

SHELTON PLANNING & ZONING COMMISSION

May 13, 2014

The Shelton Planning and Zoning Commission held a Regular Meeting on Tuesday, May 13, 2014, Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Vice Chairman Anthony Pogoda (acting for Chair Parkins)
Commissioner Nancy Dickal
Commissioner Virginia Harger
Commissioner Thomas McGorty
Commissioner Frank Osak (alternate for Ruth Parkins)
Commissioner Jim Tickey

Staff Present: Richard Schultz, P&Z Administrator
Anthony Panico, P&Z Consultant
Karin Tuke, Recording Secretary

Tapes (2), correspondence and attachments on file in the City/Town Clerk's Office and the Planning & Zoning Office and on the City of Shelton Website www.cityofshelton.org.

CALL TO ORDER/PLEDGE OF ALLEGIANCE & ROLL CALL

Vice Chairman Tony Pogoda called the regular meeting of the Planning & Zoning Commission to order at 7:00 p.m. in Room 303 with the Pledge of Allegiance and a roll call of members present. He indicated that he was acting on behalf of Chairperson Ruth Parkins.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #426: BLDG. BLOCKS EARLY LEARNING CENTER, LLC, 1079 BPT. AVENUE, FENCE

Mr. Schultz stated that this is the third meeting where the Applicant will be presenting revised design solutions. The previous issue was in regard to the design of the fence, the fence location, the installation of protective bollards and landscaping.

Atty. Burt Hoffman, representing Building Blocks Early Learning Center LLC, 1234 Summer Street, Suite 400, Stamford CT addressed the Commission.

Atty. Hoffman complimented the Commission for some of their comments because they now have a better design. He introduced Scott Lawrence, the building owner and Mitch Hoffman, the daycare facility owner who were also present. He indicated that based upon their last meeting, he brought all of their different presentation boards and a revised hand-out (Version 3) for all of the Commissioners. Atty. Hoffman referenced Page 3 of the hand-out to address one of their deepest concerns. He stated that the drawing shows where the 4" bollards are being placed around the perimeter of the fence.

To address Commission concerns regarding aesthetics and maintenance, Atty. Hoffman referred to Page 4 with a drawing of the proposed fence. Additionally, the Applicants brought a sample of the fencing material which they plan to place around the perimeter of the playground area. He indicated that the proposed fence will match the present color of the building so that the consistency will continue throughout.

Comm. Harger asked what the fence height would be.

Atty. Hoffman responded that it would be 6 feet.

Comm. Harger asked how high the sample fence material was.

Mr. Scott Lawrence, building owner addressed the Commission. Mr. Lawrence responded that this sample was about 3 ½ feet. He stated that he is 6 feet tall and the fence would be as tall as him.

Comm. Harger asked if the height of the fence was based upon a State requirement.

Atty. Hoffman responded that the State requires four feet.

Mitch Hoffman, owner of Building Blocks Early Learning Center addressed the Commission. Mr. Hoffman responded that they wanted to make the fence 6 feet high for reasons such as preventing children from looking over the fence or preventing outsiders from looking in. He added that it is 6 feet at all of their child daycare facilities.

Atty. Hoffman read Connecticut Statute #19A79-7AH19 Section 7A: Fence is used to protect children from hazards and shall be at least four feet in height - but they are going to make it 6 feet.

Comm. Harger asked if they would consider making it five feet to meet her halfway. She added that she is the one that has been the thorn in their side, she knows, about the front of the building being hidden.

Atty. Hoffman responded no, not at all.

Comm. Harger continued that she didn't want child safety compromised in any way but...

Mr. Lawrence responded that he could address part of that – there are two thoughts. The first issue being the topography of the slope goes down 3-4 feet from where that fence is probably even to the street. He commented on one of the photographs taken during the winter, it shows a more (inaudible) perspective where you can basically see the entire façade of the house. He added that during the summer you don't see any of the house because the trees are so full of foliage. He stated that they did manage to preserve the most important architectural elements of the house which are the bay windows, both of them, front porch and front stoop and basically where the tree comes in.

Atty. Hoffman showed a photo taken during the summer where you don't even see the fence.

Comm. Dickal asked if the fence was to go down to the level of five feet, would the play equipment behind the fence be seen coming down the road. She asked if they would have a slide that the kids go up and if they would be able to see over it.

Mr. Hoffman responded that once again, yes and no, because he doesn't know which perspective she would be looking at it from and so forth but at six feet you should not be able to see anything. He didn't want to say that at five feet you couldn't see because he couldn't be certain that they wouldn't be able to see anything at five feet. He commented that you could be looking from the left or from the right – he thinks that six feet is a very safe height for children and safe to keep people away or keep people from peering in, not that they would from this location but... Mr. Hoffman indicated that they like 6 feet. He understands the comment about the five feet and about seeing the play apparatus. He indicated that they were going to design the play area apparatus so that they are a little bit tucked away; however, he wasn't able to definitely say what would be seen from a five foot fence but at six feet he could comfortably say that you wouldn't see it.

Comm. Dickal stated that she would be more comfortable knowing that anyone driving down the road couldn't see the children peeking over the top of the fence.

Mr. Hoffman responded yes, that is why they need a six foot fence.

Comm. Dickal responded OK that was why she wanted to clarify the difference between 5 and 6 feet.

Mr. Hoffman added that their overall childcare philosophy is that they try to do a little bit more than the State requires. He added that he thinks he mentioned that at the last meeting. The classroom sizes are larger; the teacher ratios are greater so when the State says 4 feet, they do 6 feet. He added that they do a little bit more than is asked so that they are safer, healthier, cleaner and so forth but that is really why... what she just said about the fence is why he wants it to be 6 feet.

Comm. Dickal responded OK.

Comm. Harger asked if they were going to have that slope with (inaudible)...

Mr. Lawrence responded that they are actually behind where it shows the full length of (inaudible)...

Comm. McGorty commented that it looked good.

Comm. Pogoda asked if there was a possibility of extending the bollards another 20 feet down from where the last one stops.

Atty. Hoffman asked him to clarify which one.

Comm. Pogoda pointed out where the bollards would be stopping on the site drawing.

Mr. Lawrence responded that there are four trees, about 18" thick pine trees, depicted as triangles on the drawing, and he'd be surprised if you could get a Mack truck through those trees.

Comm. McGorty commented yes, there on the side where they've got those big pine trees next to the road.

Mr. Hoffman stated that there were huge pine trees that surround that side of the playground.

Atty. Hoffman commented that they were better than a bollard.

Comm. Pogoda asked what the space was between the pine trees.

Mr. Lawrence responded that it was probably 4 or 5 feet – the same distance that they would be spacing the bollards at which is the standard distance.

Comm. Pogoda stated that his concern would be if in the future one of those trees came down. He commented that he knows that they could be put up later but you never know how drivers are going to be and it is about safety for the children. He wants to see the utmost safety for the children.

Atty. Hoffman agreed and commented that it was pretty intense over there.

Comm. Pogoda responded yes, he goes by there but he never really looked...

Mr. Lawrence indicated that he would say that they could do it. The incremental cost of adding a few more bollards is not that much. The two issues he would bring up about adding more bollards is that to put bollards in there, they are going to be chopping up the root systems of those trees. He indicated that right now, to put in the fence, they can actually use the existing post holes but when they go out farther they will have to dig new post holes so they are already putting some holes in the ground. He stated that the bollards go four feet into the ground, deep into the root structures so there is a trade off there; the more you add, the more you are fulfilling your own prophecy.

Comm. Pogoda asked how many pine trees there were.

Mr. Lawrence responded that there were 4 to 5 and it is pretty dense. He showed the area with the longest gap between the gigantic pine bush-thing which is about 4-5" thick for each shot so that is why they kept a bollard behind there.

Vice Chairman Pogoda asked if any of the other commissioners have any questions or comments.

Comm. McGorty commented that it looked good.

Vice Chairman Pogoda asked if everyone was comfortable with the 6 foot fence. He commented that he understands where Comm. Harger is coming from.

Comm. Harger stated that this fence has a much nicer design and with the color matching...

Vice Chairman Pogoda agreed.

Comm. Dickal commented that she likes that they are going to have the fence color blend in with the house so it will be almost invisible.

On a motion made by Thomas McGorty seconded by Virginia Harger it was unanimously voted to approve Separate #426.

Atty. Hoffman asked if they had to come back again.

Mr. Schultz responded no, but they are going to miss them.

SEPARATE #6815: TIBOR B. MOLNER, 59/61 HOWE AVENUE, BUSINESS

Mr. Schultz stated that this is the Lafayette School package store on Howe Avenue. Staff has been working with the property owner to clean up the site which they have done. Mr. Schultz stated that he is pleased to report that the new owner is going to comply with the new sign regulations, not only the exterior signs, but the signs that they put inside. He indicated that the owner wants to go with a higher end wine and spirit shop.

Comm. Pogoda asked if he was given a copy of the sign regs.

Mr. Schultz responded yes and he sat down with them and it is going to work out well.

Comm. Harger commented that it is vacant now so he'll come back later for the sign.

Mr. Schultz responded yes.

Comm. Pogoda asked if he knew that there should be no signs on the outside on the sidewalk side.

Mr. Schultz responded yes.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6815.

Mr. Schultz stated that Separate #6826 should be taken off; it was put on the agenda inadvertently.

SEPARATE #6821: MICHAEL COPPOLA, 6 TIMBERLAIN DRIVE, IN-LAW

Mr. Schultz stated that this was an after-the-fact.

Comm. Harger asked how much after-the-fact.

Comm. McGorty asked if it was time to refinance.

Mr. Schultz provided a site drawing and a photograph showing the existing addition on the left side of the house which contains the in-law apartment. It is 576 square feet and was constructed

for that use. The current owner purchased it in April 2007 and Valley Health approved it for a five-bedroom house.

Comm. Pogoda asked if it met all the requirements.

Mr. Schultz responded yes.

Mr. Panico asked if it was interconnected with the main residence.

Mr. Schultz responded yes, it is all interconnected. He commented that they can see – it looks like a split level – there are two main entrances but the addition to the right side does not have an entrance though.

Mr. Panico asked how they were doing it because it isn't reflected on the drawing. He commented that the floor level of the in-law apartment is below the floor level of the main house.

Mr. Schultz stated that there are stairs that go up to the main area.

Mr. Panico responded OK, they just didn't show it on the floor plan.

Mr. Schultz commented no – he indicated that what happened was that the addition was taken out as a generic addition, converted to an in-law without the proper permits. As the Commission knows, when you go to refinance or sell, that is when his office finds out so this is an after-the-fact. He indicated that he has the Valley Health Approval for the septic which is important and it complies with all of the other standards.

Comm. Pogoda asked what was located to the right of the house.

Mr. Schultz responded that it was a wing off of the main house.

Comm. Pogoda asked if that was already there.

Mr. Schultz responded yes.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Separate #6821.

SEPARATE #402: MARIO PANICCIA, 66 HUNTINGTON STREET, OUTDOOR PATIO

Mr. Schultz stated that as the Commission is aware, the recent addition went on and Mr. Paniccia is here to discuss the exterior patio which will entail a fence enclosure for the sale of alcoholic beverages. He provided a copy of the floor plan. He indicated that the Commission would be focusing on the details of the fencing and added that part of the patio has a masonry stone wall and the rest will be a fence.

Mr. Schultz noted as a side reference that the State Liquor Commission relies on the local jurisdiction as to the height, as they just discussed with the child daycare where the State imposes a 4 foot minimum; but for this application the State doesn't impose a minimum but leaves it up to the local jurisdiction – 32", 46" or whatever it is. Therefore, before the State will consider this, the local zoning authority needs to act on it. Mario Paniccia will go over the details.

Mr. Panico asked if they would be serving alcoholic beverages outside.

Mr. Schultz responded yes and indicated that Mario would go over that tonight.

Comm. Osak asked for clarification as to where this is located.

Comm. Harger responded that it is Aribella's at Huntington Center.

Comm. Pogoda commented that it was Montenegro's...

Mr. Mario Paniccia, representing Aribella's, 66 Huntington Street, Shelton addressed the Commission. Mr. Paniccia reiterated that as Rick Schultz mentioned the patio is surrounded by a retaining wall at this location. He showed the location on a displayed site plan of the restaurant. He indicated that it begins at about 5 feet and goes to about 3 feet. They kept the three foot height because they felt that was appropriate. He added that as far as the ornamental fence portion down below – he showed the location of the gate and the entrance to the dining room. Mr. Paniccia stated that they received approval from the Fire Marshal and the Health Department.

Comm. Osak asked for clarification on the site plan as to the location of Huntington Street and the driveway that goes down and the parking area.

Mr. Paniccia showed those locations including the two different parking locations.

Comm. Osak asked if he meets all of the parking requirements for the square footage.

Comm. Pogoda responded yes.

Mr. Paniccia showed an elevation looking outward which shows the height as the driveway comes down. He commented that part of the wall is kind of a seat wall. He showed where it is a wall and the location where it becomes a seat wall adding that it was like an integration. He indicated that there would be landscaping around it and a walk way. He showed the location of handicapped parking spaces in relation to the rest of the parking and he showed the location of the entrance to the restaurant.

Comm. Osak asked if it would be used in the summertime and if it is an open patio.

Mr. Paniccia responded yes. He showed the seat locations and the center column with the urn and...

Comm. Osak asked if that was counted as square footage to calculate the parking ratio.

Mr. Schultz responded that it can be counted.

Comm. Osak asked if it did.

Mr. Schultz responded that the current regulations state that restaurants, cocktail lounges for the sale and consumption of food or beverages on the premises with more than 16 seats, such as the case here, it is one parking space for each 100 square feet of gross floor area plus one additional space for each 50 square feet of patron bar in a cocktail lounge area. They have to use their discretion.

Comm. Osak asked what they were calling this patio.

Mr. Paniccia commented that when they came for the approval before they said that...

Comm. Osak stated he was asking the question relative to the regulations not to what the business intent is.

Comm. Pogoda asked how many tables he was going to have out there.

Mr. Schultz stated that it was a seasonal cocktail lounge area.

Mr. Paniccia responded that there would be four or five tables and then the seat (inaudible)...

Comm. Osak stated that it is used for patrons and that essentially requires parking for that patron area. He asked if there was enough parking, if they consider that patron area.

Mr. Schultz commented that it would be a net increase.

Comm. Osak responded yes of customer area and he asked if they had enough parking spaces to cover it.

Mr. Schultz responded that right now the applicant satisfies the onsite parking requirements for the recent addition.

Mr. Panico asked it was satisfied for the patio.

Mr. Schultz stated that they could go over that.

Comm. Harger asked if it would stand to reason, because it is open, it would only be utilized part of the year and asked if people would just be using the patio to have a drink and then leave.

Mr. Paniccia responded no.

Comm. Harger asked if the patio was just a waiting area until a table opens up.

Comm. McGorty asked if they would serve food out there.

Mr. Paniccia responded yes, they will be serving food but the patio is seasonal.

Comm. Osak stated that it was a seasonal extension of the patron area.

Comm. Pogoda commented that the drawing shows 7 tables but he said 4 or 5.

Mr. Paniccia responded that was his fault because he didn't show an area for service and a service bar so that will be where those tables are.

Comm. Pogoda commented that he understands that it is seasonal but he knows that they would like to have space for all of these people who are coming.

Comm. McGorty asked Rick Schultz what the ratio was right now with current parking.

Mr. Pannicia responded that they showed this when they came in with their zoning approval proposal. They showed the patio so right now they are here for the Liquor Commission approval. He thought that was (inaudible)...

Comm. Pogoda asked if this was already addressed.

Mr. Schultz responded yes, that was reviewed.

Comm. Pogoda commented OK then he is stating that there is enough parking.

Comm. Osak responded that isn't what he said. He said that it was a part of their original approval that area which is now considered to be the patio was in the original plan that was approved. He stated that is what he was saying.

Mr. Paniccia responded yes, correct.

Comm. Osak stated that if they are short on parking then the Commission made a mistake.

Mr. Panico asked if they went over parking with the original approval.

Comm. Pogoda commented that he didn't remember.

Mr. Paniccia stated that they originally came in with a larger building, got approval on that and then later they came in with a smaller building in September or October of last year. They downsized the building and when they downsized it they showed the patio. The original approval was about 9 years ago.

Comm. Harger asked if he said that this was approved 9 years ago. She asked if 9 years ago it had the addition.

Mr. Paniccia responded that the building came all the way out to here and (inaudible)...

Comm. McGorty stated that he remembers (inaudible)...

Comm. Pogoda (inaudible)....

Inaudible (multiple discussions...)

Mr. Paniccia stated that was in the original approval and then they reduced it and that portion was outside instead of inside.

Mr. Schultz commented that there are 22 onsite parking spaces.

Comm. Tickey asked if that handicapped space was the first parking spot in the lot.

Mr. Paniccia responded yes.

Comm. Tickey commented OK and then it goes beyond...

Mr. Paniccia responded yes...

Comm. Tickey commented that he was pleased to see the landscaping with the parking being that close and with people pulling up with their cars he thinks that the landscaping like that is really important as a buffer (inaudible)...

Mr. Panico asked Rick if they gave them parking to justify the building up front.

Mr. Schultz responded yes.

Mr. Paniccia commented that he didn't know if they had been out there because it is really nice.

Comm. Tickey agreed that it was very nice and the buffer is nice to have with the parking lot starting so close to where that outside patio would be.

Mr. Paniccia stated that from the original approval they came back and he thinks there is a lot more (inaudible)...

Comm. Pogoda asked how the fence bordering the property would be – the one facing the other side.

Mr. Paniccia responded that he believes it is about 6 feet.

Comm. Pogoda stated OK, that's fair.

Mr. Paniccia stated that they want to extend that up to here now (he showed how far up on the site plan) all the way up to the handicapped and then put evergreens.

Comm. Pogoda asked if that was a solid fence.

Mr. Paniccia responded yes, it is a solid fence.

Comm. Pogoda asked how high of a fence they would be putting around the patio.

Mr. Paniccia responded that this was an ornamental steel fence at 3 feet high with a gate that ties into the wall which goes up. He added that they would have landscaping there also in front of it.

Comm. Pogoda asked if they would be using china, cloth napkins for outside dining.

Mr. Paniccia responded yes.

Comm. Pogoda added that there would be no paper.

Mr. Panico asked if there was some kind of security fencing on top of the wall to protect it from the upper level.

Mr. Paniccia responded that this wall is a wall already and then they have ornamental steel on top of it.

Mr. Panico commented OK, there is something to prevent somebody from the upper level from toppling in.

Mr. Paniccia responded that that it is almost 3 feet of stone wall in itself with the ornamental steel on top of it.

Mr. Panico stated OK so on the patio side that has to be a fairly high wall.

Mr. Paniccia responded that as they can see here, it is high and it comes up and then waterfalls down. It is high here because of the slope coming down and this is above the grade and then it kind of waterfalls down and at one point becomes a seat wall.

Comm. Pogoda asked how close that was to the road going down to the parking spaces.

Mr. Paniccia responded that at the tightest point it is about 3 feet. There are bushes there right now.

Comm. Pogoda commented that his thought is that during bad weather, ice or snow, and coming down that road...

Mr. Paniccia explained that they have a curb there so the curb should... (inaudible)

Comm. Pogoda responded ...a curb; well, not that you would sit down there in the wintertime. ..He added that he is assuming that in the wintertime that outside area would be closed down.

Mr. Paniccia stated that there is a three foot wall, in case something happens, there is a stone wall that's – you've got 3 feet, a curb and then a stone wall so if there is a car and anything happens it would hit the stone wall. He pointed out the section on the site plan. He asked if there should be some bollards there. He added that was a good idea but he has to sell that to Mike.

Comm. Pogoda stated that he was just thinking about the safety of the patrons sitting down below. If somebody came around...he would be concerned about...

Mr. Paniccia commented yes, a couple of bollards would be good.

Comm. Pogoda stated that he wants it to look nice but he is thinking about safety. The owner doesn't want to see anybody getting ... (inaudible)

Mr. Panico asked why they needed the gate and if it would be for emergency use.

Mr. Paniccia responded that the Fire Department requires egress and the Liquor Commission requires that they have that controlled so the gate (inaudible)...

Mr. Panico asked if you would be able to enter from that point.

Mr. Paniccia responded no it is just for emergency egress required by the Fire Department.

Mr. Schultz asked what the square footage of the patio area was.

Mr. Paniccia responded it was 31' x 28'.

Comm. Pogoda commented that he said 5 tables max.

Another applicant for Aribella's (unidentified) responded that they already have a big planter there.

Comm. Pogoda commented that he has seen the planter and knows about that.

The unidentified applicant indicated that he wanted to put a fire pit, heaters and umbrellas and that will take away a lot of the space.

Comm. Harger asked about the 28 foot width.

Comm. Osak asked what they have to approve here that they haven't approved before.

Mr. Schultz responded the details of the patio enclosure.

Comm. Osak commented that in other words the parking ratios and the amount of patio floor area have been seen and they passed on it.

Mr. Schultz responded yes and they are waiting for the details on this – the fencing, the landscaping, the bollards, lighting, etc.

Comm. Osak responded OK. He asked if the parking ratio in regard to the floor area had already been passed.

Mr. Schultz responded yes, correct.

Comm. Tickey commented about the bollards and stated again that with the landscaping and having it as a buffer, it could help camouflage the bollards if they feel that it is needed.

Mr. Paniccia asked if he could work that out with Rick.

Comm. Pogoda responded yes but they would have to agree to it but for the safety. He would like to see a couple of bollards by the evergreens.

Mr. Paniccia responded that he couldn't argue with that and they have decorative bollards which could be used. He would have to put it in where the bushes are right now.

Comm. Pogoda asked if there were any other questions or comments.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #402.

SEPARATE #6803: FIT FOR LIFE SHELTON, 704 BRIDGEPORT AVENUE, BUSINESS/SIGN

Mr. Schultz stated that this is for a fitness studio going into the back portion of Split Rock. It was formerly Blakeman's Construction Office and then the Benchmark Leasing Office was temporarily located there. It is 3000 square feet and will have 3 full time and 9 part time employees; hours of operation will be 5 a.m. to 9 p.m. He provided a rendering of the proposed signage.

Odo Habeck, representing Fit for Life, 704 Bridgeport Avenue, Shelton addressed the Commission. Mr. Habeck responded that the idea was to have one solid LED. He explained that the windows shown on the rendering are the windows facing Bridgeport Avenue. The Assisted Living right now still has their vinyl placards inside the windows. The idea was to have one LED strip going all the way around the outside; it is just one big square.

Comm. Pogoda asked what the actual name of the business was and if it was Fit for Life or Physically Fit.

Mr. Habeck responded that it is Fit for Life and it is a franchise that started in Florida. This is the first studio that they are looking to open up here in Connecticut.

Comm. Pogoda asked which signs shown were their signs.

Mr. Habeck responded and indicated that the bottom right shows the Orange Theory Fitness that is proposed.

Comm. Harger asked what the logo  represents.

Mr. Habeck responded that they call it a “splat” and it is orange in color and like an orange; the guys that started the franchise were senior managers with Massage Envy.

Comm. Harger commented OK.

Comm. Tickey asked if these were windows.

Mr. Habeck responded yes they are windows right now so the idea was – the sign itself is vinyl on the inside and then the LED strip goes on the outside.

Comm. McGorty commented that it would go around the perimeter of the windows.

Comm. Harger commented that she can see a part of their name down here.

Mr. Schultz asked if this was the first one in Connecticut.

Mr. Habeck responded yes, it is franchise #199. They started few years ago and have now sold over 300 franchises across the country.

Mr. Panico commented that the monument sign was all block lettering until you get to that splat (inaudible)...

Comm. Tickey asked if the LED lights would be turned off at night consistent with the other businesses.

Mr. Habeck responded yes, they want to be consistent with (inaudible)...

Comm. Pogoda asked about the monument sign and indicated that all of the signs are block letters with the exception of their panel which is throwing the whole thing off.

Mr. Habeck responded yes, except for the top right which is also slightly different – the V restaurant sign at the top. This is the logo that the company uses –Bright Orange Theory so that is the only reason.

Comm. Harger asked why they weren't using “Fit for Life” there instead of the orange splat.

Mr. Habeck responded that the name of the studio itself is “Orange Theory Fitness.” He said that “Fit for Life” is the name of the LLC, which is basically the franchise he set up to run the company. He apologized for the confusion.

Comm. Harger commented about having that on the monument (inaudible)...She commented that Vasi's V is still lettering without having any logo.

Mr. Panico commented that the logo was on the wall and (inaudible)...

Comm. Pogoda asked why they have it up there when it is already there in this other location.

Mr. Habeck responded that it was for visibility purposes to go ahead and to potentially have the lights (inaudible)...

Mr. Panico commented that for Sleepy's (inaudible)...

Comm. Harger asked if they chose orange for Shelton's orange and black school colors.

Mr. Habeck responded that they already have another franchise that they'd already gone ahead and signed up for in Milford/Orange but they determined, in looking at available spaces that Shelton seemed more appropriate and in a better location based upon their analysis. Based upon the economics, the corporate park they also determined the hours to cater to corporate employees.

Comm. Osak asked what the customer age classification would be – middle aged.

Mr. Habeck responded that on average between 28 and 45 or 48.

Comm. Osak asked if the economic status was about middle class.

Mr. Habeck responded yes, middle class, and he added that the fitness center is different than the other fitness studios because they are geared toward a 60 minute workout. It is not a fitness center for people to go in and work out on their own. It involves a personal trainer and small classes so that the people going there will have to go online and schedule their class before they go. They can't just show up. Everyone has heart monitors and there are monitors on the wall so that people can see how hard they are pushing themselves. It is really geared...

Comm. Osak stated that it was like a cardiac rehab center.

Mr. Habeck responded yes, in a way it is and they use some of that technology with regard to fitness itself. It is geared for people that want to, not so much body build, but... (inaudible) They aren't looking to socialize but just want to go in and work out, burning between 600 and 1000 calories per hour, so it is for someone who wants to lose weight and stay fit.

Comm. Tickey commented about the sign on the window, the sign on the side of the building and three logos in the peaks. He asked if it was three or two.

Mr. Habeck responded that it was three right now – one facing up towards the parking in front of the building itself, one on the side where people are driving up going toward Perkin Elmer and then one in the front facing Bridgeport Avenue.

Comm. Harger stated that it was above AT&T and added that it was overkill. It is too gaudy.

Comm. Tickey commented that he guesses that they are trying to brand a logo and hopefully people will see that.

Comm. Pogoda asked if this was a PDD.

Mr. Schultz responded yes, they have control over the number of locations.

Comm. Tickey stated that there does seem to be quite a bit.

Comm. Harger commented about the Internet address illustrated on the sign rendering for the glass door being just block letters. She proposed that they carry that to the monument sign and then they can use the splats elsewhere. She added that there is so much traffic going by, so much to pick from that simple and clean is what they like to see.

Mr. Habeck responded that from a marketing standpoint, of course, they want to stick out from the others and he thinks that is why they created the logo that they did.

Comm. Harger stated that they are going to have it in a couple of other places though.

Comm. Pogoda stated that AT&T closes at night so this is just going to be like...

Comm. Harger added...gaudy...like the Sunset Strip in Las Vegas.

Mr. Panico stated you could tolerate the wall sign because it is internal and it's not facing Bridgeport Avenue.

Mr. Habeck asked whether or not, if that were just the vinyl lettering because right now the windows already have a sign in there for the Benchmark Assisted Living. He added they took out the LED and just left the lettering in the window (inaudible)...

Mr. Panico asked if he just said there was a sign in there for the Assisted Living.

Mr. Habeck responded yes, there is.

Mr. Panico stated that it has to be a temporary sign.

Comm. Harger stated it will come down next week because that is when they are opening.

Comm. Pogoda commented about the one on the side of the building as you go down the driveway.

Mr. Panico commented that it is just the logo and doesn't bother him as much as the other.

Mr. Habeck asked if there was any way they could redesign any of that for the windows. They are trying to get the name out to Bridgeport Avenue because that was one of the reasons they chose this location.

Comm. Pogoda stated that is what the monument sign is for.

Mr. Habeck responded that they are not on the front monument; they are only on the monument further up inside the parking lot.

Comm. Harger asked if it wasn't the one down by Bridgeport Avenue.

Mr. Habeck responded no, there is no space left on that one by Bridgeport Avenue.

Comm. Harger commented that the Wine Emporium is around the back.

Comm. Pogoda asked if it was shown on that monument.

Comm. Harger responded yes, on the Bridgeport Avenue side. She asked if they knew what type of style it was.

Comm. Tickey commented that it was their logo.

Mr. Panico stated that something toned down a little bit could work.

Mr. Habeck indicated that they don't have a lot of space facing Bridgeport Avenue like AT&T has their logo. Their logo is up above and would be smaller than AT&T's because there is only that space in between the windows and the roofline so there isn't much space to put the whole studio name.

Mr. Panico commented that right now it looks bigger than the AT&T sign.

Mr. Habeck responded that is because of the graphic design.

Comm. Pogoda asked what the size would be.

Mr. Habeck indicated that it is shown on the rendering.

Comm. Pogoda asked if they would be taking the full window and blocking it.

Mr. Habeck responded that they were looking at blocking the full window.

Comm. Harger commented that one part was nice and simple.

Mr. Habeck responded that, unfortunately, they don't have the space to put something like that on the front. This way they are facing the parking lot and the restaurant up there so they don't get a lot of exposure.

Mr. Panico commented that there has to be something that can be done but it has to be done more tastefully than that. It is just overkill.

Comm. Harger suggested approving the business and (inaudible)...

Comm. Dickal commented that they could come back with another option.

Comm. Pogoda asked for other comments.

Comm. Osak asked what directions they are giving the Applicant for sign design if they don't say something then he'll be back six times.

Comm. McGorty commented that they are directed to use the sign regulations.

Mr. Panico stated that what they are saying is that this option is overkill.

Comm. Osak commented yes and he agrees with him.

Mr. Panico stated that the Applicant has to go back there and look at the whole façade and other signage there and figure out how to best blend in and be consistent with that – certainly not this.

Comm. Osak responded no, but if you follow your definition of how to proceed than he'll be back here six times. He needs more direction.

Mr. Schultz commented yes, but Staff will get a PDF and he'll send it out to the Commissioners.

Mr. Panico stated that before they see it again, he'll have an opportunity to work with Staff. Rick knows what the Commission would be sensitive to and he can forestall another bad proposal.

Mr. Habeck asked if it would be possible to take that front window and separate it from the rest of the signs in terms of being able to get approval. He added that they need to get the gentleman started and there is a time frame.

Mr. Panico commented that he was talking about having some kind of a logo up in the gables, that wall sign (inaudible)...

Comm. Pogoda asked if everyone was comfortable with the one in the front of the building, the actual (inaudible)...

Comm. Harger stated yes, that is on the rear side.

Comm. Tickey commented that he wanted to say again that he thinks the three splats might be a bit much especially if they are going to bring in the window down the line.

Comm. Pogoda asked if this was a franchise and asked if that splat was all over on everybody's studio.

Comm. McGorty commented that it was their brand and he doesn't have an issue with that.

Mr. Panico stated that one of the things is that this does not serve (inaudible)...up top is oriented to the back internally, if that works, fine but what doesn't work at all is this other.

Comm. McGorty commented about the size of it and the percentage it takes up from the wall (inaudible)...

Comm. Pogoda stated that he can come back and work with Staff on the front portion.

Mr. Panico commented that they were still up in the air about (inaudible) and the monument sign.

Comm. Pogoda asked for a motion to approve the use and the one wall sign and the oval above the door for right now.

Mr. Panico clarified it would be for the above the door, the signage on the door and the wall signage to the right of the door.

Comm. Pogoda stated that the Applicant can work with Staff on the monument sign and see what they can come up with. He added that they know how the Commission feels about the splat and they can see if they want to stick with that or...

End of Tape 1A 7:45 p.m.

whether they want to come up with something different or omit that. He asked for a motion to approve the use, signs in the back, the logo above the door and the wall sign.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #6803 for the business use and the specified signage.

SEPARATE #6819: TIMOTHY CONNORS, 441 HOWE AVENUE, BUSINESS/SIGN

Mr. Schultz indicated that this is for the old Danny O's downtown.

Chris Jones, 24 Mustang Drive, Shelton addressed the Commission. Mr. Jones provided a rendering of the signage for the new business called Bricks & Barley.

Comm. Harger asked how he came up with that name.

Mr. Jones responded that he held a contest. He added that he had a billboard, a contest on Facebook, a contest on WPLR Radio and a local 26-year old kid picked the name Bricks & Barley. He provided the measurements and added that this sign is a little bit more narrow but 6 inches longer than Danny O's sign. It has the framework and everything else is the same. There will be no neon lighting, just gooseneck lighting on the top so it will be less intrusive. Mr. Jones commented that somebody mentioned orange and black colors for Shelton which is has.

Comm. Harger responded yes - and beige.

Comm. Osak asked what bricks had to do with barley.

Comm. Harger responded that it is a brick building.

Comm. Panico added that barley is used in making beer.

Mr. Jones stated that they have moved in but they are closed (inaudible). The final inspections will be on Thursday and they will open Friday or Saturday. The chairs and tables are in and the booze is in so everything is sitting there waiting.

Comm. Pogoda asked for a motion for the business and the sign.

On a motion made by Nancy Dickal seconded by Thomas McGorty, it was unanimously voted to approve Separate #6819 for the business and the signage.

Comm. Harger asked what the business hours would be.

Mr. Jones responded that it would be the same as Danny O's but they would be doing lunch 11 a.m. – 1 p.m. during the weekend and until 2 p.m. on the weekends. He recommended that everyone stop in and see the transformation.

The Commission wished him luck with the business.

SEPARATE #6798: JOE GRASSO, 784 RIVER ROAD, BUSINESS

Mr. Schultz indicated that this was for the Sports Center of Connecticut and added that the School of Rock did not make it and it will be replaced by Studio V Fitness. This is more of an entertainment type of fitness arrangement, square footage 2000 square feet, 3 employees and hours of operation 3 p.m. to 7 p.m. Monday through (inaudible).

Comm. Osak questioned it only being open from 3 p.m. to 7 p.m.

Mr. Schultz commented that what is happening – these new businesses that went in – the School of Rock was a niche for kids with musical ambitions having a place to go.

Comm. Harger asked how many days of the week it would be open.

Mr. Schultz responded Monday through Sunday, 3 p.m. to 7 p.m.

Comm. Osak commented that it would only be open four hours a day.

Mr. Schultz stated that they are trying to find a niche.

Comm. Tickey asked what it would be for – fitness.

Mr. Schultz responded that it was called Studio V Fitness. They are trying to find another occupant. It is geared for children and it is more for entertainment than fitness.

Comm. Harger stated OK, so it is after school as a fun thing.

Mr. Schultz added that they all know that parents will drop off their kids and then go hit golf balls.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve Separate #6798.

SEPARATE #6923: ACCENT SIGNS, 100 TRAP FALLS ROAD EXT., SIGN

Mr. Schultz stated that this is for the W.E. Bassett Company. As the Commission is aware, it was recently sold. The Commission approved one occupant and he provided their proposal to change the main Bassett Company sign to 100 Trap Falls which is good for 911 purposes. Mr. Schultz added that there are directory signs and this is in preparation for future tenants because this will be a multiple tenant building.

Comm. Pogoda asked how many tenants they plan to put in there.

Mr. Schultz responded that they are showing up to six. Comet Technologies is in there right now.

Comm. Pogoda asked if they could just take one more tenant and only have two and subdivide, if necessary.

Mr. Panico asked if they are looking for a monument sign also.

Mr. Schultz responded that they are using everything existing and just changing the banners.

Mr. Panico asked if there was an existing monument sign.

Mr. Schultz responded yes, the Bassett Company monument is a nice decorative brick. They aren't calling it anything and just want to put 100 Trap Falls Road. It is pretty clean.

Comm. Pogoda commented that he knew the Comet sign was in front of the building or the door or something.

Mr. Schultz stated that Staff is going up there because the parking spaces were in disarray with weeds coming up and he wants to make sure that it gets restriped.

Mr. Panico stated that what they have to be careful about is ending up with a monument or directory-type sign that is going to have a half dozen potential tenants – they don't want them to have different types of lettering and logos on it otherwise, it will be like on Bridgeport Avenue again.

Comm. Pogoda stated that at least this one has a little red scroll on it but if they can at least have the same size letters and (inaudible)...

Mr. Schultz commented that they all want their brand or color (inaudible)...

Mr. Panico stated that as a secondary logo, you don't mind it showing up but if it is overpowering all the other signs...

Mr. Schultz recommended approval and Comm. Pogoda asked for a motion.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve Separate #6923.

SEPARATE #6921: BERRY CHILL FROZEN YOGURT, 15 HUNTINGTON PLAZA, SIGN

Mr. Schultz indicated that this was for the yogurt shop adjacent to Sassafras and that particular building has roof-mounted signs. This sign proposal is consistent with those signs. He provided a rendering of the proposed signage.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6921.

SEPARATE #6920: CURTISS RYAN HONDA, 405 BPT. AVENUE, SIGN

Mr. Schultz stated that as the Commission is aware, the initial request for one year, the Commission recommended six months. Curtiss Ryan needs another 6 months.

Comm. Harger asked if they moved out all of those cars for the Lion's Club Flea Market.

Mr. Ed DeMarseilles, owner Curtiss Ryan Honda, 333 Bridgeport Avenue addressed the Commission. He responded yes, they did.

Comm. Pogoda commented yes, they did. He was concerned and didn't think they'd trust leaving them there.

Mr. Casinelli stated that when they first came by to talk to him, they were definitely planning on moving the back line of cars and then he started thinking he'd better move them all.

Comm. Harger asked where he put them.

Mr. Casinelli responded that they had those cars packed into the place across the street, other existing lots and the lot across from D'Addario. They put them in the aisle ways and everywhere, it was crazy. Then the weekend got rained out and (inaudible)...

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6920.

APPLICATION :#14-4: JOSEPH GIAMEI FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (SIT DOWN RESTAURANT WITH TAKEOUT), 23-25 LONG HILL AVENUEU (MAP 117B, LOT 128), CB-2 DISTRICT (PUBLIC HEARING CLOSED ON 4/23/14).

Mr. Schultz provided an A2 survey/site map for the location and indicated that there were four issues for discussion. Fourteen onsite parking spaces are needed for the sit down restaurant with take out. They will see the 14 spaces coming in from the main drive. He added that four parking spaces are needed for the two-family that fronts Bridgeport Avenue. There is an apartment on Long Hill Avenue and they do curbside parking which is pre-existing non-conforming. The only remaining issue is the dumpster. Mr. Schultz indicated that he didn't like it in the proposed location and thinks that they can find an alternative location.

Comm. Harger asked for clarification as to where the dumpster was located.

Mr. Schultz pointed out the location over by the fences and commented that he didn't like it there because of the residential component right on Long Hill.

Comm. Pogoda stated that he was concerned if the dumpster was put there with the enclosure if it would leave them enough room to take the trucks out.

Joanna Giamei, 423 Irwin Street, Trumbull CT addressed the Commission. Ms. Giamei responded that the last one is not a garage. It was converted so there is no garage at that last bay that would have (inaudible) ...it's an office.

Comm. Pogoda responded OK, but that isn't the point. The point is if they can use that for egress and ingress for trucks.

Ms. Giamei stated that the only time that they ever open that gate is when they plow in the wintertime; otherwise, it is never used. They always go in and out on Bridgeport Avenue.

Comm. Pogoda stated that he was told that they used this past winter by the neighbor next door.

Ms. Giamei responded yes, they use it in the wintertime for plowing. She added that would be something for Joe to address.

Comm. Pogoda commented that he wasn't too keen on the dumpster being there either near the residences. If they put it where it was initially proposed, they would lose some parking spaces. He showed the previous location planned for the dumpster.

Mr. Schultz stated that he would recommend that the Commission direct Staff to finalize the dumpster location.

Mr. Panico reviewed the site plan and commented that there didn't seem to be a problem putting it there but it shouldn't be fenced. It should be a masonry enclosure with more quality if it will be in full view.

Comm. Pogoda commented that he definitely wants to see it enclosed. He added that he's been down there but asked Rick Shultz about the area...

Mr. Schultz responded that he thinks that they can find a location for it. He added that he thinks it is inappropriate by the residences.

Comm. Pogoda agreed and commented that there was a home to the left side of it.

Comm. McGorty asked about the location of the home (inaudible...multiple conversations...)

Comm. Osak asked where they would put it.

Ms. Giamei pointed out the original location on the drawing where they thought about putting the dumpster. She indicated that it is not a parking spot right there and she pointed out that there are basement doors there going down to the basement. It is not a parking space so they could put the dumpster there with an enclosure. She added that was where they originally wanted to put it. When the trucks come in it would be before business hours.

Mr. Panico stated that if they put it there, it has to be more than just fencing for an enclosure. It needs to be a masonry wall enclosure.

Ms. Giamei responded OK, a brick wall, that's OK.

Mr. Panico commented that it has to be something that they can control and that would be aesthetically pleasing.

Comm. McGorty stated that it has to look good out in the front.

Ms. Giamei responded OK, that's fine.

Mr. Schultz stated that the other issue is in regard to the shrubs in the State right-of-way in front. They have to go to District 3 to prune those back. Mr. Schultz indicated that he would write a letter to the District stating that the Commission recommends it.

Ms. Giamei stated that it was a constant fight with the State of Connecticut to get them to come and trim it. She has a wooden fence behind it anyway so trimming them down won't be an issue.

Comm. Pogoda added that as Mr. Schultz stated, she needs the permission from the State because it is State right-of-way.

Mr. Schultz reiterated that he would write them letter.

Ms. Giamei responded OK, she's just been trying to have them trimmed. She said that one time when she talked to them they basically said told her to do whatever she wants because they don't want to take care of it.

Mr. Panico commented that if they go to the State and tell them that there is vegetation growing in the right-of-way that is creating a hazardous condition on the driveway, they will give them permission to cut it down. They don't want to have any hazardous conditions.

Joseph Giamei, 423 Irwin Street, Trumbull CT addressed the Commission. Mr. Giamei commented about cutting down the shrubs (inaudible)...

Mr. Panico added that they probably won't come down and do it themselves but they'll give you authorization to do it.

Mr. Schultz asked if they had any idea of the timing for the relocation of Antonio's.

Ms. Giamei responded that she wasn't sure right now; Antonio said that he is finishing up his plans. She has a copy of the inside floor plan which he just gave to her. She thinks that within the next month he would start doing whatever he needs to do inside to start prepping and moving his stuff in so probably in about two months. She added that Antonio is saying 2 to 3 months, it depends upon how fast he can move.

Mr. Shultz responded that he wants to get in there for the summertime so that's quick (inaudible)...

Comm. Pogoda asked about the employee parking she agreed to.

Ms. Giamei responded yes, there is another small graveled parking area and they already talked to him about having his employees park there.

Comm. Pogoda asked about the number of tables he has on the drawing now and the number of parking spaces and if it would fit as far as (inaudible)...

Mr. Schultz responded yes, he has the fourteen and the four, yes.

Comm. Pogoda commented OK, that's for the patrons. For his employees, he asked if they need a letter stating that the employees will park elsewhere, in case it comes up in the future.

Mr. Schultz responded yes, it can be put in the file.

Ms. Giamei responded yes, it will be in their lease but she'll submit a letter to them authorizing his employees can park there.

Comm. Harger commented that before they go any further, she wanted to point out that if the dumpster location goes back to where it was originally proposed, it will be right in front of the dining area and the kitchen is on the other side of the building so they are going to be carry everything around to here.

Comm. Pogoda commented OK, he didn't see that.

Comm. Harger added that she thinks that coming in and seeing a dumpster enclosure right in front of you is really unattractive. She indicated that one of the issues she brought up to Rick about in going up Bridgeport Avenue, they have the nice masonry (inaudible)...

Mr. Giamei commented (multiple discussions about possible dumpster location... 5 mins. inaudible)

Mr. Panico commented that he was concerned about the appearance to the neighborhood (inaudible)...

Comm. Harger asked what was located to the right of the garage where it shows a staircase going up to a second floor.

Ms. Giamei responded that belongs to the garage - that is storage upstairs.

Comm. Harger asked how big an area is over there.

Ms. Giamei stated that it is an enclosed parking lot that is locked up so the tenant parking and his employee parking would be there. It wouldn't be open for anyone else. She has a gate with a lock on it but she doesn't know how feasible it would be to have to unlock the gate, to get in with (inaudible) that is the only reason.

Mr. Panico stated that he thinks that she should reserve the flexibility of being able to take vehicles (inaudible)....

Ms. Giamei responded that wherever they want her to do it, whatever enclosure around it...

Comm. Harger suggested another location.

Ms. Giamei responded that there is a small island there that has a tree on it and she doesn't think there is room to put a dumpster.

Comm. Harger clarified that she was talking about a different location farther away from that island. Ms. Giamei responded that there, the dumpster would eliminate a parking spot. It is the only other spot because it is sort of the kitty corner.

Comm. Pogoda stated that they need every one of those parking spots. They want to take it as far away from the street because you don't want to see the dumpster.

Mr. Schultz indicated that he would go out there with Tony.

Comm. Pogoda suggested a location by the corner of the building.

Mr. Schultz responded no, because of the residents on Long Hill.

Comm. Pogoda stated no, he clarified the location in the (inaudible).

Mr. Schultz stated that anything close to Long Hill Avenue concerns him.

Mr. Panico asked about it being tacked on to the corner of the building on the yard side.

Mr. Schultz stated that they would have to sell it on him but it is something that they could look at.

Mr. Panico stated that they would have to do some reorganization in there but he thinks you can fit it.

Ms. Giamei responded yes, she could put it there. There is still room to go in and out (inaudible)...

Mr. Shultz stated that overall the residents are very accommodating to this use.

Comm. Pogoda commented about the kitchen location and asked what door they would use to come out.

Ms. Giamei showed the exit door they would use because the other door is for emergency use only.

Comm. Pogoda asked if they were going to be using the main entrance to bring the garbage out because the only other entrance is in the back and it is not...

Ms. Giamei responded yes, so they will be using that door so probably, to be honest, it's easier to have something go in the corner because they are coming right out of that door. In the other location they would have to pass right back under the patio to go back over there.

Mr. Schultz stated that it has to have masonry enclosure with some landscaping.

Comm. Harger asked why they don't have any rear doors.

Ms. Giamei responded that there is one on Long Hill but it is for an emergency in and out because the issue was that they didn't want anything on Long Hill Avenue so everything is contained within the parking lot. She added that they aren't touching parking or anything on Long Hill Avenue.

Comm. Harger asked if that emergency exit was shown on the plan.

Ms. Giamei showed the emergency exit and the door they would be using.

Mr. Panico commented that the doorway is over there though.

Ms. Giamei stated that was the drawing that Antonio gave to her. There are two doors and she showed their locations. She pointed out another door that would be closed off because of all the equipment being located there. One door is for emergency exit only and no one will come in and out of there unless it is an emergency.

Mr. Panico commented that he was trying to match that footprint to Antonio's plan.

Mr. Schultz stated that it has come a long way but it is not...

Comm. Pogoda asked if this drawing is an actual depiction of what is presently there.

Ms. Giamei responded yes, but she would go with her drawing instead of Antonio's. She stated that her drawing was done by a surveyor with (inaudible)...and she paid for it...

Mr. Schultz stated that this is an (inaudible...multiple conversations)...

Mr. Schultz commented that if the Commission is ready he had a draft motion with conditions to read. He will work with the Applicant on the dumpster location and it will be a condition of approval.

He read the Draft Motion to approve the Special Exception Site Plan for Application #14-4 Sit down restaurant and take out for plans entitled 14 Bridgeport Avenue and 23-25 Long Hill Avenue. He read the applicable conditions #5, #18 (Fire Marshal) and the condition that Staff assist the Applicant on final location of dumpster which will be enclosed with masonry material.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to approve Application #14-4.

NEW BUSINESS

APPLICATION #14-10: R.D. SCINTO, INC. FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (OFFICE BUILDING), 20 COMMERCE DRIVE, MAP 38, LOT 1, LIP DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING

Mr. Schultz reminded the Commissioners that there will be two more meetings in May. A special meeting on May 21st, Wednesday, a presentation by the Mayor's Office for the Mas property and on May 28th, Wednesday, there will be two public hearings. He added that the Commission has had a policy of one meeting a month for the summer months, June through August, so June 10th would be the next available meeting.

Comm. Osak commented that he has been on the Commission for 5 months, almost 6 months and all they have done is process zoning applications. He asked if they do any planning.

Mr. Schultz responded yes, Chair Parkins was going to create the Planning Subcommittee when she returns and make the appointments to it to begin work on the Plan Update.

Comm. Osak stated that is the 10 year update and he's not sure that's...

Mr. Schultz responded that she wants to do that now though and to address other issues.

Comm. Osak commented OK, and added that he wasn't sure if they were the Planning and Zoning Commission or the Zoning and (inaudible) ...

Comm. Dickal asked for clarification about next Wednesday's meeting.

Mr. Schultz responded that it was an update by the Mayor's Office on the planning and land use issues for the Mas property, Exit 13. He added that they will discuss that further after the Staff Report. He asked if there was a consensus for everyone for June 10th.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to accept Application #14-10 and schedule a public hearing for June 10, 2014.

APPLICATION #14-11: KAPTODD, LLC FOR SITE PLAN APPROVAL (LIGHT INDUSTRIAL BUILDING), 48 TODD ROAD, MAP 63, LOT 18, 1A-3 DISTRICT, ACCEPT FOR REVIEW

Mr. Schultz stated that this was for a spec industrial building without an occupant.

Comm. Osak asked if the person doing this was a developer.

Mr. Schultz responded that it was Kaptodd LLC who are also the owners of Captain's Pizza.

Comm. Osak commented OK, and they are going into the light industrial rental business.

Comm. Harger stated that it was across the street from Captain's Pizza.

Mr. Schultz indicated that yes, it was across the street on Todd Road next to Spooner House – that stretch where the doctor's office and homes are located.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #14-11.

APPLICATION #14-12: LAWN CEMETARY SOUTH INC. FOR MODIFICATION OF SITE PLAN APPROVAL(CEMETARY), 216 HUNTINGTON STREET, MAP 68, LOT 48, R-1 DISTRICT: ACCEPT FOR REVIEW

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to accept Application #14-12 for review.

Comm. Osak about Lawn Cemetery on Lane Street and asked if they have another branch going in there.

Mr. Schultz responded yes, Phase 2.

Comm. Harger stated that it was right across from Blueberry Lane.

Comm. Osak commented that across from Blueberry Lane. He stated that he remembers days when that hollow across from Blueberry Lane used to flood and get about 4 or 5 feet deep. He asked if somebody fixed that drainage there. He added that he wouldn't want to be buried there because unless they put him in a life preserver.

Comm. Pogoda stated the he's talking about the low area around the circular driveway and most of the plots he remembers or the layout he recalls were on the higher ground.

Comm. Osak responded no, they are in there.

Comm. Pogoda stated OK, then they have them in the front now.

Mr. Schultz commented that this is a very intense cemetery.

Comm. Osak stated that they all are.

Mr. Panico commented that he will take them 150 years to fill it up.

Comm. Harger stated that they could start from the back.

Mr. Panico stated that this was approved years ago but was taken to court by BHC because of the distance to Trap Falls; technically within the State Statutes they were within a certain number of feet of a water supply reservoir but the physical aspect of it is that it is up and over the hill and down the other side so it has no relationship whatsoever. He added that the bottom line is that they went to court and prevailed; the Court said that they could ignore that Statute.

Comm. Harger asked if the Far Mill River was the water supply that they are talking about.

Mr. Panico responded no, the distribution reservoir (inaudible)...

Comm. Osak commented that they don't take it from there (inaudible) ... back in the 1970's there was a plan to skim the Far Mill River below this

Mr. Schultz clarified it was to divert it.

Comm. Osak stated that they were going to skim it.

Mr. Schultz indicated that the Housatonic Well fields pumps it to Trap Falls Reservoir.

Inaudible (multiple discussions)...

Mr. Panico asked Rick Schultz if he could find the materials and minutes of the discussion that went into the review and approval of this years ago.

Mr. Schultz responded yes, he has all the background out.

APPLICATION #14-13: WH/CH 466 BRIDGEPORT LLC FOR MODIFICATION OF SITE PLAN APPROVAL (RAISE ROOF), 466 BRIDGEPORT AVENUE, MAP 63, LOT 23, IA-3 DISTRICT: ACCEPT FOR REVIEW

Mr. Schultz stated that this was at the end of Todd Road and the Applicant would like to make a brief presentation.

Dan Casinelli, Senior Project Manager with DL Companies addressed the Commission.

Mr. Casinelli stated that they are probably familiar with the building located at the exit of Walmart on Bridgeport Avenue. He added that it has sat vacant for a number of years and the main reason is that there is not enough clearance to the underside for its intended use as a warehouse building.

Mr. Casinelli provided building renderings and commented that they were hired by the owners to take a look at raising this roof. They are going to raise the roof 10 feet which still falls within the height limitations of the zoning requirements so it is as-of-right. Then they will reconnect all the electrical, drainage, fire protection systems. The building is 150' x 300' so roughly 45,000 square feet.

Comm. Osak asked who used to occupy that.

Mr. Casinelli responded that he was not sure.

Comm. Harger commented that she thinks it was Sikorsky.

Comm. Pogoda added yes, Sikorsky had it.

Mr. Panico stated that Baker Properties built it in the 80's and Sikorsky was the first tenant in there.

Mr. Casinelli commented that he knew it has been vacant for a long time.

Comm. McGorty asked what the height would be raised to.

Mr. Casinelli responded that it would be raised another 10 feet. The existing roof is 15' 3" and they are raising it to 25' 3". He commented that it is a very interesting process here. There is a company that specializes in just raising the roofs of buildings. He added that if they get a chance they should go to their website...he couldn't recall the name – roof something...

Comm. Tickey asked if it was raisetherooft.com.

Mr. Casinelli responded yes, he thinks that's it. After finding the info on his phone he clarified that it is actually rooflift.com and there is a 10 minute video showing how they do it. They cut the interior columns of the building.

Comm. McGorty commented that he wondered what raisetherooft.com would be then.

Comm. Osak added that he remembers what raise the roof used to mean to him...

Mr. Casinelli stated that as the video shows, they would be cutting the interior columns of the building at the base and any exterior columns would be cut at the top. They weld sleeves around the existing columns – it is their own proprietary system where they hoist the building up one

foot per minute, raise it in place and then the columns are re-welded. He added that it is really insane and they have to see the video because it is incredible.

Mr. Panico commented that they can lift buildings and move them so why not just lift the roof.

Mr. Casinelli reiterated that it is an amazing process. He stated that the intent here is to raise it up 10 feet. They will come back and then infill the metal panel system around the top ten feet. He provided diagrams of the building, the roof structure and stated that there would be no expansion or change of use; it is all existing. They want to make the building more marketable so that somebody can use it as a warehouse building and they will have the height they need. Mr. Casinelli stated that a lot of the feedback that the owners got when people came to look at the space was that there was not enough height.

Mr. Panico stated that they are just increasing the volume of the building.

Comm. Harger commented that they can't excavate.

Mr. Casinelli responded no, but the building is up off of Bridgeport Avenue there and there is screening there with white pines. He concluded that he just wanted to give the Commission a quick overview and suggest that they visit rooflift.com and watch that video. He offered to answer any questions.

With no questions or comments, Comm. Pogoda asked for a motion to accept.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to accept Application #14-13 for review.

PROPOSAL OF PZC: AMENDMENT TO SECTION 23, PERMITTED USES, SUBSECTION 23.2, PROHIBITED USES BY ADDING A NEW PARAGRAPH PROHIBITING MEDICAL MARIJUANA DISPENSARIES AND PRODUCTION FACILITIES.

Mr. Schultz reviewed that the Commission adopted a moratorium last year that expires June 1st of this year. The intent and purpose of that moratorium was to give the Zoning Subcommittee time to draft the regulations, send their referrals out and then hold a public hearing which they have done. Mr. Schultz indicated that last month Corporation Counsel met with the Zoning Subcommittee and recommended applying the brakes to the amendments to the Zoning Regulations based mainly on the letter from the U.S. Department of Justice dated August 29, 2013 that was sent out to municipalities recommending guidelines regarding marijuana enforcement.

Mr. Schultz stated that as they are all aware, the Federal Statutes prohibit the sale and growing of marijuana regardless of what the 50 states do. He added that Corporation Counsel is of the mindset that the Federal Statutes will prevail.

Mr. Panico asked why they don't pursue it then. There are states out there who having been out there doing it for over a year now – Nevada, Oregon, Florida, Washington, Colorado...

Mr. Schultz responded that he actually thinks that they are getting mixed signals because the Attorney General is saying that they are relaxing it but this letter came from the Assistant Attorney General.

Mr. Panico commented that he wished Tom hadn't stopped them because he really thinks that they should have done what they were going to do.

Comm. Pogoda stated that he questioned that at the Subcommittee Meeting if this leaves the door open now for them...because right now, he just read in the paper recently, that Redding is the next in line opening their own. He commented that he didn't know if they were going to pass it or not; Bridgeport and Westport have said no. He added that when it initially came about, Bridgeport had their arms wide open but now they say no. He asked Tom if that would hurt them knowing that they do have space with the warehousing for growing or dispensing. He

stated that Tom came up with what Rick just mentioned and he is concerned that if they do come in and there is nothing in place, they'll have to fight it. He added that would really cost the City without any regs in place. Comm. Pogoda reiterated that he asked Tom that but Tom felt that they had a good case.

Mr. Panico commented that notwithstanding what Tom has advised and Tom is the legal counsel, he thinks that from the Zoning side at the very least they should clearly put into their regulations that those uses are not permitted uses in the City of Shelton.

Mr. Schultz added that if Joe Public is online reviewing their regs – it will be clearly spelled out. Corporation Counsel told him that he has no problem if the Commission goes that route.

Mr. Panico stated that Rick won't have to get into an argument with somebody that this is an industrial activity, that they allow industrial activity, so they should be able to do it. This will clearly say that these type of marijuana related facilities are not permitted uses.

Mr. Schultz stated that his question to the Commission is if they should fast track this and tomorrow he will get the referrals out and put it on the June 10th meeting agenda.

Comm. Osak responded that in his opinion, he says yes.

Comm. Harger commented yes, sure.

Mr. Panico indicated that they have borrowed 9 months with the moratorium and they should try to observe it so that the moratorium can be let go.

Comm. Osak commented that if it is not in their regulations to prohibit it then if somebody puts an application in, they will be stuck with it.

Mr. Schultz responded that they would have to deny it.

Mr. Panico stated that they will argue interpretation.

Comm. Osak added that there would be an appeal and they'll lose that.

Mr. Schultz agreed and he's gone through that with the City for the asphalt, amusement centers...

Comm. Dickal commented that if it is clearly stated than nobody can interpret it any other way.

Mr. Schultz agreed and added that people read their regs online. He requested a motion to direct Staff to schedule the public hearing and send out statutory referrals.

Mr. Panico asked if he had enough time for the referrals. He has contacted all of the Council of Governments to let them know about this being forthcoming because they have already responded on their draft regulations.

Comm. Osak asked if they needed 60 days or something like that.

Mr. Schultz responded that they would have to challenge it – the Council of Governments.

Comm. Tickey asked if they know if other towns in the Council of Governments have done this.

Mr. Schultz responded no, they are the first municipality doing it this way.

Comm. Pogoda added that they are the first so far. They led the charge initially when they put the moratorium in place (inaudible)...

Mr. Schultz commented that the worst that can open is that they open the public hearing and continue it.

Comm. Dickal stated that she is sure that there will be other towns that will follow too.

Mr. Schultz stated that if the Council of Government says that they should have been given 10 more days...

Mr. Panico commented that he has to send it to the DEEP also otherwise they are liable to cause a stink. All zoning changes that potentially affect land adjacent to watercourses and wetlands have to go before the DEEP. He added that they can't take a chance – they have to send it to them.

Mr. Schultz agreed.

Mr. Panico commented that they'll be the ones who will make a stink about the 30 days.

Mr. Schultz responded yes, but they can't open it and then extend it; they have done that before if anyone wants to make it an issue.

Comm. Osak asked if anyone had spoken to Ruth Parkins about this.

Mr. Schultz responded yes, she is in concert. She said that it would be prudent for the Commission to add that language as they have in the past for other uses such junkyards, asphalt plants, medical waste, etc.

End of Tape 1B, 8:33 p.m.

Mr. Panico indicated that they'll have a resolution prepared so they can close the hearing, assuming that they have no major objections and go ahead and put it in place that night.

Comm. Pogoda asked for a motion to direct Staff and schedule a public hearing.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to direct Staff to send out statutory referrals and schedule a public hearing for June 10, 2014 for the Proposal of the Shelton PZC: Amendment to Section 23, Permitted Uses, Subsection 23.2, Prohibited Uses (prohibiting medical marijuana dispensaries and production facilities).

PUBLIC PORTION

Comm. Pogoda asked if there were any public comments. There was no one in the audience. There was no one present in the audience wishing to address the Commission on any items not on the agenda.

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: 2/26/14; 3/11/14; 4/18/14; 4/23/14

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to approve the minutes of 2/26/14 and 3/11/14.

The minutes of 4/18/14 and 4/23/14 were tabled.

CRESCENT VILLAGE CONDOMINIUMS: 745 RIVER ROAD: REQUEST FOR RELEASE FOR SEDIMENT AND EROSION CONTROL BOND

Comm. Pogoda asked if they were pretty much finished there.

Mr. Schultz responded yes, last August 13th the Commission voted to approve the reduction of the bond from \$25,000 to \$2,500 with the remaining bond to be scheduled for release in the

spring of 2014. Staff has visited the site, everything is in order and he recommends the final release of the \$2500.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the request for Release for Sediment and Erosion Control Bond.

PAYMENT OF BILLS

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve the Payment of Bills, if funds are available.

STAFF REPORT

***See attached P&Z Staff Report dated May 13, 2014**

Mr. Schultz reviewed ZBA Agenda items, Zoning Subcommittee (chicken regulations) and Downtown Subcommittee Reports, Citing Council, and Zoning Enforcement issues.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Jim Tickey it was unanimously voted to adjourn at 8:50 p.m.

Respectfully Submitted,

Karin Tuke

P&Z Recording Secretary