

SHELTON PLANNING AND ZONING COMMISSION MINUTES

SHELTON PLANNING AND ZONING COMMISSION MEETING HELD November 14, 2017 AT 7:00 PM. CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484

PZC Commissioners Present:

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

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 7:00 PM.

II. Pledge of Allegiance

III. Roll Call

Chairman Parkins identified members present.

IV. Public Hearing

Application #2286 – Samir Patel, 462 Howe Avenue - business

Richard Schultz: This is the old Mr. Butts cigar store next to the Subway shop. I am pleased to announce that we have our first new grocery store proposed for downtown. The leased area is 2,000 sq. ft., four employees, seven days a week will be open. They will carry all food items and products as well as beer. The Applicant is here.

Samir Patel: My name is Samir Patel. We will have groceries, some produce and dairy products.

Comm. Parkins: So you are going to be more of a market than a convenient store?

Samir Patel: Correct. Cigars, cigarettes, small stuff.

Comm. Parkins: We'd be more interested in the vegetables and meat so people could shop downtown a little bit.

Richard Schultz: The Commission is aware that you have curbside parking there which is most difficult during business times. There is sufficient parking right on the side and it goes to the municipal parking lot as well. People don't plan on shopping more than a quick in and out. This is preexisting, not conformed, as the Commission is aware.

Comm. Parkins: This will be helpful for the seniors living downtown.

Comm. Pogoda: Butcher shop too?

Samir Patel: In Orange.

Comm. Kelly: Did you say the hours?

Samir Patel: Hours are like 6AM to 8PM, seven days per week.

Comm. Harger: Mr. Patel, do you plan on having any shopping carts?

Samir Patel: No, we could put some baskets.

Comm. Matto: You have space elsewhere now?

Samir Patel: In Orange.

Comm. Matto: Are you expanding or moving from there?

Samir Patel: I am moving from there.

Comm. Harger: If you're moving, how are you doing the butcher in Orange? Is it a different site? If you are moving from Orange, where are you preparing your meats?

Samir Patel: We do only cold cuts, not like at a butcher shop.

Comm. Tickey: This will be most welcoming downtown; it will be great to have fresh produce and for the people who live and work downtown.

Richard Schultz: The Applicant is working on a nice wall sign that he feels the Commission will find attractive. As a matter of fact, we have a Downtown Subcommittee meeting and I will call you tomorrow.

Comm. Harger: What kind of schedule will your deliveries be?

Samir Patel: It depends; if they have a busy schedule – either early morning or late evening after 5:00.

Comm. Harger: You just have to be very careful with trucks not obstructing any traffic.

On a motion made by Comm. Harger, seconded by Comm. Pogoda it was unanimously voted approve business on App. #2286.

Application #2311 – ABC Sign Corp., One Waterview Drive – Sign

On a motion made by Comm. Tickey, seconded by Comm. Pogoda it was unanimously voted to add on business to App. #2311.

Richard Schultz: You will see two wall sign locations.

This is the first building on Waterview Drive off of Constitution Blvd.

Comm. Harger: What is the nature of the business?

Richard Schultz: Tango – I just have offices; I do not know what type of work they do. They are occupying 7,500 sq. ft., 28 employees, Monday through Friday, 9:00AM to 5:00PM.

All I have is office use.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to approve business and sign on App. #2311.

Application #2279 – Tahmina Khan, 350 Bpt. Avenue – business & sign

Richard Schultz: This is both for sign and business occupancy. This replaces the old pet store, near the old Draft house. Smoke shop, 1,700 sq. ft. lease area, 2 employees, 7 days per week 8am to 8pm. The wall sign is consistent with other directory signs.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to approve business and sign on App. #2279.

Application #2296 – Tosum Spahia, 15 Huntington Plaza – business & sign

Richard Schultz: The frozen yogurt did not last. This is replacing it with a pizza delivery and take out. 850 sq. ft., 4 employees, 7 days per week, 11AM to 3PM. We are not acting on the wall sign.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to approve business on App. #2296.

Application #738 – In-law apartment: 27 Misty Lane

George Sheehy: My name is George Sheehy. I am representing Mr. Steve Wojo. He is the owner of 27 Vista Lane. He is proposing to build a two-car garage in a living space for his daughter who is handicapped. At the time the drawings were done, we were unaware that they needed to be attached we do have an architects drawing but unfortunately did not bring but I do have some pictures.

Comm. Parkins: So you have to come from the main house into the garage.

George Sheehy: There will be a catwalk. There is an overhang, so space below will be patio, so that catwalk will be above it.

Comm. Harger: What other exit points do you have?

George Sheehy: There are two stairwells in the building.

Richard Schultz: George, will you clarify the extension to the main house?

George Sheehy: So what we thought to do – our plans are to bring the building forward by about 10’ or so. The catwalk would be external.

Anthony Panico: You don’t have common space from living space to living space.

George Sheehy: There’s more than enough space.

Comm. Parkins: It’s irrelevant to the regulations.

Comm. Harger: Is there a modification you could do on the porch so that the garage connects?

Comm. Tickey: As Commissioner Harger was saying, is there a way to remove a portion of the porch to make a shared wall?

George Sheehy: It sort of defeats its purpose.

Anthony Panico: There should communication between people in the apartment and people in the house; to have to go through a devious way to get there does not fulfill the intended plan.

Richard Schultz: You have a choice – shifting it so there is a common law or meet with us to come up with some solutions. This is a big decision.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to table for in-law apartment on App. #738.

Application #743 – In-Line Plastics, 34 & 42 Canal St. – solar panels

Richard Schultz: Tony Panico and I went to the site and investigated everything. Construction is consistent with the models we followed in the past. More and more companies are going with solar. The design is very satisfactory.

Comm. Harger: No issues with reflection?

Richard Schultz: No they are using the black.

Comm. Harger: Is there some kind of barrier around them?

Anthony Panico: There is about a six foot walking space around the perimeter so the panels will not start right at the edge – they will be six foot in from the edge. It will be visible, no question, on top of a factory roof.

Comm. Harger: Will it be an attractive nuisance?

Anthony Panico: It’s at least one story off the ground.

On a motion made by Comm. Tickey, seconded by Comm. Pogoda it was unanimously voted to approve for solar panels on App. #743.

Application #742 – John Arone, 470 Howe Avenue – mix use redevelopment

Richard Schultz: As reported to the Downtown Subcommittee, The Arone’s purchased the former Shelton Police Department building, 470 Howe Avenue. I just want to give you a little history for the uses there. It was built for Echo Hose. Police Department occupied it as well, and then it turned into the Valley Health Department. The Arone’s are interested in converting

the first floor to a sit down restaurant. The alleyway will be seasonal for tables. The rear will be where the dumpsters are. Commissioner Harger and I visited that site after the Downtown Subcommittee. The venting will be to the rear, which will not impact any of the occupants down there as well. So that's the whole first floor. Basement is for storage and for the tenants upstairs. Upstairs is for four, one bedroom apartments. Access is to the front and the side of the building and there is a rear as well. The rear exit is elevated and has a walkway that goes to the municipal parking lot.

Comm. Pogoda: Who owns the property --?

Richard Schultz: The alleyway is owned by yours?

Biagio: Yes.

Comm. Pogoda: There's going to be an exit from the side of the building?

Comm. Kelly: That's where the tables are going.

Richard Schultz: Biagio, I think when you get things working you could meet with the Downtown Subcommittee.

Comm. Parkins: Do you have any timeline for when you are going to do the restaurant?

Biagio: We are going to shoot for early spring.

Comm. Harger: Would you clarify your access to the second floor from the first floor?

Biagio: To the second floor per the fire department there will be sprinklers up and down.

Comm. Harger: You don't have an elevator?

Biagio: There was an elevator in there. The amount of money it's going to cost to repair it wasn't worth it so we put the money toward the sprinkler's instead.

Comm. Harger: You don't have an interior stairwell.

Biagio: We don't have an interior stairwell for the second floor.

Richard Schultz: As far as the exterior, the building is in pretty solid shape and the City fixed the roof. So you are pretty good for the exterior.

Biagio: Very solid. We are just going to clean it up.

Richard Schultz: You are going to maintain the big flag pole.

Biagio: Absolutely, in the next couple of weeks we will be getting that going too.

Comm. Harger: Where is the access to the storage in the basement?

Biagio: There is a rear access as well.

Comm. Harger: Is any of that storage going to be for the second floor tenants?

Biagio: Not at this point – probably more so for the restaurant.

Comm. Harger: Do the apartments have their own laundry?

Biagio: Yes, stackable.

Comm. Parkins: Is it your intention to light up the alleyway prior to the restaurant opening?

Biagio: We are going to put in a couple of lights now, but once the restaurant goes in we are probably going to change the type of style. Everything will be lit up.

Richard Schultz: Those are the details we want to go over with you at the Downtown Subcommittee before it comes to the Commission.

Comm. Harger: What is the square footage of your apartments?

Biagio: 600 sq. ft.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to approve for mix use redevelopment on App. #742.

Application # 2313 – John Todice, 155 Kneen Street – conversion of single family to 2 family

Richard Schultz: Let me give you the history. The Commissioner approved an in-law apartment to this single family house to the Todice family back in November of last year. It didn't work out; the in-law apartment is set up and can be easily converted to two units. Todice family came in and requested the conversion of the single family to two family. Normally requires public hearing like we had on Lakeview Avenue. It's the Commission's call whether you want to have a public hearing. Nothing is going to change whatsoever.

Comm. Harger: Do you have any diagrams?

Richard Schultz: Yes, I have the whole floor plan.

Comm. Parkins: Off street parking?

Richard Schultz: Yes. This is one of the largest lots on Kneen Street. It's your call whether you want to have a public or to recognize it as it is; no internal changes, no external changes.

Comm. Kelly: Is there a firewall.

Richard Schultz: I don't know that answer.

Comm. Kelly: Shouldn't there be?

Richard Schultz: That's a building code. So tonight essentially whether or not you want to have a public hearing or not require because of the circumstances and act on it; it's your call.

Comm. Harger: Where is the parking?

Richard Schultz: They have a long driveway.

Comm. Kelly: So one car can get around the other car?

Richard Schultz: Nope, not an issue.

Comm. Harger: I would be more comfortable if neighbors were able to present any comments that they had.

Richard Schultz: It's your call so do you want the Applicant to do that for the next meeting?

Comm. Tickey: I would like to see that just out of consistency.

Comm. Parkins: Okay, we will table it and ask the Applicant to provide letters of support.

On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to table conversion of single family to 2 family on App. #2313.

Application #2314 – ABC Sign Corp., 215 Coram Avenue – business & sign

Richard Schultz: We have a new law office; Seymour Law Firm. This is Lynch Law Firm, LLC, Michael S. Lynch. They are going to be occupying the 4,600 sq. ft. building, six employees, 8:00AM to 5:30PM, Monday through Friday.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to approve for business and sign on App. #2314.

V. Old Business

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)

Richard Schultz: The Commission has received a resolution; Tony will read it.

Anthony Panico: (Reading Resolution)

On a Motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to move for Initial Development Concept Plan and PDD Zone change on App. #17-07.

Comm. Parkins: Any discussion?

Comm. Tickey: Could you just walk me through the floors; on page 7, the five story mix use building? The two levels of structured parking are not exclusive, are they shared with the restaurant?

Anthony Panico: No, behind the restaurant there's a lower level parking within the structure itself. Coming in from Coram, you are on the second level for 22 cars; it's intended that the commercial activities associated with it would be handled just as anyone else downtown in municipal public parking.

Comm. Tickey: But in total, it's a five story building?

Anthony Panico: Yes, it's a five story building; there are two levels of parking and three levels of apartments.

Comm. Harger: I think what Comm. Tickey is talking about, correct me if I'm wrong, but if you were standing on Center Street and you looked at it, you would see three levels.

Comm. Parkins: Four, including the restaurant.

Anthony Panico: If you were standing on Center Street and you took the restaurant away for a minute, you would have parking, parking, residents, residents, residents; so two levels of parking below three levels of residential.

Comm. Tickey: That makes sense.

Anthony Panico: It starts off being 3ft. above Center Street; so the roof of the restaurant coincides with the first level of apartments. There are two major things taking place right now. My understanding is there are still some ongoing negotiations between the Applicant and – I don't know whether it's going well or not. This is only the first step; all you are doing is putting the appropriate zoning in place. There is no final plan approval until we see that.

Comm. Parkins: The inland wet lands on page 8, there roll was only because of the culvert and there is no final say?

Anthony Panico: Yes, that's a major determination that has to be made.

Comm. Parkins: Jurisdiction?

Anthony Panico: That has to be put to bed because the Applicant has taken the approach that the culvert that's there is fine; we are going to protect it; we're not going to load it up; we're going to put a slab across it. That is a solution; however, on the other side of the table we've got the concerns whether the capacity of that culvert is big enough and if it's not big enough well then how big does it have to be? What design is an acceptable design? All that is going to impact the final design of this development.

Comm. Kelly: Is that what makes it a flood zone because of that?

Anthony Panico: No, that's what I thought, no, that's not what causes the water.

Comm. Harger: That jurisdiction is something that has to be decided by July 1st of next year.

Anthony Panico: Charlie (Comm. Kelly), one of the reasons why it doesn't work that way is because on the other side of Coram Avenue you have those existing buildings confining the brook anyway; you are still going to have water coming down Center Street anyway.

Comm. Parkins: Roll Call Vote passes unanimously.

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: Staff has reported on the Application. We have received Valley Health approval, City Engineer approval and Inland & Wetlands. The Applicant is here now to discuss the final design solution for the driveway. The Commission expressed its desire to have one cut. The Applicant is here tonight to discuss a slight deviation, for your consideration.

James Swift: This is a four lot subdivision. Each individual property owner is responsible for their own properties. There are three driveway cuts instead of four. The Commission expressed an interest in getting rid of all the curb cuts except for one. I have talked to my client Mr. Howell; one it devalues the lots; in other words you take all four property owners and you marry them all to each other on one driveway. Then there is discussion as to who is responsible for plowing? Who is responsible for maintenance? If a pot hole forms, who fixes it? We understand and sympathize that Mohegan is a busy road and the less driveway cuts the better. We had a meeting with staff and came up with was sort of a meeting half way if possible. If you look at lots four and three, it may be possible. (James Swift demonstrating by showing map).

Comm. Harger: Why can't you do that with lots one and two?

James Swift: Then everybody is married. Is it possible can we do it, yes we can do it, but it devalues the lots.

Anthony Pogoda: Three and four would use this portion, what difference would it make?

James Swift: Because now all four lots are married to somebody. I'm just pleading the case that it is not necessary to eliminate all these driveways on Mohegan Road.

Comm. Harger: What was going to divide the two driveways?

James Swift: A grass swale. So it's a little bit of a water quality that's helpful, there is a basin there.

Comm. Parkins: Who is responsible for mowing the grass?

James Swift: I suspect that there is going to be some kind of shrubbery there.

Comm. Harger: Someone has to be responsible for that; someone has to be responsible for the snow.

James Swift: If you go to buy a house, but by the way, you have a driveway in common, giving that situation, which house are you going to buy?

Comm. Harger: There are other private driveways and roads in town and they work it out.

James Swift: Well we don't know if they will work it out; if they were at war in court, there is no way we will know about it.

Comm. Harger: Yes, all records are public.

James Swift: I haven't looked it up. Anyways, I pled my case as best I can.

Comm. Pogoda: Who is going to own and maintain that piece of drainage?

James Swift: Each owner that contributes water to that catch basin has a right to discharge. It's more of right to discharge than it's more of a responsibility to maintain that pipe.

Anthony Panico: If it's clogged with leaves and there's a bill, who is obligated to pay that bill?

James Swift: First of all you have to decide who is being damaged by the fact that this drainage system doesn't work; that's the guy who is going to have it fixed and he has every right to come on to the property by virtual easement to do that.

Anthony Panico: You have two issues; you have that and who is going to do the maintenance.

James Swift: At least lots one, two and three need a right to that easement. Let's talk about the pipe as compared to the driveway. If there is a failure to the pipe or the inland, it's going to affect the drainage that comes down lot two's driveway, primarily; that's the primary person to be affected by that. If it becomes a problem, the owner of lot two has every right to go in there and fix whatever that problem is. He may or may not get some help from the others. This is a common driveway situation and a big pot hole develops right in the middle of the driveway, that's something that all four property owners have to get involved in to say 'oh I want to fix it, let's get a price, the other guy doesn't want to pay for it, let's get gravel.

Anthony Panico: Let's go back to my drainage. As a practical matter, if that catch basin fills up and fails to function, it's not going to adversely affect them.

Anthony Panico: If the City came along and said that there's water spilling over that's not supposed to be spilling over, who is responsible there?

James Swift: I would say lot owners two and three.

Comm. Harger: You talk about value added; I don't see this as value added.

James Swift: As I said, if you were going to buy a house, would you buy a house that is just you or would you buy a house with a requirement?

Comm. Harger: It depends.

Comm. Matto: When you talk about this street being busy, that's fine, but the number of driveways is not going to have an effect on how many people go in and out.

Comm. Parkins: In subdivisions, you try not to have as many curb cuts as there are houses.

Comm. Matto: I'm just saying that the traffic will be same no matter how many driveways. I could see the difficulty people could get into with shared responsibilities.

Anthony Panico: Nothing seems to work; this is kind of a common sense layout – that's the only way you are going to get interior lots otherwise you have to build a piece of public road and the City is forever going to be maintaining a couple hundred feet of road.

James Swift: It did qualify for the road. We considered it but not quite enough so we went to the Zoning Board of Appeals.

Comm. Parkins: So what direction are we heading in with the two curb cuts?

Comm. Pogoda: I'll feel comfortable with two.

Comm. Parkins: So two of the single driveway into one and then three and four share halfway up.

Comm. Harger: Are we good with the two curb cuts?

Comm. Kelly: I'd rather my own driveway, but yes, that's fine.

Anthony Panico: Two curb cuts will result - and the other two sharing. It's kind of a good compromise.

Comm. Kelly: Correct, I just feel that they are going to have a lot of problems but I understand the situation and I am okay with it.

Comm. Matto: I agree with Charlie (Comm. Kelly).

Comm. Parkins: You are okay with three?

Comm. Kelly: I'm okay with three.

Comm. Pogoda: I'm okay with two.

Richard Schultz: I'll need a motion to approve interior lots two and three on plans titled 194 Mohegan Estates prepared by Louis Associates and James R. Swift dated 5/24/2017, final revision dated tonight 11/14/17, with the following conditions: 1,5,6,7,9,12,13,15,19,21 and 33; 33 is the Applicant shall deposit \$15,000.00 into the open space trust fund using the fraction method – The appraised value is \$150,000.00, 10% is \$15,000.00.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was voted 5-1 for two driveways on Final Subdivision 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: I received a letter today, dated November 14 to myself reading “I hereby withdraw Application #17-14” in the name of “Jay”.

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to accept for withdrawal on App. #17-14.

D.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)

Richard Schultz: Commission directed Staff to write a favorable Resolution which I have prepared dated November 14th. (Richard Schultz is reading the Findings).

Commission need to make a motion – those are the conditions and reasons and a roll call will be necessary.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was voted 4-2 to approve for Special Exception with special conditions on App. #17-16.

Comm. Parkins: Any questions?

Comm. Kelly: I don't see a problem with it; if they have off-site parking, it's nothing to do with what the problem is now on that street. I know there were some people who came and they were talking about it but again, they have a problem in their own off-site parking; there is none and with this development it's proven that they can accept the off-site parking, so I don't see a problem with it at all.

Comm. Parkins: Roll Call 4-2

VI. New Business

A.Application #17-19, R.D. Scinto, Inc. for Modification of Initial Development Concept Plan and Detailed Development Plans for PDD #63 (retail and restaurant mix use development), 899-905 Bpt. Ave. (Map 8, Lots 15 and 16) – accept and schedule public hearing

Richard Schultz: This is the property we approved the hotel and restaurant to the south of Shoreline Veterinary Hospital. Staff is recommending that a public hearing could be held as

early as January 9, 2018; that is the second Tuesday in January; the fourth Wednesday in January is the 24th, you will need an extension. The Applicant indicated that they don't have a problem with that. So within the 65 days you would comply for the January 19, January 24, 2018 extension.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to accept for public hearing on January 9, 2018, for Modification of Initial Development Concept Plan and Detailed Development Plans for PDD #63 on App. #17-19.

Application #17-20, Dominick Thomas for Amendment to Zoning Regulations (Section 45.6: Accessory Dwelling Units): accept and schedule public hearing

Richard Schultz: We have two Text Amendments. We approved that Mix Use Development next to Shelton Pizza but they are coming back using the PDD technique.

On a motion made by Comm. Harger, seconded by Comm. Pogoda it was unanimously voted to accept for public hearing on January 24, 2018, for Amendment to Zoning Regulations, contingent on receiving the extension from the Applicant on App. #17-20.

Application #17-21, James R. Swift for Amendment to Zoning Regulations (Section 34.31: PDD Standards) – accept and schedule public hearing

On a motion made by Comm. Tickey, seconded by Comm. Harger it was unanimously voted to accept for public hearing on January 24, 2018, for Amendment to Zoning Regulations on App. #17-21.

Application #17-22, 636 Cooke Street, LLC for Initial Development Concept Plan, Detailed Development Plans and PDD Zone Change (mix use development), 523 Howe Avenue (Map 129B, Lot 36), (A-3 District: accept and schedule public hearing

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to accept for public hearing on January 24, 2018, for Initial Development Concept Plan on App. #17-22.

VII. Public Portion

Comm. Parkins: Is there anyone in the audience who would like to address the Commission? Are you coming to address the Commission? What's this?

Richard Schultz: He just wants to show the Commission the change.

Jim Grecco: Aruga; last minute change. My name is Jim Grecco and I am the Contractor who is taking over the market place at the Big Y Shopping Center. I have a long standing with Jim Blakeman and Monty Blakeman. What we are doing here is --.

Comm. Parkins: You are taking over the construction or --?

Jim Grecco: I've taken over the construction – I finished the exterior. I've done Verizon buildings and now I'm doing Aruga. So basically we wanted to give you the courtesy of seeing this stone because it's a little different than on the original building. The original building has a very tight contemporary, very busy and the Aruga has a brand with a larger stone and we thought that bringing this in will be a blend.

Comm. Parkins: So what is this a photo of?

Jim Grecco: That is a photo of the existing market place.

Comm. Harger: It picks up the gray tones.

Comm. Parkins: When is it going to be done?

Jim Grecco: June.

Comm. Parkins: Is there anyone else who would like to address the Commission? State your name and address please.

Jenny: Hi, my name is Jenny; I live on Rocky Rest Road, I have a question on the technical difficulty on the website prior to January 2017, what is the technical difficulty?

Comm. Parkins: It's a website issue, it's not our – it's really something that you have to ask the City or the IT office.

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

(At this time, the Commission as well as staff took the time to thank Ruth Parkins for her excellent service to the City of Shelton for the past ten years).

VIII. Other Business

A. Approval of Minutes

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to table approval of minutes dated 10/10/17.

B. Payment of Bills

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

C. 2018 Meeting Schedules

Richard Schultz: Staff handed out the Planning & Zoning Meeting Schedule. Once again, the second Tuesday of every month. The Downtown Subcommittee is the second Friday and that's at 9:00 and the Zoning Subcommittee is on an as needed basis, so we will need a motion to approve the 2018 Meeting Schedules.

On a motion made by Comm. Pogoda, seconded by Comm. Matto it was unanimously voted to approve 2018 Meeting Schedules.

D. Downtown Study (Phase II): approval by Commission

Richard Schultz: Staff provided a copy of the contract agreement. Jason Williams presented his proposal to the Downtown Subcommittee. Most of the Commissioners from Planning & Zoning were there. The total amount is broken down on page 2 - \$13,000 conceptual architect renderings; plan revisions, \$2,000; documents \$1,500; meetings \$1,200 and expenses, \$3,000. Staff is recommending that the full Commission approve this. We have a line item for special area study and that amount was deleted budget. So you do have a line item and that is zero.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve Downtown Study.

E. Staff Report

Richard Schultz: Staff has provided copies to all the Commissioners, starting with ZBA Agenda, November 21st ZBA is going to entertain the order of Elm Street – 21-23 Elm Street; this is the stairwell. Unfortunately, we did not have a policy in place but Staff directed the owner to obtain a building permit before he constructed it; that was not the case, the structure was built without the benefit of any inspection. The Building Inspector has advised Staff that a Structural Engineer has to inspect it and submit a report. What we need from the Commission is whether or not you want me to prepare a letter to ZBA that's going to entertain this and to advise them that the structure was built with the benefit of a building permit and that the owner will have to get a professional Structural Engineer to review it. It is an uphill challenge for the property owner. But this is something I know the Commission feels strongly. We do have a policy in place and the Zoning Subcommittee is going to formulate regulations to spell it out but this is before the ZBA on November 21st.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to go before the ZBA regarding 21-23 Elm Street stairwell, November 21, 2017.

F. Comments from PZC Chairman and Subcommittee Chairman

Richard Schultz: The only other item on the ZBA Agenda is 58 Bridgeport Avenue; that is the automotive repair station. The Zoning Board of Appeals now entertains applications for Motor Vehicle license. They tabled it because the Applicant didn't provide enough information for the Board; I plan on attending that meeting so I will have all of the history and all of the information. Obviously it got messy. The used cars for sale were brought up in front where the area was designated for customers.

Comm. Pogoda: They did a considerable amount of work at that building. They asphalted it; they upgraded the building exterior, but it's been a problem. I have called staff multiple times; the amount of stuff and the amount of junk cars. We only approved them for 10 cars at one point and there were about 20 cars. They have to be made well aware of this.

Comm. Parkins: Trucks, trailers - ZBA should be aware of this so that they know what to look for.

Richard Schultz: Zoning Subcommittee – for exterior stairwell structures. Downtown Subcommittee is meeting this Friday at 9:00AM. We are going to hear from John Getz on his updates. The State did approve the revisions to the architectural so he is going to report on that and also give an update on the Spongex property and we are also going to hear from the Conte family.

Comm. Harger: Should we do the site walk for Spongex?

Richard Schultz: Yes. Jason Williams will be there too.

Comm. Harger: Do we need to put Dominick Cerritelli in for any reason? Has he been doing any additional work on the Conte Building?

Richard Schultz: Yes, I think he wanted to discuss some upgrades.

Next section is Zoning Enforcement on 25 Elm Street – I just reported before the ZBA; previously reported you have A through I; planning matters state conservation and development policy that's being formulated as we speak; special meeting for November 29th at 7PM in this room. That completes it. If you look at the total number of dwelling units, basically at par with 2016 except for the apartment units.

Comm. Harger: Rick, could I just ask you back on page 2, what's the high priority matters, there's 3 at least that have been ongoing for a while.

Richard Schultz: Staff is just trying to work with the property owner to avoid going to court, so we're getting there; I might put it on the December meeting.

At this time, Chairman Parkins took the time to thank staff and Commission members.

IX. Adjournment

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to adjourn the meeting at 8:50PM.

Respectfully submitted,

Sandra Wasilewski

Sandra Wasilewski

Recording Secretary

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 main 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 known 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