

**SHELTON PLANNING AND ZONING COMMISSION**

**DECEMBER 8, 2015**

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, December 8, 2015 at Shelton City Hall, Room 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 Virginia Harger  
    Commissioner Elaine Matto  
    Commissioner Thomas McGorty  
    Commissioner Frank Osak (alternate for Comm. J. Tickey)  
    Commissioner Anthony Pogoda

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

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

Chair Parkins called the P&Z Commission regular meeting to order at 7:04 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Comm. Osak would be acting as alternate for Comm. Tickey. She congratulated the newly elected Planning & Zoning members – Comm. Harger, Comm. McGorty, Comm. Matto and Comm. Osak as an alternate.

Chair Parkins commented that they have to begin with their organizational meeting tonight. She asked for a motion for nomination of the position of P&Z Commission Chairperson.

Comm. Pogoda nominated Ruth Parkins and Comm. McGorty seconded. With no further nominations, the Commission voted.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to elect Ruth Parkins as Chairperson for the Shelton P&Z Commission for the remainder of her four year term.**

Chair Parkins responded by thanking the Commissioners for the trust that they are continuing to put in her and she'll continue to work hard as they all do. She asked for a nomination for Vice Chairman Position.

**On a nomination/motion made by Virginia Harger seconded by Elaine Matto, it was unanimously voted to elect Anthony Pogoda as Vice Chairman for the Shelton P&Z for the remainder of his term.**

Comm. Pogoda thanked the Commission.

Chair Parkins asked for nominations for the position of P&Z Secretary.

**On a nomination/motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to elect Virginia Harger as P&Z Secretary for her term.**

Chair Parkins indicated that she will approve the subcommittee elections at another time.

Mr. Schultz indicated that Elaine Matto would join the Zoning Subcommittee.

Chair Parkins responded OK and Comm. Osak will continue to chair the POCD Update Committee. She moved on to the first public hearing for Application #15-21.

**PUBLIC HEARING**

**APPLICATION #15-21: LONG HILL CROSS ROAD, LLC FOR MODIFICATION OF CONCEPTUAL PLANS, DETAILED DEVELOPMENT PLANS AND STATEMENT OF USES AND STANDARDS FOR PDD #69 (CLUSTER RESIDENTIAL DEVELOPMENT), LONG HILL CROSS ROAD (MAP 51, LOT 29) (CONTINUED FROM 11/18/15) (REQUEST TO WITHDRAW.)**

Chair Parkins stated that there was a request from the Applicant to withdraw this application. She read the request for withdrawal from the Applicant, Mike Salemme dated December 4, 2015.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the request for withdrawal without prejudice for Application #15-21.**

**APPLICATION #15-24: ADVANCED SECURITY TECHNOLOGIES, IN C. FOR SITE PLAN APPROVAL (PROFESSIONAL OFFICE), 292 CORAM AVENUE (MAP 117B, LOT 76), R-3 DISTRICT.**

Chair Parkins reviewed the procedures for public hearings and the location of the sign-up sheet for individuals wishing to address the Commission regarding this Application during the Public Portion.

She asked the P&Z Secretary to read the Call of the Hearing for Application #15-24.

P&Z Secretary Virginia Harger read the call of the hearing and indicated that there was no additional applicable correspondence.

Chair Parkins provided background information on the Application and commented that Application #15-24 was originally submitted as an Application for Certificate of Zoning Compliance #0489 for the approval of a professional office located within a residence at 292 Coram Avenue. She added that the location was right around the corner from Shelton City Hall.

She indicated that the Commission determined that a public hearing was to be conducted in order to hear from the neighborhood before a decision could be made on this pending application. Accordingly, a public hearing was initiated and scheduled by the Commission, notices were sent out to neighborhood residents, the property was posted with a public hearing sign and legal notices were posted in the Connecticut Post newspaper.

Chair Parkins stated that the purpose of tonight's hearing is to receive comments from the neighborhood on a proposed professional office for Advanced Security Technologies. After comments are received, the Commission will determine if the Application complies with Section 31.6.

She stated that she knows that the Applicant is here but in regard to the company itself, they do consulting, engineering, installation and servicing of card-access systems and products, video surveillance systems and products, anti-intrusion systems and products, data communication systems and products, fire detection systems and products and central station monitoring – she added that it was a security company. Advanced Security Technologies has been in business for over 22 years, incorporated in 1993. They operate from 7 a.m. to 5 p.m., Monday through Friday and are closed on Saturdays, Sundays and all major holidays. They have 20 employees with 8 being Shelton residents. They will have six vehicles parked during business hours. Small vans and vehicles visit the office throughout working hours with short stay visits to get assignments, check in, etc. She stated that no vehicles would remain on the premises overnight, weekends or holidays.

Chair Parkins indicated that their statement is that they are a good neighbor and will be an asset to this well-kept and quiet neighborhood and would propose no changes to the existing structures or property, maintain the grounds, buildings and keep the area neat and clean. She asked the Applicant if she would like to add anything.

**Debra Marino, 6 Grace Lane, Shelton addressed the Commission.** Ms. Marino indicated that the statement read by the Chair is exactly what she had planned to say. She indicated that she would make herself available to answer any questions.

She clarified that they have 21 employees as of a couple of days ago and they are a consulting and engineering firm of security systems. She elaborated that when they are called by a customer – and their customers are large corporations such as Sikorsky Aircraft, Bridgeport Hospital, Shelton School System, Shelton Police Department, other school systems and facilities. She indicated that they initially go out to find out what their needs are, consult with them and engineer a security system for them. It is more extensive technology than a home security system would provide.

Ms. Marino stated that they have been in business for over 22 years and she has lived in Shelton all of her life so she would have no greater pleasure than to bring this business to her hometown. She stated that eight of her employees live in Shelton and she thinks that they will be an asset to the community. Presently they are located in Stratford which isn't that far away but it is not Shelton and they would love to be in Shelton and in this neighborhood. She commented that they will be good neighbors and an asset to the area. She offered to answer any questions.

Chair Parkins asked if she was planning to purchase the home.

Ms. Marino responded yes but she is waiting for approval from this Commission.

Comm. Matto asked where the 20 employees would be parking.

Ms. Marino stated that if they aren't familiar with the area, there is a parking lot that will easily hold 20 cars but only 6 employees would be there during the day. The remainder of the employees have company vehicles that they bring home where they would come and go to various job sites. They may stop in throughout the day; however, not all of them at the same time or even everyday but they may come in to get an assignment, pick up some equipment, etc. She reiterated that basically six cars would be there permanently with occasional visits from the small transit vans or jeeps which the salesmen drive. There is a huge parking lot.

In regard to lighting, they have gone by that site several times at night and automatic lights are on in that parking lot. Ms. Marino stated that they would not be occupying the building at night. They leave around 5 p.m. when it starts to get dark but the lot is very well-lit.

Chair Parkins asked if the lighting was intrusive to the neighborhood and what type of lighting would be left on at night. If it is an empty building, they are going to want some sort of security light.

Ms. Marino responded that it would probably just be what it is right now. Presently, there are security lights that go on but she doesn't know if they are motion activated on the driveway. She added that they would not do anything that was intrusive. They might leave a night light on in the kitchen. Since they are a security company it will be pretty well protected with an alarm system for their own protection and not a lot of lighting.

Comm. McGorty asked about the type of lights and if they were flood lights or post lights.

Ms. Marino responded that they were lights like the type off of the back of someone's garage.

Comm. McGorty commented OK like flood lights shining onto the parking lot.

Ms. Marino responded yes, she thinks so but since she doesn't own it or live there yet, she isn't 100% sure about it.

Comm. McGorty stated that wouldn't be a problem because it is what you would typically find in a residential area.

Ms. Marino commented that it comes off of the porch, there is no post, with lights on it.

Comm. McGorty stated that if they are going to add parking lot lighting, it would need to be addressed because it could infringe upon the neighbors.

Ms. Marino responded that she didn't think that would be necessary.

Comm. McGorty stated that it seems to be adequately lit right now.

Chair Parkins stated that she should keep in mind that the type of lighting would be one of the concerns and it should not be intrusive to the neighborhood but provide security.

Ms. Marino stated that the type of lighting there right now is equivalent to what would be used at someone's home and that is what they would need.

Chair Parkins stated that it may be because of what the uses were before, it may have a little bit of extra lighting than what would normally be found in a residential area because of the previous use. If there are 10 flood lights that go off because an animal walks by that would be intrusive to the neighborhood.

Ms. Marino asked if the Board wanted to limit the lighting or change that...

Chair Parkins responded that based upon their discussion they would like her to use her judgment in keeping with the residential use.

Ms. Marino commented that she would take the advice of the neighbors as to what they would prefer. She added that she would be more than willing to accommodate everyone.

Comm. McGorty added that it was mostly common sense and they would want mainly down lighting on what they want to light and not the neighbor's houses.

Ms. Marino responded yes and she wouldn't want the neighbors lighting her area either. She wants to be a good neighbor.

Comm. Harger asked if there was any discussion as to signage at the driveway entrance or at the front of the house.

Ms. Marino responded yes that they would need to put something on the mail box. The mail box is on Prospect Street even though the entrance is on Coram Avenue. She stated that she wasn't sure how they were going to address that yet but they would like to put up a small sign at the end of the driveway that would not be obtrusive but they could even just put it on the mailbox. They could put Advanced Security Technologies instead of a last name. She reiterated that they would work with the Board and the neighbors and make it a good fit for everybody.

Chair Parkins stated that the sign should only be for mail deliveries such as Fed Ex but should not be an advertising of the business.

Ms. Marino responded OK, it isn't like they are a law office needing a big sign. They don't try to attract business and don't need that type of advertising.

Comm. McGorty commented that they have clients and go to those sites.

Chair Parkins stated that if this is to be approved, she could work with Staff on the signage for the mailbox.

Ms. Marino responded that hopefully that would be in the back where the driveway is and not where the mailbox is – however, she can't recall where the mailbox is located.

Chair Parkins stated that ideally, she could put Prospect Street or whatever the address is and place a small sign on her property.

Ms. Marino reiterated that she wasn't sure if there was an address on it but that is where they would need some type of name sign – where the driveway is.

Comm. Osak asked what the current use of the property was.

Chair Parkins responded that it was presently vacant but prior to that it was a safe house. She asked Rick Schultz if there had been a use before that because they applied for a group home.

Ms. Marino stated that it was supposed to be a group home for adults. It was purchased but they didn't get the State funding to do it.

With no further questions from the Commission, Chair Parkins opened the public hearing to residents wishing to address the Commission. She asked all speakers to address the Commission and not the Applicant.

**Robert and Robin Fazekas, 185 Prospect Avenue, Shelton addressed the Commission.** Ms. Fazekas stated that they live across from this property.

Chair Parkins asked which side they would be on when facing this property.

Mrs. Fazekas responded on the right side.

Chair Parkins asked if they were on the corner.

Mr. Fazekas responded no, that is the Guerra's and they are next door to them – the second in (inaudible)...

Ms. Fazekas stated that their driveway is long and the parking lot that she is referring to goes along side it so they can see the light and everything. She commented that they are very much in favor of them buying this property and moving in. She indicated that they have been very pleasant when they came to see the property and introduced themselves. She added that they asked if there were any concerns because they wanted to be good neighbors.

Mr. Fazekas indicated that they have no objections as to the way it has been proposed. He thanked the Commission.

**Barbara Kish, 6 Waverly Terrace, Shelton addressed the Commission.** Ms. Kish stated that she owns one of the homes across the street along with Julia [sic]. She added that she also knows the Marino's and she thinks that they will be good neighbors. Ms. Kish stated that she lived there 14 years ago when the safe house was there and they had people coming and going all hours of the night – ambulances, police and she doesn't think this company would be intrusive at all as opposed to what they had there. She added that the lights there never bothered them. She thanked the Commission.

**Kristie LaVorgna, 202 Prospect Street, Shelton addressed the Commission.** Ms. LaVorgna indicated that she lives directly across the street.

**Peggy Carrella, 206 Prospect Street, Shelton addressed the Commission.** Ms. Carrella indicated that she lives directly across the street opposite this driveway in the back of the property.

Ms. LaVorgna indicated that she is concerned about the signage. The mailboxes are on the houses so there is no mailbox at the end of the driveway for a sign. Secondly, in regard to the lighting, as long as it is not any more than it is right now it is OK because right now it is as bright as it needs to be.

Ms. Carrella added that right now there is one light that shines directly into their house on the driveway side that isn't really necessary. She thinks it was more for protection when the group home was there but it has been there ever since.

Ms. LaVorgna stated that the parking was a concern. She commented that there is an enormous driveway – as long as they use that driveway because when it was a safe house no one used the driveway. All the cars lined up on the street right across from her driveway in the winter. They don't tow anyone here or make anybody move their cars like they should so Prospect Avenue turns into a one-way street. When the cars are on the street like that they can barely get to their

homes so she is concerned about parking and really making use of the driveway. She knows that they can't make anyone not park on the street but when it was a safe house...

Chair Parkins responded that it can be a condition of approval so they can make them park there.

Ms. Lavorgna stated that this will certainly be better than what was there and she isn't against this at all but has concerns about the parking, signage and lighting issues.

Ms. Carrella asked if there would be any significant changes made to the property. Right now there is a high fence all around the back of the property which is what she is facing.

Chair Parkins responded that they state there are no proposed changes to the existing structure or property.

Ms. Carrella responded OK. She stated that she didn't have any other concerns about this. She would like this house to be open and used so she is in favor of it too. She thanked the Commission.

Chair Parkins indicated that they will be quiet neighbors because they don't work on the weekends which is a nice business to work for. She asked if there was anyone else in the audience wishing to speak on this proposal. With no further questions or comments, she asked for a motion to close the public hearing.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #15-24.**

Chair Parkins informed the Applicant that the public hearing has been closed; a resolution will be proposed for a full vote by the Commission. Since this is not a Special Meeting, they can add the Commission discussion to the agenda later tonight. They can reach a consensus but not actually vote on it until the January 12<sup>th</sup> meeting.

Comm. McGorty told the Applicant that at least that way she'll know which way the Commission is going to vote.

Chair Parkins added that if they reach a favorable consensus she will know although they won't actually vote on it tonight. She added that she will have to sit through the remainder of the meeting though.

Ms. Marino responded that was fine, she would stay for the discussion and thanked the Commission.

### **AGENDA ADD-ONS**

Chair Parkins asked for a motion to add two items to the agenda under Old Business/Applications for Certificate of Zoning Compliance for Separate #0549 and Separate #0519.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was unanimously voted to add Separate #0549 (1 Two House Lane, Temporary Accessory Structure) and Separate #0519 (Exterior Renovation, 43 Huntington Plaza) to the agenda under Old Business.**

### **OLD BUSINESS**

#### **APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

#### **SEPARATE #0521: EDWIN CELON: 94 RIVER ROAD, SIGN**

Mr. Schultz stated that this is for the Bangan Restaurant. The Commission tabled it and Staff requested detailed information on the sign but did not receive it. Secondly, the new clothing bin was deposited and that is in violation; accordingly, Staff is recommending that the Commission deny this without prejudice because they have not fulfilled the submission requirements. He

stated that they submitted a hand-drawn rendering for the last meeting but the Commission wanted more detail.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to deny Separate #0521 without prejudice.**

**SEPARATE #0545: ABC SIGN CORP., 60 TODD ROAD, SIGN**

Mr. Schultz provided a sign rendering for Wonder Years that relocated to Todd Road. It is internally illuminated.

**Larry Borque, ABC Sign Corp. addressed the Commission.** Mr. Borque stated that the wall sign would be internally illuminated.

Chair Parkins commented about the phone number and email address needing to be removed from the sign and the establishment date.

Mr. Borque asked why they needed to be removed.

Mr. Schultz responded that it needed to be consistent with the Sign Regulations.

Mr. Borque responded OK and thanked the Commission.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to approve Separate #0545 with the noted modifications to the signage.**

**SEPARATE #0532: LEWIS MERRITT, 223 CANAL STREET, SPECIAL EVENT**

**Lewis Merritt, owner of Merritt Gunsmithing, 223 Canal Street, Shelton addressed the Commission.** Mr. Merritt stated that he has a small business shop at 223 Canal Street and he would like to hold some open houses over the coming year at his facility to promote his business. He primarily provides props, technical support, theatrical productions, living history events and museum displays. These shows bring in outside vendors to go along with the stuff that he does. He would also set up displays and exhibits of his stuff to promote his business. He chose four dates that are on the application including the first weekend in February, first weekend in April, Labor Day weekend and the weekend before Thanksgiving.

Chair Parkins asked if these were indoor events.

Mr. Merritt responded yes it will be indoors. He spoke to the building owner and there is extra space that he can rent on an as needed basis to support whatever tables he needs. The building does comply with Zoning and he has off-street parking there for about 30 cars behind the building. There are approx. 20 – 25 additional spaces across the street in a gravel parking area between Canal Street and the railroad tracks. He stated that he feels that there is adequate parking.

Mr. Schultz commented that this is the Brennan Building that is scheduled to be demolished.

Chair Parkins responded yes that is why she is a little confused.

Mr. Schultz stated that this use goes away when the building gets demolished.

Mr. Merritt responded that he spoke to Tony, the owner, who says that he can probably stay there until the middle of 2017. He said it was a guess but he said April or May of the next year.

Chair Parkins asked the name of the owner.

Mr. Merritt responded Tony Nasardo, 223 Canal Street.

Mr. Schultz commented part of the (inaudible) Primrose Group...

Chair Parkins asked about the history and nature of his open house events and if it was to learn more about his business which is gunsmithing.

Mr. Merritt responded yes, gunsmithing. He primarily provides services for theatrical productions, living history events and he supports gun collectors. His expertise is in 20<sup>th</sup> century firearms such as World War I, World War II, and Korea. He works with Stratford Gun Collectors and a number of living history groups out of Pennsylvania to support many living history operations. He belongs to a reenactment group, the First Canadian Parachute Battalion Historical Presentation Association that he has been doing for over 15 years to promote awareness of what Canada did in WWII. He felt he could contribute to that hobby.

Comm. Harger asked if he has attended similar events.

Mr. Merritt responded yes and plans to go back to the Battle of the Bulge reenactment this year.

Comm. Harger stated that she was curious as to the indoor event and the type of attendance there might be.

Mr. Merritt responded that over two days he would expect about 300 or 400 people – spread out over the two days coming and going.

Comm. Harger asked what the hours of the event would be.

Mr. Merritt responded 9 a.m. to 5 p.m. on the weekends he mentioned.

Chair Parkins stated that he said he had parking for 30 cars.

Mr. Merritt responded 30 cars behind the building and another 25 across the street. He added that two blocks down the street there is a parking area behind the Farmer's Market.

Chair Parkins asked if the parking across the street belonged to the building owner or if it is private property.

Mr. Merritt responded that it was unmarked.

Chair Parkins stated that it is private property.

Mr. Merritt indicated that it is the property between Canal Street and the railway tracks. He didn't know if it was town property but it is not posted.

Chair Parkins responded that it is not town property – it is private property. She commented that she thinks it belongs to Mr. Watts. In terms of the guns, she asked if they would be locked up, unloaded and what safety measures would be in place.

Mr. Merritt responded that the firearms at his shop are kept in a vault and the building itself is relatively secure. For the event itself, he would have additional security for the guns that are left there over the course of the event. He indicated that he spoke to the police already and during the event he plans on hiring an off-duty policeman to handle traffic and security issues during the day.

Chair Parkins responded that's good because that was going to be her next question. She thanked him for answering it. She asked how he plans to advertise the event.

Mr. Merritt stated probably hand bills. He added that he doesn't do a lot of public advertising because it is a word of mouth type of business. He doesn't actually solicit through magazines or things like that. He makes contacts through people and they give him referrals. It is that type of a business.

Comm. Harger asked about his event being a theatrical reenactment.

Mr. Merritt responded no, he is not staging a reenactment inside; he would only be setting up static displays.

Comm. Pogoda asked if there would be any sales of guns.

Mr. Merritt responded yes. He has a license and the premises here to sell firearms in that building and anyone else who does come and wants to sell a firearm has to comply with all of the State rules and laws. He has talked to the Sergeant in Middletown, the State Firearms Unit, because there are more than two vendors and there will be over 50 firearms present so they will classify it as a gun show and apply their Gun Show Statutes to it.

Comm. Harger asked if he was going to have other vendors come in.

Mr. Merritt responded yes that is the purpose of it to bring in other people and some will be bringing antique firearms, militaria and that type of stuff. He is working with the Stratford Gun Collectors who have done several shows over in Orange which have been very successful and could bring in more business for him. He will be using them to help promote his business.

Comm. Harger indicated that she was concerned about the volume of people and the whole tone of the event being that they've never had anything like this before in Shelton. She added that it is a tight space down there.

Chair Parkins stated that it is also a very residential area down there now and to have a gun sale there...she added that she wasn't sure if she would be keen on that idea. She thought this would be more historic in nature, informative and educational but now it sounds like it is really a gun show with gun sales.

Mr. Merritt responded that it is a combination.

Chair Parkins added that she wasn't sure that area was the best use for that.

Comm. Matto asked if this was the type of gun show that they hear about all the time in the news where there is no provision for background checks and these sales are unregulated.

Mr. Merritt responded that was completely false. The gun show that she is referring to does not exist in Connecticut or most states. Any transaction involving a firearm – whether it be a private sale or from a business, whether it be himself or anyone at these shows – every individual transaction involving a firearm must be approved by the State Police. The State Police have a facility in Middletown that is open during business hours and on the weekends which this event would cover so anyone making a transaction on that day has to call the State Police with their information with who is selling the firearm, the individual who has presented their firearms ID and get approval from the State Police to make that sale. After the sale is completed, all of that information – seller, buyer and the specifics of the firearm are transmitted to the State Police and the local police department where the purchaser resides.

Comm. McGorty asked if that whole transaction is done in real time.

Mr. Merritt responded yes in real time.

Comm. McGorty asked if the State had resources to do that.

Mr. Merritt responded yes they do. Every transaction that goes through in the State of Connecticut involving any firearm now has to go through that procedure. There is no private sale.

Comm. McGorty responded OK, that's good.

Comm. Harger asked if that meant that anybody could walk out with a firearm.

Mr. Merritt responded yes if they call the State Police and State Police approve that sale.

Comm. Harger asked if he was referring to the vendor when he says “they.”

Mr. Merritt responded that the purchaser who has bought that firearm has gone through the process and presented his proof with his State ID which looks like a Driver’s License which means that the State Police has already vetted that person – whether it be a hand gun, long gun or ammunition – the State Police have done a background check, fingerprints, photograph...and it is in the State system.

Chair Parkins asked if they were pre-approved.

Mr. Merritt responded yes they’ve been pre-approved by the State and basically the call to the State Police is to get a Transaction ID and to verify that the ID is still valid.

Chair Parkins asked if these were antique guns or all types of guns.

Mr. Merritt responded no, all modern firearms that were designed after 1898 are classified as modern firearms whether it be (inaudible) or not. Only stuff before that date of 1898 is considered antique which would primarily be mostly the black powder firearms that are considered to be a public concern. The State Legislature and the Federal Government have both decided that is the cut-off line.

Comm. Matto asked if his guns go up to current guns or is he just selling items from WWII which he mentioned.

Mr. Merritt responded that his expertise is WWI, WWII and Korea but other people collect more modern firearms and that is not his expertise. If they are involved in doing legal transactions, he can’t technically, legally interfere with that or he is in violation of (inaudible) business law.

Comm. Harger asked if they were going to put limits on vendors from coming in with whatever they want.

Mr. Merritt responded that his requirement, anyone who comes to sell, whatever they sell must be legal to sell.

Comm. Harger responded yes but there is a whole range of things that they could be selling.

Mr. Merritt responded yes that is right. If someone wants to come in and sell beef jerky than they can sell beef jerky.

Comm. Harger stated that she was more concerned Uzi’s and stuff like that.

Chair Parkins added yes, or AK-47’s and that sort of thing.

Mr. Merritt responded that they can’t sell those because they were banned by the State Legislature so that stuff is prohibitive. They have to sell things that are approved by the State Legislature and if they aren’t approved by the State Legislature than they can’t sell them.

Comm. Harger asked if he had a listing of what is approved.

Mr. Merritt responded no, he can’t because to get it you would have to go to the State because that varies because every now and then they change this one or that one and you have to keep up with it. He added that it is published in the State Statutes for what is currently on the list. Everybody has to go by that list if they want to sell something or buy something.

Comm. McGorty stated that it is the State – that is what it comes down to – it is not what type but whatever the State deems accepted so either it works in that zone or it doesn’t.

Chair Parkins responded that she would be more comfortable having two cops on the premises though instead of just one.

Comm. Pogoda stated that if they did approve that would be his thought too – knowing that they are going to be selling them – he doesn't think one cop – he would feel more comfortable with more than one.

Chair Parkins stated that she would like to get the opinion of the Police Department on this.

Comm. Pogoda asked Mr. Merritt if he had spoken to the Shelton Police Dept.

Mr. Merritt responded yes he had spoken the Sergeant there and the Officer in charge of firearms and he checked the permits that he already has for his existing business and he said that they do cover this application. The permits that he currently has cover this type of proposed sale.

Comm. Pogoda stated that he would like to see a copy from the Police Department of some confirmation. He asked Mr. Merritt if he could get that confirmation in written form for the Commission.

Mr. Merritt indicated that he would go back up there and ask.

Comm. Harger stated that she would like to table this and ask the Applicant to provide a list of the firearms that the State Law allows, some documentation from the Orange Police Department and something from the acting Chief of Shelton Police as to what they feel this event would do or not do.

Comm. Matto asked if he would have out-of-state purchasers there and if they would go by the Connecticut State approval system or not.

Mr. Merritt responded yes, if someone comes from out-of-state, there are provisions in the law as to how to deal with that and they must be complied with. The best way to get the correct information is to contact the State Police. He added that he does not sell to people out-of-state but it is ...

Comm. Matto asked if he was planning to have other vendors there who would be selling from out-of-state.

Mr. Merritt responded that most of the vendors coming would be from in-state in Connecticut; a lot of local vendors such as Valley Firearms here, Charter Arms in Shelton, and Grayson Guns over in Orange who he was going to ask to be involved in this.

Comm. McGorty commented that there could be people from out-of-state coming in to purchase.

Comm. Harger stated that she thinks that the out-of-state vendors would cause some concern for the process used.

Mr. Merritt responded that if they were out-of-state vendors than they wouldn't be selling firearms. The only firearms an out-of-state vendor can sell in the State of Connecticut would be curio and relic firearms or firearms that are at least 50 years old which is defined by Federal Law.

Chair Parkins stated that they are going to table this until their January 12<sup>th</sup> meeting and the Applicant can get the information that Comm. Harger requested.

Mr. Merritt responded OK, the letter from the Shelton Police and the Orange Police.

Comm. Harger added that she wanted a list of the permitted firearms according to the State Statute.

Mr. Merritt responded OK he would see if he can get a copy of that.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was unanimously voted to table Separate #0532 until the January 12, 2016 Regular P&Z Meeting.**

**SEPARATE #0544: NATIONAL SIGN CORP., 504 BRIDGEPORT AVENUE**

**Darcy Roy, presenting National Sign Corp. for Liberty Bank addressed the Commission.**

Ms. Roy stated that Liberty Bank at 504 Bridgeport Avenue would like to change/remove the existing Naugatuck Valley sign at 51.33 square feet and install a new 47.5 square foot wall sign with individually illuminated channel letters. They want to reface the existing panels on the ground sound.

Mr. Schultz asked if the new bank opened yet.

Ms. Roy responded not that she is aware of but they want these signs installed by January 18<sup>th</sup>.

Mr. Schultz responded that he didn't think so – it was all new.

Chair Parkins commented that they are merging after the first of the year.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve signage for Separate #0544.**

**SEPARATE #0543: LABCO, 4 CORPORATE DRIVE, BUSINESS**

Mr. Schultz indicated that this is for Labco School of Data Associates occupying 1200 square feet with 10 employees for office space. It is permitted as-of-right.

Chair Parkins asked what floor.

Mr. Schultz responded the third floor.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #0543 for business occupancy.**

**SEPARATE #0549: RICHARD CONKLIN, 1 TWO HOUSE LANE, TEMPORARY ACCESSORY STRUCTURE**

Mr. Schultz indicated that Staff received a formal complaint regarding the installation of a temporary shelter of which the Commission has been regulating for the last several years. The P&Z Commission can consider each application and grant up to six month period of time and upon the expiration the Commission can renew it or reject it. The purpose of this application is for the Applicant to advise the Commission why they need a temporary shelter in this location. The Applicant is here to go over that and the Complainant is also in the audience to explain to the Commission why it impacts him.

Mr. Schultz stated that this is not an as-of-right installation. The Commission listens to the Applicant, what their needs are and the Commission determines up to six months – granting up to six months and upon expiration they can say yes or no. The objective of this Regulation is that the Commission wants to see permanent structures not these temporary structures. If the temporary structures are needed than the Commission uses its judgment.

Chair Parkins asked if this application was to continue the six month extension.

Mr. Schultz responded to start the six month extension. This was a structure that was installed without the benefit of a permit and they received a formal complaint. He asked the Applicant to explain the use to the Commissioners.

**Darlene and Richard Conklin, 1 Two House Lane, Shelton addressed the Commission.**

Mrs. Conklin stated that last week it was brought to their attention that the shed in their backyard needs a permit. It was brought to their attention by Rick Shultz who received a complaint from their neighbor, Jack Dobkowski. Up to this point in time, Jack has never complained about the shed nor has he had any conversations with them about the shed.

Mrs. Conklin indicated that the shed is the smallest one available to them which will hold both of their small antique tractors and two antique chain saws. The shed is 10 feet x 17 feet, 170 square feet – most backyard sheds are 12' x 24' or 288 square feet or larger.

Mr. Conklin provided a photograph of what they are keeping in the shed. He presented photos of two small antique tractors with one being the approximate size of a small riding lawn mower and a slightly larger one. He indicated that they are the smallest farm tractors that exist.

Comm. Harger asked if they were being kept in the structure with the peaked roof in the photo.

Chair Parkins asked if it was the newer shed made of wood.

Mr. Schultz responded no it is the plastic one. Mr. Conklin pointed it out in the photo.

Mr. Schultz asked the Applicant how long the structure has been there.

Mrs. Conklin responded that she didn't really know but she knows that it is between the date that they bought the extra 10 feet from the neighbor behind them. It has been up for at least a year but she couldn't recall the actual date.

Mr. Schultz stated that they regulate 100 square feet or larger; obviously, there are little tiny shelters out there and this one is 170 square feet.

Mr. Conklin commented that it is really small by portable shed sizes. The typical ones seen are 12' x 24' or about 288 square feet so this is half the size of what is normally seen. Most of the sheds are even bigger than that. He reiterated that he brought the photos so that they could see that they aren't talking about a big problem.

Chair Parkins asked the Applicant to explain the photograph. She asked where he took this photograph from.

Mr. Conklin responded that the photo was taken from Jack's property.

Chair Parkins responded OK and she asked if one of the sheds shown in the photo belonged to Jack.

Mr. Conklin responded yes.

Chair Parkins asked if the other two sheds shown belonged to him – she pointed out one shed and asked what the other structure was.

Mr. Conklin responded yes.

Chair Parkins stated that he has two sheds back there right on the fence line. She asked if that was correct.

Mrs. Conklin responded yes, they are close to the fence line.

Chair Parkins asked if there was any setback.

Mrs. Conklin responded that there is somewhat but she did not measure it. She added that they can walk behind both of those sheds and do maintenance to both of those sheds. There is walking room but she didn't think to measure that.

Chair Parkins indicated that they do have setback requirements on structures and you have to be so many feet back from your property line.

Mr. Schultz stated that normally it is five feet but it is at the discretion of the Commission on the buffering and the location. These are temporary structures so the Commission has a lot more discretion.

Chair Parkins asked how temporary it was or if it was a temporary-permanent structure.

Mrs. Conklin responded that they put up the structure because they inherited the two antique tractors and they needed some place to keep them. They were entrusted with them to maintain them and this was the smallest temporary structure that they could find. They didn't pursue a permanent structure because at this point they didn't think a permanent structure would fit on the property. Their neighborhood has very small properties and theirs is 60' x 100' and the neighbor's is 80' x 100' so they didn't even entertain a permanent structure because they thought the properties were too small for a secondary permanent structure. She added that this spring, Jack got approved for a garage so that is something that they can look into but they didn't know about that at the time.

Chair Parkins asked what Jack getting approved for a garage has to do with this.

Mrs. Conklin responded because they assumed that the properties were too small for secondary garages but with Jack getting permission for a secondary structure, it indicates that they could look into it now.

Mr. Conklin stated that in their little yard, 60' x 100' there isn't much room to do anything and where they put that shed you can't see it from the road. It was their objective to keep it out of sight from everyone.

Chair Parkins asked if Jack was complaining about this shed.

Mr. Conklin responded that he assumes he is.

Mrs. Conklin stated that he filed a complaint form with the City of Shelton P&Z Department.

Chair Parkins responded that it was probably because they didn't get a permit because Jack had to go through a permitting process to put in his garage and even a ZBA application for setbacks.

Mr. Schultz indicated that Jack is here to address that.

Mrs. Conklin stated that they aren't used to these procedures.

Chair Parkins stated that the bottom line is that they had two pieces of equipment that needed a home and needed to be housed so you put up a temporary structure without realizing that they aren't allowed unless you have a special temporary permit.

Mrs. Conklin responded that is correct.

Chair Parkins asked if a temporary permit is granted for a six month period, are they planning on building a permanent structure.

Mrs. Conklin indicated that it is something that they would have to look into.

Chair Parkins responded OK because a temporary shelter cannot become a permanent-temporary shelter and that is the bottom line.

Mr. Schultz stated that the request tonight is to ask the Commission for a full six months – December 1<sup>st</sup> until May 2016. The Commission can shrink that period; it is up to them and it is a judgment call. After the six months they would have to come back in to renew it but the Commission could reject it, modify it or approve it.

Mrs. Conklin stated that they are on a corner lot and did place that shed where they did because it was the least obstructive place to put it in. They have it behind two sheds – their shed and Jack's shed and their other neighbor's fence and tucked into the corner. The other two corners are completely open and they tried to conceal it as much as possible because of the antiques inside of it.

Mr. Conklin indicated that you cannot see it from the road from either way that you go. Unfortunately, it can be seen from Jack's second story back porch.

Chair Parkins responded OK and asked if any of the Commissioners had any questions.

Comm. Pogoda stated that he would like to hear from the neighbor making the complaint.

Comm. Matto asked if they were planning on selling these items or disposing of them in some way.

Mr. Conklin responded no, they show them at tractor shows.

Comm. Matto commented that it isn't a temporary shelter that they need then. They need a permanent home for these items.

Mr. Conklin responded that may (inaudible) and he doesn't know if that is going to happen or not. It is a new problem for them to resolve.

Mrs. Conklin stated that they didn't realize that they needed a permanent for the temporary shed that they have now and because of all this new information – they just found out about this last week so they need to figure out what they want to do. She added that building a permanent garage on that piece of land would be kind of tight but it is something that they could consider because they are going to keep the inherited tractors.

Comm. Matto commented that there are storage facilities for those sorts of things.

Comm. Harger stated that they probably can't use it for their snow removal (inaudible)... She asked if the pictures were taken on their property.

Mr. Conklin responded no they were taken at the (inaudible) Fair but the others were taken on the property.

Comm. McGorty stated that the tractors have a good amount of value so they probably don't really use them for snow removal.

Mrs. Conklin responded that they don't use them at all. They are just show pieces.

Comm. Matto commented that what they have there did not meet the Zoning Regulations. She asked Rick Schultz if that was correct.

Mr. Schultz responded correct.

Comm. Matto asked if they would have to go to ZBA to do what they are doing.

Chair Parkins responded yes, to get setbacks.

Comm. Osak stated that they aren't encouraging that.

Comm. Pogoda agreed.

Mr. Schultz stated that this is a whole new regulation that the City of Shelton has decided to regulate. These structures have been popping up on front lawns – boat shelters...

Comm. Osak asked if they were in the Zoning Regulations.

Mr. Schultz responded yes it is. It is a new regulation – relatively new in terms of enforcement.

Comm. Osak asked if what they are asked to do is approve it up to six months and at the end of that time they have an illegal structure.

Mr. Schultz responded yes or they can grant an extension.

Comm. Matto stated that they could apply for a variance.

Comm. McGorty commented that could apply for (inaudible)...

Mr. Schultz stated that there are situations where you have five acres and want a shelter over your boat that doesn't impact anyone. Staff determined that they needed to get a handle on regulating these because they were popping up everywhere for boats, cars and it was impacting property values.

Chair Parkins commented about a big wind being able to knock them down or they are half hanging off their poles or whatever. Mr. Schultz added that if there is a snow storm they get very ragged.

Mr. Conklin agreed that he has seen a lot of very ugly looking ones in people's yards and wouldn't want one in his yard that looked like that.

Chair Parkins responded that you wouldn't like to live next door to somebody with something like that either which is why they have the regulation.

Mrs. Conklin stated that they keep their place up to snuff and the shed is in as-new condition and if it ever deteriorated they would replace it. She added that they don't like that kind of thing.

Chair Parkins commented that the Regulations can't make those sorts of differentiations about how people maintain their property. She asked to hear from Jack and what he has to say.

**Jack Dobkowski, 31 Wakelee Street, Shelton addressed the Commission.** Mr. Dobkowski stated that he was the next door neighbor. He stated that he wanted to set some things straight regarding time frames. The property was purchased by the Conklin's about 2 ¼ years ago in September.

Comm. Harger asked if he meant the 10 foot piece of property.

Mr. Dobkowski responded no, the house and property. Originally about 10 or 15 years ago the Conklin's bought the property and it was 50' x 100' and three Septembers ago they purchased the property 10 feet from the next door neighbor who was selling. They added 10 feet to their property and it went from 5000 square feet to 6000 square feet. Within 30 days, this temporary structure was constructed so it is now just over two years that it has been on the property. He tried to be a good neighbor in thinking that these things are temporary and that they will get rid of them but they are not.

Mr. Dobkowski indicated that they have four temporary structures on the property of 6000 square feet. He referenced the picture and showed them the original photo showing three of the structures and in front he showed the fourth temporary structure which has been there long enough to be grandfathered by the Zoning Regulations. Mr. Dobkowski stated that he is concerned that if the Board grants them temporary status and then grants a second one that it will be over the three year statute of limitations for a temporary structure to make it zoning compliant.

Chair Parkins asked about the overall land use regulation for lot coverage.

Mr. Dobkowski responded yes there is and by his calculation and in using the Field Card to get the house dimensions and a satellite photograph to measure, they are over the 31% coverage in an R-5 Zone. If they look at the buildings that you can see there, they are right on the line with no zoning setbacks. They are non-compliant. It is not only the setbacks but also coverage that they aren't complying with. They already indicated that this structure is not temporary and they want it. He fully supports somebody going to the ZBA, getting setbacks and getting all of the building permits and help support the taxes by putting up a permanent structure. He reiterated that he supports that and he did that.

Mr. Dobkowski stated that the Conklin's were so vehemently opposed to his garage, it took him six months to get through the appeals process and he only got the minimum size. He had to have an architect design the building to get his use for it because they would not compromise. They said no building because he was going to downgrade the neighborhood and reduce property values with his architecture-designed garage. He asked what the Conklin's are doing here. He tried to get their verbatim opposition to his garage from the minutes but they aren't posted yet. He stated that he is very concerned that if the Board grants a temporary and they come back again and again, then they'll say that the building has been up for three years and the zoning regulations specifically allow non-conforming use after three years.

Chair Parkins responded OK, thank you.

Mr. Conklin requested to respond.

Chair Parkins responded yes.

Mr. Conklin commented that the problem that they feel that they are having with Jack – and they've never had a problem and have been there over 20 years.

Chair Parkins stated that they are not going to get into any kind of neighbor riff because that is not their venue and it is not their position. The Commission's position is to just look at the facts of what they have on their property and come up with resolution.

Mrs. Conklin stated that Jack is bringing up his issue with his garage. His proposed garage was the same footprint as their neighbor's house.

Chair Parkins responded that is for the ZBA.

Comm. McGorty commented that it has nothing to do with what they are talking about here.

Mrs. Conklin stated that is what brought up this complaint. They have been exchanging Christmas cards for 22 years but she doesn't think they'll get one this year. Since that complaint, there have been some issues but he does not talk to us. This is tit for tat. They have been very cooperative and they've trying and didn't realize that they needed a permit so they are standing before the Commission now for the permit to house four antique machines that can't be exposed during the winter.

Chair Parkins responded yes that is one issue but they also have a Zoning Regulation issue in terms of them having a lot more accessory structures on this property that aren't shown in their photograph. There is a certain lot coverage allowed, setbacks and certain requirements. Right now the only application before them is for this temporary structure. She stated that she would not be in favor of continuing this temporary structure.

Comm. McGorty commented that there is a value to the tractors but there is a greater value to the neighbor's property values and the neighborhood.

Chair Parkins stated that they may want to look into putting in a garage. It may suit their needs better. She doesn't know the size of their property and if they can do that or not but it may be something that they want to look into. She would be in favor of giving them a temporary permit until April 1<sup>st</sup> to find a resolution so that their tractors are not out in the elements.

Mrs. Conklin asked if someone could point out the other structures that Jack is talking about.

Comm. Pogoda stated that there is a boat canopy.

Mrs. Conklin stated that is a carport for his truck.

Comm. McGorty commented that is a structure.

Comm. Matto pointed out the location of the three different structures.

Mrs. Conklin stated that if they are making their decision basing their decision on these structures than she needs to defend her structures.

Chair Parkins responded no she is basing her decision on her temporary structure that has already been there for two years. They don't allow temporary structures without permits and it is typically six months to a year.

Mrs. Conklin stated that it is Jack's word that it has been there for two years but she really does not recall. It has been there at least one year and she'll admit that but she doesn't remember when they put it up.

Mr. Schultz responded that it hasn't been three year because that is (inaudible)..

Mr. Conklin responded that they didn't buy the property three years ago. He showed where there used to be a tree and said Jack cut it down so that is why he can see the shed.

Comm. Pogoda responded that it is his right to do that.

Mrs. Conklin responded yes, of course.

Inaudible comments (multiple comments...)

Chair Parkins asked what everyone felt was a reasonable date. She commented that 4 months – March 31<sup>st</sup> it has to be down –or April 1<sup>st</sup>.

Comm. Matto suggested a storage facility.

Mrs. Conklin responded that they were retired on fixed incomes and that wasn't a good option for them. The Conklin's thanked the Commission.

Chair Parkins requested a motion for April 1<sup>st</sup>.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to approve the temporary structure for Separate #0549 until April 1, 2016.**

**SEPARATE #0519: JAMES MAS, DIVERSIFIED KITCHENS, 43 HUNTINGTON PLAZA, EXTERIOR RENOVATIONS**

Mr. Schultz indicated that Diversified Kitchens would like to occupy the previous doctor's office at Huntington Plaza.

Comm. Harger asked if that was the section by Sassafra.

**James Mas Jr., 120 Hunter's Creek, Shelton addressed the Commission.** Mr. Mas responded no, this is Huntington Plaza in the Wellington Building where the restaurant is located. He stated that he was one of the owners of the Huntington Shopping Plaza and this is one of their buildings. He stated that all that they are looking to do is provide more space for this tenant to have a showroom and he wants to use the space previously occupied by Dr. Mysak who retired. This discussion is to provide renovations for him as a new tenant on the ground floor.

Mr. Schultz commented that essentially this is the third phase of Jim's renovation work. They did the Common Bond Market.

Mr. Mas stated that they renovated the entire front of the Common Bond Market and now they will be renovating here. The next phase will be to renovate the entire back of the building where Common Bond Market is located.

Comm. Harger asked what the extent of the renovations would be.

Mr. Mas responded that they were mostly interior.

Mr. Schultz added that they are mainly interior but there is some brickwork. He provided drawings of the proposed renovations.

Mr. Mas indicated yes, he commented that they basically want their front door facing the parking lot.

Mr. Schultz stated that Jim has been kind enough to show single uniform signage.

Mr. Mas responded yes when the sign is ready to go up it will pass through here for approval.

Chair Parkins asked if they were going to be looking for any signage up in front because she knows that a lot of the time they park their big trucks out there as billboards in the Common Bond parking lot.

Mr. Mas responded that their signage is on the pole right now – they have a strip sign right there on the pole sign and for Diversified Kitchens there are no additional signs there; whatever signs they put in front of their stores has to come before this Commission for approval.

Chair Parkins responded OK, correct.

Mr. Mas added that it also has to meet the Plaza's approval. He commented that they try to make them uniform with the rest of the tenants.

Chair Parkins reiterated that she's noticed those trucks up there a lot sort of advertising where they are.

Mr. Mas stated that in the future they will park them down in the back.

Chair Parkins responded OK and asked for a motion to approve.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #0519.**

**APPLICATION #15-16: REQUEST BY APPLICANT TO APPROVE SPECIAL EXCEPTION/SITE PLAN AND ISSUE APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE FOR A FULL SIZE RESTAURANT AND BAR AT 333 RIVER ROAD.**

Chair Parkins stated that Atty. Thomas begun the appeals process of the Planning & Zoning Commission's denial of Application #15-16 based upon the findings listed in the complaint. A new request pursuant to Section 33.3 of the City of Shelton Zoning Regulations has been received by this Commission.

Chair Parkins stated that this Commission stands behind its decision to deny Application #15-16 and has prepared a Draft Motion. The Draft Motion to deny the request of the Applicant to approve Application #15-16 and deny the issuance of Application for Certificate of Zoning Compliance #0441 based upon the following:

1. The Commission processed the Application, conducted a Public Hearing in accordance with all applicable State Statutes relative to a Special Exception type application.
2. The Applicant through their Agent agreed to all of the scheduled Public Hearing dates to process this Application as noted in the record.
3. During the review of the proposal and the public hearing input, the Application was determined to be lacking information in violation of street setback requirements and other zoning standards and provisions for which no variance relief had been granted. The Commission also found that proposed activity would overtax available parking capacity resulting in on-site congestion and would pose unacceptable adverse impacts on area streets, property values, safety and the use and enjoyment of the adjacent residential neighborhood.

4. The Application was denied unanimously by the Commission at its November 18, 2015 meeting for the reasons stated in the Adopted Report/Resolution dated November 17, 2015.

Chair Parkins asked for a motion and a second.

**On a motion made by Anthony Pogoda seconded by Virginia Harger, it was roll call voted (5-1-0) to deny the request by the Applicant for Application #15-16. Comm. Elaine Matto abstained from voting.**

**APPLICATION #15-20: DOMINICK THOMAS ON BEHALF OF 714, LLC FOR FINAL SITE DEVELOPMENT PLAN APPROVAL (SHOPPING CENTER), 405 BRIDGEPORT AVENUE, 12 NELLS ROCK ROAD AND 20-36 BUDDINGTON ROAD, PDD #70 (MAP 77, LOTS 26, 27, 28, 29 AND 30).**

Chair Parkins stated that the Commission directed Staff to prepare a favorable resolution for Application #15-20 at the last meeting. She read the Draft Report/Resolution.

**\*See attached Report/Resolution dated November 18, 2015 for Application #15-20 for 714, LLC for Final Site Development Plan Approval (shopping center), 405 Bridgeport Avenue, 12 Nells Rock Road and 20-36 Buddington Road, PDD #70 (Map 77, Lots 26, 27, 28, 29 and 30).**

Chair Parkins asked for a motion and a second for discussion of the draft Report/Resolution.

Comm. McGorty motioned and Comm. Harger seconded for discussion.

Comm. Harger stated that she had a comment on Page 5, Subsection C at the bottom which talks about the proposed design of the main entry ground sign and the monument at the corner of Nells Rock Road. She recalled that there were two monument signs proposed with one for the driveway entrance facing the building to the left side of the site and also another monument sign at the corner of Nells Rock Road. The Commission had asked that the second monument sign at the corner of Nells Rock Road be redesigned to reflect something ....

Comm. Pogoda commented that was in the report.

Chair Parkins read where the report states “the monument sign for the corner of Nells Rock Road should emphasize the identification of the Center rather than the tenants.

Comm. Harger responded yes, OK but said that “monument” to her means something high and she wants to make sure that...

Chair Parkins agreed and indicated that it would have to come back to this Commission for approval anyway.

Comm. Harger responded OK and added that maybe the proposed design on the main entry ground sign – that is the one for the driveway. She commented that maybe the words driveway entrance should be added to that.

Chair Parkins added that there is only one way in.

Comm. Harger responded yes but just wants to make sure there is no confusion between that one and the one of the corner ending up being something on stilts.

Comm. Pogoda commented that they discussed that because they wanted one above the height allowed in the Regs. They discussed it with them about the height.

Comm. McGorty stated yes and they were actually going to come back with something proposed.

Chair Parkins said that yes they were going to look to lower it but place it higher up (inaudible)...

Comm. Harger commented that it was a different design altogether and Jim Blakeman indicated that he liked the idea too but she wants to make sure that the language reflects those comments.

Comm. Pogoda agreed.

Comm. McGorty stated that they are going to see it before it goes up anyway.

With no further discussion, Chair Parkins conducted a roll call vote.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was roll call voted (5-1-0) to approve Application #15-20. Comm. Matto abstained from voting.**

**APPLICATION #15-17: PRIMROSE COMPANIES REALTY, LLC FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (MULTI-FAMILY DEVELOPMENT AND COMMERCIAL BUILDING), 6 BRIDGE STREET AND 131 CANAL STREET (MAPS 129 AND 130, LOTS 21 AND 2), RF DISTRICT (PUBLIC HEARING CLOSED ON 11/10/15).**

Mr. Schultz indicated that this is the Commission's first discussion and they need to get a consensus to direct Staff regarding the reuse of the Spongex Building and new two-story commercial building.

Chair Parkins stated that at the last meeting, they discussed the inability of the Applicant to address internal garbage disposal.

Comm. Pogoda commented that he thinks it is very important.

Chair Parkins responded that he explained that it is impossible to do it. He came up with the resolution of putting the dumpsters outside. She stated that to her, the three-bedroom units is the key. If he chooses to put one -bedroom downstairs and a den upstairs or some combination that does not make it a three-bedroom unit even though he intends for them to be townhouses rather than apartments. However, she still doesn't think that they should be approving three-bedrooms in downtown apartments. She thinks it creates a parking issue and they are trying to keep the parking at a reasonable ratio to allow development yet not overtax it. She stated that was the only concern that she had with the proposal. She hopes that they find a nice quality restaurant to put on the site. She asked for other Commissioner's concerns.

Comm. Pogoda stated that he thinks that those dumpsters – the enclosure is going to have to be upscale. He hates to see something like that right out in the open. He referenced the problems that they are having at the Birmingham.

Chair Parkins asked where they were located there.

Comm. Pogoda responded that they are across the street.

Comm. McGorty added that when you pull into the parking lot they are straight ahead along the tracks. They are enclosed but you can still see them.

Comm. Pogoda commented yes and it is a poor system. He understands why but...he knows that Tony Panico has harped on it to see what can be done internally.

Chair Parkins stated that she read in the minutes that Mr. Guides said he would look at it again but he didn't really think that there was anything that he could do with the requirements for him to raise out of the flood zone or out of the canal area.

Comm. Pogoda stated that being that this is going to be prominent area with Center Street being extended all the way to Bridge Street, he thinks that ...he knows that they are going to make sure that it is a nice masonry or brick structure completely closed at all times because there is possibly

going to be something right next door on the Rolfite site. He doesn't want it to look bad because there is going to be traffic with the road continuing all the way up eventually. He added that he understands that he says it can't be done. It is not going to be a tear down or something like that. He is using the existing structure to do it.

Chair Parkins commented that they are rental units and he will want to keep it nice for the tenants there, especially with a nice restaurant being in there as well.

Comm. Pogoda agreed and added that he agreed that it was important that the three-bedrooms should be out of the mix. He thinks that they have been striving to do that in all of the buildings that are going up.

Chair Parkins commented that they can be very nice spacious townhouses with two bedrooms. She commented that with no other comments, she thinks that they have a consensus to move forward with a favorable consensus and Tony can start drafting that.

Comm. Osak stated that he could not attend the 11/1/15 meeting so he might have a comment about that after-the-fact. He asked if the building would maintain its appearance with red brick on the outside and still look like a factory.

Chair Parkins responded yes. Mr. Schultz looked for the plans.

Comm. Pogoda commented that he wasn't doing anything to the outside itself.

Chair Parkins stated that there had been a discussion a while ago about doing a tear down but they decided to preserve the building.

Comm. Osak responded that lesson learned from across the street at Birmingham. It is very nice inside but driving across the bridge they are looking at an 1890 factory building.

Comm. Harger stated that he was fixing some of the peaks on top there but there is nothing...

Mr. Schultz commented that it was a restoration.

Comm. McGorty stated that he talked about windows and maybe some of those type of treatments. He learned some things from the Birmingham where it is a hodgepodge of a million different types of things that aren't very appealing.

Comm. Pogoda asked if the windows that are there right now are going to be the ones that are staying there.

Chair Parkins commented that he talked about window treatments for consistency.

Comm. Pogoda responded yes the window treatments themselves but the new windows that were put into there are staying there. They were redone a couple of years ago in the whole building.

Chair Parkins stated yes she believes so.

Comm. Pogoda commented that he hasn't heard him say that he was removing those and putting new ones in.

Comm. Harger stated that there was a concern from the Birmingham and the air-conditioning units.

Comm. Pogoda responded that the air conditioning units, yes, and no one liked the exterior of that building with those units sticking out of the windows and walls. As far as he knows, those windows that were put in roughly two years ago are staying there.

Chair Parkins asked Rick to send an email and ask him to start creating a Resolution. Tony has most of the information. She suggested that Comm. Osak read the minutes to get a better idea.

Comm. McGorty commented that he thought that was the minimum that was done to keep the weather out.

Mr. Schultz stated that he'll get clarification on it.

Comm. McGorty stated that he was under the impression that he was going to review that part of it and they were temporary because they aren't high-end.

Comm. Pogoda agreed and commented that some of them were broken. They are probably low end to just block the weather.

Chair Parkins asked if this was for Final Site Approval.

Mr. Schultz responded yes, they had a public hearing on it. Staff can send them clarification on the window information.

Chair Parkins stated that they don't need a motion to direct Staff.

### **AGENDA ADD-ON**

Chair Parkins asked for a motion to add Application #15-24 to the agenda for discussion.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to add Application #15-24 to the Agenda for discussion under Old Business.**

**APPLICATION #15-24: ADVANCED SECURITY TECHNOLOGIES, IN C. FOR SITE PLAN APPROVAL (PROFESSIONAL OFFICE), 292 CORAM AVENUE (MAP 117B, LOT 76), R-3 DISTRICT.**

Chair Parkins indicated that she had no issues with this application. She apologized to the Applicant for her having to wait this long to find this out.

Comm. Pogoda agreed that he had no issues either.

Chair Parkins stated that the Applicant has expressed a willingness to work with the neighbors. She heard from a few people and what their concerns were and she knows that the Applicant is willing to work with all of them.

Comm. McGorty commented that it sounds like she'll be a good neighbor and maintain the property.

Ms. Marino thanked the Commission and added that she won't put up any temporary shelters either.

Chair Parkins indicated that they will direct the Staff to prepare a favorable resolution and they will vote on it for the January 12, 2016 meeting but there is a favorable consensus from the Commission.

Ms. Marino commented that she appreciates knowing that.

### **NEW BUSINESS**

**PROPOSAL OF THE SHELON PLANNING AND ZONING COMMISSION TO AMEND SECTION 33 (SPECIAL EXCEPTIONS) AND SECTION 36 (CENTRAL BUSINESS DISTRICT) AND PLANNED DEVELOPMENT DISTRICT ZONE CHANGE (TWO BLOCK AREA: HOWE AVENUE AND CORAM AVENUE AND WHITE STREET TO BRIDGE STREET) INCLUDING STATEMENT OF USES AND STANDARDS FOR PROPOSED PDD #82.**

Mr. Schultz stated that this is an initiative by the P&Z Commission after the Commission rezoned the Matto property. The Commission saw the need to establish standards for the balance

of the two block area that they did a special study on. There are a lot of issues that have to be addressed such as building separation, heights of buildings, exterior materials, setbacks, parking and they are moving in that direction so that they will get a better handle on the remainder of that two-block area.

Comm. Osak commented that this is only one block.

Mr. Schultz clarified that it was two blocks and explained that it was the Echo House block, Pierpont and the rest of the Post Office block.

Chair Parkins stated that the Matto property is PDD #81 and this is PDD #82 which will encompass the whole two block area between (inaudible)...

Comm. Osak commented that Howe Avenue to Coram Avenue and then White Street to Bridge.

Chair Parkins commented that it should be to Center. He's right – good catch. It should be to Center.

Mr. Schultz stated that the Commission is aware that there is a lot of activity downtown and the Commission needs to move on this because a lot of the property owners are looking to build.

Chair Parkins commented that excitement is generating.

Mr. Schultz added that standards have to be in place because if they look at a petition, they will spend a lot of time on the public hearing as Comm. Matto knows. He reiterated that it would be a lot of time so they want to be proactive and this is a part of a special area study that they had to do of this two block area. It is not going to end here because they have Carroll's Home Improvement, the Ferry School block and there are a lot of things going on so they will continue block by block, two blocks at a time. The DSC and the full Commission will be very busy. This is something that the DSC and the Zoning Subcommittee supports and they are ready to move ahead.

Mr. Schultz recommended a public hearing date of January 27<sup>th</sup>, the fourth Wednesday in January. He asked if Comm. Pogoda would be available via conference phone.

Comm. Pogoda responded yes whatever they deem necessary – conference phone or Skype.

Comm. Harger asked if it was prudent for them to do it two blocks at a time or should they – knowing that they have Carroll's...

Chair Parkins responded no because they have a Central Business District down there. It is just this two block area where they did the special area study and where they want to have more control over in terms of being able to work with applicants because they really see that area as...

Comm. Pogoda added that with the interest that is being generated down there and there may be people coming in on the corner of Center Street and Howe Avenue with that piece for one thing and, hopefully, it will bring in more.

Comm. Harger commented right and asked how much different would their standards be from these two blocks to two block up where (inaudible)...

Comm. Pogoda responded substantially, he thinks that (inaudible)...

Mr. Schultz responded that these are for the redevelopment.

Chair Parkins stated that the other parcels have parking, more available parking and there are different dynamics in them and they don't want to put the whole downtown into a PDD. They can create PDD's.

Mr. Schultz responded yes and they are going to distribute those. As a case in point, they have the Sylvester property, the Hunter Point and they are looking for a mixed use and obviously, they

don't have onsite parking like the Matto's do. They have to deal with this and they have been asking for one space per each dwelling unit and the driving force is apartments right now so they have to deal with that. As they know, they have the Ferry School block and the Carroll's Home Improvement block. A lot of properties are for sale right now.

Chair Parkins commented that they can still create PDD's within that CBD but right now they want to get that area into a PDD.

Comm. Matto stated that it will serve as a model for further development.

Comm. Pogoda added that there will be additional but different dynamics than the other portions but right now, they think that this was more prudent to start working on this two block area because, as Rick just mentioned, for the Sylvester piece someone has come in already.

Mr. Schultz added yes and they want a lot.

Chair Parkins stated that it makes sense that once they did the Matto's PDD...

Comm. Osak commented that for Sylvester's corner, they have parking ratios in their Regulations now.

Mr. Schultz responded yes, that is right.

Comm. Osak commented that they should let them come in and buy it but unless they find some relief from those Regulations they are going to stick. He added don't concern yourselves with that. He asked if it was just those two blocks.

Mr. Schultz responded that it is a lot to deal with at the moment. It is two blocks but it is going to continue obviously – they are just doing two blocks at a time.

Comm. Osak asked about the block that is Howe Avenue, White Street, Canal Street and Bridge – those are old buildings and they aren't used very much.

Chair Parkins asked if he meant where the SDC building is.

Comm. Osak responded yes, the SDC Building. There are one or two properties that can go for rental but there is no real economic reason to keep what is there if across the street they are going to do something significant. They will be back in another 1 ½ years talking about that block. He asked if the standards that they are putting into this particular proposal work across the street – maybe they would.

Mr. Schultz indicated that this is the information that the Commission and the public are going to see – a very important component is called payment in lieu of parking. The State Statutes give this Commission to establish regulations to create funding for future parking areas.

Chair Parkins added that it is under the State Statute under Zoning.

Comm. Osak responded that it is fine in a State Statute - then apply it.

Mr. Schultz indicated that he would provide copies for them to read this week.

Chair Parkins stated that they want to make sure that they maintain access to the back parking area from Howe Avenue.

Mr. Schultz added that for pedestrians that is very important.

Chair Parkins stated that without that kind of control, they can't control where the building starts or ends. The PDD gives them that ability to determine where they want that in working with the developer.

Comm. Osak commented that in the final analysis and he doesn't know what the DSC is doing but he cannot see getting around structured parking someplace.

Mr. Schultz agreed that was the big question.

Comm. Osak reiterated that it has got to be there.

Comm. Pogoda agreed that he was right.

Mr. Schultz indicated that he was right and every parcel except the Matto's – the Matto's was fire damage and they have the right to replace it but for the other ones they need a zone change so they do have control. All the other parcels will require a zone change - the Sylvester's - they are looking at a mixed use and need relief.

Comm. Osak stated that they need some way to make the parking ratios work and you can't do it with what real estate is there without creating more parking spaces. The only way that you can create parking spaces is with structured parking. They can't kid themselves – there is only so much real estate there

Mr. Schultz added that they have to do it right because the towns that didn't do it right ...

Comm. Osak commented that if they take this thing a piece at a time you don't look at it as a problem in totality. There are components and properties around that area that could be put together to really bring this about.

Mr. Schultz agreed that they have to look at the whole 10 – 12 block area at the same time. He asked if the January 27<sup>th</sup> date was OK because he had to send out referrals.

Chair Parkins asked for a motion and second to schedule a public hearing.

**On a motion made by Thomas McGorty seconded by Virginia Harger it was unanimously voted to accept and schedule a public hearing for January 27, 2016 for the Proposal of the Shelton P&Z Commission to amend Section 33 and Section 36 and PDD Zone Change (Howe Avenue and Coram Avenue and White Street to Bridge Street) including Statement of Uses & Standards for Proposed PDD #82.**

**APPLICATION #15-25: VIADE DEVELOPMENT, LLC FOR FINAL SUBDIVISION APPROVAL (9 LOTS), 185 EAST VILLAGE ROAD (MAP 163, LOT 15), R-1 DISTRICT: ACCEPT FOR REVIEW.**

Mr. Schultz asked if all the Commissioners received copies. This is the old Raccoon Club on East Village Road. They are coming in for a conventional one acre subdivision onsite septic, by ordinance the sewer line ends for that part of upper White Hills.

Chair Parkins commented that she's never heard of the Raccoon Club.

Comm. McGorty added that it was before his time.

Comm. Osak commented that he wasn't connecting with the Raccoon Club either.

Comm. Harger asked why he was calling it the Raccoon Club because it says the Dioceses of Bridgeport on the sheet.

Mr. Schultz responded that it was then bought by the Bolero's and the Bolero's sold it to the Diocese of Bridgeport. There was a structure there and it was a private club – a hunter's club.

Comm. Harger asked if this a second piece of property that the Diocese owned because they have property up there for a church, a new parish.

Mr. Schultz responded no, this was purchased about 20 years ago from the Bolero's.

He asked the Commissioners to take a ride up there. The neighborhood has been notified by certified mail and they will be taking their comments. There are drainage issues and shallow bedrock up in White Hills. He will be making referrals and at this time the Conservation Commission is looking for payment in lieu of. The property is completely surrounded by single family dwellings and there are power lines there.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty it was unanimously voted to accept Application #15-25.**

### **PUBLIC PORTION**

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on any item not on the Agenda.

**Judson Crawford, 8 Jordan Avenue, Shelton addressed the Commission.** Mr. Crawford commented that they have already turned down Application #15-16 but asked about Section 33.3.

Mr. Crawford asked about Section 33.3 of the Zoning Regulations and if it was correct as printed.

Mr. Schultz responded that it is in the Regulations and it is inconsistent with the State Statutes and they are addressing it.

Mr. Crawford commented that it should be changed to prevent people having to come out and speak again.

Mr. Schultz stated that the Commission is aware and it will be addressed.

Mr. Crawford responded OK but all the Regulations as the Chairman read were not adhered to. It seems that since they turned it down there have been no changes made to the original application. He asked about the 140 residents who opposed this and how they will explain the oversight of the 90 days.

Chair Parkins responded that this is going to be a legal issue and they are not at liberty to discuss it with the public. As an item that was on the Agenda this evening, she has allowed him to speak but as he knows they have scheduled a public hearing to amend Section 33 (Special Exceptions) and the hearing will be on January 27<sup>th</sup>. She invited him to come back and speak at that hearing.

Mr. Crawford commented that he just wanted to voice his opinion to this Board since two of the members were not here the last time. He thanked the Commission.

Chair Parkins asked if there was anyone else in the audience wishing to address the Commission. With no comments, Comm. Pogoda motioned to close the public portion.

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

### **OTHER BUSINESS**

#### **APPROVAL OF THE MINUTES: 11/10/15 AND 11/18/15**

**On a motion made by Anthony Pogoda seconded by Comm. Harger, it was voted 4-2-0 to approve the minutes of 11/10/15 and 11/18/15. Comm. Harger abstained from voting on 11/10/15 and Comm. Matto abstained from 11/10/15 and 11/18/15.**

### **PAYMENT OF BILLS**

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

**8-24 REFERRAL: SIDEWALK INSTALLATION ON PROGRESS DRIVE FROM COMMERCE DRIVE TO RESEARCH DRIVE**

Mr. Schultz indicated that they have a request from the Mayor's Office to continue the sidewalk system from Commerce Drive up from Bridgeport Avenue on Progress Drive to Research Drive to accommodate pedestrians that are currently walking in the street. They have a letter from the City Engineer dated December 8, 2015 recommending approval. It is consistent with the Master Plan for the sidewalk expansion for the corporate park area. This is all work conducted within the City right-of-way.

Chair Parkins stated that the tenants up there are going to absolutely love this.

Mr. Schultz stated that the City of Shelton (inaudible) sidewalks.

Comm. Matto asked how wide the sidewalk would be.

Chair Parkins responded that she did not have the specs on it. She asked Rick Schultz if it was going to be a full sidewalk or an asphalt pavement.

Mr. Schultz indicated that it was going to be Portland Cement consistent with Commerce Drive.

Chair Parkins stated that it was going to be like the one going up from Bridgeport Avenue and continues all the way up to Trap Falls but it doesn't go (inaudible)...She added that she works at the Corporate Towers and when she walks she goes up to the Reservoir on the sidewalk so that she doesn't have to walk on the road because people travel very fast on the road.

Mr. Schultz commented that the whole Corporate Park has evolved. People exercise now during their lunch breaks.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to report favorably on 8-24 Referral for the sidewalk installation on Progress Drive from Commerce Drive to Research Drive.**

**STAFF REPORT**

Mr. Schultz reviewed items on the P&Z Staff Report including upcoming ZBA Agenda items, Zoning Subcommittee (temporary structures), POCD Update, Clothing Bins update and other Zoning Enforcement issues.

**\*See attached Planning and Zoning Staff Report from Richard Schultz, P&Z Administrator dated December 8, 2015.**

**ADJOURNMENT**

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to adjourn the meeting at 9:20 p.m.**

Respectfully Submitted,

*Karin C. Tuke*  
P&Z Recording Secretary