

SHELTON PLANNING AND ZONING COMMISSION

FEBRUARY 10, 2015

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, Feb. 10, 2015 at Shelton City Hall, Room 303, 7:07 p.m., 54 Hill Street, Shelton, CT.

Commissioners Present: Chairperson Ruth Parkins
Comm. Nancy Dickal
Comm. Virginia Harger (arrived 7:17 p.m.)
Comm. Frank Osak (alt. for Comm. McGorty)
Comm. Jim Tickey
Comm. Anthony Pogoda (via conference phone)

Staff Present: Thomas Dingle, Assistant P&Z Administrator/ZEO
(acting for R. Schultz, P&Z Administrator)
Anthony Panico, P&Z Consultant
(via conference phone)
Karin Tuke, Recording Secretary

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chairperson Ruth Parkins called the February 10th P&Z Regular Meeting to order at 7:07 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Comm. Pogoda was in attendance via Skype, Comm. Osak would be acting as alternate for Comm. McGorty who is not present, Comm. Harger will be arriving shortly and from Staff, Tom Dingle will be filling in for Rick Schultz tonight and Tony Panico is listening via conference phone.

AGENDA ADD-ON

Chair Parkins stated that there would be one add on to tonight's Agenda under Old Business/ Applications for Certificate of Zoning Compliance. She asked for a motion to add Separate #0217 to the agenda.

On a motion made by Nancy Dickal seconded by Jim Tickey, it was unanimously voted to add Separate #0217 for new ownership and sign at Apollo Tanning, 702 Bridgeport Avenue to the agenda under Old Business/Applications for Certificate of Zoning Compliance.

OLD BUSINESS

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0212: SAMUEL COTTEE, 880 HOWE AVENUE, RETAINING WALL

Tom Dingle stated that this retaining wall was a concern because it was in progress when they were notified about it. The State of Connecticut came down because it is located on Route #110. The wall was partially done by a professional contractor. He stated that the Applicant cooperated with the A-2 survey of his property and Staff took photos of it today. He referenced the photo provided to the Commissioners of a completed stone wall with a fence above it. It is approximately 10 feet above the ground with parking for two cars located in front of it. Staff recommends approval.

Chair Parkins if there were any questions regarding this retaining wall.

Comm. Dickal asked for clarification of the parking space locations.

Mr. Dickal responded that the cars would be parked nose in to the wall and showed the location on the photo. He added that there is no other place for a driveway; the lot is very narrow and the staircase going up to the front door of the house was already there on Howe Avenue.

Chair Parkins asked if this was something that would be under the purview of the City Engineer.

Mr. Dingle responded no, they went out and looked at it. It is on a State highway which is why they called the State to go and look at it. He indicated that the State asked them to cut in the side wall two feet on either side, which they did, and now they have no issues. He added that something similar took place across the street from Shelton Pizza Palace with a homeowner there opening up the front to put two parking spaces in. They lost parking on Howe Avenue but as a property owner, he had a right to the driveway.

Chair Parkins asked if it was impacting the City right-of-way.

Mr. Dingle responded that the cars don't block the sidewalk – there was a sidewalk by Shelton Pizza Palace but there is no sidewalk here.

Chair Parkins asked for a motion to approve.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve Separate #0212.

Comm. Pogoda indicated that he was having difficulty hearing and Chair Parkins indicated that she would take him off of Skype and add him on to the conference call phone instead. After disconnecting Skype, she clarified that both Comm. Pogoda and Tony Panico were now listening on the conference phone.

SEPARATE #0210: TD PROPERTIES II, LLC, 417-419 BPT. AVENUE, TEMP. PARKING

Mr. Dingle indicated that this was the Blanchette property and D'Addario Buick is looking for some additional parking due to snow plowing difficulties. He indicated that at one time they gave Curtiss-Ryan permission to park some cars there in the past. He reiterated that this was for the parking lot next to Blanchette's Sporting Goods.

Chair Parkins asked how many cars they were proposing to park and for how long.

Mr. Dingle responded that it was a 6 month application and they requested 60 cars. He indicated that it was not interfering with Blanchette's.

Chair Parkins commented that if they are already doing it...She's assuming, she went down there and there aren't really any issues. She commented that it is probably a pain for them to clean off all of those cars to sell them.

On a motion made by Nancy Dickal seconded by Jim Tickey, it was unanimously voted to approve Separate #0210 for a 6 month period of time.

SEPARATE #0209: CREATIVE DIMENSIONS, 711 BPT. AVENUE, SIGN

Mr. Dingle commented that this was for the Sikorsky Credit Union. They are changing their name again. Originally, it was Sikorsky Federal Credit Union, then it was Sikorsky Financial Credit Union and now it is going to be just Sikorsky Credit Union. He provided a rendering of the signage proposed and asked if they had received it.

Chair Parkins responded that they didn't receive copies. She asked Comm. Pogoda if he received a copy of proposed signage for Sikorsky Credit Union.

Comm. Pogoda responded that he didn't receive it. Rick sent out a packet but it never arrived.

Mr. Dingle commented that he sent out two packages the other day.

Chair Parkins stated that the rendering is cleaner looking sign than what was previously there.

Comm. Pogoda responded that Rick Schultz had mentioned to him that it looked pretty good and (inaudible) wouldn't disagree with what they want to put up now.

Mr. Panico stated that he didn't receive any materials yet either.

Mr. Dingle responded that they are probably laying somewhere in the sand in Florida...

Chair Parkins commented that Tony Pogoda could abstain from voting if he isn't comfortable because they have four votes at the table.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was voted (4-1-0) to approve Separate #0209 for signage. Comm. Pogoda abstained from voting.

SEPARATE #0207: HALEM SAAD, 521 RIVER ROAD, SIGN

Mr. Dingle asked the Applicant if this sign was for the lower portion of the diner.

Mr. Halem Saad, owner of the Riverdale Diner, 521 River Road, Shelton addressed the Commission. He responded yes, it was for the lower part.

Chair Parkins referenced the proposed signage and asked if he was starting to advertise this.

Mr. Saad responded yes.

Chair Parkins commented that she didn't know how they could approve a sign if they don't know if the building was approved for this use.

Mr. Saad responded that it was approved from the Fire Marshal and the Building Department.

Mr. Dingle stated that they know that years ago it was used for catering, entertainment, live bands, live music but it hasn't been that way in 20 years or so. He added that whatever use he wants to propose ...(inaudible)

Mr. Saad commented that yes, he is only using (inaudible) so it is not going to be live music, it is not going to be (inaudible)...

Mr. Dingle stated that those are all going to have be conditions from the Board to explain to them what they'll approve so if he's looking to have 50 people...

Mr. Saad indicated that he already did all of this...

Chair Parkins stated that they haven't approved the sign.

Mr. Saad added that he met with Rick and he already has approval of the whole thing. He has it already and (inaudible)...

Chair Parkins stated that her concern is that the use that was there – they aren't familiar with the use that was approved. Their concern would be areas of parking, type of activities proposed – i.e., if he's having weddings with 250 people down there, and if they don't having the parking for it, than they can't approve it. She reiterated that those are things that the Commission looks at. She commented that she wasn't saying that was his situation but that is what the Commission will need to look at.

Mr. Saad responded that essentially what they are using is half the size of the use approved so they aren't even using the whole thing. He stated that he had the Fire Marshal over there and the Building Department over there and they are only using it for business meetings, funeral events – a very small (inaudible) – no live music or anything.

Comm. Osak added that it was a function of the restaurant.

Comm. Dickal commented that she hadn't really seen those things in her packet. She stated she didn't see the Fire Marshal's letter or the Building Department letter.

Comm. Osak reiterated that it was an extension of the restaurant.

Chair Parkins asked Mr. Panico if he recalled an approval being given for the lower level of the Riverdale Diner about 20 years ago.

Mr. Panico responded no, he had no recollection.

Mr. Dingle stated that it was used for live music and a disco-type dancing. It was a hot spot.

Chair Parkins asked how long that use would carry for – and if it was forever.

Mr. Panico added that it had to have been many years ago.

Mr. Dingle reiterated right, it is supposed to go before the Board for approval. It's for 84 seats.

Mr. Saad commented that it was for much less than that.

Chair Parkins indicated that would be a condition of theirs – he could tell them right now 84 but (inaudible)...

Mr. Saad stated that he wasn't adding anything here. The place already exists – even much less than this; the kitchen already exists; the bathroom already exists. He stated that he wasn't adding anything at all. He is just putting in a new floor and new ceiling.

Mr. Dingle explained to Mr. Saad that if he came to them requesting a liquor permit to expand down there, they wouldn't approve that until it was brought to the Commission.

Mr. Saad responded that he didn't do anything until he talked to Rick, the Fire Marshal and the Building Department. He didn't touch anything without actually talking to them and you've already given me the approval. The Fire Marshal and the Building Department already stamped the blueprint. They had a copy of the blueprint and they already stamped it. He paid the fee whatever it ...

Chair Parkins stated that they can't issue him a Building Permit until it is approved by Planning & Zoning.

Mr. Saad responded that he is already doing the building construction.

Comm. Dickal commented that there's definitely some miscommunication here.

Mr. Dingle stated that ...other than it was already there.

Mr. Saad responded that he already has the contract. He's already done the wall...

Mr. Dingle commented that it was always used, even the previous owner even with Anthony's Steak House in the 1970's and the 80's.

Mr. Saad responded that when he bought it 12 ½ years ago, they were already using it and because he was concerned about the parking lot and because he knocked out the whole building to make it all dining room - all diner - because he's not in the liquor or bar business.

Mr. Dingle stated that he came to them when he changed part of his dining room so he was expanding his seating capacity and eliminating his dance floor. He used to have a dance floor and live bands.

Mr. Saad responded not to his knowledge.

Mr. Dingle commented that he was referring to the upper part.

Mr. Saad stated that they didn't have a dance floor.

Chair Parkins clarified that they used to.

Mr. Saad responded that they had a bar. When he bought the place there was a bar and a lot of tables around it. All he did was take the bar down and (inaudible)...

Mr. Dingle commented that could have been the previous owner then...

Chair Parkins asked for clarification that he was talking about the bar upstairs.

Mr. Saad responded yes.

Chair Parkins stated OK, upstairs, he took the bar out and put in additional seating for patrons so that took up some of his parking.

Mr. Saad stated that it was the same amount of seating because it was all tables and seats at the bar; in fact, the bar was actually using more parking spaces than the dining room and that is a fact. He said that there were a lot of tables on the side and the bar was using more parking and that was one of the reasons that he took it out. He added that he wasn't in the bar business and then sitting and (inaudible)...he made it all dining room.

Chair Parkins commented OK, if he's not in the bar business, what would he be doing downstairs.

Mr. Saad responded that it would be used for business meetings, funeral gatherings, and that type of things.

Mr. Dingle asked if it would be for showers, etc.

Mr. Saad responded that it is going to be very small because a lot of the customers will be coming at the (inaudible...) and they need the privacy so... (inaudible).

Comm. Dickal stated that he would be having some kind of a party downstairs and then patrons coming into his restaurant upstairs.

Chair Parkins commented that this is very similar to Hunan Pan when they had upstairs seating and then they wanted to have hibachi tables downstairs. They had to come in for approval.

Comm. Dickal commented that she personally feels that...and she's sorry that somehow this has been miscommunicated, but she's isn't comfortable...

Chair Parkins stated that she wasn't comfortable approving a sign for a business that they haven't approved yet so...

Comm. Dickal suggested tabling it until they get more information.

Chair Parkins commented that he might have stamped it but asked Mr. Saad if he had a physical Building Permit.

Mr. Saad responded yes he does.

Chair Parkins commented that she doesn't know how he would have gotten that without approval.

Mr. Dingle stated that if it was already there and they want to remodel, put new countertops or cabinets, bring the bathrooms up to handicapped standards and it is already there...they aren't adding bathrooms, adding a kitchen...They know the kitchen is there.

Comm. Dickal asked if the use was changing though.

Mr. Dingle commented that it was never given up. It is not like they made it a warehouse, stored warehouse items in there and now they want to go backwards. The use never changed from what it was previously.

Mr. Panico asked if they knew that for sure.

Mr. Dingle responded that without going in and inspecting it, he knows that it was a party place for many years.

Mr. Saad indicated that he had the Fire Marshal out there too.

Mr. Panico stated that was 20 or 30 years ago (inaudible) but when they remodeled the restaurant and made a full-fledged restaurant upstairs – he asked what happened to the space downstairs.

Mr. Dingle responded that it remained untouched.

Mr. Panico stated that for all he knows, it could have been used as storage.

Chair Parkins commented that it may have been abandoned when they did the upstairs.

Mr. Panico stated that it had been abandoned for the prior use. He thinks that there needs to be a lot of material drawn up to find out and trace things back to see what has been transpiring here over the last 20 years.

Comm. Dickal added that was how she feels about it too.

Mr. Dingle commented yes, well, the application doesn't reflect the plans.

Mr. Saad asked if he had the plans.

Mr. Dingle responded that he has his plans but he didn't speak to him...

Comm. Dickal stated that they don't have letters from the Fire Marshal or anything.

Mr. Saad stated that he had all of that. He doesn't have it with him now but...

Mr. Dingle indicated that don't have a letter advising them what to do.

Comm. Osak asked if they had drawings of it. He asked them to spread them on the table to see what they show.

Mr. Dingle put the drawings on the table for review.

Chair Parkins apologized and added that their Administrator wasn't present tonight (inaudible) and they aren't comfortable (inaudible).

Comm. Harger arrived 7:17 p.m.

Mr. Dingle reviewed the location of the diner, the lower entrance off of Constitution Boulevard and showed where he wants to put a sign.

Comm. Harger stated that there used to be a party room down there; she attended a couple of events downstairs there.

Chair Parkins stated that they don't know what may have been traded off when they abandoned the use of that (inaudible)...they don't have that information.

Comm. Osak asked if the intensity of the use that is there now being increased.

Chair Parkins commented about an increase and asked if the parking going to be sufficient for the intended use.

Mr. Saad responded that even in the records it says that the parking was never an issue when he saw him last month. He said it was not an issue at all. He added that they are more concerned about the parking there than anybody else. They would never take it from the regular customer that comes in every day just so they could have one event. There are people that come like 5x/week and they wouldn't take those spaces away from them.

Chair Parkins stated that she appreciates that they're looking out but on the other hand, this Commission is charged with worrying about things like that.

Comm. Osak asked the Mr. Saad for clarification on the floor plan regarding the area in question and asked if it was the area shown with seating.

Mr. Saad responded yes.

Comm. Harger indicated that it was the area more to the right on the floor plan where the circles are shown for the tables.

Comm. Dickal commented that if there is a party down there and the patrons are upstairs...she added that they need to get more information.

Chair Parkins asked what the seating capacity was there.

Mr. Dingle responded 84.

Mr. Saad stated that even when he remodeled upstairs – they actually approved - he already had this approved. Even after he bought it, he already had it approved after he did the downstairs. He doesn't see the issue at all because you approved it after he bought the place and remodeled the upstairs. It is shown here and the blueprint was already approved before. He reiterated that he didn't understand.

Comm. Osak asked him what this downstairs area was when the upstairs was approved.

Mr. Saad stated that is what he submitted. They were going to do it but because (inaudible)...

Comm. Osak asked if when it was approved this section was shown as it is shown here.

Mr. Saad responded yes. This is not a new blueprint – that was approved by the Commission including this area.

Comm. Osak asked if all he was saying was that he was going to start occupying it.

Mr. Saad yes, absolutely, that is what it is.

Comm. Harger asked when this came before them.

Mr. Saad responded that it was approved before...

Comm. Dickal stated that she is more comfortable with getting some more information. She added that she was sorry that it feels like a miscommunication for him but...

Comm. Osak commented that this blueprint is dated 2002.

Mr. Saad responded yes and that is when he bought the place.

Comm. Osak commented OK that was 12 years ago. He told the Commissioners that they approved this and this - and all he is going to do is start occupying it.

Chair Parkins asked if those plans were signed.

Comm. Osak commented that he didn't know but it has a 2002 date.

Comm. Harger stated it says 12/30/2002 on the bottom.

Chair Parkins responded that just because it says '02 that doesn't mean that they approved it.

Comm. Dickal agreed.

Mr. Saad commented that you, this Board approved it.

Chair Parkins asked Frank if he remembered approving this.

Mr. Saad continued that the only time he came here, downstairs for a meeting where he had his architect. He added that it should all be in their records.

Comm. Pogoda commented that he knows that the Republican Town Committee had a meeting downstairs many years ago, he'd say maybe 15 years ago but he never remembered (inaudible)....

Mr. Saad stated that when he came here a week or a month ago, whatever it was, he didn't bring this blueprint with him. He doesn't even have a copy of it. This has been in this office here since 2002 and it is already approved since 2002.

Chair Parkins asked who it was approved by – that is her question. She added that Commissioners at this table are saying that they don't recall ...

Mr. Saad responded that it should be in the records. It is not his fault...it is not his call – it should be in the City's records.

Comm. Osak commented that he couldn't tell him because he wasn't there in 2002.

Chair Parkins stated that they need to research this.

Mr. Dingle stated that these are the original plans, '02 and he asked Mr. Saad if they were done for him.

Chair Parkins asked if there was sign-off from P&Z on them.

Mr. Dingle responded that there might be something in the Site Plan file. There is nothing in the COC file that he has with those plans. This was all improvements and work done outside.

Chair Parkins asked if they could get Rick on the phone.

Mr. Saad responded yes, Rick knows all about it.

Chair Parkins commented that otherwise this gentleman will have to come back because she's not comfortable with it.

Comm. Dickal stated that she wasn't comfortable with it either.

Chair Parkins told Mr. Saad that it wasn't that they didn't believe him but they have to do their due diligence.

Mr. Saad responded that he wants to do the right thing. He doesn't want to touch anything without – he just wants to do the right thing.

Comm. Osak stated that they have to research the '02 minutes to see if they have an approval of this. If it referenced this particular site plan, than they approved it and if not, than they didn't approve it.

Comm. Dickal agreed and commented that is exactly why they need more information.

Mr. Dingle contacted Rick Schultz via phone.

Comm. Dickal commented that Rick was sick.

Chair Parkins asked Rick Schultz about the subject application for the diner on River Road. She explained that the Commission wasn't comfortable approving the sign without any knowledge

that the business use downstairs was approved. She added that Tom Dingle was looking for it and couldn't seem to find it.

Mr. Dingle commented that he didn't have anything in the file.

Chair Parkins added that the archived minutes on line don't go back that far. She put Rick Schultz on the speaker and explained the situation about the downstairs use and any information about it.

Mr. Schultz responded (inaudible)...wait until he gets back.

Chair Parkins commented that he was saying that he didn't confirm that there was approval for both the restaurant upstairs and the facility downstairs combined.

Mr. Schultz responded that the Commission did but there was an evolution and they'll want to know everything. He added that he had to go back and read some of the minutes. The Commission did clearly approve the use downstairs. He asked if they remembered the Steak House downstairs.

Comm. Harger clarified that it was Abby's Steak House.

Chair Parkins responded that was before her time...

Chair Parkins asked if he could assure them with 100% certainty that this business upstairs and downstairs were approved or that there wasn't a trade off for one or the other due to parking reasons or whatever.

Mr. Schultz responded that he'd have to read the minutes for 100% certainty.

Mr. Dingle asked if he found the plans with the application.

Mr. Schultz responded yes and the decision letter.

Mr. Dingle stated that was their copy of the plans from '02.

Chair Parkins asked about the decision letter.

Mr. Schultz responded – from the office.

Comm. Harger asked where that was.

Mr. Schultz stated that it's in the file. Comm. Harger asked where the file was located.

Mr. Schultz responded that if they are in doubt to just table it. Mr. Saad is not doing it tomorrow.

Comm. Dickal agreed that was what she said. She apologized to Mr. Saad and explained that they would have to wait and table this.

Chair Parkins thanked Rick and explained to Mr. Saad that Rick couldn't even confirm this 100% right now so they can't...They will have to wait until Rick comes back in a day or two. He'll clear it up but he'll have to come back before the Commission. She added that they will table the approval of the sign at this point.

Mr. Saad thanked the Commission.

Comm. Osak asked if all that was for approval of the sign.

Comm. Harger commented that they didn't know if the business use ever approved for him to put a sign.

Chair Parkins commented that they weren't going to approve a sign for a business use that wasn't approved. He's under the premise that his use was already approved but the Commission isn't 100% certain. Additionally, photos of the sign weren't included in their package from Rick.

On a motion made by Nancy Dickal seconded by Virginia Harger, it was unanimously voted to table Separate #0207 for signage.

SEPARATE #0217: APOLLO TANNING, 702 BPT. AVENUE, NEW OWNERSHIP/SIGN

Atty. Steven Bellis, 475 Whitney Avenue, New Haven addressed the Commission representing Apollo Tanning. Atty. Bellis indicated that this already exists in Split Rock. It is in exactly the same place as the previous tanning place but under new ownership.

Chair Parkins responded that she don't know where it was located.

Comm. Tickey stated that it faces Bridgeport Avenue next to Super Sandwich.

Mr. Dingle showed the proposed sign rendering.

Chair Parkins asked if they had any conforming signage or standard lettering there.

Atty. Bellis commented that he didn't think so because they have that Café and Sleepy's there that have different signs.

Mr. Dingle stated that usually they can put anything in the window without a permit.

Chair Parkins asked if this was going to be a monument sign.

Atty. Bellis responded that it was not going to be a monument sign.

Mr. Dingle clarified that it would be on the building. This is going from one Blakeman to another Blakeman.

Comm. Harger asked if it was over the doorway.

Mr. Dingle responded yes.

Comm. Harger asked if it said that in the paperwork.

Mr. Dingle responded no, but if they were going to put it in the window they would tell them to just do it.

Comm. Dickal stated that it has Sleepy's and asked if it was going to be up there that so it will be uniform.

Chair Parkins asked if it was backlit. It is channel letters.

Comm. Harger commented that was like Sleepy's and asked what was in the next section.

Comm. Tickey responded GameStop, the Wireless...

Chair Parkins commented that it says channel letters but wasn't very descriptive.

Atty. Bellis indicated that he came in for Statement of Uses because this is for the new owners and the sign as well.

Mr. Dingle commented that they can approve the new ownership and the sign.

Comm. Tickey stated that they should approve the use before the sign.

Atty. Bellis responded that he learned that from the other guy...

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to approve the business use for Separate #0217.

Comm. Pogoda commented that he would abstain from voting on the sign because he hasn't seen it.

Chair Parkins asked if everyone agreed about the signage. With no concerns, she requested a motion for the signage.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was voted 5-1-0 to approve the signage for Separate #0217. Comm. Pogoda abstained from voting.

APPLICATION #14-26: PETITION OF CT COMMERCIAL INVESTORS, LLC FOR MODIFICATION OF PDD #24 INCLUDING STATEMENT OF USES AND STANDARDS (SIT DOWN RESTAURANT(AND REVISION OF DETAILED DEVELOPMENT PLANS, 705-711 BRIDGEPORT AVENUE (MAP 28, LOT 22) (PUBLIC HEARING CLOSED ON 1/13/15).

Chair Parkins indicated that this was for the new building proposed for the Chipotle restaurant in the Sears parking lot. They have a favorable resolution prepared by Tony Panico to be read.

P&Z Secretary, Comm. Harger read the draft resolution for Application #14-26.

***See attached P&Z Resolution for Application #14-26 for Approval of Modified Statement of Uses and Standards and adoption of amendments to PDD #24, a commercial development at 705-711 Bridgeport Avenue dated 2/9/15.**

Chair Parkins requested a motion for discussion or questions regarding the prepared resolution. Comm. Dickal motioned and Comm. Harger seconded.

Comm. Harger stated that she thought it was pretty cut and dried.

Comm. Osak stated that he would vote no but he wouldn't make any comments.

Chair Parkins stated she would take a roll call vote.

On a motion made by Nancy Dickal seconded by Virginia Harger, it was voted 5-1 to approve Application #14-26. Comm. Osak voted in opposition.

APPLICATION #14-29: DOROTHY DEMARCO FOR RE-SUBDIVISION APPROVAL (WABUDA SUBDIVISION: 2 LOTS), 209 BIRDSEYE ROAD (MAP 143, LOT 8), R-1 DISTRICT (PUBLIC HEARING CLOSED ON 1/13/15).

Mr. Dingle indicated that he had a draft resolution to approve the re-subdivision for Application #14-29 for two lots at 209 Birdseye Road.

***See attached P&Z Resolution for Application #14-29 dated 2/10/15.**

Mr. Dingle discussed Condition #6, with Lot 1B they have an individual septic system and individual well and they will adhere to the Conservation Commission's letter concerning the stone walls.

Chair Parkins asked for a motion.

Jim Tickey motioned and Comm. Harger seconded.

Comm. Tickey commented that he thought it was a good public hearing because neighbors came in with questions that were answered and they seemed comfortable. It was a good conversation to have among the neighbors.

Comm. Dickal added that she thought it was phenomenal that the Applicant was willing to work with the neighbors.

On a motion made by Jim Tickey seconded by Virginia Harger, it was unanimously voted to approve Application #14-29.

APPLICATION #14-28: PETITION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR MODIFICATION OF DETAILED DEVELOPMENT PLANS AND STATEMENT OF USES AND STANDARDS FOR PDD #27 (HAMPTON INN: ROOF-TOP WIRELESS TELECOMMUNICATIONS FACILITY), 695 BPT. AVENUE (MAP 29, LOT 1) (PUBLIC HEARING CLOSED ON 1/28/15).

Chair Parkins stated that she thought the Commission was pretty satisfied with the revised proposal and a resolution was prepared.

P&Z Secretary Virginia Harger read the draft resolution for Application #14-28.

***See attached P&Z Resolution for Application #14-28 for Cellco Partnership d/b/a Verizon Wireless for Modification of Detailed Development Plans and Statement of Uses and Standards for PDD #27 dated 2/10/15.**

Chair Parkins requested a motion to discuss the draft resolution for #14-28.

Comm. Harger motioned and Comm. Dickal seconded.

Comm. Dickal commented that she was OK with this. She stated that she believes that the Applicant showed that they would make this aesthetically pleasing and that was her main concern.

Chair Parkins stated that it was a major change.

Comm. Harger commented that it blends in well and she doesn't think anybody would know unless they were really looking down from Scinto Towers.

Comm. Dickal added yes and even with the (inaudible) he said ...it is going to be phenomenal.

Comm. Harger stated that they were very accommodating.

Comm. Tickey commented that it looked much different than it initially did.

Chair Parkins indicated that it was better than what they originally proposed. They just don't want to start a precedent of having these rooftop antennas (inaudible)...She commented that she thinks that they sent the message that they will only tolerate (inaudible)...on Bridgeport Avenue.

Chair Parkins asked Comm. Pogoda if he had any comments.

Comm. Pogoda responded that he felt comfortable with that and he's glad they're willing to work with the Commission on the aesthetics of the structure. They said they looked at the one at Huntington Point, so again, it is aesthetically pleasing.

Chair Parkins took a roll call vote.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously roll call (6-0)voted to approve Application #14-28.

APPLICATION #15-2: 223 CANAL GROUP, LLC FOR MODIFICATION OF PDD #70 INCLUDING STATEMENT OF USES AND STANDARDS AND FINAL SITE DEVELOPMENT PLANS APPROVAL (SITE c: 68 MULTI-FAMILY RESIDENTIAL UNITS), 223 CANAL STREET (MAP 129, LOT 18) REQUEST FOR WITHDRAWAL

Chair Parkins read the letter from the Applicant requesting withdrawal of PDD Modification application for 223 Canal Street.

***See attached correspondence dated February 5, 2015 to Richard Schultz, P&Z Administrator from John Guedes, Primrose Companies.**

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to accept the letter of withdrawal for Application #15-2.

PUBLIC PORTION

Chair Parkins asked if there was anyone wishing to address the Commission on any item not on the Agenda. With no comments, she asked for a motion to close the public portion.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to close the public portion of the meeting.

OTHER BUSINESS

APPROVAL OF MINUTES: 12/9/14 AND 1/13/15

Comm. Dickal pointed out a typo on the January 13th minutes. Chair Parkins asked for a motion to approve with that correction.

On a motion made by Jim Tickey seconded by Nancy Dickal, it was unanimously voted to approve the minutes of 12/9/14 and 1/13/15 (with the typo correction).

PAYMENT OF BILLS

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

VISTA APARTMENTS: 11 LEAVENWORTH ROAD: REQUEST FOR RELEASE OF SITE AND SEDIMENT AND EROSION CONTROL BONDS.

Atty. Steve Bellis, representing the Applicant, addressed the Commission.

Chair Parkins asked if this was for Jim Blakeman's apartments.

Atty. Bellis responded yes.

Comm. Harger clarified that it was the apartments at Indian Well.

Mr. Dingle stated that they signed off on the C.O. for occupancy and all the lights are in.

Atty. Bellis added that it was all paved.

Mr. Dingle asked if they would be retaining any part of the bond or is this a full release.

Atty. Bellis stated that this is for Sediment and Erosion Control.

Chair Parkins commented that it says it is Site Bond and Sediment and Erosion.

Atty. Bellis responded OK, yes.

Comm. Harger asked about the dollar amount.

Mr. Dingle stated that he didn't get the letter for release – requesting release. It got on the agenda so they must have a letter.

Chair Parkins commented that someone has to go up there, inspect and approve it before they release the bond.

Comm. Osak stated that they could approve it subject to having the letter.

Comm. Harger commented that they don't know the dollar amounts though.

Comm. Tickey suggested tabling and doing it before the public hearing on 2/25.

On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to table the Request for Release of Site and Sediment & Erosion Control Bonds at Vista Apartments.

PRECISION RESOURCE: 25 FOREST PARKWAY: REQUEST FOR RELEASE OF SEDIMENT AND EROSION CONTROL BOND

Mr. Dingle stated that he also did not have a letter requesting release of this bond either.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to table the Request for Release of Sediment & Erosion Control Bond for Precision Resource at 25 Forest Parkway.

DOWNTOWN SPECIAL AREA STUDY (PHASE 1): SELECTION OF A CONSULTANT

Chair Parkins indicated that in their packets they received a non-collusion affidavit from Atty. Welch. She stated that this is where Rick would have said that there is only one consultant that came forward to bid on this so they have a selection of one.

Comm. Harger commented that it wasn't without lack of effort on the City's part, that's for sure.

Chair Parkins responded right, they did reach out, held it off a little bit longer trying to find someone else and reach out to other consultants to no avail.

Comm. Osak stated that the problem was that they put a price on it already.

Chair Parkins responded that they were given a price.

Comm. Tickey stated that with no disrespect to this consultant, because he knows they've done good work, but it would have been nice to see another applicant and to have a competitive

process. It is not much of a choice when you have one. They're going to go with that one knowing that there might have been others out there which they could have had conversations with and an exchange of ideas back and forth. It wasn't a competitive process but he thinks that this proposal has good credentials. He would have liked a process where they had a selection to make.

Comm. Harger indicated that the gentleman had a good handle on things in his experience – the section of Norwalk where he grew up, he's familiar with the before and after and how it could relate to what they need to do.

Chair Parkins added that he also lives here in Shelton. She commented that, unfortunately, she wasn't there for his presentation but she heard he was impressive.

Comm. Harger responded yes, very much so.

Chair Parkins asked Frank Osak if he had been there. Comm. Osak responded no.

Comm. Dickal stated that it would have been nice to have some competition but the fact that he lives in Shelton and is reputable is a big plus because he has a commitment to this town.

Chair Parkins commented that even with the set price, you would have thought that some of them could have acquiesced to what they could do with that amount of money and if they proved themselves to be what they were hoping for then there could have been some sort of change order issue but she didn't know...

Comm. Osak indicated that it is kind of restrictive when you say \$10,000 worth and no more – that is really not a bidding process.

Comm. Harger commented that it was the kind of thing to give the impression that – there won't be an open check to come back and now it's like (inaudible)...

Chair Parkins stated that they weren't going to get a real detailed plan. They will get a conceptual plan of what that area could look like.

Comm. Osak responded that it was designed to shut some people up.

Chair Parkins stated that she thinks it was also designed to get something going.

Comm. Harger added that he had said specifically that there are things that could be done which don't cost a lot.

Comm. Dickal added it was a kind of vision.

Comm. Harger commented that he wasn't saying that they had to gut everything like when you remodel – there are things you can do with certain resources, paint, window treatments...

Comm. Dickal added that he was able to look at resources already there which is great because it is budget conscious.

Comm. Osak responded that it was unfortunate that it was going this way. The whole thing is short circuited by this. If they had gone out with the process of contacting three or four of these consultants and asking for an idea of what they could do with a price, then they would have some choices to look at. Since they put a top figure on it - which is very small – a consultant's hours are about \$200 - \$225 so it buys a few hours and they can't do much with it. They really didn't get a sense of what was out there and what could be done. It is unfortunate but he thinks that they ought to just take the money and run – go with the \$10,000 and the guy who put the stuff up.

Chair Parkins commented that there was a scope of work associated with the process so...

Comm. Harger indicated that some people may not have been interested. This consultant has a good track record, they are well-know and have been around ...

Comm. Osak stated that they have seen so many of these things over the last 40 years. It is unfortunate that they couldn't do it the right way and get something started.

Chair Parkins responded let's hope for the best outcome because (inaudible)...

Comm. Dickal stated that if they have a set limit than they have to work with what they have. There are pluses here – he's reputable and resides here in Shelton and willing to work at a set price.

Comm. Osak stated that he hopes it is enough for them to say let's take the second step. The second step is going to cost a little bit more. He guesses that is what he's counting on because he gets the first crack at that second step.

Comm. Harger responded that he has a vested interest in this and they have to start somewhere.

Comm. Tickey added that in future phases because this is Phase I as it has been called on their agenda and when they go to move to future phases, when they go to move toward future phases that they have a phases like the one Frank is talking about, then they might have a couple of vendors interested in taking the next steps.

Mr. Panico indicated that fellow also brings a background from other work that they've done downtown for SEDC so they're not ignorant of the downtown Shelton situation. (inaudible) they've done some land studies, marketing studies and some traffic studies for SEDC so they have knowledge.

Chair Parkins asked if they did the Transportation Study down there.

Comm. Osak responded yes they did.

Mr. Panico commented that he thinks that what the Mayor is looking to get is a pictorial representation of what might be, if the City was willing to support an ambitious program.

Comm. Harger agreed.

Chair Parkins stated that it is possible that they were able to meet that price because of all the work that they've really done.

Comm. Osak responded that was good point.

Chair Parkins stated that might have made them a top candidate even if there had been other interest in it. She added that she shared his comment that it is nice to have multiple people. She asked Tom Dingle if they needed to vote or recommend to the BOA on this.

Comm. Osak asked if Rick didn't have the authority to engage them.

Mr. Panico responded (inaudible)...to approve Milone and MacBroom to carry out that program.

Chair Parkins asked if they needed to take a vote to do that. Mr. Panico responded yes.

Chair Parkins asked for a motion to approve the selection of Milone and MacBroom to conduct the Downtown Special Area Study.

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to approve the selection of Milone and MacBroom as consultant for the Downtown Special Area Study (Phase I).

STAFF REPORT

Mr. Dingle suggested tabling the Staff Report until Rick Schultz returned; however, it was in their packet.

Comm. Harger noted on the P&Z Staff Report Item #4 it says that the P&Z Commission would be officially selecting the consultant at the 2/10/15. She added that it states that Milone and Mac Broom was the only consultant out of six solicited who submitted a proposal.

Chair Parkins responded yes, she thinks that they had a lot of the work done already. There was further discussion regarding the Downtown Special Area Study (comments inaudible). Chair Parkins asked for a motion to adjourn.

ADJOURNMENT

On a motion made by Virginia Harger seconded by Nancy Dickal, it was unanimously voted to adjourn the meeting at 8:33 p.m.

Respectfully submitted,

Karin Tuke
P&Z Recording Secretary