actually had a small shuttle bus driven by a security guard. He would drive around the parking lot to bring employees back and forth, especially during the wintertime. Comm. Dickal added that in the wintertime it gets dark – it goes along with what was said earlier about the employee feedback.

Chair Parkins indicated that she thinks that Pitney Bowes is going to take care of their people.

Comm. Dickal indicated that if they put those parking things in, there would an issue with the reduction of parking spaces.

Comm. Harger commented that they have the grayed out areas here.

Comm. Pogoda stated that they don't really want to have to put anything there. If they could keep it from back there and if they are complaining about walking here, then forget it.

Chair Parkins indicated that people are going to take the shortest route to get there.

Comm. Pogoda agreed that if they have to walk all the way across to get there –they will find the shortest way.

Comm. Dickal agreed.

Chair Parkins stated that she thinks that she would just leave it as a suggestion. They can come up with whatever plan they want to use to entice their employees to park up there.

Mr. Panico asked Rick Schultz if he had a scale.

Mr. Schultz responded and got the scale.

Comm. Pogoda commented that they are existing. If they made them take that out and spread it out then they'd have to realign everything. If it was new, then that would be a different story.

Mr. Panico used the scale and commented that they've made pretty generous aisles. He commented that he thinks that if the Commission felt strongly enough about it, they could, without the layout of the whole thing, they could take two out of the five and widen them enough so that you might be able to... He added that he doesn't know physically how well it is planted and where the lighting is located. It is conceivable that they could take away three to four feet of pavement and turn it into part of that center aisle and use a portion of that to get a walkway down it.

Comm. Harger commented OK, and then they could look at it as a possibility.

Mr. Panico commented that they could, maybe, steal something out of here or there. They have got what looks like 62 or 63 feet and that is very generous.

Chair Parkins stated that maybe they could just put it into the resolution that it has been suggested but not mandated. She added that again, as a safety enticement to use the upper parking lot.

Comm. Pogoda agreed.

Comm. Harger commented that especially if there was some ground lighting so that no one is tripping or falling.

Comm. Pogoda stated that he doesn't know what lighting there is right now.

Mr. Panico indicated that he didn't ask but he doesn't see the lighting on the plans.

Comm. Pogoda stated that he doesn't remember and he's been up there enough times but he doesn't know.

Chair Parkins asked if they had to submit a lighting plan for the final approval.

Mr. Panico responded that this is just a conceptual so all they do is show them layouts.

Mr. Panico asked if the Commission was of the mind that there probably should be lighting.

Comm. Pogoda responded yes, definitely, especially in this lot.

Mr. Schultz commented that they are seeing call boxes now. Scinto put in call boxes.

Chair Parkins asked if he did it up on Waterview.

Mr. Schultz responded oh yes.

Comm. Harger commented that doesn't hurt.

Comm. Pogoda agreed.

Mr. Schultz added that he put in a lot of them too – for safety.

Comm. Pogoda commented that isn't even as far as this one is. As Chair Parkins mentioned, he stated that Pitney Bowes is involved with their employees, their safety and the amenities for them.

Comm. Harger agreed that they hope for the best and prepare for the worst.

Chair Parkins commented that is a good point, this is conceptual so, if they need to expand the parking, then they can (inaudible) on the final.

Mr. Panico stated that they should understand though, it is conceptual but they are going to be giving them some form of an approval. In good faith, they are going to be telling them that yes, that's doable.

Chair Parkins commented that when they go to do it, they would like to see some more detail.

Mr. Panico stated that they have to point out some of the issues that the Commission will be looking at but yes, they will be able to do it.

Mr. Panico asked if there was any input or comments about the two pieces across the street. They can discuss them separately or together.

Chair Parkins responded no, but she wishes them luck. Like they said, the minimum that the market is looking for up there is 3.5 and this is like 3.4 so hopefully, it is enough.

Mr. Panico stated that obviously what happens on this lot and what happens here is going to be directly under the control of Pitney Bowes. They will be (inaudible) it and they will need to solve it. What happens on the other parcel - they don't know who will be responsible until a sale is made.

Chair Parkins stated that she thinks that they also said that they want to make sure that the tenant is a good fit so that they have a good relationship with them.

Mr. Panico stated that they will write something very brief up on each one of these. What they will probably do is simply remind them that at the time they bring in their detailed plans in accordance with whatever sequence they choose to pursue it under, they will be required to bring in all of the engineering, landscaping, screening, lighting, etc. And they will throw out some of those suggestions for across the street. So while it is conceptual, they still have more work to do – but as long as they are in agreement in principle.

Chair Parkins commented that she thinks that they do; she thinks that they have a consensus.

Mr. Panico asked Rick if he could think of else.

Mr. Schultz responded no, they covered everything from lighting to buffer, to pedestrian safety.

Mr. Panico stated that from Staff's point of view, when this thing first started way back when – especially on that one lot – they were trying to convince them that the best solution was not to disturb all of that area but to put a buffer in the back.

Chair Parkins asked Staff if they had everything that they need.

Mr. Panico commented that the consensus seems to be a favorable one as long as they understand what the Commission is going to be looking for in the final approval.

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

**#218 VERIZON, 162 BIRDSEYE ROAD, TELECOMMUNICATION**

Mr. Schultz indicated that 162 Birdseye Road is where the tower farm is located. Verizon is adding 12 additional antennas for co-location. This was approved by the Citing Council. Staff recommends approval.

Chair Parkins asked if they were adding height or just antennas.

Mr. Schultz responded no, they can't go above the height that the original tower was approved for. He added that actually the Commission wants to see co-location and roof-mounted instead of new towers going up. Towns are still being faced with this, especially the smaller towns – Roxbury, Woodbury – they are still growing because people want service. They just approved the pine tree because the service between Downtown and Huntington Center was fair and it had to be done.

**On a motion made by Anthony Panico seconded by Virginia Harger, it was unanimously voted to approve Separate #218.**

**#6237 FLOWING SPIRIT CHURCH, 472 RIVER ROAD, TENT REVIVAL**

Mr. Schultz stated that this is for this year and the period is from August 5<sup>th</sup> to August 18<sup>th</sup>. Staff recommends approval. They have had no problems.

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6237.**

Mr. Schultz added that as a side note, they were next in line to purchase Shelton Congregational Church. So they have two places of worship which was nice instead of dealing with a whole change of use.

**#6254 VALLEY CHAMBER OF COMMERCE, 10 PROGRESS DRIVE, HEADQUARTERS**

Mr. Schultz indicated that they are all aware of this change and Staff recommends approval. The whole facility went to the Progress Drive site.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6254.**

**#6233 C. WARNER, 4 RESEARCH DRIVE, STE. 402, BUSINESS**

Mr. Schultz stated that this is a real estate investments office, leased area 100 square feet, 2 employees, hours of operation are 9:30 a.m. to 8 p.m.

Chair Parkins asked if that was on the right hand side when turning onto Huntington Street.

Mr. Schultz responded yes, it's the first street off of Commerce. Progress Drive is for the Chamber.

**On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #6233.**

**#6262 RON CHAMPLIN, 128 CENTER STREET, SIGN**

Mr. Schultz indicated that the applicant was present. He showed the Commissioners a rendering of the proposed signage for 128 Center Street. He stated that the Applicant wants to do a projected sign. It is, however, a box sign. He asked the Applicant if he has this sign in his possession already.

**Mr. Ron Champlin, 128 Center Street, Shelton addressed the Commission.** Mr. Champlin responded that he had a couple of them but this one he will have to have them do.

Mr. Schultz responded OK, he hasn't done it yet then – it's a new construction.

Chair Parkins commented that the window signs look nice though and very visible. You would know it is a tattoo parlor. It is pretty obvious.

Mr. Schultz added that the sign is internally illuminated.

Comm. Flannery asked if they had any other signs like that Downtown – jutting out like that.

Mr. Schultz responded oh yes, they have projected signs right across the street – at Caliente's. Howe Avenue has several of them. He asked the applicant what the overall dimensions would be.

Mr. Champlin responded that the dimensions are 72" x 24" x 12".

Comm. Harger asked Rick what that would be in relation to Caliente's sign.

Mr. Schultz responded that it is smaller than Caliente's.

Comm. Harger commented that 72" – it is 6 feet high.

Chair Parkins asked if she just said this was 6 feet high. Comm. Harger responded yes, that he said 72 inches.

Comm. Harger commented that 72" x 24" x 12" – three panels. It is like (inaudible)...

Mr. Schultz asked the Applicant if there was any possibility on a reduction on overall dimensions.

Mr. Champlin responded that (inaudible)...

Mr. Schultz told the Chair that he has asked the Applicant if there is a possibility of a reduction in the overall dimensions.

Chair Parkins commented that she was trying to get a visual here – and asked if it would be three of these.

Comm. Harger commented that the windows were 24" – so three of those would be 72" and the other way it is 24" so...so three of those.

Chair Parkins stated that is a big sign.

Comm. Dickal agreed that it was big.

Mr. Panico asked if it was on the brook side.

Mr. Schultz responded yes, on the Bearing Brook side.

Mr. Champlin commented that when he spoke to Archer Signs, they said (inaudible)

Chair Parkins stated that it would be visible from Chaves Bakery.

Comm. Pogoda agreed.

Mr. Schultz asked if they were suggesting going to 64”.

Comm. Harger responded 60.”

Comm. Matto stated that 64” would be as tall as her. She’ll have to stand up.

Chair Parkins commented no higher than 4 feet in height.

Mr. Schultz responded that is 48”.

Mr. Panico asked if this encroached into the right-of-way of the road.

Mr. Schultz responded that this goes to the – they post a liability.

Chair Parkins commented that she just doesn’t think that it needs to be that big.

Comm. Pogoda asked if there were any apartments above it.

Mr. Schultz responded yes, one is there.

Mr. Champlin told that Commission that a couple of years ago when he first got the location for the business, the Commission didn’t want to have neon’s or things of that nature. He didn’t fall into the restrictions at the time but he did his best not to put neon signs in the window or a light box outside. But unfortunately, where he is located, it is a very dark area. When you come down Bridgeport Avenue from the Wal-Mart area and passing the Bar 140 area, he realized that with the curve there, people just don’t see his business. They have actually had numerous people try to find them and it’s become a problem. Even the lettering on the sign, the vinyl that they have in the window, it might look nice with the gold leafing but it was bad. They got rid of it because it can’t be seen very well. Mr. Champlin commented that unless someone goes right by his shop, slows down, stops and looks at the sign, then they are going to just fly right by. People aren’t noticing his business. He indicated that in the Center Street area – and yes, Caliente does have a beautiful projected sign, but there aren’t many people when you are on Bridgeport Avenue or Center Street with the projecting signs. He isn’t that familiar with Howe Avenue but he knows that there is a lot more neon in that area. Mr. Champlin stated that it may be him and Caliente on Center Street that are the only ones who would have a projected sign.

Mr. Champlin stated that when he worked with the new owner of Archer Signs – he worked with Jack for years before he sold it – they wanted to find the smallest sign that they could commit to that would be appropriate for the Shelton area and work for them as well. Basically, when they pick a six foot sign, it might be able to see – they are going to use 8 inch letters so it can be seen 150 feet away. He commented that originally he wanted a 10 foot sign but he knew that would be ridiculous and gaudy.

Chair Parkins indicated that she honestly thinks that 6 foot is gaudy.

Mr. Champlin responded really, it is at least three panels wide for height but if they do something smaller it is almost a waste because then it can’t be seen.

Chair Parkins suggested using a street number.

Mr. Champlin responded that doesn’t do it because he needs (inaudible)...

Mr. Schultz commented that he needs a projected sign. He is hearing four feet and he requested six feet. Obviously, the middle is 5 feet or 60 inches.

Comm. Harger asked what his business hours were.

Mr. Champlin responded that they are open from 11 a.m. to 7 p.m. for 6 days a week. They are thinking about changing their hours because they are realizing since they have been here, business seems to pick up very late. The owner of Caliente's is a friend of his and he's really getting educated about this area and how it works. He was trying to avoid this because if he didn't have to, he didn't want to spend \$4,000 for this but it is something that he feels that he needs to do in order to attract more customers and let people know where his business is at. A lot of people have looked for his shop and they can't find it and fly right by. He has had people on the speakerphone in front of his shop asking where we are.

Chair Parkins commented that he could tell them that it's across from Caliente's.

Mr. Champlin responded that he does.

Chair Parkins indicated that parking is an issue down there too – let's admit that – it's not like you can just pull right up the street and look for a place.

Mr. Champlin responded that he hasn't had the problem with his customers parking. He has a problem with his customer's seeing him and he has a problem with new people seeing his shop. Howe Avenue is so much more productive and lit up. If he could of at the time, he would have liked to have been on Howe Avenue. He added that he really needs to do something or move his business to Stratford or Milford.

Comm. Pogoda asked if that was an apartment above him.

Mr. Champlin responded yes.

Comm. Pogoda asked about the light from the sign reflecting into those windows.

**End of Tape 1B 8:37 p.m.**

Mr. Champlin responded that they took consideration to that so they found out the height variances for where the sign should start. That is another reason why they didn't want to do something too high to interfere with people living there. He spoke to his landlord and it is actually his landlord's daughter who lives up there. He seemed OK with the idea and they haven't had a problem thus far.

Comm. Pogoda stated that it is pretty close to that window. Looking at this depiction, it seems to be about 4 feet.

Mr. Champlin responded that when he put the sign on here – he did this on the computer and he wasn't sure how low he could have it or how high it has to be. So until they know that, they can make adjustments to the height and how high it starts and stops.

Chair Parkins asked if he needed approval from the landlord to put this up.

Comm. Harger agreed that there should be some statement or something from him.

Chair Parkins reiterated that they need some statement from the landlord indicating that it is alright to put this up.

Mr. Champlin responded that he can get a statement from the landlord with no problem.

Chair Parkins asked if he was planning on keep this lit 24/7.

Mr. Champlin responded that he wasn't sure about that, possibly but he doesn't really think so.

Mr. Panico asked what the code requires regarding the clearance between the bottom and top of the sign.

Mr. Schultz responded 8 feet.

Mr. Panico asked if that was what they had here – 8 feet.

Mr. Schultz responded that they need to but he thinks that they have to get a consensus on the overall length of it. He asked the Commissioners how they felt about 60 inches.

Chair Parkins commented that she thinks that this is too big in height (inaudible)

Mr. Schultz asked if 60 inches (inaudible)

Mr. Panico commented that optically, the fact is that the sign bridges the fascia between the upper and the lower and it almost looks like it is tilting out right now.

Mr. Champlin responded that is because he quickly put it together for him. He commented that his landlord absolutely loves the idea – Frank Carraco – he loves the idea of the sign and he feels it will draw more attention to his hair salon that is next door without her having to do anything. He actually has asked him to put it on both sides of the house which he thought would be ridiculous. He would never do such a thing.

Comm. Pogoda asked what the background is behind it.

Mr. Champlin responded that they are going to be putting art in the background – not just white plexi. They are actually going to put a piece of art. The letters are not set in stone either as to the shape and style of the lettering. Again, this was created to give the Commission a visual to let them know that they aren't trying to make a plain white "Liquor Store Open All Night" sign. He has held off now for a couple of years but he really needs to do something.

Mr. Panico asked what his hours were.

Mr. Champlin responded 11 a.m. to 7 p.m.

Comm. Dickal asked him about his saying that he was changing his hours so what would be.

Mr. Champlin responded that they might do 12 p.m. to 8 p.m. – nothing too dramatic.

Comm. Dickal asked if they would be open Monday through Sunday too.

Mr. Champlin responded that they are only open Monday through Saturday.

Comm. Pogoda commented that he knows the question was already asked about how long this sign would be kept on. If the place closes, he asked what the sense would be in having it on.

Mr. Champlin responded that Archer Signs was going to put a timer but he is still thinking about when people come Downtown going to the Howe Avenue area. Even if it is on until 10 p.m. and it shuts off, people would be able to see passing by that there is a Tattoo Shop there. He added that anyone driving by his location right now, nothing can be seen. It is just black.

Chair Parkins asked if he didn't drive by it before he leased the place. It wasn't lit up or anything then.

Mr. Champlin responded yes he did but at the time he figured that he would just use the vinyl. The Commission asked and he agreed to try it and he did try it. He could have asked to do what he wanted at the time. He was being courteous and didn't want to ruffle any feathers. Again, he gave it a shot.

Chair Parkins commented that having it lit when the store is open indicates that you're open rather than having to put another sign in the front window saying "Open." She added that she thinks that having the light on when you're open and shut when you're closed.

Mr. Champlin responded that he understands that part but he wants them to understand where he is coming from. From about 7 p.m. to 10 p.m., he doesn't exist to people. They don't see him like Excalibur that has its small neon sign. Once he shuts that off, and he doesn't need to have it on at 2 a.m. but no one sees the store at that time of the evening.

Chair Parkins commented that she would be honest with him and said that she doesn't think putting a sign up there is going to increase business.

Comm. Dickal added that business usually comes from word of mouth.

Mr. Schultz told the applicant that he thinks the Commission is struggling with the overall (inaudible). If he goes to 60 inches then it is 5 feet.

Commissioners made various comments regarding the sign size but they were inaudible.

Comm. Pogoda asked if that was the only design that they came up with.

Mr. Champlin responded yes, for projecting sign that fits to the budget he wanted to spend; it would be the best way for him to go. He knows that the Commission doesn't want a front light box. He has one of those and put it right in front of the house and he didn't like that either.

Comm. Harger commented that Marks By Design is a projecting sign that she thinks is tastefully done. She thinks that this is a little bit ostentatious and out there.

Mr. Champlin indicated that he didn't know where that was located.

Comm. Harger responded that Marks By Design on the corner of Howe Avenue across from Webster Bank.

Mr. Schultz added that it is a solid sign, non-illuminated.

Mr. Champlin responded that again with that area, it is a very dark area over there and it is hard to see things.

Mr. Schultz stated that the Applicant is suggesting that he drop it down to 60 inches.

Comm. Flannery asked if it could be 1 ½ feet wide.

Mr. Schultz responded that he thinks that he has to have the 24 inches.

Comm. Flannery asked if he had to have the 24" width.

Mr. Champlin responded that there are certain guidelines that signs are made for.

Comm. Flannery asked if it could be 18 inches and get rid of all that design just having the letters.

Comm. Harger asked if it could just extend over the doorway – that is what Marks by Design has and it isn't in your face or anything. She thinks that this is too much in your face.

Chair Parkins commented that they are not looking for something that is going to illuminate the area – that is what they are looking to avoid. He is looking for something to draw attention to his business and they understand that. However, they are looking to not illuminate the area. So they are on two different (inaudible)

Mr. Champlin responded that is why he said he would drop it to 5 feet and try to work it out but he isn't just trying to feed his family. He doesn't want to do anything to upset the Commission or devalue the Shelton area. But again, he didn't think it would be a big problem because there is not much lighting where he is located anyway.

Chair Parkins commented that is why he is good at his job and they are good at their job. They all have their outlook.

Comm. Pogoda stated that the point that he thinks the Chair is bringing up, and he agrees with it, they aren't trying to light up that area. If he wants to request a street light from the City, he has the right to do that, to give more light to the area. All he is trying to do a lighted sign saying Tattoo designating the store. He can't be here to light up that area.

Chair Parkins stated that he is trying to promote business and trying to draw attention to his store.

Mr. Champlin responded that he understands that.

Comm. Pogoda commented that if he is expecting that whole strip, maybe 20 feet on either side to be lit up ...that isn't the point of this.

Mr. Champlin responded that he knows that is not the point of this.

Comm. Pogoda indicated that is what he seems to be saying, that you want that area which is all dark to be lit up. He's sure that putting a minimum watt light inside it to highlight that it is a tattoo parlor - that is the extent of what a sign is supposed to do. They are not trying to make this the Vegas strip. He added that is what the Chair was saying also. They aren't trying to light up the whole area. Hopefully, that is not what you want to do even though it is dark over there.

Mr. Champlin stated that he just wants people to see that he has a tattoo shop there.

Comm. Pogoda commented that basically it is the wintertime when the light would really be needed. It is generally light out in the summertime and he's closed.

Chair Parkins stated that he is going to extend his hours.

Mr. Champlin responded that he may stay open until 8 p.m. but that is not certain. Right now, he is staying at 7 p.m. because if he extends it then people will expect them to work later. They close at 7 p.m. now so they can wrap it up, finish things up and go home.

Comm. Pogoda stated OK, 7 p.m., generally in the summertime or from May to October, it is light. That light will help him in the wintertime, definitely, but the other seven months of the year - that won't do anything.

Chair Parkins added that if they do approve, they won't allow him to have it lit 24/7.

Mr. Champlin responded that he doesn't need to have it lit for 24 hours. He just wants to have it on for a reasonable amount of time. He asked how Caliente was allowed to have a projected sign. He doesn't understand that.

Chair Parkins responded that for one thing, the Caliente sign is artistic. This is really not artistic. It is just a box sign with letters on it. She added that he admitted that he is trying to do this within his budget and they understand that. Caliente's spent a lot of money on that sign and on the Danny O's sign and they aren't asking him to do that. She commented that it is going to go to 5 feet or 60" x 24".

Mr. Schultz asked what time the sign should be shut off.

Comm. Flannery stated 8 o'clock.

Comm. Pogoda stated it should be shut off when he closes.

Comm. Dickal agreed yes, when he closes his door.

Mr. Schultz stated OK, by closing time.

Chair Parkins asked if there was any information about how bright this is and what it is illuminated with. She asked if it was fluorescent light.

Mr. Champlin responded that he believes it is fluorescents. He can ask Archer Signs.

Mr. Schultz stated that it can be controlled too, if it is excessive.

Chair Parkins commented that they aren't trying to light up the area but just bring attention to his business.

Mr. Champlin asked if there was anything wrong with have the sign up until 9 or 10 p.m. especially if he is still working. He added that he heard them say it would be like an "open" sign.

Mr. Schultz stated that they said closing time so if he extends his hours – just shut it off when he closes.

Mr. Champlin commented that what he is saying is that store closing hours is 8 o'clock and he's there with a client until like 11 p.m. He asked if they are still in the building still they have to shut it off at 8 p.m.

Mr. Schultz responded that well, Staff is not going to be out there.

Comm. Harger commented that the whole point is (inaudible)...

Mr. Schultz stated within a reasonable period of time after business closes they will want to shut it off (inaudible)...

Comm. Harger stated that she thinks that the comment was that they are contemplating extending to 8 p.m. because they would want to finish up with a customer inside. She asked if they are going to let another customer in the door if the sign is on.

Chair Parkins stated that she thinks they would tell the customer that they are closed.

Comm. Harger commented that the sign should be off then because it indicates that they are closed.

Mr. Champlin responded that in this type of business, it really doesn't work like Burger King that just closes at a certain time. The artwork could take longer. A client might be moving back to Alaska or something. Right now, he has a bunch of kids going back home from college to various states or countries. So sometimes, they are there longer as much as they don't want to be on occasion.

Chair Parkins stated that she would acquiesce to 9 p.m. but that would be it.

Mr. Champlin commented that he has no intentions of being there until midnight that is for sure.

Comm. Matto stated that he is asking to have this for two different purposes. Naturally, the first is to advertise and the other is to let people know where you are. Perhaps the stronger argument made here is that people need to be able to find you during your business hours. It seems like the others are receptive to that argument more than having it as a general advertisement because there are a lot of other ways that he can advertise the business.

Comm. Pogoda asked if he had a number on his door.

Mr. Schultz responded yes, that is required. He has this down as this sign shall be turned off by closing time or no later than 9 p.m.

Comm. Pogoda commented that he has agreed to 60" x 24"

Comm. Flannery asked if 18" would be possible.

Mr. Schultz responded that he doesn't think so – not for that.

Comm. Pogoda asked if it was illuminated on both sides.

Mr. Schultz responded yes, it is illuminated on both sides. He asked if they had a motion.

Chair Parkins stated that she is not opposed to it but she really doesn't think that it is going to create more business for him. She thinks it may help advertise a little but she doesn't think it will increase his business fifty-fold. She hopes that he has other measures in place as well for advertising.

Comm. Matto made a motion to approve Separate #6262.

Comm. Pogoda indicated that he would second it with the size limitation of 60" x 24" and the time limitations (closing time or no later than 9 p.m.). He commented that they could always check the illumination if it is too bright. He added that they are also going to need a letter from the landlord.

Mr. Schultz stated that Staff will monitor the installation and advise the Commission.

Comm. Pogoda asked if the landlord's daughter lives upstairs.

Mr. Champlin responded yes.

Comm. Pogoda asked if she was OK with the light.

Mr. Champlin responded that they didn't have problems with it.

Chair Parkins commented that it is going to be the landlord of the building regardless of who the renter is. The landlord has to sign off it not the renter.

Comm. Harger asked if in the past something like this hasn't gone before the Downtown Subcommittee.

Mr. Schultz responded yes.

Comm. Harger asked why it wasn't done this time.

Mr. Schultz responded because it just came in before their meeting.

Comm. Harger indicated that they are having another one this Friday.

Chair Parkins commented that she didn't think it would go much further with the DSC because it would just come back here anyway.

**On a motion made by Elaine Matto seconded by Anthony Pogoda, it was voted (4-2) to approve Separate #6262 with the modified sign size limitations, time limitations and landlord approval documentation. Comm. Dickal and Comm. Harger voted in opposition.**

Mr. Champlin asked if he had to pick up any paperwork.

Mr. Schultz responded that he should come in tomorrow and he'll go over it with him.

Chair Parkins commented that he needs to bring a letter from the landlord.

Mr. Champlin asked for clarification that he has to shut it off by 9 p.m.

Chair Parkins responded yes, correct.

Mr. Champlin asked about signs inside his windows.

Mr. Schultz responded that he will go over that with him tomorrow because they have all new sign regulations.

**#6270 ROBERT DELIBRON, 480 HOWE AVENUE, BUSINESS**

Mr. Schultz indicated that this is the old hot dog business.

Robert DeLibron addressed the Commission. Mr. DeLibron indicated that it was the former Shelton Dog House restaurant. He stated that he'd be talking about food.

Chair Parkins commented yes, as long as he doesn't talk about signs...

Mr. Schultz stated that it is 1,248 square feet with 2 to 3 employees, hours of operation Monday through Friday, 10 a.m. to 10 p.m. and Saturday 10 a.m. to midnight. This is a Mexican take-out restaurant with delivery and limited dining.

Comm. Flannery asked what happened to the hot dogs.

The applicants (two gentlemen - names not provided) responded that they are better at making tacos.

Chair Parkins asked if this was like a Taco Loco type of thing.

The applicant responded that they are better than Taco Loco and actually he used to work there.

Mr. DeLibron stated that they have a current location in Naugatuck on the corner of Rubber Avenue and Church Street called the Tequila Grill. This will be their second location. They own their premise in Naugatuck and they've been in operation there for three years and have been very successful.

Mr. Schultz asked if the Commission could work with them on the signage because there is an awning there presently. He asked if it was still there or had it been removed.

The applicant responded that there is an awning with lighting inside of it.

Chair Parkins asked if they were going to have a car parked with crazy advertisements in the front of the store for their deliveries.

The applicant responded that usually but they haven't decided yet. They actually haven't gone with (inaudible)... If they want him to park in the back it is not a problem but he would love to have it parked for a couple of hours at least in the front so people can see that they are there.

Chair Parkins commented that would take away prime parking so that's ... and the workers should definitely be parking in the back and not street parking. It is going to hurt their own business if people can't park there for convenience. They aren't going to park in the back and come to them for take-out.

Mr. Schultz stated that the applicant is willing to work with the Commission on the sign replacement.

Comm. Harger stated that they have to submit a sign application.

The applicant asked about the sign that is already in there. He asked if they could just change the letters and (inaudible). He asked if they would be OK with that.

Comm. Harger responded that they have to bring them a picture of the sign and include sizes, dimensions.

Mr. Schultz added that they want the awnings to be high quality and solid in color.

Mr. DeLibro commented that he also wanted to mention that the 1248 square footage is from public record but the first floor space is 625 square feet. He doesn't want them to have the wrong image. It is not a 1248 square foot on the first floor. Also, it includes the basement storage area and walk-in cooler.

Mr. Schultz commented OK, the restaurant area is 625 square feet.

Chair Parkins asked what the hours of operation would be.

Mr. Schultz responded 10 a.m. to 10 p.m. Monday through Friday and on Saturdays 10 a.m. to midnight.

**On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to approve Separate #6270.**

Chair Parkins wished them luck with their business. She asked for a motion to add-on some new items to the agenda under New Business and Other Business.

#### **AGENDA ADD-ONS**

**APPLICATION #12-09 CAM SITE PLAN FOR PRIVATE BOAT STORAGE FACILITY AND NEW PLATFORM AND BOAT DOCK, 500 RIVER ROAD, IA-3DISTRICT, JOHN PAM LLC (NEW BUSINESS)**

**On a motion made by Virginia Harger seconded by Joan Flannery, it was unanimously voted to add an agenda item under New Business for Application #12-09.**

**MT. LAUREL RIDGE SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND (OTHER MATTERS)**

**On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to add agenda item under Other Business for Mt. Laurel Subdivision Request for Release of Performance Bond.**

#### **NEW BUSINESS**

**APPLICATION #12-07 MCP6 ARMSTRONG LLC FOR MODIFCATION OF SITE PLAN APPROVAL (PARKING EXPANSION), 6 ARMSTRONG RAOD (MAP 18, LOT 22), IA-2 DISTRICT (ACCEPT FOR REVIEW)**

**Attorney Dominic Thomas, 315 Main Street, Derby, CT representing the Applicant, addressed the Commission.**

Atty. Thomas briefly explained that this was the building on Armstrong Road, looking from Bridgeport Avenue that is behind the hotel. It is on the other side of the pond, looking from Armstrong Park. It was the Black & Decker Headquarters at one point and a research facility. It has gone through much iteration over the years and it has just been purchased by MCP6 Armstrong, LLC for part of a very well respected real estate group that is now going to renovate the property. They have certain tenants interested in it. In order to do this, they need to expand the parking.

Atty. Thomas indicated that they are so anxious to get started that what they have done here is met with Staff and they are proposing a 39 parking space expansion in the front so that they can get started as soon as possible. But with the understanding, as it says in the Statement of Use, that even if they do 10 more after that, it will have to be a Special Exception. He indicated that in other words, they aren't trying to piece meal it. There will be some technical information submitted to Staff within the next week or so from Tighe & Bond who is handling this. Their goal is, hopefully, to be able to get an approval by the 23<sup>rd</sup> so that they can put shovels in the ground by the beginning of June.

Comm. Harger asked if this building was presently occupied.

Atty. Thomas responded yes, it is approximately 60% - 70%.

Comm. Flannery asked if there was going to be any blasting.

Atty. Thomas responded no. If they look at the pictures that he has distributed to everyone, in Picture #1 and Picture #2 they had these double lanes across that may have had a purpose before but they don't serve any purpose at this point though. It looks almost like drop-off lines. They stretch out a good distance. They are going to be replaced with narrower pavers, a concrete walkway and parking is going to go in that area. There are some grade issues but they are not grading issues in rock or ledge areas.

Atty. Thomas commented that some of this is landscaped area and some trees will be preserved. Some landscaping will be removed and other landscaping will be installed. In regard to the technical stuff, the engineers are finishing up a detailed survey so that they can locate drainage and other issues and address the questions asked by Staff.

Atty. Thomas stated that their goal, if they can satisfy it, is to come back to the Commission with a fuller presentation on May 23<sup>rd</sup> with the hope of getting an approval then so that they can start.

Comm. Flannery asked if they were basically just getting rid of the large space here.

Atty. Thomas responded yes, that is going to be parking in there and it will be redesigned. This building has three formal entrances - three lobbies. If they look at Picture #1 and Picture #2, they can see one of the main entrances. On Picture #5, it shows the South Entrance and there is one on the other side. They want the circle to be upgraded and they want to put some parking there in the future. They will have to come back for a Special Exception and that involves going to Wetlands because they are within 50 feet of the pond.

Comm. Harger indicated that she has walked around that property to get some exercise with her dog and it is well maintained.

Atty. Thomas commented yes, it is a nice area. It needs to be improved for parking. It's a branch of Marcus Partners who are going to bring in some quality clients and they are going to need this extra parking.

Mr. Schultz stated that a motion was in order to accept this and Staff will work on this review for the 23<sup>rd</sup> meeting.

Atty. Thomas stated that if any of the Commission members want an electronic copy of this hand-out, he will send that over to Rick tomorrow via email. He thanked the Commission.

**On a motion made by Elaine Matto seconded by Joan Flannery, it was unanimously voted to accept Application #12-07 for review.**

**APPLICATION #12-08 JOE ROCCO FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #57 (OUTDOOR PATIO), 350 BRIDGEPORT AVENUE (MAP 77, LOT 33) – ACCEPT AND SCHEDULE PUBLIC HEARING**

Mr. Schultz stated that this is for the Draft House and they are looking for a public hearing as early as possible. May 23<sup>rd</sup> would fit their needs – that is the 4<sup>th</sup> Wednesday. It will be the only public hearing.

Mr. Panico indicated that it has been scaled down so there is no elimination of parking and it is cut by about 25% or 30% for the area that they want to use. They talked to them about solid masonry wall fencing. The wall as opposed to fencing to retain debris, for security, for the height of it. It will also be a protective barrier to protect sound from going across Bridgeport Avenue towards the condominiums.

Chair Parkins commented that it would probably be a benefit before the public hearing for all the Commissioners to go take a look at it.

Mr. Schultz indicated that it is located across from Curtiss-Ryan.

Mr. Panico commented that they know what the Commission is looking for.

Mr. Schultz added that there's no music whether by speaker or live.

Mr. Panico added no outdoor entertainment – no music, television, nothing. It is just a place to go out and have a smoke.

Comm. Pogoda indicated that is what they want because right now they are smoking in the front of the building. They want to alleviate that because that is where their customers come in. Customers don't want to walk through a smoke-filled, stinky area. He added that they are going to have some tables out there.

Chair Parkins commented that they can discuss it at the public hearing but the Fire Marshal is also going to give his input on having that does not really increase the capacity.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #12-08 and schedule a public hearing for May 23, 2012.**

**APPLICATION #12-09 CAM SITE PLAN FOR PRIVATE BOAT STORAGE FACILITY AND NEW PLATFORM AND BOAT DOCK, 500 RIVER ROAD, IA-3DISTRICT, JOHN PAM LLC (NEW BUSINESS)**

Mr. Schultz asked the Applicant if he wanted to give the Commission a quick overview.

**Sal Matto, representing John Pam, LLC addressed the Commission.** Mr. Matto immediately indicated that there would be no blasting. The marina, however, is not the big motor boat type of thing. This is for Sacred Heart to put their rowing shells in. They are going to be storing their rowing shells in the building and using the dock for getting into the water. They have plenty of parking for them and with supervised parking they can get 60 or 70 cars in easily. It is certainly not a problem. As far as actual parking spots with the proper regulations, not supervised, there are at least 30 spaces.

Comm. Harger asked where exactly this was located on River Road.

Mr. Matto responded that it is 500 River Road.

Mr. Schultz added that it is in between Latex Foam and the new Automobile Store. His long driveway – with the industrial buildings. He had 12 tenants in there and they left.

Mr. Matto added that the driveway goes right down to the River.

Mr. Schultz indicated that this is water-related so DEP is going to say it is great. There is great parking there too.

Mr. Panico commented that Leon will be really happy.  
Chair Parkins commented that she thinks it is a great idea.

Mr. Schultz stated that he is reusing his vacant building, building a platform and building a dock and Sal knows about all the permits required with the State and the Army Corp. It is quite involved.

Chair Parkins asked if it would be the University that is actually renting or leasing the space from him.

Mr. Matto responded yes.

Chair Parkins asked if they will hold the insurance for any activities that they have there.

Mr. Matto responded yes, they will. He showed the Commission a booklet that is actually the application for DEP for this dock.

Chair Parkins asked how many years he thinks it will take to get this approval.

Mr. Matto responded that he will have it soon. They don't officially accept the application until they've made the changes to what they are actually going to approve, and they have accepted it and he has paid for it. They are going to get a permit pretty soon.

Mr. Panico asked if there would be any public accessibility at all.

Mr. Matto responded no.

Mr. Panico asked if someone could walk down that road and use his dock.

Mr. Matto responded no.

Comm. Flannery asked if he was going to have a gate or something.

Mr. Matto responded that he didn't think of it but it isn't a bad idea.

Mr. Schultz stated that Sal resides on the south side of that.

Mr. Matto commented yes, there is a neighbor next door that's very grouchy and he won't allow that stuff.

Chair Parkins asked if that would be him.

Mr. Matto responded yes, he lives right on the adjoining property.

**On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Application #12-09.**

### **PUBLIC PORTION**

Chair Parkins asked if there was anyone wishing to address the Commission on any items not on the agenda. With there being no one in the audience, she asked for a motion to close the public portion.

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

### **OTHER MATTERS**

**APPROVAL OF THE MINUTES: 3/13/12; 3/28/12; 4/10/12; 4/25/12**

Chair Parkins commented that the last approval of minutes that they did was for Feb. 14<sup>th</sup>.

Mr. Panico stated that the March 23<sup>rd</sup> meeting header info should be corrected to be March 28<sup>th</sup>.

The March 23<sup>rd</sup> meeting will be revised to March 28<sup>th</sup>.

**On a motion made by Nancy Dickal seconded by Elaine Matto, it was unanimously voted to approve the meeting minutes from 3/13/12; 4/10/12; 4/25/12 and March 28<sup>th</sup> (pending date correction).**

**8-24 REFERRAL: ABANDONMENT OF A PORTION OF ACCESS ROAD**

Chair Parkins asked if they would be closing off Access Road.

**Atty. Dominick Thomas, 315 Main Street, Derby, CT addressed the Commission.**

Atty. Thomas stated that what transpired is that they are waiting for the City to act. He doesn't want to bore everybody with what is going on back and forth. They had some issues with the City Engineer.

Atty. Thomas indicated that actually there was some discussion because the Commission approved it as part of the PDD, they didn't need to have an 8-24 Referral but they decided to send it to them for the 8-24. Once this is done, at the BOA on Thursday night, they will, despite his opinion that they don't need to have a public hearing to discontinue a road, they are going to schedule a public hearing for either the 22<sup>nd</sup> or 23<sup>rd</sup> and then vote on it that night. He added that he will have the deeds ready for it to be sent up.

Atty. Thomas asked them to remember that this is different now, this is going back to the State, it is a reverter(?). At that point and based on their discussions with the State, the owner, 714 LLC, will drop a Jersey barrier at the intersection with Nells Rock Road. Despite what the Engineer is saying, there are no traffic loops there. For some reason, he thought that there were traffic loops – the electronic triggers. Those triggers are in Nells Rock but they aren't blocking the lane. They are going to do that. They wanted them to see if they could create a temporary cut. The cut that is there is illegal. They have no record in the State or anywhere how it ever got there.

Chair Parkins asked what cut he was referring to.

Atty. Thomas responded that it's the opening that you drive in that you cut through - that is an illegal cut; it is a non-access line. The developer is paying the State a large amount of money that includes the breaks in the access line. They wanted to them to go opposite the road that existed, where the light is going to be and cut it in but District 3 kabashed it and said that they can't do it without grading back on Access Road. They said OK fine and to go where the cut is for now so that they can maintain access, drop the second Jersey barrier there at the cut. The one person that it is going to be most serious if they do it during the middle of the day, Cheese Steak Guy will be stranded.

Comm. Pogoda commented that he hasn't been there lately.

Chair Parkins added that he hasn't been there but there is some guy selling hot dogs now.

Atty. Thomas stated that the whole point is to maintain so that the individuals – he is in the process of a 9-page Cross Easement Agreement with the property owners in the back and everything that will take care of the entrances and access.

Mr. Schultz told Atty. Thomas not to leave because he would be addressing comments from the City Engineer. He just got his letter so he wasn't able to provide him with a copy.

Chair Parkins asked if he would be amenable to painting stripes so that people can turn right and other people can get out of the way. Coming down that road, people go right into the middle. They don't let anybody turn so people back up on Nells Rock Road.

Mr. Schultz commented that they do align themselves in the middle.

Atty. Thomas responded that once it is done (inaudible)...

Comm. Pogoda asked about the barriers there (inaudible)...

Atty. Thomas said he could make arrangements to have a sign that says "Move Your Butt Over to the Left."

Chair Parkins commented that they need striped white lines that indicate "this way," "that way," (inaudible)...

Mr. Schultz stated that they really do need to stripe it. They need stop bars and they need everything (inaudible)

Atty. Thomas responded that first of all, he can't do anything on that without the permission of (inaudible)...

Chair Parkins commented that she would bring it up at the public hearing.

Mr. Schultz stated that he would read the request from Assistant Corporation Counsel, Ray Sous regarding the property in question. The property is currently owned by the State of Connecticut but with the Right-of-Way highway use by the City. The State is requiring the City to quick-claim its interest in the property back to the State and for that reason, an 8-24 Referral is required. The Board of Aldermen is scheduling a hearing on the abandonment of this portion of the property. He showed a map depicting a striped area as the portion of it that is requested to be abandoned.

Mr. Schultz read a letter from the City Engineer indicating that he did not recommend the discontinuance of Access Road at this time. The letter included the negative impacts that he would like Atty. Thomas to address.

**\*See attached letter to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer dated May 8, 2012.**

Atty. Thomas indicated that he could respond to the points in the City Engineer's letter. He stated that they have had five meetings and he would recognize the City Engineer and he wasn't at any of the meetings.

Atty. Thomas indicated that first of all, they have received what they call the Report of Traffic Investigation which is the step before getting STC approval to put the light in. One of the conditions is that they own the property. You can't own the property until the City, with all due respect to Ray Sous, the City does actually own it. It has a deed from 1948. As they all remember, this was going to be Route 8 and that's why that was done that way, but the deed said "for highway purposes" – so if they all remember from the public hearing, the issue was that the minute the City – in 2006 – the City itself proposed to discontinue and close it off. The State said that if they do that, they have to get the property back – Number One. Number Two, Atty. Thomas stated that you can't do what you want which is – they can't close it off and leave it non-access, not acceptable access.

Atty. Thomas indicated that he wanted to address the other thing that he said about land locking them. The agreement with the State - and he certainly would have brought all the maps from the State to show them – the State has three maps. There is first of all a discontinuance map which is a detailed A-2 Survey. The State has created three maps. One map has the parcel that abuts 714; one map has the 25.12 feet x 50 feet parcel that abuts 411, 415; and one map, because of the way that Mr. Sciongay did it years ago, a 25.12 foot x 50 foot parcel that abuts 409. The State has those three maps. What happens is that this is being discontinued. The State is then going to sell it and they have already gone through the process of their appraisal, traffic, engineering and everything. The State is then going to sell those three parcels to the abutters because the State cannot land lock them. The City has nothing to do with land locking. It is the State. It becomes Right-of-Way so everybody that is on it has access to Bridgeport Avenue and no one is land locked.

Atty. Thomas indicated that the only discussion was instead of creating the entrance here right now, to keep the access that the State agreed that they would put a barrier here, here and here (he penciled in the locations on the site map). The issue of Nells Rock is the obligation of the developer when that time comes. They have to widen it.

Atty. Thomas stated that what the City Engineer is saying is impossible to do because they can't file your final site development plans at this point until they own it. They can't get the STC approval, no one is going to do anything at this property without an STC permit. They can't get it until they own it because that is a condition of it. Atty. Thomas indicated that is what he's tried to explain.

Atty. Thomas stated that as far as what is going to happen to Nells Rock Road with the widening and everything, that is the developer's responsibility that the Commission has put it as a condition. Not only the Commission has put it as a condition, the State did. For example, when they approved it, they approved it with what they refer to affectionately with all respect to the late Monty Blakeman, as Monty's Island. Because Monty was so desperate not to move a telephone pole that supposedly had enough wires on it to take communication from China and around the world on this one pole. Monty didn't want to move it so he created an island and a right hand turn. The State took one look at it and in about 10 seconds and they said "no" - that is gone, the pole is going to be moved and the thing is going to be widened. They told him that was going to happen. They are in control and they are going to be in control of that.

Atty. Thomas stated that what he is saying in that letter would create a chicken and egg situation in which they wouldn't be able to do anything. So, this is not in the usual - in the usual abandonment situation when a town discontinues a road and they don't know who the underlying fee is - than half goes to either side. If you land lock someone under 13-55A of the Connecticut Statutes, that person has a Right-of-Way to the nearest public highway. That still applies even to the State thing - it doesn't make any difference so no one can ever be landlocked by the discontinuance of a road. This is basic; this is Road 101.

Comm. Matto asked if they were basically putting the barricade up where the first map is for the State - is that what it is really doing.

Mr. Panico stated that for all intents and purposes they will continue that (inaudible)...

Atty. Thomas indicated that the State has said that (inaudible)...

Mr. Panico commented that it is (inaudible)...

Chair Parkins pointed out the location of an emergency entrance.

Atty. Thomas responded that no, there are no entrances right now. No one is going to be driving through here and going out this way (inaudible)...

Chair Parkins commented no, she meant emergency access if they buildings caught on fire and they needed to get in there...

Atty. Thomas indicated that is why they wanted to maintain this - for both fire and emergency. When they had the discussion, they were concerned about the City snowplows. They spent a lot of time at the State level talking about the end of Access Road. The Commission had them ask about the right in, right out and they said no. Then they proposed a hammerhead turn-around. They have plenty of pavement to turn around but the pavement to the left is Blanchette's - it merges. The State talked about the hammerhead and they sent it to their traffic people. The traffic people said that given the volume of what is going to go down there, they don't need it. The grass is level to the right and if they had them create a hammerhead, they would have breached the non-access line again. So they said no, they don't want that to be done. The State's hope is - they are waiting for these properties to be developed so that someone can come in - and this is the most expensive part because the south end of Access Road is where the grade

changes. That is what caused the problem here because they would have had to grade Access Road back this way and that way.

Atty. Thomas indicated that the motion which has been approved by the State and tentatively approved by Atty. Sous, reserves to the City all existing and future utility easements and drainage easements because a sewer line runs through there. It reserves that. He added that he realized the other day that he has to insure that the City gives them sloping rights on Access Road. The State will then, when they sell it to them – they did an appraisal and there were some arguments over the numbers but they compromised - the State will then reserve all easements that it needs. No one gets messed up about it.

Atty. Thomas indicated that the redoing of the traffic light is part of their STC approval so that aren't going to let them do anything without it. They are trying to move the process along. Atty. Thomas indicated the amount, \$300,000 has already been set aside and is being held in escrow in an account for the purchase of State property. It is for three pieces. It is the whole piece but the State has divided it up into three pieces because they will only sell to abutters. They will not sell to anyone other than an abutter.

Chair Parkins indicated that she will do a happy dance when this is no longer on the agenda. She asked for a motion if there are no other questions on this.

Comm. Flannery commented that the Engineer said no.

Mr. Schultz responded that is why Dominick answered the extra (inaudible).

Chair Parkins added yes, even though the Engineer provided his comments.

Chair Parkins asked for a motion and a vote.

Comm. Flannery voted nay because of the Engineer. She knows that he explained it, it took 15 minutes, but she still wants to say no.

**On a motion made by Virginia Harger seconded by Nancy Dickal, it was voted (5-1) to report favorably for the 8-24 Referral for the abandonment of a portion of Access Road. Comm. Flannery voted in opposition.**

#### **ZONING ENFORCEMENT PROGRAM:**

#### **39 SHELTON ROAD: ILLEGAL BUSINESS SIGN AND CONTAINERS**

Mr. Schultz stated that this is the private residence at the intersection of Bridgeport Avenue and Huntington Street. There is a long stretch that goes to Trumbull. The property owner decided to put up a commercial sign. He is in the automotive repair business.

Chair Parkins indicated that he has a huge vinyl sign.

Comm. Dickal commented yes, it is right on the fence and it is really wide.

Mr. Schultz stated that he also has commercial containers. They had a City Sheriff hand the papers to him.

Chair Parkins added that he sent a very nasty response back.

Comm. Dickal indicated that right now there is a big cloth covering the sign.

Chair Parkins responded yes, that is sort of a (inaudible)...

Mr. Schultz indicated that he thinks that they will get his attention with this. They need to have it go to this level as with the other properties on the agenda. Staff recommends legal action.

Comm. Dickal stated that the other day he had a big tow truck with a vehicle on top of it right in front of the sign. It is really not conducive when you see the “Welcome to Shelton” sign right there.

Chair Parkins commented yes, it’s a residential area. It is the entrance to both Shelton and Trumbull.

Mr. Schultz stated that is why he has it on the agenda tonight.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to authorize Staff to initiate legal action for Zoning Enforcement at 39 Shelton Road.**

**204 BRIDGEPORT AVENUE: ILLEGAL BUSINESS SIGNS**

Mr. Schultz stated that the next three are for illegal signs. This one is for the computer store on Bridgeport Avenue.

**On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to authorize Staff to initiate legal action for Zoning Enforcement at 204 Bridgeport Avenue.**

**402 HOWE AVENUE: ILLEGAL BUSINESS SIGNS**

Mr. Schultz indicated that this is Cleto’s Package Store. Cleto’s continues to maintain his three illegal signs. Two of them are under the picture windows and there is a Budweiser on the side where the parking lot is. They actually attended the Zoning Subcommittee and yes’s everyone and said it was good. They spent a lot of time with them and Staff can’t keep going down there.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to authorize Staff to initiate legal action for Zoning Enforcement at 402 Howe Avenue.**

**420 HOWE AVENUE: ILLEGAL BUSINESS SIGNS**

Mr. Schultz stated that this is Lucky Nails. The Grand Opening banner has been up for a year. Staff even offered to assist them, which they don’t like to do, but it is highly visible and they have rules about this.

**On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to authorize Staff to initiate legal action for Zoning Enforcement at 420 Howe Avenue.**

**PAYMENT OF BILLS**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve the payment of the bills, if funds are available.**

**OTHER BUSINESS ADD-ON**

**MT. LAUREL RIDGE SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND**

Mr. Schultz stated that the bond that is being held is being held by People’s Bank. They have since sold it to a private individual who is going to be posting a new performance bond. This is a three lot subdivision off of Independence. It is the last piece of property and it is a common driveway and they bond for that. They just learned that the bank sold it. It was a foreclosure and they are holding a letter of credit #SB1497 in the amount of \$25,000. Staff is recommending the release. They received a letter from People’s Bank explaining that this was a foreclosure and they have since sold it and the new owners have to post another bond in the amount of \$25,000.

Mr. Panico asked if they could release it after they get the new bond.

Mr. Schultz stated that he was going to put that into the wording and it can be included in the motion too.

Chair Parkins commented that she thought that they can't ask for bonds anymore.

Mr. Schultz responded no, this is for a private three-lot subdivision without any public improvements. It is for a common driveway. This is a shared, common driveway coming in from Willoughby, it is on the right hand side. This is the last piece of property to be developed for Huntington Estates.

**On a motion made by Joan Flannery seconded by Nancy Dickal, it was unanimously voted to approve the request for the release of the performance bond for Mt. Laurel Ridge Subdivision subject to the appropriation of the new bond by the new property owners.**

### **STAFF REPORT**

Mr. Schultz reviewed the P&Z Staff Report including miscellaneous zoning and planning matters and meeting schedules.

**\*See attached P&Z Staff Report dated May 8, 2012.**

### **ADJOURNMENT**

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to adjourn at 9:35 p.m.**

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary