

**SHELTON PLANNING AND ZONING COMMISSION MEETING MINUTES**

**SHELTON PLANNING AND ZONING COMMISSION SPECIAL AND REGULAR MEETINGS HELD TUESDAY, FEBRUARY 13, 2017, AT 6:00 PM (PLANNING & ZONING OFFICE) AND 7:00 PM CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484**

**PZC Commissioners Present:**

**Virginia Harger, Chairman**  
**Anthony Pogoda, Vice-Chairman (phone conference)**  
**Elaine Matto, Secretary**  
**Jimmy Tickey**  
**Charles Kelly**  
**Mark Widomski**  
**Nancy Dickal (absent)**

**Also Present: Richard Schultz, AICP, Planning and Zoning Administrator**  
**Anthony Panico, Consultant (phone conference)**  
**Sandra Wasilewski, Recording Secretary**

Tapes, correspondences, and attachments are on file in the City/Town Clerk's office and the Planning and Zoning Office and minutes are on the City of Shelton Website

**[www.cityofshelton.org](http://www.cityofshelton.org)**

(tapes on file)

**I. Call to Order**

Chairman Harger called the special meeting to order at 6:05 PM.

Chairman Harger identified members present.

Fran Teodosio: My name is Fran Teodosio for those of you I've never met.

Comm. Harger: I am going to call the meeting to order. It is 6:05 on Tuesday, February 13 and this is the special meeting in room 304 with a discussion with Corporation Counsel on some zoning matters and present with us this evening (announcing staff).

Richard Schultz: All the members have a copy of the draft and I gave a copy to Fran. It's titled, 'Zoning Regulations Amendments, Zoning Subcommittee, 1/12/18, Revised 1/19/18. Essentially, after the 'Hush It Up' matter, which was handled administratively by the Commission, it was not a public hearing, and Fran was kind enough to provide some guidance on that, the Commission directed the Subcommittee to look at its regulations and to define activities including night clubs, speak easy, private social clubs, and also to deal with our outside stairwell issue in the

downtown area where last year, property owners, new property owners in particular, were building open stairwell additions to get to the attic. This was creating a problem with codes, so we also needed to include that. We also have the basic development plan submission for PDD's. The letter that was initiated by the Inland Wetlands Commission and a response by Assistant Corporation Counsel Ray Sous which all the members have a copy. Getting back to the 'Speak Easy' related issue, I received an email – it's a letter, from the State Liquor Commission and let me just summarize it. I sent them a detailed letter explaining what we reviewed; how we ultimately denied it and the issues that were before the Commission, including entertaining a 'neo-speakeasy' use.

- A. The state does not recognize that as a use. Once again, when someone comes to them for a café license, they look at the café license and then the subordinate activity which includes dancing, Karaoke, that type of thing.

I also discussed how the applicant requested 'burlesque-themed' entertainment. The State of Connecticut does not define burlesque and they really did not see a need to do it. Applicant clearly stated this was not an 'adult-themed' activity, it was a permitted use and should have been approved by the Commission. The Commission also heard from the applicant on private rooms within the café, I'm going to call it a café because the state does not recognize a 'speak easy'. They said that that is not permitted. You could read their letter in detail. A café license is open to the public. It has to be posted outside and inside, clearly visible and that private rooms are prohibited, so the Commission could have approved the application and made that a condition of approval and if they went ahead and did that activity, we could have called the local jurisdiction and the state and they would have cited them for a violation.

Comm. Matto: Rick, this is the liquor permit process, it has nothing to do with any other kind of state regulation.

Richard Schultz: Right. I did a lot of investigation and reviewing of what the larger cities are doing in America. This is a new theme; it's a new hybrid trying to get the attention of the 45 and under crowd, reminiscing what their grandparents had to deal with, but in all cases except for one or two that I'm aware of, they're nothing more than a café. They just use that term loosely, 'neo-speakeasy'.

Comm. Tickey: Rick, on the private rooms, does that mean having a door on the room?

Richard Schultz: It could be either or. Private means that it's designated for specific individuals.

Comm. Tickey: There was one room that had three walls and it was open but they had two that had a door and they said the door was a changing room, so a changing room, that's not a private room; they're saying that's where people are going to get changed.

Richard Schultz: But the state also said, and Fran will ultimately discuss this with us, you're allowed to rent areas for special events, so the state reminded us that they allow special events; it's part of the café license.

Comm. Harger: So you could have a stag there.

Richard Schultz: That's correct.

Comm. Matto: Those private rooms were about as big as a bed as I recall on that sketch.

Comm. Widomski: If you looked, the bar was 50 ft. long – I mean the room was tiny.

Richard Schultz: Lastly, going back, I did an analogy – I tried to make sense out of it because you know, this is a new hybrid. Just like in the mid 80's, when staff was dealing with electronic amusement centers, it was a brand new use. All the little soda shops were losing money so they were bringing in electronic devices. Low and behold became electronic amusement centers. We prohibited it one time downtown and the Judge said no, you have to define it, regulate it so that was my thinking and as I told the Commission, ten years ago, because of the space we have downtown with the larger warehouses, for nightclubs. Right now, if someone came in for a nightclub, we do not spell it out which means it's a prohibited use. But as stated, the applicant's attorney, you know, you have to define this; you can't just willy nilly say, "No, no, no, no," that's why we're here Fran, for Fran to guide us in the right direction. We all know why we're here except for the outside stairwell, that was something that we dealt with for a downtown matter and we could deal with that -.

Comm. Kelly: There's not a kitchen so how are they going to provide food?

Richard Schultz: They were getting food from upstairs, which is legitimate.

Comm. Kelly: But it's a different company.

Richard Schultz: Yes, and the state has permitted that. Charlie, you raised a good point. There are so many variables involved with this application, but they were bringing the food down from Hunan Pan and yes, previous occupants, when we had hibachi bar there, they were using the food from upstairs and bringing it down.

Comm. Tickey: And they were considered a café?

Richard Schultz: Yes. They have their own café license.

Comm. Tickey: Even though they were not making the food, they were bringing it in.

Richard Schultz: That is correct so the state did allow it and then we had a wine bar; they never received a permit from the state. Remember the wine bar? People were going there privately and bringing in their own bottle. They never got a license from the state.

Comm. Tickey: Theoretically, what if Hunan Pan went out of business?

Comm. Harger: They are, they're moving.

Comm. Tickey: So how could they argue that they're bringing in food if there's nobody upstairs in that business?

Richard Schultz: Staff is anticipating occupying the whole building.

Comm. Widomski: Going back to what I said before, maybe Fran could help with this. I know some of the towns have ordinances and ordinances that regulate this a little better than we possibly could. Is it something that we can look into because I know a couple of the Alderman are digging around in various states and towns. I've seen a couple of them come through.

Fran Teodosio: Well process wise, you are entitled to pass whatever you want, whether the particular entity you're talking about gets covered by that process, is another thing because that application is already gone forward and that application goes forward on the regulations that we already have.

Comm. Widomski: Correct, but going down the road from now, I mean these – what we have here tonight isn't going to really help us with this today, correct?

Richard Schultz: No. What we're here for is, are we going in the right direction. We know we need definitions.

Fran Teodosio: That's the name of the game; definition on definition on definition.

Comm. Widomski: Do we want to work with the Board of Alderman on this and work as a regulation that can also turn into an ordinance, which gives a little bit more teeth but not much. Do you know what I mean? Because if we do an ordinance, I know there's a state statute out there for nuisances. Certain bars and areas like that, if you have a certain amount of crime there, you know certain amounts of crime, after three occurrences in a certain amount of time, you could close them down as a nuisance. We used to use it up in Waterbury a lot on some of our afterhours bars. We did it a couple times on some of the other existing bars. I think Fairfield or Bridgeport just closed up one of them based on that statute. I don't know what they have in their ordinances but I'm just thinking it could lead up to where we can use the state statutes so if this does turn into something we don't want, because basically, right now, you can't do much about it. We're all surmising what it's going to be and we can't do that we have to take what we see at face value.

Comm. Harger: That's right.

Comm. Widomski: To me, this is just a get together to sit back and say okay, we know, we think we know what's going to end up going there. How do we stop others from coming in? I think between us, state laws and ordinances, I think we could put a lot of teeth into something.

Comm. Matto: Could I just – if they in fact put the business in as they described it, there probably would not have been a problem, it's just that they were promoting to the community that it was going to be a strip club, correct?

Comm. Harger: They put it on Facebook.

Comm. Matto: Right. If they in fact do a strip club, they can be shut down based on our already existing ordinances. Right?

Comm. Tickey: You can't have nudity where alcohol is being served, right?

Comm. Matto: You cannot, no.

Comm. Tickey: Hunan Pan is leaving that space and this business from below would be using the kitchen space from above. So what happens then –

Richard Schulltz: we are assuming.

Comm. Tickey: We're assuming, because they are a café, because they have access to this kitchen. Hunan Pan leaves so they no longer – and have to figure out how they are going to

bring down food. What if another business or same owner different business entity comes in upstairs and they do food and they have the kitchen and the kitchen serves downstairs and there could be adult entertainment – do you think that could happen?

Richard Schultz: Yes, but remember, we're using the words very loosely. We regulate adult establishments as prohibited. It's just like affordable housing, you can't say -.

Comm. Tickey: Is adult entertainment prohibited overall or -.

Richard Schultz: Adult entertainment is prohibited in that zone, in that location in Shelton.

Comm. Tickey: Oh, Okay.

Richard Schultz: The Supreme Court says you cannot prohibit it, you can only regulate it. That's a Supreme Court rule. It's not prohibited there, it's prohibited in the two-family house on the corner of Sullivan Avenue and Bridgeport Avenue. That's the way we regulated it. The question before Fran now is we have a night club definition. We want to proceed with that because we did get a request and a night club as far as I –let's just read it because we have to get educated – an establishment that stays open late at night and provides food, drink, alcoholic beverages, entertainment and music for dancing and socializing and have a sizable dance floor. We set a minimum of 10 ft. x 10 ft. and no larger. Because you do have cafes where you could dance, but the issue isn't a night club, the issue is food, the bar and then entertainment.

Comm. Kelly: They had a stage, didn't they?

Richard Schultz: Yes. The 'Hush It Up' – the principal activities were both the café license for alcohol and the entertainment. Usually we have the alcohol, which is the principle use, subordinate activity which is our musical activity or karaoke, that type of thing. They pushed the envelope to two principle uses; the café with the food and the entertainment. The Commission doesn't care about piano players. But now they were saying Burlesque themed entertainment. I guess you can have comedians that are adult. I don't know about using foul language guys, you know. I don't think we regulate that.

Comm. Harger: What about being more in a theatrical kind of area and that -.

Richard Schultz: That's not permitted there, no. We're bouncing all over the place, Fran, as you could see. But we thought at least it made sense to establish a night club because we do have that potential for downtown. Then we have the 'speak easy and/or private social clubs.' Right now, we don't have a definition. That's what we're struggling with.

Comm. Widomski: I guess my question is, what's the difference between a night club, a café, a sports bar, and a neo-speakeasy?

Richard Schultz: You're raising a good point and I think Fran's going to suggest that we define everything.

Fran Teodosio: I'm not sure of the origin what you have here, who the author is.

Richard Schultz: It's just a conglomerate or – I got most of it from the City of New Haven.

Fran Teodosio: It says, 'stays open until late at night.' I would define late at night. To somebody around this table it's 8:00 and to others it's 4:00.

Richard Schultz: But as you know, the state regulates it too.

Fran Teodosio: It really should say two, in my opinion.

Comm. Matto: But then again somebody comes in and says they're going to close at 1 PM.

Fran Teodosio: Open as late as 2 AM; no later than.

Comm. Widomski: Can't you just do it as to what the liquor permit allows? What is it, 1:00 on a weekday, 2:00 on a weekend, Friday and Saturdays?

Comm. Matto: Maybe it doesn't have to be in there at all if you have a liquor permit.

Comm. Widomski: Unless you're in Waterbury and you have your after-hours bars?

Richard Schultz: That's not legal, after hours bars.

Comm. Widomski: I'm just saying.

Richard Schultz: In the City of New York, they have special permits where they have after hours.

Comm. Widomski: But I think it was 2:00 on Fridays and Saturdays and 1:00 weekdays, so we could define that in there because if they have a liquor permit, theoretically, I think they'd be allowed to stay open.

Richard Schultz: Tony, AJ, any comments?

Tony Panico: No comments yet; I'm just listening in the background to see how everybody feels about these things.

Comm. Pogoda: Same here; no comment at this time.

Richard Schultz: Besides defining it, we're also creating a use line. Right now, we're saying prohibited in all zones. So that's the easy part. Okay, so if we go with a nightclub, it's going to be prohibited in all zones. Until this Commission determines where you want it downtown.

Comm. Widomski: I guess is, if I'm going to go open a bar, and call it 'Mark's Club,' I'm open late until 2 and 1 on weekdays. I'm going to have food, obviously, like bar food like every bar has; I'm going to have the drinks, alcohol; to make some money on the weekends, I might throw in a DJ or karaoke night or something along those lines. How do you split off.

Comm. Matto: We're really opposed to strip clubs; not necessarily night clubs.

Comm. Kelly: Exactly.

Fran Teodosio: One of the things you can do is you could define a night club and you could define a burlesque night club and the night club could be a night club that does not – you guys have a zone where you essentially put the uses that you don't want anybody to be able to – I mean we're being candid, come forward and be able to establish that's the two-family house on the corner (laughter). If you define night club, and then you define burlesque night club, and you make your definitions tight, and you have your distinguishing feature being that the burlesque night club only allowed in that zone where the adult entertainment is allowed.

Comm. Matto: Which is nowhere.

Fran Teodosio: Then you can have your nightclub definition written in the negative not to allow burlesque and you get a definition that has some teeth that allows you to stop something less than an adult use but more than the uses that you have right now. Do you follow me?

Comm. Widomski: What do we define burlesque as? To me, I mean I may be mistaken, to me, a burlesque is more of a 'scantily clad?'

Fran Teodosio: I'm sure we can get a definition.

Comm. Widomski: But do you know what I mean? I mean with nothing showing type of thing.

Richard Schultz: Well you have adult-themed and then you have the other themed.

Comm. Kelly: Don't they have something here from the state?

Richard Schultz: The state has no definition.

Fran Teodosio: Yes, burlesque is historically soft adult entertainment. I mean, it's not the definition to use but theoretically, that's what it is.

Comm. Matto: Right.

Comm. Widomski: Like the difference between soft porn and porn.

Fran Teodosio: I think it's down a level.

Comm. Widomski: I know, I'm just saying I mean from an 'X' to an 'R'. You cross that fine line when you go to the 'X'.

Fran Teodosio: I think it's just like the Supreme Court said, I'm not really sure how to define it but I know it when I see it.

Richard Schultz: So are we in agreement, stay clear of the 'speak easy'? Because the state is saying that.

Comm. Tickey: I kind of agree with Mark in that it seems to be a theme like a bar that's a sport's bar or a bar that's a speak easy or a bar that's a whatever.

Comm. Matto: And that's what they presented to us.

Comm. Harger: Okay, well here's burlesque definition from dictionary.com; an artistic composition especially literary or dramatic for the sake of laughter vulgarizes lofty material or treats ordinary material with mock dignity. Any ludicrous parody or grotesque caricature and then continues a humorous or provocative stage show featuring slapstick humor, comic skits body songs, striptease acts; any scantily clad female chorus.

Comm. Kelly: So that's a no no.

Comm. Harger: Right.

Richard Schultz: I got a good handle; we have to define the burlesque, night club, regular burlesque; I still want to define private social clubs and then the night club and then we'll look at the 'speak easy' because it's a theme and like I said, you go to court, like Fran knows and the Judge says, "Okay, what do you have for definitions and what does the state have?" You got the letter from the state.

Tony and AJ, I just got the official letter from the State Liquor Commission so I'll be sending that to you. I just got it before the meeting started.

Comm. Pogoda: Okay.

Tony Panico: They're still taking a hands off attitude.

Richard Schultz: Absolutely, they're saying, you know, they don't allow private rooms. If it happens you call us or the local police station.

Comm. Harger: Here's a thing on here, legal dictionary.com about a private club. They have just one for 'club'.

Richard Schultz: I'm going to prepare another draft and get it to the Subcommittee with Mark and Tony Pogoda.

Comm. Matto: So instead of 'speak easy' we're going to have burlesque and private social clubs?

Richard Schultz: Yes. You're going to see different definitions that Fran is suggesting.

Fran Teodosio: I'm suggesting that you have a night club and you have a burlesque night club.

Comm. Matto: I'm not necessarily opposed to night clubs.

Comm. Tickey: I'm not opposed to them.

Richard Schultz: Right, we just don't know what location to put them in yet.

Fran Teodosio: But by defining night club to exclude burlesque and putting burlesque in and giving burlesque a location, you're helping yourself in all of your other locations.

Comm. Widomski: Do we want to throw comedy club into this mix somewhere because I've been to some comedy clubs and comedians get downright raunchy but it's not at a point where I would consider it to be burlesque.

Richard Schultz: I'm going to include that. That's here to stay.

Comm. Widomski: What's that?

Richard Schultz: The comedy clubs.

Comm. Widomski: That's what I'm saying; if you read the second definition for burlesque, kind of included raunchy, dirty -.

Comm. Tickey: And we say comedy and our own burlesque; burlesque shows, comedians, piano players, other variety types of musicians.

Richard Schultz: I'll spell everything out in the new draft and then Fran's going to say let's consolidate this or add this or whatever.

Comm. Kelly: Are you getting a definition of a café?

Richard Schultz: Yes, these are all state definitions.

Comm. Kelly: The state definition of a café, according to - said they shall keep food regularly available for sale for its customers for the consumption – they could bring food in; they don't have to make it there.

Comm. Harger: They could just call up and order pizza.

Comm. Kelly: Yes, exactly; that's all they have to do.

Comm. Widomski: Kind of like the thing down there in Bridgeport – I can't think of the name.

Comm. Tickey: The Cabaret.

Richard Schultz: All the breweries do it. They bring in outside food.

Okay, staff has a good handle on it as to where we are going to take it from here. We have 25 minutes and then the next topic is pretty involved. The next topic is 'Processing of Basic Development Plan'. For this Commission, right now, it does not go to the Inland Wetlands Commission. You have a letter dated April 28 from John Cook to Tom Welch when essentially the Commission -.

Tony Panico: April 28, 2016.

Richard Schultz: Yeah, it was two years ago. Essentially the question to Corporation Counsel, "Does the applicant need to submit to the Inland Wetlands." Even though since the creation of the plan development districts that step was not taken until the submission of detailed development plans and then we received communication from Ray Sous dated July 15, 2016, and this was addressed to Gary Zahornasky, the Chairman, as a follow up to John Cook's memo to Tom Welch dated 2016 requesting an answer to whether an applicant should be required to submit a formal or concept application to the Inland Wetlands Commission when a basic development plan to P&Z showing a site plan with regulated activities on the Inland Wetlands jurisdiction. The answer is 'yes', state statute 8-3, requires a submittal and without saying the wetlands Commission does not see these plans until final development plans are submitted causing difficulty for both the applicant and the Commission. Please institute said policy immediately. If you have further questions, feel free to contact me. Thanks, Ray.

Comm. Widomski: Rick, I did some research on - .

Tony Panico: If you follow that process, you're going to reverse the rule and you're going to find the hands of P&Z being tied because the applicant might already have Inland Wetlands approval. I guess being able to keep everybody informed is probably the route you need to take, but I think there ought to be more of an informal submission to Inland Wetlands.

Richard Schultz: Well the question is, is it a site plan or not.

Tony Panico: In our process requires it be made without waiting for a response.

Comm. Widomski: Rick, I took some time, I printed out 8-3; I have a copy for everybody. Basically it says '(g) (1); this is right from our statutes. The site plan on the zoning regulations may require that a site plan be filed with the Commission or other municipal agency or official to aid in determining the conformity of a proposed building, use or structure with specific provisions of such regulations. It specifically says that if a site plan involves an activity regulated pursuant to sections 22a-36 to 22a-45, which is in the wetlands regulations/statutes, inclusive, the applicant shall submit an application for permit to the agency responsible for administration of the inland wetlands not later than the day such application is filed with the Zoning Commission. That's a state law. We can't go against that. We can make regulations but we can't - .

Tony Panico: Technically speaking, the concept plan submitted is not a formal site plan.

Comm. Widomski: Well, then we shouldn't be issuing a zone change on it and they should submit an application for a zone change.

Tony Panico: We issued the zoning based on the concept plan.

Fran Teodosio: I'm sorry, I didn't hear what you said.

Richard Schultz: Repeat Tony.

Tony Panico: I'm saying I think you need to recognize it the difference between the site plan as visualized under 8-3 as compared to the concept plan required by the Planning & Zoning regulations. They are not the same item.

Comm. Widomski: What's the difference then?

Tony Panico: The difference is that you're asking the applicant to show you conceptually how you might develop a site plan.

Comm. Widomski: Okay, then we shouldn't be issuing a zone change after the hearing, which we do.

Tony Panico: No, no that's not true. The zone change is condition upon the Commission being receptive to the fact that an approvable site plan can be submitted reflecting those uses that the zoning would allow.

Comm. Widomski: It sounds to me that you're making a run-around the state law.

Richard Schultz: Tony, there should be a submission if there's regulated activities though.

Comm. Widomski: Let me finish with the rest of this.

Tony Panico: I have no problem with the informal submission to Inland & Wetlands. I think that's totally appropriate. Wetlands can choose to respond to it or not respond to it depending upon what they perceive to be the nature of the wetlands impact.

Comm. Widomski: Tony, let me finish this because I'm going to skip down to the next section. The decision of the Zoning Commission shall not be rendered on the site plan application until the inland wetlands agency has submitted a report with its final decision.

Tony Panico: We don't do that.

Comm. Widomski: We don't?

Tony Panico: We don't approve of that.

Comm. Widomski: I guess my next question is going to be, "If you're calling it an Initial Concept Plan, it's a draft plan, to get an idea of what we want to do, correct? Is that what you're saying?"

Tony Panico: Correct.

Comm. Widomski: Okay. So why don't they sit down with staff and work out to make sure they're going to fit what they want in there without coming to the Commission first.

Tony Panico: If you want to change the role of the approval process in the planned development district. If you want to re-write the regulations then that's another issue.

Comm. Widomski: Well, if the law says you have to do one thing and we're doing the opposite, we can't supersede, and I think the corporation counsel would agree with me, we can't conflict with state law.

Tony Panico: Before you – detailed development plans, which is the quote unquote site plan, you require inland wetlands approval.

Fran Teodosio: To answer your question, I think that you guys are talking past each other. This is the standard process that's used throughout the state with regard to site plan applications and corresponding changes in the zoning and referrals over to Inland Wetlands and it sets up a timetable and it also sets up a prerequisite before action by the Planning & Zoning Commission.

Comm. Widomski: Correct.

Fran Teodosio: The process that you have here in Shelton, and I'll admit, I'm not as familiar with it as you all may be because you've lived through a couple of them is that you have these conceptual plans that go forward before the conceptual plan can actually effectuate a zone change Inland Wetlands does have to be petitioned. They may not have to be petitioned on the conceptual plan but somewhere between conceptual planning and zone change, Inland & Wetlands has to come in. They have to come in, especially if there's regulated activity.

Comm. Widomski: But we're not doing that.

Comm. Harger: Yes we are, we have to be.

Comm. Kelly: Yes we are.

Richard Schultz: No, the issue is whether or not to mandate an informal submission to Inland & Wetlands Commission.

Tony Panico: It does not say that we have to get Inland & Wetlands approval before you grant a zone change.

Comm. Widomski: It doesn't?

Fran Teodosio: It says 'has to be referred over.'"

Comm. Tickey: It would be good. This has come up sometimes but we have wondered what other Commissions and agencies think about this and sometimes we have a letter and sometimes we don't so it would be a good idea to have an informal sense of Inlands & Wetlands before we take this sort of -.

Richard Schultz: So the question for Fran -.

Comm. Tickey: We ultimately do hear from them but sometimes it's not until we -.

Comm. Matto: But they could mix the whole thing after the fact.

Richard Schultz: Do we want to make that a regulation, that the conceptual stage, the informal submission to wetlands is required or do it as a volunteer; so mandatory v. voluntary.

Comm. Widomski: But we still can't make a decision if we're going to grant a zone change.

Comm. Kelly: We're making this decision on a concept of what we're doing and then Inland Wetland, a plan is drawn up of showing where they can build this so on and so forth because Inland Wetland has to approve what they're doing.

Comm. Widomski: But we're doing it backwards.

Comm. Matto: We're talking about the final plan not the concept plan.

Comm. Kelly: Have you seen the final plan of this?

Comm. Matto: This is about the final plan.

Comm. Widomski: Okay, I want to bring this up because do we see a final plan of Well's property?

Comm. Harger: No, we're not at that stage.

Comm. Widomski: Was a PDD granted?

Richard Schultz: Yes.

Comm. Widomski: Did you get a report from Inlands & Wetlands before the zone change was granted?

Richard Schultz: No.

Comm. Widomski: What I'm saying, they just filed it to Inland Wetlands.

Richard Schultz: We need a consensus. Then we're going to ask Fran. Does this Commission want to change its regulations mandating that a submission to Inland & Wetlands is required on conceptual plans.

Comm. Matto: But how do they know what conceptual plan we're even going to accept? I mean, there are so many changes, I think we're talking about Shelton Ridge.

Richard Schultz: Wetlands said they want to look at it because when there's crossing, when there's regulated activities. Elaine when there isn't any regulated activities it's pretty straightforward.

Comm. Widomski: It's a pretty straightforward thing, if you have a regulated activity – the UI property-.

Richard Schultz: It's crossing over a brook; they want to see it right away.

Comm. Matto: Yeah, they can see it.

Comm. Widomski: They should because according to this, we can't make a decision-.

Richard Schultz: But we don't require it. So that's the question with Fran.

Comm. Harger: Can we do something where John Cook sits in on a Planning & Zoning Commission meeting and does not necessarily does not have to go through the whole Commission.

Comm. Kelly: No, because he'll want to see it. He'll want to see everything that has to do with it. That's a plan; it's not a concept where let's say I want this piece of property and I want to put a building here, I need a zone change so I can start doing that then I have to go through the process. It's just like putting up a building. They come to us and we say, "Okay, you could have this building" but then they have to go to the building department. That's where they get the permits.

Comm. Widomski: Even Ray Sous agrees that it should be going to Inland & Wetlands.

Richard Schultz: Yeah, you could read between the lines, the Chairman was getting very frustrated because they felt P&Z was lacking in all the zoning solutions without any input from them. This is particularly true when there's regulated activities. When you don't have regulated activities, like Jimmy Blakeman's apartments, on old Bridgeport Avenue, it was just setback issues; there was no crossings. They didn't get upset with that and they went before them. It's the bigger projects, Fran, where the crossing watercourse was and they're not reviewing it at all.

Comm. Kelly: The one on Bridgeport Avenue.

Comm. Widomski: UI.

Comm. Kelly: No, not UI, the other one.

Richard Schultz: Yeah, UI no regulated activities too.

Comm. Kelly: It has that stream in front.

Comm. Tickey: In your options that you gave us before, Rick, is it that you would mandate that we get a recommendation from them or report from them before we make our decision?

Richard Schultz: Well, they may choose not to provide a report.

Comm. Tickey: Sometimes we have deadlines, right?

Richard Schultz: Yeah.

It's just a mandated referral by the applicant.

Comm. Tickey: So if we don't get it in time and we are due for a decision on a night and we don't have a report from them, that would be because they chose not to; they would need to know our deadline.

Richard Schultz: That's correct. This is an informal review, not a formal review.

Tony Panico: -If legally you require the wetlands referral then you cannot take your final action until you hear from wetlands.

Richard Schultz: Yes, that's the final action. We understand that.

Comm. Widomski: What is the final action because-

Richard Schultz: Detailed plans of the final action.

Comm. Widomski: But we've already -.

Tony Panico: Whatever the application requires the referral on.

Comm. Widomski: I guess my next question is going to be on, going back to the Wells' property, they've been granted a PDD, yes?

Richard Schultz: Yes.

Comm. Widomski: Let me finish, they've been granted a zone change which is essentially zone change, and they're just now submitting to Inland Wetlands. According to statute – you guys are making a runaround; a site plan is a site plan.

Tony Panico: They have a zoning approval but they can't -.

Comm. Widomski: Say that again.

Richard Schultz: If wetland denies it, it moves the PDD approval.

Comm. Widomski: But according to the letter from Zahornasky -.

We have zero input on the projects I have, so far, seen, zero.

Comm. Matto: But it does go to them and they can ax the whole thing.

Comm. Widomski: But before we make a decision, we should -.

Richard Schultz: Mark is suggesting in the very beginning of the meeting so do we have a consensus on that.

Comm. Widomski: I'm not suggesting, Rick.

Comm. Harger: What's the difference between that and when we get the Fire Marshal's report city engineers, all those levels?

Richard Schultz: Those are required because our regulations say that.

Comm. Harger: Isn't that what we're moving towards?

Richard Schultz: Yes.

Tony Panico: Historically, staff has always recommended to a developer, when he has a proposal that has a significant impact on wetlands that he seeks some input from wetlands before he puts that proposal before Planning & Zoning.

Comm. Harger: Okay.

Richard Schultz: But they don't always go and that's what Mark is saying and they should go.

Tony Panico: If they don't go, they're simply jeopardizing their ability to carry out whatever it is-.

Comm. Kelly: Suppose they do go and John doesn't give a comment one way or another; when the plans are drawn up, he denies it.

Comm. Widomski: He's denied.

Comm. Harger: Then he's had his opportunity.

Richard Schultz: If wetland denies regulated activities then it jeopardizes the project.

Comm. Matto: Does wetlands want to be first on the -.

Richard Schultz: Yes.

Comm. Widomski: I'm not suggesting anything, I'm just simply reading it. It says -shall submit an application for a permit to the agency responsible for the administration of wetlands not later than the day such application filed with the Zoning Commission. As far as I can see, and maybe I'm interpreting it wrong, If I walk in here today and say, "I want to build this project and here's my application and here's my money" the next statement should be, "Okay, that's great, we can take it but according to state law you have to go down the hall to Inland & Wetlands and at the same time submit it to them. They review it -.

Tony Panico: The question is permission to build something.

Comm. Widomski: And part of that permission process is Inland & Wetlands.

Fran Teodosio: Right but you're framing the issue to fall right into this and there's another way that an applicant comes in to town; an applicant comes into town and maybe he or she has got a conceptual plan by which they want to change Zone A to Zone B. They submit the conceptual

plan, the conceptual plan is reviewed, it never goes any further; now they petition to change Zone A to Zone B then they come through with the site plan, which is consistent with the conceptual plan.

Comm. Widomski: The site plan is a site plan.

Fran Teodosio: In Shelton it's not. Right now it's not; the way you guys have your regulations.

Comm. Widomski: We should be looking at a regulation to make sure that we are in line with what the state laws tell us to do.

Fran Teodosio: A conceptual plan doesn't contemplate construction. This statute keys into the site plan and the development that you want to have happen. That's why it all flows and it's got the limits between Inland Wetlands and Planning & Zoning. For whatever rational, Shelton has its own process, which essentially is a hybrid process in the front of it with regard to your conceptual plans. So your conceptual plan is not violating this, it what you chose what to do here; if you want to change it, you change it but its not violating the law.

Comm. Kelly: This isn't cast in stone for any town.

Richard Schultz: For a site plan it is.

Comm. Kelly: – I'm talking about a zone change, what we do.

Tony Panico: Our final action on a PDD always carries language that says "shall receive approval of -.

Comm. Widomski: I didn't hear what he said.

Comm. Matto: So if this were called a detailed development plan, maybe this would make more sense.

Richard Schultz: Not many towns do PDD's that's why it's not.

Comm. Matto: Let's say it goes to Inland & Wetlands first, which sounds alright to me, and they make some recommendations and the plan changes through our process, they would still have the final say.

Richard Schultz: My question to Fran is if the Commission wants to change this policy, should the Commission act on it through a vote, Fran, or should we do it through regulation change.

Fran Teodosio: You have to change your regulations. You can't -.

Richard Schultz: This is too strong of a thing -.

Comm. Harger: Don't you have to have a public hearing?

Richard Schultz: Yeah, that's what Fran was saying.

Mark Widomski: So now in terms of Ray Sous' letter that we should be following this, where do we stand today because this is the order that he made and until such time it's changed, this is his legal opinion which is counting. Where do we stand with that? Ray Sous is saying, yes, in his legal opinion that we should be following 8-3 and it should be going to Inland & Wetlands.

Richard Schultz: And the Chairman of Inland & Wetlands agreed with him.

Comm. Widomski: And he sent it saying we should be – we should institute said policy immediately so at this point, the applications that come in, staff should be directed.

Richard Schultz: Unless this Commission tells me otherwise, I'm going to advise the applicants to go to wetlands.

Comm. Widomski: That's what we should be doing.

Comm. Harger: Fran, speak up with your concerns.

Fran Teodosio: My concern is what have you done between 2016 and now with regard to applications that have come forward?

Richard Schultz: We've never done it.

Comm. Widomski: They ignored it.

Comm. Matto: They haven't ignored that, you're really not getting it. The PDD is a concept plan, it's not the site plan. That's when they come back and say you approved this and now we've done this building plan and we've done everything that you recommended and you said that you were going to do and they get the final approval.

Richard Schultz: And you know why this is problematic, Inland Wetlands will charge an informal review. The applicants are already screened.

Comm. Widomski: Maybe we should do that.

Comm. Harger: Is there some other way of identifying these steps? Should we not call it a site plan, should we call it something else?

Richard Schultz: That's what we have to look up. Fran is saying that we can't do it by policy.

Comm. Widomski: So where do we stand in the meantime?

Richard Schultz: I'm enforcing that – directing the applicants to go to Inland & Wetlands.

Comm. Kelly: Before they come to us.

Richard Schultz: At the same time.

Fran Teodosio: You should strongly suggest that they should.

Richard Schultz: I can't mandate it.

Comm. Harger: Right, because there's no regulation.

Richard Schultz: Alright Fran, thank you.

Comm. Tickey: It should be noted that this is the first time that these documents have come before the Commission though they're dated July 2016. We're seeing it for the first time.

Comm. Widomski: That's my question, why was it not disseminated?

Comm. Tickey: Well, here we are now.

Richard Schultz: It was discussed internally. I'll be doing the draft outline.

Comm. Matto: We have to talk about the third floor fire escapes for a few minutes.

Richard Schultz: It's pretty straightforward.

Comm. Kelly: You have to enclose it, right?

Richard Schultz: It's considered a structure.

Comm. Widomski: So if it's an enclosed fire escape, it's a structure?

Richard Schultz: We want them enclosed so architecturally it blends in with the building and it's considered a structure. We have to go through a public hearing.

Comm. Widomski: This is going to be a stupid question, “What’s it made out of?” If it’s a wood structure and it’s a fire escape, say the building is on fire, they can’t use the fire escape because that wood structure may be involved.

Richard Schultz: Yeah, I’m going to look into the code requirements. I’ll take your recommendation and we’ll put language in that says that.

Comm. Matto: So this is above two stories? Three stories they could still be -?

Richard Schultz: Two stories or more.

Comm. Matto: Two, okay.

Richard Schultz: We want to address the architectural component because right now its open and they’re terrible, architecturally.

### **Adjournment**

**On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to adjourn the meeting at 6:55 PM.**

Respectfully submitted,

*Sandra Wasilewski*

**Sandra Wasilewski, Recording Secretary**

## **SHELTON PLANNING AND ZONING COMMISSION MEETING MINUTES**

**SHELTON PLANNING AND ZONING COMMISSION SPECIAL AND REGULAR MEETINGS HELD TUESDAY, FEBRUARY 13, 2017, AT 6:00 PM (PLANNING & ZONING OFFICE) AND 7:00 PM CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484**

### **PZC Commissioners Present:**

**Virginia Harger, Chairman**  
**Anthony Pogoda, Vice-Chairman (phone conference)**  
**Elaine Matto, Secretary**  
**Jimmy Tickey**  
**Charles Kelly**  
**Mark Widomski**

**Also Present: Richard Schultz, AICP, Planning and Zoning Administrator**  
**Anthony Panico, Consultant (phone conference)**  
**Sandra Wasilewski, Recording Secretary**

Tapes, correspondences, and attachments are on file in the City/Town Clerk's office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org) (tapes on file)

### **I. Call to Order**

Chairman Harger called the special meeting to order at 7:10 PM.

### **II. Pledge of Allegiance**

### **III. Roll Call**

Chairman Harger identified members present.

### **IV. Applications for Certificate of Zoning Compliance**

#### **1. Application #2385 – Fran Teodosio, applicant-Mr. & Mrs. Espin resides at 27 Robin Lane for in-law**

Comm. Harger: If anyone needs an agenda for tonight, please help yourself.

Richard Schultz: Please correct your agenda; the applicant is 27 Robin Lane.

This is after the fact in-law apartment. Here's the location; 850 sq. ft. on the first floor. This is a two-level structure; interior lot. Applicant went to the Valley Health. They're all set with the

septic system and as staff indicated it's an existing in-law arrangement. We have an affidavit confirming it's a family number of 850 sq. ft.; no changes, existing.

Comm. Matto: It's already there?

Richard Schultz: Yes.

Comm. Harger: How long has it been in existence?

Richard Schultz: Three plus years.

Comm. Harger: It came up because of financing?

Richard Schultz: Financing.

Comm. Harger: Okay.

Richard Schultz: You can't even see this from the road.

Comm. Harger: And that's were in town?

Comm. Widomski: Off Nichols Avenue.

Comm. Harger: Any Commissioners have any comments, questions, concerns?

Richard Schultz: Staff recommends approval.

**On a motion made by Comm. Kelly, seconded by Comm. Widomski it was unanimously voted to approve in-law on App. #2385.**

## **2. Application #2377 – Barbara Belicia, 1000 Bpt. Ave. for business**

Richard Schultz: This is the multi-story office building past Stop & Shop. This is for the occupancy of 1,600 sq. ft. for outpatient occupational physical therapy rehab; 4 employees; Monday through Friday; Mondays 10:00AM to 6:00PM and Friday 8:00AM to 3:00PM and as the Commission is aware this site enjoys a lot of on-site parking; so outpatient occupational therapy.

Comm. Harger: What floor?

Richard Schultz: Second floor.

**On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to approve business on App. #2377.**

## **3. Application #2247 – R. D. Scinto, 100 Beard Sawmill Rd. for business**

Richard Schultz: This is the Scinto building off Beard Sawmill Road; the east side of Rout 8 expressway; AFLAC – it's a life insurance company. They're leasing 3553 sq. ft. and they have 24 employees Monday through Friday 9:00AM to 5:00PM. They are replacing space previously occupied by Clayton; AFLAC life insurance.

**On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve business on App. #2247.**

**4. Application #2361 – David Esposito, 97 Bpt. Ave. for business**

Richard Schultz: Is David here?

Okay, this is for the Butler Properties behind the Shelton gas station on Bridgeport Avenue. The Commission, two years ago, approved a car restoration company. It didn't require the DMV but the Commission felt that that activity would fit into the PDD. This is somewhat similar. It's Butsy Gear, LLC and they are leasing 3,000 sq. ft.; one employee and they handle automotive parts, customization, restoration and design; so it falls in that same type of use restoration, so he deals with special auto parts. It's low key – one employee.

Comm. Harger: Is that other restoration place still there?

Richard Schultz: No.

Staff recommends this application with the standard conditions for that location.

**On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to approve business on App. #2361.**

**5. Application #2359 – Alterra Group, LLC, 4 Research Dr., Ste. 402 for business**

Richard Schultz: This is up at the Corporate Park; 4 Research Drive; 114 sq. ft.; two employees; residential mortgage lender. Hours are Monday to Friday 8:00AM to 5:00PM.

Comm. Matto: 114 sq. ft.?

Richard Schultz: Yes, a small little office.

Comm. Matto: No bathroom?

Comm. Harger: Will have to use the common one down the hall.

**On a motion made by Comm. Tickey, seconded by Comm. Matto it was unanimously voted to approve business on App. #2359.**

**6. Application #2380 – Mark HERRIGUES, 101 Commerce Dr. for business**

Richard Schultz: This is the first occupant that the Commission will be acting on for the new Scinto complex at 100 Commerce Drive. Here's the location map. The tenant is going into the lower building which is building A, closest to Bridgeport Avenue and this is for Robex. It is a commercial juice bar. They are leasing 1,138 sq. ft.; 3 employees; 9:00AM to 10:00PM six days a week and as I indicated this is the first occupancy; no signage is proposed and on a side note Starbucks will be making an application for the March meeting. So this is for building A, lower level.

Comm. Harger: When do they expect occupancy?

Richard Schultz: I don't have that information.

Comm. Harger: So this is in the lower level?

Richard Schultz: Yeah, building A.

I told the sign company for Starbucks that the Commission obviously will have a lot of questions.

**On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to approve business on App. #2380.**

**7. Application #2360 – Robert Davis, 8 Algonkin Rd. for business**

Richard Schultz: Mr. Davis, are you here?

Okay, this is the same gentleman that received an approval at the last meeting for Canal Street doing the manufacturing of – Marsar's Water Rescue Systems. The Canal Street location did not work out; 8 Algonkin Road is a two-story commercial building that is pre-existing, nonconforming in the Pine Rock section of town, diagonally from the old Pine Rock Park fire house. We had Johnson Power Equipment in there. That building has remained vacant. He is anticipating occupying the whole building and it appears to be a good fit. He's quiet. Staff is recommending approval for that location because the Commission has to use it's discretion because it is a pre-existing, nonconforming use there. So the previous use was Huntington Power Equipment. You've seen their vans and they had an awful lot of vans there and they outgrew the location and it was impacting. Let me go over the Statement of Use. The building overall is 4,500 sq. ft.; five employees. I know Huntington Power Equipment had more than five. Hours of operation, Monday through Thursday, 8:30AM to 5:00PM. That's a good thing because the power equipment was at least 6 days a week; 4,500 sq. ft., 5 employees. They do have on-site parking in the front.

Comm. Harger: What is their parking? Five employees?

Richard Schultz: Five employees.

Comm. Harger: They don't have walk-in business.

Richard Schultz: No.

Comm. Kelly: What would they manufacture in there though?

Richard Schultz: The water rescue systems.

Comm. Harger: Where not what.

Comm. Kelly: First floor is all office so it would be the second floor.

Richard Schultz: Second floor, yes.

Comm. Harger: Do they need panel trucks or any type of UPS sized trucks coming in and out?

Richard Schultz: They have box trucks for deliveries.

Comm. Harger: Okay.

Richard Schultz: Once again, Huntington Power Equipment had an awful lot of vans there and they grew and grew and grew.

Comm. Harger: There's space to accommodate the box trucks?

Richard Schultz: Yeah.

This is a discretionary call by the Commission.

Comm. Kelly: I'll recommend it.

**On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve business on App. #2360.**

Richard Schultz: Staff will be monitoring this and will let you know.

**8. Application #2374 – Caitlin Iannucci, 415 Howe Ave. for business**

Richard Schultz: This is for the Conte Associates building. They are leasing 750 sq. ft.; one employee; art therapy and counseling and I don't know what floor it is. Jimmy do you know?

Comm. Tickey: I don't know that.

Richard Schultz: Typical office for therapy and counselling.

**On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to approve business on App. #2374.**

**9. Application #2371 – Brittany Jansen, 415 Howe Ave., 310D for business**

Richard Schultz: Conti building again, this is for art and clothing restoration resale and this is in unit 310D, D as in David; 450 sq. ft.; 9:00AM to 10:00PM and it varies daily, mainly Monday through Saturday.

Comm. Matto: So vintage.

Comm. Kelly: It's got to be.

Richard Schultz: And art work.

**On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve business on App. #2371.**

**10. Application #2383 – Pramed Kandel, 556 Howe Ave. for business**

Richard Schultz: We have a request to convert a two-family converting the lower level to a hair salon. This is on upper Howe Avenue across the street from U-Haul. Remember the convenience store, same owner.

Comm. Harger: Is there any exterior?

Richard Schultz: No changes whatsoever only interior on first floor, 528 sq. ft.; two employees. They have four parking spaces in the back to accommodate both the unit upstairs and the customers.

Comm. Harger: Upstairs is an apartment?

Richard Schultz: An apartment, yes.

Comm. Harger: Two bedroom?

Richard Schultz: Two bedroom.

Comm. Harger: Anything up in the attic, living quarters?

Richard Schultz: No.

Comm. Harger: The hair salon would occupy the whole first floor?

Richard Schultz: The whole first floor.

Comm. Harger: It's not going to be split off into another apartment?

Richard Schultz: No. We're changing the use of the apartment on the first floor to a hair salon and this is a commercial zone.

Comm. Harger: Comm. Kelly had asked about chairs.

Richard Schultz: They have four chairs.

Comm. Harger: What are their hours of -.

Richard Schultz: Six days a week and the hours vary.

Comm. Widomski: Rick, do they have parking out in front?

Richard Schultz: Curbside parking, that's usually occupied 24/7 for the most part but this is one of the few sites that has legitimate on-site parking and parking in the rear; a driveway that is paved with formal parking spaces.

Comm. Harger: What are the hours that are varying?

Richard Schultz: Because it's by appointment. They don't know how well it's going to take off yet.

Comm. Harger: But they don't have the beginning of the day to the end of the day.

Richard Schultz: No, but it's 6 days a week, Monday through Saturday.

Comm. Harger: That would be my concern is that some of the curb parking might be needed.

Richard Schultz: I'll get the hours.

Comm. Harger: So should be table this?

Comm. Tickey: Are they going to come back with signage?

Comm. Widomski: My next question is if they have four chairs with two employees that means they plan to expand it.

Comm. Harger: Or just the fact that they work on comfort. So should be table this for more information?

Comm. Matto: It's a legitimate use in that building at that location?

Richard Schultz: Yes, with sufficient on-site parking. I'll get the hours for the business.

Comm. Tickey: This is just for the business not the signage.

Richard Schultz: Just for the business.

**On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to approve business on App. #2383.**

Comm. Harger: Are you Mr. Kandel? Please introduce yourself.

Mr. Kandel: Yes. My wife has a hair salon in Norwalk. So we live here. My name is Pramed Kandel, 556 Howe Avenue.

Richard Schultz: 10:00AM to 7PM, Monday through Saturday?

Mr. Kandel: Yes.

Comm. Harger: Are you working on a sign?

Mr. Kandel: I will not do anything without talking

Comm. Harger: I would hate to have you spend any money and then it has to be fixed.

Mr. Kandel: Thank you.

Comm. Harger: Good luck.

**11. Application #2384 – Daniel Sadowski, 488 Howe Ave. for business**

Richard Schultz: This is for another electronic cigarettes shop.

Comm. Harger: Where's #488?

Richard Schultz: The previous tenant was insurance.

Is the applicant here?

Applicant: Yes, present.

Comm. Harger: Come on up to the microphone, sir.

Richard Schultz: What side of Howe are you on?

Daniel Sadowski: Where Subway is.

Richard Schultz: That side, right.

Comm. Harger: The Subway side?

Daniel Sadowski: Yes.

Comm. Harger: And which storefront is it? Is it where the Sterling Pool used to be?

Daniel Sadowski: The dentist is right in that same plaza and the old insurance.

Comm. Harger: Oh, that little insurance one, okay. So Rick, what information do you have about this?

Richard Schultz: 600 sq. ft.; one employee; you see the applicant; 7 days a week; 12:00 noon to 9:00PM and the Commission just wants to know about the products, you know the accessories you are going to sell and can you also educate the Commission on what laws have changed because we haven't acted on one in a couple of years. Does the state regulate ages or anything now?

Daniel Sadowski: It's 18, the age limit, so it's like cigarettes. Nicotine, basically a tobacco license but to sell nicotine. It's going to be an alternative to smoking cigarettes. Electric cigarette uses, electric cigarette products, no tobacco.

Richard Schultz: No tobacco?

Daniel Sadowski: No tobacco products.

Comm. Harger: What accessories were you going to sell?

Daniel Sadowski: Batteries, just mostly electronic cigarette accessories; nothing besides that.

Comm. Harger: Is smoking permitted inside?

Daniel Sadowski: There won't be any smoking inside at all.

Richard Schultz: No smoking room?

Daniel Sadowski: No smoking room.

Comm. Harger: Again, what are the regulations that have changed?

Daniel Sadowski: This year nothing has changed. For 2020 the FDA is going to re-assign everything but nothing until then.

Richard Schultz: 18 is the minimum age.

Comm. Harger: Okay. Have you operated a facility like this somewhere else?

Daniel Sadowski: Yes, I have. I have the same store in Monroe, Connecticut.

Comm. Harger: How long have you had that there?

Daniel Sadowski: Three years.

Comm. Harger: What kind of foot traffic do you get?

Daniel Sadowski: Amount of people?

Comm. Harger: Yeah.

Daniel Sadowski: Twenty to fifty people per day.

Comm. Harger: Okay. What do you do to verify that your customers are over the age of 18?

Daniel Sadowski: Identification, usually driver's license, army ID's or military ID's. That's the only option I have at this point.

Comm. Harger: Do you ever request a second form of ID? Some people are really good at faking ID's.

Daniel Sadowski: I haven't had any problems with fake ID's. For the most part, they all seem to be legit.

Comm. Harger: What kind of records do you have to maintain for the state?

Daniel Sadowski: Nothing formal, basically taxes and sales tax.

Comm. Harger: Do you have to do anything with your inventory? What comes in – what goes out?

Daniel Sadowski: Personal just to make sure no one is stealing; nothing on file with the state or anything.

Comm. Harger: The licenses that you have to obtain. Those are on display?

Daniel Sadowski: Yes.

Comm. Harger: A copy, doesn't that also have to go to you, Rick?

Richard Schultz: We can get a copy.

Daniel, I have one question, it's just a side note; do you get involved with the medical marijuana? Is that totally still separate?

Daniel Sadowski: Yes, it's the whole licensing.

Richard Schultz: Okay, if you were to get it, you would have to let the Commission know, right?

Daniel Sadowski: Yes, that's a whole other process.

Richard Schultz: Medical Marijuana you have to get a whole other license, right?

Daniel Sadowski: Yes.

Richard Schultz: I didn't know how it was regulated because we don't allow dispensaries nor do we allow anything grown.

Daniel Sadowski: Okay, yeah. Right now, I have no purpose for that.

Comm. Harger: How do you secure the items?

Daniel Sadowski: I have an alarm system and the shelving is set up – not locked up but out of reach for customers and anyone else in there.

Comm. Harger: After hours you have to lock these up in a safe or -?

Daniel Sadowski: No, they're fairly cheap products; there's nothing – everything is fairly low cost items.

Richard Schultz: Then we're going to see you the next one. This applicant is here for two.

Comm. Tickey: So this is for the business so if you want to put lights in the windows or signs, you would have to come back.

Daniel Sadowski: Yeah, I still have to come back and sign papers.

Comm. Harger: Yeah, please don't go and contract out or have something start to be built?

Daniel Sadowski: Yeah, Do I have to come back to another town meeting for the signage?

Richard Schultz: Yes, it goes before the Commission.

**On a motion made by Comm. Tickey, seconded by Comm. Widomski it was unanimously voted to approve business on App. #2384.**

### **12. Application #2382 – Daniel Sadowski, 78 Bpt. Ave. for business**

Richard Schultz: This is the old breadbox across from the Ice Cream Shop on Bridgeport Avenue. This was the car repair. Remember we had the problems with all the cars parked there.

Comm. Harger: So you're talking about the car repair building next to it.

Richard Schultz: We have the approved A-2 survey plan that was approved by the Zoning Board of Appeals. Several years ago, the state legislatures put the requirement on the Zoning Board of Appeals for automobile license. Not P&Z - It's been going back and forth over the last 20

years. Anyway, Zoning Board of Appeals approved it at their November 21 meeting and I'll read the conditions of approval.

Two parking spaces must be designated as handicap parking

Four parking spaces must be designated for customers

Four parking spaces must be designated for employees. 6 parking spaces must be designated for used car sales

No more than six for sale cars can be parked on the lot at any one time

This Commission has allowed up to 10, so ZBA held the line at 6.

One flatbed truck and 1 tow truck can only be parked on the premises at any time

The one flatbed truck and the 1 tow truck must be parked to the rear of the main building when not in use.

We have the A-2 survey with all those designated parking rules and the applicant is here to once again, advise the Commission that he's not going to turn this establishment into an unsightly area as the last occupants did.

Comm. Matto: Used car sales. Board of Appeals.

Richard Schultz: The law changed. It was the Planning & Zoning Commission that reviewed certificate of license and that went back to the Zoning Board of Appeals.

Comm. Harger: Okay Rick, you said, start from the top two handicap?

Richard Schultz: Two spaces must be designated as handicap.

Comm. Harger: What's the next?

Richard Schultz: Four parking spaces must be designated for customers; four parking spaces must be designated for the employees; No more than six for sale cars can be parked on the lot at any one time. Dan, You're from town, right?

Daniel Sadowski: Yes.

Richard Schultz: You've driven by there years ago, right?

Daniel Sadowski: Yes.

Richard Schultz: They were parking every which way.

Daniel Sadowski: I'll keep it clean; I'm kind of OCD with everything. If you guys have seen it now if you've gone by there, that's as bad as it will get, ever.

Richard Schultz: One flatbed truck and one tow truck located to the rear. The Commission will oppose no outside storage of automotive parts.

Daniel Sadowski: That's fine, no problem.

Richard Schultz: And when you get wrecked vehicles, you know, they want you to dispose of it. You're not going to do auto body repair.

Daniel Sadowski: No, no. We are going to contract out to another company for body; we are just going to do mechanical.

Richard Schultz: So those will go out on the flatbed to another facility.

Daniel Sadowski: Yes.

Comm. Harger: Is there a certain time limit? Have we done that in the past where we say within 7 days?

Comm. Widomski: You're stripping cars for parts.

Daniel Sadowski: We're not going to be – it's not like a junkyard; customers come in – we fix cars.

Comm. Harger: Auto body repair.

Richard Schultz: How much time do you need to remove a junk vehicle that is unworthy because you have a wrecker so if the Shelton police call you on Route 8 and the car comes, how long -?

Daniel Sadowski: Would you guys allow 7 days?

Comm. Harger: I think that's reasonable. What do you guys think?

Comm. Widomski: If a car gets wrecked on the highway or anywhere in town and it gets towed to his property, the insurance company may take -.

Daniel Sadowski: Yeah, that's the thing, they might take their sweet time; some take a week, 2 weeks before they come in and inspect.

Richard Schultz: Thirty days you want to say? 15?

Comm. Widomski: Do you have a spot; do you have a spot, maybe put a fence up?

Daniel Sadowski: The back area is all open I was kind of going to put whatever you don't want to see, over there. There's enough space for 3, 4, 5 cars back there, realistically.

Richard Schultz: We'll say 15 days because it's good to have that as a condition.

Comm. Widomski: Is 15 enough?

Comm. Tickey: Fifteen business days.

Comm. Harger: Is there something you can do, there is a business on River Road that was having a problem an issue having just the insurance companies, or something was happening where he just couldn't get the stuff off of his property because he kept waiting.

Daniel Sadowski: Sometimes insurance companies might not come at a prompt time; they might not want to deal with the situation and it could take over a month. I haven't really dealt with that situation yet, so I don't really know what the worst case scenario might be but I've heard that happening because they can't legally move the car after for certain reasons so if we could put a clause if the insurance or something can't come in that 15-day window, is there anything we can do that could extend certain circumstances?

Richard Schultz: We'll have to take that up with staff.

Daniel Sadowski: Okay.

Comm. Harger: One of the things that Rick alluded to was the fact that the last couple of tenants kept this very unsightly and we had Mr. Softy trucks and boats on trailers.

Daniel Sadowski: I cleaned up everything; I saw someone dumping oil canisters; everything is spotless at this point, so that's what I'm hoping to keep it as.

Comm. Harger: Sounds like you plan to be a good neighbor.

Comm. Widomski: If you're storing cars back here, can you see them from the road?

Daniel Sadowski: No, this is about at most, 5' over there.

Comm. Tickey: I know you're going to keep it clean but be mindful as your customers are going to be coming in and out and we know how busy that road can get so we don't want any tall flags, visual signs, because the site lines are really tough; it's really tough to come out of there especially when it's really busy.

Daniel Sadowski: Okay, yeah.

Richard Schultz: You have a good location, Daniel, as you know, it's just that we don't want you to abuse it with banners and signage; it's easy to do it.

Staff recommends approval with those noted conditions.

**On a motion made by Comm. Kelly, seconded by Comm. Widomski it was unanimously voted to approve business with noted improvements on App. #2382.**

### **13. Application #2378 – Rich Brown, 401 Bpt. Ave. for propane sales**

**On a motion made by Comm. Widomski, seconded by Comm. Kelly it was unanimously voted to table propane sales on App. #2378.**

### **14. Application #2381 – Connecticut Sign, 4 Armstrong Rd. for sign**

**On a motion made by Comm. Widomski, seconded by Comm. Matto it was unanimously voted to accept a withdrawal for sign on App. #2381.**

Applicant: Excuse me, who made the withdrawal?

Comm. Harger: Connecticut Sign, Armstrong Road?

Richard Schultz: That was by Larry, ABC Signs.

Comm. Harger: Did you get a phone call?

Applicant: I'm the one who put the application in.

Comm. Harger: Is it another one, Rick?

Richard Schultz: No.

Comm. Widomski: What company are you?

Applicant: Connecticut Sign.

Comm. Harger: It's the one that's listed.

Richard Schultz: I've been getting communication from ABC Sign.

Applicant: I don't know why. I'm representing Barrington Media Group.

Richard Schultz: Okay, why don't you make your proposal to the Commission. I've been out sick for a week and I've been getting a lot of emails and I thought I applied this one to the right one.

Comm. Harger: Do we need to make a motion to put it back on the agenda?

Comm. Kelly: Yes.

Richard Schultz: You're representing the owner, right?

Applicant: Yes.

Richard Schultz: Just so the Commission understands, once in a while I get multiple sign companies.

Comm. Kelly: You're fine, don't worry about it.

Comm. Harger: But do we need a motion?

Richard Schultz: Yes.

**On a motion made by Comm. Kelly, seconded by Comm. Widomski it was unanimously voted to withdraw the withdrawal for sign on App. #2381.**

Comm. Harger: Application #2381 is back on the agenda and ready to be heard. Identify your name please.

Robert from Connecticut Sign, 47 Cherry Street in Naugatuck, representing Barrington Media Group. They are currently at four Research and they are moving to four Armstrong. Looking to do a sign on the third floor of that facility and we presented last week when we put the application in what it would look like in size. The sign is going to be individual led channel letters with their logo. Dimensionally, overall 48" x 254"; this would be the only sign that is currently on that property.

Richard Schultz: Do you have that because I left the application upstairs.

Robert: Yes. This is primarily what it would look like with their logo. Colors are black and light blue. It would look black and light blue during the day; when it illuminates, the black would look white. It has a perforated face; from perforation, it would look white at night. Talking with zoning over the last few weeks, this fits dimensionally to their requirements.

Richard Schultz: The Commission recently amended its regulations to upper floor wall signs, so this complies. What we do need from your client is a Statement of Use because they're relocating from site A to B.

Comm. Harger: So this is one of the buildings that's to the left of Panera Bread. So is it one of the first ones?

Comm. Kelly: Is it on the corner?

Richard Schultz: When you enter off Bridgeport Avenue onto Armstrong, it is the first building on the right. Coming from Bridgeport Avenue, not Panera side.

Robert: Right.

Comm. Widomski: It's closest to the hotel.

Robert: Yes, that's correct.

Comm. Harger: Does the Barrington Media Group signage face Bridgeport Avenue?

Robert: It's on an angle so it faces more towards, I think there's a hotel on the other side so it's sort of faces that but you could visibly see it from Bridgeport Avenue because it's on an angle.

Comm. Harger: Okay. So what kind of illumination are you proposing?

Robert: LED, internally illuminated, low voltage; if you're familiar with the Smile Dental on Bridgeport Avenue, it's very similar. We did that project at Smile Dental.

Comm. Harger: Oh, you did. Have you had any issues with Smile?

Richard Schultz: No.

Comm. Widomski: How many businesses are in that building?

Comm. Tickey: You have to have a certain amount of footage.

Richard Schultz: If I was involved with this from the beginning, I would have had the Statement of Use because you don't know the occupants square footage.

Robert: I do not. I know that they're on the third floor. I'm not sure if they're taking the whole third floor or half of it.

Comm. Kelly: We have to know that.

Comm. Matto: Doesn't it say you can only have one such sign on the building?

Robert: That would be the only sign on that property.

Comm. Tickey: Yeah, I think we agreed 40% of the building, so we have to make sure they have 40%.

Comm. Harger: Should we table this?

Richard Schultz: Well obviously you're telling the applicant that you like it. I just have to confirm.

Comm. Harger: I just don't want to open Pandora's Box.

Richard Schultz: This is the follow-up that I didn't get involved in but they like it and -.

Comm. Harger: Yeah, it's very classy.

Richard Schultz: You're the person I'm going to be contacting now.

Robert: Yes, my name is on the application.

Comm. Harger: Can we do something where approval contingent on -.

Richard Schultz: Yeah, staff confirming that it complies.

This is going to be on the March agenda for the occupancy.

When did they want that installed?

Robert: Well, our first process is to get it approved and once you approve it then I'll contact them and then they will probably come in and do whatever they have to do.

Richard Schultz: I'm not anticipating any problems. I think they're going to occupy the whole floor.

Comm. Widomski: My question is going to be, if we're at 40% of -.

Comm. Harger: Rick is going to look it up.

Comm. Widomski: Okay.

Richard Schultz: A major tenant occupying not less than 40% of the total floor area of the building may be allowed to attach a building to the upper wall area.

Comm. Harger: 40% of the entire building?

Comm. Tickey: Yes, that's what we said.

Comm. Harger: So is the approval contingent on -?

Richard Schultz: 40%

Comm. Harger: Rick, communicate the results.

Richard Schultz: Yes, by email.

**On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to approve sign on App. #2381 contingent upon meeting up to required regulations.**

**15. Application #2367 – Arnco Sign Co., 70 Shelton Tech. Center Rd. for sign**

Richard Schultz: Okay, does everyone know the location?

Commission: No.

Richard Schultz: Ivy Brook Road, off Constitution Blvd. and you continue all the way to the end where that large building is; before you get to it is the Ivy Brook Industrial Park. It's primarily all single story buildings.

Comm. Kelly: They want a sign where, by the road?

Richard Schultz: No, right above their entrance. ADT Security, Lincoln Property.

Comm. Harger: What's it look like?

Richard Schultz: Non-illuminating, over the entrance.

Comm. Harger: Was there a sign there before for a previous tenant?

Richard Schultz: No.

**On a motion made by Comm. Tickey, seconded by Comm. Kelly it was voted 5-1 for sign on App. #2367.**

**16. Application #2375 – Amer. Sign, 42 Canal St. for sign**

Richard Schultz: Is the applicant here? Okay, this is for Inline Plastic. You have the proposal in front of you. Can you just explain to the Commission, is this a new logo?

Brian: Brian – from American Sign. Inline Plastics has changed their logo so hence they need a new sign up front on the building. If you look on the first page, you will see the existing building, which is Inline Plastics, that's what's there right now. That is an illuminating channel letter sign with LED's; the new one, in the larger picture up top, is what we're proposing. That will be also lit with LED's and will illuminate the same way the one there now does. The actual

letter size, the new sign, the actual Inline Plastics is a little smaller than the existing now but the circle which is part of their logo is a little bit bigger so we came to a happy median and found what we thought was a good size.

Richard Schultz: So internally illuminating Canal Street side and the Wharf Street side.

Robert: Yes, there's now an additional sign that they would like to have on this Wharf Street side facing the entrance ramp to Route 8 and that one is smaller than the one in front with the circle logo being 8' and 8' diameter and the letters being 42" tall.

Comm. Harger: Is the illuminating such that the residents across the street will be affected?

Robert: No. It will illuminate the same as the one on the front of the building.

Comm. Harger: Any Commissioners have any comments or concerns.

Comm. Pogoda: Rick, are those the same drawings you had sent me?

Richard Schultz: Yes, these are large signs, yeah.

Comm. Pogoda: Okay.

**On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to approve sign on App. #2375.**

#### **17. Application #2362-Bruce Hungerford, 495 River Rd., Unit C for business & sign**

Richard Schultz: Our beloved Sterling Pools relocated from downtown right near the vapor shop. It's been there for decades as this Commission is aware of to the new building on the River Road by the automotive.

Comm. Harger: On the automotive side?

Richard Schultz: Well, it's replacing the package store.

Comm. Harger: And to the left of it is the Deli.

Richard Schultz: Sterling Pool is leasing 1,000 sq. ft.; 3 employees; Monday through Saturday 9:00AM to 5:00PM and the previous tenant was the liquor store. Internally illuminated, Sterling Pool, it's pretty straightforward.

Comm. Harger: Is it just 1 storefront?

Richard Schultz: One storefront.

Comm. Harger: Alright, so we do separate?

Richard Schultz: It's combined for both business and signage.

Comm. Harger: Any questions?

Comm. Tickey: Is there a monument sign for this?

Richard Schultz: Yes.

Comm. Tickey: Do they each have their own logo?

Richard Schultz: They have not requested it. I'll check into that.

Comm. Pogoda: Rick, is the sign the same as the one they had previously?

Richard Schultz: Yes.

Comm. Pogoda: Okay, thank you.

**On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve business & sign on App. #2362.**

### **18. Staff Approved ACZC**

Richard Schultz: Page 3, does the Commission have any questions?

Comm. Harger: What's cut trees, the last one.

Richard Schultz: That's a new building lot it was clear cut for sediment erosion.

Comm. Harger: And everything else is pretty straightforward.

Comm. Widomski: The cut trees, which one is that? Is that the one on the corner of Portland?

Richard Schultz: No, this is on Huntington and Roaring Brook.

### **V. Old Business**

#### **A. Application #17-18, Dominick Thomas for Initial Development Concept Plan and PDD Zone Change approval (mix use development): 801 Bpt. Ave. (Map 28, Lot 19): IA-2 District (public hearing closed 12/27/17)**

Comm. Harger: This is referred to as the UI property.

AJ, we all have a copy of your preliminary partial draft. Do you want to start or is their comments that you require from anybody else first?

Tony Panico: What I did is I kind of summarized the background then I listed a series of comments and findings that I think represent the Commission's discussion at the last meeting. It might be beneficial if someone reads it and sees if everyone is on the same wave line. This is only a partial draft.

Comm. Matto: (Reading Preliminary partial draft dated February 10, 2018).

Comm. Harger: The Commissioners probably picked up on page 6, in the middle, talking about desire to eliminate two or three of the smaller buildings; the square footage of 3,700 sq. ft. will be added on to building 3; that's what they're talking about; that would be expanded.

Tony Panico: They felt it was important to maintain their ability to – I don't believe you're focusing on retail but rather eliminate small buildings.

Comm. Harger: Exactly.

Comm. Tickey: Yeah, I think the traffic – the letter on the traffic had sited that so removing those smaller buildings would free up some of the traffic flow, but frankly, it just seemed unnecessary to have the two 59 sq. ft. buildings.

Tony Panico: That's reasonable.

Comm. Harger: The driveways would be modified.

They're professional people reassured me it would just be minor adjusting the curb and removal of the small, detailed building on the south end of the site and they can shift parking maybe 20 ft. or so and be able to move the coffee shop about 20 or 30 ft. Between the two,

they can create a very nice public sitting area there. That should complement the sitting area where the coffee shop will be.

Comm. Harger: AJ, what's your opinion on whether or not there's after hour congregation that we may have to be concerned about after the retail facilities have closed. Right now for a coffee shop, we have no idea what hours will be.

Richard Schultz: I think that's something that the overall development has to deal with. I personally think that there's going to be a lot of traffic almost all hours with the hotel operating and various restaurants that are opening.

Comm. Harger: We haven't really come across that problem anywhere else on Bridgeport Avenue.

Richard Schultz: Just the bus shelters.

Tony Panico: That's the only place where we had concern was the bus shelters.

Comm. Harger: Comm. Tickey, you were making a comment?

Comm. Tickey: I was just saying that when this had first come up, I was advocating for some kind of open space or passive recreation in the corner but seeing it this way makes a lot of sense and people could be at the coffee shop or the café and look out and see the open space for people to be at is nice to have. It adds some balance to the development.

Comm. Harger: Comm. Matto, did you have any comments?

Comm. Matto: No.

Comm. Harger: Comm. Kelly? Go ahead Comm. Pogoda.

Comm. Pogoda: I would like to concur again with Comm. Tickey that I had stated previously I was not really for that coffee shop, some kind of franchise coffee shop, but after speaking to staff, that they might be coming in with a higher end, specialty coffee, which I wanted to see in town for many years. I thought that that was something that was going to be done possibly down on the Riverwalk when Mr. Getz had proposed the development down there, initially, years ago and also thought that when Three Bridges had opened up, I know that they do sell, when I say specialty coffee, espresso, cappuccinos, but they seem to be closing at around 6:00 at night, which to me, you'd like to go back out at night for a cup of coffee or maybe come back after dinner and have some coffee; so when I heard this was possible, even though I was against the initial proposal for a small coffee shop, I thought that was really a good idea plus they were proposing to put a little pocket park and possibly some benches and seating, which I thought sounded very good. What they came up with the new proposal, I seemed to like it a heck of a lot more.

Comm. Harger: Very good. Anything else, Comm. Pogoda?

Comm. Pogoda: Nope.

Comm. Harger: Okay, Comm. Kelly?

Comm. Kelly: I have a question on the sidewalks. Are they going to do a study, are they going in, not going in?

Comm. Harger: Working with ConnDot?

Comm. Widomski: Yeah, I was wondering the same thing.

Comm. Harger: That was on page 5, I believe.

Comm. Tickey: Yeah.

Comm. Widomski: Page 6.

Comm. Harger: "Required to explore with the project engineers in conjunction with ConnDot to determine how this might be done."

Comm. Kelly: Where does Tony, how is he wording that? They're not, they are? They may do a study; they may do a study, they may not? What are we saying?

Comm. Harger: "The Commission would like the applicant to review the potential and issues regarding extending the Bridgeport Avenue sidewalk northerly to the Brookside Plaza." So it could be pretty vague.

Tony Panico: What we're going to be looking for is the applicant study carefully that stretch of frontage with respect to where the existing pavement lines are, where the right of way line is; where the state highway is; what the topography area is; what would need to be done in order to physically create a sidewalk.

Comm. Kelly: Okay. What do we do from there? If they approve it and if they put up what they want to do and then they say well we can't put the sidewalk in then we're losing, right?

Comm. Harger: I would think that that review has to come in before any approvals.

Tony Panico: They take that information and they bring it in either prior to or with their final development plans. The Commission needs to be satisfied or you need to tell them to do something differently. We don't know, physically, how good the building is. If it's reasonably, physically possible to make a sidewalk connection, then okay. But perhaps on the timing, what we should do is require is that they physically prepare that area but don't put any sidewalk down. If there's no convenient way to get beyond the beginning of the Brookside Plaza; if we could get something worked out there, then we could say okay, we have further connections to the north; we want to get this piece of sidewalk put in and he would have an obligation to do it. You would stipulate that before you approve the final development plan.

Comm. Kelly: Okay.

Comm. Harger: And afterwards there could be a bond I would imagine, right Rick?

Richard Schultz: Oh yeah.

Tony Panico: - The fact that we don't know how much, where, when; if you make the position for approval, he would have to satisfy that.

Comm. Harger: But before that we would see some kind of rendering?

Tony Panico: We could discuss other options for guaranteeing that.

Comm. Harger: But the result of the review would be a rendering of the area?

Tony Panico: It doesn't have to be a rendering; it needs to be an engineering drawing.

Comm. Harger: Right, some kind of drawing.

Tony Panico: It needs to be a scale so we could understand it; not the small scale that we have been working with up until now.

Comm. Harger: I think Comm. Widomski had a comment.

Comm. Widomski: The end result is going to be that they are going to prep the land; may not necessarily put the sidewalk in but it will be prepped so that if we do continue that on, it would be ready to go.

Comm. Harger: Right. Get it prepared if it's feasible.

Comm. Widomski: Anything is feasible; they move mountains now.

Comm. Harger: AJ, were you saying something?

Tony Panico: I was just saying Commission will have an opportunity to revisit that before you take final action on the detailed development. They have to come back to you with some information.

Comm. Widomski: Basically, we can't go too much forward on this until we hear back from them, ConnDot.

Comm. Harger: AJ, what would your thoughts be on that? Comm. Widomski thought we can't go much farther on that, but we have a timeframe.

Tony Panico: At this point in time, we cannot. It requires input from ConnDot, and it requires more detailing from the applicants. It all needs to be put together. We need to know where there roadways are, where the ledge is, where is the right of way line. If the sidewalk was put parallel or on the edge of the right of way line, where is it in relation to – should it be moved to a more convenient location. We won't know that until we get -.

Comm. Harger: But, the whole project would not be held up.

Tony Panico: They could proceed simultaneously.

Comm. Harger: You understand that, Comm. Widomski?

Tony Panico: I need to see something more detailed. I need to be showed how they will work this out.

Comm. Harger: Okay, this is something that they would work with staff on.

Richard Schultz: It sounds like you have a favorable consensus.

Comm. Harger: Is there anybody on the Commission that we couldn't go forward at this time from a draft status to resolution?

Comm. Widomski: The bus stops; we have a couple of bus stops – I have driven up and down there the last couple of weeks and it is extremely very dark there at those bus stops. Is there any way we could get some lighting on the bus stops on the side of the property where the project is going.

Tony Panico: It would seem to me that if there's a need for bus service, the buses would enter the site at the convenience of the driveway connections.

Richard Schultz: We're talking about the Greater Bridgeport Transit, Tony.

Comm. Widomski: Out on Bridgeport Avenue.

Tony Panico: Wouldn't Bridgeport Transit come in through the site and come out the other end?

Richard Schultz: I will call them; sometimes yes, sometimes no.

Tony Panico: I know that's common practice with the bus companies.

Comm. Harger: Do they do that for Shelton Square?

Richard Schultz: No, they don't go in; they stop there. I'll check with the Greater Bridgeport Transit.

Comm. Widomski: I went by there the other night and there was a guy standing at that bus stop across the street from Bertucci's and you couldn't even see him until you were almost on top of him and if we're going to plan something, we have to plan it properly.

Tony Panico: Bus stops at the edge of the highway are not a good idea.

Comm. Widomski: We don't pick those though.

Comm. Kelly: No.

Comm. Tickey: Tony Panico, is there anything missing from this partial draft that you would want inserted for the final?

Tony Panico: No, I just want to make sure that we're all on the same wavelength with what we just went through. It sounds like we are.

Comm. Harger: Yes, except for the couple of points from Comm. Widomski on the bus stops.

Tony Panico: Yes, I'll take a look at some of that land to see if I can clean it up a little more. I know what I'm trying to say and maybe it doesn't say it.

Comm. Harger: Clean it up to accomplish what?

Tony Panico: To maybe clarify it a little bit more.

Comm. Harger: Clarify the draft?

Tony Panico: Yes, to look at the wording that I've used.

Comm. Harger: But you're not talking about including more additional language about the bus stops?

Tony Panico: No. You said that there was some confusion about the manner of explanation on the sidewalk extension and I was going to look at the language I used to see if there was something I could say there that's a little simpler or clearer.

Comm. Harger: Okay, that's on page 6.

Richard Schultz: But I'm going to call them on other issues and advise the Commission of their comments.

Comm. Widomski: Another issue, we had discussed running that sidewalk up from Bridgeport Avenue all the way to the top of Parrott Drive to Scinto's property – did we want to do that or are we going to leave that off and just keep it up to the driveway where it was?

Comm. Pogoda: I think we should leave it alone. I think going up to the entrance drive is sufficient enough. Whatever other burden would have to put on the applicant, I think he could take that and try to do a better job on the inside with either the building or anything else he

can work out on the outside, it would do a better job for the whole project. I don't think there's any need for it.

Comm. Widomski: My thought process was in case people don't want to go to restaurants on that property. Say they want to go to Chili's and that other steak house, Ruby Tuesdays and Five Guys or whatever else is in that other plaza there.

Comm. Pogoda: How is that aggravated by this proposal? How do they get down there now?

Comm. Widomski: We should be planning to make sure we have access to them as Dominick Thomas said a number of times during this presentation that the City of Shelton is not going to build it and if we want to build it you need to have the person building the project do it; the developer do it.

Comm. Harger: Right now, the only way would be internal. I wouldn't be against having a second means.

Comm. Widomski: I just think we should be planning for the future. Those steps in the winter that Ginny had said at one point, I mean, how are they going to get -

Tony Panico: You're asking this developer to do something to solve an issue that is neither contributing to nor impacting in any way. That situation along Parrott Drive has existed that way for many years and will continue to. This proposal has no impact on that.

Comm. Harger: Can't we take the approach as what you suggested for Bridgeport Avenue that they be prepared and maybe not put in?

Tony Panico: No, because their concern is that customers from this development might want to go down the direction of Brookside Plaza. There may be some reason for some inner connection of activity between the two and that has some sense to it, but that's not the case for Parrott Drive.

Comm. Widomski: By going to the top of the hill, you're connecting the Scinto complex and everything else at the top so you are connecting it.

Tony Panico: Why?

Comm. Harger: For all the employees that work there. They may not necessarily want to walk through the retail.

Comm. Widomski: I'm just going by what Attorney Thomas said. If we want stuff done infrastructure wise, and he said it a number of times, that we have to have the developer do it because the city and state aren't going to do it so I'm just taking him up on his offer.

Tony Panico: You're misconstruing his offer; not develop Bridgeport Avenue into the rest of the city. I don't think we should put words into that developer's mouth.

Comm. Widomski: We're planning for the future; not for today.

Comm. Matto: I don't think it's necessary.

Comm. Harger: Comm. Tickey, what are your feelings about improving Parrott Drive to include sidewalks?

Comm. Tickey: I would be not in favor of that but I really do want to see sidewalks along Bridgeport Avenue and that should be the focus.

Comm. Kelly: I don't think it's necessary. I know all Scinto's buildings are connected but they're connected through parking lots.

Comm. Harger: I personally feel that sidewalks enhance a neighborhood or a development like this so. Comm. Widomski?

Comm. Widomski: I think they should be there. It's an enhancement to the project and it enhances the whole entire neighborhood.

Comm. Harger: AJ, there is a 4-2 split on this. So not having sidewalks on Parrott Drive would not be an option at this point.

Tony Panico: Okay.

Comm. Harger: So where are we at?

Richard Schultz: Put this on for adoption, the 28th?

Tony Panico: I will have this cleaned up and back in your hands so you can act on it for the next meeting.

Comm. Harger: So that would be for our Special Meeting on March 28. February, I'm sorry. Two weeks from tomorrow.

Tony Panico: Okay, that's fine; that's no problem.

Comm. Harger: So we would get this ahead of time?

Tony Panico: I'll get it to Rick and he will distribute it.

**B.Application #17-19, R. D. Scinto, Inc. for Modification of Initial Development Concept Plan and Detailed Development Plans for PDD #63. 899-905 Bpt. Ave. (Map 8, Lots 15 and 16) and modification of Future Land Use Plan from Office/Light Industrial to Mix Use, Economic Growth Area (MUEGA) (public hearing closed on 1/9/18)**

Richard Schultz: Okay, this is the first discussion that the Commission has had. I think clearly, the biggest issue is that the application is being presented as a Mix Use. The applicant suggests that the occupants that they are targeting – the previous approval was for freestanding restaurant and hotel. The entrance driveway is essentially perched up, just like the UI site and once again, you have the same issues with lighting. So first of all, the uses, the site lighting, sidewalk issues, because once again, there's no sidewalk, existing sidewalks in that location. This is immediately adjacent to the Veterinarian Hospital and then just south of that is Duchess and then we have the walk-in medical. Not that there's a lot of activity up there but once again, the Commission has to come to terms with pedestrian access on Bridgeport Avenue.

Comm. Harger: Overall, I think this is a positive proposal for this particular piece of property; 2.8 acres; they're existing buildings will be demolished. It's going to take care of the storm water management which does not exist at the present time. They have adequate parking

spaces designated and I think it's a good proposal for that particular piece of property. It's too bad that the hotel and restaurant did not go forward but I think it's an excellent development proposal.

Richard Schultz: The applicant indicated no drive thru, remember, so that was eliminated.

Comm. Kelly: Didn't the applicant consider to put a sidewalk in?

Comm. Tickey: I think the applicant was willing to consider a sidewalk.

Comm. Widomski: Yeah, he said he'd put that along the front.

Comm. Harger: There was on my notes that Comm. Widomski had asked if there were any sidewalks in the area and Mr. Pereira, the Engineer had said none were planned.

Richard Schultz: I think what staff is going to do, just like we're going to talk about Huntington Center later on tonight, is to look at an overall map of Exit 11 right down to 13, showing existing sidewalks and what's being proposed. You have to make this decision.

Comm. Widomski: I know the Naugatuck Valley Counsel Government wants to get a nice bus system along that corridor.

Richard Schultz: Let me get an update from The Greater Bridgeport Transit.

Comm. Widomski: We really need to start making that pedestrian friendly.

Richard Schultz: You have to understand, the bus shelters are out of the city's control. A non-profit usually regulates it.

Comm. Harger: Getting back to the sidewalk.

Comm. Tickey: On this particular proposal #17-19, it most certainly looks like a quality development. There was an offering on looking into a sidewalk on Bridgeport Avenue and a person in the audience actually questioned why it was just a one-story.

Comm. Kelly: I think the parking would restrict a two-story.

Comm. Harger: I think there was a question on the sidewalks, what about the maintenance.

Comm. Widomski: That falls on the property owner.

Richard Schultz: Our ordinance says the sidewalks in front of our property, the owner is responsible for. I'll clarify that too.

Comm. Harger: Are we ready to direct staff to prepare a resolution?

Commissioners: Yes.

Comm. Harger: Comm. Matto, are you good for that?

Okay, so that's all the discussion we need to have on that, right?

Richard Schultz: Okay.

Comm. Harger: Yes, we have a consensus to move forward. (Comm. Harger was answering Tony Panico).

Audience: Can I ask a question?

Comm. Harger: Can you identify yourself, please?

Maureen Magner: Maureen Magner.

The discussion about extra green space and less parking -.

Richard Schultz: You can't talk about this project because we closed the public hearing.

Comm. Harger: The public hearing has closed, Maureen. Unfortunately, we can't have any discussion amongst the Commissioners but you can certainly call Rick tomorrow.

Richard Schultz: You can talk to me tomorrow. I know what you're talking about, so.

## **VI. New Business**

### **A. Application #18-04, Schaible Realty III, LL for Amendment of Building Zone Map by changing from IB-2 District to CB-2 District, 25 Brook Street (Map 129, Lot 14): accept and schedule public hearing.**

Comm. Harger: Do you have any paperwork?

Richard Schultz: You received it in your mail.

Richard Schultz: This is identical to the Conti building; the Conti building is an industrial zone and over the years more and more of the uses were non-industrial ; they were more commercial like. The Schaible's are seeing the same thing. They have that industrial building – more and more of the uses being proposed non-industrial. So he's saying please extend the commercial zone, which makes sense at this time. So half of it is industrial and the lower part which is all part of Canal Street and up by Howe Avenue is commercial.

Comm. Harger: Brook Street is the street that goes down.

Richard Schultz: To the Boy's Club.

Staff is recommending, because of scheduling, April 25 will be the extension

**On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to schedule public hearing for 4/25/2018 on App. #17-19.**

## **VII. Public Portion: anyone wishing to address the Commission on any items not on the agenda**

**On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to close the public portion of the meeting.**

## **VIII. Other Business**

### **A. Huntington Center Special Study (commercial/area): special area study initiated by the SPZC and coordinated by Staff**

Comm. Harger: What do we have here?

Richard Schultz: This is the vicinity map of Huntington Center.

Comm. Harger: Rick, want to give us some back-story to this, please.

Richard Schultz: There has been some new interest in some new construction, besides Dr. Montanaro. Dr. Montanaro is right here. His property, three separate parcels, we recently – PDD so the Commission has more control. There's been discussion for new development in the existing area where the existing bank is and it made sense for the Commission to look at the greater Huntington Center area. (shaded in yellow here). Comprehensively, we need to determine what uses we want. Right now it's commercial. It allows food establishments, retail and professional offices. Residential is not a permitted use. You may determine to open that door; you may determine not to. We need to look at our organization of parking. There's a hodgepodge in the back as you all know. We need to determine if second story additions can go on any of the single story buildings. If so, how will we deal with it architecturally and what will the parking demands be. We also need to look at a comprehend sidewalk system. As you all know, it ends right here in front of Huntington Depot. This is the Blakeman site. Obviously, the Commission would like to see the sidewalk system extended right to Huntington Center. This will allow people to walk all the way to the Corporate Industrial Park. As you know, the City of Shelton put in the bridge over here along Shelton Avenue, so we have that connection but we don't have a true, logical internal sidewalk system. We're dealing with it on Bridgeport Avenue. I'm going to give you a similar map, like I said earlier, from Exit 11 to 13. You need to identify where they are and where they need to go. So as you can see, we need to look at this comprehensively. I just included everything except the People's Bank. Do you want that included because I don't see that changing.

Comm. Kelly: People's Bank has a sidewalk.

Comm. Harger: Yeah.

Richard Schultz: So, do you like the limits of it?

Comm. Harger: Go across the street.

Comm. Widomski: Lane Street.

Comm. Tickey: You'll include Carey & Guarrera as well.

Comm. Widomski: The other side of Lane Street, isn't that -?

Richard Schultz: We have Fred Sears and the property is for sale.

Comm. Widomski: What's that next to Fred Sear?

Richard Schultz: Vacant, single family house for sale. Fred Sear does want to come in and continue with the same land use that he did.

Richard Schultz: We have to look at all those issues so I'll extend it. I'm working with the office of Pereira Engineering because they were looking at this particular location.

Comm. Harger: What's the vehicle that we use now to do the study?

Richard Schultz: We're going to do it in-house and use the assistance of Pereira Engineering.

Comm. Harger: At some point, a new drawing will be presented.

Richard Schultz: Yeah, we're going to update the drawing with the details.

Comm. Harger: What's the time frame on this, Rick, Fall?

Richard Schultz: Probably a good 6 to 8 months.

Tony Panico: Rick, are you going to include any of the institutional area on the other side of the green, any of those churches?

Richard Schultz: I'm not suggesting it; it really throws a curve ball in, but it's up to the Commission.

Comm. Widomski: On the top side of the green you have 2 private residenceals.

Richard Schultz: The Church Street side.

I think that should be an independent study.

Comm. Widomski: And on the other side between the church driveway.

Richard Schultz: You know, we're throwing in a whole other element in here.

Comm. Harger: Yes.

Richard Schultz: The emphasis of land use is right here. What Mark just said, we have this house right here; it's on the market, do you want to put non-residential there, professional offices. It's R2, single family.

Comm. Widomski: I don't want to be encroaching on the people. That would be my only concern.

Richard Schultz: They were totally upset, but things have changed.

Comm. Harger: Years ago, the house at the end of Ripton Road was supposed to be a funeral home.

Richard Schultz: Fred Sear really maintained the integrity of that. That worked out good, so we had a success story. If we didn't, we'd be talking about entertaining a second piece of property.

Comm. Widomski: I think we should just include Fred Sear's property; I don't think we should include the residential property yet.

Comm. Harger: Because of the site lines?

Comm. Kelly: Was someone going to rent the bottom section of that yellow house? Was it a psychologist or something?

Richard Schultz: Yeah, he had some proposals a while back.

Comm. Kelly: It would have been nonresidential.

Richard Schultz: That's right, yeah. We allow his house. So I'll include those other parcels, okay?

Comm. Kelly: Good idea.

Comm. Harger: Any comments, questions?

Richard Schultz: Obviously, we're going to be talking to all the property owners. They will be participating in the staff meetings.

Comm. Harger: Is this something you would have evening sessions?

Richard Schultz: Probably be during the day but I could have it at night too, to fulfill the needs of the neighbors; I'll have public informational meetings.

Comm. Harger: When is the appropriate time, after you get the ball rolling?

Richard Schultz: We are going to show, you, the Commission first, the progress sheet and then take it to the public. You have to feel comfortable with it first.

Comm. Harger: If anything, you need to start with the public first, this is what the Commission is going to be working on. What are your thoughts at this point?

Richard Schultz: I know what his needs are. We were chatting again tonight.

Comm. Harger: To give the public, at least the opportunity to comment on it or anything happens.

Richard Schultz: So now that we've identified the limits of that study area. Staff will be given a schedule about meeting dates to keep you in the loop. So I'll be reporting on this monthly.

Comm. Widomski: What's the dwelling with the red marks going through it?

Richard Schultz: That's Dr. Montanaro's.

Comm. Harger: Okay, thank you, Rick.

## **B. Approval of Minutes**

Comm. Harger: We have none to approve.

## **C. Payment of Bills**

**On a motion made by Comm. Kelly, seconded by Comm. Widomski it was unanimously voted to pay bills.**

### **D.8-24 Referral: water main extension for Longmeadow Road**

Richard Schultz: Longmeadow Road does not have public water. The Board of Alderman will petition by enough residents to have a public informational meeting. The City Engineer has recommended to this Commission that this Commission will report favorable. They did have a public information meeting; however, it's a lot of empty nesters that don't want the average cost of \$20,000.00 for public water. It used to be \$10,000.00.

Comm. Widomski: To hook in?

Richard Schultz: So, The empty nesters are saying no; the newbies that have moved in are saying yes, they want the water. Staff is recommending that we report favorable because we always recommend public water.

Comm. Tickey: Who ultimately decides?

Richard Schultz: The Board of Alderman.

Comm. Widomski: Rick, they don't have to connect in.

Richard Schultz: No, but they'll be assessed.

Comm. Harger: When we moved into our house, it's going to be 18 years ago, lines were in the street. We didn't connect until a couple of years later but we had to start paying our sewer and our water assessment.

Comm. Widomski: it's a weird set up. Longmeadow coming off Ripton, has city water already. I don't call it city water, it's public water. When you get down towards the water, the waterline stays on the Cedar Hill side and continues down towards the woods, that line comes I believe, if remember correctly, out of Monroe water tank. It's a big line and fortunately I was able to tie into it. People down the circle, they don't have that.

Richard Schultz: Once again, historically, this Commission has always reported favorably.

**On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was voted 5-1 for a favorable recommendation pertaining to 8-24 Referral.**

### **E. Staff Report**

Richard Schultz: First item, no ZBA; it was cancelled for February; siting Counsel, no new proposal; Zoning Subcommittee, as you know we discussed earlier; zoning-related matters. Staff will now be drafting new definitions with the Subcommittee, with Comm. Widomski and Comm. Pogoda; Downtown Subcommittee will meet on the 23<sup>rd</sup>; Jason Williams will now have more exhibits.

Comm. Tickey: Do you think we will be moving every Downtown Subcommittee meeting back two weeks?

Comm. Kelly: No, it's just I have issues on a couple of Fridays.

Comm. Tickey: Okay.

Richard Schultz: Zoning enforcement, 45 and 49 Blackshaw Road. Unfortunately, the property owner started filling in the property again creating another severe tracking in the road. We got the police department to go up with staff on Friday and the property owners, right now, are working with staff to clean everything up, but permits are required.

Comm. Harger: When you said this happened again, when did this happen before?

Richard Schultz: Five or six years ago.

Comm. Harger: Same property owner?

Richard Schultz: Same property owner.

Comm. Harger: Why did he feel the need to fill?

Richard Schultz: Because he's getting free fill and they just do it without the proper permits.

Comm. Harger: Is he aware of where the wetland is?

Richard Schultz: Yes, he is aware. I mean, they're actually coming to our department and sitting down with staff and saying I'm sorry, I should have known better.

Comm. Harger: Especially since I did it before.

Comm. Widomski: What is going to stop them from this being done again?

Richard Schultz: Well, this time we got the Police Department and they can regulate what happens on the city roads, as Mark knows.

Comm. Kelly: They can have them remove it, too.

Richard Schultz: They can and they can issue a fine.

Comm. Widomski: That's up to wetlands though.

Richard Schultz: And the Police Department. They're impacting a city road.

As you know, the city has to sweep it, so we do have an ordinance on that. All the other ones are pre-existing.

Comm. Harger: Item B – owner was directed to start removal by January 31<sup>st</sup>.

Richard Schultz: They took out the building permit. Remember I sent that to you and I'm going to give you an update this week.

Comm. Harger: So they haven't actually started it yet.

Richard Schultz: I don't know for certainty if they started it.

Comm. Harger: Okay.

Richard Schultz: We're now going through nice weather for the next two weeks so there's no reason why he can't start the demolition.

Comm. Harger: The Resolution of C, it's in court, junkyard conditions? When did that get submitted to court?

Richard Schultz: That goes back about a year. That's just taking time with the scheduling.

Comm. Widomski: Which one is Bonnieburke?

Richard Schultz: Off of Nichols and then Capitol.

Comm. Widomski: Okay.

Richard Schultz: The quiet area.

Comm. Harger: We pretty much know about Independence Drive. Longhill – another one.

Comm. Widomski: Independence Drive is going to court.

Richard Schultz: Birchbank is before wetlands and they keep getting extensions. It was on their agenda last Thursday.

Comm. Harger: Is there something we can do?

Richard Schultz: Nope, it's being taken its course; we've issued the order. The Building Department issued a 'stop work' order.

But next time it appears on the agenda, should you be there; me be there; a letter written.

Richard Schultz: No.

Comm. Harger: Nothing we can do to bring it to resolution?

Richard Schultz: No, it's going to happen – extensions are granted.

Comm. Harger: We can't take this to court?

Richard Schultz: We can but a Judge will ask if we've exhausted all our local remedies and one of the remedies is wetlands. They keep giving them extensions.

That's why I'm saying, isn't there something P&Z can do and put in writing that we know how long this has been on their agenda and it appears that this has been getting extensions.

Richard Schultz: What I'll do is I'll get an update from Attorney Dominick Thomas.

Comm. Harger: Junkyard on Long Hill Cross Road. That's been going on a while hasn't it?

Richard Schultz: Absolutely.

Comm. Harger: So, how can we get this resolved and off the list? What are they doing or not doing?

Richard Schultz: As you know, staff you know, we get the winter months and then it just delays it. But the Chairman, you've been saying this all along, let's get these matters resolved.

Comm. Widomski: Rick, could these fall under blight?

Richard Schultz: Some of them do, yeah. Some of them are both blight and zoning. Zoning takes forever.

Comm. Widomski: So in the meantime can't we go out and start enforcing fines on them?

Richard Schultz: We're going to start.

Comm. Harger: Looking at the next one on Huntington Street, referred to Corporate Counsel, what's preventing us from doing the same thing on Long Hill Cross Road?

Richard Schultz: That's right.

Comm. Harger: Is that the route we would take?

Richard Schultz: That's the route we would take, or do the route with anti-blight.

Comm. Widomski: I think you have to go their first if I remember correctly.

Comm. Pogoda: What's happening on Ripton Road?

Comm. Harger: The one by the Historical Society?

Comm. Pogoda: Yes, what's happening with that one?

Richard Schultz: That got graded down. I haven't been up there to look at it but it's off the list.

Comm. Pogoda: Okay.

Richard Schultz: Is everyone satisfied or does it need to be re-addressed?

Comm. Tickey: When you say graded down -.

Comm. Widomski: I think what he's trying to do is he's trying to build a berm at some point to block off – he changed his address from a Ripton Road address to Cloverdale Ave. I think what he's trying to do is he eventually wants to put a driveway from Cloverdale over to his current existing driveway and get rid of the front and just kind of block it off from the traffic concerns and all the noise.

Richard Schultz: Yeah, let me look at those.

Comm. Harger: Plant some shrubbery.

Comm. Widomski: That's why he's making the berm so he can make it higher.

Richard Schultz: But he did not it down.

Comm. Widomski: It looks a lot better now.

Comm. Harger: My favorite topic, clothing bin structures. What's the latest with the PD?

Richard Schultz: For every two that are removed, we come back in.

Comm. Harger: Is the Chief on board with this?

Richard Schultz: Yeah, he is but it takes a back seat. Like Mark said today, you get an ordinance but then will the Police Department enforce it. So right now it's up to us and what I usually do is call but then it's removed and something comes in because it's driven by money.

Comm. Harger: Did you look into the one at White Hills Shopping Center that's supposed to be monitored.

Richard Schultz: No, but I have to get up there.

Comm. Kelly: Someone was up there the other day. I don't know if they were going to move it or what. There was a piece of equipment there.

Richard Schultz: Now is the time to do it because the IGA is doing the million-dollar upgrade. I was just advised that they're ready to start now. The Commission allowed that trailer up at White Hills Shopping Center, for good.

Comm. Harger: The only one that seems to fit in and not look shabby after a while is the one behind Walgreen's at Split Rock. It's green; it fits into the shrubbery; it's camouflaged.

Comm. Widomski: I never even noticed it.

Comm. Harger: I've taken pictures of the ones across from Splash Car Wash and the upper parking lot had three or four. I went down to the lower parking lot and it looked like a dump. There was a grill and some other things. They put barricades up.

Comm. Widomski: Could we bump that under to blight again?

Comm. Kelly: Why don't we just go to the owners?

Comm. Harger: The landlord.

Comm. Widomski: With the blight, you can go in even if I put something on your property without your permission; you'll get fined for it.

Richard Schultz: We're going to renew the enforcement of that.

Comm. Harger: What about fines? Right now we don't have an ordinance. Is it time to sit down with Goodwill?

Richard Schultz: They said no.

Comm. Harger: Well maybe it's time to revisit that.

Comm. Widomski: Do we have one written?

Richard Schultz: Yeah, it went to a hearing.

Comm. Harger: How long ago was that?

Richard Schultz: It was two years ago.

Comm. Widomski: So they just have to approve it or do they have to go for a rehearing?

Richard Schultz: Rehearing.

Comm. Widomski: Who has a copy of that?

Richard Schultz: I have one in my office.

Comm. Harger: Illegal signs; you take care of that. What about these planning matters?

Richard Schultz: The one I added was our downtown planning study phase II. Our next Special Meeting is February 28. That completes the Staff Report.

Comm. Harger: What about these permits?

Richard Schultz: On track.

Comm. Harger: Any comments from any of the Subcommittee? Comm. Pogoda, you're still Chair of the Zoning Subcommittee, right?

Comm. Pogoda: Yes I am.

Comm. Harger: Anything happening that we should know about?

Comm. Pogoda: No, as Rick said, we will be working on what we spoke about this meeting.

Richard Schultz: Yeah, definitions.

Comm. Pogoda: We will be working on that with staff.

Comm. Harger: Comm. Kelly, Downtown Subcommittee, you have a meeting coming up?

Comm. Kelly: I have a meeting coming up the 23<sup>rd</sup>. We're going to discuss with Jason Williams again on phase II.

Comm. Harger: He did present some preliminary rough sketches.

Comm. Kelly: He did.

## **IX. Adjournment**

**On a motion made by Comm. Matto, seconded by Comm. Pogoda it was unanimously voted to adjourn the meeting at 9:20 PM.**

Respectfully submitted,

*Sandra Wasilewski*

**Sandra Wasilewski**