

**SHELTON PLANNING & ZONING COMMISSION**

**January 14, 2014**

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, January 14, 2014 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484. The Chairperson reserved the right to take agenda items out of sequence.

Commissioners Present:      Chairperson Ruth Parkins  
   Commissioner Nancy Dickal  
   Commissioner Thomas McGorty  
   Commissioner Ned Miller (alternate)  
   Commissioner Jim Tickey (arrived 7:05 p.m.)  
   Commissioner Frank Osak (alternate; arrived 7:06 p.m.)  
   Commissioner Virginia Harger (arrived 7:07 p.m.)

Staff Present                      Richard Schultz, P&Z Administrator  
   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](http://www.cityofshelton.org)

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

Chair Parkins called the regular P&Z meeting to order at 7:04 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Comm. Miller would be acting as alternate for Comm. Tony Pogoda who is not present at this meeting.

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

**SEPARATE #6624: ALESSANDRA & CO., 132 CENTER STREET, BUSINESS**

Mr. Schultz stated that the Commission tabled this at the last regular meeting. It is for the site located next to the Tattoo Parlor on Center Street. The previous tenant was the Doggie Style Salon. The Commission requested communication from the Chief of Police which he read.

**\*See attached correspondence dated January 9, 2014 addressed to Richard Schultz, P&Z Administrator from Shelton Police Chief Joel Hurliman.**

Mr. Schultz relayed that the correspondence indicates that the owner of the business has applied for renewal of a Precious Metals Dealer's License for 132 Center Street. The Police Chief indicated that the Police Department would inspect and monitor the business.

Mr. Schultz stated that this was not a pawn shop – but a precious metal dealer's license. A background check is still done so it was correct for the Commission to table this pending confirmation from the Police Department to confirm that an application was made and approved.

**Comm. Tickey arrives at 7:05 p.m.**

Chair Parkins asked what the difference was between precious metals and gold and silver.

Mr. Schultz responded that they don't sell items – they don't...

Comm. McGorty asked if they were strictly selling jewelry.

Mr. Schultz responded yes, jewelry.

Comm. McGorty commented that he had never been inside the store.

Mr. Schultz stated that he had gone inside. Precious metals...

Comm. McGorty asked if that was what they do there – are they traders of precious metals?

Mr. Schultz responded yes, precious metals.

Chair Parkins asked if they had jewelry cases and ...

Mr. Schultz responded that they also sell knick-knacks which is retail but the license portion which is regulated by their ordinance is for the precious metals; it is not a pawn shop.

Chair Parkins commented OK.

Mr. Schultz reiterated that it was not a pawn shop and Staff recommends approval with that notification.

Chair Parkins asked if they were reminded about the Sign Regulations and all the window decorations, etc.

Mr. Schultz responded yes, they don't plan any signs as of...

Chair Parkins stated that they don't need any signs because there is no place to put any signs at this point because there is so much stuff in the windows as it is.

Comm. McGorty asked Rick Schultz if Staff was working on that with them.

Mr. Schultz responded yes, they (inaudible) a couple of the locations.

**On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #6624.**

**Comm. Osak arrived at 7:06 p.m.**

Chair Parkins commented that she began today's meeting at 7:04 p.m.; however, she typically begins at 7:00 p.m. and she'd appreciate it if the Commissioners could be present for the opening of the meeting in the future.

**SEPARATE #6664: DAVID DYER, 70-80 SHELTON TECH. CENTER, BUSINESS**

Mr. Schultz indicated that this is off of the Ivy Wood Lane at the end of the cul-de-sac before the large data center. This is a new business replacing Hanes Worthy Peabody Orthopedic Manufacturers. This new business would provide security monitoring with 35 employees. They are leasing 10,000 square feet and the business hours of operation are 9 a.m. to 5 p.m. Staff recommends approval.

**Comm. Harger arrived at 7:07 p.m.**

Comm. McGorty asked if they had adequate parking.

Mr. Schultz responded yes.

**On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #6664.**

**SEPARATE #6659: RONALD DEFILIPPO, 54 PINE STREET, IN-LAW**

Mr. Schultz presented the location map and commented that the next two applications would be for in-law apartments with both of them using the existing square footage. There are no requests for add-ons.

He explained that this application was converting an existing garage and he provided a photo. He explained that it has its own access off the town road and it is pretty straightforward. He

added that they were converting the garage and Staff went out there to make sure that it was not an in-law apartment and it was. He added that the daughter is moving in.

Mr. Schultz commented that some families believe that you can just convert portions of their house because it is for a family member but when you start installing a stove, plumbing, etc. then it is really separate. He stated that everything is interconnected though and pretty straightforward with no structural changes as they can see from the photograph.

Comm. Osak asked the Chair if he was allowed to ask a question.

Chair Parkins commented that she wanted to clarify this issue with all of the Commissioners being present including the alternates. She indicated that she would interrupt this application to discuss this issue. She asked Rick Schultz if he sent out the opinion from Corporation Counsel to all of the Commissioners. She asked if all the Commissioners received it.

One of the Commissioners stated they hadn't received it. Mr. Schultz commented that he would send it out again tomorrow.

Chair Parkins stated that her interpretation was actually little bit different from what it was prior to them getting this memo from Corporation Counsel. She commented that the way in which she read the memo is that when the Commission is deliberating on something, if you are not acting as a sitting Commissioner than you can't participate in the discussion or the vote. However, when Public Hearings are being held you can certainly participate and ask questions during the public hearing but once the deliberations begin you cannot participate in the discussion. Chair Parkins asked if that was the way everyone else understood it.

Mr. Schultz stated that was a good clarification.

Chair Parkins commented that she really thinks that was the difference.

Comm. Osak asked if that means he cannot ask a question regarding this application.

Chair Parkins responded yes, that's correct, because they are deliberating on it and they are going to make a vote or decision right now.

Mr. Schultz clarified that as an alternate, you can decide what meetings you want to go to.

Comm. Osak stated that he would be coming to all of them. He added that he didn't want to be a pest about this.

Chair Parkins responded that he was not.

Mr. Schultz agreed that he was not being a pest especially at this short meeting tonight.

Chair Parkins stated that the reason behind being able to ask questions at the public hearing which she didn't realize could be done before, is because if the alternate has to sit in for someone than at least they have the whole story and their questions have been answered.

Comm. Osak responded that was his reasoning too – if they discuss something that is important here but it carries over to the next meeting – and at the next meeting he has to sit in as an alternate; therefore, he would have to vote without having had the privilege of asking questions to clarify statements of fact. He reiterated that bothered him a little bit.

Chair Parkins stated yes, right – but most of the things that they decide, especially under Old Business are debated and voted on at the same meeting. She commented that items are very seldom tabled unless they don't have enough information to vote.

Comm. Osak commented that this zoning permits (inaudible)...

Comm. Dickal joked that she objected because Comm. Osak has gotten a lot more leeway than she got last year.

Chair Parkins added that as an alternate, she had to sit through public hearings where she couldn't speak either – they had never gotten that detailed an opinion from Corporation Counsel before.

Comm. McGorty agreed that he had gone through it before too.

Chair Parkins reiterated that they hadn't gotten such a detailed opinion before. It was not the opinion that they received before – it was basically that if an alternate is not sitting in than they can't participate. She stated that she was glad to have received a clarification on that.

Mr. Schultz stated, for the benefit of the new members as to the accessory dwelling unit, they have regulations that allow the conversion of an existing house which is five years or older on a conforming lot or an addition to the house up to 900 square feet provided that it is interconnected. He restated that on tonight's agenda they have two accessory dwelling units, a.k.a. in-law apartments for conversion. The first application is for a garage (#6659) and the second one (#6654) is a basement area.

Chair Parkins clarified that they were still reviewing the first one on Maler Avenue and Pine Street.

Comm. Harger asked if they provided a better photo because this one is the result of copying.

Mr. Schultz responded no, just the copy.

Chair Parkins asked how old the house was.

Mr. Schultz responded 35 years – it's on Pine Street – Pine and Maler.

Mr. Schultz commented that it was the old stock, old inventory.

Comm. Dickal asked for clarification that the square footage would remain the same.

Mr. Schultz responded yes, everything stays the same, it is just how it is being occupied.

Comm. Harger added that the footprint stays the same but the interior would be modified.

Mr. Schultz stated for the new members that the Commission gets an affidavit to confirm that it is family member – either through blood or adoption and every year they renew it.

Chair Parkins clarified that they do not ask for blood.

Comm. Tickey responded that would be excessive.

Mr. Schultz indicated that's the terminology used...

**On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Separate #6659.**

**SEPARATE #6654: BADALE (contractor name), 21 UNION STREET, IN-LAW**

Mr. Schultz stated that this in-law is for the basement conversion.

**Bryan Lizotte, 11 Wall Street, Shelton addressed the Commission.** Mr. Lizotte stated that this in-law is for his parent's home on 21 Union Street. They will be moving into the basement and renovating it to live there.

Mr. Schultz restated that this is also a conversion within with no new additions so the dwelling stays the same way as it exists.

Comm. Harger asked if there was an interior staircase from the lower level up to the main floor.

Mr. Lizotte responded yes.

Comm. Harger asked about the exterior and if it was the porch area walk out.

Mr. Lizotte responded yes, there is a walk-out and they will probably put a driveway there too eventually because the Regulations state that they need two parking spaces and there is plenty of room to add that.

Comm. Harger asked if they would be side by side or one in front of the other.

Mr. Lizotte responded side by side.

Chair Parkins reviewed the floor plan and asked if there was only one entrance in.

Mr. Lizotte responded yes, one entrance which is also the staircase to go upstairs.

Chair Parkins asked if this was showing basement doors.

Mr. Lizotte responded no, it was actually a walk-out, little passageway.

Mr. Schultz reiterated that there were no structural alterations

**On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #6654.**

**SEPARATE #6662: ABC SIGN, 500 SHELTON AVENUE, SIGN**

Mr. Schultz indicated that People's United Bank has come back. He distributed photo renderings of the proposed signage. He stated that the Regulations allow up to two wall signs especially if a wall faces the street; this is a corner lot. He indicated that the Commission's position was that it was not needed; they did a beautiful job there as they are aware. The Applicant was denied the sign in August 2013.

Chair Parkins asked if they had specifically stated outside walls because they have two inside walls with huge signs that are visible from the road. She asked Mr. Schultz if their regulations specifically state outside walls.

**Larry Borque, representing People's United Bank from ABC Sign, addressed the Commission.** Mr. Borque responded yes, it states outside walls.

Chair Parkins clarified that she thinks it is overkill and she doesn't understand why.

Comm. Tickey asked for clarification as to which wall this would be facing.

Mr. Borque responded that it would be facing the Shopping Center.

Mr. Schultz added that it was Old Shelton Road. A single tenant building may have up to two wall signs provided that they are not the same wall. No sign may be on a side or rear wall unless such wall faces the street, driveway or parking area or is at least 50 feet from any non-residential building.

Chair Parkins commented that it does not specifically say outside.

Mr. Schultz asked if they wanted clarification. He asked if everyone's position was the same.

Chair Parkins asked the other Commissioners what they thought about it.

Comm. Tickey responded that he drives by it every day and with the windows that are there, it is clear that it is a People's Bank.

Comm. Dickal agreed with Comm. Tickey's comments.

Comm. Miller stated that there is no mistaking that it is People's.

Comm. Tickey commented that the windows provide an opportunity to see the signage which is clearly visible from the road.

Comm. Harger agreed that there is absolutely a lot of visibility there.

Comm. Miller added that at night too, it is very well illuminated.

Comm. Harger stated that she thinks that this is pretty cut and dry.

Mr. Borque commented that he understands the Commission's position but asked if they could look at from the perspective of People's United Bank. He stated that the executives there would like to have that second wall sign and they pointed out to him that under the current Shelton Sign Regulations, it is allowable. Mr. Borque stated that the People's executives also noted that Webster Bank across the street from them has two wall signs and the Bank of America in the Shopping Center next door has two wall signs. They even mentioned about the paint store.

Mr. Borque asked the Commission to reconsider. He indicated that People's was good neighbor and what they are asking for is allowable. They aren't asking for a variance or a special situation just for them. He added that the sign was not ugly and he doesn't think there is anybody in town who would complain about it. He asked again to allow People's to have the second wall sign.

Chair Parkins responded that they are very appreciative of People's Bank investing in Huntington but they just feel it is overkill. They just feel that it is well-known that it is bank with all of the other signage that they have going on there. The Commission just thinks that it is not necessary – just because someone else has it, doesn't mean that they have to do it there.

Mr. Borque stated that their regulations say that they could have it.

Chair Parkins responded that it doesn't specify anything.

Mr. Schultz added that it says "it may have up to" and not "shall have up to." He reiterated that the word was "may."

Mr. Borque stated that they are kind of wondering, in the way that it was said to him, why they are being singled out.

Chair Parkins indicated that it is a nice looking building but she just thinks that it is overkill putting the extra sign. It makes it busy instead of it just being a nice looking building.

Comm. Harger agreed that more isn't better.

Mr. Borque commented that it wasn't just a way-finding sign, it is part of their image, its advertising. They want people to be able to see it from the Shopping Center- or as they are exiting Webster Bank. He stated that he was just asking the Commission to reconsider because it is People's United Bank and he'd like to be able to go back to them and say OK. Mr. Borque stated, as a quid pro quo, since the Chairperson has some problem with that internal sign, and he has to admit...

Chair Parkins interjected that it was two internal signs.

Mr. Borque restated OK, the two internal signs, he had to admit that he hadn't really paid attention to them because he likes signs. He asked if it could be something that they could tone down and if it would it make a difference in their decision.

Chair Parkins stated that it is part of the inside décor but the way it was planned, obviously, with the intention that it would be very visible from the street.

Mr. Schultz added planned - because of the windows.

Chair Parkins commented that she doesn't think that when they reviewed the application and saw the signage...she pointed out, because she was confused then, she thought those signs were actually outside. She reiterated that she had been confused about that and once it was built she realized that was why those big signs were put on the inside. She initially thought people wouldn't need signs to know where they were once they were inside the building. She added that people should know where they are because they are inside the bank – so it is advertising. Right now, they have signs on the front of the building, two inside signs and now they want one on the far side.

Mr. Borque explained that there was nothing on that elevation.

Comm. Harger responded that didn't mean it needed to be covered up.

Comm. Dickal commented that she didn't believe it would draw in that many more customers. Customer service basically works toward people that are already patrons there and having a good word about it.

Comm. Miller stated that everybody in town knows it is a People's Bank.

Chair Parkins indicated that it is a form of advertising but they don't necessarily need billboards all over town either.

Mr. Schultz suggested that if the consensus is to deny it and Mr. Borque wishes not to withdraw, if they do deny it, he thinks the Commission should make a finding that this is consistent with the project, as approved, and was advised to the Applicant from Day One because the wording in the regs which says "may have up to..."

Mr. Schultz commented that Staff is saying that from the beginning, it was clearly conveyed by the Commission – the one wall sign and they can have all the internal stuff.

Chair Parkins asked if there wasn't also a ground sign as well.

Mr. Borque responded yes, a monument sign but that is allowed too and all of the banks have a ground sign and a sign on the building. Some of the banks have one and some have two depending upon their position.

Comm. McGorty commented that it is visible from the bank next door and anybody else who drives by there.

Comm. Harger stated that she thinks it would be clearly visible for anyone coming down Soundview Avenue to the traffic light, Shelton Avenue, and the Green.

Mr. Borque responded no, not so much.

Comm. McGorty stated that he doesn't think there is much of a mystery as to what is there.

Chair Parkins stated that she thinks it is purely advertising. There is no aesthetic reason and it is not...

Mr. Borque responded that he wouldn't argue with that because that is one of the functions of signs. It is for advertising and image – "We are People's United Bank" and they want a presence there.

Mr. Schultz asked the Applicant if he wanted to Commission to go ahead and vote on it.

Mr. Borque indicated that he didn't really know and he needed some help as to what he would say to the executives at People's United Bank. He questioned if they would go to ZBA after this or get an attorney. He stated that he really doesn't know. He indicated that he needs to convey

to People's why the Commission is against this and he'll try to convince them that it is not necessary.

Comm. McGorty responded that Mr. Borque can convey that they feel that the signage which is currently there is adequate and there's no mystery that there's a People's Bank there.

Mr. Borque stated yes, correct, he knows that but if they are allowed up to two signs then why can't they have that second sign.

Mr. Schultz restated that the Commission from the record, from the get-go, always envisioned one sign.

Chair Parkins clarified that when it was presented and they approved the building.

Mr. Schultz commented that they spent a lot of time on this. The Commission has to explain why and that's why he reminded them about that.

Mr. Borque responded OK, he wasn't aware of that.

Chair Parkins indicated that they had quite a lengthy discussion on the signage for this project.

Mr. Schultz stated that ideally, if he were to withdraw, it allows him to go back to them and decide. He added that if he would like the Commission to vote, he thinks that he knows how they are going to vote.

Mr. Borque responded that in presenting it that way he will withdraw the application and speak to the executives and see how they want to proceed from there. He thanked the Commission.

Chair Parkins commented that this in no way reflects on People's Bank or their image. They realize that People's Bank are good neighbors to have. It is strictly about aesthetics and visual and trying to keep an overload from happening there.

Comm. McGorty added that it also was not about the quality of the signs. It is just too much signage.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the withdrawal of Separate #6662.**

**SEPARATE #5066: SHELTON DENTAL GROUP, 169 CENTER STREET, SIGN**

**Kigon Song, D.D.S. and tenant at 169 Center Street, Shelton addressed the Commission.**

Dr. Song indicated that he wanted to revise the signs. The other sign was of digital printing but it faded away so it was kind of hard to see. It was small letters so that is why he's going with the letters with the lights.

Renderings of the proposed signage and previous signage including photographs for Shelton Dental Group were presented to the Commission.

Chair Parkins asked the Applicant if he said he was the tenant and not the building owner.

Dr. Song responded that he was the tenant not the owner.

Comm. Harger stated that she had a problem with the scale of the sign.

Mr. Schultz asked if the Commission wanted to table this so he can work with the Applicant.

Chair Parkins commented that he's got dimensions.

Mr. Schultz stated that it was 8 feet x 30 inches and 14 feet x 30 inches.

Some comments (inaudible)...

Comm. McGorty commented about the word “dentist” over the door.

Chair Parkins agreed that they should only put their name there and not what is sold inside so they don't allow that. She asked about the dimensions and if it was 1 foot 9 ¼ inches ...she asked if he was trying to say that it was 21 ¼ inches.

Dr. Song responded yes, he thinks so, with the light, yes.

Chair Parkins commented OK, 21 ¼” x 12’5”. It’s over the window so...

Dr. Song’s comments (inaudible)...

Chair Parkins asked if it was going to be lit.

Dr. Song responded yes...(inaudible)...

Comm. McGorty asked if it would be turned off at night.

Dr. Song responded if they want – it’s on until 12 a.m. - but it depends upon them.

Comm. McGorty stated that there are houses across the street.

Chair Parkins indicated that she wasn't so opposed the “Shelton Dental” but the other is not conforming.

Comm. McGorty asked if that would be on the corner there.

Dr. Song responded yes.

Mr. Schultz added that it was on the corner of Oak and (inaudible)...

Comm. Harger indicated that Oak runs this way and Center and behind it there’s a parking lot with a two family house across the street.

Chair Parkins asked if the photo is showing what is there currently and if it would be the same dimensions over the three windows.

Dr. Song responded yes, he told them to make it the same dimensions as the previous sign.

Chair Parkins said OK, that has the name of the business but the other is not the name of the business but it is saying what is inside the building. She asked if that was correct.

Dr. Song explained that Shelton Dental Group was too many letters and wouldn't fit there unless he made it really small and people can't really see it then.

Chair Parkins responded that it has to be the name of his business. The signage has to be the name of the business.

Dr. Song indicated that all of the sign letters would be too small.

Chair Parkins commented that he'll have to (inaudible) to put it up there. It has to be the name of the business.

Comm. Harger added that it couldn't be what you do (“dentist”) but the business name.

Mr. Schultz suggested revisiting this and tabling it tonight. He commented that he would work with the Applicant.

Chair Parkins stated that she had no problem with the “Shelton Dental.”

Dr. Song asked if she wanted him to change the front sign.

Chair Parkins responded yes, at the front.

Dr. Song asked if he could just put Shelton Dental there because if he puts Shelton Dental Group then the letters have to be really small and people can hardly see it.

Chair Parkins commented that he had just “Shelton Dental” over here.

Comm. McGorty indicated that he didn’t think they’ll miss the side because it isn’t even 90° because the building comes out at an angle. He added that from the frontal view you can still see the Shelton Dental.

Dr. Song asked if the side sign was OK then but the front (inaudible)...

Comm. McGorty responded yes.

Chair Parkins commented that she had no problem with the side sign.

Comm. Harger stated that it is just a matter of it taking up the space but the wording is very small.

Comm. Dickal asked to see the photographs of the proposed signs.

Comm. McGorty commented that it was just the semantics. It can’t be a Duchess and then say “hamburgers” over the front door.

Chair Parkins asked if it would be two colors too.

Dr. Song responded yes, two colors.

Chair Parkins asked if he would be putting “Shelton Dental Group” on the side or just “Shelton Dental.”

Dr. Song responded yes and he will change the front sign to “Shelton Dental” instead of “Dentist.”

Chair Parkins asked if the front sign would be illuminated as well as the side.

Dr. Song responded yes.

Chair Parkins reiterated that he would change it to “Shelton Dental” and it would be illuminated.

Dr. Song responded yes.

Comm. Harger asked if they would be individual letters.

Comm. McGorty clarified that they were channel letters.

Dr. Song responded that the side would be channel letters but the front would be a box with lights inside saying “Shelton Dental.”

Comm. Dickal asked if they would shut off at a certain hour at night.

Mr. Schultz responded 12 o’clock.

Dr. Song commented that it didn’t matter, if they (inaudible)...they close the office at (inaudible)...

Comm. McGorty commented that was late and he didn’t want to see them on all night. It glows and (inaudible)...

Chair Parkins added that there are residences there (inaudible)....

Comm. McGorty stated that 10 o'clock is (inaudible)...

Chair Parkins added that 10 p.m. is more than reasonable – 9 p.m. is even better.

Dr. Song commented that 9 or 10 because they weren't even open that late anyway. He agreed to shut the sign lights off at 9 p.m.

Chair Parkins asked if he could provide a copy of the sign copy rendering because they would like to see the sign that is going to go over the door.

Dr. Song responded OK, the sign for the door saying "Shelton Dental."

Chair Parkins asked if the other Commissioners were OK with the sign on the side saying "Shelton Dental" and if they just want to see what will be done for over the door.

The other commissioners concurred. Chair Parkins indicated that he could go ahead with the side signage but hold off on the front until they see a rendering of the Center Street sign only.

Dr. Song responded OK, he would make (inaudible) and asked if he had to wait until the next meeting for the front sign.

Chair Parkins asked Rick Schultz to take a look at it to make sure it conforms.

Dr. Song agreed to drop a rendering off with Rick Schultz.

Comm. Harger suggested that Rick could e-mail it to everybody.

Chair Parkins stated OK, per Rick's approval, they will motion to approve it.

Dr. Song agreed to return on Thursday with a sign rendering.

Chair Parkins requested a motion to approve the application per Rick's approval of the front entranceway sign.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve signage for Separate #5066 with the conditions noted.**

**SEPARATE #6694: JOHN PEPAJ, 503 HOWE AVENUE, BUSINESS**

Mr. Schultz stated that this was for the Little Tomato, the pizzeria on the corner. This is for a change of ownership. He reiterated that the lease area was the same, 1000 square feet with 3 employees. The hours of operation would be Monday (closed), Tuesday through Thursday, 11 a.m. to 9 p.m., Friday and Saturday, 11 a.m. to 10 p.m. and Sunday 2 p.m. to 9 p.m. He indicated that Dave Grant was the owner of the building now.

Comm. Harger asked if it was business only with no sign change or name change.

Mr. Schultz responded yes, status quo. No name change just ownership.

Comm. Harger indicated that their signage had phone numbers on it and they had a problem with them before.

Mr. Schultz responded that he would check on that.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6694.**

**NEW BUSINESS**

**APPLICATION #13-16: GRACE LANE BUILDERS, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (BUILDING ADDITION), 90 OLIVER TERRACE (MAP 63, LOT 13), IA-3 DISTRICT**

Chair Parkins indicated that they accepted this application at the last meeting. She stated that all of the Commissioners should have received a drawing and information in their packages; the drawing was actually given out at the December meeting.

Mr. Schultz referenced the shaded area on the site plan. He added that the location is facing the building coming in from Oliver Terrace on the left side; that's the old B&D Molding and now Winter Brothers owns it.

Mr. Schultz stated that because this property is served by on-site septic, they needed confirmation from the Naugatuck Valley Health Department. He has received that as well as correspondence from the Fire Marshal and he has the City Engineer's recommendations. He read the three pieces of correspondence.

**\*See attached correspondence dated January 8, 2014 to the City of Shelton Planning & Zoning Commission from Gary Malone, Chief Sanitarian, Naugatuck Valley Health District.**

**\*See attached correspondence dated January 14, 2014 to Richard Schultz, P&Z Administrator from James M. Tortora, Shelton Fire Marshal.**

**\*See attached correspondence dated January 2, 2014 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

Mr. Schultz indicated that the Applicant was present to discuss the septic system relocations required and to discuss the materials to be used. They would like to complement the metal siding. As the Commission is aware, this building is hidden from all town roads and even the Route 8 expressway.

**John Paoletti, representing Winter Brothers Recycling, Shelton addressed the Commission.**

Mr. Paoletti indicated that he would like to talk to them about the relocation of the septic chamber which is actually a tank with a pump chamber in it. Presently, it is in the way of the proposed addition. He referenced its location, a shaded area on the site map, and he pointed out the area to which it would be relocated. He commented that the chamber would then go back into the building and pump over to another area from which point it would be gravity-fed into the leeching field.

Mr. Schultz asked Mr. Paoletti to state how many feet away the municipal sanitary sewers are from it.

Mr. Paoletti responded that the sewer line for the town is approximately 700 feet away.

Comm. Harger asked if he was talking about the main ...

Mr. Paoletti responded yes, it is actually up on Oliver Terrace.

Comm. Harger commented OK.

Mr. Schultz stated that this was one of these isolated areas but the soils have been so good up there that it hasn't been a problem and Valley Health is not stating that it is because the Commission likes to see (inaudible)...

Chair Parkins asked where the leeching fields were located.

Mr. Paoletti showed the location of the leeching fields on the site map.

Chair Parkins asked if people were going to be driving over it.

Mr. Paoletti again showed one section of the leeching field and...

Chair Parkins asked if you could drive over leeching fields.

Mr. Paoletti responded that they don't actually drive over that section right there. He reviewed the site map with Chair Parkins and pointed out location of the relocated chamber and the approx. location of the leeching fields. He provided clarification of the approx. location of the septic system.

Chair Parkins stated that she would think that people would be driving over this because there are arrows here showing a travel lane going right over it.

Mr. Paoletti indicated that yes that is partially driveway in that area there.

Chair Parkins asked Rick Schultz and commented that she wasn't an expert on septic systems and (inaudible)...

Mr. Paoletti stated that they are probably HD – they are probably galleys that are hardened with steel reinforcement that can be driven over.

Mr. Schultz added that he knows that there are shopping centers such as White Hills Shopping Center that had one before they hooked up to the sewers.

Comm. Harger asked if they were in pavement and asked what the surface going to be there.

Chair Parkins commented that they definitely have this located right under the travel lanes because the arrows are shown here and they are driving right over the septic system.

Mr. Schultz responded that this Valley Health letter was from Gary Malone, the Chief Sanitarian but he can get further clarification if they want that.

Mr. Paoletti commented that you can drive over leeching fields as long as they are paved and designed with HD, harder cement with reinforced rebar in it, that can be driven over.

Mr. Schultz added that the rural shopping centers have it.

Chair Parkins responded OK, she would just hate to see someone driving over it and (inaudible)...

Comm. McGorty agreed, yes...

Comm. Harger asked for clarification about what would be used for the surface of the road.

Mr. Paoletti responded asphalt.

Mr. Schultz stated that this addition would be 3,980 square feet. Winter Brothers intends on bringing their Corporate Offices here, which are currently headquartered in the Danbury facility. They have up to 35 employees and their hours of operation would be Monday through Friday, 7 a.m. to 5 p.m.

Mr. Paoletti provided some elevation drawings which the Commission had requested. He referenced the corrugated metal on the outside which most of the recycling building in the back of the site is made out of.

Comm. Harger commented yes, they did a site walk up there one day.

Chair Parkins asked if this was the only drawing provided and what the design would be.

Mr. Paoletti provided a larger rendering of the building elevation drawings.

Mr. Schultz indicated that the building would be a single story building with metal siding consistent with the existing building. It is not a pretty building.

Comm. Harger agreed no, it's utilitarian.

Mr. Schultz added that this is one of the few locations in town where you will never see it. He informed the Applicant that the Commission likes to see masonry as a rule but this building is not visible.

Comm. McGorty agreed that it was not necessary here.

Chair Parkins commented OK, that the septic is not their purview anyway.

Mr. Schultz stated that you don't see that too often in town nowadays but this is an isolated area.

Mr. Paoletti commented that at one time, he thinks that B&D Molding had 140 employees on that septic system.

Chair Parkins asked if they had the traffic driving over it at that time though.

Comm. McGorty responded yes that has been there.

Chair Parkins responded OK.

Comm. Harger asked if there were any landscaping plans.

Mr. Paoletti responded no, not at this time.

Mr. Schultz indicated that he prepared a Draft Motion unless the Commission had any more questions. He read the Draft Motion for Application #13-16.

**\*See attached Resolution for P&Z Application #13-16, Grace Lane Builders, LLC for Modification of Site Plan Approval (building addition), 90 Oliver Terrace (Map 63, Lot 13), IA-3 District with the noted conditions including Naugatuck Valley Health.**

**On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Application #13-16.**

Mr. Paoletti thanked the Commission. Chair Parkins welcomed their relocated headquarters to Shelton. She asked him to remind the Winter Bros. truck drivers to obey all traffic signs and signals and be courteous. Mr. Paoletti indicated that he would relay the information.

## **PUBLIC PORTION**

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the Agenda. There were no public comments.

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

## **OTHER BUSINESS**

### **APPROVAL OF MINUTES: 12/18/13**

Chair Parkins stated that she had one clarification on the December 18<sup>th</sup> minutes on Page 3 regarding the subject of making appointments to the Subcommittees. She clarified that it should read four Commission members constitute a quorum on the Subcommittees and not three members.

*"Chair Parkins stated that all the meetings – both the DSC and Zoning Subcommittee – are open to all members to attend and participate. They only thing they have to be careful of is having*

*more than three members sitting because then it is a quorum and it becomes a meeting and that has to be announced.*

*Chair Parkins clarified that ~~three~~ **four (4)** members is a quorum on their Subcommittees. “*

Mr. Schultz added that to take that one step further, when they have the Subcommittees, two out of the three members - to have a quorum.

Comm. Osak asked if you could transact any business at the Subcommittee.

Chair Parkins responded no, because if you have four members of any group sitting...

Comm. Osak stated that he knows what a quorum of the P&Z is and they can't have that without notice, he understands that...

Chair Parkins responded yes, exactly, so if they are all sitting at the table having a discussion on something then it really constitutes a quorum. They need at least two out of three people...

Mr. Schultz stated yes, according to Assistant Corporation Counsel.

Comm. Osak commented that it's possible, you may have two differences of opinion and you're making a suggestion to the Full Board and you have to vote so you have to count it.

Mr. Schultz stated that it is difficult when you have three member subcommittee and things happen. The meeting will be ready to go and then only one member can show up. Someone made an issue, someone squawked and Asst. Corporation Counsel made a ruling on it.

Comm. Osak asked if you had to have three then.

Mr. Schultz responded no, you have to have two out of the three.

Chair Parkins clarified that they make no decisions whatsoever, they are advisory only in nature so they don't spend a lot of time at the Commission level discussing things.

Mr. Schultz added that they are recommendations.

**On a motion made by Nancy Dickal seconded by Virginia Harger, it was unanimously voted to approve the minutes of December 18, 2013 with the noted modifications to Page 3.**

### **PAYMENT OF BILLS**

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

### **STAFF REPORT**

**\*See attached Planning & Zoning Staff Report dated January 14, 2014 from Richard Schultz, P&Z Administrator**

#### **ZBA**

Mr. Schultz reviewed the Staff Report including the Zoning Board of Appeals Agenda. He indicated that for the upcoming ZBA meeting on 1/21/14, there is an application for 80 Perry Hill Road for the conversion of a barn. He stated that there is an existing single family house on the property as well as a large, detached barn. The current owner is proposing to convert the barn into two dwelling units which requires a variance because they only allow one dwelling unit per parcel in an R-1 Zone.

Comm. Harger asked if this was Block's Farm.

Mr. Schultz responded yes, this is the old Block's Farm where they used to slaughter horses. Pursuant to their regulations, a referral was made to this Commission for a recommendation if they have any. This is ZBA asking for it.

Chair Parkins stated that barn is set pretty far back off the road and they've done a really nice job on the front of that house so she doesn't really have an issue.

Mr. Schultz stated that the owner/applicant has advised Staff that letters are going to come from the entire neighborhood stating their support of it because it is eliminating the agriculture uses. He added that there won't be any type of commercial use.

Comm. Harger asked if they could split the property.

Mr. Schultz responded sure, that is always an option but the residents that surround it feel more comfortable with the current owner maintaining it as one parcel but they are going to request the ZBA to eliminate the non-conformity.

Chair Parkins asked how big the apartments in the back would be in the barn.

Mr. Schultz responded one bedrooms each - on the small side. They require 550 square feet or larger so he thinks about 650 to 800.

Comm. Harger asked if this would be first floor and second floor apartments or (inaudible)...

Mr. Schultz responded that actually it is a three-level barn if they haven't had an opportunity to go there. The first level will be used to store antique vehicles belonging to the owner. The apartments will be on floors two and three.

Chair Parkins asked if it would be a duplex up and down apartment or ranch on top of ranch.

Mr. Schultz responded ranch over ranch. It is one of the largest barns in the community.

Chair Parkins stated that they have done a really nice job cleaning up that site.

Mr. Schultz responded yes and that is what the residents are saying. They have cleaned up the property, they will eliminate the non-conformity and it will keep the property as a whole. He added that the vehicles are registered in Shelton. He asked if there were any comments or questions.

Comm. Harger stated that the Applicant has a record of doing things appropriately.

Mr. Schultz responded yes and that is why the neighborhood is sending letters of support to ZBA and attending the public hearing.

Chair Parkins commented that her recommendation would be a favorable report back to ZBA. She asked if there were any objections to it. There were no objections.

Comm. Harger asked about the driveway and if it would be separate driveways.

Mr. Schultz responded that it would be the same; it is a loop around driveway.

With no further comments, Chair Parkins requested a motion.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to report favorably on ZBA Application regarding property located at 80 Perry Hill Road.**

Mr. Schultz continued to discuss other items on his Staff Report including other ZBA Applications, CT Citing Council (new antennas), Zoning Subcommittee (Marijuana Moratorium), DSC, Zoning Enforcement Program (illegal signage, junk conditions...)

He indicated that the next P&Z meeting would be a Special Meeting/Public Hearing on Wednesday, January 22<sup>nd</sup> at 7 p.m. in the City Hall Auditorium.

Chair Parkins commented about the recent unfortunate fire downtown and the beginnings of talk about what should be done there. She reminded the Commission that their purview is Planning & Zoning - at the appropriate time when it comes before them. She added that the Mayor is the head of the economic development in the City and they have the Shelton Economic Development Commission which they do have a seat at in terms of knowing what is going on, consulting, etc.

Mr. Schultz added that the Downtown Subcommittee will also provide guidance regarding parking, architecture, bulk standards, etc.

Chair Parkins indicated that if they are asked or want to offer any opinions, it has nothing to do with the P&Z Commission. If they write letters to the Editor or anything, it is most appropriate not to use their title of P&Z Commissioner because then it is perceived as coming from the entire Commission.

**ADJOURNMENT**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:15 p.m.**

Respectfully Submitted,

Karin C. Tuke  
P&Z Recording Secretary