

SHELTON PLANNING & ZONING COMMISSION

AUGUST 13, 2013

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, August 13, 2013 at Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins
 Commissioner Anthony Pogoda
 Commissioner Virginia Harger
 Commissioner Joan Flannery
 Commissioner Elaine Matto
 Commissioner Thomas McGorty (departed 9:23 p.m.)

Staff Present Richard Schultz, P&Z Administrator
 Anthony Panico, P&Z Consultant
 Patricia Garguilo, Court Stenographer
 Karin Tuke, Recording Secretary

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

CALL TO ORDER /PLEDGE OF ALLEGIANCE/ROLL CALL

Chairperson Parkins called the 8/13/13 Regular Meeting of the Planning and Zoning Commission to order at 7:07 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that the first order of business would be for a public hearing and requested that the P&Z Secretary read the Call of the Hearing. She reviewed the procedures for a public hearing and guidelines for cell phone usage during the meeting.

PUBLIC HEARING

PROPOSAL OF THE SHELTON PZC: RE-WRITE OF SECTION 42: OFF-STREET PARKING AND LOADING REGULATIONS

P&Z Secretary Virginia Harger read the Call of the Hearing, correspondence from the Regional Planning Commission in North Haven and the Valley Council of Governments Regional Planning Commission.

***See attached correspondence dated July 15, 2013 to Richard Schultz, P&Z Administrator from Chairman Christopher Trough, Regional Planning Commission, North Haven, CT.**

***See attached correspondence dated July 24, 2013 to Richard Schultz, P&Z Administrator from Rick Dunn, Executive Director, Valley Council of Governments Regional Planning Commission**

***See attached Final Draft Re-Write of Section 42: Off-Street Parking and Loading Regulations dated September 18, 2012 revised through June 6, 2013 prepared by Zoning Subcommittee.**

Chair Parkins indicated that Rick Schultz would provide a presentation and after a discussion by the Commission, the public hearing would be opened for any public comments.

Richard Schultz, P&Z Administrator indicated that copies are provided at the front table of the Final Draft Proposal for Section 42 for anyone wishing to follow along.

Mr. Schultz listed the Exhibits that are made part of this record on behalf of the Commission.

1. 2006 Plan of Conservation and Development (POCD).
2. Draft Off-Street Parking and Loading Regulations as stated in the Legal Notice dated 9/18/12 revised through 6/16/13.

3. Referral from the Regional Planning Commission.

Mr. Schultz indicated that the Shelton Planning & Zoning Commission, over the last several years, continues to amend its regulations as recommended in the 2006 POCD. This is probably the last major section that required a re-write and as indicated, this is for the Off Street Parking and Loading. He indicated that this is a very important component of the Shelton Zoning Regulations because, obviously, it provides the standards for all of the land uses whether it is residential (including multi-family), commercial or industrial. Therefore, it is a very important component.

Mr. Schultz indicated that he would quickly go through all of the pages – there are 15 pages in the document – and when they get to the Public Portion, if anyone has any comments then Staff and/or the Commission can address them.

Chair Parkins asked Mr. Schultz if he would prefer that the Commissioners wait until he finishes all of it or would he prefer that they comment during his review.

Mr. Schultz responded either/or, if any of the Commissioners have any questions – but generally speaking, if they want to wait until the end, then they can go over each page.

Mr. Schultz indicated that as stated in the Legal, the first section is 42.1 General. He read the opening sentence *“It is the purpose and intent of this Section to assure that parking spaces and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time.”*

He added that the P&Z Commission, since the late 1970’s has adopted 77 PDD’s and he would say that more than half of them created unique standards for off-street parking and loading. They did refer to those documents because the Commission knows what has worked well so obviously those documents really aided the Zoning Subcommittee that started this whole process and then the full P&Z Commission.

Mr. Schultz discussed Page 2, Section 42.2 Parking Space Standards which indicates that all off-street parking spaces shall be provided in accordance with the minimum standards provided. They have referenced the Americans with Disabilities Act because that is an important federal standard that must be complied with. He added that they ended it with *“all off-street parking requirements shall not be subject to a variance by the Zoning Board of Appeals without the consent of the Commission.”*

Mr. Schultz added that at the regular meetings, Staff provides a Staff Report with a copy of the ZBA Agenda and if there is any application requiring a variance of off-street parking or loading, Staff will present it to the Commission and they will send their recommendations to the ZBA.

Mr. Schultz reviewed Page 2-3, Use Classifications and Minimum Parking Space Requirements for Residential, Public and Semi-Public Uses. He added that this is very important because it deals with single family dwellings and multi-family dwellings. He reviewed the various dwelling units including one or two dwelling units, dwellings containing 3 or more owner-occupied (condo) dwelling units and various rental apartment scenarios with one, two and three or more bedrooms and the requirements for visitor parking.

Mr. Schultz stated that the Visitor Parking 3d on Page 3 is important and requires one visitor space per two rental apartment units. He added that they believe that this is something that is necessary, especially during special events or occasions such as holiday weekends, Super Bowl get-togethers, etc. He referenced the other type of uses such as places of worship, hospitals, country clubs, etc.

He discussed the next major section for Commercial and Industrial Sales, Service and Manufacturing Uses on Pages 3 -6 and added that he would review the categories that he felt were relevant.

He referenced #4 Banks, Financial Institutions (public or private) requiring 1 space for each 200 square feet of gross floor area.

He noted that they have included #5 Bed & Breakfast because their department recently received a call concerning the conversion of a house in upper White Hills into a Bed & Breakfast so that is a new provision.

Mr. Schultz discussed #10 Car Washes with the parking requirement of parking spaces or parking equal to 5 times the capacity of the car wash.

For #14 Convenience Markets, Mr. Schultz indicated that 1 parking space would be required for each 200 square feet of gross floor area.

He referenced #15 Day Nursery or Nursery School requiring 1 parking space for each Staff member plus 1 space for every 10 students.

Mr. Schultz reviewed the Drive-Through Uses #17 including 17a for Banks or Financial Institutions and the requirement for vehicle stacking for 5 vehicles for each drive-through teller station.

He discussed the vehicle stacking requirements for #17b Food Establishment Drive-Through Uses for establishments with the sale or consumption of food or beverages on the premises with more than 16 seats. The stacking requirement would be for 4 spaces before the ordering area.

He mentioned #17c for Food Establishments for the sale of food and beverages off premises with 16 seats or less with the same drive-through 4 space vehicle stacking requirement.

Under this Drive-Through category, he reviewed requirements on page 5 for convenience markets, dry cleaning stores, pharmacies, etc.

Category 18 Food Store or Supermarkets would require 1 parking space for each 200 square feet of gross floor area for buildings over 10,000 square feet of gross area. Food Stores under 10,000 square feet of gross area would also require 1 parking space for each 200 square feet. He added that they used the Shelton Square Shopping Center, the recently approved Crabtree and other areas as reference.

He mentioned the requirements for Gas Service Stations would be 1 stacking space per 2 pumps plus 2 parking spaces per service bay.

Mr. Schultz indicated that Staff referred to the various manuals that are available for Planning and Zoning Commissions.

He discussed #23 Hotels/Motels requiring 1 ¼ parking space per guest unit.

For Manufacturing and Industrial Uses including office or other incidental operations on the site the requirement would be 1 parking space per each 1.5 employees but not less than 1 parking space per 750 square feet of gross floor area. He added that they were adding that provision because it covers all unique situations.

Mr. Schultz reviewed #23 Medical or Dental Offices and the requirement of 1 parking space per 200 square feet of gross floor area.

On Page 6, he discussed #29 Planned Shopping Centers with the requirement of 4 parking spaces per 1000 square feet or as approved by the P&Z Commission. He commented that #31a was an important one for Restaurant, Cocktail Lounge, or similar use for sale or consumption of food or

beverage on the premises with more than 16 seats. One parking space would be required for each 100 square feet of gross floor area plus 1 additional space for each 50 square feet of patron bar and/or cocktail lounge area. Mr. Schultz added that over the years, the Commission has found that they could have these restaurants that may have a large bar area where it could be 3 people deep and if they drive their own cars there, it will run into problems. He referenced Madison's Restaurant where they experienced this problem and learned a lot from that scenario.

He discussed #31b Restaurants primarily for sale of food and beverages off premises with 16 seats or less that would require 1 parking space for each 200 square feet of gross floor area.

Other categories mentioned included Retail, General with 1 parking space required for each 200 square feet of gross floor area. He commented that they are using the numbers that have worked well in the community and they've used these numbers since the modern zoning in the early 1960's.

Mr. Schultz reviewed #35 for Warehouse and Distribution Industry requiring 1 parking space for each 2000 square feet for the first 20,000 square feet; 1 parking space for each 4000 square feet of floor area of the remaining building area. He added that for some of these they are being a little bit more creative but they think that the formula does work.

On Page 7, Mr. Schultz commented on Handicapped Parking Spaces and their references to the Americans with Disabilities Act. He indicated that the total number of required parking spaces shall be determined by the Building Office but this Commission is very concerned and the issue comes up when reviewing a site plan. The Commission wants to know where the handicapped parking spaces are going to go and how they interplay with the use of a building. It is something that the P&Z Commission participates in but by Connecticut State Code, the Building Official has the final say. He added that the Building Official relies on the recommendations of the P&Z Commission.

Mr. Schultz discussed Section 42.3 Loading Space Standards and he read that "*Each hospital, hotel, motel, retail, etc ...and establishment for the manufacture, processing or assembling of goods, having a ground floor area in excess of 4,000 square feet, shall have 1 off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements, and located on the same lot with the building.*" He added that loading spaces are critical, especially where they go and the number of spaces that you have for each facility.

Mr. Schultz indicated that Section 42.4 Classification of Uses was an important provision. He read on page 7 "*Whenever two or more classifications provided in Paragraph 42.2 shall apply to a use of land, building or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each type of use.*"

Mr. Schultz stated that he believes this covers multiple uses. He indicated that the rest of the info on Page 7 includes Municipal Parking Facilities in the Central Business Core Area/Central Business District Overlay Zone and it is something that the Downtown Subcommittee will be dealing with on a case by case basis.

He read that "*a significant supply of off-street parking is available under the direction of the Shelton Parking Authority. Therefore, any required parking not available on-site may be satisfied in part through an agreement with said Shelton Parking Authority to provide all or a portion of said required parking. In lieu thereof, under the provisions of the Connecticut General Statutes and in accordance with policies and procedures of the City of Shelton, an applicant may enter into an agreement with the City for payment in lieu of providing all or a portion of said required parking and reserving said spaces in available, municipal off-street parking facilities, provided said facilities are in close proximity to the area of need.*"

Mr. Schultz added that it is similar to the payment in lieu of open space. They are trying to be creative and they want to provide incentives for the re-use of the buildings downtown. Many sites don't have on-site parking so this is one way of being creative.

He discussed Section 42.4.2 Shared Parking which he indicated was another important provision and he read "*For mixed-use developments involving multi-family residential uses in combination with other appropriate non-residential uses, the Commission may allow a credit for shared parking. For studio and one-bedroom apartments, said credit shall not exceed 0.5 spaces per dwelling unit and for two or more bedroom apartments, said credit shall not exceed 1.0 space per dwelling unit. The Commission at its sole discretion may deny such credits where the peak demand of the non-residential use occurs in the evening hours.*"

Mr. Schultz added that, once again, the way that this was going to be processed is the Downtown Subcommittee who will review the initial submission and work with the Applicant to make sure that it can work before it comes to the full P&Z Commission. It is important to indicate that they need these incentives, these standards that provide some assistance for the re-development of Downtown.

Mr. Schultz briefly discussed 42.5 Joint Use and 42.6 Modification of Standards. He referenced Page 9, 42.7 Design and Construction Standards which includes the dimensions of what a parking stall is. He read that "*each parking space shall constitute an area of such shape as to contain a rectangle not less than 9 x 20 feet with vertical clearance, access and slope to accommodate one automobile. For spaces located in or on a building or structure, said rectangle may be reduced to an area of 160 square feet. When the end of a parking space is adjacent to and capable of overhanging a curbed, sidewalk, landscaped area or island, the length of the space may be reduced to 18 feet by allowing the curbing to function as a wheel stop.*" He added that this is something that the Commission has used in the past but now they are putting it into the Standards so it is understood clearly.

On Page 10, Mr. Schultz mentioned 42.7.2 Access and read that "*each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile having an overall length of 18 feet can approach the space and execute any necessary backing and turning movements...*" He added that the Commission also relies on the Fire Marshal's report on the widths of the aisles. He indicated that they do, however, have some older sites in town where the aisle width is less than 24 feet. In some instances, the Fire Marshal likes to go with 26 feet, especially if it is a high traffic area like a larger shopping center.

Mr. Schultz reviewed 42.7.3 Improvement and indicated that "*all off-street parking and loading spaces shall be suitably improved, graded, stabilized, drained and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street or adjacent property.*" He added that they do have situations where improvements come before the Commission and stated that they had one off of Oliver Terrace a couple of months ago where the property owner wanted to improve it. The Commission made sure that they installed proper drainage.

Mr. Schultz referenced Page 11, 42.7.4 Layout and read "*all off-street parking and loading areas shall be provided with spaces of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such spaces as to allow safe and convenient use of each parking space.*" He commented that they are adding the appropriate language so it is spelled out clearly and the Applicant knows what is expected of him or her.

He discussed Paragraphs a, b, c and d under 42.7.4 under Layout which spell out these details. He commented that on Page 12 that get into 42.7.5 Driveways and read "*there shall be no more than 2 driveways entering any lot from any one street, except there may be 1 additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall be not less than 15 feet in width for one-way travel and not less than 24 feet in width for two-way travel,*

measured at the street line. Driveways shall have a maximum grade of 10%; however, limited portions may have a grade of up to 12% over a length of 100 feet provided that multiple 12% lengths of driveway are separated from each other by not less than 100 feet of driveway at grades less than 10%.”

Mr. Schultz indicated that this is language that they have used, especially in upper White Hills where they have some steep topography and areas along the Housatonic River. He added that the Commission doesn't want to see excessive re-grading where they don't have to. He knows that 10% seems like a lot and especially 12%. If they go to towns like Milford or Stratford, 12% would be unheard of but in Shelton they get into hilly terrain, it can work and it has worked. The Police and Fire Department have also indicated that it is not a problem so it has worked even though they don't like to see it and it is scrutinized but they need to have provisions for that.

Mr. Schultz briefly mentioned 42.7.6 Location – Loading and 42.7.7 Location – Parking. He referenced page 13 for 42.7.8 Landscaping and commented that landscaping is an important provision and noted that the Commission expects appropriate landscaping and this provision clearly provides for it and spells out all of the requirements.

On Page 14, Mr. Schultz referenced 42.8 Waiver of Immediate Installation and indicated that this was something new and he read:

“With the respect to the installation of parking spaces required by this Section, the Commission may, upon the request of any property owner or other applicant, waive the immediate installation of not more than 25% of the required number of parking spaces upon the following conditions:

- a. That the parking plan submitted to the Commission show the layout for the full parking requirement and identify those spaces for which Waiver of Immediate Installation is requested.*
- b. That the Commission finds that the reduced number of parking proposed to be installed will adequately serve the proposed development.*
- c. That the owner file with the Commission and note on the parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within 6 months after the date of any request by the Commission to do so.*
- d. That the Commission at its sole discretion may require posting of appropriate bonding to assure the installation of said deferred spaces, which bonding shall be maintained in effect for a maximum of two years.*
- e. That the agreement herein referred to be incorporated by reference as a covenant in any Special Exception approval, the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such Special Exception approval recorded on the land records.*

Mr. Schultz concluded that was the complete document for Section 42 – Off-Street Parking and Loading. He added that they believe that they've included everything that needs to be addressed. He'd be ready to take comments from the public. He added that this is a pretty dry subject but it is a very important one for the City.

Chair Parkins indicated that she'd like to make a few comments and added that, first of all, she wanted to thank the Zoning Subcommittee including Comm. Pogoda, Comm. McGorty and Rick for their efforts on this. She indicated that she doesn't think that a lot of people realize how much time and effort goes into these types of documents and in going over their Regulations. She thanked Staff and the Zoning Subcommittee for their time and effort.

Chair Parkins indicated that in going over this, she does have a couple of items to mention – she added that she doesn't disagree with them but would like to understand the thought process behind them.

She referenced Page 3, under the category Residential, Public and Semi-Public Uses, #5 (Customary Home Occupation) or #6 (Professional Office in a Dwelling Unit) she requested clarification that these requirements and that they are in addition to the residential requirements. She added that when she first read it she wasn't sure if it read clearly enough that these requirements were in addition to the residential requirements. Chair Parkins requested clarification of that.

Mr. Schultz responded that these requirements are in addition to what is required for the home.

Chair Parkins referenced Page #4 under Commercial and Industrial Sales, Service & Manufacturing and for item #10 Carwash, she questioned what is meant by the “*capacity of the car wash.*” (“*Parking spaces or parking equal to five times the capacity of the carwash.*”) She asked if this means how many cars go through.

Comm. Harger agreed and asked if there were a certain number of vehicles that can be put into the car wash tunnel or...

Chair Parkins asked if it refers to how many cars can be washed at one time or within an hour or...

Mr. Panico responded that he didn't pay much attention to that and just accepted it but he'll take another look at it. He added that it seems excessive for the traditional car wash with (inaudible)...

Chair Parkins stated that it would depend upon whether or not the car wash had people on site drying cars and that type of thing.

Mr. Panico commented that perhaps the word is not “parking spaces or parking” but maybe it should be “stacking spaces.”

Comm. Pogoda agreed that stacking spaces makes more sense.

Mr. Panico indicated that if the car wash tunnel can handle three cars simultaneously, then they have 20 or 25 stack up spaces for it.

Mr. Schultz stated that they just don't want to see cars on River Road.

Comm. Pogoda added yes, River Road or Platt Road.

Mr. Schultz commented that it is a small facility but it has high volume and being on River Road is a red flag. He added that Platt Road has not been an issue – he hasn't seen any cars on Platt.

Chair Parkins responded it was because they have a lot of stacking space.

Mr. Panico commented that it is a well-designed facility, they anticipated it and made absolutely certain that there would be no stacking out onto Platt Road.

Chair Parkins stated that there have been times when it is pretty close to it.

Mr. Panico told Rick Schultz that they would need to go back and look at that wording again.

Chair Parkins referenced Item #11 Self-Service Cleaning or Laundry Use or Similar Personal Service Use and commented that she assumed this referenced a Laundromat and it seems a little excessive to have one space per washing machine. She stated that many people will go into a Laundromat and use 2 or 3 machines simultaneously because they don't want to be in there for hours. She added that they may be modified to 2 or 3 machines per 1 parking space.

Mr. Schultz agreed that one machine per spaces is excessive.

In regard to Item #15 parking for Day Nursery or Nursery School with one parking space for each staff member and 1 space for every 10 students, Chair Parkins commented that she was concerned about drop off and pick up times. She doesn't think that they would be having one person dropping off a child at one time.

Mr. Schultz responded that they may have a public comment on that tonight.

Chair Parkins stated that she thinks that there should be at least two parking spaces. She indicated that she wasn't sure what logic the Zoning Subcommittee had used on that one.

Mr. Schultz stated that they have someone who can address that. He responded that many of these numbers were picked up from documents that are recommended.

Chair Parkins reiterated that she just thinks that may be a little bit short and they would need one or two extra spaces there. She referenced Page #6, Item #26 for Miniature Golf Courses and the recommendation for "2.5 parking spaces for each hole of the course." She commented that usually a family or group is playing at a hole so she thinks that is excessive. She added that it would be 1.5 spaces for each hole."

She commented that for Item #27, Mortuaries, Funeral Homes "1 parking space per 3 fixed seats or 1 parking space per 20 square feet of assembly room area, plus 1 per each commercial funeral vehicle" was a little bit short on parking. In regard to one parking space per 3 fixed seats, she commented that if they have a wake or if they are attending a funeral, many times people are by themselves.

Mr. Schultz agreed that there would be a lot of single drivers.

Chair Parkins indicated that there are a lot of single drivers so while they are probably not the norm; the norm is probably small funerals, however, if there is someone well-known, there may be a lot more. She suggested a number somewhere in between what is there. She concluded her comments.

Comm. Matto requested clarification on the Residential Units, Page 2, and asked if they were counting the garages when they say two spaces.

Mr. Panico responded that the garage is an eligible parking space.

Mr. Schultz added that it is the parking in front of it.

Mr. Panico indicated that they don't count both – not the stacking in front of it. They count one or the other – the garage or the space in front of the garage. He clarified that in order to be counted, the space has to be accessible and if they block the garage in with another parking space than it isn't accessible.

Comm. Matto asked if that needs to be specified here.

Mr. Panico responded no.

Chair Parkins asked about a two-car garage.

Mr. Panico stated that by definition, if they were to read all of the fine print in here – a parking space is a space that is accessible by an automobile, so if there is parking in front of the garage than it is not accessible. They haven't had any problems in terms of dealing with applicants before; they understand what the Commission is saying. They like to see that because it is like a bonus space but they cannot count it with compliance with Zoning. He asked if there were any other comments on the Standards.

Comm. Harger referenced Page 4, #6 Billiard Parlors and asked if a Billiard Parlor wouldn't have a bar area as well.

Mr. Panico responded that if there is a bar there than it would be subjected to the bar component. If there is a use involving multiple uses than you have to allocate the required parking for each use.

Comm. Harger asked about #17b at the bottom of Page #4 Drive Through Uses for Food Establishments and the vehicle stacking for 4 spaces before the ordering area and if that means the take-out window.

Mr. Panico responded that usually when you pull up there is a window that you order the food from and then the pick-up window; usually there is space from the ordering area to the pick-up window that is established by the user because they know if they are going to need at least 3 spaces and they'll provide them. This is to make sure that there are at least four spaces that can be stacked. There are times when four spaces are not enough and they had a lot of concern when they were trying to establish a general standard here. He added that he'll need to discuss this one more with Rick because he still isn't sure that four is enough.

Comm. Harger referenced the top of the next page, Page #5, 17c for Food Establishments for the sale of food or beverages off premises with 16 seats or less. She commented that food services *off premises* sounded contradictory and asked for clarification.

Mr. Panico responded that a lot of take-out food operations have some tables – if it has less than 16 seats, it is predominantly a take-out.

Chair Parkins added that it was like Ari's (inaudible) is a good example, most of it is drive-through but there are some tables inside.

Comm. Harger responded OK, it was just the phrasing that confused her. She asked about 17d for Convenience Markets and commented that for Dry Cleaning Services she doesn't see any situations in Shelton where they have window service.

Chair Parkins commented...not yet.

Mr. Panico stated that no there isn't but it could happen in the future. They are anticipating that because dry cleaning with pick-up windows is becoming more and more popular.

Comm. Harger agreed but asked again about the Convenience Markets with drive-through.

Mr. Panico responded yes, he hasn't seen any of those – at least not in Shelton.

Comm. Harger commented OK, but added that she has seen the Pharmacy drive-through windows – they have one at Walgreen's.

Mr. Panico reiterated that Pharmacies and Dry Cleaning Stores are popular with their drive-up windows.

Comm. Harger referenced the bottom of Page #5, Item 25 for Medical or Dental Office and the requirement for 1 parking space per 200 square feet of gross floor area. She asked about parking for the employees.

Mr. Panico responded that they've found in the past that this has been a good ratio that works well for medical offices.

Comm. Harger noted that the item above it discusses spaces per number of employees. She commented that when you have a dental office there will be a dentist, a dental assistant, office bookkeeper – there are other people working there besides the dentist.

Mr. Panico responded that once again, all of these standards are minimums. They are “not less than” and if the Commission has concerns, it can require a higher parking ratio.

Comm. Harger commented OK.

Mr. Panico stated that for the dental office, the most recent example was the little medical building on Bridgeport Avenue. It worked well with that amount of parking.

Comm. Harger agreed but added that there are certainly other personnel affiliated with a dental practice. She referenced Page 8 and the discussion about Downtown. She indicated that the thing that concerns her the most is having adequate space for delivery trucks. She indicated that she’s seen issues on White Street and Center Street.

Chair Parkins commented that the problem is that it is off-street regulations, not (inaudible).

Comm. Harger agreed but added that later on in the document it discusses the location for deliveries and loading.

Mr. Panico responded yes, if it is a use of the downtown area like the retail areas and things like that. They’re so small that they don’t have a loading requirement – most of them are under 4,000 square feet but if it was more than 4,000 square feet, they would have to see them demonstrate an off-street loading space even if they didn’t use it – but they would be required to designate one. He added that was part of the problem with Downtown – the places are small and they receive UPS type deliveries and those guys just end up double-parking and running in.

Mr. Panico commented that if you have a place farther out on Bridgeport Avenue where they are part of a shopping center then they can make sure that there is a loading space in the shopping center.

Chair Parkins asked if there were any other questions or comments from the Commissioners. With no further comments, she opened the public hearing for public comments and asked if there was anyone in the audience who would like to address the Commission on these proposed amendments to the Section 42 Regulations.

Tammy Bogart, The Learning Connection, 1Sunwood Drive, Shelton addressed the Commission. Ms. Bogart wanted to comment about the Childcare Center parking recommendations. She indicated that if they have one parking space for 10 children and they all arrive at 7:30 a.m. then they won’t be able to all park. She added that usually they all come at the same time. They would need more parking than one space per 10 children and a lot of times they don’t – but if there is one parking space per 10 and they are all there at the same time it won’t work out well.

Mr. Panico stated that they would have to re-examine that and tie it into the maximum session because they can’t tie it into the capacity because many times a daycare will have a morning session and an afternoon session so their capacity may be recited in their total usage. He commented that they are concerned about the peak usage and coming up with an appropriate ratio. He reiterated that he agrees that they have to go back and re-examine this number. He doesn’t think it is adequate because especially if they are very young then they have to be escorted into the facility. Older kids could be dropped off at the curb and they wouldn’t have to park the car.

Ms. Bogart responded that it also depends upon how the facility is run. She indicated that some of the childcare places around Shelton have very large parking lots and there is no drop-off area so the kids are going to be escorted and then there would be a lot of traffic in the parking lot. So if they are allowing for so many kids per parking space – she added that she didn’t even think that would be the right way to do it. She agreed with the comment about re-evaluating how

many children actually attend the school, how many spaces are to be taken by Staff and then making a determination of the number.

Chair Parkins added that they would also need to know what type of daycare it is such as an after-school, before school...

Ms. Bogart stated that it definitely can't be a one per so many children type of thing – it doesn't work that way.

Chair Parkins thanked Ms. Bogart for her comments.

Comm. Harger asked Ms. Bogart if it was protocol at her particular school and maybe at others that every child is escorted inside because the parent has to sign the child in so there is no more curbside delivery.

Mr. Panico asked if that was the case up to a certain age.

Ms. Bogart responded that there might be some before and after school programs in which there are school age kids then it is unlikely – unless it is a school bus or a teacher bringing them in which would be a different scenario.

Chair Parkins added that for pick-up they are required to come in and sign to indicate who is picking up the child.

Ms. Bogart responded that was correct so there has to be a parking space for that.

Mr. Panico asked if that control changes as the child gets older.

Ms. Bogart responded no, that is the law no matter what.

Mr. Panico commented that they really have to have a re-evaluate (inaudible).

Chair Parkins asked if there was anyone else in the audience wishing to address the Commission. With no further public comments, she asked for a motion to close the public hearing.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the public hearing for the Proposal of the Shelton PZC: Re-Write of Section 42 Off-Street Parking and Loading.

Mr. Panico stated that he will get together with Rick and clean up a bunch of these Standards and provide an addendum sheet of (inaudible) information then they can consider, if the modifications aren't too onerous, then he thinks that they can make that modification in conjunction with the adoption of the regulations.

Chair Parkins responded OK, then they will hold off on the adoption of the regulations.

Mr. Panico asked Rick Schultz if he thought that might be wise to do.

Mr. Schultz agreed and added yes, there are a couple of them that are (inaudible)...

Mr. Panico indicated that they need to clean up some language and some numbers.

Mr. Schultz stated that they will do this with the Zoning Subcommittee.

7:47 p.m.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #490: 34 CANAL PROPERTIES, II, 34 CANAL STREET, EXTERIOR ALTERATIONS

John Ruffalo, John Ruffalo Architects, 415 Howe Avenue, Shelton addressed the Commission. Mr. Ruffalo indicated that he was present to address In-Line Plastics exterior renovations at 34 Canal Street. He introduced Joe Rich from In-Line Plastics to address any questions from the Commission regarding the presentation.

Mr. Ruffalo provided some pictures of the existing facility for the Commissioners to refer to them. He added that some of things are ongoing at this time. He used a site drawing to show the location of In-Line Plastics on Canal Street and explained that the main building for many years is located at 42 Canal Street. Recently, In-Line Plastics bought the adjacent building. He referenced a blue shaded area on the site drawing and explained that there were two buildings. The shaded blue area is a two-story facility that is going to be used be for a warehouse facility at this time. It is approximately 50,000 square feet per floor area.

Mr. Ruffalo stated that internally they are upgrading some of the first floor rest rooms to a uni-sex handicapped facility and they are adding exterior doors to the north for purposes of exiting with a canopy. He showed the location on the site plan where they will be replacing an existing stairway on the north side also. There will be new concrete pad for truck delivery at the end of the facility.

Mr. Ruffalo referenced the photos provided, and commented that Mr. Ritz has been in the process of cleaning up the building at this time. The stack that they see in the facility pictures of the facility is now gone so that is one big plus.

Chair Parkins commented thank you – they appreciate that.

Mr. Ruffalo responded yes, fewer and fewer stacks in Shelton. The other thing that they are showing right now are some vents that were there coming out of the boiler room. One of them has been removed today and they are proceeding with the others.

Mr. Ruffalo stated that the overall plan is for the Canal Street side to get a total sort of scrub-down, repaint and clean-up at the facility and he pointed out the masonry areas that will be replaced where there is damage. He also showed the window areas that have been damaged over the years that will be replaced. The coloration is going to be matching the existing coloration on the building adjacent to them and the framework of these industrial buildings which is a steel framework window will be a light bronze color which is similar to the white bronze color that they have on the facility now.

Mr. Ruffalo again clarified on the site plan the location of the Canal Street side and he showed the Wharf Street side. He indicated that on the Wharf Street side they would be upgrading the doors and cleaning up the door areas. He showed the location where they would be in-filling one door that has been covered with plywood for a number of years and they will be adding a canopy over the truck (inaudible) at this time.

Mr. Ruffalo indicated that as a part of this project which will be ongoing, they are planning for a fencing area off of the dumpster location which was pre-existing. Mr. Ritz is in the process of contacting a fencing company and they will be coming out to develop a fencing plan.

Mr. Ruffalo stated that as part of this overall program, they will be internally upgrading the sprinkler systems of both floors because it will be used for a storage area. There will be some other programs and projects within this facility over the next one to two years.

Mr. Ruffalo indicated that basically they are going to try to clean up as much of the outside to get it looking better than it has over the years. He concluded that was the overall program and asked if the Commission had any questions, he'd be glad to answer them.

Chair Parkins commented that they did come and discuss this with the Downtown Subcommittee a few weeks ago. She indicated that she had no questions.

Comm. Pogoda stated it was good and he likes what they are doing.

Chair Parkins stated that she appreciates their efforts to help them beautify Downtown.

Mr. Schultz asked Mr. Ruffalo to acknowledge the abandonment of the (inaudible)...

Mr. Ruffalo responded that presently, recently, In-Line Plastics and Mr. Ritz had sent a letter to President, John Anglace on the Board of Aldermen. He showed a site drawing and explained that the whole extension of Hull Street goes into and is adjacent to the building here – and it is City-owned at this time. In-Line Plastics sent a letter to Alderman Anglace requesting it to be incorporated within their land area. He thinks there has been a favorable response and they will need to provide an A-2 Survey for a discussion to take place. He commented that the powers that be will make the signatures and everything.

Comm. Harger asked Mr. Ruffalo if, at the DSC, they had discussed a landscaping plan at some future point.

Mr. Ruffalo responded yes, at some future point. They haven't shown anything at this time. In discussions with Mr. Ritz, they will be looking at that type of program. There is an ongoing study of the whole facility by a company out of York, Pennsylvania. That company will be discussing their existing building for internal functioning and layout to make it more efficient. They are also looking at this building and what they call The Saw Tooth Building as possible renovation or demolition with the addition of a new building. He added that the study won't be completed until October.

Mr. Ritz responded that in early November they should probably have some finalization.

Comm. Harger asked what type of fencing they would have around the dumpster and if it would be chain link.

Mr. Ruffalo responded that it would be a slight (inaudible) but it isn't going to be chain link. They will try a screening type fence. He added that he believes Mr. Ritz is investigating that right now.

Mr. Joe Ritz, Facilities Supervisor, In-Plastics in Shelton addressed the Commission. Mr. Ritz stated that they can get some different options. It might be chain link but with slats or it might just be a slat type of fence. He added that they are looking at many different types of options and actually they are even looking at one which looks like a bush – a carpet-type of a fence that looks like bushes. They are looking to beautify the area as much as they can.

Chair Parkins commented that she actually saw one of those in New York State a few weeks ago. She added that she wouldn't say it was ugly but it was strange-looking.

Comm. Harger asked if he could bring samples of those to the DSC at some point.

Mr. Ritz responded that if they go in that direction, they will certainly bring that down to them.

Comm. Harger commented about the type of fence with the slats – she indicated concern because there is so much exposure to the public there and the possibility of kids going through there, it could be damaged or broken.

Chair Parkins commented that naturally they will want to use something that is as maintenance-free as possible too.

Mr. Ritz responded yes, something that might be in a vinyl that won't deteriorate or look ugly in a couple of years.

Mr. Panico asked if the fence would be mounted right at the backside of the sidewalk or would it be further in the property.

Mr. Ritz responded that there is a good 12 feet before the fence would start, away from the sidewalk itself. There is a curbing over there right now – it would be going along that curbing.

Mr. Ruffalo responded yes, he thinks the curbing and everything in front of the curbing to Canal Street is really City property but he understands that there is some kind of agreement or something as to who takes care of what.

Mr. Panico responded OK, so it won't be right at the back of the (inaudible)...

Chair Parkins commented that they also want to use something that won't be really attractive to graffiti artists.

Mr. Ritz responded that they clean that up every now and then.

Chair Parkins thanked the applicants and requested a motion.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #490.

SEPARATE #6579: R. D. SCINTO, 50 WATERVIEW DRIVE, BUSINESS

Mr. Schultz indicated that this was the newer building on Waterview Drive and Harman is a new company. It employs 30 people and they are leasing 3,305 square feet. The building is 91,072 square feet. The company does audio work.

Comm. McGorty asked if it was a domestic company – it is probably part of Harman/Kardon.

Mr. Schultz responded yes and indicated that Staff recommends approval. Parking has not been an issue.

Chair Parkins asked which building this was on Waterview.

Mr. Schultz responded #50 – across the street from Pitney Bowes.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6579.

SEPARATE #489: RONALD SCHAUWECKER, 180 NICHOLS AVENUE, IN-LAW

Mr. Schultz indicated that this involves a two-car garage and an in-law addition. This is an add-on for the in-law but also includes a two-car garage. He provided an architectural drawing of the proposed addition.

Mr. Panico asked if it was a garage with an in-law above it.

Mr. Schultz responded that it is to the side of it. These are single story additions. He added that it is a two-story colonial.

Mr. Panico asked the present location of the garage.

Comm. McGorty commented that it looks like it's on the side and underneath.

Comm. Flannery stated that they are basically making an "L."

Comm. Pogoda commented OK, it is underneath right now.

Mr. Schultz stated that this is relatively a major expansion to the house but the owners have given a lot of thought to this architecturally. It is a 702 square foot in-law. He indicated that the shaded area on the drawing represents the in-law. He added that there is a new deck in the back too.

Comm. Flannery asked for clarification on the size of the addition and the size of the present home.

Mr. Schultz responded that the colonial house is 2,800 square feet and a two-car garage is 500+ square feet and then it is 704 square feet for the apartment.

Comm. Flannery asked if there was an existing garage now.

Mr. Schultz responded yes, underneath the house. He commented that he believes that architecturally...

Comm. Flannery asked if they would then be having a four car garage.

Comm. Pogoda responded yes.

Chair Parkins asked how long they have owned the house.

Mr. Schultz responded 10 years – more than the 5 years.

Comm. Pogoda asked if there were two driveways.

Mr. Schultz responded yes.

Chair Parkins commented that she just read that there is a requirement that if you have two driveways you have to have 300 feet in the front.

Mr. Schultz responded yes, that is being proposed. Right now it is up to the Chief of Police (inaudible)...right now it is a judgment call; it's public safety. They are trying to provide separate entrances.

Comm. Flannery asked if it was two separate driveways and not a "U" driveway.

Comm. Pogoda responded no, it is two separate driveways going to two separate areas.

Comm. Flannery asked if they weren't then adding a house to a house.

Comm. Pogoda responded well, no, it is only 700 square feet – that isn't a house, it's more like a family room.

Mr. Panico commented about the garage and driveways (inaudible) and the location of the main house in relation to the addition. The Commissioners tried to determine from the architectural drawings the location of the main house, in-law apartment and doorways for apt., driveways, deck and garages (comments inaudible)...

Mr. Schultz commented that overall the orientation works.

Comm. Pogoda agreed that it seems to.

Mr. Schultz added that was well-thought out. Staff recommends approval.

Comm. Flannery asked if this was one acre.

Mr. Schultz responded yes, the lot complies. He stated that this is the Blueberry Hill section of (inaudible).

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #489.

SEPARATE #6734: ROBERT GYDUS, 23 PERCH ROAD, IN-LAW

Mr. Schultz indicated that this is a pre-existing, non-conforming without the consent of the Commission.

Mr. Panico stated that now they want to legalize it.

Mr. Schultz responded yes, they are re-financing (inaudible)...The banks are now doing their job.

Mr. Panico asked if the in-law complies by size.

Mr. Schultz responded yes.

Chair Parkins asked how long this has been there.

Mr. Schultz responded that this is on Perch – it has been there for 15 years.

Comm. Pogoda asked if this was Bob's house. Mr. Schultz responded yes.

Mr. Panico asked if it would conform to the restrictions of an in-law apartment.

Comm. Pogoda responded yes, he's a builder. He's been living there for (inaudible)...

Mr. Schultz commented that this was a (inaudible)...

Mr. Panico stated that as long as he understands the limitations on the occupancy of an in-law apartment.

Mr. Schultz indicated that he would show the Commission the location map – Perch Road is off of Beardsley.

Chair Parkins asked if there was a diagram.

Mr. Schultz responded yes.

Mr. Panico asked if there were any physical modifications to the house.

Mr. Schultz responded no. He added for the newer commissioners, they didn't grandfather the pre-existing ones like the Town of Trumbull did when they amended their regs. They automatically grandfathered them in the Town of Trumbull but Shelton did not.

Comm. Harger asked if they provided any other type of diagram.

Mr. Schultz responded yes and presented the drawing.

Comm. McGorty asked what the size of the in-law was.

Mr. Schultz responded 650 square feet – it is not a big one.

Mr. Panico asked if there was any addition.

Mr. Schultz responded no.

Mr. Panico asked if this was incidental space that has been reorganized.

Mr. Schultz responded yes.

Comm. Pogoda asked how long he has had it.

Mr. Schultz responded that Assessor has assessed it. Every five years they go out and do it.

Chair Parkins asked if they could go back.

Mr. Schultz responded yes, but this has been assessed.

Comm. McGorty asked if the Assessor could get the taxes in arrears.

Mr. Schultz responded yes – well whether or not they pay is another story. They try to be fair (inaudible)...

Comm. Harger asked if by the time they reassessed it, they didn't pick up on it.

Mr. Schultz responded that some they do and some they don't. He added that they don't go inside that many homes because most of the time people aren't home. They don't bother to do it because it costs them money and time. Mr. Schultz commented that Staff recommends approval.

Mr. Panico asked if it was within the limitations for square footage – it looks like it is right near the limit (inaudible)...

Mr. Schultz responded that it is one of the bigger homes on the street.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #6734.

SEPARATE #6733: NEW RENAISSANCE GROUP, 702 BPT. AVENUE, OUTDOOR DINING AREA

Chair Parkins asked if this was a new restaurant.

Mr. Schultz responded that it is located on the ground floor next to Sleepy's. He asked if the Applicant was present.

Comm. McGorty commented that it was the Oolee Café.

Mr. Schultz responded yes. This has a sidewalk which is covered by the overhang.

Comm. Harger asked if they didn't already do something in that space.

Comm. McGorty responded no, just Oolee's.

Chair Parkins commented that it is in the front of the building all the way over to the left hand side.

Mr. Schultz asked the Applicant if he also had a signage request.

The Applicant responded that was part of the request in the (inaudible)...imprinted on a portion of the request for outdoor umbrellas. It is an imprint of their logo.

Mr. Schultz asked if he would be returning for the final sign.

The Applicant responded that they have the sign approval as part of the previous session. He would like to request putting it on the umbrellas now.

Mr. Schultz stated OK, he couldn't recall if the Commission approved the signage with the occupancy.

The Applicant clarified that there were two separate requests – one for the original sign and the one on the side of the building.

Mr. Schultz asked the Applicant to explain how many outdoor tables and chairs were being proposed.

Michael Angelo Guerrero, New Renaissance Group, doing business for Focaccia's Café & Cattery, 702 Bridgeport Avenue, Shelton. Mr. Guerrero stated that they have plans to open in a week and a half, if all goes well. He stated that as part of their two part proposal, the first part is to introduce outdoor dining capacity for their customers. This is a new experience that folks haven't had an opportunity to experience at this spectacular dining facility.

Mr. Guerrero stated that the second part of the proposal would be to introduce some umbrellas for two tables that are not currently covered or protected from the overhang of the building.

Chair Parkins asked if he was saying that he would only have two umbrellas up.

Mr. Guerrero responded correct. He didn't bring the umbrellas but he brought a diagram of the umbrellas themselves – orange and green - central to their concept.

Comm. Harger held up the umbrella pictures and asked if that would be the style.

Mr. Guerrero responded yes, that style but on the side – on the diagram it shows that it would be a central pole mount – dual cantilever so it would be between the two tables.

Mr. Schultz indicated that he is showing the Commissioners the diagram with the number of tables because it is a smaller area.

Comm. Pogoda stated that he cannot see him fitting 10 tables in there. He added that he was just recently there and looked at it. There is no way to fit 10 tables in there comfortably with pedestrian ease and access. There will be even more interference by putting umbrellas on top.

Mr. Guerrero responded that the umbrellas would be just for two tables outside of the area that is covered so it would just be two tables off to the right-hand side.

Chair Parkins asked if it would be 10 tables – tables for 4 – 40 people.

Mr. Guerrero responded that on the proposal there are 10 total tables, only three tables are for 4 people. The other tables are for 2 people. He added that there are two different sizes for the tables so the table for 2 is only 24" x 28."

Comm. Pogoda commented that when they looked at the area – they plan to go from the edge of the roadway where their corner starts going to the column of the next office. He added that there is just not enough space there for ease of pedestrians walking. If someone wants to walk down that sidewalk all the way...

Mr. Schultz stated that (inaudible)...

Chair Parkins stated that there are three separate conversations going on right now and it won't be picked up on the tape.

Mr. Guerrero asked if he was talking about sideways coming from (inaudible)...

Comm. Pogoda stated that in looking at their storefront, coming from the right to the left or even from the left to the right – walking from Walgreen's or something. If you want to walk in front of that, he can't see how.

Mr. Guerrero responded that they are proposing five feet of clearance going inside so they aren't placing any table or chairs behind the pillars – only perpendicular. There is no clearance, no (inaudible)...

Chair Parkins asked for clarification as to where they would be going on the drawing.

Mr. Schultz clarified the location of the clearance.

Comm. Pogoda commented that he personally can't see 10 tables fitting in (inaudible)...

Chair Parkins asked the Applicant to approach the table and explain the layout he has provided of the outdoor area.

Mr. Guerrero explained the location of the entrance, the Café with the doors coming out, and the major parking area. He pointed out the location of the two pillars and explained the offset - what was underneath the building. He showed the five feet that would be clear of the pillars, and the

placement of the tables. He added that the drawing was not to scale and the tables would actually be smaller than the pillar. He explained the seating areas with the chairs.

Mr. Panico asked what this area was used for right now.

Mr. Guerrara responded that right now it is open, vacant space. It is a (inaudible)...

Chair Parkins asked about the area from the parking lot to the entrance doors.

Mr. Guerrara explained the areas from the parking lot that were asphalt and where it becomes sidewalk.

Mr. Panico asked why it says parking on the side.

Mr. Guerrara responded that there are two parking spaces over there on the side – there is a jog in the sidewalk.

Comm. McGorty commented that there is a jog in the sidewalk. It is a big space out in the front that is open.

Mr. Schultz added that it is the edge of the building.

Mr. Panico that is (inaudible) traffic...

Mr. Guerrara indicated where the side of the building was and where they would not be placing any tables and the location of the 5 -6 feet clearance to walk in front.

Mr. Panico asked where the two tables would go that weren't under the cover.

Mr. Guerrara showed the two tables that would be exposed and where they were proposing the umbrellas. He reiterated that they only have three tables for 4 people that are off to the side. They spec'd it out and put tables out there just to make sure that it wasn't congested. The smaller tables are 24" x 28" so they are about 2 feet x 28" just enough to have...

Chair Parkins asked if there was table service outside or would people go inside get their food and come out.

Mr. Guerrara indicated that their concept is a combination of Panera and Starbucks – if they got together, opened a place in Europe, it would be Focaccia's Café. People would order at the front register, take a transponder and take a seat. He commented that unlike Panera where you have to go back up when it rings, at Focaccia's Cafe that transponder actually tells them exactly which table you are at and where the food will be delivered.

Mr. Panico stated that you will be actually dining out there.

Chair Parkins stated that Panera does that too.

Mr. Guerrara responded that they do in some locations but not Shelton.

Mr. Panico asked if they would actually be dining outside then.

Chair Parkins asked if would be paper napkins, not linen, because they'll have to worry about trash blowing.

Comm. Pogoda agreed that trash will be blowing in the wind.

Chair Parkins asked if he was proposing to enclose that.

Mr. Guerrara responded no, not at this stage. They can make sure that there is ample enclosure for us. They will be using plates, not paper plates, so paper napkins would be the only thing at risk of being exposed. Their staff would be in charge to make sure (inaudible)...

Comm. Pogoda asked who cleans up.

Mr. Guerrara responded that they have staff that does that. They have expeditors who deliver the food to the table and then clear the tables.

Comm. Pogoda asked if it would be a regular waiter/waitress service.

Mr. Guerrara responded that it would not be full service just (inaudible)...

Comm. Pogoda commented no, but they will have someone coming out there cleaning the tables.

Mr. Guerrara responded yes, but they won't have the full waiting staff. When customers are finished they can leave.

Comm. Pogoda asked if they would be using china plates.

Mr. Guerrara responded melamine and some regular china too.

Mr. Panico asked if it wouldn't be desirable to have some sort of a semi-type enclosure for the comfort of the customers.

Mr. Guerrara responded yes, he does and he does want to propose that but didn't have the plan together for this session. He wanted to get the actual tables set up and even if they don't place these out here right now they can exclude them. He added that the customer experience is the most important thing so if those tables wouldn't fit at that site they wouldn't want to do that.

Mr. Panico stated that among other things, they are on the corner which means it will be a windier condition and they are open to the public driving around there.

Mr. Guerrara responded that they included those in an effort to be optimistic that they will need overflow seating. Again, being optimistic that they might not have any seats for folks to sit down. Ultimately, it will be the customer's choice as to whether they feel comfortable sitting in that area.

Comm. Harger asked what type of trash containers they would have out there.

Mr. Guerrara responded that he didn't have the measurements but they would be the standard size that disposes from the top.

Chair Parkins asked if they would be similar to the ones that Panera has where you put the plates on one side and the trash on the other.

Mr. Guerrara responded that customers would be requested not to dispose of their own goods so those trash bins would be out there for anyone coming in bringing their own trash from outside.

Chair Parkins asked if people would just get up and leave.

Comm. McGorty responded that he said their staff is going to clear everything.

Comm. Harger stated that is the intent, but...

Chair Parkins stated that she has a concern if they leave the food there, walk off and staff isn't out there to take care of it.

Mr. Guerrara asked if they were concerned with rubbish being left.

Mr. Panico responded yes, rubbish that is airborne.

Mr. Guerrara stated that they could propose some type of linen napkins for outdoor seating so it is less susceptible to blowing away. They will know where the customer is seated before they deliver the food and for those orders they would deliver it with linen napkins for that purpose.

Comm. Harger asked how that would work after the person makes the order and comes out. She asked if the cutlery would come out with the food.

Mr. Guerrara responded yes. It is very much like...

Comm. Matto added that placement of tables is fine but they need to place the chairs which will be much bigger. Also they need space for the chairs to back up so people can get in and out of them.

Mr. Guerrara responded that they did that exercise and they do have the required tables...He provided a photograph.

Chair Parkins asked if they were there now and set up now.

Mr. Guerrara responded no, there is nothing outside right now.

Chair Parkins stated that she would like to see it because it is hard to gauge.

Mr. Guerrara responded it is hard to gauge and they were planning this. He indicated that they actually have extra tables and knew they couldn't fit them so they aren't in the plan and they went with what they thought would be a reasonable capacity to accommodate customers that are dining in and those pedestrians walking by.

Comm. McGorty asked if he had all the tables and chairs that he needs right now.

Mr. Guerrara responded correct, they have excess that they won't use.

Comm. McGorty asked him to set it up and Rick can go up and take a look at it.

Mr. Schultz responded that he'd like to have the Commission go.

Comm. McGorty indicated that he would be glad to go.

Mr. Schultz stated that he can let everyone know when by e-mail.

Mr. Guerrara stated that right now (inaudible)...

Mr. Schultz told Mr. Guerrara that based upon the comments from the Commissioners, he's hearing two issues – the quantity, the number of tables and then the umbrellas with lettering on them.

Comm. McGorty responded that he's been up there plenty of times and it is a big area.

Chair Parkins indicated that he is going to hold off on the umbrellas and seating in that area for now.

Mr. Guerrara responded yes.

Chair Parkins stated that they don't need to approve the umbrellas.

Mr. Schultz asked Mr. Guerrara to install the tables and chairs at his earliest convenience and give him a call so that he can e-mail the Commissioners.

Mr. Guerrara responded OK.

Chair Parkins commented that these umbrellas shown aren't really conducive to putting a logo on them because of the way that they are spread.

Comm. Pogoda added that they don't generally accept anything on the umbrellas with the exception of a color.

Chair Parkins stated that he should go down and look at Five Guys.

Comm. Pogoda responded, yes that is “Shame on us.”

Chair Parkins commented that she thinks the umbrellas look classier without writing on them.

Mr. Guerrara responded yes. As he said, it is an option but if there is no real benefit to it then ...

Comm. Harger stated that they have signs right there in the vicinity on the side of the building.

Mr. Guerrara responded that he'd rather have (inaudible) basically moving forward with the umbrella approach to advertise or a sign on the side of the building. The umbrellas themselves, he thinks are attractive from that side so that was the advantage to placing them in the corner space. He added that having tables and umbrellas there would provide a little reference point for driver's too because SUV's tend to have low visibility at the curb.

Chair Parkins stated that if they have good food, good prices and good service then they don't need to have signs all over the place because people will find them.

Mr. Guerrara responded that they are hoping that they have a recipe for excellence because they are really trying to do something different.

Mr. Schultz stated that they would be tabling action and authorizing him to set up the tables and chairs.

Comm. Harger asked if this restaurant was open yet.

Mr. Guerrara responded that it will be open next week if all goes well.

Chair Parkins requested a motion to table action.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #6733.

SEPARATE #484: AT&T MOBILITY, 17 DAYBREAK LANE, BACKUP GENERATOR

Mr. Schultz indicated that the Applicant from A&T is present to explain this.

Mr. Bob Watson, A&T Mobility, Back-up Generator at 17 Daybreak Lane, Shelton addressed the Commission. Mr. Watson provided site map of the area.

Mr. Schultz added that this is Daybreak Lane and it is a residential area unlike the other telecommunications which are located in industrial or commercial areas.

Mr. Watson showed that this is the existing AT&T Wireless installation on a Northeast Utility transmission pole. The existing installation is a 12' x 20' shelter at the base of the transmission pole. The proposal is to expand the chain-link fence about 7 feet and install on a slab on grade a 50kw back-up generator for power outage.

Comm. Flannery stated that she was confused because 17 Daybreak Lane is a residential house number.

Mr. Watson responded that this was the closest address to the location. He showed the transmission pole and the location of 17 Daybreak Lane. He added that this would be behind 17 Daybreak Lane. In the installation it calls out the actual transmission structure number.

Mr. Schultz commented (inaudible)...

Mr. Panico asked where the generator would be (inaudible)....

Mr. Watson indicated that was transmission structure and that is the concrete shelter.

Mr. Schultz indicated that it is located in the high tension, the overland utility wires.

Comm. Flannery stated OK, it is behind that house which is for sale.

Comm. Pogoda asked if this would only go on in the event of an emergency – loss of power.

Mr. Watson responded yes, loss of power.

Comm. Pogoda asked if they would be testing it periodically.

Mr. Watson responded that they are exercised for 15 minutes weekly on an automatic timer.

Comm. Pogoda asked what the decibel level was on this.

Mr. Watson responded about 71 decibels.

Comm. Pogoda commented that was pretty high.

Mr. Watson responded that 71 decibels was about the volume of his unamplified voice.

Chair Parkins stated that would be 55 decibels and added that normal conversation is about 55 to 60.

Comm. Pogoda asked if it would be once a week for 15 minutes.

Mr. Watson responded that he thinks that the factory setting is once a week for 15 minutes and that can be adjusted if the Commission requests it.

Comm. Pogoda asked if they need to do that once a week for something like that.

Mr. Watson responded that if the Board is...

Comm. Pogoda stated that they are concerned about the residents. It is a residential area.

Mr. Watson responded that he understands and he would suggest that it would be far less – you wouldn't notice the noise it with a highway in that area. He added that it would be far quieter than the oncoming traffic. Again, 71 decibels is (inaudible)...

Mr. Panico asked if the generator could be placed between the equipment shelter and the highway.

Mr. Watson stated that this is the location that Northeast Utilities actually moved them too. They had a different proposed location and NU suggested that AT&T move over to this current proposed location so that they can continue to access the tower for routine maintenance.

Comm. Pogoda asked where the initially proposed location was.

Mr. Watson responded that he doesn't recall. It may have been behind it but if they can see, the fence right now sort splits the transmission pole. If they put it behind he believes it would restrict their access for servicing and climbing the tower.

Chair Parkins stated that she would say that they have to put it on the other side of that building to buffer the noise or provide some kind of mitigation for the noise factor with either some screening or something.

Mr. Panico agreed that it would need to be dense evergreen plantings between the generator and where the houses are located.

Mr. Watson suggested privacy slats on a chain-link fence that would mitigate it but added that this generator has a Level 2 Sound Enclosure. He added that they could do a noise study if the Commission so chose.

Mr. Panico asked if they had one of these installations locally that they could listen to.

Mr. Watson responded that they are rolling them out now. He indicated that they are doing all of the zoning and siting currently. He could check to see if there is one locally but he isn't aware of one that is up and running at this time. He indicated that there is a Verizon generator at the Ansonia's Deerfield Lane installed.

Mr. Panico asked how close the nearest house was to this generator.

Comm. Flannery responded that it was about 50 feet. She pointed out the location of the house on the plan and added that it really isn't even 50 feet. She added that the house was for sale right now.

Mr. Watson showed the location of the nearest house on a site drawing/aerial photo.

Mr. Schultz stated that it was more than 50 feet.

Chair Parkins asked if this went before the Citing Council.

Mr. Schultz responded yes.

Chair Parkins asked the Applicant if they received Citing Council approval on this.

Mr. Watson responded yes, they did.

Chair Parkins asked if they have approval already.

Mr. Watson responded yes, they do.

Mr. Panico asked if this tower location was acquired from that residential property.

Mr. Watson responded that it is located in a Northeast Utilities right-of-way.

Mr. Schultz commented that Commission wants a higher level.

Chair Parkins agreed that they can't just go dropping one of these generators in the middle of a residential area.

Comm. Flannery agreed and commented that across the street – she asked why they can't put it next to that gas station.

Mr. Schultz responded that it has to be on the site it is serving.

Mr. Panico added that it has to be close the building that it is serving.

Mr. Schultz told Mr. Watson that what he is hearing from the Commissioners is to tell Northeast Utilities that the Commission would like them to go back to their original location. He reiterated that is the recommendation of the Shelton Planning & Zoning Commission.

Mr. Watson responded OK.

Mr. Schultz stated that in lieu of that...

Mr. Watson asked if he was successful with that, would another appearance be necessary or if they move it to the far side...

Mr. Schultz responded yes, the Commission wants to table this tonight. In lieu of moving it, then they'll want the screening.

Chair Parkins agreed and told Mr. Watson that if they can't move it to someplace that is going to be shielded from the residents then they are going to have to do some sort of mitigation and a noise survey to the nearest receptor.

Mr. Panico added that the concern is to protect the residential area.

Mr. Watson responded that he understands.

Mr. Schultz indicated that this Commission got beat up on this a couple years ago ...

Chair Parkins commented that it is 50 feet to the house but asked how close it is to the property boundary.

Mr. Watson responded that he would have to get that information.

Chair Parkins stated she wanted to know because that is where the noise would have to be mitigated from.

Mr. Schultz told Mr. Watson that he would be his contact person and he'll provide him with the next meeting date so that he can coordinate.

Mr. Watson summarized that they are requesting a relocation to the far side of the shelter.

Comm. Pogoda responded if that is possible, yes.

Mr. Watson asked if there was anything beyond that.

Chair Parkins responded yes, something to mitigate the noise from the property line of that residence.

Mr. Watson asked if they wanted to make a suggestion. He reiterated that they could do privacy slats in which there is some noise mitigation.

Comm. Pogoda responded that also they would need some sort of vegetation, a landscaping buffer.

Chair Parkins commented that she didn't know that privacy slats on a chain link fence are going to mitigate that much.

Mr. Schultz asked Mr. Watson if he would have any crews out there doing any staking in the immediate future because the Commission would like to take a walk out there.

Comm. Flannery responded yes, exactly – she'll be there tomorrow.

Chair Parkins stated that she appreciates the fact that everyone wants their cell phones to work when the power goes out but it can't be at the expense of one resident that will have to – unless, of course, they want to buy the property but she doesn't think that would happen.

Comm. Flannery responded that the house was for sale though.

Mr. Watson asked what the Commission was suggesting on the staking. If they have a set of plans, it is fairly evident – it is a 7 foot expansion of that chain-linked fence area.

Mr. Schultz responded yes, he's been out there.

Chair Parkins asked if the City needed approval to walk on the right-of-way.

Mr. Watson responded no, he doesn't think so.

Comm. Flannery commented that before Route 8 was built, that was a path used for horses to go through all the time.

Mr. Schultz indicated that their regulations state that when you make an application, it authorizes the Commission and its agents to go on that property. He told Mr. Watson he would coordinate this with him.

Chair Parkins requested a motion to table.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table Separate #484.

SEPARATE #6732: THE LEARNING CONNECTION, 1 SUNWOOD DRIVE, TEMP. FENCING FOR PLAY AREA

Mr. Schultz provided a location map for 1 Sunwood Drive.

Tammy Bogart, representing The Learning Connection, 1 Sunwood Drive, Shelton addressed the Commission. Ms. Bogart indicated that she was before the Commission to propose a temporary, moveable type of a fencing area for a space that they have been utilizing already for 17 years as play space for the children.

Ms. Bogart indicated that it would be in front of the existing fenced-in area and included a small amount of the parking space area in the front of the building where the children could use ride-on toys and engage in water play. She indicated that at the most recent inspection by the State of Connecticut, the inspector stated that they could not utilize that space anymore under whatever they were approved for before, because she didn't feel comfortable with it. She added that there were no pre-existing conditions of using it prior to that. It was just approved by every other inspector that came out when she first opened 17 years ago and she was told that they could cone this area off and have a teacher there. It is so far away from the road that the children could just ride little tricycles and Big Wheel type toys near the grass area when there was no activity in the parking lot from the drop off/pick up times.

Ms. Bogart stated that the State of Connecticut is now asking her for a fencing area in the same location that they have been using for 17 years without it. She indicated that she is looking for some type of fencing which would be inexpensive and that can be moved so that when they aren't utilizing the space, which is usually most of the day, it won't be in the way of the actual parking lot for the driving in and picking up/dropping off of the children.

Chair Parkins asked about the location and if it was in the Sunwood Condos.

Mr. Schultz responded yes, right across from – the access road on the right hand side on the corner of Sunwood. He added that the restaurant is on the left hand side.

Ms. Bogart indicated that it was right across the street from Hunan Pan. It was actually a home at one time. It wasn't a residential home. It was Penny Saver Associates or something like that and originally it was the Sunwood's building office space. It is in the structure of a house but it is now a childcare center and there is a parking lot in the front. She has some photos and sketches to show them.

Chair Parkins commented that restaurant wanted to utilize that space for overflow parking.

Ms. Bogart provided photos of what the front of the school looks like now, the parking lot, the fenced in area that she uses normally. However, they were able to go out front and cone off a space in the actual paved area so they could play on riding toys. The older children, 3 years and up, 4 or 5 children at a time with a teacher, and ride their bikes and sometimes they would put a water table out in the summer. It was so far in from the road that it was never an issue when she was inspected in the past; however, now this last inspector who came out said that she was not OK with it and she will be required to have a fence now.

Ms. Bogart indicated that she was hoping to put some temporary fencing in that she can move around a little bit from time to time.

Chair Parkins asked what she considers a temporary fencing.

Mr. Schultz stated that it is not permanent or affixed.

Ms. Bogart responded that she was looking at basic temporary fencing. She provided an Internet sample but added that she didn't want to purchase anything and install it. She stated that she didn't want to spend the money if it isn't going to get approved.

Chair Parkins asked if this was (inaudible)...

Ms. Bogart responded that was the mesh fencing. It has to be four feet tall for the State of Connecticut. That one may or may not be exactly what she chooses but she wants something that they can roll up and put back when they aren't using it. Basically, the children might be out there from 10 -12 or 12 -2 and there is no activity for pick-up and drop-off at that time with cars coming in and out and there are no staff changes. In the past, they were allowed to use the safety cones when nobody was coming in or out of the parking lot.

Mr. Panico asked how they would keep the fencing from flopping over.

Comm. Pogoda agreed that was what he was thinking.

Ms. Bogart indicated that you have to have stakes and that one might not be the exact fencing that she chooses. She has received quotes for chain link fences and stockade fencing costing up to and over \$2000 and she doesn't know how that wouldn't block off her parking area if she puts it in there permanently. She added that it is kind of a Catch-22 with how she will be able to do this.

Mr. Panico asked if this was her parking area.

Ms. Bogart responded yes, that is part of it. She commented that she didn't take a big enough picture so that they could see the whole thing. It is a portion of it and it is quite far in from the road.

Mr. Panico asked if this parking is solely for her use.

Ms. Bogart responded yes, it is private property.

Comm. Harger asked where she would be planning on putting the fence.

Ms. Bogart showed a sketch of the proposed fence location and the grass area in front of it. She indicated that she wants to come out about 25 to 45 feet – just a little box area – but she wants to be able to bring it back in again when they are done playing.

Chair Parkins asked if the State specified what type of fencing.

Ms. Bogart stated that their only specification was that it be 4 feet tall.

Chair Parkins asked if they said she could use (inaudible) fencing.

Ms. Bogart stated they said it could be any type of temporary fencing that was approved by all three departments.

Mr. Panico asked if she basically just wants a fence across the parking lot.

Ms. Bogart responded yes, across the parking lot that is not permanent so she doesn't block off her parking spaces.

Comm. McGorty asked if she closes the parking lot when the fence is up.

Ms. Bogart responded yes, well, with the parking lot, they can't come in. They couldn't come in prior to this because they put up traffic cones.

Comm. McGorty asked if they still have cones.

Mr. Panico stated that you wouldn't use (inaudible)...

Chair Parkins commented that St. Lawrence has those gates that they put up to block cars from coming in.

Ms. Bogart stated that she hasn't been able to find anything that is portable and 4 feet tall – that is the biggest problem.

Comm. McGorty commented that they made their gate on wheels.

Chair Parkins stated yes, it is on wheels so that they can wheel it right away.

Ms. Bogart commented that is one of the reasons why she has this as the proposed gate area because this has wheels on it to be like ...if she puts the temporary into the grass, which would really be permanent in the grass and then that other part would be in the parking lot.

Chair Parkins asked if about those little fence s (inaudible) accordion ones.

Ms. Bogart responded that wouldn't be the best idea at all. If she were to get anything at all she would need some type of surface. They make bamboo grass and things like that. The accordion ones really aren't the best choice. She really wanted to do something like you would see at an event – the nice white picket ones but she can't find anything that is 4 feet tall in that area.

Chair Parkins stated that the ones at St. Lawrence are 4 feet tall.

Ms. Bogart commented that they raised them and made them 4 feet tall.

Comm. McGorty stated yes, they probably had somebody who made wheels to go on standard fencing so it would be portable.

Multiple comments (inaudible)...

Ms. Bogart stated that she has seen them and they did raise them up. She was wondering if the State might then say a child could crawl under it.

Mr. Panico stated that it is only raised 6 inches though.

Chair Parkins commented that she could put a smaller wheel on it and have them lock.

Ms. Bogart responded that she didn't know if it would get up to 4 feet that way. The biggest one that she is seen so far is about 42" – 44" inches tall so it might work. They didn't specify any type of material when she called and asked if it could be temporary. Ms. Bogart indicated that she would need the Valley Regional Health Department, P&Z and the State to approve it.

Chair Parkins stated that this Commission would just be approving the installation of temporary fencing and not the type of fencing material because that would be the Valley Health Dept.

Mr. Panico asked if the understanding was that they are going to take the fencing down every night and put it up in the morning.

Ms. Bogart responded that it would be put up per use. If it is going to be utilized then the teacher would set it up before the children went out and take it down when they aren't using it.

Comm. Pogoda stated that on rainy days they aren't going to use it and in the wintertime it would not be out there.

Ms. Bogart responded yes, exactly. Winter time they don't even go outside. It is very temporary and that's the idea of being able to move it. She reiterated that she's been there 17 years and they have always been able to use the cones.

Mr. Schultz stated that normally Staff would handle this but it is kind of unique and concerns public safety so he thinks the Commission should be involved. If the State calls him up and asks if the Commission saw it he wants to be able to say yes.

Comm. Harger asked if the State Inspector addressed any concerns about safety features to prevent a car from going through that area.

Comm. Pogoda commented that this is just some particular inspector's idea and not anything from the State itself, per se.

Ms. Bogart responded that the State Regulations do state that you have to have a fenced in area for play spaces but when you have been utilizing the same space for 17 years and inspected regularly for 17 years and they know that you are using this play space – that is where it got a little bit of a fine-line because she just wasn't comfortable with the fact that it had been approved by all the other inspector's in the past. There is no clear cut definition in the Regulations except that all space utilized by children should be fenced in and free from any safety issues – which, of course, because it is partially a parking lot – that becomes a safety issue.

Ms. Bogart added that it is a private parking lot so the only people pulling in and out are the parents of the children or the Staff who are well aware of the fact that they have utilized it like that during off hours.

Chair Parkins commented that she didn't have any issues with approving the concept but they aren't approving the materials or any safety issues.

Ms. Bogart responded yes, and like she said, unfortunately, this is not even the definite type of material. She is really just researching her options of what would work best for the maneuvering of it.

Mr. Panico stated that she's just putting it out for a certain number of hours and then taking it in. If she starts getting into the type of fencing that St. Lawrence is using then you really have to have an opportunity to store those sections right on site outside.

Chair Parkins commented that it is certainly something that is more durable and easier to put out there though.

Mr. Panico responded that he wasn't saying it wasn't a good idea but they would have to have a place to store it when it isn't being used.

Comm. McGorty asked for clarification if the whole parking lot was closed when the fence is being used.

Ms. Bogart responded no. She showed on her drawing that if she put it in a certain way to use the existing fence and the grass area, then she would block off one section of the parking lot but leave the rest of the parking lot open. However, the parking lot wouldn't be used anyway because of the time frame that they would be using it. She added that she can't say that a car would not try to pull in.

Comm. McGorty commented that it could be someone who is coming to pick up a sick child or whatever so she can't keep people out of the parking lot.

Ms. Bogart responded correct, definitely not.

Comm. McGorty stated that he feels uncomfortable approving anything in that situation because you can't prevent cars from pulling in.

Ms. Bogart commented that the only thing is their size. They are so small with 23 kids maximum with a staff of six so they know who is coming and going.

Comm. McGorty commented that it is an unpredictable situation though.

Ms. Bogart responded yes, she knows what he is saying because it is not a guaranteed situation.

Chair Parkins stated that this is not a permanent structure so they don't really even have the authority to approve this.

Comm. McGorty commented that is what he means, it is not really in their purview to even ...

Comm. Flannery asked if she could have a permanent chain-link fence with a big gate that opens and closes.

Chair Parkins responded no because then she wouldn't meet her parking requirements.

Comm. Flannery stated it could be something that the cars could fit through. She does that with her horses all the time.

Ms. Bogart responded yes, the option would be to fence in the entire area – the whole entire perimeter of the parking lot with a gate at the entrance.

Comm. Flannery stated yes, that is her suggestion.

Chair Parkins stated that she is uncomfortable having the Commission actually vote on this at all because it is not their purview. If it was a permanent fence, they would provide approval but this is not ...

Mr. Schultz told the Applicant that he would deal with this one so she could officially withdraw her application. He asked the Commissioners to motion for withdrawal.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to withdraw Separate #6732 for temporary fencing for play area.

Chair Parkins thanked Ms. Bogart for her input on the regulations.

SEPARATE #6729: ABC SIGN CORP., 500 SHELTON AVENUE, SIGN

Mr. Schultz indicated that this is for a wall sign at People's Bank.

Chair Parkins responded no and asked if this was for another sign.

Mr. Schultz indicated that the Commission has approved all of the drive-through and ground signs.

Chair Parkins stated that if people don't know by now that building is a People's Bank on that corner...

Comm. Pogoda agreed that it is getting a little bit ridiculous.

Comm. Harger asked where they want this one.

Chair Parkins commented that she had questioned before why they needed that large wall signage inside the building because if they are in the bank then they already know where they are. She realized that the purpose of the signage on the wall inside is because it shows right through the windows for cars driving by – it is illuminated from within.

Comm. Pogoda stated that it is overkill.

Mr. Schultz asked if the Commission wanted to deny or table this.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to deny Separate #6729 for signage.

SEPARATE #6727: MY SMILE, 865 RIVER ROAD, BUSINESS

Mr. Schultz indicated that this is the new commercial building on the Stratford town line, the old Esther's Hacienda that Howard Soffan owns. He finally got an occupant for the second floor – an orthodontist.

Comm. Pogoda commented that he thought they had someone up there.

Comm. McGorty added yes, Zumba or something.

Mr. Schultz responded that was pretty quiet. This is 1,469 square feet with hours of operation Monday through Saturday, 9 a.m. to 5:00 p.m. with three employees. No signage requested at this time. Staff recommends approval for the occupancy.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6727 for business occupancy.

SEPARATE #6957: DRIVER EDUCATION STATION, 51 HUNTINGTON PLAZA, SIGN

Mr. Schultz indicated that they have the details for this signage. He provided a rendering of the proposed signage and indicated that it would be 8 x 3.

Chair Parkins asked if this has changed since the last time they had talked about it.

Mark Necio, owner, Driver Education Station, 51 Huntington Plaza, Shelton addressed the Commission. Mr. Necio stated that he took the recommendations of the Commission from the last time he was here and changed the sign to reflect what was suggested. Originally he had asked for 4' x 8' but he reduced it to 3' x 8'. He added that if they notice the Wellington sign, it is 3' x 16' so he thought that by keeping his sign at three feet it would maintain continuity between the two signs on the building. Mr. Necio stated that the sign rendering is an exact to scale picture of the 3' x 8' sign.

Comm. Pogoda asked for clarification where there is a relationship between driving a car to a train.

Mr. Necio responded yes, he thinks he mentioned it last time.

Comm. Pogoda indicated that he must have forgotten.

Mr. Necio responded that he's used to that because he's a high school teacher. He has had a hobby of Lionel trains since he was small and he has tied that into his present business name.

Comm. Pogoda responded OK, thank you.

Comm. Harger asked what the purpose was of having the sign on the left side and not closer on the right side where the entrance is located.

Mr. Necio responded that the original room that he wanted was the one right next to that sign and that is where he thought it would look the best and attract the most attention.

Mr. Panico commented that in relationship to where he is located – if someone is looking for him and they see that sign then they will tend to go to that corner of the building when in reality the entrance is on the other wall. He asked if it wouldn't make more sense to put the sign on the right hand side around the corner from his entryway.

Mr. Necio responded that could work as well. He just wanted to direct the flow of interest to the building itself and then from there they would find the room and the sign.

Mr. Schultz commented that he's looking at the line of sight from the entrance.

Mr. Necio responded yes.

Chair Parkins stated that it is not supposed to be a billboard. It is supposed to be directional signage to indicate where his business is located. If it was a billboard they wouldn't allow it.

Mr. Necio responded yes, it is a sign and the sizing of it adds to the continuity with the Wellington sign that is already on the building.

Comm. Harger indicated that they are just saying that they don't feel the position of it should be on that side.

Comm. McGorty added that it should be in close proximity to the business entrance.

Mr. Necio responded that if they notice, the Wellington's entrance is through that far side of the building as well and that is why he thought it would be good on that side.

Comm. Harger stated that the right side is where they installed the new elevator.

Chair Parkins asked if the Wellington was already doing it – having it around the corner.

Comm. Harger responded that they are on the peak. It has been there for ages.

Comm. Flannery responded right, but where is the Wellington's entrance.

Comm. Pogoda stated that it was on the right side of the elevator.

Mr. Panico indicated that all the entrances are on the right-hand side of the photograph.

Comm. Flannery commented that if the Wellington can do it than why can't he do it.

Mr. Panico stated that the Wellington is in the middle of the building and they were the major tenant in the building. This is a sub-tenant, if you will, and their sign is off to one side and it just happens to be on the side that is further away from their entrance. It would seem to make more sense to him to put their sign on the right hand half of the building.

Comm. Matto asked if there was an entrance on the left-hand side of the building.

Comm. Pogoda responded no, there is nothing.

Mr. Panico commented that if you saw that sign and pulled up in that parking lot and parked under that sign, you would have to walk down to the end of the build and around the corner to find their entrance way.

Chair Parkins asked if there would be another sign on the post out in the front of the building.

Mr. Necio responded no.

Chair Parkins stated that the whole shopping plaza has two signage poles with a listing of all the businesses within that complex. She asked if he would be listed on that monument.

Mr. Necio responded that he was told that he would be but as of now he hasn't seen anything.

Chair Parkins stated that she thinks it was his responsibility to add it she's not mistaken. She asked the other Commissioners if it wasn't usually the responsibility of the tenant to get the sign on the monument.

Comm. Pogoda responded that he doesn't know how they do it there. It would be up to the landlord or whoever is running it. He doesn't know his name.

Comm. Harger stated that it was Jim Maas.

Comm. Pogoda responded yes, it was Jim Maas. He would have to talk to him because he's she sure Jim would have to do that.

Mr. Necio stated that the other reason for the positioning of the sign is because that is where Jim had given him approval for it. It was never discussed to have it on the other side of the windows.

Comm. Harger responded that Jim may have given him approval but...

Comm. Pogoda added that he still has to come to the Commission – whatever Jim wants is not ...

Mr. Necio responded OK, he understands.

Chair Parkins asked what the coloring of this sign was – between the gray Wellington sign – she knows that this is just superimposed on this rendering. She asked if it was going to be bright white with green.

Mr. Panico asked if it would have the same background as the Wellington sign.

Mr. Necio responded that it really could – that is flexible – it could to keep the continuity.

Mr. Panico stated that otherwise the bright white sign overpowers the big Wellington sign.

Comm. Pogoda agreed that would look funny.

Mr. Panico added that it should be consistent with the background colors.

Mr. Necio agreed and added that is why he wants continuity with the sizing of it as well. He is sure that – he is using Arrow Printers in downtown Ansonia – so whether it is on a white background or a grayish background is not an issue.

Comm. Pogoda commented that he should emphasize that to the design company that he wants to make sure that it is the same color scheme as the Wellington sign.

Mr. Necio responded yes, he doesn't think that will be an issue.

Chair Parkins commented that she still has an issue with how busy the sign is and all the stuff going on. She understands that it is his logo but she really doesn't think that "Est. in 2004" is needed on this sign. She added that she doesn't think that it does anything for the sign except clutter it up.

Comm. Pogoda explained that the Commission has been trying to stay away from the additional information on the signs – whether it is telephone numbers or anything else like graphics.

Mr. Necio commented that originally he had the telephone number on it but it was one of the recommendations from the last meeting.

Comm. Flannery stated that in her opinion "Est. in 2004" means a lot because she doesn't want to go someplace that is new and doesn't know what they are doing.

Chair Parkins asked if she was kidding her.

Comm. Flannery responded that is how she looks at businesses.

Chair Parkins stated that she would be in favor of taking that off. He needs the "Driving School" because of the picture of the train because people might think it is a hobby shop.

Comm. Pogoda agreed that is why he questioned the train.

Mr. Panico agreed that he thinks that is necessary.

Chair Parkins reiterated that the "Driving School" is fine. Normally they try to keep the signs the least cluttered as possible and if someone has a burger place they don't want pictures of hot

dogs and hamburgers all over the sign. They just want the name of the business. She reiterated that she would like to see the “Est. 2004” come off.

Comm. Harger asked to see the rendering again.

Chair Parkins commented that, if anything, she would incorporate the address.

Comm. Matto stated she thinks “Driver Education Station” and “Driving School” are fairly redundant.

Comm. Flannery responded no, they went through this already at the last meeting. She told Comm. Matto that she wasn’t at that meeting.

Chair Parkins commented that “Driver Education Station” with a picture of a train could almost indicate that it is a hobby store. They need to have “Driving School.”

Comm. Pogoda added that was why he asked the question about the train because it could be a hobby shop.

Chair Parkins reiterated that he does not need the “Est. 2004.” She thinks that the sign should focus on the fact that this is driving school.

Mr. Schultz asked the Commission consensus on the location.

Chair Parkins commented that she would like to see it on the right hand side.

Comm. Pogoda agreed with having it on the right.

Comm. Matto asked if they were saying that it would make it more visible from the parking area on the right side. She added that she has no problem with it.

Comm. Harger commented that it is six of one and a half dozen of another.

Comm. Flannery stated that she has no problems with any of it at all.

Comm. Pogoda commented that when he comes down past Beechwood he knows the area well but if somebody doesn’t and they are coming down there (inaudible)...

Comm. McGorty stated that he was fine with it.

Mr. Schultz stated that it is 4-3 has no issue with the location but the consensus is to remove the “Est. 2004” and the sign shall match the face color of the Wellington wall sign. He asked the Applicant if those are the three he can live with.

Comm. Harger asked if he indicated about the location.

Mr. Necio stated that he can do the color and he requested some consideration of the “Est. 2004” because it indicates that they have been in business for a while.

Chair Parkins responded that she doesn’t think that it does anything but clutter the sign.

Mr. Schultz took another vote on the location (inaudible)...

Comm. Flannery asked if other signs in town have an establishment date.

Comm. Pogoda responded that some of them do, yes.

Comm. Flannery asked why he can’t he have it.

Chair Parkins responded that other signs in town with it don’t have all kinds of other graphics like trains, cars, train tracks, etc. She thinks that there is already enough on the sign and she doesn’t think it needs to add “Est. 2004.”

Mr. Schultz commented that he took another vote and they have a tie on the location of the sign with 3-3 because he counted wrong the first time.

Mr. Panico indicated that it can't go in the middle because the windows are in the way.

Chair Parkins stated that it can go below – right in the middle.

Comm. McGorty asked about the proximity of his business entry way and the sign.

Mr. Schultz responded that the entrance is on the right side but the proposal is to have the sign on the left side.

Comm. McGorty asked if he will have a sign on the marquee out by road.

Mr. Schultz responded yes, on Huntington Street. As of right now, he has not gotten permission for that.

Comm. McGorty stated that he has already been told that the marquee sign can happen and it is just a matter of his landlord following through. He stated that he should stick the sign closest to the business and then he'll have another sign on the marquee and everyone will know that he is there. He added that he has to go to work in the morning.

Mr. Schultz responded OK. There are three conditions for approval then. The sign has to go to the right side. The color background has to match the Wellington's sign and he must remove "Est. 2004." With those conditions met, he can receive his permit tomorrow. He asked the Commission for a motion with those conditions.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was voted (5-1) to approve the signage with the conditions discussed for Separate #6957. Comm. Flannery voted in opposition.

Comm. Flannery voted in opposition and stated that she did not want to remove "Est. 2004."

Five minute recess 9:00 p.m.

Chair Parkins resumed the meeting at 9:05 p.m.

APPLICATION #13-4: BISHOP MANAGEMENT OF SHELTON FOR MODIFICATION TO BOUNDARY OF PDD #73 AND DETAILED DEVELOPMENT PLANS (GRADING PLAN), 781- 785 RIVER ROAD (MAP 12, LOTS 11, 29, AND 43) (PUBLIC HEARING CLOSED ON 4/19/13).

Mr. Schultz indicated that Staff has received another letter from James R. Swift dated August 12, 2013 which he read into the record granting an extension of the pending modification to September 12, 2013. He requested a motion to accept the extension.

***See attached correspondence to Richard Schultz, P&Z Administrator from James R. Swift, P.E. dated August 12, 2013.**

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the extension for Application 13-4 until September 12, 2013.

APPLICATION #13-5: PETITION OF HAWKS RIDGE OF SHELTON LLC FOR PDD ZONE CHANGE AND INITIAL DEVELOPMENT CONCEPT PLAN, (PHASE 1, 60 SINGLE-FAMILY DEVELOPMENT AND 80 UNIT MULTI-FAMILY DEVELOPMENT), LONG HILL CROSS ROAD AND BEARD SAWMILL ROAD (MAP 39, LOTS 14 AND 17 AND MAP 51, LOT 7), LIP DISTRICT (PUBLIC HEARING CLOSED ON 5/22/13)

Mr. Schultz indicated that he received a letter dated August 12, 2013 from Steven R. Bellis, attorney for the Applicant, Hawks Ridge of Shelton LLC requesting the withdrawal of Application #13-5 without prejudice. He indicated that Hawks Ridge will be filing a new application with a significant reduction of residential units and new configuration.

***See attached correspondence dated 8/12/13 to Richard Schultz, P&Z Administrator from Atty. Steven R. Bellis.**

Chair Parkins requested a motion to accept their withdrawal without prejudice.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept the withdrawal of Application #13-5 without prejudice.

APPLICATION #13-9: CT COMMERCIAL INVESTORS, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS AND DETAILED DEVELOPMENT PLANS FOR PDD #22 (3,060 SQ. FT. COMMERCIAL BLDG.), 705-711 BRIDGEPORT AVENUE (MAP 28, LOT 22) (PUBLIC HEARING CLOSED ON 7/9/13)

Mr. Schultz indicated that this is the first discussion since the public hearing closed. He added that there was not any opposition at the public hearing. The Commission did focus on the architectural elevations of the buildings because it is visible from the hotel side. The Applicant discussed the arrangements of the parking because some of the parking for the hotel is on his property so he does have control along that edge area.

Chair Parkins stated that they did ask for clarification though and the Applicant's attorney was going to research the actual easement language to find out if they were able to utilize that property as well for parking and for how long.

Mr. Schultz stated that information is forthcoming but he has not received it yet. Essentially, Staff needs to know whether or not to prepare a favorable resolution.

Chair Parkins responded that pending the acceptance of that, on behalf of the Commission she would like to gather consensus as to whether they would like to move forward with a favorable resolution for the next meeting.

Comm. Pogoda commented that he thinks they should - with everything that has been said- he feels comfortable with it. He has known Sears for years, and he would like to make sure that it is strongly emphasized that Sears is not going to put up any sheds. He added that is how it started – there was not supposed to be anything on that sidewalk when they initially approved the building and the next thing you know that sidewalk is loaded from end to end with lawn mowers, fertilizer and everything else. He reiterated that it needs to be emphasized that there be no buildings, storage sheds or anything else in that parking lot because now they are taking away that parking now.

Mr. Panico added that he'll put without approval of an attorney.

Chair Parkins commented that it include that there be no events or temporary events like the radio station event, fundraisers or whatever else and it has to come to the Commission.

Comm. Pogoda agreed and added that it should not be after-the-fact which, as they know, happens all the time.

Chair Parkins stated that as a PDD, they have the authority to scrutinize what goes in there for a use. Whether it is that building or if Sears moves out and something else moves in, they have the ability to control that situation. She indicated that she would be OK with it.

Comm. Harger commented that in regard to Tony's concerns about the sheds and lawn mowers, it does tend to be seasonal. She happened to be there on Saturday and walked over to the Credit Union and it isn't as though they are overly messy.

Mr. Schultz responded that they were years ago though.

Comm. Pogoda agreed that they were – it has been downsized a bit because it got to a point where that sidewalk was filled from end to end.

Mr. Panico commented that they tend to do it all year end.

Chair Parkins agreed that it is seasonal every season because the gas grills are out at the beginning of summer and in the winter it is snow blowers and salt.

Comm. Harger responded that it wasn't like a Wal-Mart situation where they section off an entire portion of the parking lot and put out all of their plants. She suggested that Rick remind the manager because they do change managers, the Commission doesn't want to see half of their inventory outside but a couple of things outside is OK. She added that it would be a good thing to support them in their business here because for a while she thought that was a business slated to close. Sears started closing some of their hardware stores and she would hate to lose that business because she thinks it is a nice, clean business there.

Chair Parkins noted that there is some separation between them and Sears. They sell Sears products but she thinks that they are independently run. She recalled asking them and they've said that they aren't Sears.

Comm. Harger commented that she read an article on the Internet and the first thing she noticed that they were closing some stores in Connecticut but Shelton wasn't affected.

Mr. Panico stated that he thinks Tony's major point is that they went out and erected a whole series of sheds and in effect wiped out a whole row of parking. If they had come in and spoken to the Commission, they could of sat down and worked out a better location for them taking out a few spaces but didn't wipe out a whole row.

Chair Parkins stated that they are the tenant so they should have asked their landlord. If they didn't ask their landlord, then they should be told by their landlord to ask permission for it. If they did ask their landlord, then the landlord should have come in to us to ask for permission.

Mr. Panico commented that if they went to the landlord and if they (inaudible)...

Chair Parkins indicated that they will tell them that now. With a consensus she asked Staff to prepare a favorable resolution.

NEW BUSINESS

NONE

PUBLIC PORTION

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

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

OTHER BUSINESS

APPROVAL OF THE MINUTES: 6/11/13 AND 7/9/13

On a motion made by Anthony Pogoda seconded by Elaine Matto, it was voted to approve the minutes (4-0) with 2 abstentions (Chair Parkins and Comm. Harger).

On a motion made by Anthony Pogoda seconded by Elaine Matto, it was unanimously voted to table approval of the minutes from 7/9/13.

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.

ZONING ENFORCEMENT PROGRAM

Mr. Schultz indicated that they have three items, three locations.

1. 7 PLATT ROAD (FENCE VIOLATION): RECOMMEND LEGAL ACTION

Mr. Schultz indicated that this is the location where the Commission denied the Child Daycare Center. They have done filling but haven't finished the project but also rented a fence and put the unfinished side toward the neighbor which is a violation of their Zoning Regulations. Staff issued a Cease and Desist and they have not complied so they are ready to take it to the next level which requires Commission authorization.

On a motion made by Anthony Pogoda seconded by Joan Flannery, it was unanimously voted to approve the recommendation for Zoning Enforcement legal action for property located at 7 Platt Road.

2. 51 LYNNE TERRACE (UNREGISTERED MOTOR VEHICLES): RECOMMEND LEGAL ACTION

Mr. Schultz stated that they have been working with these residents for many years and they have to move on because this is a formal complaint.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve the recommendation for Zoning Enforcement legal action for property located at 51 Lynne Terrace.

3. 26 HAMILTON DRIVE (COMMERCIAL EQUIPMENT/BUSINESS/STORAGE): RECOMMEND LEGAL ACTION

Mr. Schultz indicated that they just received word this afternoon from the owner that they cleaned up this property; however, no one from Staff had an opportunity to go and check. He recommended that they still take appropriate action because it still requires Corporation Counsel to get a letter from P&Z that it is still in violation. He reiterated that they received word today at the 11th hour.

Chair Parkins asked if this was the one keeping the trucks there.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to authorize zoning enforcement legal action pending review by Staff for property located at 26 Hamilton Avenue.

CRESCENT VILLAGE CONDOMINIUMS: REQUEST TO RELEASE SITE COMPLETION AND SEDIMENT & EROSION CONTROL BONDS

Mr. Schultz stated that they are all done except for doing inside work. All of the buildings are up and all of the site improvements have been completed. He received a letter from them dated July 12, 2013 requesting the release of the site bond and Sediment & Erosion Control Bond being

held for the Crescent Village Condominium project located at 745 River Road. The correspondence indicates that all the site work is completed.

***See attached correspondence dated 7/12/13 to Richard Schultz, P&Z Administrator from Brian ?, RGR Shelton LLC**

Mr. Schultz indicated that the Executive Board is aware of the status of the project. He added that is important because this Commission always asks Staff to make sure that the Association is aware of the final bond release.

Mr. Panico asked what the amount of that bond was.

Mr. Schultz indicated that the Sediment & Erosion Control which is a cash bond is \$25,000 and the Site Completion bond is also \$25,000.

Mr. Panico suggested retaining a small amount for the survival of plant material – just a nominal amount.

Mr. Schultz responded that they could. He is not recommending it but...

Chair Parkins stated \$2500.

Comm. Pogoda asked if they didn't have one year.

Mr. Panico stated that the majority of it has but there has been recent landscaping installed.

Comm. Pogoda responded no, he thinks...

Mr. Schultz stated yes, that's right, landscaping around the last units was just completed.

Comm. Pogoda commented OK, the last units...OK

Mr. Schultz asked when they could come back because he knows that he will be asked that.

Chair Parkins stated that it was just for the Site Completion so the Sediment and Erosion can be released but keep the Site Completion at \$2500 for six months.

Comm. Pogoda asked if it shouldn't be for one year.

Mr. Panico stated that the survival is for one year. He doesn't know when the material was put in.

Mr. Schultz asked if they want to do Spring of 2014.

Comm. Pogoda responded that sounds reasonable to see if it makes it through the winter.

On a motion made by Anthony Pogoda seconded by Elaine Matto, it was unanimously voted to approve the release of the Sediment and Erosion Control Bond for Crescent Village Condominiums and to reduce the Site Completion Bond to \$2500 for review in Spring of 2014.

STAFF REPORT

***See attached Planning & Zoning Staff Report dated August 13, 2013.**

Comm. McGorty departs 9:20 p.m.

ADJOURNMENT

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Karin Tuke
P&Z Recording Secretary