

SHELTON PLANNING AND ZONING COMMISSION

SEPTEMBER 10, 2013

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, September 10, 2013 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06403.

Commissioners Present: Chairperson Ruth Parkins
Commissioner Anthony Pogoda
Commissioner Virginia Harger
Commissioner Thomas McGorty
Commissioner Joan Flannery
Commissioner Elaine Matto

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

Chair Parkins called the regular meeting of the Shelton P&Z Commission to order at 7:03 p.m. with the Pledge of Allegiance and a roll call of members present. She reviewed the procedures for cell phone use during the meeting and requested a motion for four new items to be added to the meeting agenda.

AGENDA ADD-ONS

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to add the following items to the 9/10/13 P&Z Meeting Agenda.

Old Business/Applications for Certificate of Zoning Compliance

Separate #6789: Matt Calandro, 100 Center Street, outdoor food festival

Separate #480: R.D. Scinto, 2 Ivy Brook, medical office

Separate #6792: 190 Coram Avenue, sign replacement

Other Business

8-24 Referral: Abandonment of a Portion of Hull Street

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

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

Mr. Schultz indicated that this was tabled from the last meeting so that the Commissioners could visit the site and make a determination as to what would be appropriate as to the number of tables for this outdoor dining area. The Applicant requested 10 tables and the number recommended by the Commissioners would be five tables with two tables with 4 chairs and three tables with 2 chairs.

Chair Parkins asked if that would be seating for 14 people.

Mr. Schultz responded yes. He added that they would be completely under the projected canopy part of the building. He added that he believes that this is something that the Commission would like to see for the remainder of this year and have it be revisited in the spring of 2014.

Chair Parkins commented that she saw it and asked if all of the Commissioners had an opportunity to go out there to see it.

Comm. Pogoda responded yes, he did. The other Commissioners indicated that they had visited the site.

Chair Parkins asked if everyone was in agreement that would be the maximum number. She added that it was very crowded. She indicated that there would be no umbrellas and no tables out on that (inaudible)...

Comm. Pogoda agreed that there should be no umbrellas.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6733 for the outdoor dining area with the conditions set for maximum seating allowed to be revisited in spring of 2014.

SEPARATE #476: BETTE LYNN PAEZ, 210 RIVER ROAD, IN-LAW APARTMENT

Mr. Shultz distributed copies of the site plan, floor plans for the addition to a single family dwelling and other renderings to all of the Commissioners. He indicated that this home was on the Housatonic River side of River Road.

Bette Lynn Paez, 210 River Road, Shelton addressed the Commission. Ms. Paez explained that this project is a family thing and her mother, Sally Paez, resides at 210 River Road and has life use of the property. She indicated that the property was a dairy farm over a 100 years ago and most of her family has lived there. The house that her mother lives in presently was built in 1898 by her great grandparents. Initially, her mother wanted to update her kitchen and reinforce her porch but then she began to think about getting older and wanting to live on a single floor. Ms. Paez indicated that her mother is a retired nurse and has dealt with many people who have had health and mobility issues as they've gotten older.

Ms. Paez stated that she has been working with Joe Matto who she's known since high school to come up with different designs. She starting thinking about renting out this additional space or using it herself until her mother needs to use it. It has evolved into other things because her mother decided that she doesn't want to move out of her house so she has gone ahead and put a bathroom and laundry room on the first floor of her home with plans to convert her living room into a bedroom later on if necessary.

Ms. Paez commented that after going through this whole process of designing and planning, she decided that she would just like to use this additional space. The Accessory Dwelling Unit (ADU) would be her living space and it would be connected with a garage. She added that she likes to be close to her family but she has limits as to how close she really wants to be.

Using computer illustrations of the site that she provided, Ms. Paez showed the location of her house, the location of her mother's house and the proposed addition. She explained that other parts of this property were subdivided by her mother years ago and she showed the location where her sister built her home. She continued that next door to her sister's house is her aunt and uncle's house (her mother's sister) and she showed another home located nearby which is where her cousins currently reside. Ms. Paez also noted the location of her great aunt's home which was sold outside of the family and that it was the house that they may know of there that has a windmill on it.

Ms. Paez indicated that they would be taking down the old garage and putting a new two-car garage in its place. She showed the piece in front of that where she would be living. She jokingly added that the great thing about all of this is that everyone has cats so they can take care of each other's cats if necessary.

Comm. Harger asked for clarification that the new section was the part in the front.

Mr. Joe Matto responded yes.

Ms. Paez stated that what they are really thinking about doing is taking the front of her mother's house and replicating it on the front of her own house. She reiterated that this was a farmhouse

originally so the style that Joe Matto came up with really keeps with the lay of the land and the character of original house and farm property.

Mr. Panico asked Rick Schultz what the square footage of the addition was.

Mr. Schultz responded 877 square feet.

Comm. Pogoda commented OK, 900 is the max.

Mr. Schultz added correct, 900 is the threshold.

Comm. Flannery asked how many acres this was – she pointed out the shaded areas on the plan.

Ms. Paez responded that it was about 23,388 square feet.

Mr. Schultz added that it was a little over a ½ acre.

Chair Parkins commented that she needed some clarification and asked who lives in the main house.

Ms. Paez responded her mother, Sally and she would be remaining there.

Chair Parkins stated OK; she will be staying there and she asked Ms. Paez if she was basically building the in-law apartment for herself then.

Ms. Paez responded yes.

Comm. Flannery asked for clarification as to which part is the new section.

Ms. Paez explained the locations of the original house, the driveway, the garage, etc.

Mr. Matto clarified that the original house is towards the River, the ADU (in-law apartment) is towards the street, and there is a two-car garage and a sunroom which connects the two. He added that the sunroom is the common space between the two spaces.

Mr. Matto indicated that they initially looked and did a lot of studying and trying to put to ADU within the house but the main house is only 1800 square feet. He finally realized that Sally (Ms. Paez's mother) does not even want to change the wallpaper let alone any walls. He stated that then they looked at putting it on the River side of the house but because of the topography and all of Sally's views going toward the back of the house toward the River so the ADU would block all of those windows. Additionally, that would result in having a garage at one end and garage at the other end and with the topography they would be at different levels – they would be a story apart. This presented all sorts of problems as to how it would look, how it would impact Sally's house which has been in their family forever. In regard to the side setbacks, the main house is a pre-existing, non-conforming on one side and the other side is conforming. He added that all of the new work is within the 15 foot setback but the only place that they could put it is in front of the existing house.

Comm. Flannery asked for clarification about one of the plan notations for igloo galleries.

Mr. Matto responded that they have already gone ahead and gotten a septic system design from Alan Shepard of Nowakowski, Obymachow & Kane. He showed the location of the septic system for the addition and added that they have a letter of approval from the Valley Health Department. He indicated that the main house currently has a series of drywells in the back that would remain. One of the contingencies from Valley Health is that they do a V100 just to make sure that is in shape. Mr. Matto commented that there is also an ease right(?). Those were the two options that they were looking at. The other option was to tie into the sewer but the sewer line in front right now is a high pressure line so tying into it is very difficult. He added that the least expensive and most doable and in consultation with Alan Shepard and Gary Maloney was to do a small separate septic system just for the ADU.

Comm. Flannery asked if this would be well water.

Mr. Matto responded no, City water.

Chair Parkins asked if they were doing an addition and in-law apartment.

Mr. Matto responded that it was a gray area. They are ...

Chair Parkins commented that this is obviously much larger than 870 square feet.

Mr. Matto stated that if you look at the floor plan...to her point, they are doing an addition to the main house which includes rebuilding the existing garage by actually turning it into a two-car garage with storage for Sally who lives in the main house upstairs and the sunroom off of that to the south side of the garage for Sally's use with a terrace. He added that all of the construction which is up to – which is 2/3 of the length of this – is an addition to the main house.

Chair Parkins asked if it exists right now.

Mr. Panico asked if there were any building floor plans – other than what is shown on the survey.

Mr. Matto responded yes, they do, they're here. He added that they are included in the large drawings.

Chair Parkins asked again if the building exists right now – the addition that they are putting on.

Mr. Matto responded that the old garage exists but the second garage does not exist.

Mr. Panico asked if there was an architectural floor plan because he couldn't locate it in the packet provided.

Mr. Matto responded yes, Page 2.

Comm. Harger commented that Page 2 is just a site plan.

Mr. Schultz realized that he had mistakenly not handed out the floor plans with the initial drawings and he provided copies to all of the Commissioners.

Comm. McGorty commented that if he understands these plans correctly, it is 2400 square feet for the addition.

Chair Parkins asked if that was the total or plus the 870 square feet.

Comm. McGorty responded that it says the total square feet is 4,950 and the existing is 2,550 so the addition is 2,400.

Mr. Matto commented that he thinks that is all spaces – everything including (inaudible)...

Comm. McGorty responded yes, everything – what is going to be new is 2,400 square feet.

Mr. Matto responded yes, all new including the (inaudible)...

Comm. McGorty commented OK, so the additions would be 2,400 square feet total.

Comm. Flannery asked if the addition was 2,400 square feet.

Mr. Matto responded that all the new construction to the house would be 2,400 square feet.

Mr. Panico commented that this is the massaging of the existing house (inaudible)...

Comm. Pogoda asked if they went 870 from the 4,950 (inaudible)...

Mr. Panico responded no, they are describing that as the addition which isn't an unreasonable interpretation – they are saying that this sunroom space behind the garage is really part of the main house.

Mr. Matto commented, yes, and Sally Paez can speak to that.

Chair Parkins said that this exists right now – the one car garage exists right now.

Mr. Matto responded yes, there is a one car garage existing right now but it is not exactly where that is – it overlaps slightly and they are demolishing it.

Chair Parkins asked him to start over and tell the whole story straight just so it doesn't appear as though they are trying to avoid sharing something.

Comm. Flannery asked why the construction started already.

Mr. Matto responded that it hasn't started yet.

Comm. Flannery asked if he didn't just say that he was demolishing the garage.

Mr. Matto responded that they would be demolishing the old garage.

Chair Parkins clarified that he said they hadn't started construction. There is a one car garage existing right now. They are proposing an addition and an in-law apartment.

Mr. Panico used the drawings to explain that what exists now is that plus the garage. They will take the garage down and rebuild it with the sunroom space behind it which is all a part of the main living house. He added that they will be going beyond the garage to where the stairwell is located to create the independent living area.

Chair Parkins asked the location of the common wall.

Mr. Panico showed the location of the common wall by the garage. He showed the access doors between the unit and the floor space that belong to the house so they meet that criteria.

Chair Parkins commented OK, but stated that in looking at the plans and it seems bigger than ...

Mr. Panico responded yes, the engineer's tabulation of floor space makes it appear suspect.

Mr. Matto agreed and added that he was working off of early plans and he tried to separate it on the face page so that the Commission could see that (inaudible...)

To avoid future confusion for anyone looking at these plans in the file and questioning the additional square footage, Mr. Panico asked Rick Schultz to have them change that tabulation to how much represents the in-law dwelling unit.

Mr. Schultz responded yes, break it out.

Comm. Flannery asked if there was going to be any problem with the water run-off from that huge driveway going down to the River.

Mr. Panico responded that the driveway already exists.

Comm. Flannery asked if it was there now going all the way down to the River.

Mr. Matto responded yes, it exists and serves two rear lots.

Mr. Schultz added yes, it is a common driveway.

Mr. Panico stated that all of those site improvements are there. The only addition that he can see is that it looks like they may be creating two or three parking spaces.

Mr. Matto responded yes, exactly, two parking spaces for the ADU.

Mr. Panico commented that was the only thing he sees and the addition is going to be impervious as opposed to pervious so there is a little bit of increased run-off but it is not significant – as long as it flows toward the River and not towards the street.

Mr. Matto added that all the soils there are all banked on gravel. He commented that one of the reasons that they've provided the architectural renderings is because one of Sally's desires is to have it look like a farmhouse. It is the style of the existing house and they are building in front of it so the idea is to continue that style, take the features that she likes the most and enhance them.

Mr. Panico summarized the plans and reviewed the location of the main house, the new garage, the sunroom behind it which would be part of the main house; beyond that wall where the other stairway is located is the start of the in-law apartment.

Chair Parkins stated that this has to remain as an in-law apartment.

Comm. Flannery commented that it does not look like an in-law apartment; it looks like a whole new house.

Mr. Panico responded that the main house is being expanded and then there is an in-law apartment being added and presumably, Rick will check the members of the in-law apartment (inaudible)...

Chair Parkins stated that this has to stay as an in-law with a family member living there.

Mr. Schultz responded yes with (inaudible)...

Mr. Matto responded yes, they have an affidavit attesting that.

Comm. Flannery asked if they were saying that the addition is not 2400 square feet.

Mr. Panico responded no, there is 2400 square feet of new construction in what they are calling "the addition," but part of that addition is the new garage which replaces the old garage and the sunroom behind the garage which is part of the main house – they are not part of the in-law apartment.

Chair Parkins added that they just need a building permit for that – not P&Z approval. They need approval for the in-law apartment.

Comm. Flannery asked if the in-law apartment was within the required square feet.

Mr. Schultz responded yes.

Mr. Matto added that the another requirement is that it not exceed 1/3 of the total square footage which it does not.

Chair Parkins asked for a motion with the condition that the map be clarified.

On a motion made by Virginia Harger seconded Thomas McGorty, it was unanimously voted to approve Separate #476 with modifications to the map as discussed.

SEPARATE #477: CITY OF SHELTON, CANAL STREET/HOUSATONIC RIVER, RIVERWALK PHASE II

Mr. Schultz stated that with the Avalon project being done, the City is ready to construct the Phase 2 Riverwalk. It will run between the Birmingham and Avalon Shelton and the entire length of Avalon. He provided a site plan for the Commissioners and explained that the shaded area is the location of the Phase 2. He commented that the width has changed from 14 feet to 10

-11 feet and at this time, the City is not providing landscaping in hope that Avalon and others will be able to provide for that. He added that they are working on that. Mr. Schultz indicated that the Mayor's Office is very interested in moving ahead with this. They see what has taken place in the road with the upgrades of Canal Street. This is important time so the Mayor's Office is looking for an endorsement from the P&Z Commission. This is consistent with their long range planning.

Comm. Flannery asked if the width of the path was changing and if it all goes the same way.

Mr. Schultz responded yes.

Mr. Panico stated that is all on property that the City now has and owns and (inaudible)...

Mr. Schultz stated that it's an already secured easement and as a side note, some of the existing trees right along the bank of the Housatonic need to be selective cut. They have to go before the Inland Wetlands Commission because that is regulated.

Chair Parkins commented that hopefully that was going to be accomplished during the fall season.

Mr. Schultz responded yes and Staff will keep the Commissioners in the loop on that because right now there is a heavy (inaudible) so some trees need to be removed.

Mr. Panico asked about the construction materials for the walkway.

Chair Parkins responded brick.

Mr. Schultz responded yes, brick and the masonry are consistent with what they've had in the past and the only significant change is the overall width.

Chair Parkins commented that she believes it is 9 feet now.

Mr. Schultz responded yes, but up to 10 and 11 feet in some areas.

Chair Parkins stated that they will somehow have to discourage bikes.

Mr. Panico commented that as long as they maintain the quality of the walk though; they didn't back up to asphalt or something.

Mr. Schultz stated that this is an area where they are moving through. There are no cut offs where you can take in some views but at the end, there is a big one looking at the falls and the lock. He added that at the other end they have the park that is there.

Comm. Flannery asked about the brick and if it would be bumpy for wheelchairs and strollers.

Mr. Schultz responded no, it is ADA compliant.

Chair Parkins asked for a favorable motion.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #477.

SEPARATE #484: AT&T MOBILITY, 17 DAYBREAK LANE, PAD W/GENERATOR

Mr. Schultz indicated that the Commission requested that the Applicant go back and make some changes.

Bob Watson, AT&T Mobility representative addressed the Commission. Mr. Watson indicated that he was returning to support the application for AT&T's back-up generator at this existing cell site. At the last meeting it was requested that for noise mitigation that they relocate from the original location which was in front of the shelter putting the residential neighborhood

to the far side which is actually quite close to the highway. Mr. Watson indicated that they are also proposing the installation of privacy slats on the chain link fence enclosure.

An audience member requested that Mr. Watson speak louder because he was difficult to hear.

Mr. Watson reiterated that they were relocating the proposed generator from the south side of the shelter where the residential neighborhood is located to the far side of the shelter near the highway. He stated that they were also proposing the installation of privacy slats to deaden the noise. He added that the proposed generator has a Level 2 sound enclosure which limits the noise to 68 decibels.

Comm. Harger asked if he could point out on the site map the original site versus the newly proposed location.

Mr. Watson showed the original proposed location on the front side – he pointed out the tower, the existing shelter and the location of the Daybreak Lane neighborhood.

Mr. Panico asked where it would be on this sketch.

Mr. Watson responded that it would be on the far side. He stated that this is the new sketch. He showed the location of the tower, the shelter...

Mr. Panico commented OK, he just wanted the Commission to be able to relate to where it was and where it is proposed now.

Mr. Schultz indicated that the Commission made the recommendation that it should be closer to the expressway.

Comm. Flannery asked if it was taller than the existing building there.

Mr. Watson responded that it is shorter. It is about 7 feet tall and similar to any Generac generator. Mr. Schultz has the cut sheets which he provided with the application. He showed on the site map where Daybreak Lane, the residential neighborhood is located, the NU right-of-way, the tower, the existing shelter and the proposed location at the far side of the shelter.

Chair Parkins asked where the closest house was in relation to it.

Mr. Watson showed the location of the closest house and added that it was 121 feet from the (inaudible)...

Comm. Flannery asked if it was 121 feet from the deck.

Mr. Watson responded from the house to the (inaudible)...

Comm. Flannery asked how far it was from the deck.

In a side conversation, Comm. Pogoda pointed out that the grade goes way down (inaudible)...

Mr. Watson provides a Google Earth photograph of the existing house, the proposed location on the far side and the white line representing 121 feet.

Comm. Harger asked about the topography.

Mr. Watson responded that it is severely sloped and heavily vegetated. He thinks that there was a suggestion that they do some planting around it but he thinks that if everyone visited the site they could see (inaudible)...

Mr. Panico commented that topographically, the new location is at a lower elevation.

Mr. Watson responded yes, there is a severe slope from the backyard of this house down to the location and it is very heavily vegetated.

Comm. Flannery asked how far the white line from the deck to the generator is.

Mr. Watson responded 121 feet.

Comm. Flannery stated that it doesn't look it.

Mr. Panico clarified that it is lower in elevation though.

Comm. Flannery stated that she went there a few times this week.

Mr. Watson indicated that as requested, they modified the drawings, got approval from NU for the relocation to the far side and he reiterated that they would add privacy slats to additionally deaden the Level 2 sound enclosure.

Chair Parkins asked how they access it to fill up the fuel tank.

Mr. Watson showed the location of the access road from the street all the way down to it. It is a dirt access road.

Comm. Flannery added that it was an old horse trail.

Chair Parkins asked if they could get an oil truck down there.

Mr. Panico asked what the frequency would be of refilling the tank.

Mr. Watson responded that it would depend upon any outages.

Mr. Panico asked how often if there were no outages but just regular maintenance cycle.

Mr. Watson responded that it has a 210 gallon diesel belly tank and he believes that the run length on that is in neighborhood of 24 hours.

Mr. Panico asked how long each maintenance start up was.

Mr. Watson responded that there is a 15 minute per week exercise cycle so barring a power outage, the fuel up for normal exercise would be several months.

Mr. Panico asked if there was a pre-determined schedule for topping off the tank once a month or anything like that.

Mr. Watson responded that he really didn't know because that is a maintenance issue.

Comm. McGorty asked about the dirt road there which has a steep hill and if it would be paved or anything because in the winter they might have some trouble.

Mr. Panico commented that they probably don't go all the way back. They probably pull the hose(inaudible)...

Comm. McGorty stated that if it is 100 feet from the house and they're only up by the road that is pretty significant.

Mr. Panico responded that they probably pull in the driveway but not all the way back. He added that he really doesn't know and he's just speculating.

Chair Parkins asked if the test times would be prescheduled or set on a timer.

Mr. Watson responded that they are programmable so whatever the Commission wants it to be for approval.

Chair Parkins stated that she would rather see it in the afternoon around 1 p.m. than mornings or late evenings when people are coming home. She added that it definitely should not be on the weekends.

Comm. Flannery asked how close it was to the property line.

Mr. Watson responded that he was not sure but it is 121 feet to the house.

Comm. Flannery stated that they asked him last time, about a month ago, to give them the property line distance.

Mr. Watson responded that he spoke with Rick and he indicated that a plot plan wasn't necessary.

Mr. Schultz asked the Commissioners what hours they thought were reasonable – 12 noon to 5 p.m.

Chair Parkins responded that she isn't sold on this – putting a generator in someone's backyard so close to someone's house.

An unidentified audience member commented that that house just sold. It's the new buyers who don't know it is going in.

Mr. Watson pointed out that if this homeowner wanted to put in a generator they wouldn't be before this board.

Chair Parkins responded yes, but they wouldn't be putting in a generator the size of the one they are putting in down there. They would be putting in a home generator not the size they are planning down there. She stated that she knows the noise that these type of generators make because she has one outside of her office, she's on the sixth floor and she can hear it when it runs. She added that she's in a glass-enclosed, tall concrete office building.

Mr. Watson responded that he doesn't know the size of the generator that she is referring to but the decibels ...

Chair Parkins indicated that it was the typical 7 foot office generator and that is what he's planning on. She asked if that is what he was planning on putting in and if he had a picture of it.

Mr. Watson responded that he gave it to Rick Schultz the cut sheet included with the application. He does have others in his car. He provided a sketch drawing but it is quite small.

Chair Parkins asked if it was the basic dimensions.

Mr. Watson responded yes, basic dimensions.

Chair Parkins asked what the dimensions were.

Mr. Watson responded it was on a 4 x 8 pad and roughly 7 feet high. In regard to the noise, he indicated that he included the decibel levels in his package. He read that normal conversation at 3 feet is 60 – 65 decibels with a maximum of 68.

Chair Parkins stated that she disagrees with that and normal conversation is 55 – 60 decibels. She asked if they could put some sort of condition on it if it becomes problematic that some type of mitigation has to be done.

Mr. Schultz responded that they have the noise ordinance, the performance standards in the regulations.

Chair Parkins commented that the noise ordinance is only going to kick in because it is going to be an emergency situation that they are running it all of the time and testing it all the time. So the noise ordinance isn't really going to kick in, per se, if residents start making complaints.

Mr. Panico stated that he would be more concerned about when they regularly test it.

Mr. Schultz agreed and indicated that was his question. He suggested the time of 12 noon to 5 p.m.

Mr. Panico commented that they don't want it tested at 7:00 a.m.

Mr. Schultz added that it should not be on the weekends and suggested Monday through Friday between 12 noon and 5 p.m.

Comm. Pogoda responded no, he would limit the hours more – early afternoon because 5 p.m. people are coming home.

Chair Parkins agreed with early afternoon and recommended sometime between 12 p.m. and 3 p.m., Monday through Friday.

Comm. Matto commented that she didn't know a lot about decibels and asked how loud it would sound compared to something like a leaf blower or a motorcycle.

Mr. Watson indicated that he could read it off of the decibel chart that he has but the Chair disagreed with (inaudible)...

Chair Parkins addressed an audience member who was making comments out of turn. She indicated that she would give them an opportunity to speak but it was impolite to interrupt the speaker.

Mr. Watson read that normal conversation at 3 feet is 60 – 65 decibels, a telephone dial tone is 80 decibels, city traffic is 70 to - he noted that if they visited the site than they know that the Route 8 traffic is right there and that is well over 70 decibels just standing there. He indicated that any sound emanated from testing or long term running would be drowned out by that traffic. He continued reading that a train whistle at 500 feet or a truck traffic is 90 decibels, a jackhammer at 50 feet is 95 decibels, and a subway train at 200 feet is 95 decibels. Mr. Watson stated that the decibel information that he provided indicates that at 23 feet this is at 68 decibels.

Chair Parkins asked for clarification about the 23 feet.

Mr. Watson reiterated that at 23 feet from the generator it would be 68 decibels.

Comm. Flannery asked what it would be at the generator itself.

Mr. Watson responded that he didn't have that information.

Comm. Pogoda asked why they would care what it is at the generator.

Comm. Flannery responded that the deck looks a lot closer (inaudible)...and the deck is where they go outside to relax. She indicated that she is there every day walking her dog and asked about the gates into that property which usually are not locked. She commented that there is always suspicious activity going on over there. She doesn't know what it is but sometimes those gates are open and sometimes they are closed. There is no lock and it should be checked out. She asked if they knew what was going on over there. She wanted to know if there would be kids hanging out there or all sorts of problems.

Chair Parkins responded that the gate has been there – the access road has been there. She added that it isn't as though the generator is going to attract kids.

Comm. Matto agreed that kids don't hang out at generators.

Chair Parkins stated that if that situation is already there with the road – really, this is for, they are really talking about the generator not the access road or anything else.

Comm. Flannery responded that her point was that it is not secure right now and she hopes that in the future they provide a lock. She asked if people were supposed to be going up and down there.

Chair Parkins responded that if she did than she was trespassing.

Comm. Flannery stated that she was checking it out as a P&Z Commissioner.

Chair Parkins stated that it was 121 feet to the house and 68 decibels at 23 feet.

Mr. Watson responded yes, that's correct.

Chair Parkins asked if it was possible that was the property line because why else would they have picked 23 feet.

Mr. Watson responded that was just the specifications that they gave. It is nothing something that he (inaudible)...

Comm. McGorty clarified that it probably was a standard, manufacturing standard...

Chair Parkins asked why it wouldn't be 25 feet.

An unidentified audience member clarified that it is based upon an industry standard and has been for years.

Chair Parkins commented OK so it is possible that it is more like 60 decibels at the house.

Comm. Pogoda stated that maybe less than that because it goes downhill and there is vegetation there. He added that he has been there and it slopes drastically.

Comm. Matto added that you hear the traffic noise there too.

Mr. Panico asked if those were the decibel levels with the sound attenuation around the generator or without it.

Chair Parkins commented that there were too many conversations taking place.

Mr. Watson responded that with the Level 2 sound enclosure which is what encases the generator that is the decibel level at 23 feet. He added that the additional sound baffling of the privacy slats on the chain link fence would deaden it quite a bit more in addition to being deadened by the heavily vegetated area that it is located in. He responded it was just the generator stand alone with the level 2 sound enclosure which is just a box that it is within.

Mr. Panico commented that is 23 feet away, deadened level, open air between you and the generator (inaudible)...

Chair Parkins asked if it would help at all to plant another row of trees.

Comm. Pogoda responded that there already is a lot of vegetation there.

Chair Parkins asked if they had any plans to clear the existing vegetation to put in the generator.

Mr. Watson responded no.

Mr. Panico stated that there is the chain link fence with the slats, the vegetation element and also the differential in the height for the elevation differential.

Comm. Flannery asked how long the testing would take.

Mr. Watson responded 15 minutes once a week. He added that it can be automatically programmed to what time the Board would like.

Chair Parkins commented that she hopes Northeast Utilities keeps the power on. She asked for a motion to approve.

On a motion made by Anthony Pogoda seconded by Elaine Matto, it was voted (5-1) to approve Separate #484. Comm. Flannery voted in opposition.

SEPARATE #6578: R.D. SCINTO, 4 CORPORATE DRIVE, BUSINESS

Mr. Schultz indicated that this is the building on the right side and it is replacing Dr. Casablanca's office. It is a dental office, 1955 square feet, 8 employees, hours of operation 8:15 a.m. – 5:30 p.m., Monday through Friday. He commented that Staff was up there last week to look at Parrot Drive and he drove through the Renaissance area and the main parking areas; everything appears to be working well. There are a lot of tenants there and that particular building that went to medical offices was pretty full in the beginning but there was a lot of space there.

Chair Parkins commented that this goes way back but the dumpster storage areas up there are...they are big.

Mr. Panico stated that has been one weakness in Bob's projects all the time – for the last 20 years.

Chair Parkins indicated that there is one dumpster that sits out in the parking lot for cardboard and there is a huge one sitting in the loading area of Corporate 3 which creates traffic because there is a restaurant there. She added that she didn't know what the original plan stipulated in terms of the enclosures but she is sure that they addressed it.

Comm. Pogoda commented that in those days...it may (inaudible)...

Mr. Panico stated that he didn't remember if they ever had a discussion about it – it was about 20 years ago.

Chair Parkins commented that she's sure it was scrutinized.

Mr. Schultz responded he noticed it too and that he's writing it down.

Comm. Pogoda agreed that they were all over the place up there.

Chair Parkins commented that if it is not out of compliance then there isn't anything they can do but it is just a beautiful facility but those dumpsters just throw everything off. She asked for a motion on #6578.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6578.

SEPARATE #6601: TINA LAZRI, 19 KNEEN STREET, BUSINESS

Mr. Schultz stated that this is Artan's by Route 8, Exit 14 and they are subdividing into the pizza business and the grocery store. He added that they want to sell beer. The State of Connecticut has requested that they put in a partition which requires P&Z approval. This business currently has two separate doors. Facing it from Kneen Street, they have a door on the left that goes into the pizzeria and the door on the corner which is the original one and goes to the convenience store. He indicated that the total square footage does not change. This is just about how it is being occupied. He reiterated that the pizzeria would be on the left and then the convenience store with the ability to sell beer (which they have done in the past) but now the State of Connecticut wants to see a partition.

Chair Parkins stated that she would like some sort of recommendation from the Police Department on that because of the parking and traffic issues there. It is a very bad ...

Mr. Schultz asked if they wanted to table this.

Chair Parkins responded yes, she wants to get their opinion on that.

Comm. Pogoda agreed and stated that he's seen cars double parked there coming off the highway.

Chair Parkins added that it is right off the highway and it is crazy there now. She reiterated that they needed a recommendation from the Police Department on that because that is just going to encourage more quick stops and double parking. She asked if they fixed that vent.

Mr. Schultz responded yes and no, he'll explain it later because it will take a while.

Chair Parkins requested a motion to table.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to table Separate #6601.

SEPARATE #5290: LINDA A. ANTIGNAUL, WHITE HILLS PLAZA, BUSINESS

SEPARATE #5572: SHAYN SCULLY, 194 LEAVENWORTH ROAD, BUSINESS/SIGN

Mr. Schultz indicated that Separate #5290 and Separate #5572 are the upper floor area and the Commission approved the uses. This is for the wall signage.

Chair Parkins asked if these two were together.

Mr. Schultz responded no but they are in the same building so Items 7 & 8 are upstairs.

Comm. McGorty asked if they were upstairs over the after school...the new building.

Mr. Schultz responded yes. There is a make-up studio and a yoga place upstairs.

Mr. Panico clarified that it was tucked in the back of the gas station where the retaining wall is...

Mr. Schultz commented that the Commission requested solid signs, blue background, white lettering, consistent. He asked the applicant if the owner was also enforcing that requirement.

The Applicant (unidentified) responded yes, Mr. Wells was also enforcing that.

Mr. Schultz indicated that the Mother's Embrace Yoga studio sign is 10 feet x 10 inches. He provided a rendering of the sign with the royal blue background. He added that the Applicant is present for the make-up studio signage.

Mr. Panico asked if that space was floor space that is occupied by Mother's Embrace Yoga.

Mr. Schultz responded yes, they have two that are side by side.

Mr. Panico asked if the upper floor space was occupied by them.

Mr. Schultz responded yes, there are two occupants are upstairs and tonight they are hearing from both of them.

Mr. Panico stated OK, the other sign that he sees on the ground level is over their doorway.

Mr. Schultz responded yes. He asked the make-up studio applicant the name of her business.

Shayne Scully, 194 Leavenworth Road, Shelton addressed the Commission. Ms. Scully stated that it was called the (inaudible) Cosmetology and Make-Up Studio. The dimensions of her sign are the same.

Chair Parkins commented asked if it was 10 inches x 10 feet, with the same lettering.

Mr. Schultz responded yes.

Mr. Panico asked if it was on an adjacent dormer.

Mr. Schultz responded yes.

Comm. Pogoda asked if it would just match all of the other signs and colors there.

Mr. Schultz responded yes.

Chair Parkins asked if the Make-up Studio sign was just lettering without phone numbers or graphics.

Ms. Scully responded yes.

Chair Parkins asked for a motion to approve 5290 and 5572.

On a motion made by Thomas McGorty seconded by Anthony Pogoda it was unanimously voted to approve Separate #5290.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #5572.

SEPARATE #481: UNITED ILLUMINATING CO., 17 OLD STRATFORD ROAD, SUBSTATION LANDSCAPING PLAN

Chair Parkins commented that the Citing Council already approved this.

Mr. Schultz responded yes, but they went above and beyond.

Chair Parkins added that they have been working with them – the Mayor, she and Comm. Matto have met with them.

Mr. Schultz provided a landscaping plan/site map of the substation area pointing out Old Stratford Road, the Exit ramp off of Route 8. He explained that they are providing some Eastern Red Cedar to fill in voids. They are proposing 25 trees which he thinks it is low but at least they are showing it. He would like to send a letter after the Commission makes a motion indicating that additional inventory should be provided if it is deemed necessary.

Comm. Pogoda responded yes, he would definitely like to see that too.

Chair Parkins asked if they would be staging this as she requested.

Mr. Schultz responded yes.

Chair Parkins asked if they would be planting those trees this fall then.

Comm. Matto stated that they aren't making a solid hedge, they are trying to make it look more natural.

Mr. Schultz commented that as they all know, that is a long stretch there.

Chair Parkins noted that those trees are going to be growing for at least two years before the substation is in there which is why she requested that they put them in there this fall.

Comm. Matto commented that was very smart too.

Comm. Pogoda asked how tall the trees would get.

Comm. Matto responded that they aren't huge like pine trees. They are much smaller feet, but they get bushy.

Chair Parkins asked what they were proposing – she thought she heard 25 feet.

Mr. Schultz responded no, they are proposing 25 trees – 6 to 8 feet.

Chair Parkins commented OK so they will be about 10 – 12 feet by the time it comes in.

Mr. Schultz indicated that he would write a letter reminding them to install them this fall and if there is a need for additional the Commission will let them know. Hopefully, they will agree.

Chair Parkins added yes, if there is a need for more trees after the substation goes in then they will be planted at that time.

Comm. Matto noted that bigger trees don't necessarily get you any further in the long run because they don't do well for the first couple of years the bigger they are.

Mr. Schultz stated that this is in itself is great because you don't usually see UI doing landscaping plans.

Comm. Matto commented that she was happy and shocked that they took all of her planting recommendations.

On a motion made by Virginia Harger seconded by Anthony Pogoda, it was unanimously voted to approve Separate #481 for the United Illuminating Substation Landscaping Plan.

Chair Parkins clarified that she wanted it to be made clear for the record that the Commission is approving the Landscaping Plan for this Substation and not the actual substation. The Citing Council, not P&Z, approved the UI Substation.

SEPARATE #6716: TAYLOR MADE FITNESS & TRAINING LLC, 515 BRIDGEPORT AVENUE

Chair Parkins noted that Shelton is going to be the fittest town in the State because they have approved more fitness centers...they are probably edge and edge with their liquor stores right now.

Comm. Pogoda responded yes, it is certainly close.

Comm. McGorty added that they are certainly offsetting it anyway.

Mr. Schultz stated that this will be replacing Curves for Women. It is 1,881 square feet, 3 employees, hours of operation 6 a.m. – 9 p.m. Monday-Friday, 6 a.m. – 4 p.m. Saturday and 6 a.m. – 4 p.m. Sunday. He added that this is the place where they have all the parking on the side there.

Chair Parkins indicated that the site map is showing the front of the building.

Comm. Pogoda commented that Quest Labs is to the left and Curves used to be on the right.

Mr. Schultz responded yes, this picture is of the front.

Chair Parkins commented that he had said it was on the side.

Mr. Schultz responded no, it has the side with all of the parking.

Mr. Panico asked if they were going to have signage on the parking lot side too.

Mr. Schultz responded (inaudible)...

There was further discussion about the layout of the parking lot, the number of entrances and location of the stores.

Chair Parkins clarified that they were only asking for front signage and not signs on the side and asked for a motion to approve.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6716 for business occupancy and signage.

SEPARATE #6797: SRIPARNA GIHOSH, 2 CORPORATE DRIVE, BUSINESS

Mr. Schultz indicated that this would be for Scientific Contract Research Organization, 220 square feet with one employee at 2 Corporate Drive. The hours would vary and it includes a lab inside.

Comm. Flannery asked what type of scientific research they would be doing and would it be anything explosive.

Mr. Schultz responded no – its Peers? Bio Laboratory LLC is the name of the company. He asked if they wanted him to get more information about it.

Comm. Flannery stated that she wants to know what kind of scientific research they are doing.

Chair Parkins noted that it was only 220 square feet – they can't be doing very much. She's sure that Mr. Scinto knows what is going on in his building.

Mr. Schultz commented that he could send everyone an email to clarify the type of business.

Comm. Flannery responded thank you because she knows the kind of things you can do in a science lab.

Chair Parkins commented that they won't get much in there besides a desk and a table.

Mr. Panico stated that it was only a 15 x 15 room.

Comm. Flannery commented yes, but you could make a bomb in a small area.

Mr. Panico indicated that you could make a bomb in your own home. They can't worry about someone renting space under the guise of one thing and then making bombs because it is a little bit beyond their control.

Chair Parkins asked if they were going to table this.

Mr. Schultz stated no, he'll send out an email to clarify the business.

Comm. Pogoda commented that he made a motion. Comm. McGorty seconded and asked why they were having this bomb conversation.

Comm. Flannery indicated that she was voting no because she really would like more information.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was voted (5-1) to approve Separate #6797 for business occupancy. Comm. Flannery voted in opposition.

SEPARATE #6715: DERRICK LEE, 127 CENTER STREET, BUSINESS/SIGN

Mr. Schultz indicated that this is the old Caliente's Restaurant and it is after-the-fact. The applicant is not present. He indicated that the restaurant opened and they all know the (inaudible) restaurant, it is Americana cuisine.

Comm. Harger commented that they are all over Facebook announcing to come down on Thursday.

Mr. Schultz indicated that it is 800 square feet on Center Street and the sign is projected.

Comm. Harger commented that she thought it was an ugly sign and she thinks it is (inaudible). It is also too small.

Chair Parkins asked if she was really complaining about a sign being too small.

Comm. Harger responded yes, in proportion to the building, seriously. It sticks out and it looks like a little midget sign there. It was awkward looking.

Chair Parkins agreed that it was rather small but it didn't bother her. She added that they are a new business and it could be all that was affordable.

Comm. Harger indicated that they previously had a business.

Chair Parkins commented that the business seems to be doing well. She asked what signage they were proposing.

Comm. Flannery asked if they were going to see a picture of the sign.

Mr. Schultz responded that they have a projected sign.

Comm. Harger told the Commissioners to go on Facebook. They have their own page with interior shots of the restaurant (inaudible)...

Mr. Panico asked if he was talking about an additional sign.

Mr. Schultz responded no, this is an after-the-fact. They erected a projected sign.

Comm. Harger indicated that she does not think it was very well thought out and doesn't fit in with the rustic style of the building. They did a lot of improvements though.

Chair Parkins asked if they were approving just by visual what everyone has gone by and seen. She asked if he submitted any rendering or anything.

Mr. Schultz responded no.

Chair Parkins stated that they are tabling this. She asked Rick to have him come back and submit a sign rendering because they have sign regulations.

Comm. Pogoda agreed that he would like to see the sign first.

Mr. Schultz commented OK but asked if they could approve the use because the use is permitted. He was supposed to be here tonight.

Chair Parkins stated that what is there might just be a temporary sign. She asked for a motion to approve the business and table the sign request.

Mr. Schultz said it was not temporary because he spoke to him about putting up the sign without Commission approval.

Comm. Harger mentioned that for a business owner who did business previously in Monroe, he should know that there are regulations, etc. It is pretty naïve of him to just come in and open up shop without approval.

Mr. Shultz stated that they will see him at the October meeting.

Chair Parkins added that they also want confirmation that he isn't putting up additional signs without approval. She asked Rick to have him come in and explain why he put up such a small sign, not that they are opposed to it, and if that all he intends to do there.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the business occupancy for Separate #6715 and table the sign request.

SEPARATE #6794: TERRY VELIVASAKIS, ONE PARROT DRIVE, BUSINESS

Mr. Schultz indicated that this is for One Parrot Drive and it is the large building on the left side after Ruby Tuesday's going up to Renaissance. They are occupying 19,426 square feet. These two applications are very significant. This one is sales, distribution, light assembly of electronic mechanical products.

The One Parrot Drive building overall is 100,274 square feet. This business is occupying 19,426 square feet with 22 employees and hours of operation 7:30 a.m. to 5:30 p.m. They are leasing this space.

Mr. Panico added that it is a multi-tenant building.

Mr. Schultz stated that the name of the company is EAO Corporation. This is an older building that was Branson Ultrasonic.

Mr. Panico commented that it was all refurbished some time ago and they built a new parking lot, new entrance on the south side. He added that he doesn't think that they were every 100% occupied after they refurbished the building.

Comm. Harger asked if the rest of the building was occupied.

Mr. Schultz responded no.

Chair Parkins asked if it was 7:30 a.m. to 5:30 p.m. and just one shift.

Mr. Schultz responded yes.

Chair Parkins indicated that they obviously have sufficient parking up there. She asked if there was anything else they needed to know about the application. Mr. Schultz responded no.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6794.

SEPARATE #6795: TERRY VELIVASAKIS, 100 TRAPP FALLS ROAD, BUSINESS

Mr. Schultz stated that this was the W.E. Bassett Building.

Comm. Harger responded that's nice.

Mr. Schultz indicated that the building overall is 81,000 square feet. This company is leasing 16,354 square feet. It has 25 employees with hours of operation 8 a.m. – 5 p.m.

Chair Parkins commented that they aren't taking the whole Bassett building.

Mr. Schultz responded no, they aren't. This business is for the sale, distribution and repair of X-ray equipment. He commented that there are a mixture of companies that Shelton is getting.

Chair Parkins commented that is really wonderful. She asked if this applicant, Terry Velivasakis was probably the realtor for these buildings.

Mr. Schultz responded yes, the broker.

Comm. Harger asked the name of this business.

Mr. Schultz responded Comet Technologies USA Inc. As they know the building has been vacant for a while, Staff went into the back of the building and weeds coming through the main parking lot. It has been neglected but if they resurface the lot, they will have to make sure that restripe it and if they increase the parking then they have to come before the Commission.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6795.

SEPARATE #6793: CHRIS BRIBOK, 223 BRIDGEPORT AVENUE, BUSINESS

Mr. Schultz stated that this is located on Bridgeport Avenue and Blacks Hill Road, commercial CB-2. This is a single family house and the applicant is before the Commission to purchase the home, reside there, and to conduct a computer repair and IT service business. The house overall is 1,726 square feet of which 200 square feet would be committed to the business. The hours of operation would be Monday through Friday, 10 a.m. to 6 p.m. and Saturday 10 a.m. to 3 p.m. He asked the Applicant if he was currently on Bridgeport Avenue.

Mr. Chris Bribok, the applicant, 223 Bridgeport Avenue, Shelton addressed the Commission. Mr. Bribok responded yes, he was currently at 82 Bridgeport Avenue (inaudible) across the street from the ice cream shop, in between the ice cream shop and the Shell Gas Station.

Chair Parkins asked what the off-street parking situation was there – at the proposed location.

Mr. Bribok responded that presently it is a driveway and a garage so there is one spot in the garage for the resident which would be himself and two existing parking spaces. He added that he went of O’Bymachow, Nowakowski and had Al Shepard draw up an additional three parking spaces proposed. He doesn’t plan on having anybody park on Bridgeport Avenue.

Mr. Schultz indicated that he would circulate the map of that area.

Mr. Panico asked if people would come to him just looking up his address and going there or do they have to make an appointment.

Mr. Bribok responded that he plans to make it more appointment-only as he gets busier to space things out.

Mr. Panico commented about parking (inaudible)...

Comm. Harger asked how much of Blacks Hill Road is CB-2, the whole thing.

Mr. Schultz responded yes, it goes up a couple hundred feet.

Mr. Bribok commented that currently he never has more than two people at a time. There isn’t going to be any employees besides himself.

Mr. Panico stated that parking in the back to go (inaudible)...

Comm. Pogoda stated that he wants to (inaudible)...

Mr. Bribok commented about the parking plan and indicated that it was more like a future plan as he expands but right now the one space that would add on (inaudible)...to accommodate...

Multiple conversations (inaudible)...

Mr. Panico asked if right now he wants to cut in a couple of parking spaces into the front corner of the house and in the future, if he needs it, he’ll put parking in the back.

Mr. Bribok responded yes, if needed, if he expands or has more employees or finds that customers are overflowing. Right now, he has two customers at a time at the most. He added that he can make it by appointment only if he has to avoid overflow.

Chair Parkins commented that he has the garage.

Mr. Panico asked if that part of the house, where the garage is located, is where his repair and sales area is going to be.

Mr. Bribok responded yes, it is going to be out of the basement and the garage and the basement are side by side. When people pull into the driveway, they can go straight in and not go up any stairs.

Chair Parkins asked him where he would be putting his own car.

Mr. Bribok responded it would be in the garage.

Comm. Harger asked if it would be a problem with people down around the curb because it is a big, sharp corner.

Chair Parkins agreed that it was a tough spot there.

Comm. Harger added yes, and if you have to back out.

Comm. Pogoda stated that it is a steep road too.

Mr. Schultz commented that Staff really has to monitor this operation. They don't want them to do any additional parking on top of the hill unless it is really necessary. He added that he thinks that the Commission needs to give that more thought and work with the applicant if that is needed.

Comm. Harger commented that she has a lot of reservations about this.

Comm. Matto asked if he would have to come back in for additional parking.

Mr. Schultz responded that the applicant is showing that he can provide for it.

Chair Parkins stated that it is just the fact that this is a pull in and back out situation though. They are backing out onto Bridgeport Avenue, it's really (inaudible)...

Mr. Bribok responded no...it is actually Blacks Hill.

Comm. Harger stated no, it is out onto Blacks Hill.

Mr. Panico stated that this is the driveway (inaudible)...you would come in and out that way.

Mr. Schultz commented that it is the corner lot.

Chair Parkins stated OK, it is off of Blacks Hill.

Mr. Panico commented that he doesn't think it is a problem as long as it is a low intensity business just starting off. He added that if it develops into something that needs more space than 200 square feet, which isn't much space to do repairs, etc. He asked if he would be selling stuff that he refurbishes or had as trade-ins.

Mr. Bribok responded very few things but it will really just be service. He indicated that a lot of the stuff he does is done on the road because he is gearing himself more toward businesses.

Mr. Panico stated that he's been at operations like this one even on a more commercial basis and he's never seen anybody else mobbing the place.

Mr. Bribok responded that most people spend about three minutes in there just discussing the problem and leaving it. Nobody really hangs around there.

Chair Parkins asked if he was proposing any signage.

Mr. Bribok responded no, not at this point. He just wanted to get the parking approved so that he could move forward.

Mr. Schultz added just occupancy and parking.

Mr. Panico stated that the this parking at the end of it looks good but it is not very convenient because they have to walk down the hill so he wouldn't bless that in any way, shape or form.

Chair Parkins stated that he does have to do some type of stairway.

Mr. Schultz stated that they would have to give that more thought. Alan Shepard just threw that on there.

Mr. Panico stated that the grade is coming down this way and his basement/garage is where he does the servicing. This is up on the living level of the house. He concluded that this may make work for him on an interim basis but it can't grow very much in this location.

Mr. Bribok responded that he really doesn't want to have to do that back parking lot anyway. He stated that he believes that he can keep it just to the side with the existing parking just expanding it out.

Mr. Panico commented that if it grows to the point where he is going to use the main level of the house then the parking makes some sense because he can make the back entrance right into the main part of the house.

Mr. Bribok responded that he thinks that if it just stays below for the business, the parking will just stay to the smaller parking lot area.

Mr. Panico told Mr. Schultz that whatever action the Commission takes they ought to have that stipulation that it relates to this 200 square feet which he is using for that purpose.

Mr. Schultz agreed and commented that now they can appreciate why they have a Statement of Use because it spells out what the approval was for and the exact square footage.

Chair Parkins told Mr. Bribok that he is just going to have to monitor it because he doesn't want to create an unsafe situation for his clients. She added that he'll need to control how many people come in and out at any one time.

Mr. Bribok responded that he would, it is definitely doable.

Comm. Pogoda asked if there was enough room if a car pulls into that second space to back out without backing into the street. He asked if there enough space in the driveway.

Mr. Bribok responded yes, Alan designed it, not the existing but with just the plan to expand that driveway so that people would take a right onto Blacks Hill, a left into the driveway and pulling to the left. When they go to back out, the car can actually make a three-point turn out of the driveway and not have to back out.

Comm. Pogoda responded OK because that is what he was concerned about because it is dangerous around that curve over there.

Chair Parkins asked if that change would be done immediately.

Mr. Bribok responded yes.

Comm. Pogoda added OK, he feels more comfortable with that.

Mr. Schultz indicated that he had written down all of the conditions of approval.

Mr. Panico commented that up until now, whoever parked in that garage backed out, he's assuming.

Comm. Matto commented yes but maybe just once a day.

Comm. Pogoda added that it was also someone who was familiar with the area.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #6793 with the noted conditions.

SEPARATE #475: FOOD BAG, 442 RIVER ROAD, CANOPY REPLACEMENT

Peter Belanger, General Equities Food Bag, Properties & Maintenance Manager addressed the Commission.

Mr. Belanger commented that if anyone is familiar with that site, they know that it is pretty beat up. He added that they are all non-conforming on that site right now – canopy, building, etc. He added that in looking at the laws for this town, you can't even build anything on that property that is conforming. There is a little strip down the center of it that allows them to do anything.

Comm. Matto asked if this was the CITGO station.

Mr. Belanger responded yes, it is.

Mr. Schultz distributed packets with site drawings and photographs.

Mr. Belanger indicated that all they are trying to do is replace the canopy because they need to put tanks in there and pumps and without doing some modifications to the property it just doesn't make any sense. He stated that they have had canopies fall in this town from the snow and this is another one that is in danger.

Chair Parkins asked Mr. Belanger if he came before this Commission not too long ago for an approval.

Mr. Belanger responded no.

Mr. Schultz commented that he came to see Staff.

Mr. Belanger indicated that he was in-house though.

Mr. Panico stated that maybe he came into one of their technical sessions. They had a lot of suggestions and comments but it required a major redo of the whole thing and they weren't prepared to do that.

Chair Parkins agreed that is what she thought too – that site seems familiar.

Mr. Belanger stated that they were going to put up a building and everything but once they found out what they would be allowed they discussed it. He referenced one of the photos in the packet and indicated that was what existed. He stated that he took photos of them in town because they asked for some type of dental molding or something fancy on the canopy to decorate it. They asked them not to put a color on it because they wanted it be pure white.

Chair Parkins commented that there was a CITGO station on Shelton Avenue.

Comm. Harger commented (inaudible)...

Mr. Belanger responded that he didn't know what that CITGO has but he can show them what CITGO wants it to look like but they have already addressed that and it wasn't going to happen.

Comm. Pogoda asked (inaudible)...

Mr. Belanger stated that he has plan drawings of what the canopy will look like. He showed the type of signs they would like to put on it if possible.

Chair Parkins asked if he wanted it on all three sides.

Mr. Belanger responded two sides. It would be on the north side – if the road goes north and south – OK, on the north side and the south side with nothing on the roadside itself.

Mr. Panico agreed that they don't need it there because by that time it is too late – you can read it on the pumps.

Mr. Belanger commented about a fancy trim on the top and bottom of the canopy but if they continue going through the proposal, they will see the column covers stone.

Chair Parkins asked if that was the stone they were proposing.

Mr. Belanger responded yes, that is the color but they can do any color the Board wants.

Chair Parkins asked if it was just a façade.

Mr. Belanger responded yes, it is. They are willing to put any stone that they want and they are willing to change this anyway they want. He indicated that the building has a brown stone on it right now and – well, the building is staying at the moment. He added that they can use any molding. He showed the one that he picked but reiterated that he can use any that the Board wants. He commented that he didn't want to copy Cumberland Farms or the one down the street because ...

Chair Parkins responded that they aren't going to get so specific as to tell him what type of (inaudible) to use.

Mr. Belanger showed a rendering and commented that it would be a lot prettier than what is presently there.

Mr. Panico asked if he was basically going to have a white canopy, a sign in the corner.

Mr. Belanger responded yes, a solid white canopy.

Mr. Panico asked if this rendering is going north and if this was on the street side.

Mr. Belanger responded no, that is the side view. The street side is the short side.

Mr. Panico clarified that this view is as you are driving north and the street is over (inaudible)...

Multiple conversations (inaudible)...

Comm. Pogoda asked how many columns he was putting in.

Mr. Belanger responded four, there is two now (inaudible)...but it is unstable. This is 50 x 30 plus feet and with two columns - and if they get the snow on there or the wind it isn't feasible to do it.

Mr. Panico stated that they've got the new canopy with enough height and it is structurally sound.

Mr. Belanger commented that this canopy gets hit all of the time by trucks and it is already listing to one side.

Comm. Pogoda asked if they were raising this canopy now.

Mr. Belanger responded yes, they are to 15 foot to the bottom. This one is 12 foot to the bottom.

Mr. Schultz added so it complies with (inaudible)...

Mr. Belanger commented that they have diesel fuel in there and trucks pull in there without reading the low clearance sign. The diesel pump off to the side in the parking lot is going away.

Mr. Schultz stated that there is a net positive – the diesel pump is gone.

Mr. Belanger stated that they will still have diesel in the island but not off to the side which is sort of a hazard over there.

Mr. Schultz responded yes, but not separate so that is a good thing.

Chair Parkins asked if the lettering was going to be relative to the size and asked if they were going to go extreme.

Mr. Belanger responded no, he provided a spec street in the packet. He showed that it was 48” total and 27” fits just as he drew it on the drawing. He pointed out which rendering in the packet was drawn to scale and shows exactly how the 21” letters would fit.

Mr. Panico asked if that was the extent of it and there would be nothing else on the canopy.

Mr. Belanger responded yes, that’s it. He showed a photograph and added that CITGO wants it to look colorful like this, but they’ve already talked about it. They aren’t going to do the red or anything else on there because they didn’t want all the fancy stuff.

Comm. Harger asked if they would have that triangular logo.

Mr. Belanger responded that they want to put a triangle but if the Board doesn’t want it there, then they can eliminate it.

Comm. Harger asked if it was going to extend across (inaudible)...

Comm. Pogoda asked if it would go across the roof (inaudible)...

Mr. Belanger responded no and added that they aren’t going to light it unless the Board members allow it. They like their signs to be lit but he doesn’t know what they allow in this town for lit signs.

Comm. Harger commented that the example of it isn’t bad.

Mr. Belanger responded that it would be blue not white. He would love to light them but that is their call.

Mr. Panico stated that he didn’t like the logo lit though – just light the sign.

Chair Parkins commented that he’d have to light them both.

Mr. Belanger agreed yes, he would have to light them both.

Mr. Panico responded OK, he tried...

Comm. Harger added that it isn’t really busy or anything.

Mr. Belanger commented that if they can get it lit that would be great.

Mr. Panico indicated that he really didn’t have a problem with the light.

Mr. Belanger added that it closes in the middle of the night.

Chair Parkins asked if they were illuminated letters.

Mr. Belanger responded yes, they are LED illuminated. He showed where LED illuminated lights would be used and added that there is no light that protrudes out of it.

Mr. Panico asked if the lights go off when the station closes.

Mr. Belanger pointed out the small LED lights inside that give off very little light.

Comm. McGorty asked if they would shut down when the business is closed.

Mr. Belanger responded yes, the station closes at 10 or 11 o'clock at night.

Mr. Panico stated OK, when the station closes, the lights go off.

Chair Parkins commented that would have to be the stipulation because they have (inaudible)...

Mr. Belanger stated that he put non-illuminated on his worksheet because he didn't want to presume – but if they can illuminate it – if the Board doesn't like it, they will shut them off. He added that he has no problem with it.

Comm. Pogoda indicated that if they go off at night when it closes than he has no problem with that.

Chair Parkins added that they appreciate him being amenable to that.

Mr. Panico asked how intensive the lighting under the canopy would be. He added that he has seen some gas stations where they are overly bright.

Mr. Belanger responded that he would be putting in LED lights that are going to be bright but it will not protrude the canopy and the light will shine straight down.

Comm. McGorty stated that many of them will go with a real cold color temperature like 5000 Kelvin.

Chair Parkins stated that she would rather pull into a gas station that is well lit.

Mr. Panico mentioned the one on Route #110 that (inaudible)...

Comm. McGorty agreed that one was too bright. Sometimes they go with something too bright like a 5,000 or 6,000 Kelvin which is the color temperature of the light. He commented that he does this in his own business. He told Mr. Panico that the station he's talking about is going with the wrong temperature LED – too cold – like a 6500 Kelvin.

Mr. Belanger stated that they can discuss the lighting but they thrive on having well-lit, safe locations and customers like that. When lights that are too dim are put in, it looks as though the station isn't open.

Comm. McGorty agreed and added that it is really a security issue.

Mr. Belanger stated that there aren't a lot of parking lot lights there but he will replace the ones that are there because they're beat up.

Chair Parkins commented that it sounds good, he can pick out (inaudible)...

Comm. Pogoda stated it will definitely be a major upgrade from what it is right now.

Mr. Schultz asked if everyone saw what they are going to construct on the columns as decorative.

Chair Parkins responded yes, the stone.

Comm. Matto asked if there would be anything on the convenience store part of it.

Mr. Schultz responded no, unfortunately, they can't touch it. It is non-conforming, you have to move it and they can't move it. It is right on the line.

Mr. Belanger stated that's right. The building – he has a blueprint here – they would love to put something on to it. He tried to put an addition on it and they said no. They have come to find out that the two neighboring properties are on their properties according to the blueprint. The whole site is a real nightmare. The houses are physically on their property.

Chair Parkins asked if they would be closing at 11 p.m.

Mr. Belanger responded that he thinks it is 11 p.m. but he can find out.

Comm. Pogoda commented that it was OK, 11 p.m. sounds good.

Mr. Panico stated that they would have loved to see them do a comprehensive overhaul of the whole thing but it just wasn't in the cards for the owners to do it.

Mr. Belanger responded that it really is beat-up. They're talking about a new parking lot.

Mr. Panico added that if they modify it than they have to put restrooms in there and they don't fit because they would take up half the space of that building currently is.

Mr. Belanger agreed that if they have ever been inside that building but it is not good.

Chair Parkins commented that if it falls down then they'll have to (inaudible).

Mr. Belanger responded that he doesn't think the building is going to fall down but they do have to put a new electrical service into it which he has to go to the Building Department for because with all these upgrades, the electric is beat too.

Mr. Panico stated that if the owners get to the point someday where they want to do the job right, come back for a discussion.

Mr. Belanger responded that the owner of the company is 74 years old and he's has been doing it for 54 years so he thinks he is winding down.

Comm. Harger asked if there were any plans to paint the exterior of the building or anything.

Mr. Belanger responded that there was stone on it. He would love to clean the building up but he wants to get this portion done and then he'll address him about cleaning the inside up and do something outside without doing an addition.

Chair Parkins commented that a new façade will go a long way.

Comm. Harger mentioned the competition up and down that street.

Mr. Belanger responded yes, like the Mobil station up the road.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to approve Separate #475 based upon the discussion comments.

SEPARATE #6789: MATT CALANDRO, 100 CENTER STREET, OUTDOOR FOOD FESTIVAL

Mr. Schultz indicated that the applicant, Matt Calandro, was here and he took the Subcommittee's advice. The date for this will be October 13th, Sunday, 2 p.m. – 10 p.m.

Chair Parkins asked if that was Shelton Day.

Mr. Calandro responded no, it is Columbus Day weekend.

Mr. Schultz added that the applicant will be coordinating with the Police and Fire Departments and the EMS.

Chair Parkins mentioned that they discussed the band, so they will have a band outside during the day but at about 6 p.m. they would bring the band inside.

Matt Calandro, 100 Center Street, Shelton addressed the Commission. Mr. Calandro responded that there are really two different bands but if they want him to cut it off at 6 p.m. then he will have just one band.

Chair Parkins asked what time the second band would start.

Mr. Calandro responded that it was up in the air right now but they have the bands booked and they've got a table but if they are going to cut it off at 6 p.m. he'll probably do just one band.

Comm. Harger commented that it will be dark by 6 p.m.

Mr. Calandro responded that the lot is lit.

Chair Parkins stated that there are quite a few families with smaller children there. She asked the other Commissioners what they thought for a cut-off time for the band.

Comm. Pogoda responded that 6 p.m. was fine.

Mr. Calandro stated that he could go to an acoustic in the evening.

Chair Parkins asked what he meant by acoustic.

Mr. Calandro responded just a guitar without a full band. He indicated that the folks next door are doing karaoke in the back on Sunday evenings so it is pretty loud down there on the weekends anyway. He stated that if they want to cut it off at 6 p.m. then they will probably just do the one band.

Chair Parkins stated that if it is a full band, she would prefer to cut it off at 6 p.m.

Comm. Pogoda commented that he's saying that it's just a guitar.

Mr. Calandro responded that he has two different venues. One is a four piece band which he planned to have during the daytime and in the evening just more laid back music with a guitar and a singer.

Comm. McGorty commented that acoustic is fine, it is less intrusive to the neighborhood.

Comm. Flannery agreed.

Comm. Pogoda asked if they wanted to let him have that guitar outside and asked what time it would end then.

Chair Parkins asked the applicant if he could stop at 9 p.m.

Mr. Calandro responded yes, no problem.

Comm. Pogoda asked if he would be blasting the speakers or anything like that.

Mr. Calandro responded no.

Comm. McGorty commented that they have traffic down there anyway which will be noisier than some guy on an acoustic guitar and singing.

Chair Parkins asked about the karaoke outside.

Mr. Calandro responded yes, well he has the patio on the back and yes, it is loud. Between both patios it gets loud.

Mr. Schultz stated that there are no complaints though.

Comm. Harger asked if he was talking about Café 127.

Mr. Calandro responded that it was the new social club – the old Caliente’s. He’s bringing in a good crowd and a lot of out-of-towners. The street traffic in the past two weeks has been unbelievable. Everyone is going from there to Bar One, to Danny O’s, to (inaudible)...stopping in and it is working out well.

Chair Parkins commented that is really good.

Comm. Pogoda asked if there were any problems with parking – on his side.

Mr. Calandro responded that they hired a guy so he is watching it on Fridays and Saturdays and they had a discussion with Joe and Derek that they are welcome to use the parking lot after 9:30 p.m.

Comm. Pogoda commented that was good, spirit of cooperation.

Comm. Harger asked if he would be doing the bracelets.

Mr. Calandro responded that they would have two different bracelets – a non-drinker bracelet for \$25 and a drinker bracelet requiring an ID at purchase time. They will have three different breweries going in – Calvary, SBC and Berkshire to talk up their products and a cigar roller will be coming in.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6789.

SEPARATE #480: IVY BROOK MEDICAL CENTER, 2 IVY BROOK, MEDICAL OFFICE

Mr. Schultz stated that this is the newer medical office building off of Constitution Boulevard. This is Ivy Brook Medical Center, 1900 square feet (the building overall is 40,000 square feet), two employees, 7 a.m. to 6 p.m. on the second floor. He added that they are starting to see activity for that building which is very good. He noted that there is plenty of parking there.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #480.

SEPARATE #6792: SHELTON DENTAL ASSOCIATES, 190 CORAM AVENUE, SIGN REPLACEMENT

Mr. Schultz indicated that this was for a sign replacement and he provided a rendering of the proposed signage for the dental office before Good Shepard Church. He stated that this sign would replace what is there for Shelton Dental Offices.

Comm. Harger commented that it was a good size.

Comm. Flannery indicated that it shows the street number.

Mr. Schultz added that Dr. Gaynor is in there.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #6792.

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 they received a letter of extension for this one across from the ice skating rink. He commented that this was the pending application. They are working on the revised plans but they didn't receive them yet.

Chair Parkins stated that this was for the original application.

Mr. Schultz stated yes, this is the original, they don't want to withdraw it until the new one is accepted.

Mr. Panico indicated that if they don't go forward and buy the house next door, then they are going to have to go back and implement this one here.

Mr. Schultz indicated that he has a letter from James Swift and the extension would go until October 10th.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept the request for an extension on Application #13-4 through October 10, 2013.

NEW BUSINESS:

APPLICATION #13-11: DOMINIC THOMAS FOR TALBOT PARTNERS, LLC FOR FINAL SITE DEVELOPMENT PLANS APPROVAL FOR PDD #76 (228 UNIT APARTMENT COMPLEX), 784 BRIDGEPORT AVENUE (MAP 19, LOT 56) – ACCEPT FOR REVIEW

Chair Parkins indicated that this is the final detailed site plan.

Mr. Panico stated that they are in the process of reviewing it. They have to touch base with a couple of other departments. He reported to the Commission that basically they have done a good job in responding to all their concerns. The solutions seem to work out fine. He'll give them a run through when they do the final action on it.

Chair Parkins commented that there wouldn't be a need for a second meeting in September so they can do that on their next meeting on October 8th.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept Application #13-11 for review.

APPLICATION #13-12: LDL PROPERTY, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (CHILD DAY CARE CENTER), 48 LONG HILL CROSS ROAD (MAP 50, LOT 16), LIP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

Mr. Schultz indicated that the fourth Wednesday in October would be October 23rd.

The Commissioners checked their calendars for availability. Comm. McGorty indicated that he would be traveling for business.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #13-12 and schedule a public hearing for Wednesday, October 23rd.

There was some discussion about the change in the membership of the Commission after Election Day, 11/5. The regular meeting is after Election Day is 11/12 and the Commissioners wouldn't change until 11/19.

Chair Parkins commented that the Commissioners who sit in on the discussion after the public hearing closes will not be voting.

Comm. Matto mentioned that Nancy Dickal will be here.

Comm. Pogoda stated that it would really just be one person that wouldn't be clued in.

Mr. Panico commented that it is the Applicant's call. If he wants to go forward with it and run the risk then he can do it.

Mr. Schultz stated that he would inform the Applicant.

Chair Parkins stated that continuity with at least four members is going to be here – and Nancy Dickal.

Mr. Panico commented that he has to get three out of those – he has to get all four if the two new members aren't comfortable voting on it.

Comm. Pogoda indicated that they aren't really going to have a new member because Nancy Dickal can sit in at those meetings.

Mr. Schultz stated that he would coordinate it tomorrow with the Applicant.

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience wishing to address the Commission about something that isn't on the agenda.

Comm. Flannery commented that she would like to speak as a member of the public. She recused herself and sat in the audience.

Nicholas Dellolio, Facilities Manager, Perkin Elmer, 710 Bridgeport Avenue, Shelton addressed the Commission. Mr. Dellolio asked about Application #13-11 for the Talbot Brothers site development and when it would be the proper time to discuss blasting. He indicated that he represents Perkin Elmer as the Facilities Manager. They have no problem with them developing the property. It isn't an issue but they would like to have a schedule like they did with Mr. Blakeman. Back in 2004, they addressed the Commission, met with Mr. Blakeman and had a blasting schedule. He indicated that they make analytical instruments at Perkin Elmer. They discussed this before.

Mr. Dellolio stated that he has spoken to Mr. Dominic Thomas and with Mr. Griffin from Talbot Brothers. He submitted to him during the week, the same proposal that they gave the P&Z Commission back in 2004 and asked him to take a look at it and present it together to the Commission as part of his approval process.

Chair Parkins asked if he meant for the Detailed Development Plans. She added that the blasting is not a Planning & Zoning issue. It is really the Fire Marshal's purview.

Mr. Dellolio responded that may be true but when Mr. Blakeman was developing his property and blasting a million cubic yards or feet of rock, P&Z took their recommendations and put it into that plan.

End of Tape 1A 8:40 p.m.

Mr. Panico stated that project went forward initially as an earth removal project so that they could get started before they had any idea what their plans were going to be. So their role was specifically related to allowing them to do blasting, crushing, etc. He stated that it was not quite the same here although they what they would do is simply mandate in their action that the Applicant coordinate with representative of Perkin Elmer with regard to (inaudible)...

Comm. McGorty commented that it seems like that shouldn't be a problem.

Mr. Dellolio indicated that they both seemed very agreeable so he doesn't think there is a problem.

Mr. Panico agreed that he didn't think so either.

Chair Parkins stated that she just doesn't want to misstep in terms of if this should have been done through the public hearing process.

Mr. Dellolio commented that if he's late than they can tell him he is.

Chair Parkins stated that she just wants to make sure.

Mr. Panico stated that they've been in negotiations – he asked if they were abutting them.

Mr. Dellolio responded yes, he's sure they are.

Mr. Panico commented OK, on the south side. They have been in discussions with Perkin Elmer because of that emergency access.

Mr. Dellolio stated that R & (inaudible) Realty has given them emergency access and the gate and all that but Perkin Elmer has a different relationship than the owners of the property. They lease the property. They have 600 employees and vibration, noise or any type of thing – they have sensitive equipment there.

Comm. Pogoda commented that he remembers that they did.

Chair Parkins asked if that wouldn't go through the owner of the building.

Mr. Dellolio responded not for nothing but they've told them that it's their problem.

Mr. Panico commented that they can put a statement in the final resolution that one of conditions is that blasting is to be minimized and they need to coordinate with the abutters.

Mr. Dellolio indicated that he didn't foresee a problem and he has talked to the owner who doesn't foresee a problem.

Chair Parkins stated that they don't plan on doing major blasting there anyway.

Mr. Dellolio responded that they told him about two months worth and 20,000 cubic yards so compared to 2 ½ years of blasting which was right on top of them. He indicated that the blasting he is going to propose is going to be at the farthest south side behind Bertucci's – that is where his problem is. He'll has to (inaudible) all his property and then through all of the south side of 710 Bridgeport Avenue, which they are in and then get to Perkin Elmer. So, his thing is that if there is a problem, it can put them out of business but they don't foresee any of that.

Chair Parkins commented OK, she just wanted to make sure that they aren't overstepping their purview outside of the public hearing process.

Mr. Panico indicated that he could reference it here - Perkin Elmer and the right person to contact.

Mr. Dellolio stated that when Talbot Brothers comes next month to talk, he is hopefully going to bring their agreement to present to the Board.

Mr. Panico commented that they don't anticipate that they are going to have him make a big presentation next month . He envisions that he'll have his report and resolution prepared for the Commission and he'll try to put stipulations in there. Mr. Panico added that he'll get any information given to Rick and he'll make sure that they contact Bill Griffin who will be handling the construction.

Mr. Dellolio indicated that he's used that same exact documents that they used for the Blakeman property. It wasn't a big deal – from like 6 a.m. to 10 a.m. everyday he'd have an opportunity to blast then they could start doing their work. That was what the Commission agreed to at that time.

Mr. Schultz stated that he'll coordinate it.

Mr. Panico stated that he thinks that they want to try to do that work this fall and winter. They were going to raise the grade in the back in order to avoid a lot of stuff.

Chair Parkins asked if he was asking for them to restrict their blasting to 6 a.m. – 10 a.m.

Mr. Dellolio responded yes, Monday through Friday, 6 a.m. to 10 a.m. they have three types of operations there including an R&D labs, people who travel from all around the world for training and the building of their instruments.

Chair Parkins commented that she is having a little problem with 6 a.m. because there are people still sleeping.

Mr. Dellolio responded that the reason that they say 6 a.m. is because so they can go in and start putting their charges in the ground, putting mats down, it takes until 10 o'clock to actually blast. They normally blasted at 9:45 a.m. every day for Blakeman. Nothing has changed from the proposal that they had with Blakeman – it worked well.

Chair Parkins asked Mr. Panico to have a conversation with them (inaudible)...

Mr. Dellolio provided copies of the proposal for Rick Schultz and Tony Panico.

Mr. Panico indicated that he isn't going to specifically reference his entire document but cite the fact that this is a concern and they need to work out the details with them.

Chair Parkins stated that for future reference, if he had come to the public hearing it would be much more helpful. Once the public presents their information it is all considered part of the record during the public hearing but once the public hearing closes, the Commission can't accept additional information because the Applicant really needs a chance to be able to see the information. She is hoping that this will work out.

Mr. Dellolio commented that this goes to Staff more than anything else. It isn't really being presented. It is more or less (inaudible)...

Chair Parkins stated OK as long as the Applicant doesn't have any issue.

Mr. Panico indicated that it was reasonable. They are a sensitive operation and the earth removal activity has to (inaudible)...

Chair Parkins commented that her point is that there was a public hearing. there was a due process and if there were concerns she feels that they should have been raised during that process.

Mr. Panico commented OK but again, they didn't process it as an earth removal regulation. They processed it as a PDD which has excavation associated with the site. In implementing how they carry out that excavation is appropriate to tie in recognition of special concerns of the neighbors. He doesn't envision it as a problem.

Mr. Dellolio thanked the Commission.

Chair Parkins commented that she doesn't want to (inaudible)...

Mr. Panico indicated that he doesn't think so...he isn't going to quote chapter and verse on here. it is just going to cite the issues to make sure that they do their job.

Ms. Joan Flannery, 8 Partridge Lane, Shelton addressed the Commission as an member of the public. Ms. Flannery stated that two people here know that she has been coming to these meetings for about 15 years. Former Chairman Cribbins used to be in charge and 15 years ago the Public Portion used to be at the beginning of the meeting and you could talk about anything that you wanted. She indicated that Mr. Cribbins got tired of listening to her speak and he changed the Public Portion to Item #6 and speaking was limited to things not on the agenda. Ms. Flannery indicated that became a real big problem and was shown today when this AT&T Mobility was on the agenda last time and got deferred to this time; however, there was never a chance for the public to speak.

Ms. Flannery indicated that she'll be walking her dog and have all her neighbors asking her questions about it. Her neighbors even came here tonight with questions about it but they were not allowed to speak.

Chair Parkins responded that it is not that they were not allowed to speak...

Ms. Flannery loudly stated that yes – no, no, no they aren't allowed to speak about anything on the agenda.

Chair Parkins reiterated that it was not that they weren't allowed to speak but that they were being very rude for one thing. They were being very rude interrupting (inaudible)...

Ms. Flannery loudly stated that no, no, they were not allowed to speak about anything on the agenda.

Chair Parkins responded that if they had asked to make a comment then they would have been given that opportunity.

Ms. Flannery loudly stated excuse me – the rules are that you can't speak about anything on the agenda – that is on the agenda – and there are so many times ...

Mr. Panico corrected yes, if you are speaking under the Public Portion - but if there is someone, anyone in the audience who has a specific concern about an agenda item, they can ask the Chair to speak.

Chair Parkins stated that she even told the woman that she would give her an opportunity to speak but please stop interrupting and being rude.

Mr. Panico clarified that is just a misunderstanding about how the Public Portion operates.

Chair Parkins continued that then they left the meeting.

Ms. Flannery commented no...lots of times with Irving Steiner also. He will want to talk about something but he will shut down because he isn't allowed to talk about anything that is on the agenda.

Mr. Panico responded that he has to talk about it under the item of the agenda. He added that they have had controversial subdivisions come in, people have shown up, been given the opportunity to talk about that subdivision when the Commission talks about that subdivision.

Ms. Flannery loudly stated that the way it is written on here causes people not to understand it. She didn't even understand it – she wasn't even clear about it; otherwise, she would have asked if these people to please ask the questions instead of handing them to her on pieces of paper. She indicated that they handed her four questions that weren't asked or answered.

Comm. Matto asked her to please not shout.

Comm. McGorty agreed that they are all sitting right here.

Ms. Flannery responded that she was shouting because no one was listening. She reiterated that she has been doing this for 15 years.

Comm. Matto stated that yelling isn't going to help.

Ms. Flannery stated that she has been doing this for 15 years, OK, not just the past four years that she has been sitting in this Commission seat. She is going past 11 years before that. She was sitting in the audience and these two gentlemen here can verify that she's been around that long. She stated that after November 19th of this year, she won't be sitting in this seat. People can't pass her questions to ask the Commission. She won't be able to bring back their questions when she is out walking her dog. She indicated that they are going to have to come here and do it themselves. Irv Steiner is going to have to come here and the rest of her neighbors.

Comm. Harger responded that they should come.

Ms. Flannery indicated that Irv Steiner is very sick right now, OK.

Comm. Harger responded OK that is one person out of the 40,000 people who live in this town.

Ms. Flannery stated that Mr. Peterson used to come all of the time and he talks to her all the time when she is walking her dog. He asked her to bring different things up at the meetings. She reiterated that she was not going to be at all these meetings – all of these people will be here instead of her bringing up these issues but they don't understand the rules because Comm. Cribbins changed it. He put Number 1 down in the Number 6 part of the agenda – it used to be Number 1 so that they could come in and say their piece and not have to listen to everything until 10 p.m. at night.

Ms. Flannery stated that Mr. Cribbins wanted to change it because he wanted to get out of here at 10 p.m. and not 11 p.m. but then the public is not heard and they aren't doing the public any service.

Comm. Harger stated that the public can also submit letters to be read into the record.

Ms. Flannery responded that she has done that also. She is just saying that when they are talking about Irv Steiner today as compared to 15 years ago, they are two different people because he is getting old. Alright, she is getting old.

Comm. Harger stated that it is the responsibility of the citizen to educate themselves as to the protocol. She added that Rick is here to answer any questions (inaudible)....

Ms. Flannery restated that it has changed and she wants it changed back to what it was.

Comm. McGorty commented that they can still call and they can still speak...it's not like (inaudible)...

Mr. Panico stated that part of the problem was that they had members of the audience get up and start using that Public Portion as a soapbox to talk about a lot of extraneous things and they went on for 20 mins, 30 mins and ½ hour. It pushed the whole agenda back and there were people sitting here as they had tonight who had permits waiting to be discussed and they were being caused to sit for an extra ½ hour or 45minutes. So in order to eliminate that problem, if somebody wanted to get on their soapbox and orate about how bad a job the Planning & Zoning Commissioners are doing in the City of Shelton – then they would have to wait until the end of the agenda then do it.

Ms. Flannery responded that with the AT&T people, it would have been too late because they already voted on it.

Comm. Matto stated that they were going to be given the opportunity to speak.

Comm. McGorty added that they could have spoken during that discussion.

Ms. Flannery responded loudly that they don't understand that because they think that they have to wait until the Public Portion.

Chair Parkins asked if those people that were here tonight speak English.

Comm. Harger responded that they certainly do.

Chair Parkins continued that she spoke English to them and it is on a tape. She asked them to stop speaking out of turn and that they would be given an opp (inaudible)...

Ms. Flannery loudly stated that she speaks to 25 students in a classroom.

Comm. McGorty asked her to stop screaming because it is giving him a headache. The level is too high.

Ms. Flannery loudly stated that she is a teacher and she teaches 25 students in her class and every student doesn't hear what she says. She has to repeat herself three and four times to get a point across – because they are 13 year olds.

Comm. Matto stated that they are not her students.

Ms. Flannery commented that the people in the audience are like her students – OK – things have to be said to them several times. Maybe they didn't hear. She stated that the Chair told them to wait until the end.

Chair Parkins responded no, she did not tell them to wait until the end. She told them that she would give them an opportunity to speak but to please stop being rude and speaking over people.

Comm. McGorty commented that they were speaking over the speaker – it was rude.

Chair Parkins reiterated that she told them she would give them an opportunity to speak but please stop being rude and speaking over people.

Ms. Flannery responded that they didn't understand because they had four questions that they wanted answered.

Chair Parkins indicated that she really doesn't know how much clearer she could have said it. She certainly wasn't going to stand up and scream at them like she's doing right now and tell them to shut up.

Ms. Flannery indicated that she is talking in her teacher voice, OK. This is how she talks all day long. Her point is that they handed her four questions that were not asked. She asked some of them but some of them she didn't understand. They asked about the suspicious activity at night.

Comm. McGorty responded that is what the Police are for.

Ms. Flannery stated that she didn't know what suspicious activity they were referring to but it would have been easier if they had asked it instead of her.

Mr. Panico responded that she has been on this Commission long enough to know that has nothing to do with the P&Z aspect of that particular application.

Ms. Flannery commented that those gates should be locked.

Comm. McGorty reiterated that they should call the police about it.

One of the Commissioners (inaudible) asked why it had to be locked.

Ms. Flannery responded because that is where the new generator is going.

Mr. Panico asked her what that has to do with this Commission making a decision as to whether or not to approve a generator on that site.

Mr. Schultz indicated that he incorporated that into the conditions.

Chair Parkins asked if they received any notices from the Citing Council.

Mr. Schultz responded no, Citing Council does not issue notices.

Chair Parkins asked if they didn't have to get approval from the Citing Council for that.

Mr. Schultz responded no.

Chair Parkins asked if they notified the abutters to the property when they are doing something like that.

Mr. Schultz responded no.

Ms. Flannery asked if she wanted her to take it to another point.

Chair Parkins responded not really.

Ms. Flannery commented that they said that they were trying to tell you that the house was just sold. The new buyers don't know about this new AT&T generator but her neighbors also told her that AT&T paid off the current owner before selling the house to let them build this generator and to be quiet. That is another thing that they are upset about.

Comm. Harger responded that was not their function. They can't do anything about that.

Mr. Panico stated that they probably paid them some type of easement rights and now it is being transferred into a (inaudible)...

Chair Parkins commented that no because it is not their property. It is off the property line.

Comm. McGorty asked if that wasn't just hearsay anyway.

Chair Parkins stated that it might have been the original easement but they can't buy those people off. They can't do that. She asked them what they would have bought.

Ms. Flannery loudly stated that was why she kept asking how close it was to the property line.

Mr. Panico commented that is (inaudible) ...for a public utility to be (inaudible)....

Comm. Harger asked why (inaudible)...

Mr. Panico commented about AT&T (inaudible)...

Ms. Flannery stated that she talks like this, it is how she talks.

Mr. Panico commented that they had to pay for some kind of rights.

Chair Parkins responded that she doesn't think that because if it is not on their property than there are no rights to purchase. They might have originally bought the easement to get to the driveway down below but that is an existing easement and it's a onetime payment.

Comm. Pogoda added that where they put the generator is on(inaudible)...

Mr. Panico commented (inaudible)...language, easement that (inaudible)...

Mr. Schultz stated that unless there is wording in it that says if there is any modification... he included that as a condition though.

Chair Parkins stated that is due diligence on the part of the purchaser to go to the land records and see what the easement dictates because if anything was else purchased then it should have been (inaudible)...

Comm. Harger agreed.

Comm. Pogoda stated that is what you have a lawyer for when you buy a house.

Mr. Schultz added yes, and title insurance.

Ms. Flannery requested that it is made more clear to the public what they can talk about and what they can't talk about something that is on the agenda because these people – the Public Portion came after the fact and it doesn't look...

Chair Parkins responded that if she remains on the Board, it is her intention to keep it where it is.

Comm. McGorty told her to tell her neighbors when she is walking her dog that they can speak on a topic just don't interrupt other people.

Mr. Schultz added that they need to be recognized by the Chair before speaking.

Comm. McGorty commented that it is just common courtesy.

Ms. Flannery asked what they were supposed to do, go up to the stand and ask to be recognized.

Comm. McGorty suggested asking to speak when everyone else is finished speaking.

Mr. Schultz stated that Ruth does that all of the time – she sees people raising their hands and calls on them.

Chair Parkins responded yes, but those people today were sitting there tonight being very rude.

Ms. Flannery commented that they are very upset because they don't want this generator there.

Chair Parkins stated that she understands that they are upset but that isn't how you get appropriate attention. She indicated that you act like an adult, ask to speak – she added that she never refuses people except in cases where she knows the conversation is just spiraling downhill and the problem is obvious. She would not have prevented those people from speaking tonight.

Mr. Panico indicated that if it is an item that is preceded by a public hearing (inaudible)...

Ms. Flannery stated that there was no public hearing on this particular item.

Chair Parkins responded that there was no need for it. it didn't require a public hearing.

Ms. Flannery stated that she is just saying that they should have been allowed to say a (inaudible)...

Chair Parkins stated that she thinks everyone has gotten her message on this. She asked if there was anyone else in the audience wishing to address the Commission. With no comments, she requested a motion to close the public portion.

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

OTHER BUSINESS

APPROVAL OF THE MINUTES: 7/9/13 AND 8/13/13

Comm. Harger indicated that she would abstain from voting on the 8/13/13 minutes because she hadn't read them yet.

On a motion made by Anthony Pogoda seconded by Elaine Matto, it was voted (6-0) to approve the minutes of 7/19/13 and it was voted (5-0 with one abstention) to approve the minutes of 8/13/13. Comm. Harger abstained from voting on the 8/13/13 minutes.

PAYMENT OF BILLS

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

8-24 REFERRAL: INSTALLATION OF SANITARY SEWER LINE IN WHITE STREET AND WEST CANAL STREET

Mr. Schultz showed a location map of the area with the proposed sanitary sewer line in red. He indicated that they received a request from the Mayor's Office dated August 29, 2013 requesting an 8-24 referral and a Report from the City Engineer dated 9/4/13.

***See attached correspondence to the Shelton Planning & Zoning Commission from the Office of the Mayor, City of Shelton dated 8/29/13.**

***See attached correspondence to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer dated September 4, 2013.**

Mr. Schultz read the City Engineer's report endorsing the construction of a relief sanitary sewer along White Street and Canal Street West from the Coram Avenue/White Street intersection to the Center Street/Canal Street West intersection.

Chair Parkins asked for clarification as to White Street and West Canal Street.

Mr. Schultz explained that you go along the way down by Luther's Garage (inaudible)...

Multiple comments (inaudible)...

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to report favorably on the 8-24 Referral for the Installation of Sanitary Sewer Line in White Street and West Canal Street.

8-24 REFERRAL: ABANDONMENT OF A PORTION OF HULL STREET

Mr. Schultz stated that this precipitated by In-Line Plastics and the DSC is aware of this. it was initiated by the President of the BOA, John Anglace. They received a request from In-Line Plastics. He read the City Engineer's Report dated 9/10/13 endorsing the proposal to abandon the portion of Hull Street located northwesterly of Wharf Street. He showed the location of the proposed abandonment highlighted on an area map.

***See attached correspondence to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz dated September 10, 2013.**

Comm. Flannery asked what the reasoning of this was.

Mr. Schultz responded that In-Line Plastics company wants to secure title of that right-of-way. He indicated that the City has no use for it in the road system for the City of Shelton.

Comm. Harger added that it is in their parking lot basically.

Mr. Schultz stated that when Downtown was planned out in the 1800's they had a road system plan for that and then the building got built.

Mr. Panico indicated that the other side of Hull Street is underneath Route 8 and that has been eliminated.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to report favorably on the 8-24 Referral for the Abandonment of a Portion of Hull Street.

AVALON SHELTON APARTMENTS: REQUEST TO RELEASE SITE COMPLETION/RESTORATION BOND

Mr. Schultz read correspondence from Avalon Bay Communities requesting the \$1.13M be released for the completion of site improvements of Avalon Shelton. He added that he was not recommending release.

Mr. Schultz stated that they are at \$1,130,000. Normally you would reduce it by half but all of the work has been completed so he recommended reducing it to 1/3 or \$300,000.

Comm. McGorty asked if there has been a visit for verification.

Mr. Schultz responded yes, Staff visited.

Mr. Panico commented that they want to make sure that there is some hanging out there so that when the State builds the walk, that they have some reasonable (inaudible)...

Mr. Schultz stated that normally they request half when they are $\frac{3}{4}$ of the way through. They finished everything and they are looking for a release but they should go through the winter and the spring. He suggested 1/3 or \$300,000.

Comm. Pogoda and Comm. McGorty agreed.

Comm. Matto asked if he meant reduce it by \$300,000 or reduce it to \$300,000.

Mr. Schultz responded reduce it to \$300,000 and have them come back in April or May.

Mr. Panico commented that it is a very generous amount.

Comm. Flannery asked if they wanted to do 20%.

Mr. Shultz commented that it is the Commission's call - \$100,000 or \$200,000.

Mr. Panico suggested \$250,000.

The Commissioners agreed that \$250,000 would be enough.

Chair Parkins commented that she did not think they would have any problem with them completing everything.

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to reduce the Site Completion/Restoration Bond to \$250,000 for the Avalon Shelton Apartments and to re-evaluate it in the spring of 2014.

STAFF REPORT/COMMENTS FROM SUBCOMMITTEE CHAIRS

Mr. Schultz distributed copies to the Commissioners and reviewed the P&Z Staff Report dated 9/10/13 and such issues as ZBA, ZBA Appeals, DSC, Medical Marijuana Moratorium update issues, Zoning Enforcement issues

***See attached Planning & Zoning Staff Report dated 9/10/13 from Richard Schultz, P&Z Administrator.**

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to adjourn the meeting at 9:10 p.m.

Respectfully Submitted,

Karin Tuke

P&Z Recording Secretary