

SHELTON PLANNING AND ZONING COMMISSION MINUTES

SHELTON PLANNING AND ZONING COMMISSION MEETING HELD October 10, 2017 AT 7:00 PM. CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484

PZC Commissioners Present:

Chairman Ruth Parkins
Anthony Pogoda, Vice-Chairman, Absent
Virginia Harger, Secretary
Ned Miller, Alternate
Jimmy Tickey
Elaine Matto
Charles Kelly

Also Present: Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant
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

I. Call to Order

Chairman Parkins called the meeting to order at 7:04 PM.

II. Pledge of Allegiance

III. Roll Call

Chairman Parkins identified members present.

IV. Public Hearing

Application #2236 – Signarama, 99 Bpt. Ave. - business & sign

Richard Schultz: This is the new restaurant. The Applicant is occupying 600 sq. ft., two employees, 7AM to 8PM. We also have the proposed wall sign replacement and the ground sign replacement. The Applicant is present.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to approve business and sign on App. #2236.

Application #2231 – Julia's Pizza, 503 Howe Avenue – Sign

Richard Schultz: This is a replacement sign.

Comm. Harger: Sign is already up.

Richard Schultz: Was the Little Tomato.

Comm. Harger: Is this pizza and grill?

Richard Schultz: Pizza and grill.

On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to approve sign on App. #2231.

Application #2257 – Center Stage, 54 Grove St. – sign

Richard Schultz: Very untraditional movie theatre design, 8' x 2'.

On a motion made by Comm. Tickey, seconded by Comm. Harger it was unanimously voted to approve sign on App. #2257.

Application #2233 – Lola Richards, 415 Howe Ave. – business

Richard Schultz: This is the Conti Building, jewelry store; 100 sq. ft. This is a small business; one employee, Monday through Sunday, varies. It's pretty low key. No sign proposal. Suite 101.

On a motion made by Comm. Tickey, seconded by Comm. Harger it was unanimously voted to approve business on App. #2233.

Application #2227 – Willow & Ivy, Inc. 500 Howe Ave., Ste. D – sign

Richard Schultz: This is replacing Marks of Design and they are requesting a projected sign. The business is retail and accessories. The Sq. footage is 1300 sq. ft.; three employees. Hours of operation are Monday through Saturday 9AM to 8PM, 10AM – 6PM Tuesday to Wednesday; 10AM to 8PM Thursday and Friday and 9AM to 5PM on Sunday.

Comm. Harger: Double sided?

Richard Schultz: Yes.

Comm. Harger: Window coverage? Clothing hanging in window?

Richard Schultz: That is temporary.

On a motion made by Comm. Tickey, seconded by Comm. Matto it was unanimously voted to approve business and sign on App. #2227.

Application #2237 – Gregory Harrow, 12 Petticoat Lane – home occupation

Richard Schultz: This is a home occupation; this is not a home office. The Applicant is here. This is prepared foods. He is going to occupy 335 sq. ft. in his home. He's employed himself. The hours are flexible but primarily on weekends.

Gregory Harrow: The products that I'm going to be creating are to be sold at local fairs and markets; jerky's, pickles, baked goods. Right now starting in the house – my own recipes. The idea is to get a consumer base. I have already talked to my neighbors and no disruption.

Comm. Parkins: No truck deliveries of any products?

Gregory Harrow: No.

Anthony Panico: Nobody will be picking up food from you?

Gregory Harrow: No. Nothing will be sold on premises. It will just be prepared and then sold to local market for selling.

Comm. Harger: Is your facility in Shelton or Trumbull because you have both on here.

Gregory Harrow: Actually it's Shelton. My neighbors are all in Trumbull.

Comm. Parkins: You only have two neighbors?

Gregory Harrow: I have a neighborhood of about eight people but these are close proximity.

Comm. Harger: Where is Petticoat?

Gregory Harrow: It is across the street – off Huntington.

On a motion made by Comm. Harger seconded by Comm. Tickey it was unanimously voted to approve home occupation on App. #2237.

Application #2271 – ABC Sign Corp., 760-762 River Rd. – sign

Larry Bourque: This is new construction up from the ice skating rink.

Comm. Harger: Is there a diagram of where the site is going to be, the driveway?

Richard Schultz: It was to the right of the entrance ramp. Larry, we are concerned about the distance from the ground to the lowest portion of the sign.

Larry Bourque: It will be far enough away from the driveway.

Comm. Parkins: Is Ortho going to occupy that front building, do you know?

Richard Schultz: I think so; occupants have not come in yet. The owners want to occupy the orthopedic group, initially, there is a multi-story office building being built in the back.

Comm. Parkins: The address that's down here now, could that be moved up to the top?

Larry Bourque: Definitely. It will be designed a little differently.

Comm. Parkins: You are going to put it on the very top?

Larry Bourque: Yes, Ma'am.

Comm. Harger: Why can't the street numbers go where it says Orthopedic Specialty Group and everything else gets bumped down? Can't you combine?

Larry Bourque: I guess – they also have a business called Ortho Fast. It is very typical for the numbers to be on the top. To be honest with you, I don't know why are designer put it on the bottom, but all almost do have the numbers on the top as the Commissioner said for visibility.

Comm. Parkins: Do they expect that there will be six tenants in that building?

Larry Bourque: It is my understanding.

Comm. Parkins: We understood that whatever is moving in there is temporary; whatever was going to be taking it's space was temporary until the main building is built in the back.

Larry Bourque: I thought Ortho Fast was going to stay.

Comm. Parkins: I guess as long as we have the numbers moved to the top.

Comm. Harger: Should we table this?

Richard Schultz: I'll email it to you.

Comm. Parkins: That is the only change we are looking for, to put the address on the top.

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to approve business with the conditions of a new sign design on App. #2271.

Application #2272-ABC Sign Corp., 194 Leavenworth Rd. – sign

Richard Schultz: The White Hills Shopping Center, replacement sign.

Larry Bourque: It's replacing the old sign. The old sign was only visible for people driving by.

Richard Schultz: The existing sign is pre-existing, not conforming. The Applicant has complied with the height restriction of 15' and is looking for the total sq. footage as shown so the discretion of the Commission.

Comm. Harger: How are the tenants chosen to be on the sign?

Larry Bourque: Those are not all the tenants.

Skylar Wells: I could answer that. I am Roy Well's son, Skylar. There is going to be ten tenants on a sign. Some of the tenants will not be visible on the sign.

Comm. Kelly: Is there going to be one or two signs.

Skylar Wells: The original sign has been there since 1977 and when the gas station went in, it's not even visible.

Comm. Parkins: We have two different drawings; one is showing one, two, three, four, five, and six - Page one?

Larry Bourque: Page one. Because of the guardrail as you could see on page two, I would like to request that the 15' height be on top of the guard rail rather than from the ground level.

Anthony Panico: The guard rail is not 2 ½ ft. high?

Larry Bourque: Yes it is. There is a slope there.

Comm. Harger: So, 2 ½ ft. plus the slope.

Comm. Parkins: So you want it to be 2 ½ ft. above the guard rail?

Larry Bourque: The measurement of 15'.

Comm. Harger: So the legs of the sign are going to be long. They are not butting up against each other.

Larry Bourque: No, if you look on page one.

Comm. Harger: So what is the difference between the monument sign and the guard rail?

Larry Bourque: Estimated to be 62".

Richard Schultz: Skylar, could we get some plantings?

Skylar Wells: Sure.

Comm. Harger: Soften it.

Skylar Wells: I'm sure my father is going to build like a stone planter.

Comm. Parkins: Like a brick or a stone base?

Skylar Wells: Yeah, it's behind the guard rail. Right at the guard rail.

Anthony Panico: You have to be careful about what you see when you drive up 110. You are driving up 110 and the guard rail is on the other side of the sign and you see 4' legs under it.

Larry Bourque: You won't see all of the sides.

Anthony Panico: We are looking for some plantings to soften up the 4' of legs.

Skylar Wells: It's got to be 20% or 30% grade.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve sign on App. #2272.

V. Old Business – add on

Application #2273 – Certificate for Zoning Compliance

On a motion made by Comm. Harger, seconded by Comm. Matto it was unanimously voted to add on for pet groomer and wall sign on App. #2273.

Application #2273 – Pet Groomer and wall sign – 509 D. Howe Avenue

Richard Schultz: This is the old Stockbridge on Howe Avenue. This is 1600 sq. ft.; one employee. This is a pet grooming facility. Hours of operation are 8:00AM to 10:00PM, Monday through Saturday.

Lindsay Deciccio: I live at 205 Hawkins Street, Derby. I'm still playing with the hours a little bit. A lot of my clients are happy with later hours, but a few still want early hours. I am anticipating somewhere in the range of 8 and 10 openings. Open time I am still a little up in the air.

Richard Schultz: No sign?

Lindsay Deciccio: There is a sign; you should have a copy of it.

Comm. Harger: How long ago was the sign put up?

Lindsay Deciccio: I believe it was put up in August. There was a leak on the second floor so there was a little delay for us.

Comm. Harger: What is the date of this Application?

Richard Schultz: Friday, this past Friday.

Lindsay Deciccio: The landlord asked that the grooming use the rear entrance. I am assigned two parking spots in the rear of the building.

Comm. Parkins: How many clients would come in at a time?

Lindsay Deciccio: So right now, it's still fairly new. I am anticipating between two and five a day to start. It just really depends on how it goes. So we don't schedule it all at once.

Comm. Parkins: I am just thinking in terms of for your business.

Lindsay Deciccio: The way it's scheduled is I have someone drop off every hour.

Anthony Panico: Is everything by appointment?

Lindsay Deciccio: Everything is by appointment.

Comm. Parkins: So you may want to consider yourself parking.

Lindsay Deciccio: There is a public lot on the side, so that's where I would park.

Comm. Parkins: That is not a public lot, it's a private lot. The public lot is up near the Post Office.

Lindsay Deciccio: So behind the other building, the landlord told us it was public parking.

Comm. Parkins: Down below.

Lindsay Deciccio: Yes, that's where I park.

Comm. Harger: Is there interior going to be set up so that the reception area and grooming are separated?

Lindsay Deciccio: Yes, there is enough space in there. I am planning on having some retail. I have a tub space, a space for caged and cage free and the receptionist is separate.

Comm. Harger: Are you regulated by the State?

Lindsay Deciccio: Yes, the Department of Agriculture. My Application to the Department of Agriculture cannot be sent for my license until Zoning stamps it.

Comm. Harger: The interior to your grooming area would be – do you have some kind of holding cages?

Lindsay Deciccio: I am trying to do as much cage free as possible. I worked 5 ½ years in Huntington and a total of 21 years grooming. They do so much better not being caged up – they get stressed, so I'm really trying to open that for stress free.

Comm. Harger: I have had several dogs over the years and our current Border Collie goes to a groomer who has a big cage and the hose for the dryer gets attached to it. So when there is other dogs coming in – all this interaction - don't want a negative thing.

Lindsay Deciccio: Exactly, so that is why the scheduling is so important.

On a motion made by Comm. Tickey, seconded by Comm. Miller it was unanimously voted to approve business and sign on App. #2273.

A. Application #17-07, Dominick Thomas on Behalf of 62 Center, LLC for Initial Development Concept Plan and PDD Zone change approval (mix use development: 42 apartment units and 4,862 sq. ft. restaurant), 325 Coram Avenue/62-66 Center Street (Map 129D, Lots 50 and 51), (public hearing closed on 6/28/17)

Comm. Parkins: We do have a letter from the Applicant. (Comm. Parkins is reading letter).

Richard Schultz: The private property owner has been discussing privately on the intent of selling the property to modify which is consistent with the direction of the Commission.

Comm. Parkins: So they just want an extension of time.

On a motion made by Comm. Harger, seconded by Comm. Miller it was unanimously voted to accept an extension for Initial Development Concept Plan and PDD Zone change approval on App. #17-07.

B. Application #17-13, Duane Howell for Final Subdivision Approval (194 Mohegan Estates: 4 lots), 194 Mohegan Road (Map 84, Lot 64), R-1 District

Richard Schultz: Huntington Animal Hospital.

Comm. Parkins: We also have another Letter of Extension signed by James R. Swift.

Richard Schultz: We are awaiting the retail value. This is a payment in lieu of. We are also waiting for the Conservation Commissions' recommendation. This is the four-lot Subdivision, Huntington Animal Hospital. Commission directed the Applicant to piggy back the driveway because we only wanted two curb cuts. You will be seeing that in the final design solution.

Comm. Harger: They are still aiming for two rear lots?

Richard Schultz: Two rear lots, two front lots.

Comm. Harger: I am not in favor of the two rear lots at all. I don't like the configuration and I don't think it blends in with the neighborhood.

Anthony Panico: The down side is that they are not going to give up lots to build a road in place of the common driveways.

Comm. Harger: How is it that other Subdivisions have private roads then?

Richard Schultz: They voluntarily do that.

Comm. Harger: I had brought up at the meeting when this was first accepted that the houses cannot be four in a row.

Comm. Parkins: I understand. I just don't want to see three curb cuts.

Richard Schultz: That was conveyed clearly to the Applicant.

Anthony Panico: It makes more sense to do interior lots. Interior lots are bigger.

Richard Schultz: The extension will take us to the December meeting.

On a Motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to accept a 65-day extension for Final Subdivision Approval on App. #17-13

C. Application #17-14, Splash Shelton for Minor Modification of Detailed Development Plans for PDD #53 (vacuum cleaner expansion/access drive widening, 85 Platt Road (Map 77, Lot 19)

Richard Schultz: Shelton Splash is seriously considering withdrawing. They have not yet made a determination yet. You will know at the November 14 meeting.

Comm. Harger: So they weren't considering the suggestion we put forth?

Richard Schultz: They were, it was the cost.

Anthony Panico: Also, cost v. potential revenue.

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to accept a 65-day extension for Minor Modification of Detailed Development Plans for PDD #53 on App. #17-14.

D. Application #17-15, Claris Const. for Modification of Site Plan Approval (parking expansion), 65 Trap Falls Rd. (Map 18, Lot 24)

Richard Schultz: I am going to read the two letters into the record to explain what is going on with 65 Trap Falls Rd. (Reading letters addressed to self).

Thomas Christiano: Thomas Christiano of 831 White Plains Road, Trumbull and I represent Claris Construction Inc. As it pertains to the piping, since I also do side work, the difference in cost of the 12" pipe and the inch pipe and the ability to work it – so I would jump to the 12" pipe. I would agree to that. I asked the Engineer to re-evaluate and it cost us \$1,000.00. The number of spots was different.

Richard Schultz: Could you back up a little because you have not told the City the occupant. Please explain to the Commission, because these older sites the Commission had seen – additional parking, to satisfy the needs of the two tenants. So this is all an anticipation of the tenants.

Thomas Christiano: It's called Lame. They are presently in Norwalk, CT and they are expanding their business. They fabricate distribute high end sunglasses. They were going to use this as warehouse space. Twenty-five employees; hours of operation are from 8:30AM to 5:30PM, five days a week.

Comm. Harger: Wasn't Lame in Shelton? They were here.

Thomas Christiano: We have the ability – we have finished up the office space and probably be done by the end of the month. This is the first time coming through your body so, I had messed up. I should have gone right to the Engineer from the beginning. The City Engineer had mentioned a concern about the water.

Richard Schultz: Most towns have a storm water management.

Thomas Christiano: I understand; it completely makes sense. So we are adding twenty-five spots.

Richard Schultz: You are going to show the Commission.

Thomas Christiano: (Showing and explaining to the Commission, the Map). There will be suitable spaces to park cars. We are extending the parking area out approximately under 18' to 20' to capture the ten spots. There are a couple of islands we removed to capture another three spots, for Twenty-five spots.

Comm. Parkins: So warehouse and trucks - .

Thomas Christiano: They all come in and back up in the loading docks as always was. We haven't really changed any of this.

Comm. Parkins: They are the sole tenant?

Thomas Christiano: They are the sole tenant – right now they are taking this space (pointing to Map).

Richard Schultz: So the parking increases to accommodate – and you will submit for the November meeting for occupancy.

Thomas Christiano: Yes.

Comm. Parkins: So the twenty-five is -.

Thomas Christiano: I'm not privy to, but I believe they are trying to take the rest of the space and the other space for -, that's what happening.

On a motion made by Comm. Kelly, seconded by Comm. Harger it was unanimously voted to accept a Modification of Site Plan Approval with the conditions of the City Engineer's recommendation on App. #17-15.

Application #17-16, Key Development, LLC for Special Exception Approval (conversion of two family to three family dwelling), 1-3 Lakeview Avenue (Map 129A, Lot 47), R-5 District: (public hearing closed on 9/27/17)

Comm. Parkins: I think we are going to try to get to a consensus on as to whether we are going to approve a three family for this location.

Richard Schultz: I just want to recap; this is a three level multi-family dwelling. This is five bedroom, two dwelling units; one dwelling unit has three bedrooms and the other has two bedrooms for a total of five bedrooms. The proposal is to maintain the five bedrooms, but now the configuration will be one three bedroom, one, one bedroom and one efficiency. It also needs to be noted that for a three bedroom, you need two parking on site, for one bedroom you need two and for an efficiency you need 1.25 which is 5.75 which gets rounded off to six and we require one visitor parking space for a total of seven. The Applicant indicated six on site but after the Commission discusses it, if there is a favorable resolution consensus, seven on site have to be provided. An Engineer Site Plan has to be submitted which shows seven on site.

Comm. Tickey: I am pretty sure that there were six.

Richard Schultz: Seven is required.

Comm. Matto: Right now they have five.

Comm. Harger: The drawing shows six.

Comm. Parkins: Nine years ago there was a detached garage.

Comm. Matto: There is a new parking lot now.

Richard Schultz: The Applicant is ready with favorable or unfavorable. Staff wants to advise you under the new regulations, this is the first time we are using this new regulation, that seven, on site spaces are required.

Comm. Matto: The neighbors' concerns about the parking, makes sense. I did go there on Sunday. It's extremely steep. It would have to be engineered to make a retaining wall.

Comm. Tickey: Very steep.

Comm. Harger: I was there and I walked down to the driveway and looked in back where there is a grassy area and it drops off. It's dangerous. The slope from where the new house was put in, my initial concern is how is anyone going to back their car up? It's a hazard.

Comm. Matto: They would have to have an engineered design that makes sense.

Comm. Parkins: If it's on the Land Record, they can't charge additional money to the tenants.

Comm. Harger: The expansion to the parking lot will be to the right and to that slope?

Comm. Matto: In back.

Anthony Panico: My understanding was to re-work the area between the parking lot that is in there now and the new house at the end of the street.

Comm. Parkins: So that it would be to the right if you were looking at the house?

Anthony Panico: If you were looking at the new house, it would be to the left.

Comm. Kelly: They did have a letter from the City Engineer saying that the slope, they didn't recommend it and that a 10% retaining wall would be required.

Comm. Parkins: But the Applicant did have some mention of the fact that the Engineer wasn't looking at the proper plans.

Comm. Kelly: The Engineer is on record saying that, so if we approved it, if something happened, would we be liable because the City Engineer denied it.

Comm. Parkins: It would have to be an engineered plan.

Comm. Kelly: Approved by the City Engineer.

Comm. Parkins: Yes, we would be taking the risk if it is not a sound plan.

Anthony Panico: We have to temper our judgement a little bit. We need to see what the Engineer comes up with.

Comm. Parkins: I think the regulations are established in terms of parking; all regulations state that three family homes need the required parking. If they could meet that through an engineered plan.

Comm. Kelly: So be it.

Comm. Parkins: Personally, I think we are making a bad situation better, because even if we don't approve it, they could still have that many people living there with cars without providing visitor parking.

Anthony Panico: If we walk away from this proposal -- We have an opportunity to make it better.

Comm. Kelly: The street parking is not caused by that house; that was caused a long time ago.

Comm. Parkins: When people get accustomed to something over nine years, they get accustomed to seven parked cars there. That is understandable.

Comm. Matto: The neighbors have a parking issue in general.

Comm. Parkins: The six family house across the street does not allow anyone to park in the garage so they are all parking on the street.

(No motion)

VI. New Business

A. Application #17-17, Royal Wells for Modification of Site Plan Approval (maintenance building), 194 Leavenworth Road (Map 144, Lot 15); CA-2 District: accept, discussion and possible action

On a motion made by Comm. Tickey, seconded by Comm. Harger it was unanimously voted to accept App. #17-17.

Richard Schultz: White Hills Shopping Center.

Tracy Lewis: I am Tracy Lewis, Licensed Land Surveyor, 260 Main Street, Monroe. Skylar is here, the son. This is at the White Hills Shopping Center. The family is proposing a building to the rear of the Shopping Center. I'll walk up and show you. (Showing on Map). The new maintenance building is topped into the bank. There's a high ledge on one side, not visible from the street. There is a buffer zone limit that is on the original approval. So we have discretion. The floor plan shows the bays for the maintenance building as well as a center corridor for restrooms as well. One of the issues that they have been having at the shopping center is no restroom. So that was why the bathroom was added.

Comm. Parkins: Why do you need so many bays?

Skylar Wells: I'll answer that. My name is Skylar Wells. I am Royal's son.

Richard Schultz: Could you show the drawing with the bays?

Skylar Wells: Yes, to keep up with the demands that IGA/Adams – they are undergoing a three million dollar renovation. They are getting pallets, for example, of watermelons and they have to leave them outside.

Anthony Panico: So it's warehousing then.

Skylar Wells: Well, it's for our tenants. Newtown Savings Bank, when my father built the building in 2007, it was the first commercial building ever built with a full basement ever built in

Shelton and that basement is the handiest. The Newtown building needs storage. All of our tenants expressed that they need more storage space. After meeting with Fire Marshal Tortora, the back of the building is being used and that is a fire issue so I talked to the Fire Marshal and he was 100% for it. We are going to offer them the opportunity to use this space. We, ourselves will use two spaces. One for snow removal and stuff so that everything will be inside and one for security – it's probably the only facilities that does not have security cameras and slip and falls. This building is going to be state of the art. It's going to be colonial, vinyl siding; it will look exactly like the building in front. We want to go solar.

Anthony Panico: A quarter of the building is for your maintenance purposes the rest is for your tenants – but it's rental space.

Skylar Wells: For our tenants, which they need.

Comm. Harger: But as a warehouse, not as additional retail?

Comm. Parkins: From a tax perspective, there is a difference between maintenance building and --.

Skylar Wells: Right, but if a tenant comes to us, and we build this maintenance building and Newtown Savings Bank takes three units they are going to have to come to you.

Comm. Parkins: Right, it's not a maintenance building; when we think of maintenance building. When we think you are going to store sand and equipment.

Skylar Wells: Well we are. I think we are going to take two buildings but I'm not sure.

Anthony Panico: Twenty-five to thirty percent of the building is for your maintenance purposes. The rest is space that you can rent to your other tenants to supplement their storage.

Skylar Wells: Right, which they desperately need.

Anthony Panico: How do we control that they will just be rented to your tenants and someone isn't going to come in off the street and rent from you?

Skylar Wells: Every sq. ft. that we rent up there, my father obtains a Certificate of Occupancy even with the fitness center and they have a palates because their classes are so big, that they are moving into the basement and my father had to get a Certificate of Occupancy, a Building Permit, etc. So if Newtown Savings Bank is going to rent this building, it's going to be an empty shell, they have to come and obtain a Certificate of Occupancy.

Anthony Panico: For storage purposes.

Skylar Wells: For storage purposes or whatever they outfit there.

Anthony Panico: Otherwise, we are going to inherit the problem down the road. Somebody unrelated to the Center, rents a bay, stores his stuff and then all of a sudden puts a sign out front and starts doing business.

Richard Schultz: You don't want a contractor going in.

Skylar Wells: If a person came along and wanted to store, like I said one of the tenants.

Richard Schultz: its only tenants.

Anthony Panico: Any tenant related, I don't really have a problem. I do have a problem if you start introducing third party occupiers.

Skylar Wells: There is a gentleman right now who has a small moving company that parks his moving van out in the back right now. I believe he lives on Maple Avenue. When the bad weather comes he parks out back, my father lets him park out back because he is constantly on the road. There's a gentleman who expressed interest in, when he's out on the road, he has a small box van, he asked --.

Comm. Harger: That's exactly what Tony is saying.

Skylar Wells: No, no, but that's what I'm saying.

Anthony Panico: The garaging of a vehicle; that doesn't bother me so much. If Johnny Jones decides to store a bunch of stuff and he says, 'geez, I could do some business out of this location', and he puts a sign out front and then we have a little business operating out of this back building.

Comm. Harger: It's like the gentleman that was here, and now he is going to have a home occupation for foods and decides he needs warehouse space.

Skylar Wells: This is not going to be commercial. This is going to be used as storage.

Anthony Panico: Preferably to the needs of the tenants. So as soon as you get this thing up and your father comes in looking for a Certificate looking to put Johnny Jones from the other side of town into one of the bays, we are going to say no. Not until you have exhausted the so-called needs of your tenants.

Skylar Wells: Right. Rick brought to my attention -- Gary Services, that is going to be the building being knocked down, he came up to us and looked at one of the places that was for rent and said there is nowhere for him -- he needs a loading dock/garage. Would you allow something like that if Gary wanted --.

Comm. Parkins: It would be warehousing and storage for tenant related -- on site tenants.

Skylar Wells: That's exactly what we are looking for.

Comm. Harger: So what happens with the guy who has the moving truck?

Skylar Wells: When the bad weather comes, there is still plenty of room.

Anthony Panico: Is this heated space?

Skylar Wells: No. We are just going to provide a shell and a garage. The bathroom is basically for us and all the delivery people; it's a common area and we are going to give everybody a punch code.

Richard Schultz: Skylar, can you detail the building. Is it stick frame?

Skylar Wells: Stick frame, vinyl siding, architectural shingles on the roof.

Richard Schultz: So that will complement the residential in the back.

Skylar Wells: We haven't finished designing the building yet because we wanted to get through this stage because we have to meet with the Trust Company and solar panels in the back.

Comm. Parkins: So you are going to need a climate control office because it cannot be exposed to the heat and the cold.

Skylar Wells: Oh yes.

Comm. Parkins: You indicated that you are going to use one bay for security.

Skylar Wells: We are going to use at least two for storage for the stuff that we need.

Comm. Kelly: What are you talking about as far as using one bay for security?

Skylar Wells: Security cameras – if I take up two or three bays – one of them I have to keep the equipment. We don't even have an office up there.

Comm. Parkins: So like you said, it's just important to keep with Zoning Compliance whenever you are going to be renting out that space for whatever use that's going to be.

Richard Schultz: Solid sides and solid rear facing the residential.

Tracy Lewis: The residential is not even exposed.

Richard Schultz: But what are you planning on --.

Skylar Wells: The way that - basically a full concrete wall.

Richard Schultz: I just want the Commission to know what it's going to look like on the sides and the rear.

Skylar Wells: It's going to have architectural shingles, vinyl siding. The back is solid. The man doors are all solid.

Comm. Harger: What about this notation "grade of ledge cut to six vertical to one horizontal"? Are you going to put up a wall?

Tracy Lewis: Yes, there's a cut in the back; it may be ledge, it may not; we may be able to slope it; we may be able to build a retaining wall.

Skylar Wells: When my grandfather and uncle originally built that in 1977, your Commission put that line in there so that, even know they acquired the existing land, they could never encroach any further back from that buffer zone line and that was signed off on as part of the original approval in 1977.

Comm. Miller: Did you say that they were going to put in a 3.5 million dollar improvement into that?

Skylar Wells: They are completely re-doing the outside; they serve a great – for the people in White Hills. The produce section will double in size. They are going to put in new coolers. It's going to start in, knock on wood, January.

Comm. Miller: They signed a new lease?

Skylar Wells: Well, they are on year seven of ten; they love it there and they do well.

Anthony Panico: What kind of maintenance materials will you be keeping on site?

Skylar Wells: Just snow equipment in the winter time and in the summer --.

Anthony Panico: Sand and salt?

Skylar Wells: No, we subcontract that all out. And in the summer time, we have a small street sweeper.

Anthony Panico: You do the landscaping maintenance but not the snow removal?

Skylar Wells: I do everything. I do the snow plowing; I don't own a sander, I'll never own a sander, it's too expensive and I don't want to store sand and salt. We keep just ice melt in the other building in the basement for slip and falls.

Anthony Panico: You might store mulch then.

Skylar Wells: Nope, I wouldn't even store that. IGA sells a lot of mulch.

Comm. Miller: Are you going to put surveillance in --?

Skylar Wells: The whole place. When we do this building we are going – we already hired the company so we can monitor for fake slip and falls, breakins, whatever – it helps for insurance purposes.

Comm. Parkins: Want to just take this off the table tonight?

Comm. Kelly: Yes, sure.

Skylar Wells: Before we build it, I will give everyone a copy --.

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to accept for Modification of Site Plan Approval on App. #17-17.

B. Application #17-18, Dominick Thomas for Initial Development Concept Plan and PDD zone change approval (mix use development); 801 Bridgeport Avenue (Map 28, Lot 18); IA-2 District: accept and schedule public hearing

Richard Schultz: That's the UI site.

Comm. Harger: The meetings will be the 7th, 14 and 29th.

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted for public hearing on November 29th on App. #17-18.

Comm. Parkins: Anyone in the audience wishing to address the Commission?

(Samuel Cotti steps forward)

Add on – Certificate of Zoning Compliance

Samuel Cotti: My name is Samuel Cotti, I live at 880 Howe Avenue in Shelton.

Richard Schultz: Please explain what happened to your wall.

Samuel Cotti: I lived in New York City and I came up and found this beautiful house not realizing that I needed parking. After a while, I parked in the street and my cars kept getting hit and plows were plowing me in. I looked to get a contractor. The contractor was not getting permits. He kept telling me not to worry about it. The wall was built and he never got the permit. I came to the Town and saw Tom Dingle. I told him what had happened. Tom had me fill out some forms. I kept texting contractor that wall was bowing out. Contractor kept telling

me that that was normal. Then the contractor told me that the warranties were over. On July 17th, the wall collapsed and crushed my car. I retained a lawyer. The guy's insurance did not cover; he has nothing in his name, he has no property.

Comm. Parkins: I'm still trying to figure out your exact location; you are –

Samuel Cotti: 880 Howe Avenue.

Comm. Kelly: Was he licensed in the State of Connecticut?

Samuel Cotti: The guy? His business is Shamrock. He was in BBB when I saw it. I have a copy of the license.

Comm. Parkins: So you are on the left hand side heading up toward Indian Wells Park?

Samuel Cotti: I'm on the left hand side, yes.

Richard Schultz: Could you clarify that this is an existing retaining wall that has been here for 60 plus years?

Anthony Panico: When it's all said and done and if it works out how you want it to, how many?

Samuel Cotti: Two cars, my wife and I.

Comm. Parkins: So what's going on now?

Richard Schultz: Okay, when the wall exceeds 4' in height, the Commission requires the submission for its review which includes architectural. The Engineering Department has reviewed it. NOK has prepared this and signed it. Engineering has a good relationship with Alan Shepard the Project Engineer. The Commission has to feel comfortable with the materials and it was obviously done by a professional engineer.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to approve for add on App. #2277.

Comm. Parkins: So now it's engineered, who is building it for you?

Samuel Cotti: I have three gentlemen who are bidding on it and they are going through Alan Shepard for it.

Anthony Panico: It's still going to be a concrete block wall and you are going to have drainage – how is he going to release the water that collects from the back?

Richard Schultz: Is there a State system, a catch basin?

Samuel Cotti: The next house over.

Comm. Harger: Is there a cross street?

Samuel Cotti: Wheeler.

Comm. Parkins: It looks like everybody on that street has a driveway.

Samuel Cotti: Except me. Coming from the city, I used to park at least a half a mile away. It didn't even faze me. The real estate agent didn't really help me out with that. We love the town though. We like all the developments going on, it's really nice.

Comm. Harger: Tony had a question about the drainage, are you satisfied?

Anthony Panico: It's good that there is gravel behind the wall. The purpose of that is to not have water build up. If the water persulfates down you got the pipe picking it up, but the pipe is sealed on both ends, once it fills up – he's either going to pop through the wall, is that his intent?

Samuel Cotti: I believe their gravity walls; one of the contracts said he would want to put another pipe at the top.

Anthony Panico: But what do you do at the other end of the pipe, ask Al.

Richard Schultz: There is a catch basin within a distance because the State will not allow icing conditions.

Anthony Panico: Rick, there will probably not be a lot of water from it, but in order to be effective, the water has to get out of the pipe, otherwise it doesn't do the job. I think you just have to have an outlet for that pipe. Alan's a pretty good designer.

Comm. Parkins: He indicated that Alan's going to help him with the contract.

Anthony Panico: Just tell Al that Tony asked the question, he'll get a laugh about it.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to approve App. #2277.

VII. Public Portion

Comm. Parkins: Anyone in the audience would like to address the Commission?

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

VIII. Other Business

A. Approval of Minutes: 9/12/17 and 9/27/17

Comm. Parkins: On the 9/27/17 the only issue is that Nancy Dickal was present. 9/12/17 page, what's marked as 71 is actually 72 and what's 72 is 71. On page 75, it's referenced Anthony Pogoda but I believe it's Anthony Panico that is speaking. On 76 and 77 it's a little messed as well. I ask for a Favorable Consensus on the middle of the discussion. Page 84 – conversation should read Conservation. Page 87 right before adjournment – ready to paint dark and black and I said, "Please don't do that", but it was not indicated who was being referenced.

On a motion made by Comm. Matto, seconded by Comm. Kelly to approve minutes dated 9/27/17 with noted corrections that Nancy Dickal was present; 9/12/17 with noted changes on pages 71, 72, 75, 76, 77, 84 and 87.

B. Payment of Bills

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to pay bills.

C. The Mark Apartments: request for Site Bond release

Richard Schultz: The Commission tabled that until they removed the balloons and the other marketing items. They have been removed. We have a request from Shelton Properties also knows as, The Mark for a Performance Bond in the amount of \$125,000.00 being held by the City to ensure satisfy completion of improvements associated with the Site Plan known as, The Mark, being released. The above referenced site inspection was conducted last Friday. Site improvements have been completed satisfactorily and the noted marketing items removed.

Comm. Parkins: Are they done with construction?

Richard Schultz: Everything is completed.

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to release Site Bond on The Mark Apartments.

Richard Schultz: I just want to note that Comm. Pogoda was made aware after I made the inspection because he wanted to make sure all the balloons were eliminated and they were.

D. Staff Report: (including Policy Change for exterior stairwells)

Richard Schultz: Unfortunately, we do not have a copy of the ZBA Agenda which is scheduled for October 17. I will have to email it to you with notes because sometimes there are items on it that need your attention. No sited Council referral. Zoning Subcommittee has not met; it is recommended to meet again for item on next agenda. Downtown Subcommittee, we will be meeting this Friday and the agenda went out. We do have a loaded agenda; it is at 9:00. We are starting with the old Police Department building for occupancy. The new owner is going to discuss the first floor proposal which is a pizzeria restaurant and second floor is four efficiency apartments. So we will look at the individual floor plan and parking. There is no on-site parking; as you know there is the alleyway that goes to the rear of public parking. We are also going to meet the new owner of U-Haul. He wants to introduce himself and wants to upgrade the property and is interested in meeting the other property owner's downtown. We will look at the samples of the Conti Building, the larger samples for that structure. Please look at the old Police Department building and look at the parking in the back so we could make some judgement calls. Lastly, Jason Williams is going to submit the Scope of Services for Phase II. Now we have actual architecture for the Russel Property for Perry Petus. Commission knows

what we want to do with the Conti building. That's going to be very interesting. We have a lot on our plate for Friday.

Comm. Parkins: What is Jason going to do on Friday?

Richard Schultz: He is going to discuss the scope of services for the Phase II for the architectural renders to assist the Planning & Zoning Commission for the downtown redevelopment. Concentrating on the two partials to the south on Howe Avenue, which incorporate Center Street because the redevelopment that's taken place. Perry Petus, the Victorian condominium is going to stay. That is an important architectural component. The Commission wants the Conti building to stay a certain way. Many Commissioners want to see the awnings removed. That has to be dealt with. Most importantly, the City of Shelton parking lot. Staff anticipates some type of economic development for the front part of that property.

Comm. Miller: What about Carroll's Home Improvement?

Richard Schultz: That will be the next Phase.

Comm. Harger: Did the manufacturer – wasn't he going to do something on the Howe Avenue side?

Richard Schultz: That did not materialize yet.

Continued – Staff Report - Proposed Office Policy:

Richard Schultz: Staff prepared a Draft (Rick is reading Draft).

Comm. Harger: Was the need to access floor space for safety reasons or were they using that as living space.

Anthony Panico: Apparently he wants to access it as quote living space.

Richard Schultz: Apartments right now are at an all-time high. So if you have attic space and it's got the headroom – expand floor area.

Comm. Parkins: So the construction is authorized after it was built?

Richard Schultz: No, the construction was never authorized by our Building Department, so he went ahead and did it after visiting our office and failed to obtain a Building Permit. Now it's problematic because he has to hire a Structural Engineer to convince the Building Official that it needs to go. I want to avoid it. We have it coming in too regularly now because of the need of apartments and expansion of apartments, especially basements and attics. Attics trigger the enlargement of the stairwell to get to it. You have to have to have two means to get into it and exiting. Now this matter has triggered the mean to evaluate the Department's past practice and to present the issues at hand to the Commission which we are doing tonight, to whether or not a new policy has to be established and obviously I am saying yes. In accordance with Section 3.9 Administrator Rules, staff is recommending by Commission by resolution to establish rules and procedures to regulate open exterior stairwells to all multifamily dwellings and all residential commercial we don't allow them in our industrial. But all our multifamily R-4

and R-5 we do have some scattered in Huntington and White Hills. The recommended rules and procedures are as follows:

1. All proposed open stairwells are subject to the submission to the Application for Certificate. Just like we did for the retaining wall about 4' in height.
2. Should the Commission require – the certificate has a separate, the Commission might want to look at it. I think you want to, I am going to do it initially – you are going to look at the reports from the Fire Marshall, the report from the Building official and you are going to look at how it fits the neighborhood.
3. Thirdly, this will trigger a referral to the building and Fire Marshal and they will have to submit the reports.
4. Fourth, Staff will respect both the exterior and the interior. That's very important because our job is to make sure it meets the standards.
5. Five. The applicant upon submission shall submit a notarized affidavit provided by the Zoning Department. So if they do it a year or two years down the road, we have it documented.

The time has come for this Commission to adopt this policy. I have a Resolution that I have drafted. It should be noted that I talked to the Chairman of Zoning Board of Appeals. He is quite worried opening a can of worms because most of our downtown locations cannot meet the setbacks. We still need to take this to a higher level. It's problematic and it's a public safety issue.

Comm. Parkins: Why do you need it for? Just to access a third space so you can get an additional apartment or a fire escape because you only have one entrance?

Anthony Panico: What is the purpose of the access?

Richard Schultz: In this house, the second floor staircase internal to the attic space is too narrow and it's too steep.

Comm. Parkins: It's a two family house so you don't need to get up to the attic.

Comm. Kelly: Rick, why doesn't the Building Department demand them to take down what they put up?

Richard Schultz: They have to.

Comm. Kelly: It's done without a permit so you don't know if there are footings or anything.

Richard Schultz: The owner has the right to go to ZBA you have a right to exhaust all remedies

Comm. Kelly: It looks terrible. It's an extension on to the stairwell that they have.

Richard Schultz: Is everyone in support of moving ahead, I'll read the Resolution.

Comm. Harger: No.

Richard Schultz: Directing Staff to not treat it as a structure and get an Application for Certificate.

Comm. Parkins: But it's not considered that now.

Richard Schultz: (Rick is reading Resolution).

On a motion made by Comm. Kelly, seconded by Comm. Harger it was unanimously voted to move on Policy Change for exterior stairwells.

Roll Call

E. Comments from PZC Chairman and Subcommittee Chairmen

Richard Schultz: Moving on to the rest. Zoning Enforcement on 25 Elm; that is the high priority. The Building Official gave the inspection as 'non-compliant'. That is not a good thing. The rest of the items or most of the old ones – I have been working on Meadow Street on a house that has been refurbished – the bins had been full for a year.

Comm. Harger: The bins were gone as of yesterday.

Richard Schultz: The State is still working on the 2018-2023 Conservation Development. The State of Connecticut normally hosts workshops that I attend. The State is now working on the 2018-2023. At the local level, we are all set with the tenure plan; at the regional level, the Naugatuck Valley Council of Government is all set with their plan and now the State is updating its plan. With the State, obviously, we have to look at what the Proposal is for the City of Shelton; how they designate the land. The upper White Hills area is a non-service area so they put it in a rural district instead of economic development. Special meetings for October there are none. We hit Fifty-one unit single family lot here. We are on track here because of Hawks Ridge and Perry Hill Estates. What town was still zero? Seymour – zero detached. Next meeting is November 14. We will be taking up the Center Street PDD Zone Change and Schaible, Special Exception, organizational meeting and our annual meeting schedule for 2018.

Comm. Harger: What is going on with Soundview across from Elizabeth Shelton?

Richard Schultz: It used to be a school for the blind. Mark Tice is building his own residence there.

IX. Adjournment

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

Respectfully submitted,

Sandra Wasilewski

Sandra Wasilewski

Recording Secretary