

SHELTON PLANNING AND ZONING COMMISSION

SEPTEMBER 9, 2014

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, September 9, 2014 at Shelton City Hall, Auditorium, 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 Anthony Pogoda
 Commissioner Nancy Dickal
 Commissioner Virginia Harger
 Commissioner Thomas McGorty
 Commissioner Frank Osak (alternate)
 Commissioner Jim Tickey

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

Tapes (2), correspondence and attachments are 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

Chair Parkins called the regular meeting of the P&Z Commission to order with the Pledge of Allegiance and a roll call of members present. She stated that the first two items on the Agenda would be for Application #14-16 and Application #14-17 which require public hearings. She reviewed the procedures for a public hearing and requested that no cell phones be used during the meeting.

PUBLIC HEARING

APPLICATION #14-16: PETITION OF DOMINICK THOMAS ON BEHALF OF 140 BRIDGEPORT AVENUE, LLC FOR APPROVAL OF PDD ZONE CHANGE AND FINAL SITE DEVELOPMENT PLAN (MIX USE: RETAIL AND APARTMENTS), 140 BRIDGEPORT AVENUE (MAP 105, LOT 163), CB-2R-5 DISTRICTS (CONTINUED FROM 8/12/14)

Chair Parkins indicated that this public hearing is a continuation from the August 12th meeting. She asked P&Z Secretary if there was any additional correspondence related to this application.

Commissioner Pogoda recused himself from voting on this application because he was not present for the previous hearing and had not read the meeting minutes. He asked Commissioner Osak to act as alternate on his behalf.

P&Z Secretary, Virginia Harger read correspondence from the Fire Marshal.

***See attached correspondence dated 8/27/14 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby CT, representing the Applicant addressed the Commission. Atty. Thomas distributed copies of a revised site plan to the Commissioners and reiterated that this was a continuation of the public hearing held last month at which time they received the Fire Marshal's report. He added that at that time, the architect, John Guedes was not available.

Atty. Thomas stated that since that time they have spoken with the Fire Marshal and he has revised his report. He indicated that the Commissioners now have a revised set of plans in which they will note that they are going to install a new access stair from the lower level stair to have 7" risers, 11" treads with 1 ½" (inaudible) railing with hand rails on both sides. He will have Mr. Guedes explain in detail how that responded to the Fire Marshal. Additionally, there will be

three other notations including some new pavement, 2 ½" asphalt with a 6" process base in the rear area where the residential parking will be. The existing paved drive will be a minimum of 12 feet in length. and as they know in the last report, the Fire Marshal pointed out a rise at the end of the driveway before Long Hill Avenue and that will be addressed by removing the hump. Atty. Thomas commented that he would reiterate that this is a split zone property. The commercial portion of the property which has been relatively successful is accessed from Bridgeport Avenue.

The residential proposal that they are making for the second floor, which will be 3 two-bedroom apartments, he believes will fit with the POCD in that the Downtown area and the zones in this area to encourage some areas of retail on the first floor and residential on the second floor. It will provide some housing that is certainly within demand in the market for this area. He stated again that it is a split zone with the rear portion an R-1 and the property that it borders is Long Hill Avenue which is obviously a mixed residential area of single-family, two-family, three-families and a condominium referred to as Colonial Village adjacent to the property. On the one side as you approach the end there are two residential homes on either side of the driveway and on the northerly side of the existing village is the Colonial Village property. He stated that he would turn this discussion over to Mr. Guedes who explain the changes that he made as a result of his conversation with the Fire Marshal.

John Guedes, President and CEO of Primrose Properties and Principal of Guedes Associates, a professional firm for these plans, addressed the Commission.

Mr. Guedes recalled that if they remember, this was an application that was originally proposed some years ago basically as residential/commercial. They went back and forth but the final plan provided for a commercial use on the second floor but it just has not been successful and they came up with a program to do a 3 two-bedroom apartments on the upper level.

Mr. Guedes stated that as Atty. Thomas indicated, he was not in the country for the last public hearing. As soon as he got back he met with the Fire Marshal, reviewed his concerns and went back to address them. He prepared a new Site Development Plan and presented it to him and with the exception of the sign, an address which was an added request; he has met all of the Fire Marshal's concerns.

Mr. Guedes indicated that the Fire Marshal basically had two major concerns. One concern was the access of fire vehicles from Long Hill and the second issue was that, for some reason, the Fire Department does not access Long Hill Avenue and wound up accessing it through Bridgeport Avenue so he wanted some method of obtaining access to both sides of the building.

Mr. Guedes explained that is what triggered the installation of stairs on the left side. He continued that they have accommodated his needs to access from Long Hill Avenue by agreeing to widen the driveway and remove the hump. The main reason for removing the hump is because the Fire Marshal believes that the entering fire trucks may hit the bottom. It was also widened to accommodate the commercial vehicles. He added that the Fire Marshal was also concerned that the gravel may not provide a good access way so they have agreed to pave.

Mr. Guedes indicated that those were the primary items and Mr. Tortora was not concerned with the apartment layouts. He commented that the Fire Marshal understood that each apartment had its own individual entrance from the outside so everything complied. They discussed the Fire Codes concerning the building and he was in agreement what has been presented tonight is fine and these three somewhat minor modifications satisfied his concerns. Mr. Guedes offered to answer any questions that they have.

Comm. Harger asked how the trash would be handled.

Mr. Guedes responded that it would be handled the same way that it is now with trash containers that sit on the left side.

Comm. Harger asked if they would be wheeled out to Long Hill Avenue.

Mr. Guedes responded no, he believes that there are...

Comm. Harger added that there are dumpsters down below.

Mr. Guedes stated that they would go to the dumpsters.

Comm. Harger asked how the parking was going to be assigned. They have 8 spaces.

Chair Parkins clarified that there were 9 spaces.

Comm. McGorty re-clarified that there were 10.

Chair Parkins asked where he sees ten spaces – in the back for the residential.

Atty. Thomas apologized and added that he didn't know if it was his PC or the revised plan that came over to him but when the tif file was printed out, it did not show the parking in the front of the building – it is very faint and he can barely see it. He stated that the existing parking that is on the front of the property did not come out to well so that is why they have 10 spaces.

Chair Parkins responded that the front parking isn't intended to be parking for residential.

Atty. Thomas stated it is not and he thinks that may have been confusing.

Chair Parkins added that it may be utilized as such but...

Atty. Thomas clarified that no, the intent is to use the back. He explained that those spaces came out but the others didn't print out as well.

Chair Parkins commented that it is just the back parking that they are concerned with.

Mr. Guedes stated that for the most part, they have 8 parking spaces in the back of which, for the three apartments, anywhere from 4 to 6 spaces would be needed. It leaves some extra parking for employees of the commercial area. He stated that the businesses, as Atty. Thomas has indicated, have both done very well – both the bakery and the liquor store have been successful and it works fine. There haven't been any issues with the parking that has been there. There is always a quick turnover of customers so there have been no concerns. If there were any concerns, it would be reflected in the business and the businesses are doing very well. He thinks that the bakery is probably one of the best bakeries in regard to sales that they have in the chain.

Mr. Guedes commented that he doesn't believe that they gotten into that issue of assigned parking. He thinks that, obviously, once they get to it than it will happen. It is more because tenants for this type of thing tend to be more long-term tenants and they generally want to know where they are going to be able to park. There will be assignment of at least three parking spaces similar to what they do everywhere else with the remainder of spaces floating.

Comm. Harger asked about visitor parking.

Mr. Guedes responded that lining the driveway is now going to provide them with an area because the land area, even though this plan doesn't show it very well, is about 35 feet.

Comm. Harger commented right, 12 feet wide.

Mr. Guedes responded that the driveway is 12 feet but the land area is 35 feet.

Comm. Dickal asked for clarification and asked how many apartments were planned for the top.

Mr. Guedes responded three.

Comm. Dickal asked if they were one-bedroom or two-bedroom.

Mr. Guedes responded two-bedroom each.

Comm. Dickal commented that two-bedroom apartments can open up the doors to more than two people residing in each apartment. She asked if there were only 8 parking spaces available or assigned and they have two-bedrooms which could open the option of up to 4 people residing in there. She added that it could be a household with two, three or maybe four automobiles. She asked what his plan would be in that case. She added that because the road was going to be widened and people are going to start parking along the side of it so if something goes wrong...

Atty. Thomas responded that this is a PDD and the zoning put in two parking spaces per unit. He stated that two per unit even for a two bedroom is a max in most parking requirements. The issue that will happen is what happens in most residential apartments, whether there is assigned parking or not, people who have more cars won't be able to park. He referenced his own condo that he rents out which has one assigned and one extra space in the back. If people come in he tells them that if they have more than one car it is their own expense to get one of their own – it is a catch or catch can – and he has people with more than one car who say they can't go there. He commented that some of it is the market and the other thing is that you can't accommodate – if someone wants to rent and has four cars - than he doesn't think they are going to be able to rent – not from the marketing perspective.

Atty. Thomas stated that the other benefit that they have is that this place has been there for many years and even at its peak period when people are going in and out of the bakery and liquor store, the parking is handled more than sufficiently. He added that there has never been a concern of queuing out to Bridgeport Avenue. People going into those businesses are in and out with very few staying, although sometimes in the bakery people may sit down for a short time. He commented that the back area is available for employees to park, they are probably going to have mostly the residential but the 6 spaces will be designated for residential.

Chair Parkins corrected him that it was 8 parking spaces.

Atty. Thomas responded no, he was referring to the two spaces per apartment will be designated. In that way they won't have any issues. The other two spaces would have to see whether they designate them for residential or leave them for others. He stated that they can't accommodate every party but if needed, people do have the ability to park on the grass.

Chair Parkins commented that additionally, the nature of these two businesses is that they are closed by 8 p.m. or 9 p.m. so people with visitors or parties could utilize the front parking.

Atty. Thomas agreed and commented that obviously 9 p.m. is mandatory for the liquor store and he thinks the bakery closes at 7 p.m.

Mr. Guedes stated that in his experience he owns a lot of apartments throughout and they continue to pick up schools from various towns and cities and continue (inaudible) apartment construction. He stated that for the most part what they have been doing is accommodating 1 ½ spaces per apartment and that tends to be – and they have done this in Bridgeport, Seymour – so far that have bought five schools and converted them into apartments. In doing Downtown Canal Street the requirements have been met with 1 ½ parking spaces per unit and most of them are two-bedroom. In most of the developments that they do they have a minimum of one-bedroom units, most of them are two-bedroom.

Mr. Guedes stated that chances are, although sometimes things happen but the reality is that at this location they are going to end up with a couple, or two people such as roommates. He referenced the Birmingham where they have 113 units and most of them are two occupants. He stated that he was confident that the parking provided is going to be more than adequate for this. If they go there anytime during the day now where there is no business occupied on the upper level, there is nobody using the back for any kind of parking.

Comm. Harger asked if the employees for the liquor store or the bakery are using the parking spaces in the back.

Mr. Guedes responded no because it is an inconvenience. It is there but no one has used it.

Comm. Harger commented that she just doesn't want to see double and triple counts of everyone planning to use the same parking spaces.

Mr. Guedes responded that they are welcome to go there anytime to see for themselves, if they haven't already, but there is nobody using them.

Comm. Dickal stated that she has a problem with the commercial businesses that have already allocated their parking spaces even though they close at a certain time. She doesn't feel comfortable with other cars being parked there that might stay there overnight because when the business opens the next day they will have one or two spaces already taken. She reiterated that she has a problem with that.

Chair Parkins responded that there is plenty of parking there already.

Comm. McGorty agreed and stated that he thinks that they were sensitive when that proposal came in with the request for the business in regard to there being adequate parking and what type of traffic generator it would be. He added that they were also sensitive about holiday traffic and he knows that he personally went by there on the key holidays and it was never an issue. There weren't people trying to get in or trying to get out; it was a non-issue.

Chair Parkins stated that even when the gym was upstairs there were a couple of spaces down below allocated in the commercial area for that and it was still not a problem.

Comm. Dickal responded that she still has a problem with it because when you have commercial, people are generally in and out. When you have residential, people are usually there for longer periods of time so that is her issue.

Chair Parkins stated that you cannot expect every apartment to have four parking spaces because it is just not realistic

Comm. Dickal responded that she didn't say that every apartment would have 4 parking spaces but two-bedroom apartments open up the door for more than two people residing there.

Comm. McGorty stated that historically speaking and with the example of different properties and projects, two spaces have been more than adequate.

Chair Parkins agreed and added that they actually have 2 ½ spaces.

Comm. Harger indicated that it is definitely going to have to be monitored with the understanding that the driveway is not a parking area and spillover cannot be on Long Hill Avenue.

Comm. Dickal agreed.

Comm. McGorty agreed and stated that the last thing that they want is to have the businesses impacted because that doesn't serve any good. The businesses are thriving right now and if people start being impacted by the parking then the people will go away and the business will suffer so that wouldn't be a good business move.

Comm. Harger commented that she doesn't want every tenant thinking that they have all of those spaces.

Chair Parkins stated that she was sure that when it was leased out the situation will be explained to them. She asked about the two side apartments, the two apartments on the ends with each one accessed through a stair up above...

Mr. Guedes explained that in most cases, there are stairs – there is a stair on the right side and a stair on the left side and a stair in the middle because the second floor is approx. 3 feet above the rear parking area.

Comm. Harger asked if the access to the end apartments was from the end.

Mr. Guedes responded that it is all from the back with a section (inaudible)...

Chair Parkins asked about it being all from the back entrance and asked if you would go down the side to enter. She referenced the site drawing where it says "Entry."

Mr. Guedes responded that if they look at the drawing and pointed out the parking area and where you would come into ...

Chair Parkins asked if you would walk from the back, down a set of stairs...

Mr. Guedes responded up a set of stairs, up a set of stairs, up a set of stairs.

Chair Parkins commented OK she thought it was going down.

Comm. Dickal asked about the site plan and asked what the small boxes shown were and if they were homes – in the back where the pavement is.

Mr. Guedes responded that as Atty. Thomas indicated it might be something with the printing.

Chair Parkins stated no, there are two homes there.

Atty. Thomas clarified yes; there are two houses, one of each side of the road – Long Hill.

Chair Parkins referenced the original plan that they received from the packet.

Mr. Schultz stated that it was revised.

Atty. Thomas commented that he thinks that the one behind the one on the north is the end of Colonial Village because when you drive down Colonial Village and get to the end – he went in there to find out who the manager was in order to send them notifications – he parked there and you are right next to the building at the very end. There is a home in front but he does not know whether it is a single, two or three family and there is another home on the other side.

Comm. Harger asked if this was all existing screening – plantings right now.

Mr. Guedes responded yes, those are trees – he thinks that they are cedars.

Comm. Dickal asked if they were already fully grown.

Mr. Guedes responded yes, they are cedars and that is why they were left there.

Chair Parkins asked if there were any other questions from the Commission.

End of Tape 1A, 7:41 p.m.

Comm. Osak asked if he would be in order to ask about something other than parking.

Chair Parkins responded yes.

Comm. Osak asked if Long Hill Avenue was a mixed residential zone.

Atty. Thomas responded that it was an R-5 zone.

Comm. Osak stated right, it is a mixed residential with a bunch of densities in it and Bridgeport Avenue is a CB-1, a commercial zone, CB-2.

Mr. Schultz clarified that it was a CB-2.

Comm. Osak asked where the zone line was between those two and if it was to the east of (inaudible)...

Atty. Thomas responded that if it isn't on this plan than it is on the original set. He approached the Commission to view the plans and responded that he thought it was on ...

Mr. Schultz provided a rendering with a larger scale.

Mr. Guedes pointed out the zone line on the drawing.

Comm. Osak was given a copy of the larger scale drawing. He commented that this was being applied for a PDD because it is now a mixed use.

Atty. Thomas responded that they met with Staff and had some discussions as to whether or not they wanted to do something which would incorporate these kinds of apartments in the CB zone.

Comm. Osak stated that in other words, you could have moved the zone on Long Hill Avenue over to the other side of the building and accomplished the...

Atty. Thomas responded that he didn't think that was what was being suggested. What was being suggested to them was to take, within the CB zone, which is zone that is found in some other areas and that is part of the problem, it is found in other areas other than Downtown Shelton and in the Huntington area. He asked Rick Schultz if it was a CA-2 or CB-2.

Mr. Schultz responded CA-2.

Atty. Thomas continued that the fear was that if they open it up at this point without this Commission doing an analysis of Downtown, if they allow these apartments at a certain density within this zone then they have opened it up to the whole zone. He stated that using the PDD concept in this area allowed them the discretion to take a look at it in case someone else wants to do it they aren't putting it in the whole zone. He stated that it was considered but not by moving the zone line but by taking the CB-2 zone and allowing residential on the second floor of a commercial building.

Comm. Osak asked if that was for all CB zones.

Atty. Thomas responded yes, for all CB zones.

Comm. Osak stated that they could have accomplished it by moving the zone line just in this area to the other side of the building.

Atty. Thomas responded that the only problem with that is that it would have made the bakery and the liquor store non-conforming.

With no further questions or comments from the Commission, Chair Parkins asked if there was anyone in the audience that would like to speak regarding this application.

Laura Strang, 157 Long Hill Avenue, Shelton addressed the Commission. Ms. Strang stated that her issue is that this is not a street, it is a driveway and it is on her property. She indicated that she has been the new owner for a few months now. She stated that the trees that will have to be cut down are on her property – the trees that would be cut down for the access road.

Ms. Strang submitted some photos of those trees for the Chair. She commented that it was her property and the trees provide a lot of shade.

Chair Parkins asked for clarification of which trees.

Ms. Strang referenced which trees were on her property.

Comm. Harger asked if there wasn't already a driveway there.

Ms. Strang showed the location of the driveway and the location of the proposed apartments. She stated that in order to widen that driveway, it would affect those trees and they are her trees

and they would have to be removed. She added that right now, to get to the bakery and the liquor store, every single day – morning, noon and night – people are driving and walking down the driveway. She stated that they eat and leave their rubbish. Ms. Strang commented that every day she has to pick up the liquor bottles, the bakery bags and the coffee cups along that driveway. She stated that it was occurring constantly.

Ms. Strang stated that the liquor store has been robbed several times so the police often park behind there because of the frequent robberies. She concluded that was her property and she is totally against this application. She is a new owner and she doesn't want it bigger and with the apartments they will have a problem with a lot of people as well as people parking on that driveway. It will bring more people, more noise and more garbage – she added no one is picking it up now.

Chair Parkins thanked Ms. Strang and asked if there was anyone else in the audience who would like to speak regarding this proposal.

With no further comments, she asked Atty. Thomas if the Applicant would like to address anything.

Atty. Thomas asked if the Commission received the notices that he submitted with the photographs of the postings.

Mr. Schultz responded yes and provided the photos.

Comm. Tickey asked if the Commissioners and the other end of the table could see those photos.

Atty. Thomas stated if they had the photo of the sign in the rear of the property. He referenced the photo and...

Comm. Dickal stated that was the question she had about whose property that was.

Atty. Thomas continued that those trees are, and Mr. Guedes can look at it as well, are not being cut down. The widening that they discussed is just the paved area. The width of the area in the back, the width of the access way is 35 feet. He asked Mr. Guedes for clarification on that.

Mr. Guedes commented that if they look at his plan....

Chair Parkins asked where #157 is located before he begins...

Comm. Harger stated that this one says 93 Long Hill Avenue.

Chair Parkins clarified that it was Page 93...

Mr. Guedes stated that if they look at the front on Long Hill Avenue the dimension of the driveway area is 31 feet. The existing driveway is roughly 9 feet and within those 31 feet, the Fire Marshal has requested that the 9 feet be widened to 12 feet. They are only increasing the driveway area by 3 feet within that 31 foot area. Those trees, and he doesn't want to get into an argument about the trees, because they are not being touched; they are staying but the trees are actually on the 140 Bridgeport Avenue property. He reiterated that it was immaterial because they are not being touched.

Atty. Thomas stated that for the record, before he actually put the sign on Bridgeport Avenue and Long Hill Cross Roads...

Chair Parkins asked if all of that property belongs to 140 Bridgeport Avenue that those trees are on.

Atty. Thomas responded yes it does. He reiterated that the trees are not coming down.

Mr. Guedes stated that he understands the concern that Ms. Strang may have because the second floor area has been vacant with no one there so obviously it attracts people. He thinks that the

problem will be solved once there is occupancy there and then they won't have the riff-raff and other people that can hide back there. He added that for the most part, if there is some additional screening needed then the neighbor can indicate that and they'll be more than willing to provide it. He stated that the intent was not to make a major program out of this. Mr. Guedes reiterated that no trees will be cut down and the widening of the driveway will only be to accommodate what the Fire Marshal requested going from 9 feet to 12 feet. The area is 31 feet so there is plenty of room left. The issue of the vagrants and whatever other things are going on has more to do with the fact that the space is vacant than anything else.

Chair Parkins asked if there was any fencing other than some bushes that separates this.

Mr. Guedes responded just those trees but he would have to leave it to the neighbor if she feels a fence there would be better.

Some inaudible comments...

Chair Parkins agreed about the vacancies and needing to get some people in there - that is going to go away.

Comm. McGorty agreed that it would keep it to a minimum or eliminated.

Chair Parkins stated that they can certainly make this a contingent that if it becomes any issue – whether it is lights or parking or any kind of issue - that they address it with the neighbor. She commented in regard to the fence but added that if the place is no longer vacant and there are tenants coming in and out all the time, they won't have anyone hanging out there drinking, littering and that sort of thing because people will live there.

Comm. Dickal responded that she is in that community all the time late at night when she comes home from work and she sees a totally different picture.

With no other questions or comments from the audience, she asked for a motion to close the public hearing.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #14-16. Comm. Pogoda recused himself from this application and Comm. Osak voted as alternate.

APPLICATION #14-17: DAVID AND SHERRY TURECHECK FOR RE-SUBDIVISION OF LOT 4, TWINBROOK ESTATES, SEC. 4 AND PARCEL B: (2 LOTS), 35 TWINBROOK DRIVE (MAP 44, LOT 38), R-1 DISTRICT

P&Z Secretary read the call of the hearing and applicable correspondence from the City Engineer and Naugatuck Valley Health District.

***See attached correspondence dated August 27, 2014 to Richard Schultz, P&Z Administrator from City Engineer, Robert Kulacz.**

***See attached correspondence dated August 5, 2014 to Richard Schultz, P&Z Administrator from Naugatuck Valley Health District Sanitarian, Gary Merlone.**

David Turecheck and Sherry Turecheck, 35 Twinbrook Drive, Shelton, addressed the Commission. Mr. Turecheck stated that he and his wife were present to answer any questions regarding the resubdivision application that they've submitted.

Chair Parkins asked how they were accessing these lots. She asked for clarification on the site drawing.

Mr. Schultz showed the location of Twinbrook Drive and Mr. Turecheck approached the Chair to identify the existing driveway, the existing house, the new lot and the frontage.

Chair Parkins asked if it was three lots.

Mr. Turecheck responded no.

Chair Parkins asked if 4A would continue to have one driveway and there would be road frontage to get into the other lot.

Mr. Turecheck responded correct.

Chair Parkins stated OK, there was just a lot going on in the drawing and she couldn't figure it out.

Comm. Tickey and Comm. Dickal asked to see the drawing because they don't recall seeing it in their packets.

Mr. Schultz stated that the second sheet shows the location of the proposed.

Comm. Osak asked if this was a new subdivision to create another lot.

Mr. Schultz responded yes, by definition.

Comm. Osak stated that yes; there are three reasons for subdivision.

Chair Parkins asked how much road frontage was on the lot.

Comm. Osak stated that it would be two conforming lots though.

Mr. Schultz commented that unless the Commission has any other questions, Staff would like to enter some statements into the record.

Chair Parkins responded OK.

Mr. Schultz stated that both lots are conventional in nature. They are not requesting an interior lot which requires a higher level of review. ZBA granted a variance for reduction of square on Lot 4A which is the lot with the existing house on it. It was reduced from 150 feet to 105 feet. He added that other than that, the lot area complies.

Comm. Osak commented that in other words, the lot meets the requirements.

Mr. Schultz stated that the bulk standards comply.

Comm. Osak commented that in other words, the frontage is not 150.

Mr. Turecheck stated that the frontage is 150.

Mr. Schultz indicated that the square has to touch the 40 foot setback, right. Everything else complies.

Comm. Osak commented that the square is on the setbacks.

Mr. Schultz responded correct. He stated that the Applicant is requesting a waiver of the Open Space Set-Aside; they also require this for re-subdivision but most of the time the Commission waives it because it is double-dipping. Back in the 80's, the developer of this project conveyed open space to the city so there is already open space. Additionally, the Conservation Commission is recommending to the Full Commission not to require any open space or payment in lieu of.

Comm. Osak asked where Twinbrook Estates was located.

Mr. Schultz responded right off of Booth Hill - right on the line.

Mr. Turecheck commented Twinbrook Drive.

Comm. Harger stated yes where Waverly hits Booth Hill and then it is a jog up...

Mr. Schultz commented that it was a quiet area of town.

Comm. Harger asked which portion of the property came from another lot.

Mr. Turecheck responded it was the rear acre. He showed the square on the site drawing and commented that it was purchased from a lady living farther up. He showed their original lot that was one acre and non-conforming to begin with. He added that it didn't meet the minimum square so they acquired the acre in the back; they moved property lines to get the lot to be more conforming.

Chair Parkins asked Mr. Turecheck to explain that again for the Commissioners at the other end of the table.

Mr. Turecheck repeated his comments for the Comm. Dickal and Comm. Tickey.

With no further questions from the Commissioners, Chair Parkins asked if there was anyone in the audience wishing to speak in favor or against this proposal.

There were no audience comments. Chair Parkins asked for a motion to close the public hearing for Application #14-17.

Mr. Schultz asked if the Chair wanted to take this up now.

Chair Parkins indicated that she wanted to address Old Business because other people have been waiting a while.

Mr. Schultz told the Turechecks that the Commissioner would review the proposal under Old Business later in the meeting.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to close the public hearing for Application #14-17.

OLD BUSINESS
APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0061: BRIDGE STREET PARTNERS, LLC, 64 BRIDGE STREET,
SPECIAL EVENTS

Mr. Schultz commented that the Applicant, Chris Jones was present. This is for the Old Danny O's Downtown at 441 Howe Avenue, now called Bricks & Barley and he is proposing three separate dates to hold a special event on the corner lot, the old Kyle's Korner. The DSC met with the Applicant to discuss the details. He stated that for all three days music will be provided, live entertainment from 6 p.m. to 10 p.m. Food will be provided outdoors all day and outdoor liquor will be provided all day. He asked Chris Jones if he would be preparing the site to accommodate the State.

Mr. Chris Jones, co-owner of Bricks & Barley, 64 Bridge Street, Shelton addressed the Commission. Mr. Jones stated that he was waiting to meet with the property owner, Angelo Melisi to go over the barriers and the fencing. They were waiting until after this meeting to do that.

Mr. Schultz commented for the Commissioners who were not at the DSC Meeting, this coincides with the blocking off of Bridge Street. The Applicant is going to be working with Mr. Melisi in providing a nice presentation with landscaping.

Mr. Jones responded yes, that's correct.

Mr. Schultz asked if he had the photo of the planters he'll be using.

Mr. Jones provided a picture of one of the decorative, road blocking devices that they would like to use. He added that it is kind of a makeshift type of catch basin. They'll take the grate out, fill it with soil and plant flowers in it and with three of those they were going to (inaudible) it would all be with the Police Chief's people (inaudible)...

Mr. Schultz stated that three elements will be provided: a decorative type of Jersey barrier that is curved with reflective devices on it, fencing and decorative planters with seasonal flowers (i.e. mums).

Comm. Pogoda asked if they had put up the barricades yet.

Mr. Jones responded no he was waiting for approval because they are providing the barriers themselves.

Chair Parkins asked if the picture shows what they were proposing to use as the barriers.

Mr. Jones responded yes, they were going to try to have it be as decorative as possible. They are going to spray coating them a tan or whatever color they want that is sufficient for reflective purposes.

Chair Parkins asked if he didn't think that four of them would be appropriate.

Mr. Jones responded sure, they'll put whatever number they want. They are just waiting to be picked up in Watertown. He just wanted to get the approval and bring them down tomorrow.

Chair Parkins asked if he would use as many as needed to do the job and look aesthetically nice.

Mr. Jones responded yes, and the property owner is going to have the area from the corner of Howe Avenue and Bridge Street, right to the edge of the bridge re-fenced.

Chair Parkins asked if the fence would go behind these planters.

Mr. Jones responded yes, the fence would be behind with the planters in front to make it more decorative.

Chair Parkins responded OK.

Mr. Schultz stated that the three dates of the special events are September 27th, October 11th, and October 25th. They are all Saturdays.

Mr. Jones added that they want to do a kind of Oktoberfest, a Halloween Party/Autumn Party.

Mr. Schultz commented that this does not coincide with Shelton Day. They want to keep it separate.

Comm. McGorty asked about the music.

Mr. Jones responded 6 p.m. to 10 p.m. and they are going to put a stage down below – wherever it best fits - and they'll try to keep it as down as low as possible because he doesn't want to blast the Kazimir Pulaski Club tenants.

Comm. Dickal asked if the liquor would remain within that area.

Mr. Jones responded that it will all be fenced in and they want to cut a hole in the top patio, which is their patio, and make it one access with emergency fencing below.

Chair Parkins asked if they would be encouraging people to park in the commuter lot down at the market.

Mr. Jones responded that he would encourage everyone to park over at the Farmer's Market and walk over. It is the biggest parking lot.

Chair Parkins stated that they don't want to start getting complaints from the Birmingham and others who are already having tight parking situations where people along Canal Street (inaudible)...

Mr. Jones responded yes, he knows that people are parking on the side of the tracks now and making their own parking spots. He stated that they are trying to encourage everybody when they pull up now to just park in that lot. He added that people don't want to walk even just one block.

Comm. Dickal commented that she applauds his effort because she thinks that with the Avalon and Birmingham there it may bring people Downtown and out into the community. It will be a good contribution towards getting people together.

Mr. Jones responded that it's like when Liquid Lunch had their Soupers and there was another event this past weekend just trying to bring more activity Downtown. The foot traffic between Center Street and around the block has been great on the weekends.

Chair Parkins indicated that he may want to give a heads up to the condo management of the Birmingham and Avalon so that they know about the music going on a Saturday night and that it won't be going on until 2 a.m. She suggested that he give them the dates and times of the events.

Mr. Jones responded OK, that he's got it covered at the Birmingham.

Chair Parkins stated OK, just as long as people know and aren't surprised.

Mr. Jones indicated that they are going to be inviting them.

Comm. Dickal commented that 10 p.m. is a good time to shut it down.

Mr. Jones responded yes, it is typically 11 p.m. but (inaudible)...

Comm. Dickal commented especially on a Saturday night.

Chair Parkins commented that he's going to stop the music at 10 p.m. but asked if he would still have other activities going on.

Mr. Jones responded yes.

Comm. Dickal stated that she thinks that they need these types of events to bring people in and it is a great idea.

Mr. Jones responded thanks.

With no other questions, Chair Parkins asked for a motion to approve.

On a motion made by Nancy Dickal seconded by Jim Tickey, it was unanimously voted to approve Separate #0061.

SEPARATE #6904: SNA, LLC, 20 HUNTINGTON STREET, SIGN REPLACEMENTS

Chair Parkins requested a motion to table #6904.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table Separate #6904.

SEPARATE #399: VERIZON WIRELESS, 162 BIRDSEYE ROAD, TELECOMMUNICATIONS

Mr. Schultz indicated that this is for ground equipment that needs to be upgraded for Verizon. As the Commission is aware that is a large cell tower area and the equipment is constantly being upgraded and this is just for ground mounted equipment.

Chair Parkins asked if they were expanding the facility.

Mr. Schultz responded no this is just a replacement.

Comm. Dickal asked if it was just staying as-is then.

Mr. Schultz responded yes, right and this has all received approval from the Citing Council.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #399.

SEPARATE#395: MARC LEVY, 484 BPT. AVE., OUTDOOR CONDENSER/ENC.

Chair Parkins asked if this was for the Gulf Station.

Mr. Schultz responded no, it is for the Wendy's Restaurant.

Marc Levy, owner of Wendy's, 484 Bridgeport Avenue, Shelton addressed the Commission. Mr. Levy stated that they want to put two ice machine compressors outside on the drive-thru exit lane against the building versus putting it on the roof.

Mr. Levy explained that the dining room has a pitch roof about two stories; a flat roof is behind the kitchen. They are going to relocate their sodas into the dining room; consequently, they need an ice machine out there. There is limited space on the flat roof as well as the line set to run from the flat roof into the dining room is longer than normally acceptable; therefore, it is just an easier job to put it right behind the units. The units will be positioned in the dining room on the outside wall and the compressors would be in the landscaping and fenced in.

Chair Parkins asked if the ice machine was going to be inside.

Mr. Levy responded that the ice machine is inside; the compressors are outside.

Chair Parkins commented about the compressors being outside and asked if they would be behind the area where you place your order.

Mr. Levy responded no, outside of the drive-thru, right in some existing landscaping.

Chair Parkins asked if he means the other side where you drive through and pick up your food.

Mr. Levy responded that there are two drive-thru windows and this compressor would go right past the second one where you pick up your food.

Comm. Pogoda asked if that was going to fit into that notch.

Mr. Levy responded yes, it should fit.

Comm. Pogoda asked if it would stay flush with the building.

Mr. Levy responded that it won't exceed the curb line. He added the curb line is close to the building (inaudible)...

Comm. Pogoda asked if the curb line was almost to that wall – that notched portion.

Mr. Levy responded yes, correct.

Comm. Pogoda stated OK, then it is not going to extend.

Mr. Levy responded no, it won't.

Mr. Schultz asked if the white fence would complement the white trim on the building.

Mr. Levy responded that he sent in a picture of a white vinyl picket fence which was all that he could find on-line but the building is beige so he is going to try to match it up (inaudible)...

Chair Parkins commented that they do that and added that the daycare center at the end of Bridgeport Avenue just put in a nice vinyl cream colored fence.

Mr. Schultz added yes, the one at Exit 11.

Comm. Harger asked how high the fence would be.

Mr. Levy responded that he thinks that the compressors are only about 1 ½ feet so he was figuring that it would be three or four feet to cover it. On the other side, he doesn't believe that they are noisy to the point that anyone would hear it; it bothers them inside the store more than anywhere else. On the outside they have the restaurant, the drive-thru lane and a retaining wall that is about 15 -16 feet tall. He added that there are no neighbors in that area.

Chair Parkins asked if he would actually be able to enclose it within that fence though for ventilation.

Mr. Levy responded that it wouldn't be enclosed on the top.

Chair Parkins asked where the vents were.

Mr. Levy responded that the vents are behind it on the other side.

Comm. McGorty stated that the manufacturer will tell them what they can and can't do and what size space is required.

Chair Parkins commented that they don't want to take the risk of thinking it is fenced in then find out that it can't be fenced in.

Comm. McGorty agreed.

Chair Parkins asked the applicant if he would could back to the Commission if he finds out that it can't be fenced in and let them know what he plans on doing to camouflage it.

Mr. Levy responded of course, yes.

Chair Parkins stated that if he finds out that he can't install it and put a fence around it please let the Commission know.

Comm. McGorty commented that there are certain requirements for air flow and volume for the cabinet that it goes in. The manufacturer will let him know.

Mr. Schultz stated that he will also put down that it be a beige color.

Comm. Harger stated that the need to know the outcome of the fencing so it needs to be subject to.

Chair Parkins agreed and told the Applicant that if he can't do it as proposed than he has to come back.

Mr. Levy responded OK, if he can't do it as proposed, he will come back but if it can be done then...

Mr. Schultz told the applicant that it is a special zone.

On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #395.

SEPARATE #0072: ANDRA CHANS, LLC, 415 HOWE AVENUE, STE. 196, BUSINESS

Mr. Schultz stated that this is the Conte Building, 415 Howe Avenue, Suite 196 and the Applicant is Christina Rudstrum. This is for refinished furniture with one employee.

Chair Parkins asked why it says Andra Chans.

Mr. Schultz responded that was the name of the business, Andra Chans, LLC. He stated that the leased area is 796 square feet, hours 12 p.m. to 5 p.m. Monday through Friday.

Comm. Pogoda commented about the refinishing of furniture requiring chemicals and that odors coming out of there. He added that he's done companies that do furniture refinishing and there are some strong odors with that process because they have to strip the furniture. They are talking about some pretty volatile chemicals.

Comm. Dickal asked where they would be storing those chemicals.

Comm. Pogoda asked about the venting that they have. He motioned to table.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to table Separate #0072.

SEPARATE #0100: ARLENE WOJNALOWSKI, 781 RIVER ROAD, BUSINESS

Mr. Schultz stated that this is the second tenant in the new building across from the ice skating rink and the Applicant will be leasing 1500 square feet. The building overall is 5800 square feet. There will be 4 – 6 employees and hours of operation are 6 a.m. to 10 p.m. for a coffee shop with a drive-thru.

Jason Wojnalowski, the Applicant's son, addressed the Commission. Mr. Wojnalowski indicated that it would be a coffee and doughnut shop. They will have baking there for the doughnuts.

Comm. Pogoda asked if he would be baking on the premises.

Mr. Wojnalowski responded yes, they currently have another shop in Stratford where it is too small to bake. It is only 800 square feet so they are going to open here with a kitchen to bake doughnuts for both locations.

Comm. Harger stated that this is for the business only and asked if they have worked on a sign yet.

Mr. Wojnalowski responded no but he'll come back for that. The landlord, Howard Soffan had told them about that.

Mr. Schultz stated that he has to be here to (inaudible) for the tenants.

Chair Parkins asked if there was going to be any kind of grill there where they would start making burgers, take-out food and that sort of thing.

Mr. Wojnalowski responded just breakfast sandwiches.

Chair Parkins commented breakfast sandwiches and asked if means egg sandwiches.

Mr. Wojnalowski responded yes but they aren't turning into a deli. There will be eggs and breakfast sandwiches and making donuts.

Mr. Schultz commented that they said no restaurants.

Chair Parkins reiterated that he said no restaurants and no kind of grills or (inaudible)...

Comm. Pogoda commented yes, he's worried about the odors and things like that.

Chair Parkins stated that was one of the things that they talked about, having it vented outside.

Comm. Pogoda asked if he was going to have trucks delivering to their Stratford store. He asked if it was just a panel truck or is it another kind of delivery truck.

Mr. Wojnalowski responded that they'll probably end up using something like a small Ford truck. They don't plan on anything larger than that and it won't be a commercial type vehicle. He added it would just be a small truck to pick up goods from Restaurant Depot and places like that.

Mr. Schultz asked if he anticipated the odors to be of a high level.

Mr. Wojnalowski responded that he did not.

Comm. McGorty commented that it might be piped up into the residences.

Mr. Wojnalowski stated that they had a partner that was baking in Bridgeport on Brooklawn Avenue, Devore's Doughnuts and the smell from there was not a problem. He commented that he currently makes breakfast sandwiches at his current location at Paradise Green in Stratford and they don't have any issues there. The smell is minimal, nothing burns and actually when you make doughnuts it is a very nice smell.

Chair Parkins responded that they have a sensitivity to that area because of the situation...

Mr. Wojnalowski stated that he was made aware of that.

Chair Parkins commented that they made sure that there wouldn't be any kind of fast food served in there.

Mr. Wojnalowski responded that they were made aware of that when they were looking at the space with the landlord who told him that he wouldn't have the ability to turn it into a restaurant or deli. He commented that he has no interest in that. It is really just being able to make the doughnuts and get back on the map with incredible donuts in the area.

Chair Parkins asked if his breakfast sandwiches were typically microwaved like Dunkin' Donuts does.

Mr. Wojnalowski stated that they will make eggs on the grill which is what they currently do but just standard bacon and eggs, nothing else.

Comm. Dickal asked if this was take-out or does he have a couple tables in there.

Mr. Wojnalowski responded that he believes it is slated for two or three small tables – two at the most and there is a small countertop along the front window. They are on the end of the building with the drive-thru so the facility is great for them because at their current site they don't have a lot of storage and enough room to really cook. It is just so that they can make the doughnuts here. They'll have the Dunkin' Donuts-type setup in there. His background is in the building business so they plan to fit it out really nicely. When he met the landlord, he told him about his vision of being able to walk in, purchase your product and look over a half wall to see a tiled area where you can see the donuts being finished. Even if they aren't being made at that hour it will give a feel for how clean and nice the place is and hopefully it works out that people will come in when they are making the donuts because it is really nice to see racks of fresh doughnuts.

Chair Parkins asked if there was a liquor store in there.

Mr. Wojnalowski responded that he knows that they are going to be on the left end and the Italian Ice and then the liquor store is taking two storefronts. When you drive by now it looks like four stores so it will be them, the Italian Ice and then the double store front for the liquor store so they are very happy.

Chair Parkins commented that he's on the first end so you stack around the building.

Mr. Wojnalowski responded yes, you would come around the building and then there is a pass through lane. It works efficiently and he's happy because in their current location parking is a problem. Everyone is fighting for the little bit of parking in the center of Paradise Green. He added that it will work nicely together where his busy time is not the Italian Ice's busy time and the liquor store is just kind of a consistent business.

Comm. Harger asked where he plans to park the delivery truck.

Mr. Wojnalowski responded that in the back there is parking along the back rock wall at an angle.

Comm. Harger asked if it would be overnight parking for that.

Mr. Wojnalowski responded yes, for that and it wouldn't be seen from the street.

Chair Parkins asked if there was any signage being presented.

Mr. Schultz responded that none of the signs have been presented.

Mr. Wojnalowski responded that when that does arise, whatever the standard is and the landlord has told them that is what they will adhere to. He won't be going for anything special.

Chair Parkins commented that they look forward to him coming in with it rather than putting it up and then coming in.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #0100.

SEPARATE #0101: JESSICA OWENS, 507 HOWE AVENUE, BUSINESS

Mr. Schultz stated that this is David Grant's, they are re-opening the ice cream shop and it will also include deli sandwiches. It is 800 square feet, five employees and the hours of operation are 11 a.m. to 9:30 p.m., 7 days a week.

Comm. Pogoda asked what this was for – it is in Dave's old ice cream store.

Mr. Schultz responded that Dave just concentrated on ice cream but to make this go year round they are going to ...

Chair Parkins commented no, he made grilled cheese and did a little bit of everything.

Comm. Dickey asked if this was an add-on to that shop.

Mr. Schultz responded no, new owners.

Chair Parkins added yes, it is an existing restaurant with a new owner.

Comm. Harger asked about the sign that was already erected.

Mr. Schultz asked if it was a permanent sign.

Comm. Harger responded yes, it has been up for three weeks.

Mr. Schultz indicated that this is for occupancy only.

Chair Parkins asked Rick to tell Ms. Owens that she needs to come back in for signage.

On a motion made by Thomas McGorty seconded by Jim Tickey, it was unanimously voted to approve Separate #0101.

SEPARATE #0105: TERRY HORBAL, M.D., 555 BPT. AVE., BUSINESS

Mr. Schultz stated that the medical office building on Bridgeport Avenue on the right-hand side – across the street from the old Madison’s Restaurant, there is the white one and then it’s the next one – 555 Bridgeport Avenue. It is a medical office building and they have a new doctor, Dr. Terry Horbal. He’ll occupy 120 square feet and have one full time employee.

Chair Parkins asked if this was just one room.

Mr. Schultz responded yes.

Chair Parkins asked if the application says what type of doctor he is.

Mr. Schultz responded no.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #0105.

SEPARATE #0107: KIRSTIN ALCUTT, 215 BPT. AVE, BUSINESS/SIGN

Mr. Schultz stated that this is the two story brick commercial building off of Exit 13 Bridgeport Avenue by Blacks Hill Road. The child daycare is on the upper floor and this is replacing the old print shop. It is a 1000 square foot leased area for a hair salon. Hours of operation are He provided a rendering for signage.

Chair Parkins commented that she didn’t recall a printer in there.

Comm. Harger stated there was a carpet place on the left.

Comm. McGorty commented that an insurance place was in there and a daycare upstairs.

Mr. Schultz stated that this was on the ground floor and the child daycare is upstairs.

Chair Parkins commented that she is assuming that there is proper ventilation in there for any chemical fumes going upstairs to the daycare.

Mr. Schultz responded that yes, Lower Naugatuck Valley Health deals with that component.

Chair Parkins asked if they were on the list of approvals.

Mr. Schultz responded that they were in the process after obtaining local zoning approval. He’ll give them a call and make sure that it is enforced. He continued that the hours of operation are Tuesday and Thursday 1 p.m. to 8 p.m.; Wednesday, Friday and Saturday 9 a.m. to 4 p.m. They are closed on Monday.

Chair Parkins requested that he make a note to the Health Department about their concerns.

Comm. Pogoda motioned for approval with the condition that the health department approves it.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was voted (5-1) to approve Separate #0107 with the conditions noted. Comm. Harger voted in opposition.

SEPARATE #0108: TOM SORGE, 11 CONSTITUTION BLVD. SOUTH, BUSINESS

Mr. Schultz indicated that this is old tractor trailer training facility on River Road next to Rivendale Diner. They are requesting to resurrect that use on that site. The site has sat idle for

about 4 years at least now. He asked the Applicant to explain his application to the Commission, his background and how he's similar to All State.

Tom Sorge, 11 Constitution Boulevard South, Shelton addressed the Commission. Mr. Sorge stated that he used to work for All State years ago. He got set up in a new building in Seymour and he has a lot of friends looking for a license; he's been doing construction his whole life and through the process he's been taking people from Waterbury all the way to Wethersfield to get their license. The opportunity has opened up for him to grow the business and he's been dealing with Connecticut Works and maybe start going through unemployment to get other clients coming in because it is an expensive thing to do and most people don't have the accessibility to do it. The operation would still be the same as everything that was going on there before.

Chair Parkins asked how many trucks he would have down there.

Mr. Sorge responded that right now he only has two. He is starting small and hopes to grow.

Comm. Harger asked about the size of the trucks.

Mr. Sorge responded that the size right now is just a roll off with a tagalong trailer behind it. He will eventually have a tractor trailer with a 40 foot trailer behind it but it is just a roll off truck, for his B trucks and a small 5th wheel truck for his A.

Comm. Harger asked how big a roll off truck would be.

Mr. Sorge responded that a roll off truck is about 25 feet and a tagalong trailer is about 30 feet.

Comm. Harger asked how the program works and if it was a certain number of weeks or hours.

Mr. Sorge responded that it goes by how many hours. Some people have a background in it already and are looking to train. The typical program would take 40 hours of outside training and he does 20 hours of classroom training because getting your medical cards and getting a permit through DMW is a pretty big deal. There are a lot of hoops that you have to jump through to get that.

Comm. Harger asked what the hours would be.

Mr. Schultz responded 7 a.m. to 8 p.m. He asked the applicant if that had changed.

Mr. Sorge responded no it is 7 a.m. to 8 p.m. Monday through Friday but also Saturday and Sunday because some people work full time and can only come on the weekends. He added that is why it is also later at night because some people get out of work at 5 p.m. and come to train for about 1 ½ hours one on one.

Chair Parkins asked about the class room sessions and what would be the most people he'd have in those sessions.

Mr. Sorge responded that for the classroom sessions he'll have as many people as you can fit into the building.

Chair Parkins asked if he has plenty of parking.

Mr. Sorge responded yes, right now he has 18 marked parking spots with plenty of room to add more.

Comm. Pogoda asked how many trucks total he intends to have – right now he has two.

Mr. Sorge responded that right now he intends to have two and hopefully, within a couple of years he hopes to grow to have four to six. There are four practice fields in there right now so his goal would be to have four trucks that stay within those fields and then he'll probably have two trucks that he'll use just for road purposes.

Comm. Harger asked if there were any improvements that he has to make to the site such as grading or re-paving or re-lining.

Mr. Sorge responded that everything stays the same and that's why he wanted to go there because the lines are on the ground already. He has already spoken to the State because the State will come right there for testing so it has to meet all of their regulations – and it already does. The State has no problem with coming to the site. Basically, everything stays the same, the layout of the building, and the layout of the parking lot and the hours of operation.

Mr. Schultz commented that this is one of the few sites that he's never done a Certificate of Non-Conformity. It is a use that they don't have in their Regulations – a truck training facility so it is important that Tom tell the Commission that All State used up to six trucks and asked him if there was going to be a net reduction.

Mr. Sorge responded that All State had 17 trucks – when they left there they had at least 12.

Mr. Schultz asked if this was then a net reduction.

Mr. Sorge responded yes, a net reduction but he would say he would have no more than 10 trucks within five years. He added that it would take him a while to get up to that limit.

Mr. Schultz asked him what number he would like to hold it at – what number the Commission should hold it at.

Mr. Sorge responded that he would say it would go up to 8.

Chair Parkins commented that he would have the lessons there but asked if he would have these trucks idling all of the time at that location.

Mr. Sorge responded no, a lot of it is pre-trip inspection, and calling out the parts on the vehicle. The only time the trucks are running is when they do a brake testing which only takes a couple of minutes and also during the maneuvers.

Chair Parkins commented OK, then no long term running.

Mr. Sorge responded no long term running.

Comm. Harger asked if the trucks would be parked there overnight.

Mr. Sorge responded yes, parked there overnight.

Comm. Harger asked if they would be parked in such a way that they won't be seen, well, not hidden, but asked if it will look like a truck stop.

Mr. Sorge responded that he would prefer to have them seen. It shouldn't look like a truck stop. He stated that he wants to make some changes, paint the building. Eventually when he gets the truck levered up nice, it would like to have it parked in the parking lot so that it is available from the road so that people can locate where he is.

Chair Parkins commented that it's sort of like a big billboard.

Mr. Sorge responded yes, that's the only one he could get.

Comm. Harger stated that as long as it is kept neat and clean.

Mr. Sorge responded yes, it will be neat and he's going to clean up a little bit and cut down some trees and clear out some brush along Long Hill Avenue and pick up garbage in the woods. Otherwise, it is staying exactly the way it was.

Chair Parkins asked him to come back if he needs signage rather than just putting it up.

Mr. Sorge responded yes, he would do that because he has a plan for that.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #0108.

SEPARATE #0110: KIDS ZONE, 188 ROCKY REST ROAD, BUSINESS

Mr. Schultz stated that this is the First United Methodist Church. The previous occupant has relocated to Todd Road and they have a proposed occupant at the same location. The current license is up to 53 children. The church location has a large parking lot so parking is not an issue. This is to reoccupy the child daycare facility at the First United Methodist Church.

Comm. Pogoda asked if it was the same square footage.

Mr. Schultz responded yes and everything else is the same.

Chair Parkins asked about the number and ages of children and if it is the same.

Mr. Schultz asked the Applicant about the current license up to 53 children and if that is what there would be. He asked if she would be petitioning the State for any more.

Debra Ulrich, owner Apple Tree Daycare, Shelton addressed the Commission. Ms. Ulrich responded that the ages of the children will be different. They will be school-aged children so there will be no infants and no toddlers. She added it would only be preschool 3 year olds all the way up to 12 year olds.

Chair Parkins asked if it was a before and after school thing.

Ms. Ulrich responded yes, before and after school and now there is full day kindergarten and a traditional pre-school will fill in the time slot while kids are in school.

Mr. Schultz asked about the City school buses and if they would go to the parking lot.

Ms. Ulrich responded that the buses have to stop, and there is already a bus stop there, on Rocky Rest Road. School buses are not allowed to go into the parking lot because it is private property.

Comm. Harger asked if they were relocating from another location.

Ms. Ulrich responded no.

Comm. Harger asked (inaudible)...

Ms. Ulrich commented that she owns another daycare facility.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve Separate #0110.

SEPARATE #6909: R.D. SCINTO, 3 ENTERPRISE DR., BUSINESS

Mr. Schultz indicated that this would occupy 1761 square feet and the office is J.F. Bentley Inc. which is marketing and sales. There will be 10 – 15 employees, hours of operation 10 a.m. to 8 p.m. Staff recommends approval.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #6909.

SEPARATE #6910: R. D. SCINTO, 2 CORPORATE DRIVE, BUSINESS

Mr. Schultz stated that this is space that was previously occupied by Prudential. The area is 21,291 square feet, 70 employees for GAMA Charters which is an aviation management company. Staff recommends approval.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Separate #6910.

End of Tape 1B, 8:27 p.m.

SEPARATE #0114: JIM GOREL, 97 BPT. AVE., BUSINESS

Mr. Schultz indicated that this is Bruce Butler's first tenant under his expanded uses. This is a unique type of business for automotive restoration. It will require a DMV approval and the Applicant will explain that this is a hybrid but the State is going to eventually have to modify its definitions. He is going to occupy 3600 square feet from Bruce. He's the sole proprietor; hours of operation are Monday through Friday, 9 a.m. to 5 p.m. He asked the Applicant to explain a little bit about his business.

Jim Gorel, the Applicant addressed the Commission. Mr. Gorel stated that currently the State doesn't have classification for a auto restoration business. They require him to have a repair license but their repair licenses fall under categories of the number of vehicles turned out per day. He stated that he currently turns out one vehicle every 6 to 8 months. When he filled out his application for the DMV, he told them that he finished .01% of car per day and they didn't seem to like that because it didn't fall into their category very well.

Mr. Gorel stated that he works on cars that are pre-1940 so he specializes on pre-1915 vehicles so everything from the Brass Era and before. None of these cars are the type that gets turned around every day. Currently, the DMV has had him in a holding pattern until they decide what to do. Other larger restoration businesses fall under their categories because they do a lot more maintenance work and they have maybe one car that can go in and out a day by doing an oil change.

Chair Parkins asked if he is restoring these cars for a client when he is restoring them or is he restoring them on spec to be sold. If so, where would he be storing them?

Mr. Gorel responded that everything is owned by someone else.

Chair Parkins responded OK, he's restoring them for someone.

Mr. Gorel responded yes, correct.

Mr. Schultz stated that Jim will also be using a paint booth which is regulated by the DEEP.

Comm. Pogoda asked if that was on site.

Mr. Gorel responded yes, correct. He doesn't want them to think that this is a volume shop because it is not used on a daily basis. It is used when needed, at that stage of the restoration project.

Chair Parkins asked if it was more for parts, than the full body.

Mr. Gorel responded yes, he paints one body every year.

Comm. McGorty commented that there is only so much you can paint when you only restore one vehicle every six months.

Mr. Gorel stated that he brought some photos of cars he has worked on and some that he just recently finished. He presented them to the Commission.

Comm. Pogoda asked if he would be storing any parts outside.

Mr. Gorel responded no, the parts are too expensive and he would not bring them outside.

Comm. McGorty commented about the parts and asked if he had to do a lot of fabrication of parts because they aren't readily available.

Mr. Gorel responded correct.

Comm. Harger asked if his customers were local.

Mr. Gorel responded that he has customers all over the country.

Comm. Dickal commented on the photos that there were beautiful and very high end.

Comm. Harger asked what type of training he had to do this.

Mr. Gorel responded that he went to college for automotive restoration and he works with someone who went to the same school for restoration as well.

Comm. Dickal commented that he was very talented.

Comm. Osak asked if he makes a living do this.

Mr. Gorel responded yes.

Chair Parkins stated that he only works from 9 to 5 with no weekends then he is making a pretty good living.

Comm. Harger asked how the vehicles (inaudible)...

Mr. Gorel responded that they are all in enclosed trailers (inaudible)...

Chair Parkins asked if anything was stored outside.

Mr. Gorel responded that the only thing outside is his trailer – he has an enclosed box trailer in one parking spot.

Comm. Harger asked if he goes and picks these cars up himself.

Mr. Gorel responded depending on the situation, yes.

Comm. Harger asked where he was currently based.

Mr. Gorel responded in Redding.

Chair Parkins welcomed him to Shelton and wished him luck with the business.

On a motion made by Jim Tickey seconded by Thomas McGorty, it was unanimously voted to approve Separate #0114.

SEPARATE #381: SPRINT, 2 CORPORATE DRIVE, ANTENNAS

Mr. Schultz stated that this is replacing one at Scinto's Towers for Sprint. He presented a schematic adding that they were upgrading six antennas with no increase in height. He added that they can't be seen obviously.

Chair Parkins commented that you can see them – she's right there.

Mr. Schultz stated that they are seeing a pattern of upgrades with all of the carriers because of the technology. This is for Sprint but they have a couple of carriers at Scinto's Towers. He commented that the next applicant is for T-Mobile and the same location.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve Separate #381.

SEPARATE #379: T- MOBILE, 2 CORPORATE DRIVE, ANTENNAS

Mr. Schultz stated that this is for three new antennas.

Comm. Dickal asked if they were adding on to whatever may be there already.

Comm. Harger asked if it was an existing pole.

Mr. Schultz responded no, this is roof-mounted and he distributed schematic of the roof-top antennas for T-Mobile.

Elizabeth Jameson, Transcend Wireless representing T-Mobile addressed the Commission.

Ms. Jameson stated that the plans are kind of (inaudible); they are swapping the antennas. She referenced Sheet A-3 where it refers to the existing three antennas to remain one per sector.

Chair Parkins commented that they didn't have A-3 – just A1 and A2.

Ms. Jameson corrected that it was A-2. She explained that they need to relocate one antenna with a mount. There are six existing antennas and they are going to end up with six. She knows that the way they label the plans can be misleading because when they say “new,” they mean “replacement.”

Comm. Pogoda asked if they were just replacing them then.

Ms. Jameson responded yes, swapping.

Chair Parkins asked if they were higher.

Ms. Jameson responded that for the new antenna it would probably be one foot higher. They would keep the same center line, middle point of the antenna but the top of one would extend one foot higher.

Chair Parkins commented that the rendering says “existing penthouses” and asked if that is what they consider their towers, “penthouses.”

Ms. Jameson responded that it refers to the antennas. She commented that one has what they call a pipe-mount.

Mr. Schultz commented that it seems as though all of the carriers are doing it at once.

Ms. Jameson responded yes, she just got off of an AT&T project. They put their stuff on hold because of Direct TV and now she's doing T-Mobile. Everyone is going crazy with upgrades.

Chair Parkins commented that it is really difficult to tell what it is going to look like from the schematics. It is almost impossible actually. Other Commissioners agreed.

Ms. Jameson offered to show them a spec sheet if they thought it might help.

Mr. Schultz responded yes, Sheet A-1 shows that.

Ms. Jameson provided a spec sheet to the Chair. She stated that they look like the existing antennas.

Comm. Pogoda asked if the total square area would increase. He asked if it would be just the height of the tower.

Ms. Jameson responded that it would just increase the height of one antenna.

Comm. Pogoda asked if all the rest would stay the same height.

Ms. Jameson responded yes, they are just swapping out one per sector.

Chair Parkins asked for clarification that from what exists there right now, one would just be one foot higher.

Ms. Jameson responded just one. She clarified that when she talks about the sectors, there are two per sector. They are swapping out three; just one on each would be one foot higher.

Chair Parkins asked if there would be any kind of equipment in addition to this.

Ms. Jameson responded that what they call a remote radio-head, a tiny box that goes behind it. It is something that is not visible; it is part of the antenna though. It is used so that they can twist or tilt the antenna slightly from a remote location.

Mr. Schultz asked if it was pretty low to the floor.

Ms. Jameson responded yes they are put right at the base.

Chair Parkins asked if this was facing in a new direction.

Ms. Jameson responded that everything is the same.

Chair Parkins asked if it was still in the front of the building.

Ms. Jameson responded yes. There are existing mounts called ballast mounts. There is pipe there so whatever comes off of the pipe; the new antenna goes on the existing pipe.

Chair Parkins asked if the Citing Council approves this.

Mr. Schultz responded no, just this Commission.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #379.

APPLICATION #14-17: DAVID AND SHERRY TURECHECK FOR RE-SUBDIVISION OF LOT 4, TWIN BROOK ESTATES, SEC. 4 AND PARCEL B: (2 LOTS), 35 TWIN BROOK DRIVE (MAP 44, LOT 38), R-1 DISTRICT

Mr. Schultz indicated that the City Engineer has approved this. Lower Naugatuck Valley Health has approved it and he made a referral to the Fire Marshal. Obviously, it is an existing City-accepted road. It is a thru road and there are no public safety issues. Also there are no existing sidewalks in the area; this is somewhat close to Booth Hill School but there are no sidewalks on this particular subdivision. He indicated that the Conservation Commission has recommended to the Commission not to require any Open Space Set-Aside or payment in lieu of.

Mr. Schultz stated that in the City Engineer's Report, he indicated that they have to make some adjustments to the final map for sign-off by the Chairman. He has prepared a draft motion unless the Commission has any questions.

With no questions from the Commission, Mr. Schultz read the Draft Motion for Application #14-17 to waive the Open Space Set Aside and moves to approve the re-subdivision for P&Z Application #14-17 two lot re-subdivision on plans entitled Re- subdivision Lot Line adjustment of Lot 4 and partial B prepared by Precision Land Survey LLC dated 1/18/14, final revision dated 7/15/14 with the following conditions: 6, 9, 12, 13, 21 (City Engineer memo).

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to approve Application #14-17.

PUBLIC PORTION

Chair Parkins asked if there was anyone in the audience that would like to address the Commission on any items not on the agenda. With no questions or comments from the public, she asked for a motion and second.

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

OTHER BUSINESS

APPROVAL OF MINUTES: 7/30/14 AND 8/12/14

Chair Parkins requested two corrections to the Public Hearing Minutes dated 8/12/14 regarding misspellings.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to approve the minutes of 7/30/14 and 8/12/14 (with two modifications).

PAYMENT OF BILLS:

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

8-24 REFERRAL: BONDING FOR RECONSTRUCTION AND RESURFACING OF CITY ROADS

Mr. Schultz indicated that he received a call from the Finance Director who was asked by the bonding representative for the upcoming Referendum on the \$5M bonding for the road reconstruction and paving that a favorable action be taken by the Planning & Zoning Commission. He stated that this was something that was done decades ago when there is a capital improvement program so the Finance Director asked this Commission to send a favorable recommendation on the \$5M bonding question that is coming up to the Alderman.

Comm. Osak asked the Chair if he could speak on this.

Chair Parkins responded OK because this is administrative.

Comm. Osak commented that he brought up the issue of Capital Improvement Program.

Mr. Schultz responded that he used to read the minutes; it was done regularly in the 70's because the Planning Commission participated in the Capital Improvements.

Comm. Osak commented that it was a State Statute; that is where "8-24" comes from. Any improvement of a capital gets referred to the planning section of the P&Z Commission. He added that he doesn't know why they haven't been doing it but that is the way that it is. He stated that he doesn't know why the bonding attorneys never picked up on it until now. It is a moot point but that has to be done.

Comm. Osak indicated that more importantly is the issue of capital improvement programming. Capital improvement programming is an accounting term not just something that somebody dreamed up like a trial balance or an expense budget. It is done and it used to be done in this town. In 1973 when they did a Charter Revision, they took that power away from P&Z and gave it to the BOA and the BOA did a Capital Improvement Program. He added that it is time that the City did that; it is a function of the Finance Director to do that for the Aldermen and the Aldermen should demand that it be done. It is a method of projecting expenses for capital; match the growth of the Grand List and the taxable consequences of that project to see what effect it has on the tax rate.

Comm. Osak commented that it was funny that this should come up but he has some old paperwork at home and the last Capital Improvement Program that was done in this City was 1973. He has a copy of that and they used to pester the Aldermen when it was the P&Z's responsibility so when they got together to redo the Charter, they stopped P&Z from irritating them and gave it to the Aldermen. The Aldermen never did anything. He reiterated that it is time that it is resurrected because the Charter specifically says that the Aldermen shall do it.

Comm. Osak added that he doesn't know what they do with his comment but he thinks that if he were permitted to vote on this, he would vote "no" to the approval until that was done. He stated that he has a second issue about this too. There is \$5M of bonding that is going to happen – it is a lot of money. He brings it up is that they are responsible for laying out thoroughfares and traffic. Constitution Boulevard was brought up by this Commission many years ago. They lay out new subdivisions and layout roads to break superblocks and make sure that there is good traffic circulation. Here they are faced with a \$5M project to enhance circulation and help them drive over roads but in this referral they have no list of the roads.

Chair Parkins commented that was her question too and asked what roads they are doing and what are they voting on.

Comm. Osak stated that if they don't have the list of the roads then who determined that \$5M is the amount needed to fix these roads.

Chair Parkins indicated that they can't give a favorable resolution on something that they have no idea about what it is. All they have is an amount – that is all that they have.

Comm. Pogoda agreed and stated they should table it.

Mr. Schultz commented that the Commission could direct Staff...

Chair Parkins stated that they need to understand more why Mr. Hiller is coming to them at this point. She asked Rick if he was directed to come to the Commission and if so, was more direction given.

Comm. Osak stated that he used to read these in the newspapers and he remembers the Statutes and he knows that the bonding attorneys many years ago required an 8-24 be approved by the P&Z Commission. However, the BOA can override their objection by a 2/3 majority vote of the BOA. He indicated that they could respond negatively but they can still go ahead by a 2/3 majority vote to override.

Chair Parkins indicated that an 8-24 is more of an advisory than an approval.

Comm. Osak stated that someone ought to have the Corporation Counsel research the Statutes. He asked Rick to give him a copy of the Statute; however, he only got it this Friday and it is 200 pages. He reiterated that somebody has to look at that. If he is permitted to vote on this, he would not vote in favor of that 8-24 for these roads until those two questions were answered.

Comm. Pogoda stated that he would like to know, along those same lines, why all of a sudden after all of these years, even since he's been on the Commission...they've had bonding issues for the roads before and no one ever came to them. He asked why they are now. He also asked who was questioning it.

Chair Parkins responded that with no offense to Mr. Hiller, he is new in this position so maybe this is something that he had done where he had worked previously; maybe it was a standard practice. She added that she really did not know the answer to the question.

Comm. Pogoda stated that if it is coming in front of them to approve this 8-24 Referral than he thinks that they should know more about it.

Chair Parkins agreed that they need more information.

Comm. Pogoda asked what the \$5M was for – which roads.

Comm. Harger agreed.

Chair Parkins commented it isn't that they have any approval authority over...

Comm. McGorty agreed that it was favorable or unfavorable but it would be good to know something.

Comm. Harger added that they are in the dark here.

Comm. Dickal agreed that they didn't know anything to vote.

Comm. McGorty commented that it feels like it is a token exercise.

Comm. Tickey stated that they should provide some information (inaudible) ...what the plans are for the \$5M whether it is in writing or whether they come to a meeting. They need more information.

Comm. Pogoda tabled and Comm. Dickal seconded. Comm. Osak asked what they would do – table it and then do what?

Comm. Pogoda responded find out more about it and why they are asking all of a sudden.

Comm. Osak stated that have a different underwriter and bonding attorney.

Chair Parkins agreed and asked why all of a sudden it was coming back to them. She addressed Comm. Osak and indicated that it could be or Mr. Hiller picked up on something.

Mr. Schultz stated that Mr. Hiller was asked by the attorney for the bonding company.

Chair Parkins commented that it shouldn't be a token vote; they are doing it because it is procedure.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to table the reporting of 8-24 Referral of bonding for reconstruction and resurfacing of City roads pending more information.

8-24 REFERRAL: EXTENSION OF PUBLIC WATER FOR A PORTION OF FEDERAL ROAD

Mr. Schultz stated that the BOA has received a petition from three residents. He indicated that Federal Road is on the Trumbull town line and water is being requested to be extended further to those three homes. Extension of public water is consistent with (inaudible).

Chair Parkins asked if that is something that the residents pay for though.

Mr. Schultz responded yes.

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

STAFF REPORT

Mr. Schultz reported of the P&Z Staff Report including the upcoming ZBA Agenda, Poultry Regulations, DSC, Zoning Subcommittee, Zoning Enforcement issues, and upcoming meetings.

***See attached P&Z Staff Report dated 9/9/14 from Richard Schultz, P&Z Administrator.**

ADJOURNMENT

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary