

**SHELTON PLANNING & ZONING COMMISSION**      **OCTOBER 9, 2012**

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, October 9, 2012 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take items out of sequence.

Commissioners Present:      Chairperson Ruth Parkins (arrived 7:03 p.m.)  
   Commissioner/Vice Chairman Anthony Pogoda  
   Commissioner Virginia Harger  
   Commissioner Thomas McGorty  
   Commissioner Joan Flannery (arrived 7:02 p.m.)  
   Commissioner Elaine Matto  
   Commissioner Nancy Dickal (alternate/departed 8:40 p.m.)

Staff Present:                      Richard Schultz, Administrator  
   Karin Tuke, Recording Secretary

Tapes (1), correspondence and attachments on file in the City/Town Clerk's Office and the Shelton Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org)

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

Vice Chairman Anthony Pogoda called the Regular Planning & Zoning meeting to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of the members present. He indicated that Chair Parkins would arrive shortly.

Vice Chairman Pogoda stated that Comm. Dickal would act as alternate for Comm. Flannery. He began the meeting with Old Business, Applications for Certificate of Zoning Compliance.

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

**SEPARATE #242 – YANKEE GAS, CORNELL STREET, SPOIL BINS**

Mr. Schultz indicated that the agenda notes that there will be 14 Separates tonight; there is a request for one Add-On Separate that will be taken up later. As the Chairman indicated this is for the Yankee Gas facility at the corner of Cornell and Howe Avenue for the existing spoil bins. Mr. Schultz indicated that the Commission will hear from Yankee Gas representatives tonight and they will make a presentation to erect a roof over the bins so that they aren't subject to the elements. They will also discuss the enhancements that they've agreed to take up with City.

**Comm. Flannery arrived at 7:02 p.m.**

Chairman Pogoda stated that Comm. Dickal would now be alternate for Comm. Parkins until her arrival.

**Carmen Rosa, Regional Building Supervisor, Western Region, CL&P, 250 Freight Street, Waterbury, CT addressed the Commission.**

Mr. Rosa stated that he represented Facilities and introduced Mr. Richard Aponte from the Operations side of the company. Mr. Rosa indicated that he was not a part of the walk-through but he has some recommendations for the site which they agreed to. He provided two drawings depicting those recommendations.

Mr. Rosa referenced the drawings and stated the Commissioners wanted privacy slats on the existing fence facing the River, black powder coat for this gate and a fence. He added that the fence is pretty delapidated so they will probably replace the fence with a black vinyl and that gate would probably be powder coated with black.

Comm. Pogoda asked if that was the rolling gate.

Mr. Rosa responded yes. He commented that the Commissioners asked for some evergreens up on the top to cover the backside. He stated that they have also provided the Board with some templates of colors for the housing so that they can choose something of their liking that they could supply them with. He believes that he gave Richard Schultz those swatches.

Mr. Schultz passed the swatches to the Commissioners.

**Chairperson Parkins arrived at 7:03 p.m.**

Comm. Harger asked what type of material the swatches were.

Mr. Rosa responded that they were a type of canvas – in different colors.

Mr. Schultz stated that he wanted to provide some background on this. He indicated that after the field walk it was noted that there was an existing five bins that had been established without the benefit of any action by this Commission. He indicated that the hours of operation for this facility are 7 a.m. to 3:30 p.m. and there are up to 20 employees coming and going on any given day. He added that on any given day there are two (2) box trucks, three (3) backhoes and two (2) dump trucks.

Mr. Schultz stated that it is the objective of Yankee Gas to protect these spoils from the elements. As the Subcommittee and the members that attended the field walk were made aware, Yankee Gas does a lot of work within the City and the surrounding communities and they would like to bring the spoils here, do the sorting and have them protected with the roof.

Mr. Schultz commented that, as they are aware, there is retaining wall there and the roof element would go above it; there was obviously a need for some type of screening. The Commission also felt that Yankee Gas should take the opportunity to enhance their overall location including landscaping and they are here to go over those particulars.

Mr. Schultz summarized that the five bins were there, unbeknownst to the Commission. He added that it was good that they hadn't had any complaints but now they have a formal proposal to construct a roof-over so now it requires details.

Chair Parkins commented that if she recalls their discussion, also they were concerned. She stated that it is one thing to use it for work that is going on within Shelton's boundaries, but they don't want it to become a dumping ground for all the surrounding areas as well.

Mr. Schultz responded yes, and it is important to indicate that ...

Chair Parkins continued that they are in the process of revitalizing Downtown and the last thing that they need is construction trucks coming in and out of there constantly.

**Mr. Richard Aponte, Supervisor Western Area, Yankee Gas Services Company, 11 Harbor Avenue, Norwalk CT.** Mr. Aponte responded that the only vehicles that would be accessed in and out of there would be the Yankee Gas vehicles working in the local area.

Comm. McGorty asked if they would have their dump trucks bringing stuff in and out of there though.

Mr. Aponte responded only the spoils that they remove - he added that when they respond to an emergency, they are removing the spoils out the center of the road. He indicated that they try to put as much of that back as possible. However, the asphalt, the rock, can't be put back in there because it will damage the facilities all over again. Mr.

Aponte stated that they put clean process back in there. The solid waste or any other waste that they can't get rid of gets taken back to the yard.

Mr. Aponte stated that once they have stored it there, they can bring in a bigger truck to load it and remove it. They aren't running a sifting or distribution out of it; it is basically just to maintain their spoils from the local area.

Comm. Harger commented that it's temporary storage.

Mr. Aponte responded yes, its temporary storage.

Comm. McGorty added that it sounds like they clean it and bring it back and backfill with what was dug out.

Mr. Aponte stated that they take the spoils and bring them up to True Blue in Wallingford. At that location, they test for hazardous contaminants in the soil. At that point, if it is determined to be good, True Blue in Wallingford keeps it. They will sift it, clean it and use it somewhere else.

Mr. Aponte added that if the contaminants are determined to be hazardous, they send it to a hazardous site in Massachusetts and they take ownership of it. At that point in time, they catalogue its place of origin as having some hazardous waste right there so that will be aware of it in the future. He stated that in that way, they will automatically know not to bring it back into a local area and they will truck it away directly.

Chair Parkins responded - but now they've already moved it to this area.

Comm. Harger asked why they can't just go straight to Danbury.

Mr. Aponte responded that's why it is important to have the bins to mitigate the rain run-off from it.

Comm. Harger asked why they can't load it on to a truck at the site that they are excavating and go straight to Danbury.

Mr. Aponte responded that it wouldn't go to Danbury; it would go to True Blue in Wallingford.

Comm. Harger asked why it couldn't go straight there then.

Chair Parkins asked why they can't test it on site and ...

Mr. Aponte responded that in emergency situations, they cannot do that. When they have an emergency that they are responding to, they have to address it right then and there.

Chair Parkins asked if they didn't need some sort of DEEP permit.

Mr. Aponte responded that they are licensed by the DEEP and regulated.

Chair Parkins asked if the permit was for moving hazardous waste and storing it in Shelton.

Mr. Aponte responded yes.

Mr. Schultz asked Mr. Aponte to identify the local towns.

Mr. Aponte responded that right now they have Norwalk which is one of the areas that they have. Norwalk takes care of Stamford, Darien, Norwalk, Wilton and New Canaan. They also have another site in Newtown that does the same thing for the Newtown and Danbury area. They have a site in Waterbury that takes care of that area, Meriden, New London and Windsor.

Mr. Schultz asked about Shelton.

Mr. Aponte responded that Shelton takes care of Ansonia, Derby and Shelton.

Chair Parkins asked if it included Bridgeport.

Mr. Aponte responded that they don't have Bridgeport. Bridgeport is Southern Connecticut Gas.

Comm. Pogoda asked about Trumbull and Monroe.

Mr. Aponte responded no, that is also Southern Connecticut Gas.

Comm. Pogoda asked if they were bringing hazardous material into these bins over here – and he said that they are licensed by the DEEP – he asked about covering and containing it, if there is water on it, and if that would be done.

Mr. Aponte responded that any types of fluids that are removed out of their facilities are tested before they are taken out. If there is water in a gas main they end up removing that water but in a 55 gallon drum, it is taken by United Disposals trucks it away. United Disposals analyzes it and tells them what is in there. At no point in time are any hazardous contaminants re-issued in that way.

Mr. Aponte indicated that what is in the ground – farm land, pesticides and things like that – those are the contaminants that they don't want to see go back into a school yard or a park. That is the waste that they get rid of to make sure it doesn't get co-mingled into their everyday society in that way.

Comm. McGorty asked how they contain it here - if there is a lot of rain or anything and it runs off into In-Line's parking lot or other places – because there is a park right across the street. He asked how they control that and contain it so that it stays inside that fence or those bins.

Mr. Aponte responded that what they end up doing on a lot of the drainage systems is put silt fabric and that is how they contain it from going into their water system.

Comm. Pogoda referenced the site drawing and commented that they were talking about inside of here – once they bring it to this site.

Mr. Schultz clarified – to the bins.

Comm. Pogoda asked how it was contained as far as any run-off that rain or any water that gets on top of it. He asked how they insure that the run-off doesn't run down the parking lot to In-Line Plastics and into the street. He asked how that is contained.

Comm. McGorty added that there is a park right across the street – across Canal Street.

Chair Parkins commented to Mr. Aponte that it doesn't – and added that he was shaking his head – it doesn't sound like...

Comm. McGorty commented – right, it just stays there like that... so it just leaks into the ground water system and flows wherever...

Chair Parkins added – into the Housatonic River.

Mr. Aponte responded that this is stuff that is already in the ground.

Chair Parkins stated yes, from somewhere else.

Comm. McGorty commented that he understands – they are worried about it going somewhere and he's worried about it going to that park and into In-Line right there. He

added that they are getting rid of it for a reason because it is not good to have. Comm. McGorty commented that it is not good to have in that parking lot either or in the park across the street.

Comm. Matto asked how long the material would sit here because they are taking it there just temporarily – if she understands correctly – and then it would immediately go for testing in Wallingford. She asked if it would be there for days or weeks.

Mr. Aponte responded that it would depend upon how quickly they go through it. They are licensed to keep up to 100 yards there.

Chair Parkins asked for how long.

Mr. Aponte stated that they don't keep it there until it's a 100 yards. If they see that it is 30, 50 yards then they get rid of it.

Mr. Carmen Rosa referenced the site plan and indicated where the spoil bins were located and commented that – and he asked Mr. Aponte to correct him if he was wrong – of the two bins, they fill up one side, it is tested and chained off - then they start to fill up the other side but when the first one is chained off, they can't add anything to it. After they get the results, it is hauled off. He thinks that is why they need to have the two bins.

Mr. Rosa showed a second site drawing and referenced the concerns about the run-off. He showed the location of the catch basin and indicated that they could put in an oil collector in to catch anything that may run off from that parking lot. He asked if that would help their cause.

Chair Parkins asked if they did that or if they would do it.

Mr. Rosa responded - if they do it, because he doesn't believe that they have one now. He believes that it is at the back fence line – a catch basin on their property line.

Comm. McGorty asked if the DEEP didn't require anything.

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

Comm. McGorty asked if they knew the scope of the operation. He clarified that they say that they can do it but there have been a few things that have been forgotten about. He stated that if it is no good to have this somewhere then why would it be OK to have it over there – and to run-off in town here. It seems counterintuitive. If they are involved in the process everywhere else, then why aren't they involved in the process here and why isn't there a way to contain it and control it.

Mr. Rosa asked if he was saying who is involved.

Comm. McGorty stated yes and asked who is involved. They say that they are providing this service...

Mr. Rosa responded that they will verify if they have to have the run-off contained. He asked if that was what he was asking and added that at all the other sites, it's not...

Comm. McGorty commented that it is exposed to the elements and they are planning on putting a roof over. However, if they get a serious rain and it is going to run through that parking lot, into In-Line's parking lot and then across the street into the park...where kids play soccer. He stated that it sounds like they are trying to get rid of a problem that is hazardous - which is hazardous to people...

Mr. Aponte responded that they are focusing that they are going to have a problem where a lot of hazardous waste is there. They are speculating – that is how they are treating it. He added that until it is analyzed and tested completely...it is what it is...

Comm. McGorty stated it may not have it but it may have it, otherwise, they wouldn't be doing it, if there wasn't a possibility. He reiterated that if there wasn't a possibility then they wouldn't be doing it.

Mr. Aponte responded yes, right.

Comm. Matto asked what the turnaround time would be from when they put it there and when they get the test results.

Mr. Aponte responded three days.

Comm. Matto asked if they take it out of there immediately, if a problem is determined.

Mr. Aponte responded that once they take it and test it, they tell them if it is good or bad. Regardless of whether it is good or bad, they still truck the material away. If it is good, they take it to True Blue and if it is hazardous, it is taken to Massachusetts.

Comm. McGorty asked if the scope of the operation was increasing with the ability to do all of the sorting and separating and all of that – from what they are currently doing or from a year ago or before – obviously, they weren't here forever. He asked if it was additional scope to what they used to do because they didn't used to do this on site.

Mr. Aponte asked for clarification on the question.

Comm. McGorty commented that they used to do this work somewhere and if these bins weren't here forever and they put them here...

Mr. Aponte responded yes, the business is growing. A lot of people are going with natural gas because of the cost of oil so their business is growing.

Chair Parkins added that the Governor's Energy Plan is to increase by half a million people.

Mr. Aponte responded yes, 900 million miles or something – but as their business grows they can't continue to keep their repairs from paying excess costs to truck these spoils to True Blue in Massachusetts. He added that they need staging areas and this is licensed in the local area for them because it is from this area that they are bringing it from. They aren't co-mingling it and bringing it from Stamford or Norwalk into this area or Waterbury. They are keeping what is here in this area.

Comm. McGorty commented that they would never know that because they have no way to regulate it or to see what is going on or ...

Comm. Harger added – or to monitor it.

Mr. Aponte responded that Yankee Gas has to because they have to keep a written log of where everything is removed from and where everything on the yard has gone to.

Comm. McGorty commented OK – they know where their manifest is coming from and whatever. He stated that he didn't think that they have any oversight where they can go in, investigate or an audit on that to make sure it hasn't become a depot for...

Chair Parkins asked what the maximum amount was that they could store at this site. She asked if there was a maximum.

Mr. Aponte responded that he believes it is 100 cubic yards per bin.

Chair Parkins commented 100 cubic yards per bin – and asked if they had five bins.

Mr. Aponte responded yes but all five bins aren't spoils. The other three are new processes – such as new tar, new cold patch. This is for fixing the road and when they can't get hot asphalt right away then they will put a temporary cold patch.

Comm. McGorty asked what happens if they co-mingle and what if those two things are side by side and they have this run-off and it leaches into that stuff that they will be using to repair the road. He commented that it sounds like they shouldn't be next to each other.

Chair Parkins asked if 200 cubic yards max is what they can store.

Mr. Aponte responded 100.

Chair Parkins commented that they have two bins though - 100 per bin. So, 200 max...

Mr. Aponte responded that both bins will not be full to capacity at the same time. They cannot – when one bin is getting filled, the other one is opened up but the testing process is done. In the three day process, there is no way they are going to get that second bin up to 20 yards or more.

Chair Parkins asked where they take it if they have another job somewhere.

Mr. Aponte responded that it would go into the second bin but what he is saying is that both bins will not reach the 200 yards at the same time. Once one bin is chained up, the samples are taken and sent out to Conn. Testing Labs who does the testing for them.

Chair Parkins asked what happens if they have four different projects going on and they have 400 cubic yards.

Mr. Aponte responded that large project scope of work where they have contractors working for them installing new gas facilities – that is automatically trucked out, off site and to True Blue where they do the testing there. This is just geared for local service emergency work – everything that they do in the local area.

Chair Parkins commented OK, it is just small leaks and that sort of thing.

Mr. Aponte stated that large jobs, projects get sent out (inaudible)...

Chair Parkins asked if installing a new main would be done by a separate construction company.

Mr. Aponte responded yes, correct and that material gets trucked away directly to True Blue and does not come into this area.

Comm. Harger asked how large the dump trucks being used by private contractors were.

Mr. Aponte responded that their private contractors use tri-axels and they are 18 cubic yards.

Chair Parkins commented that is what they saw come in that day.

Comm. Flannery asked what they were doing before this point- before getting these bins.

Chair Parkins responded that they've been putting it there – they have been there a while.

Mr. Aponte commented that as long as he's been with the company, they have always had bins there and they have been using them. They just hadn't been protected from the elements.

Chair Parkins asked if he could tell them exactly what towns this facility would handle. She added that they would do some sort of catch basin for any oil potential.

Mr. Rosa responded that they'll call it an oil collector and that's before ...

Chair Parkins stated that in the meantime she would want the DEEP notified and she would also like to know what they are planning for screening and making the facility there look nicer, especially up on top, replacing that fence... (inaudible).

Comm. Pogoda informed the Chair that before she arrived, Mr. Rosa was discussing that they would be doing that.

Chair Parkins responded OK.

Mr. Rosa stated that he discussed the comments from the walk-through.

Comm. Pogoda asked if he could explain his comments to the Chair.

He asked Chair Parkins if she was a part of the walk through.

Chair Parkins responded yes, she was.

Mr. Rosa commented that they asked for some shrubbery and some evergreens.

Chair Parkins asked him to replace the fence because it is falling down.

Mr. Rosa asked if she was talking about the rail fence or if is she was talking about where the gate is.

Mr. Schultz clarified that it was the one on the Cornell side.

Mr. Aponte stated that the fence right there would be a coated fence as requested. He added that Carmen indicated that the rest of the fence looks like it is falling apart and they would replace it at a later date.

Mr. Aponte showed the location where it was requested that they put some shrubbery or evergreen trees or something like that to camouflage the bins when they are installed with the canopies. He referenced where they would put slats between the fences from the parking lot to their property.

Chair Parkins commented OK, they are admitting that this fence is falling down. She asked for clarification as to which gentleman was Carmen.

Mr. Rosa responded that he was Carmen Rosa. He indicated that the fence up there is a rail fence and he asked if that one is falling down. He wasn't sure which one she was talking about.

Mr. Aponte commented that he wasn't sure either.

Comm. Matto stated that it was the one going along the street.

Mr. Rosa knows that the chain link fence on this side, and he mentioned to Richard Aponte, they know that it is in sad shape so they are replacing it with a black vinyl chain link. Also, they are going to powder coat the gate which is galvanized right now. They will powder coat it black to match the fence. He added that was one of the recommendations from the walk-through so they will take care of that whole side.

Mr. Rosa said that whole section of fence will have to be replaced because it is in sad shape. He added that they plan the evergreens up on the top level covering the back side of the bins and privacy slats. He commented that those were the only recommendations he knew of.

Chair Parkins asked if there wasn't a fence along the (inaudible)...

Mr. Rosa responded that fence was a galvanized wrought iron.

Mr. Schultz commented that was a newer fence and it is has been maintained.

Mr. Rosa stated yes, the one along the sidewalk up on top.

Comm. Pogoda asked if the shrubbery or the evergreens that they plan to put in are going to be sufficiently high enough to...

Mr. Rosa responded that whatever the Commission wants – 6 foot or 8 foot or whatever they want.

Comm. Pogoda stated that he knows that they grow but right now if they are going to sit a year or two.

Mr. Rosa stated that he didn't know what the height is from the top of the thing but they will make sure that it is covered.

Comm. Pogoda asked if there is hazardous material coming in to these bins here, is there any way to make sure that it is covered as much as possible so there is no chance of any water...

Chair Parkins referenced the site plan and asked if this was the only area that is going to be stored.

Comm. McGorty commented about those blocks and asked if the water can come down behind it.

Comm. Pogoda stated that was what he wanted to know too and asked if there was a possibility of water coming down behind it between the wall and the blocks.

Mr. Rosa responded that he wanted them to keep in mind that they don't fill this right to the end of the wall.

Mr. Aponte added that it is not going to go to 100 cubic yards every time that they go up there – they don't wait until it is maxed out.

Comm. McGorty stated that his big concern wasn't about how many yards were in there but what is in there and what the possibilities are and how they control a torrential rain situation. He added that this stuff is going to leach through and that the DEEP, he's sure, has prescribed or would like to know and needs to know what is going on.

Chair Parkins recalled when they had a spoil pile Downtown that needed to be covered and (inaudible)...

Comm. McGorty agreed and commented that they have to make sure it is covered, make sure there are (inaudible) that surround it so nothing can leach through it – that is standard stuff.

Comm. Pogoda commented about all the Brownfield stuff (inaudible)...

Mr. Rosa stated that they'll probably be taking this parking lot back from the City and put the bins in there and close this off and create a barrier. They will take back ownership of that parking lot and create the separators in there, put them in there and use that as your...

Chair Parkins asked which parking lot – the one on the opposite wall.

Comm. McGorty commented that it was the Conti's Lot (?). They are going to threaten to take that ... (inaudible comments)

Chair Parkins commented that she thought that... (inaudible)

Comm. Flannery indicated that it sounds like it... (inaudible)

Mr. Rosa stated that the catch basin is right at the fence line down here. If they did put a collector it would probably have to go inside of that parking lot.

Mr. Aponte stated that the separator is going to be bigger – it's like a thousand pounds (inaudible)...

Mr. Rosa commented that they would have to put it on the other site.

Chair Parkins stated that personally she would like confirmation from the DEEP.

Mr. Rosa responded OK.

Chair Parkins added that this is accepted by the DEEP (inaudible)...

Mr. Rosa responded absolutely (inaudible)...

Comm. McGorty stated that they were just basic questions and he's reasonable. He's satisfied that – it sounds like they don't have a handle on it and if they can prove that they have a handle on it then he really doesn't have a big problem with it.

Mr. Aponte stated that all of this is monitored through their Environmental Department; unfortunately, none of them could show up tonight. So, they really can't answer the environmental questions.

Chair Parkins commented that she would think that they would have to have a permit for this particular site for control of any potential hazardous waste.

Mr. Aponte responded that Newtown, Ansonia, Norwalk areas are all permitted by the EPA for this.

Chair Parkins asked if it was the EPA or the DEEP.

Mr. Aponte responded the DEEP.

Comm. McGorty asked if this area was permitted as well.

Mr. Aponte stated that they have what is called the BUT Program that they are a part of with the State of Connecticut. The State of Connecticut is number one and they are number two on the BUT Program and everything that they do is documented.

Chair Parkins asked what kind of protective measures they have in place at the other facilities. She asked if he knew.

Mr. Aponte responded that they have the canvas canopy and once they start filling up to capacity they are shipped out.

Comm. Pogoda asked if there were any concerns at their other facilities about things leaching off or run-off.

Mr. Aponte responded that all of the drains that they have on their sites are not connected to City storm systems.

Comm. McGorty asked if they were self-contained.

Mr. Aponte responded yes, they are all self-contained.

Comm. McGorty asked if they are emptied.

Mr. Aponte responded that they have a contractor who comes out and they clean out all the excess spoils and put them back into the bin and they end up trucking them away as well. He added that nothing ends up going into the water systems that they have. He added that Norwalk is near a river.

Chair Parkins commented that they need to understand that the City is spending millions of dollars Downtown on these Brownfield sites to remediate and it just seems counterintuitive to bring stuff down there that could potentially contaminate.

Comm. McGorty agreed and commented that they are a little bit sensitive to it. He added that the parking lot for instance, is another issue, it's a mess.

Comm. Harger stated that besides that fact, right across the street they do have residents that live on Howe Avenue. She stated that she thinks that this is a totally inappropriate area for this and it should never have started.

Comm. McGorty agreed that this type of operation should never have started – it is the gateway to Downtown.

Comm. Harger stated that she did not want to see it Downtown at all.

Chair Parkins indicated that she wanted to see something from the DEEP. She would be much more comfortable knowing what their process is to allow this.

Mr. Rosa responded that they will have their Environmental Department work with the (inaudible)...

Comm. McGorty stated that would be great.

Mr. Schultz commented that he would have to coordinate it with him and if there are any other questions from this Commission, he can convey it to them.

Comm. Pogoda asked to table this until they get more information.

Chair Parkins stated that was her major concern because there has to be some oversight with DEEP on this.

Mr. Aponte commented that he would get the information on oil separators and what the sizes would be.

Comm. Harger commented that there was another part to this too. She commented that they've brought up about what would happen if it rains and they are bringing things in from underground and offloading them on the back of trucks. She asked what would happen on a windy day when there is dust blowing around and they don't know what it is until it is tested. She added that she thinks that this is a very shaky thing to have Downtown and it's potentially dangerous. Comm. Harger commented that for their residents and for what they are trying to do Downtown that this is not the kind of facility that they want down there.

Comm. Flannery asked if they had other locations that they could do this at.

Comm. McGorty responded yes they do but it is a financial issue. They can't truck it too far...

Chair Parkins added that if they have a small leak somewhere here in Shelton, they aren't going to take the dirt and truck it up to Newtown.

Comm. Matto stated that she thinks that Comm. Flannery may have meant other places in Shelton at other properties that they own.

Mr. Aponte responded no, that this is the only thing that they have here.

Comm. Flannery asked if there was anywhere in Ansonia or Derby.

Mr. Aponte responded no.

Mr. Rosa asked if the City had a piece of property.

Chair Parkins commented that she does not want to say “not in my backyard” because that is the wrong mentality. It has to go somewhere and they need to determine the logical place and what measures are going to be put in place to keep everybody safe – that’s all.

Mr. Aponte stated that at one point it was basically “what is in this area, stays in this area.” In the last year they have been able co- use the three sites where it is considered one site – Newtown, Ansonia – but just because of the expense of where they are logistically – it is just too crazy. It affects all the rate payers eventually with the costs by the time they are done with the separating, testing and trucking costs.

Comm. McGorty commented that it is nice that everybody’s rates can stay down on surrounding towns but he hates to be the one that has to take the mess, deal with it, and have any fallout that occurs from any contamination, leakage or stuff going into the park where kids play soccer. He added that there are also houses around too. He commented that he thinks that it is an odd use for that location in a town – the gateway to their Downtown which is going through an evolution right now.

Chair Parkins asked if it was a station that would be there forever.

Mr. Rosa responded that he has been told that this place would never leave – this house up on the top. He asked Mr. Aponte if that was true.

Chair Parkins asked why it could never leave.

Mr. Rosa responded that the processes that it does – he commented that he doesn’t know much about the processes and he asked Mr. Aponte.

Mr. Aponte responded that he just knows that they are required to have a certain response time when someone calls in a leak. If it is during working hours then they have to respond within 30 minutes.

Chair Parkins commented that no one is stationed there though and it is not an office.

Mr. Aponte stated no, but when their guys get hired they are required to stay within an “X” amount of radius in the vicinity.

Chair Parkins asked what is actually transferred at this pump station.

Mr. Aponte responded that it is not a pump station. It is just an office where their guys go to...

Mr. Rosa commented no, that they were referring to the upper building -that’s Pressure Management’s Building and they do something...

Chair Parkins added that they do something there – there are regulators on it or something.

Mr. Aponte responded that if it is a Reg Station, he doesn’t know about it.

Chair Parkins commented OK that was her question.

Mr. Rosa indicated that Mr. Aponte was with a different part of the company. He referenced the site drawings and he explained that this building is pretty much empty. There used to be compressors there where they used to pressurize the lots of propane tanks buried here. He added that they would pressurize the gas. This building is pretty much empty except for a couple of miscellaneous things.

Mr. Rosa stated that up on the hill here, he has been told, always has to be there and that is why they can never get rid of this piece of property. They need this because it is tied into the main gas line and they regulate the pressure somehow.

Comm. Harger asked Chair Parkins if that was what her question was about.

Chair Parkins responded yes, the fact that the whole facility (inaudible)...

Mr. Rosa commented that he was told that they can never leave this site. After they empty this building, take out all the compressors and the tanks from underground – they can never leave this site.

Chair Parkins commented that she'd be curious to know what goes on there. She stated that they would recommend that they contact DEEP and get them some information on that.

Mr. Schultz requested that Yankee Gas coordinate that with Staff.

Mr. Rosa asked if the Commission wanted them to come back next month. He asked if they wanted to keep the prints.

Mr. Matto from the audience commented about the discussion and if the SEDC should get involved with this because of the things that were done in that whole area by them.

Mr. Schultz commented to the Chair that she could suggest that he communicate with SEDC.

Chair Parkins responded that this really is a Commission issue. They can weigh in on it but it's really a Commission decision and not SEDC. She requested a motion to table this application.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #242.**

**SEPARATE #6398 – SHERRY & GARY NASH, 319 HUNTINGTON ST., BUSINESS**

Mr. Schultz asked if the applicant was present. The applicant was not present. Mr. Schultz requested to table this and stated that this would be their third table. He stated that he was going to call the Applicant and ask if they want to have it withdrawn. He added that the last two tables occurred because their attorney was not available.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously requested to table Separate #6398.**

**SEPARATE #6433 – LAS VEGAS PAWN, LLC, 549 HOWE AVE., BUSINESS/SIGN**

Mr. Schultz stated that the Applicant is going to indicate that they are moving out of the store to the other facility on Howe Avenue.

Comm. Harger asked what other facility.

**Jim Toth, owner Las Vegas Pawn & Jewelry, 549 Howe Avenue, Shelton addressed the Commission.** Mr. Toth responded that other one up the street where he's been for 12 years.

Comm. Harger commented that is the current one, past Shelton Pizza.

Mr. Toth responded yes, that's correct.

Mr. Schultz stated that the use is permitted but the sign was found to be improper and the Applicant is here to talk about his operation at the new site. He asked Mr. Toth if he got a new sign.

Mr. Toth responded that he wanted to get some input on what color they want. He added that he measured the front of the building and the sides. He doesn't know what the regulations are as far as the signs.

Chair Parkins commented that they don't necessarily regulate the color and they won't recommend the color to him. However, they will ask that it not be as obtrusive as it currently is. She asked him to refrain from putting a telephone number or web addresses on it or any indication of what the business does. It should just be the name of the business.

Mr. Toth asked if these were new regulations or have they been in place forever.

Chair Parkins responded that they were new regulations. She asked Rick Schultz if he gave the Applicant a copy of their new Sign Regulations.

Mr. Schultz responded yes but when he went down there he wasn't in the store. He left a copy there for him.

Chair Parkins commented to Mr. Toth that if he just follows those regulations; it is a good indication of what the Commission would like to see down there.

Mr. Schultz asked for the address of this location.

Mr. Toth responded 549 Howe Avenue.

Mr. Schultz asked what the square footage of the leased area would be.

Mr. Toth responded 2850 square feet.

Chair Parkins commented that she would think that the name gives people a clue as to what he's doing inside – Las Vegas Pawn & Jewelry.

Comm. McGorty asked if he was moving up to where the other pawn shop is.

Comm. Harger responded yes, past Shelton Avenue.

Comm. McGorty asked if it was in the Mill Building.

Comm. Pogoda responded yes, in the Mill Building.

Comm. McGorty asked what happened to the other pawn shop.

Mr. Toth responded that they just left. He indicated that there was a canopy in front of the building which is nice but the one on the store front where he is now is different colors. He asked if it was permissible to make it the same color as the rest of them or ...

Mr. Schultz stated that there is a whole hodgepodge there and a lot of things are done without the proper permits.

Comm. McGorty noted that there was a green one on one side in the photo.

Mr. Toth stated that he wants to make everything look nice. He wants to do something that matches. They are going to paint the front of the building too.

Chair Parkins asked if he was going to do an awning.

Mr. Toth responded that the awning is up there and has been up there forever but his is just a different color.

Chair Parkins asked if he was going to have a sign and the awning.

Mr. Toth said that he wants a little input about it – something that looks nice and everybody is happy.

Mr. Schultz suggested the Downtown Subcommittee.

Comm. Harger looked at the photo taken in front of the store.

Mr. Toth explained that it was green with the other half red and it is kind of a hodgepodge. He added that he wanted to clean it up and fix the lights.

Chair Parkins asked if it was a separate awning from the rest of the building.

Mr. Toth responded that it was in front of what he was leasing.

Chair Parkins asked if the particular one that he was showing was just over his store front.

Mr. Toth responded yes and there are actually 40 or so feet in the front.

Mr. Schultz asked if the hours were the same – Monday through Sunday, 9 a.m. to 6 p.m.

Mr. Toth responded Saturdays were 9 a.m. – 2 p.m. and closed on Sunday.

Comm. Harger commented about the photograph and the listing of the items in the window.

Chair Parkins indicated that the regulations state that only 20% of the windows can be covered.

Mr. Toth asked about the sign itself.

Mr. Schultz responded that he can cover 10% of the wall that is leased but he has a couple of signage requests here. He has a wall sign, awning sign and window signage. He stated that they would like to take all of them up at the Downtown Subcommittee. He asked Mr. Toth if he would be available this Friday morning.

Mr. Toth said that he would be available when the DSC wanted him there and asked for the time and location.

Mr. Schultz agreed to call Mr. Toth with the meeting time and location.

Chair Parkins asked for a motion to table Separate #6433.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table Separate #6433.**

**SEPARATE #6423 ARNCO SIGN, 500 SHELTON AVENUE, SIGN**

Chair Parkins indicated that this was tabled from the last meeting. She asked the sign representative from ARNCO if he could alleviate some of their confusion about the signs for People's Bank.

Mr. Schultz indicated that the Applicant would go through the wall signage, the free-standing sign which was reduced, and the ATM signs, etc. He added that everything was color-coded.

**Eric Merliss, ARNCO Sign Company, Wallingford, CT addressed the Commission.**

Mr. Merliss provided the color-coded sign plan for People's Bank showing the location

of the bank, Shelton Avenue, Soundview Avenue, Old Shelton Avenue. He pointed out the location of the pylon sign first.

There was some confusion because there were two different revisions of the site drawings.

Chair Parkins suggested beginning with the monument sign which the Commission had concern about because of the dimensions.

Mr. Merliss explained that it was proposed to be 5' height X 6'4 1/4" – reduced from a 7' height.

Chair Parkins asked for clarification of the sign labeled W1 on top of the entrance way.

Mr. Merliss clarified this as the wall sign with channel letters, internally illuminated with LED illumination and a 2' x 3' 5/8" overall height including the red logo above – all the way to the bottom of the word "BANK" centered on the wall on the brick.

Chair Parkins commented that it would have 10" letters which would be fine.

Mr. Merliss showed the page with the 20 square foot channel letter layout. He pointed out the location of the ATM surround – two ATM's – the interior surround in the vestibule and the one on the outside of the building.

Comm. Harger asked for some clarification about the ATM signs.

Mr. Schultz clarified that there was an inside ATM in the lobby and then the ATM Drive-Thru.

Chair Parkins asked what the labels for IW 1 and IW 2 were– and if they were referring to Inside Wall Sign #1 and Inside Wall Sign #2. She asked if this sign – which is as big as the sign on the outside of the building - was also going inside the building.

Mr. Merliss responded yes, inside the building.

Chair Parkins asked if it was going to be that big – inside the building.

Mr. Merliss responded yes, but non-illuminated.

Chair Parkins asked if it would be there in case people didn't know where they were.

Comm. Pogoda agreed and commented that he didn't care as long as it was inside the building.

Chair Parkins noted that was why they had so much confusion last time because they showed a box on the outside of the building the last time for the inside sign. It appeared as though there would be a sign in the back of the building.

Mr. Merliss clarified that it would be inside – an interior wall sign.

Mr. Schultz commented that they have so much inside banks now – TV monitors and large channel letters to tell you where you are – banks have changed.

Chair Parkins noted that D1 and D2 signs are for the drive-up tellers. She clarified that there would be no large People's Bank sign on the back of the building then – that was where they had some confusion.

Mr. Merliss responded that D1 and D2 were for the drive-through and there was no sign on the back of the bank building.

Chair Parkins asked for a motion or if any of the Commissioners had other questions. There were no other questions.

**On a motion made by Joan Flannery seconded by Elaine Matto, it was unanimously voted to approve Separate #6423 for signage.**

**SEPARATE #254 – PETER FRANCINI, 12 PROGRESS DR., BACK-UP GENERATOR**

**Scott Sarracco, Sarracco Mechanical, Naugatuck, CT addressed the Commission.**

Mr. Sarracco presented site drawings of 12 Progress Drive, Shelton and introduced himself to the Commissioners.

Mr. Schultz indicated that this is the building that the Valley Chamber of Commerce has and Francini has the blue tinted windows. There is a large front lawn which is going to come into play because the generator is proposed to go into the front of the building. Mr. Sarracco will indicate why he is choosing that location because, obviously, that is always a concern.

Mr. Schultz added that, fortunately, this is all office space and there is no residential as they had with the United Methodist generator. He stated that Mr. Sarracco will go through why he wants the location, what he plans to do as far as screening it, and the materials that he is going to use. He asked Mr. Sarracco if this would be a diesel generator.

Mr. Sarracco responded yes, a diesel generator.

Mr. Schultz stated that Mr. Sarracco will also let them know how often a generator of this type has to be tested. He added that many of the Commissioners have been through this type of application before – for those that are new; they will learn a lot about back-up generators.

Mr. Sarracco began by discussing some of the logistics of the building at 12 Progress Drive. He showed a picture and drawings of the front of the building and he explained that the side, the back and the other side of the building are all parking lot area.

He indicated that one of the reasons that they want to put the back-up generator in the front of the building is because they want to be as close to the electrical utility room as possible. The electrical utility room is in the front of the building and has an existing transformer that is already in the front of the building. The transformer is currently screened and he hopes, if the Commission will allow it, to continue the screening and carry it straight across to hide the generator.

Comm. Pogoda asked if it was behind those trees.

Mr. Sarracco responded yes, the transformer is behind those trees. He indicated that the generator was 12' long x 4.75" wide x 8.5" tall. He currently has the generator drawn horizontally. He stated that they can draw it the other way as well to make it easier to hide, if that is acceptable.

Mr. Schultz clarified that he meant to have it going perpendicular to the building.

Mr. Sarracco responded yes, perpendicular to the building. He added that they could put it either way that the Commission wants but the reason they are really doing it is because they want to get into the electrical utility room which will help them get upstairs to the second floor tenant space, which is his customer, the Mutual Security Credit Union. They are going to be backing up a new data center on that floor.

Chair Parkins asked where the front entrance of the building was located.

Mr. Sarracco showed the location of the front entrance on the side of the building.

Chair Parkins asked if that meant that there was no building access from the front then.

Mr. Sarracco responded no.

Comm. Pogoda asked if they had any plans of putting any fencing, decorative fencing around it, and then using evergreens in front of the fencing. He's heard of diesel generators that they worry about and they can be quite loud.

Mr. Sarracco responded that this will have a Level 1 Sound Enclosure on it and the decibel level is 76. He added that the standard decibel levels in an office space are 45.

Comm. Pogoda asked what their Noise Ordinance was. Mr. Schultz went to find the Noise Ordinance in his files.

Comm. Pogoda asked how often they would be testing this generator.

Mr. Sarracco responded that they test them once a month.

Comm. Matto asked how long they test them for.

Comm. Pogoda commented that there are no other residences there.

Chair Parkins asked for clarification as to where his client was located.

Mr. Sarracco responded that they were the second floor tenant – Mutual Security Credit Union.

Chair Parkins commented OK they are upstairs and asked whose office space would be right in front of that window.

Mr. Sarracco asked the Mutual Security Credit Union representative from his client's company.

**Jeff Obach, Mutual Security Credit Union representative, 12 Progress Drive, Shelton addressed the Commission.** Mr. Obach responded that it was a utility room. He stated that they are actually going to occupy the first floor, front quadrant. He added that the building is of kind of awkward and it is difficult to see that in the picture – both of the main entrances to the facility are actually located on the sides. They are going to occupy the front left quadrant entrance with some new training space. He explained that there is a utility room, gas structure and current 9 foot hallway with an unused gym in it (inaudible – microphone covered). On the site plan, the Mr. Orbach showed the location of the lobby that has no office space. He added that there were no tenants along that wall.

Mr. Sarracco showed that on the other side, the location of the fitness center that wasn't being used.

Chair Parkins commented that it isn't even just about what is there now. If there is office space there, then it can change to who the tenant is.

Mr. Obach commented that he didn't think that it could ever be office space because it is a 9 foot hallway, 20 feet wide and there are two bathrooms/showers so it is pretty much landlocked from the building all the way back about 30 feet.

Mr. Schultz stated that in the Noise Ordinance the maximum decibel is 70 is all day. It would be at Class C Industrial emitting from a unit within an industrial complex. The use is a Class C.

Chair Parkins asked what it would be as an emergency operation. This generator isn't being put in there (inaudible). This isn't for brown-outs or anything where they are helping the community.

Mr. Schultz responded that during the course of the day, the Noise Ordinance allows up to 70 decibels in that particular zone. A generator that is approved by the local

jurisdiction, which is this Board, allows higher decibels when it is for emergency situations.

Chair Parkins asked if there were any other generators and if it could be put on the roof.

Mr. Sarracco responded that it is a diesel generator. There would be no way to pump diesel to the roof.

Chair Parkins asked if it had to be a diesel generator.

Mr. Sarracco responded that they could go with natural gas but the problem with this is that the customer is concerned that, if in an emergency, the natural gas was to be shut off, and then their entire customers' data would be lost.

Chair Parkins asked why the gas would be shut off.

Mr. Sarracco responded that in an emergency, they've done it in Greenwich before. He added that in flooding situations, they have turned the natural gas off.

Comm. Matto asked how long they test the generators for when they test them.

Mr. Sarracco responded that it was not that long – probably about a ½ hour.

Comm. Matto asked if they do it during the day.

Mr. Sarracco responded that they do it during normal (inaudible)...

Chair Parkins commented that it is loud though and she can attest to that because her office is right above Scinto's and they have a generator out in the back. She stated that she was on the sixth floor and when they test it, it is loud.

Comm. McGorty asked if this was to be used strictly for outages or emergencies.

Mr. Sarracco responded that it was only for emergencies. It is backing up customer's data storage.

Comm. Pogoda commented that if they approve it, he would like to see it parallel to the building, turn it around, set some sort of fencing around it high enough to screen it and also place some evergreens there.

Comm. Flannery stated that the evergreens would be a good buffer for the noise.

Chair Parkins commented that the unit is 8 feet tall and asked how high the mount it is put on would be.

Mr. Sarracco responded that was the total including the mount.

Comm. Pogoda asked if there was a muffler system on it.

Mr. Sarracco responded yes.

Comm. Pogoda commented that is similar to the one that they put on Coram Road.

Chair Parkins stated that she does not like this and she thinks that this is not going to be attractive at all.

Comm. McGorty asked what it generates as far as power.

Mr. Sarracco responded that it was 100 KW.

Comm. Matto asked about the screening for the transformer which is 5' x 5'. She asked if it was one of those green boxes.

Mr. Sarracco responded yes.

Comm. Matto asked if it was behind these trees in the photograph.

Mr. Sarracco responded yes, the transformer as well as the gas meters for the front of the building to be installed in the front.

Comm. Matto asked if they would be using a similar hedge of arborvitae.

Mr. Sarracco responded yes, he wants to bring that straight across and hide everything – maybe not the whole way, maybe just beginning at the generator.

Chair Parkins asked where the diesel tank would be located.

Mr. Sarracco responded that the diesel tank is right below the generator.

Comm. Pogoda asked if it would be in the ground.

Mr. Sarracco responded no, he would be putting a concrete pad down and then he would install the tank. He showed a photo of the tank and indicated that it was a UL 142 secondary containment with baffles so it has its own containment system within the package of the tank. It also has a leak detection system which would alert them if there was a problem.

Comm. Harger asked if that was part of the 8 foot height.

Mr. Sarracco responded yes, including the pad.

Comm. Pogoda asked Rick Schultz if they installed that one at BIC also. Mr. Schultz responded yes. Comm. Pogoda commented OK, so that one has been installed there also.

Chair Parkins stated that it wasn't in front of the building though.

Comm. Pogoda responded no, it was on the side of their building.

Comm. McGorty commented that its proximity to the service. It's easiest to connect in and there's a short run right to the main service.

Mr. Sarracco indicated that this is Generac and it is one of the best generators out there. They are right up there with Kohler and they do not make a decibel level better than 75.

Comm. Matto asked who else was in the building – who else would be affected by it.

Mr. Sarracco responded that there are a couple of other tenants. There is SEI Controls.

Mr. Obach stated that they are actually moving out in December 2012 and they are only in about 8,000 square feet of the building. Currently the building has a total of 44,000 square feet of which 29,000 square feet are vacant. The Chamber of Commerce is allowed to utilize some space at little cost on the second floor, right hand side, about 30 feet setback from the front of the building. He added that in this building the front is designed mostly for the utility and the space is wasted where the back, the elevator, and the access are side and rear. The other business is called New England Electric Supply and they are in the rear right quadrant of the building.

Chair Parkins asked if he was the owner of the building.

Mr. Sarracco responded that he is the tenant and his customer, Mutual Security Credit Union.

Comm. Matto asked if this would affect the owner of the building.

Mr. Sarracco responded that the owner, Peter Francini wrote them a letter stating that he understands that they want to put the generator in the front and he has no problem with that.

Mr. Schultz added that he has a copy of that letter in the file.

Comm. McGorty asked how much it takes care of aside from Mutual Security. He asked if it takes care of other places in the building.

Mr. Sarracco responded no, just Mutual Security.

Chair Parkins commented that if somebody else moves in and they want a generator, there is one in the front (inaudible)...

Comm. Harger asked why the letter from the building owner wasn't signed.

Chair Parkins commented that other than a gas leak somewhere, she can't imagine that the gas would be shut off.

Comm. Matto asked if this was the only way that they could protect their data is with a generator.

Comm. Harger commented that the landlord is Mr. Francini and asked what the name of his company was.

Mr. Sarracco responded that there are two listed here. He believes that it is PFRAN Progress Drive, LLC.

Comm. Pogoda asked if Peter Francini owned this building.

Mr. Sarracco responded yes.

Comm. Pogoda asked if he had a copy of this letter with a signature on it.

Mr. Sarracco responded that he was surprised it did not have one but he can get one.

Comm. Pogoda asked Rick Schultz if his letter had a signature.

Mr. Schultz responded no, he has the same copy with no signature.

Comm. Flannery commented that she thinks that they should table this until they have a signature on this letter.

Comm. McGorty responded that he didn't know about that – they can make that a condition. He commented that aesthetically it is not optimal to have it put in the front but he understands why they are doing it; it is obviously for cost.

Chair Parkins asked if the gas generators were any quieter.

Mr. Sarracco responded that he would have to check on that but he doubts they would be – an engine is an engine.

Comm. McGorty asked what was across the street.

Chair Parkins stated that it is just going to be unsightly.

Mr. Sarracco responded that he was standing across the street taking the pictures and it is just wooded area.

Chair Parkins commented that she really thinks that they should (inaudible)... Gas is a lot cheaper than oil.

Comm. McGorty responded that their concern is with any interruption (inaudible)...

Mr. Obach responded that gas is grid-based and the requirement for data centers is that they need to be self-sufficient off of the grid, so it has to be gridless.

Comm. Pogoda commented that it is something that they need.

Comm. McGorty agreed that it was important to have data storage and not lose it. They have AC backups and all sorts of data storage but they don't last forever.

Chair Parkins asked how long they have been in there.

Mr. Obach responded that they've been in there for three years and they have eight years remaining on the initial lease.

Chair Parkins asked what they have done for the past three years.

Mr. Obach responded that they have a system that runs on battery back-up right now. They are actually regulated to provide data storage and security - that they need to supply.

Chair Parkins asked if this was their only facility.

Mr. Obach responded that this was a primary facility and they have a back up facility in Hartford that they currently lease.

Chair Parkins asked if they had a generator up there.

Mr. Obach responded that they have a lot of generators.

Chair Parkins asked if this was redundant backup.

Mr. Obach responded that it was primary. It is their primary site and it is their primary member data.

Chair Parkins commented that right now it would be redundant because they already have back-up at the other facility. They have no back-up here.

Mr. Obach responded that they have no power backup other than the batteries. They have about 42 minutes of runtime before they crash - so anything over 42 minutes and they will start crashing servers.

Comm. Matto asked to see the photograph of the generator again.

Comm. Harger commented that it is a box.

Comm. Matto asked if that was what it would sit on.

Mr. Sarracco responded yes, the bottom piece is the day tank which is where the diesel fuel would be and the top piece is the generator.

Comm. Harger commented that it was pretty similar to the one that is right outside the Fire Marshal's Office outside here.

Comm. McGorty responded (inaudible)...

Comm. Pogoda commented that this is enclosed with a muffler system (inaudible)...

Mr. Schultz stated that this is a newer model, more advanced (inaudible)...

Chair Parkins commented size-wise... (inaudible)

Mr. Sarracco stated that this is the newest model Generac.

Chair Parkins stated that she has never heard of natural gas being on the grid before. She added that she was not sure that was a correct statement.

Mr. Orbach responded that the gas flow is controlled by the company so therefore, it is grid and not self-sufficient.

Chair Parkins stated that they would be a customer though. She asked if he had natural gas in the building.

Mr. Sarracco responded yes, there is.

Chair Parkins commented that they are a customer so it is not like they are on the grid – it is not an electric grid.

Mr. Orbach responded that you're a client of the electric company as well but if the power or the gas shuts off, the building then has no source of power.

Comm. McGorty commented yes, then they have no source to power their...it has to be self-contained.

Comm. Pogoda commented that if there is an emergency or if a gas line breaks – and they were just talking to Yankee Gas about this – he asked how many hours they have now on battery power.

Mr. Orbach responded that on battery it is currently 42 minutes but on the generator they would have 72 hours if they couldn't get a refill.

Chair Parkins commented that the chances of electric and gas going out at the same time are very minute.

Mr. Orbach stated that it would give them enough time to meet their regulatory mandate to move to their fail-over site in Hartford. They need up 48 hours to actually fail over to their Hartford site.

Comm. McGorty stated that the owner of the building doesn't seem to mind and he's the one that ultimately has to live with it along with the tenants.

Comm. Pogoda made a motion to approve with the noted conditions including the screening, fencing, rotating the generator and subject to a signed approval letter from the building owner.

Comm. McGorty asked about the size of the enclosure around it or would it just be the bushes.

Comm. Pogoda stated that he'd like to see a fence around but he doesn't know if that would make it more prominent.

Comm. McGorty agreed but added that it would have to be some pretty good sized trees around it.

Comm. Matto stated that the trees may take a little while (inaudible)...

Chair Parkins noted that the generator needs air movement so they can't completely surround it with bushes.

Comm. Pogoda stated that the trees are going to have to be at least 8 feet high minimum to hide it.

Chair Parkins stated that there are arborvitaes that are that big.

Comm. Matto commented that sometimes the more that you fuss with these things, the more they are noticed. If they just put them there, after a while, you'll stop seeing them.

Mr. Schultz stated that they want to naturalize it.

Chair Parkins responded that they aren't going to be able to naturalize this.

Mr. Schultz indicated that when he says naturalize, he means naturalize against the metal. If they put all the trees up right in a row – well, there are a couple of ways to do it.

Comm. Pogoda commented that they could alternate them with four in the back ...

Mr. Schultz indicated that there are proper ways of screening it and they can add other species lower ...

Comm. McGorty added that they are going to rotate it so that it is perpendicular to the building.

Chair Parkins stated that she wanted it on the record that if this was a new development, they would never approve this.

Comm. Harger asked what the advantage was to rotating it.

Comm. Pogoda responded that there would be less visible to the front instead of that broad line.

Mr. Schultz asked if the consensus was to rotate the generator perpendicular to the building.

Comm. Harger commented that it would just be sticking out farther, that's all.

Chair Parkins commented that she was opposed to it.

Comm. Matto added that it is a terrible looking thing...

Comm. Pogoda stated that he'd like to see it perpendicular. He commented that they are only seeing that much where the rest will be hidden this way.

Chair Parkins asked how far it was going away from the building.

Mr. Sarracco responded that it can go close as 5 feet. He currently has it shown 15 feet off of the building and from the edge of the generator to the street it is another 65 feet.

Comm. Harger stated that she wants to keep it the way that it is and have the screening come across.

Comm. McGorty stated that he didn't really care about the orientation of it. It is not an optimal thing but he understands the need for it to protect data. It is what it is in the location that it is at and they can't do much with that.

Comm. Pogoda commented that he wasn't sure if it was something that Staff should go and look at to see which way is better.

Mr. Schultz stated that this is something that they will have to do slowly and he'll coordinate it with the Commission.

Comm. McGorty commented that it is 4.7' wide and 12.10 almost 13' long.

Mr. Schultz indicated that they want, he can stake it, and they can take a ride by before it gets installed. He can stake it with ribbons.

Comm. Pogoda responded yes, he wanted to do that – stake and see how it is going to lay out.

Mr. Schultz indicated that he will work with the applicant.

Comm. McGorty commented that it really doesn't matter... (inaudible) 8 feet narrower – it's not like it is going to be beautiful.

Comm. Pogoda agreed that was true.

Mr. Schultz stated that they can do it and they've done it on other projects.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was voted (5-1) to approve Separate #254 for a back-up generator with the noted conditions. Chairperson Parkins voted in opposition.**

**SEPARATE #251 – SPRINT SPECTRUM REALTY CO. LP, 2 CORPORATE DR., REPLACE ANTENNAS**

Mr. Schultz indicated that this is up at the Towers and they are looking at the right building which is 10 stories. He indicated that they are removing six units and replacing it with three. He showed a site map and indicated that the changes were color-coded changes. He commented that there is no change in height and there is a net reduction in the amount of equipment that is going to be on the roof.

Mr. Schultz indicated that this was for Sprint and Staff recommends approval.

Chair Parkins commented that this is up on the roof. If you are in an office on a high floor, you can see it.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #251.**

**SEPARATE #244 – WALKER DIGITAL TABLE SYSTEMS, 25 BROOK ST., OFFICE/MFG**

Mr. Schultz stated that this Schiabe's industrial building down by the Boys' & Girls' Club. This is a 7,035 square foot area replacing Engineers Fibers Technology. Walker Digital Table Systems is for office and light manufacturing, 7 employees, hours of operation Monday through Friday, 8 a.m. – 5 p.m.

Comm. Harger asked which floor they would be on.

Mr. Schultz responded it's the first floor.

Chair Parkins asked for clarification as to what they do.

Mr. Schultz responded that he didn't have the particulars but he can find out.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #244.**

**SEPARATE #6379 – R.D. SCINTO, 2 ENTERPRISE DR., BUSINESS**

Mr. Schultz stated that they are leasing space in the amount of 9,697 square feet previously occupied by Web Loyalty. This is Whiting Turner Construction office, 50 employees, hours of operation Monday through Friday, 8 a.m. to 5 p.m. There is adequate parking and Staff recommends approval.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6379.**

**SEPARATE #6460 – SCHIABLE REALTY II, 431 HOWE AVE., STONE WALL**

Mr. Schultz passed around the stone sample for the stone wall. He indicated that the Applicant met with the Downtown Subcommittee and this is two-fold. One it is to stop the graffiti by providing a surface and to provide a planter at the top to bring some greenery in there. He referenced the photographs that were being passed around. Mr. Schultz stated that this particular rock was used in the foundation of the old Ferry School.

Chair Parkins commented that she thinks that with the ivy covering it, it won't be susceptible to being painted.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6460.**

**SEPARATE #6455 – DSA CO., 821 BPT. AVE., BUSINESS**

Mr. Schultz stated that this is the first new occupant in the new free-standing building in back of Ruby Tuesday's. It is a hair salon for women occupying 1200 square feet. He added that the building overall is 3600 square feet. There will be 4-5 employees, hours of operation 9:30 a.m. to 7 p.m., 7 days, and they are providing 8 parking spaces per the lease.

Chair Parkins asked if it was hair and nails or just hair.

Mr. Schultz responded hair salon and the sign will be forthcoming.

Chair Parkins asked if that would fill the whole building including Five Guys.

Mr. Schultz responded that there is Five Guys but they haven't received an application yet. He added that the name of this store is Hair-Do Salon.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6455.**

**SEPARATE #6456 – HARD KORE FITNESS, 405 BPT. AVE., BUSINESS/SIGN**  
**SEPARATE #6457 – KIM BENSEN, 405 BPT. AVE., BUSINESS/SIGN**

Mr. Schultz commented that the next two separates are for the re-location from the Coco property located on upper Bridgeport Avenue to the Crabtree site.

Mr. Schultz stated that Kim Bensen is present and her Weight Loss Center is going to occupy 17,500 square feet with 3 full-time, 9 part time employees. The hours of operation will be 8:30 a.m. – 8:30 p.m. Monday through Friday.

Chair Parkins asked if they would be making bagels there too.

**Kim Bensen, owner Kim Bensen Weight Loss Center, 405 Bridgeport Avenue, Shelton addressed the Commission.** Ms. Bensen responded no, they are made in Massachusetts. There used to be an old Lender's Bagel factory in West Haven until that closed down so now they are made in Lawrence, MA.

Mr. Schultz asked if 7,000 square feet was the leased area.

Ms. Bensen responded yes, for her side.

Mr. Schultz asked what her hours of operation would be.

Ms. Bensen responded Monday through Friday, 8:30 a.m. to no later than 8:30 p.m. and Saturday mornings.

Comm. Harger asked where these two facilities would be in relation to where Center Stage was located.

Ms. Bensen responded that she was in Center Stage.

Mr. Schultz commented that at first, they thought that she was in the other building.

Ms. Bensen stated that at first they were going to go in there, so he's correct. But when they looked at the mechanics of both buildings, the one on the left was by far greater. They have already started doing some simple outside clean-up and had the electrician go through it. They are trying to get it ready for approval.

Mr. Schultz stated that with Kim Bensen, they have Hard Kore Fitness & Gym which has a leased area of 11,500 square feet.

**Lou Santella, owner Hard Kore Fitness & Gym, 405 Bridgeport Avenue, Shelton, addressed the Commission.** Mr. Santella responded that it is 11,633 square feet, if you were to measure it exactly.

Comm. Harger asked where he would be located in relation to where Center Stage used to be.

Mr. Santella responded that he is in the same building where Center Stage was and where the cars used to be – in the garage area.

Mr. Schultz asked if he had two employees and hours of operation would be 8:30 a.m. to 8:00 p.m.

Mr. Santella responded that it would be the same hours that Kim Bensen had.

Mr. Schultz stated OK, Monday through Saturday.

Mr. Santella stated that they work with Pop Warner and AYF and they'll be coming in there in the afternoons.

Comm. Harger asked what AYF was.

Mr. Santella responded that it was American Youth Football and they have a turf field going down. If it rains and the fields get wet, then they have no place to train.

Comm. McGorty asked if this application includes a sign.

Ms. Bensen responded that they are trying to see if the lighted sign outside is working and then they'll have their names put on that. It is working but they don't know if it's working yet.

Comm. McGorty commented that they haven't designed it yet.

Mr. Schultz stated that this would just be for the business occupancy then.

Chair Parkins commented that they should check the lighting on the outside of that building too because it is pretty dark in that parking lot.

Mr. Santella stated that they didn't know all of the lines. They had to trace them out and they haven't had the time to hook them all up.

Chair Parkins recalled that there was a problem at Center Stage when they were there; it was very dark when people came out from the shows.

Mr. Schultz told Ms. Bensen and Mr. Santella that they had a banner that they put up and then they took it down at the other location. This is an even more visible location. Mr. Schultz indicated that they regulate all the banners now. They can take out a permit but it is for a certain period of time only and the Commission determines where it goes. He asked them to please work with them on that.

Ms. Bensen responded yes, absolutely.

Mr. Schultz indicated that was number one and they were ready to take legal action. Every month on his Staff Report it would say “take down the banners on Bridgeport Avenue.”

Ms. Bensen commented that in all fairness, the first time she heard about it was when she came in to see Rick a couple of weeks ago.

Mr. Schultz stated that they have been talking to Coco Properties for months. He indicated that if he has difficulties with a tenant or tenants, he goes right to the owner because the owner is ultimately responsible. The owner there basically said that he didn't want to deal with me so he was ready to take legal action.

Chair Parkins stated that they are just going to approve the businesses for now because there are no signs to approve. She noted that she's asked Staff to let the owner there know that people are getting around that Jersey barrier, so she has requested another Jersey barrier to stop people from going there because it is no longer a road.

Ms. Bensen asked if they didn't want it used at all.

Chair Parkins stated not Nells Rock Road. People are going around the barrels, going around the Jersey barriers and she's requested another Jersey barrier.

Mr. Santella asked for clarification as to which road they didn't want used.

Chair Parkins explained that Nells Rock was the side road that comes down next to the Bank and right now there are Jersey barriers and orange construction barriers that are knocked down because people are driving around them and knocking them over.

Mr. Santella commented that he would make sure to move any machinery that he has over there.

Chair Parkins stated that just off of Bridgeport Avenue, there is no exit or entrance – it is no longer a service road.

Mr. Santella stated that they don't need that anyway.

Ms. Bensen added that it was over by the other building then – the one that they aren't taking.

Chair Parkins indicated that people have been using it as a shortcut so that they don't have to go back out.

Comm. Pogoda clarified that it was the small road running parallel to Bridgeport Avenue.

Mr. Schultz asked about the maintenance of the property because it has been an issue.

Mr. Santella responded that he was going to clean it up. He's bringing in the mowers and all that kind of stuff. He is going to make it look nice.

Mr. Schultz stated that the Commission wants that because they have anti-blight complaints and they've asked Staff to look into.

Mr. Santella stated that he was going to run the mowers through the other side too because they want the whole property to look nice.

Mr. Schultz responded that was good to hear.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6456 (Kim Bensen Weight Loss Center)**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6457 (Hard Kore Fitness & Gym).**

**SEPARATE #6459 – CT. CHOCOLATE PIE, 435 CORAM AVE., BUSINESS/SIGN**

Mr. Schultz indicated that Connecticut Chocolate Pie is a franchise and it is located diagonally across from St. Joseph's Church and School. The building is pre-existing, non-conforming in a residential neighborhood with square footage of 800. He stated that there would be one full time employee, hours of operation 10 a.m. – 6 p.m., Tuesday through Friday and Saturday 10 a.m. – 4 p.m. There are no company vehicles and it is replacing Curtain Call fabric store.

Comm. Pogoda asked if they would be making anything there or just selling it.

**Atty. Allen Tyma, 231 Coram Avenue, Shelton representing the Applicants addressed the Commission.** Atty. Tyma responded no, that they will be more of a distributor but it is also a retail operation. It is not exclusively, or by any means primarily a retail operation. Most of this is going to be sales to a lot of the local businesses and that's how this operates, but it is already retail with the pre-existing, non-conforming use so they just wanted to keep it at that level. They aren't expecting much walk-in traffic and it won't be a big traffic generator or create any parking issues.

Comm. Matto asked if they would be making the pies there.

Comm. Harger responded no, they aren't making anything there. It is more of a distribution center.

Atty. Allen Tyma provided product brochures for the Ct. Chocolate Pie company.

Comm. Pogoda asked how the merchandise was going to get to the store.

**John Hahn, manager, Ct. Chocolate Pie, 435 Coram Avenue, Shelton addressed the Commission.** He introduced his wife, Wendy and responded that there would be one delivery per month that comes by van.

Comm. Pogoda asked if there would only be deliveries in a van and if that would be the largest vehicle that will be coming in.

Mr. Hahn responded yes, (inaudible) and there's only one truck and (inaudible)...

Chair Parkins asked if they were going to have retail cases and stuff in there for people to walk in off the street and purchase this.

Mrs. Wendy Hahn responded yes.

Chair Parkins commented that they would be doing some retail then.

Atty. Tyma responded yes, there may be some retail.

Chair Parkins commented that, hopefully, they can cash in on all the people moving into Downtown soon.

Comm. Harger asked what type of vehicles would be coming to pick these items up.

Mrs. Hahn responded that she plans to do a large amount of sales to corporate customers in the Towers and such and those chocolates/platters would be delivered by her in her private car.

Comm. Pogoda asked if they would have any refuse needs.

Atty. Tyma responded no, he would say nothing.

Chair Parkins asked how much space they had in that store.

Atty. Tyma responded 800 square feet. He added that for the sign, they were going to try to emulate what is over there now in terms of size and they will try to modify the logo a little bit so that it fits properly and doesn't overhang.

Comm. Harger asked if they had a design yet.

Atty. Tyma responded that they've discussed it and they have colorations and it would be a similar size to what is there. He added that it wouldn't be gaudy. It would be the name with no other information.

Mr. Schultz asked if there would only be one sign.

Mr. Hahn responded that there was one on the side too.

Mr. Schultz commented OK, a wall sign too so that's two signs.

Comm. Harger asked when they would have their design.

Atty. Tyma responded as early as tomorrow – the design is basically the logo with brown colors.

Mr. Schultz asked them to attend the DSC meeting on Friday at 8:30 a.m.

Atty. Tyma indicated that someone would attend.

**On a motion made by Thomas McGorty seconded by Elaine Matto, it was unanimously voted to approve Separate #6459.**

**SEPARATE #6467 – DAVE GRANT, 507 HOWE AVE., BUSINESS**

Mr. Schultz indicated that this is replacing Doggie Day Spa. Mr. Grant is purchasing that corner building. The Commission approved the new automotive repair on White Street at the last meeting. This is the second new tenant and it will be Dave & Dave's Old Fashioned Ice Cream Parlor containing approx. 700 square feet, four employees, hours of operation Monday through Friday, 4 p.m. – 10 p.m., Saturday 12 p.m. – 10 p.m. and Sunday 12 p.m. – 9 p.m.

Comm. McGorty asked if this was next door to Stockbridge's.

Chair Parkins asked if they were going to have an ice cream bar with the stools like the old fashioned ice cream places.

**Mr. Dave Grant, 507 Howe Avenue, Shelton addressed the Commission.** Mr. Grant responded that there would be no seats at the bar.

Chair Parkins asked if he said it was called Dave & Dave's.

Mr. Grant responded yes, like Ben & Jerry's.

Comm. Harger asked if this would be one of those dispense your own kind of things.

Mr. Grant responded no, it's not like one of those yogurt places.

Chair Parkins asked if there was any sign proposed or would this be for just the business.

Mr. Grant responded no sign yet, they are going to open in April so they will have a sign designed over the winter. He stated that he has a poster in the window right now which also doubles to cover the windows during construction. He commented that if anyone

remembers *Vanetti's* (?) - the interior is going to look similar to that with tin ceilings 12 foot high, wire parlor chairs with seating for about 25 customers.

Chair Parkins asked if they would be doing chocolate or just ice cream.

Mr. Grant responded ice cream and penny candy – which costs a buck now. He stated that they are taking advantage of what's happening Downtown. They are very near the apartments and condos. They feel - his son David and himself both feel – it is the start of what is going to be a big generator for Downtown. People always like ice cream and they can walk there.

Comm. Harger asked if this would be year round.

Mr. Grant responded that he lives in Florida in the winter so he was going to have it closed in the winter. However, he was talking to the person (name inaudible) who used to own Timothy's and he said that he did a lot of business in the winter so maybe they'll go month to month and see what happens.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6467.**

#### **AGENDA ADD-ON**

**Separate #6468 – 11 Frank Drive, In Law Apartment**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to add Separate #6468 to the agenda under Old Business/Applications for Certificate of Zoning Compliance.**

#### **SEPARATE #6468 – 11 Frank Drive, In –Law Apartment**

Mr. Schultz stated that this was the application that the Board heard about last month. It is a new construction and the ZBA was entertaining it. The ZBA met and approved that variance by reducing the five year requirement to brand new.

Mr. Schultz indicated that a letter was sent to the ZBA as directed by this Commission.

#### **End of Tape 1A 8:30 p.m.**

Mr. Schultz presented the architectural drawings and indicated that Barry Mucci, the contractor was present. He indicated that this was an 860 square foot in-law apartment, brand new house incorporating it.

Comm. Pogoda asked if he said that the ZBA approved this.

Mr. Schultz responded yes.

Chair Parkins asked what hardship it was based upon.

**Mr. Barry Mucci, Contractor addressed the Commission.** Mr. Mucci responded that the owner's mother was living with him already in Shelton and he needed to move to a bigger home and that was his hardship. He added that he thinks that the five year regulation had a lot to do with it.

Mr. Schultz commented that if they are looking at the house on the architectural, the in-law apartment is surrounded internally around the house, so it looks like a single family and that pleases the Commission architecturally. The 860 square feet is the in-law and everything complies with all the other standards. This is an attractive single family house.

Mr. Schultz stated that Frank Drive is the new cul-de-sac built recently off of Lisa Drive. He recalled the issue that they had with the stone wall. This is a three lot cul-de-sac so if it is off and you don't see it, but it is an attractive house though.

Comm. Harger asked how many square feet the overall house was.

Mr. Mucci responded that the total square footage of the house 4200 square feet.

Comm. Harger asked how much the in-law was.

Mr. Schultz responded 860.

Comm. Harger commented that it is a big house overall.

Mr. Schultz added that haven't been issuing permits for that size home, as a rule, in this economy. He added that he didn't put it in his Staff Report but this will be the 56<sup>th</sup> permit for a single family dwelling and it will be the largest one that a permit has been taken out for. He added that the newer subdivisions – like upper White Hills – under 3000, 2700 – Schiabe and Mark Donovan.

Chair Parkins asked if anyone can just go to ZBA now and override their regulations.

Comm. Pogoda commented that they have challenged them.

Mr. Schultz responded no, use the checks and balances. He wrote ZBA a full page letter reminding them of their responsibilities, the intent of the regulation and that a legitimate hardship...

Chair Parkins asked why they have the regulations if people can just go in because they are building a new house and they want to put in an in-law apartment.

Comm. Matto asked if a parent lives with you in a similar situation and you're upgrading to a bigger house then what would you do.

Mr. Mucci stated that most people nowadays are building houses and they are looking for in-laws because they can't afford the mortgage or the parents are getting old. A lot of homes now are getting in-law apartments. This is not the first time this has happened. It's about the 6<sup>th</sup> one he's seen now in the past two years.

Chair Parkins commented that this also lends itself to apartments after the in-law passes on too.

Comm. Pogoda stated yes, and that is the reason for the regulation.

Comm. Matto added yes, it is an invitation to...because who is going to know really.

Comm. Pogoda yes, especially in a house that size.

Comm. Matto commented that if they allow it for someone who already has a house then...

Mr. Schultz stated that they have a history of sending letters to ZBA each and every time. They will know if another one comes up and they feel the need to stop it because they can challenge them in court.

Chair Parkins responded yes, but once you set precedence, it's very hard to...

Mr. Schultz stated that it is hard for them – but they have to put the brakes on it.

Comm. Harger made a motion to approve.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was voted (5-1) to approve Separate #6468. Comm. Flannery voted in opposition.**

Comm. Flannery voted no and stated that it is supposed to be a one family house and they are supposed to have five years for the in-laws.

Comm. Pogoda commented (inaudible)...

Comm. Flannery asked why they have the rule then.

Comm. Matto commented that she thinks that this must have been an unusual circumstance with someone wanting to build a bigger and better house for themselves and they already have their mother living with them. She asked how often that would come up.

Comm. Pogoda asked if they went before ZBA immediately and asked if they had this in front of them before.

Mr. Schultz responded yes, at the last meeting and ZBA acted on it after the Commission sent the letter reminding them of their duties and responsibilities and the intent of the regulation.

Comm. Pogoda asked if any comments came back from them after they sent the letter.

Chair Parkins asked what kind of hardship – she doesn't see how that is a hardship.

Mr. Schultz stated that he thinks that if they see another application, they should take it to the ZBA and then they'll be able to analyze and it will (inaudible)...

Comm. McGorty stated (inaudible)...

Comm. Matto commented (inaudible)...

**NEW BUSINESS**

**APPLICATION #12-21, PETITION OF TALBOT PARTNERS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT CONCEPT PLAN: 262 UNIT APARTMENT DEVELOPMENT), BPT. AVENUE (MAP 19, LOT 56), OP DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING**

Comm. Flannery asked if they had to accept this.

Chair Parkins responded yes, they have to accept it.

Mr. Schultz added that they have to schedule a public hearing within 35 days. If they exceed the 35 days, then they need an extension from the applicant. The applicant's representative, Atty. Dominick Thomas, was here if they have to go beyond 35 days. Atty. Thomas was here but he had to leave.

Comm. Matto asked if they talked about this a couple of weeks ago.

Chair Parkins responded yes, they came in and did an informal informational presentation but there was no further discussion on it.

Mr. Schultz suggested various meeting dates in October, November and December.

Chair Parkins indicated that they already have a public hearing for 10/16 and 10/24.

Comm. Pogoda asked how far 35 days took them to without an extension.

Mr. Schultz responded 11/13. He added that the applicant was willing to give them an extension.

Chair Parkins asked how much the extension would give them.

Mr. Schultz responded that it would be whatever the Commission needs.

Chair Parkins suggested January, because it would be too much to add on to December.

Mr. Schultz provided December and January dates of 12/11, 1/8 and 1/23.

Chair Parkins suggested a second meeting in November – 11/28/12 – the fourth Wednesday in November.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application 12-21 and schedule a public hearing for Wednesday, November 28, 2012.**

### **PUBLIC PORTION**

Chair Parkins asked if there was anyone in the audience who would like to address the Commission on anything not on the Agenda. There were no public comments.

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

Comm. Dickal departed at 8:40 p.m.

### **OTHER BUSINESS**

#### **APPROVAL OF MINUTES: 9/11/12 AND 9/26/12**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table the approval of the minutes from 9/11/12 and 9/26/12.**

#### **CRESCENT VILLAGE CONDOMINIUMS: REQUEST FOR ONE (1) YEAR EXTENSION TO COMPLETE PROJECT**

Mr. Schultz stated that this was tabled from the last meeting and Staff went and corrected all the remaining work that needed to be done. He indicated that he met with the Captain of the Pine Rock Park Fire Department and everything is going to move ahead. This is the last one year extension that they will need. They are doing the last units closest to the Pipeline. Everything appears to be completed in a workman-like manner.

Chair Parkins asked if it had been completed.

Mr. Schultz responded that everything else appears to have been completed in a workman-like manner – the shrubs have been maintained, and the entrance looks good. Staff recommends this final, one-year extension.

Chair Parkins responded OK, but they wanted to put a time line on them to complete this and he met with Jason who was very satisfied.

Mr. Schultz stated that he sent him a letter and told him that it has to be done.

Chair Parkins indicated that she doesn't want to grant the extension until she knows the work actually has been done.

Mr. Schultz responded that the condition is that it has to be completed by the end of the month – the end of the growing season.

Chair Parkins commented OK that's the condition; otherwise, it is null and void.

Mr. Schultz stated yes, it will be revoked and that was in the letter to him as well.

Chair Parkins asked for a motion to approve with the noted conditions.

**On a motion made by Thomas McGorty seconded by Elaine Matto, it was unanimously voted to approve the request for a one year extension to complete the project at Crescent Village Condominiums with the noted conditions.**

**TWISTED VINE SUBDIVISION: REQUEST FOR REDUCTION OF SOIL AND EROSION CONTROL BOND**

Mr. Schultz stated that they have a \$7,500 Sediment and Erosion Control Bond and Staff is recommending that it be reduced to \$5,000 for a \$2,500 reduction.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve the request for reduction of the soil and erosion control bond for the Twisted Vine Subdivision.**

**8-24 REFERRAL: EXTENSION OF PUBLIC WATER FOR YUTAKA TRAIL**

Mr. Schultz stated that they have two 8-24 Referrals for public water extensions. The first is for Yutaka Trail. The residents of #42 and #46 Yutaka Trail have submitted a petition to the City to extend public water to their homes. The home at #42 Yutaka Trail was constructed after the Pine Rock Park Water Main Project was completed. At this time there is sufficient information for the BOA to hold the required public hearing to discuss the appropriation of funding.

Mr. Schultz read correspondence recommending this public water extension by the City Engineer, Robert Kulacz, P.E. dated October 3, 2012.

**\*See attached correspondence to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer dated 10/3/12.**

**On a motion made by Anthony Pogoda seconded by Elaine Matto, it was unanimously voted to report favorably on the 8-24 Referral for the Extension of Public Water for #42 and #46 Yutaka Trail.**

**8-24 REFERRAL: EXTENSION OF PUBLIC WATER FOR FEDERAL ROAD (SOREL DRIVE TO BOOTH HILL ROAD)**

Mr. Schultz indicated that this was the same situation and read a letter dated 10/3/12 from the City Engineer recommending public water extension for the six properties located near Federal Road.

**\*See attached correspondence to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz, P.E. dated October 3, 2012.**

Chair Parkins asked if these homes had also not been constructed when City water went through.

Mr. Schultz responded yes, this was a real hodgepodge of older homes and the public water went to the newer homes. There were short areas where older homes were not given the option.

He added that unfortunately, as they know, Aquarian owns the water supply. It is called public water but it is a private company and they only extend water when they are getting paid.

Comm. Matto asked how these requests come to be proposed.

Mr. Schultz responded that the property owners petition the BOA.

Chair Parkins added that the properties may have started to have problems with their wells.

Mr. Schultz commented that it usually happens when people go to sell their homes and the realtors tell them that it would be better if it had public water available. It increases the value by tens of thousands.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to report favorably on the 8-24 Referral for the extension of public water for Federal Road (Sorel Drive to Booth Hill Road).**

## **ZONING ENFORCEMENT**

### **1. 425 RIVER ROAD: VIOLATION OF OCCUPANCY PERMIT**

Mr. Schultz stated that this is Lia's Pizza and he's been talking to the Commission about this periodically. The owner is cleaning it up but Staff believes that they need to take it to this next level as they have done in the past. When people read about it in the newspaper and Staff sends them a copy of the Legal Notice, it usually gets their attention.

Mr. Schultz added that this Commission approved the consignment shop – with the pizza place on the left side and the consignment shop on the right side. He added that it has just gotten out of control and they have just been throwing junk out there that is even unworthy of retail. They've been getting complaints from area businesses. He's working on it but Staff feels that they need to take it to this next level.

Comm. Pogoda asked if they have given him a time frame because if he doesn't have a time frame...

Mr. Schultz responded that he has gone way beyond a reasonable time frame and that is why Staff is asking the Commission to authorize appropriate legal action.

Comm. Pogoda stated that he thinks that they should then because that place is a mess.

Mr. Schultz added that it takes Corporation Counsel a long time to send out a legal notice informing him that he'll be called to court. He wants to show him that the Commission means it.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to authorize legal action for violation of occupancy permit at 425 River Road.**

Comm. Matto asked what happens if it deteriorates over and over again after being cleaned up.

Mr. Schultz responded that they get a temporary injunction from the judge. If the owner repeats it, Corporation Counsel goes before that same judge again to request that a fine be assigned again.

## **PAYMENT OF BILLS**

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

## **STAFF REPORT**

Mr. Schultz distributed copies of the P&Z Staff Report dated October 9, 2012 including upcoming ZBA applications, CT Siting Council/UI update, and Zoning Enforcement.

**\*See attached Planning & Zoning Staff Report from Richard Schultz dated 10/9/12.**

## **ADJOURNMENT**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn at 9:08 p.m.**

Respectfully Submitted,

Karin Tuke, P&Z Recording Secretary