

SHELTON PLANNING & ZONING COMMISSION

December 9, 2014

The Shelton Planning and Zoning Commission held a Regular Meeting on Tuesday, December 9, 2014, Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins
Commissioner Nancy Dickal
Commissioner Virginia Harger
Commissioner Thomas McGorty
Commissioner Frank Osak (alternate)
Commissioner Anthony Pogoda
Commissioner Jim Tickey

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

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE & ROLL CALL

Chair Parkins called the December 9th Regular Meeting of the Planning & Zoning Commission to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members present. She requested that no cell phones be used during the meeting.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0181: AUNTIE'S CAFÉ, 522 SHELTON AVE., BUSINESS & SIGN

Mr. Schultz indicated that this is for the Donut Center behind Webster Bank. Unbeknownst to the Commission, six months ago they changed ownership and changed the name to Auntie's Café. When they came in a couple of weeks ago, he informed them about the zoning. They just replaced the fascia of the sign so it is a box sign. Auntie's Café is 1200 square feet; open seven days a week, Monday through Friday, 5 a.m. to 5 p.m., Saturday 5 a.m. to 5 p.m. and Sunday 6 a.m. to 1 p.m. with two employees, family operated. This is in the Huntington Plaza in back of Webster Bank.

On a motion made by Jim Tickey seconded by Virginia Harger it was unanimously voted to approve Separate #0181.

SEPARATE #0173: DOMINICK BOANA, 781 RIVER ROAD, SIGN

Mr. Schultz indicated that a representative from Rita's was present tonight. As they know, all three occupants have been approved for the new commercial building across the street from the ice skating rink. The Commission instructed Staff to contact the owner, Howard Soffan, to make sure that all signs are consistent. He stated that he did call Howard Soffan who indicated that he was very supportive of that. Rita's was the first one to come in and he presented their sign rendering (red and white lettering with a graphic). The applicant is present to respond to Commission questions.

Chair Parkins asked if this was for the outside of the building.

Mr. Schultz responded yes and added that tonight they will also have...

Chair Parkins asked if that was the background of the sign – the checkerboard pattern.

Mr. Schultz responded that it was the sign that they would re-use. He asked if the applicant if the photo of this rendering was taken inside.

Dan Onofrio, co-owner representing Rita's Italian Ice, 781 River Road, Shelton, CT addressed the Commission. Mr. Onofrio responded that the sign is for outside but the photo was taken inside.

Chair Parkins asked about the checkerboard pattern behind and asked if it was a part of the sign.

Mr. Boana responded no, that it is the floor.

Mr. Schultz stated that the liquor store sign will also be on tonight's agenda so the Commission is going to have to determine which direction that they want to go. He showed a rendering submitted for the Last Call Liquor signage in black and white letters which will be discussed a bit later. Mr. Schultz stated that he called the Applicant to advise them that the Commission wants consistency with signs and that the owner of the building is supportive of that. He added that the Commission is now seeing the two different signs so they can determine which direction they want to go with it.

Comm. Pogoda stated that they are trying to go for uniformity.

Comm. Dickal agreed.

Comm. McGorty asked if Rita's was a franchise.

Comm. Harger responded yes it is.

Comm. McGorty commented OK, it's their brand.

Mr. Onofrio explained and provided a clearer rendering of the sign. He introduced Dominick Boana who was also a co-owner and he commented that they are a franchise. He pointed out the styles made available for the franchise as their suite of sign options. He commented that at their Bridgeport and Westport stores, the signs are very similar.

Mr. Schultz reminded the Commissioners that this is a Planned Development District and the Commission has control over signage.

Chair Parkins asked if they were planning the awning.

Mr. Onofrio responded no awning and added that the top right picture is the most in line with what they have proposed.

Comm. Harger asked if their corporate identify is such that they would permit them to go with just Rita's name.

Mr. Onofrio responded that just Rita's before (inaudible)...

Comm. Harger asked about the coloring for the proposed liquor store sign and if it was just white.

Mr. Schultz responded yes, white and black, internally illuminated with channel letters.

Comm. Tickey responded that the Last Call sign sort of compliments the logo here on the left.

Chair Parkins asked about the third store in that building.

Mr. Schultz commented that would be the donut shop and they didn't get that sign yet.

Mr. Onofrio asked if the Last Call Wine and Spirits was an image or an actual sign.

Mr. Schultz responded that it was the actual sign and it will be considered later tonight by the Commission.

Chair Parkins commented that they are limited on the space going up and down – it looks like it.

Comm. Harger asked what the width was on one of the signs.

Comm. Tickey responded 10 feet long.

Comm. Harger commented that it was less busy than the other two.

Chair Parkins stated that with Rita's, the logo, that cup, is what identifies as being an Italian Ice place.

Comm. McGorty responded yes, it is their brand.

Comm. Harger asked if it had to have the other wording on the right side of the sign.

Comm. Tickey said that he was wondering about that too. Chair Parkins agreed.

Comm. Tickey stated that the logo on the left side at least matches the liquor store and the donut shop hasn't come in yet so they can find out what they are thinking of. It would allow for some consistency.

Chair Parkins stated that they are thinking of allowing the Rita's and the cup logo but not the "Ice Custard Happiness."

Mr. Schultz asked if that was something that the Applicant could accept.

Mr. Onofrio responded that he guesses (inaudible)...

Chair Parkins stated that if they see the brand of Rita's, if they see the cup than they know that it is an Italian Ice but without the cup and just Rita's they wouldn't recognize it but with the cup it is explanatory. It is what they sell.

Mr. Onofrio asked for clarification that what they want is Rita's with the cup and no "Ice Custard Happiness."

Chair Parkins responded yes.

Comm. Dickal added and no awning.

Comm. McGorty stated that "happiness" is implied.

Mr. Onofrio stated that his only issue is that there is a big bar there that is going to (inaudible) and it goes all the way down and he thinks that the "ice custard happiness" would just leave a big blank spot.

Chair Parkins asked if the sign people could remove that.

Mr. Onofrio stated that they'll have to look into it.

Comm. Harger commented that it would look much cleaner and easier to read.

Chair Parkins stated that they would prefer that they not just put white letters saying "Rita's" because then no one will know – they typically don't allow logo stuff, particularly in a PDD where they have that control so the concession would be that they are allowing the logo but not "ice custard happiness."

Mr. Onofrio responded OK, they'll just cut off "ice custard happiness."

On a motion made by Jim Tickey seconded by Nancy Dickal, it was voted 5-1 to approve Separate #0173 with the modifications discussed. Comm. Pogoda voted in opposition.

SEPARATE #0167: ARRIE OLIVER, 360 BPT. AVE. & 33 RIPTON ROAD, SIGN

Mr. Schultz stated that the River Road substation is up tonight. He called them and let them know that the Commission was going to scrutinize that site.

Comm. Harger asked what this site was.

Mr. Schultz responded that this was for the old AT&T going up Ripton Road on the right hand side from the Green. It is now Frontier. He added that they have two sites, the other at Bridgeport Avenue which is the main one.

Chair Parkins asked if Ripton Road was off then.

Mr. Schultz responded yes, he called them in to discuss that.

Chair Parkins asked if they were tabling it or if it was off and withdrawn.

Mr. Schultz responded yes. The proposed Bridgeport Avenue is a net reduction. Their sign is 2' x 2'6" x 4' high, non-internally illuminated and he believes that the other sign was 5'x10'.

Larry Borque, ABC Sign Corporation, addressed the Commission. Mr. Borque stated that they are involved with the locations changing over from AT&T to Frontier. He asked Rick about 33 Ripton Road being off.

Mr. Schultz responded yes.

Mr. Borque commented that they received notification from Frontier that the Ripton Road location had received a permit but not the 360 Bridgeport Avenue. He indicated that they went there and took the banner down and put a small ground sign at that location already.

Chair Parkins asked Mr. Borque if they gave him the approval.

Mr. Borque responded that they were told that location was approved.

Mr. Schultz stated that no, for that location, the Commission tabled it when the first application came in two months ago.

Mr. Borque stated that he wanted to clarify that they did not put the sign there intentionally to (inaudible)...

Mr. Schultz stated that the Commission wants the R-1 area on Ripton Road to be very carefully done because it is a residential area so they will take that matter up.

Mr. Borque commented OK, but if the Commissioners have a chance to go up there, it is a very small sign.

Chair Parkins stated that what was originally proposed by them was quite flashy so they wanted to table it because no one was present representing them – so it was tabled and not approved.

Mr. Borque commented again that if they go up that way and can find that little sign to let them know what they think.

Mr. Schultz told Mr. Borque that the company he is dealing with is out of state and it would be so much easier to deal with him directly but that doesn't always happen.

Mr. Borque stated no it doesn't but actually in state, Pattison, is really doing all of the change-overs.

Chair Parkins asked if he just put a small, ground monument-type signs up with nothing on the building.

Mr. Borque responded that it is a small posted panel sign.

Mr. Schultz commented that he has been dealing with someone in Smyrna, Georgia. He concluded that the Bridgeport Avenue sign is pretty straightforward.

Chair Parkins asked for a motion to approve the Bridgeport Avenue sign.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #0167 for the Bridgeport Avenue sign only.

SEPARATE #0185: ABC SIGN CORP., 781 RIVER ROAD, SIGN

Mr. Schultz stated that this is the rendering for the Last Call liquor store. He thanked Mr. Borque for submitting it because he called them because it is important that they try to coordinate this. When they only have one sign it is difficult for the Commission.

Larry Borque, ABC Sign Corporation addressed the Commission. He stated that they will be doing the sign for the bakery too.

Mr. Schultz responded that is good and asked if it was an independent bakery and not a franchise.

Mr. Borque responded that they have one other location.

Chair Parkins asked if they had the biggest area on that monument sign.

Mr. Borque responded yes.

Mr. Schultz stated that this application is for the entrance sign too and it is shown on the second page.

Chair Parkins indicated that she is glad to see the street number on it.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #0185 for signage.

SEPARATE #0175: CT SEALCOATING, 850 BPT. AVE.

DUMPSTER ENC.

Mr. Schultz stated that this is in back of Panera Bread. The Commission has been dealing with this on and off for the last several months. They want to enlarge the dumpster enclosure in the back. He provided a rendering of the proposed dumpster and the location map. The Applicant is here to go over the details of it.

Mr. Schultz indicated that as the Commission is aware there are two dumpster locations right now and they want to consolidate everything, modernize it, use masonry material consistent with the main building and overall just clean it up.

Comm. Harger asked what the highlighted area was.

Mr. Schultz responded that was the proposed and enlarged location.

Comm. Harger responded OK; right now it is just this little area.

Comm. Pogoda commented that he went back there but asked how large it was.

The Applicant (unidentified) responded that it was 8' deep and 40' wide. Other comments (inaudible)...

Mr. Schultz added that secondly it is very messy and this way it will be consolidated and cleaned up.

Chair Parkins commented that it is better than having all the garbage in front like it is at Staples. It is very messy.

Comm. Harger asked what exactly would be inside of this enclosure.

Comm. Pogoda responded the dumpsters.

Chair Parkins added that it looks like there are four bays.

Mr. Schultz commented that they need to keep in mind that there is one missing tenant there because the bank is out so that will be coming into the Commission.

Comm. Pogoda asked about the bank not being there anymore.

Comm. McGorty responded Citibank is out.

Comm. Harger added that it has been out for a while.

Comm. Pogoda commented OK, he doesn't go to Citibank.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #0175.

SEPARATE #0184: CHRISTINA RUNDSTROM, 435 CORAM AVENUE, BUSINESS

Mr. Schultz indicated that this was the furniture restoration building that was in the Conte Building but is now in 435 Coram Avenue diagonally across from St. Joseph's Church.

Comm. Harger added that it used to be the chocolate place.

Mr. Schultz indicated that the area was 150 square feet and it is a small building as the Commission knows. Previous uses were salons, curtain store, chocolate, and ceramics. It will have one employee with hours of operation Monday through Friday, 10 a.m. to 4 p.m. and it is for restoring furniture.

Comm. Pogoda asked about the chemicals to be used.

Mr. Schultz responded that is the only thing that the Commission needs to be concerned about. The Applicant assured Staff that everything would be properly done and there would be no impact to the residential neighborhood. He added that there are dwelling units in the back.

Comm. Pogoda responded yes, he knows that.

Comm. Harger added that there is a school across the street.

Chair Parkins stated that it is not like she is a commercial refinisher; she is just one person refinishing furniture.

Mr. Schultz responded that they still have to monitor it because...

Chair Parkins stated that there has to be ventilation in there because she wouldn't be able to stay in there.

Comm. Pogoda commented that there are strong chemicals used. He is familiar with people who do that and it is a strong chemical; if it is not vented properly and filtered out then that stuff will get out. They use very strong chemicals. He has seen furniture put into that stuff, take it out and it's just...he thinks they have to be...

Comm. McGorty agreed that the stripping chemicals are strong.

Mr. Schultz responded yes, they have to be on this because it is a residential area.

Chair Parkins commented that she doesn't know that the Health Department monitors it.

Comm. McGorty asked if they regulate any of that.

Mr. Schultz responded that the Health Dept. assists them because they have no way to determine what is or isn't acceptable but they do for obnoxious odors.

Chair Parkins asked if the Building Inspector would have something to do with that.

Mr. Schultz responded yes and no, they do rely on the Health Department on that.

Chair Parkins told Mr. Schultz to check with them and let them know.

Mr. Schultz responded OK.

Comm. Pogoda commented that he would be concerned with approving this without someone checking that stuff out and checking the venting and filtering of odors because it is close to a school. Those chemicals are really toxic.

Comm. Dickal commented that they should table it.

Mr. Schultz stated that the use is fine for refinishing antique furniture.

Comm. McGorty commented it is the strippers and varnishes. There are a couple of houses on both sides.

Comm. Pogoda added that there are and houses in the back and a school across the street.

Mr. Schultz stated that he'll look into that. It is a pre-existing, non-conforming situation there. They can table this.

Chair Parkins asked about the space in there – 150 square feet. She added that she won't be able to do much in there. She is doing one rocking chair at a time.

Mr. Schultz agreed that it is a small space.

Chair Parkins stated that if the Commissioners want to table it and check with the Health Department that is fine with her but she doesn't think 150 square feet involves any massive production.

Mr. Schultz stated that he'll send an email to the Commissioners to let them know what the Health Dept. says.

Comm. Harger asked if they could approve it contingent upon the Health Department.

Chair Parkins responded yes then they don't have to hold it up for a month.

On a motion made by Virginia Harger seconded by Nancy Dickal it was unanimously voted to approve Separate #0184 with the contingency that there are no concerns from the Health Department.

SEPARATE #0166: ELLEN MORGAN, 865 RIVER ROAD, BUSINESS

Mr. Schultz indicated that this is for the retail building on the Stratford town line. This is on the second floor, 700 feet leased area, one employee for a law office, hours of operation are 9 a.m. to 5 p.m.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve Separate #0166.

SEPARATE #0165: ALLISON WYSOTA, 241 CORAM AVE.

BUSINESS

Mr. Schultz stated that the Applicant is here and she is looking to reoccupy the large building across from City Hall. He explained that they have the Church, the Sheehy's and then the large building which used to be In Style perfume products who are vacating.

Chair Parkins asked if this was a house.

Mr. Schultz responded that it used to be an estate. The last occupants are vacating.

Comm. Harger asked if this was the last house before the bridge.

Mr. Schultz indicated that the building is 3000 square feet and the proposed use is for a grief education center. There would be one employee and this is volunteer based. They will offer six week sessions and groups would meet 6 p.m. to 8 p.m. with three 6-week sessions a year. The site contains up to 12 parking spaces and there are no company vehicles. The company name is the Adam Wysota Foundation. He asked the Applicant to provide some background on the foundation which is a 501 C3 non-profit.

Allison Wysota, representing the Adam Wysota Foundation, 241 Coram Road, Shelton addressed the Commission. Ms. Wysota indicated that they were a non-profit, independent grief center providing education for families who have lost loved ones. There are different sessions for different types of loss, such as children who have lost parents who would be separated into age groups. They would provide education for children as to how to deal with grief, dealing with their feelings and developing coping skills and having peer support while the parents are downstairs on site also learning similar things and being provided parental support, positive parenting, listening skills and brainstorming with other parents as to how to deal with issues surrounding the grief process.

Chair Parkins asked if the sessions would only be held at night.

Ms. Wysota responded yes, the sessions are only at night.

Chair Parkins asked if there was office staff or anything during the day.

Ms. Wysota responded that people would be onsite for intakes, a social worker meeting with families, or families who might want to take a tour before committing and that would take place during the day.

Comm. Harger asked what the hours would be during the day.

Ms. Wysota responded 9 a.m. to 5 p.m. probably but they would be scheduled days and also some drop-ins.

Mr. Schultz commented that it is a good fit, especially at night because the City Hall parking lot is also open.

Ms. Wysota stated that there would only be about six families, small groups.

Comm. Dickal responded that as someone working in the health field, she thinks this is wonderful business.

Chair Parkins asked if there would be any type of residency as part of this program.

Ms. Wysota responded no.

Chair Parkins asked how long this organization has been in existence.

Ms. Wysota responded 3 years.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve Separate #0165.

AGENDA ADD-ON

Before moving onto the Old Business, Chair Parkins asked for a motion to add an item to the agenda under New Business, Application #14-29 for a 2 Lot Re-Subdivision, 209 Birdseye Road, R-1 District (Map 143, Lot 8), accept and schedule a public hearing.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve adding Application #14-29 to the Agenda under New Business.

APPLICATION #14-20, PETITION OF POND MEADOW, LLC FOR PDD ZONE CHANGE, INITIAL DEVELOPMENT CONCEPT PLANS (20 UNIT MULTI-FAMILY COMPLEX) AND REVISION TO FUTURE LAND USE CATEGORY FOR THE 2006 POCD, 39 SHELTON ROAD (MAP 1, LOT 4), R-1 DISTRICT: REQUEST TO WITHDRAW

Mr. Schultz stated that the Commission has received a letter addressed to the Chair requesting the immediate withdrawal of the subject application and a request to stop all future discussions and public hearings on it. A motion is in order to accept this withdrawal.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to accept the request for withdrawal of Application #14-20.

APPLICATION #14-24, PETITION OF S&G OF SHELTON, LLC FOR PDD ZONE CHANGE, INITIAL DEVELOPMENT CONCEPT PLANS (26 UNIT CLUSTER RESIDENTIAL DEVELOPMENT) AND APPROVAL OF REVISION TO LAND USE CATEGORY OF THE POCD, 88 AND 94 PERRY HILL ROAD, (MAP 116, LOTS 37 AND 38), R-2/R-1 DISTRICTS (PUBLIC HEARING CLOSED ON 11/12/14)

Mr. Schultz provided an area site map and commented that this will be the first discussion on this application since the public hearing ended so Staff will need some direction from the Commission. He referenced the map he just put up and indicated that it showed the alternative plan minus one unit. Originally it was for 26 units and this map shows 25.

Chair Parkins commented that they had a lot of spirited public comments both for and against at the last public hearing. They got some comments in from the Conservation Commission and she reminded everyone that Conservation is an advisory committee and they don't have approval authority; their comments are certainly welcomed, however, they are looking at it from a conservation standpoint because that is what they are charged with doing. The City Engineer's letter indicated more on the road factors, the drainage which would probably be able to... She commented that she is a little bit concerned with the density not so much with the sight line at the entrance because regardless of whether it is a PDD or a regular single-family subdivision, they will have the same situation in there.

Chair Parkins stated that she was personally a proponent of having Walnut Street be an access for the development but she thinks that they heard loud and clear that the residents on Walnut Avenue do not want that to happen so she'll acquiesce on that and go with the plan to just have it as an access road and not a main road. She added that she just thought it would take some of the traffic off of there by having people heading up to White Hills, head up straight rather than... but she certainly understands the concerns of the neighbors.

Comm. Tickey agreed and added that in hearing from the residents, so many people said that they didn't have an issue with development but their issue was about the blasting and how it might affect their wells and some people had stories about things that had happened to their wells in the past. Also, it seemed there was an issue of density so he would be interested in what they might think about regarding that density. He commented that originally it was 26 homes and now it is 25. He asked what they could do to alleviate, perhaps, some of the units and they'd have to look at the land, but he wonders about units that might be in areas where there would be more of that blasting taking place. He added that he didn't think that they could stop all of the blasting altogether but if they could mitigate some of the blasting with less density, then that might also alleviate some of the resident's concerns.

Chair Parkins commented that she wasn't quite sure that the residents know exactly where that blasting was going to happen either and she doesn't think there was a lot of discussion on where the blasting would be. She stated that, again, this is an Initial Concept Plan so it is more about getting the PDD approved and then working to fine tune the actual Concept Plan of land development.

Comm. Dickal commented that her concern is that she feels it is really dense population for that area. Her other concern is that she was raised in a similar development years ago and in a three bedroom. Her parents had one bedroom, she had a bedroom with her sisters and there was a room for her brothers. If there are 25 after eliminating one, they have to be realistic; people are buying smaller homes because they want less maintenance and affordability. She commented that they have been doing some really good

things and children live in apartments, children live in condos and children live in houses so her concern is what burden this would be on the school system and other avenues that they would have to pick up.

Chair Parkins commented that one of her recommendations, if they decide that it is the density and the eliminate some of the units, is that they be the three bedroom units.

Comm. Tickey asked if she had the breakdown of how many two and three bedroom units.

Chair Parkins stated that right now there are 15 three-bedroom and 11 two-bedroom of which 3 are two-bedroom with a loft.

Comm. Dickal stated that the Carlyle was 3-bedroom and the Belmont was 3-bedrooms.

Chair Parkins stated that again, this application is for the initial development so rather than telling them they would eliminate so many units and make that 3-bedrooms and delve into the nitty gritty of where those units should be...

Mr. Schultz responded that the discussion should really be if the PDD is the right technique, a private community versus an as-of-right public road community.

Chair Parkins stated that the thing she thinks that they like about the PDD's is the control that this Commission is able to have over the development. In a housing development it is a little bit different because they aren't putting in signs and businesses and that sort of thing. Based on the calculations, she thinks that they would have been between the R-1 and R-2 differentiation; they would have had up to 16 units if they used up all of the space. So they are talking about probably 13 units that they could get in there but those units could be 4-bedroom houses so that has to be taken into consideration. By having a PDD, they can control the amount of bedrooms and the fact that there won't be any pools or whatever as the developer was saying, making this more of an adult-minded community by not allowing playscapes, pools and those sorts of things.

Comm. McGorty stated that the school populations have been trending down over the years. There are going to be kids and with the proximity to the schools it is good so it will be attractive for families but he doesn't think that they are busting at the seams.

Comm. Dickal responded that they are at Bridgeport Hospital.

Comm. McGorty asked what she was talking about.

Comm. Dickal responded as far as children being born. Birth rates are way up.

Comm. McGorty commented that he doesn't know if that is a stopper but the density is obviously ambitious but he doesn't think it is because of school children. He added that he thinks it is because of the land available there and the property and laying it out properly.

Chair Parkins responded yes and they would have a second take on that when it comes back to the Commission with the final detailed plans.

Comm. Tickey commented that in their discussions they talked about the open space and some of it needs to be open because it is a wetland but if they look at the way it is laid out and that they have control over the PDD for some of that open space, and he knows that some of the residents talked about wildlife and if it was the alternate R-1 or R-2, it might not be laid out in that way and they'd have no say in how it is laid out.

Chair Parkins agreed and commented that they would have to give up the 10% of the (inaudible)...

Comm. Tickey stated that the PDD offers them the opportunity to control that piece of it.

Chair Parkins commented that she understands the Conservation Commission's concern about the Transition Zone. She thinks that it is a good point to make but, based on the density, this can actually be a better option for this parcel with the right density than a subdivision would be.

Comm. Harger stated that she likes the concept overall but she would just like to see it scaled back.

Comm. Tickey agreed.

Comm. Pogoda commented that it would be helpful to the City because the services don't have to be provided in there. They will do their own roads and garbage pickup which helps but the density is his problem. He added that it fits better than the other type of homes but it is a little bit too dense.

Chair Parkins asked what everyone would be comfortable with in terms of density because to approve a PDD with a reduction in density they will have to include that in there. The developer is going to have to determine if it is economically worth doing with the amount of units that they set. She asked if anyone wanted to throw out a number as a starting point.

Comm. Harger suggested 16.

Comm. McGorty responded that probably wasn't feasible from a builder's perspective.

Chair Parkins added that she thinks that they could get 16 single family homes in there.

Comm. Tickey stated that he doesn't think it should exceed 20.

Comm. McGorty agreed with 20 as the lowest but 16...

Comm. Pogoda commented that 16 wouldn't be worth it because they can get 12 or 13 homes on there.

Comm. Harger stated that they had to start the discussion somewhere.

Chair Parkins agreed and added that it is better to start low than high.

Everyone thanked her for throwing a number out there.

Chair Parkins asked if they would all be comfortable with 20.

Comm. Harger stated that she would like to see a layout to see how it flows.

Comm. Dickal agreed and added that 20 still sounded a little high.

Chair Parkins stated that they aren't doing detailed development right now.

Comm. McGorty stated that it would be 20 versus building 15 4-bedroom single family homes, it is a net wash. They will have approximately the same amount of bedrooms. They won't be as big as the single family homes; they'll have two or three bedrooms so it is probably a wash.

Comm. Pogoda stated that they throw out the number of 20 just to give the developer something to think about. They still haven't come up with the final – and as Ginny said, he'd like to see how it is going to flow with 20. The discussion right now is if they are going to approve a PDD, the zone change on there.

Chair Parkins stated that is what this would be contingent upon them.

Comm. Pogoda responded that they are just throwing out that number. It doesn't have to be the final number but for right now it is something that the builder is going to have to think about if it is worth it to him. It could become a discussion that they want 18 or 19, he doesn't know but they have to give them some number to think about and then propose a layout if they approve the zone change and go from there.

Comm. Tickey stated that they don't know exactly where that blasting is going to take place but he thinks that if the developer is thoughtful they might avoid areas – if they have 5 less homes, if they are thoughtful about where they go.

Chair Parkins responded that is one of the things when the site plan comes back to them, they'll be aware of that because it will be shown where they have to blast, where the houses will go and they'll have more control over that.

Comm. Tickey stated for the record that he said no more than 20 but it could be less.

Chair Parkins stated that if they take that reduction for the three bedrooms then they have already deleted one and she doesn't know which one it was but it would bring it down to 9 three-bedrooms, 8 two-bedrooms and 3 two-bedrooms with a loft or somewhere around that category. She commented that she thinks it would be around 49 bedrooms.

Comm. Pogoda stated that it would depend upon which ones they take out.

Comm. Harger pointed out that it was the one on this side.

Chair Parkins stated again that the plan would have to be limited to that.

Comm. McGorty commented that it seems reasonable – if they built 14 homes in there at 4-bedrooms then they are at 60 bedrooms.

Chair Parkins stated that this would be between 49 and 50 bedrooms – if she did her math right. They could say maximum 50 bedrooms.

Comm. McGorty commented that they don't know what the blend would be.

Chair Parkins responded that their blend would have to accommodate that many bedrooms – the styles of the houses.

Comm. Pogoda asked if she was considering giving a bedroom count too.

Chair Parkins responded well, the amount of units and a bedroom count.

Comm. Pogoda commented OK.

Comm. Harger stated that originally with 15 three-bedroom and 11 two-bedroom, there would be 67.

Comm. McGorty commented that it comes down to the economics of it on the builder and then they have to look at the economics of having a two and three bedroom unit reduction and the economies of scale with scaling back and whether it is worth it.

Chair Parkins stated if it was 67 then they reduced 17 bedrooms.

Comm. Harger stated that they did take out the house so...

Chair Parkins commented that she doesn't want to bring it down to 20 units and then have all 20 units be three bedrooms.

Comm. Tickey agreed that they didn't want that.

Comm. Harger agreed and commented that they could make it 40 because that is a nice ordered number.

Chair Parkins responded that she wouldn't mind making it 50 if they were going up rather than going down. She asked if they were in consensus to direct Staff to start preparing a resolution for the PDD Zone Change.

Comm. Pogoda commented yes, let's go with those numbers.

Comm. Tickey stated that he agreed with 20 homes with 49 or 50 bedrooms.

Comm. Pogoda commented yes, 49 or 50; one more or less at that point isn't going to hurt them.

Comm. Dickal stated that she is not comfortable with the whole project and she doesn't think it is a good fit there.

Chair Parkins stated that it would be as a good a fit as the subdivision that they are entitled to.

Comm. Harger commented that basically they could withdraw this and come in to do a subdivision.

Chair Parkins responded yes, they could.

Comm. Harger stated that then they don't have any say in the matter.

Comm. Pogoda agreed that was right – they could have that by right. It is up to the developer.

Comm. Tickey asked what the original amount of the bedrooms was.

Comm. Harger responded 67 bedrooms for 26 homes.

Comm. Pogoda asked if they needed a motion to direct Staff on this.

Mr. Schultz responded no, the Chair directs Staff.

Chair Parkins asked if he or Tony would prepare the resolution.

Mr. Schultz responded yes.

NEW BUSINESS

APPLICATION #14-27, WATER'S EDGE OF SHELTON, LLC FOR MINOR MODIFICATION OF PDD #78, DETAILED DEVELOPMENT PLANS (FOOTPRINT ADJUSTMENTS FOR BUILDING UNITS 1 THRU 5, AND 15 THRU 17), 500 AND 510 RIVER ROAD, (MAP 54, LOTS 33, 44 AND 2): ACCEPT, DISCUSSION AND POSSIBLE ACTION

Mr. Schultz presented the full scale map for the site and indicated that the Commissioners received a portion of the map and essentially they want to add two feet to each unit.

Comm. Harger asked if it was at the end units.

Mr. Schultz responded no, each unit.

Chair Parkins stated that was a little bit confusing to her. When she looked at the original plans and when she looked at these calculations, they haven't changed. She asked about the highlighted area showing the increase.

Mr. Schultz responded yes, that shows 6 feet.

Chair Parkins asked if it was 2, 4, 6 and it is not just 6 feet added to one building.

Mr. Schultz responded no, 6 feet but 2 feet for each unit.

Chair Parkins stated OK, the footprint is coming out the same. She asked about the footprint on the other building.

Mr. Schultz responded that it would 2 feet over there and 4 feet over there for a total of 6 feet. He stated that it would be 6 feet for each unit.

Chair Parkins commented OK and asked if the other building would be 2 feet and then 4.

Mr. Schultz responded that it was 4 feet and then 2.

Chair Parkins commented that it looks wider than two of the others put together.

Dennis McMorrow, Berkshire Engineering & Surveying, 143 Bantam Lake Road, Bantam, CT addressed the Commission.

Chair Parkins asked him if a location shown on the plan was 4 feet.

Mr. McMorrow responded yes, that's correct, 2 and 2.

Chair Parkins asked if another location was 6 feet.

Mr. McMorrow responded it was 6 feet.

Chair Parkins commented that it looked like more than just a doubling of these two and asked if that was just optical issue.

Mr. McMorrow responded yes, the old shaded areas are what were approved, the modification to the PDD. The heavier lines are each unit two feet bigger. He pointed out one unit that had to be moved over a couple of feet to maintain the 25 feet between Units 3 and 4, so the light lines underneath were the original lines. He has a scale that he could put on it for them.

Comm. Harger commented that they shifted things over in the middle.

Mr. McMorrow responded that they held Unit 5 and didn't move Unit 5 over. He pointed out the units that were made 2 feet wider and where another two feet was added so it is 4 feet. He showed another location where they shifted it over 2 to 3 feet to maintain a minimum of 25 feet for the separation distance and where they added two feet on the other units.

Chair Parkins responded OK, and asked for clarification if another area had been increased.

Mr. McMorrow responded yes, that's right.

Comm. McGorty asked if the reason was to increase the square footage of the units.

Mr. McMorrow responded to get a larger unit. With the approval of the modification, they had the room between Unit 1 and Unit 17 before they had a property line in there so they had that room to work with.

Mr. Schultz asked Mr. McMorrow to state his Note for the record.

Mr. McMorrow indicated that in that area there is no new work that is not already in a disturbed area – so there is no change in their disturbed area for the project in there.

Chair Parkins asked if any of the others were changing.

Mr. McMorrow responded no.

Chair Parkins asked if they were ready to put a shovel in the ground.

Mr. McMorrow responded correct.

Chair Parkins commented OK, and asked if they won't be seeing him for a while then.

Mr. McMorrow responded no, they were told not to come back - politely told not to come back. Yes, they are ready to put a shovel in the ground.

Chair Parkins responded OK, she has no issues.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #14-27.

Chair Parkins asked if the other Commissioners had any major concerns with it.

Comm. Tickey commented that it keeps growing and growing. He didn't support what they did last time with the extra units and he thinks that it just keeps growing.

Comm. McGorty responded that it isn't encroaching and it is not disturbing – no net increase. He commented that he thinks that they need to get moving versus continually going over stuff like new additions. It is getting a little frustrating.

Comm. Tickey commented that they came back for three more units and now they are back to expand the square footage in each units. It just keeps growing and it needs to move forward.

Comm. Harger stated that they did pick up that property behind the factory.

Chair Parkins agreed that was why they added the three units. She reiterated that she had no major issue with it. She requested a motion to approve this minor modification.

Comm. Dickal stated that she was confused because she opposed the three new units last time but she has no issue with this but she had an issue with that.

Mr. Schultz commented that she can abstain from voting.

Comm. Dickal responded yes, she'll abstain.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was roll call voted (4-1-1) to approve Separate #14-27 for a Minor Modification. Comm. Tickey voted in opposition and Comm. Dickal abstained from voting.

APPLICATION #14-28, PETITION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #27 AND STATEMENT OF USES AND STANDARDS (ROOF-TOP WIRELESS TELECOMMUNICATIONS FACILITY), 695 BPT. AVE. MAP 29, LOT 1): ACCEPT AND SCHEDULE PUBLIC HEARING

Mr. Schultz commented that they are back again and asked the Commissioners to look at the new submission given to them.

Chair Parkins indicated that they've had a lot of discussions with them and she believes that she looked very strictly at the application.

Mr. Schultz commented that it is interesting to note that Verizon is still moving ahead and AT&T pushed it last year as they may recall - but then just stopped.

Chair Parkins commented that AT&T still has the wireless.

Mr. Schultz recommended January 28th when they have two other public hearings for Canal Street/Apex Tool site and the Chicken Regulations. He added that the Sears site restaurant was moved up to the 13th.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to accept Application #14-28 and schedule a public hearing for Wednesday, January 28, 2015.

APPLICATION #14-29: PETITION OF 209 BIRDSEYE ROAD, 2-LOT SUBDIVISION, R-1 DISTRICT (MAP #143, LOT 8), ACCEPT AND SCHEDULE A PUBLIC HEARING.

Mr. Schultz suggested January 28th and asked if they would prefer to have it on the 13th because it will be simple subdivision.

Comm. Pogoda responded that if it is just a subdivision then do it on the 13th.

On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to accept Application #14-29 and schedule a public hearing for Tuesday, January 13, 2015.

OTHER BUSINESS

APPROVAL OF MINUTES: 10/28/14, 11/12/14, AND 11/18/14

Comm. Harger and Comm. McGorty admitted that they did not review the minutes and would abstain from voting.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was voted 4-0 with 2 abstentions to approve the minutes of 10/28/14, 11/12/14 and 11/18/14. Comm. Harger and Comm. McGorty abstained from voting.

PAYMENT OF BILLS

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

MT. LAUREL RIDGE SUBDIVISION: REQUEST TO RELEASE PERFORMANCE BOND AND SEDIMENT AND EROSION CONTROL BOND

Mr. Schultz indicated that this is the three-lot subdivision that Roger Spinelli did on Independence closer to Willoughby. They have a \$20K Site Completion Bond placed to make sure that the common driveway was paved and it is paved. In regard to the \$5K Sediment & Erosion Control Bond, the entire site has been stabilized. He read correspondence from the Matto Bros. LLC requesting the release of both bonds for the subdivision known as Mt. Laurel Ridge. Staff recommends the release of both bonds.

On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the request to release Performance and Sediment & Erosion Control Bonds for property known as Mt. Laurel Ridge Subdivision.

2015 MEETING SCHEDULE(S) APPROVAL

Chair Parkins noted one change to the July date making it July 14, 2015.

Mr. Schultz indicated that they have three meetings including the P&Z Commission, Downtown Subcommittee (DSC) and the Zoning Subcommittee.

Mr. Schultz stated that the P&Z Meeting would be held on the second Tuesday of each month and there are no conflicts with holidays in 2015. July 7th was a typo and should read July 14th.

***See attached 2015 Planning and Zoning Commission Meeting Schedule.**

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to approve the P&Z Regular Meeting Schedule for 2015.

Comm. Harger asked if the Submission Date for July would need to 7/8/15 instead of 7/1/15.

Mr. Schultz responded yes, thanks, it would be July 8, 2015. For the Downtown Subcommittee, the Chair Ginny Harger is recommending the 2nd Friday of each month at 8:30 a.m.

On a motion made by Anthony Pogoda seconded by Jim Tickey, it was unanimously voted to approve the DSC Meeting Schedule for 2015.

Mr. Schultz indicated that the Zoning Subcommittee would essentially meet on an as needed basis.

On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to approve the as needed 2015 Zoning Subcommittee Schedule.

Mr. Schultz indicated that he would be notifying the Town Clerk's Office of these Meeting Schedules tomorrow.

APPOINTMENT OF REPRESENTATIVE AND ALTERNATE TO THE NEW 19 MEMBER NAUGATUCK VALLEY COUNCIL OF GOVERNMENTS (NVRPC), REGIONAL PLANNING COMMISSION

Chair Parkins commented that it was her understanding that Comm. Harger would prefer not to travel to these meetings.

Comm. Harger responded yes, they are in Waterbury now.

Chair Parkins stated that she would be glad to take on the appointment and ask Comm. Harger to be an alternate since she is already familiar with the group. She would appreciate if Comm. Harger could fill in.

Comm. Harger agreed to be an alternate.

Chair Parkins commented that she understands that Rick Dunne is going to be appointed as Executive Director of the new Naugatuck Valley Council of Governments (NVRPC)

Mr. Schultz stated that he just learned that today.

Comm. Harger added that he is and that is good.

Mr. Schultz added that the NVRPC will now include 19 members for 19 towns – the north is Bristol and the Valley is south.

Comm. Harger indicated that they have a lot to work out.

Chair Parkins commented that she heard that there was a suggestion to rotate the meetings to be held in different towns so that it won't always be in Waterbury.

Mr. Schultz stated that the first meeting is January 6, 2015.

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to appoint Ruth Parkins as representative to the Naugatuck Valley Council of Governments (NVRPC) Regional Planning Commission and to appoint Virginia Harger as alternate representative.

STAFF REPORT

***See attached P&Z Staff Report dated December 9, 2014**

Mr. Schultz reviewed P&Z issues including ZBA Agenda Items and the legal action against ZBA regarding Todd Road which is a work in progress. There will be some discussion on that with the full Commission and the attorney representing the City. He commented that the first meeting with an Executive Session will probably be January 13, 2015.

Mr. Schultz discussed other upcoming ZBA issues, CT Citing Council, Zoning Subcommittee, DSC and Sign Enforcement, Zoning Enforcement issues (including the proliferation of clothing bins throughout town), and POCD Planning Subcommittee.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Nancy Dickal, it was unanimously voted to adjourn the meeting at 8:25 p.m.

HAPPY HOLIDAYS

Respectfully Submitted,

Karin C. Tuke
P&Z Recording Secretary