

SHELTON PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES

**SHELTON PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD TUESDAY,
DECEMBER 19, 2017 AT 7:00 PM. CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT
06484**

PZC Commissioners Present:

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

**Also Present: Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant (Absent)
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 Harger called the meeting to order at 7:03 PM.

II. Pledge of Allegiance

III. Roll Call

Chairman Harger identified members present.

IV. Applications for Certificate of Zoning Compliance

Comm. Harger: Mr. Schultz, will you please address the restraints we have this evening for meeting space?

Richard Schultz: Good evening everyone. The Zoning Board of Appeals is meeting in the auditorium. The Chairman just asked me if the preference is to continue in this room or use the

auditorium. I assume everyone is comfortable and to proceed in this room, is that the consensus?

Audience: Yes.

Richard Schultz: So we will proceed. The Commission normally meets the second Tuesday. This is a Special Meeting and we are constraint with rooms in this building so that's the purpose of why we are using this room. So we will continue Madam Chairman.

Comm. Harger: (Announces the Commission and the others present by using a special method by laptop and voice due to laryngitis). Before we begin, I want to take the time to review the protocol of this meeting. If you don't have an agenda, you will find them at the front table near our Recording Secretary. Please note that this is not a public hearing and the only dialogue during the applications for Certificate of Zoning Compliance is between the applicant and the Commission.

Application #2318 – Hush It Up, LLC, 303 Old Bpt. Ave., - café/entertainment

Comm. Matto: (reading correspondence from Fire Marshal dated 12/6/17 and document pertaining to signatures of residents of the town about this application; 241 people signed).

Comm. Harger: Thank you Commissioner Matto. Mr. Schultz, would you please give us the details for this application based on the paperwork that was received by your office?

Richard Schultz: I would be glad to do so. This application is not being processed by a public hearing because the Commission had done that earlier when the first occupant of this space, Hibachi Grill petitioned the Commission which also included a café. So once the public hearing is established for a food establishment, the Commission then entertains each individual occupant. We did have an initial occupant request that was denied by myself. That was appealed to the Zoning Board of Appeals. The applicant chose to withdraw that appeal and proceed with the application that you have tonight. So tonight is an occupancy request by the applicant. The applicant is going to give a full presentation to the Commission and the Commission and staff will ask any questions and the Commission will go into deliberation and take action on the application.

Mr. Klein: Good evening Commissioners. My name is Jonathan Klein.

Comm. Harger: Thank you Mr. Schultz. Is the applicant present?

Mr. Klein: Yes.

Comm. Harger: Would the applicant please state your name and address for the record?

Mr. Klein: I'm counsel for the applicant.

Randy: My name is Randy --, 824 Saw Mill Road.

Mr. Klein: She is the Principal of the LLC.

Comm. Harger: Do you have any comments that you would like to present to the Commission?

Mr. Klein: Good evening everyone. My name is Jonathan Klein. I am an Attorney at 1445 Capitol Avenue in Bridgeport. I am distributing binders which I would like you to consider and I

will walk you through the contents. I want to announce that the information which was put on the record before this was turned over to me consisting of the Fire Marshal and the petition from residents of the City of Shelton; I found it as a surprise. The letter from the Fire Marshal is dated December 6, 2017 which is 13 days ago and has never been provided to me. I don't know why but it doesn't seem particularly fair for me to have to address this without having the opportunity to even read it before tonight. I was not even aware of the issue that the Fire Marshal has raised about parking. I'm sure it could be addressed. It requires some thought and I would ask the Commissioners holding this matter open after the presentation so I could address that as well as the content of the petition. I will walk you through the binders I presented to you. Inside each of the binders, you will see a copy of the application for Certificate of Zoning Compliance #2318 dated November 15, 2017. This is the most recent version of that application for Certificate of Zoning and attached to that is the Statement of Use and where the Statement of Use had been previously submitted to Mr. Schultz was rather bare bones and this is much greater in detail. The issue here is one of law. The Certificate of Zoning Compliance is not a question of anyone's opinion, politics or anything like that; the question is, "Does the Use as described in the application and the Statement of Use, comply with the zoning regulations". If you believe that it does not comply with the zoning regulations you need to put your finger on something that explains why it is not compliant. In the Statement, what I explained here is the fact that this application is for a liquor permit establishment which is in the style of a "speakeasy" and just the use of the word "speakeasy" causes this whole thing to go off the rails because as you will see later in the application, Mr. Schultz along with the retired Ray Sous because Webster dictionary defines the word "speakeasy" as being an assembly of individuals in an illegal setting for the service of liquor, which is the definition which is 100 years out of date but this is a "no no" in the City of Shelton, but that's not what a "speakeasy" is and what I've had tried to do for you in this Statement of Uses, is explain what a "speakeasy" means in today's environment; this is something that has been around for years. It's a "speakeasy" theme – like the Roaring 20's when during the years of prohibition the sale of alcoholic beverages was illegal under all circumstances. So the dictionary definition is not a 2017 definition. A "speakeasy" today is legal. You could get a liquor permit for it. In fact the Department of Consumer Protections Liquor Control Division has issued a permit for this establishment. A "speakeasy" is not a legal term. It never was a legal term. The way it came about, the days of prohibition, people were encouraged to speak quietly in public and in places where they were going to consume alcohol in case police were listening in. Today, the term "speakeasy" refers to a place that has an entrance that is inconspicuous. It's known primarily by word of mouth which today includes on-line word of mouth and it usually requires some effort or some knowledge to find the place. In this particular location, unless you have GPS, you are never going to find this place. It's off the beaten path. The outside entrance is a plain black door in the back of the building and it's in a secluded wooded area. There is a photograph in

the binder of what the entrance looks like. You would never know what it is by looking at the entrance. The interior door is camouflaged by a painted mural of a bookcase. There is vintage décor inside. Classic cocktails are served. There is a copy of the permit is included in your materials. The premises will not be any form of adult oriented business which was a concern that Mr. Schultz had raised early on. It has nothing to do with that. One of the photographs you will see in the front of your binder is a black and white 8 ½ x 11 you will see a typical “flapper style” costume. It was worn in the 1920’s and hostesses in this establishment would be wearing. The beginning of this, how we got here, really starts with if you turn to the couple pages there is a copy of the application for the liquor permit which is dated April 4, 2016, in which Mr. Schultz signed off. That approval says, (Mr. Klein is reading correspondence that was signed by Mr. Schultz and correspondence signed by Fire Marshal). This went forward to Liquor Control and they issued a liquor permit. A lot of work was done in preparation in getting business up and running. Toward the back in your binder, you will see a two-page summary of expenses that were incurred by the applicant. Itemizing leasehold improvement costs, rent expense, other business costs totaling \$126,460.52; six figures spent by the applicant to get this business running which was in reliance to the towns sign off when they applied for the liquor permit. We come to the next page which is a letter dated November 7, 2017, to the applicant from Mr. Schultz, this was in relation to the past Certificate of Zoning Compliance in which again, the Statement of Use was really “bare bones” and not explained as well as it should have been. (Reading portion of letter). There is nothing in the zoning regulations that addresses a “speakeasy” and it’s not a prohibited use so that is incorrect. There was some reporting on this in the press the following day, in the Connecticut Post. Mr. Schultz stated that the applicant’s proposed plan was rejected because it does not comply with the city zoning regulations involving adult entertainment. This has nothing to do with adult entertainment. Nothing in the Statement of Use indicates that. The next document in the binder, there is an article dated November 14, 2017, from the Valley Independent Sentinel on the second page. (Reading article). Again, to take a dictionary definition which everybody knows it is almost 100 years out of date and say alcohol consumption is illegal – if you use the “speakeasy”, that’s a “no no” in the City of Shelton. I don’t want to say anything not nice; Mr. Schultz is a gentleman, nothing but polite and helpful in my dealings with him and I know he has been doing this for decades but I don’t think this is his greatest moment. If you turn to the next page there is a color photograph to the establishment – it’s exactly what you would expect with a “speakeasy”. There are no signs on the building just a black door on the side of the building. You would have to know what’s in there to participate in the drinking activity at this bar. After that, the next few things, I have some articles from Harris Publications which explains to you in this day and age what a “speakeasy” is. This is not a brand new concept of having a throwback to the 20’s. First is an article from the New York Times dated June 2, 2009 that talks about this type of thing, casual, you would not even know that the place is there. It mentions that there are

variable established modern day “speakeasy” in San Francisco, Kansas City, Seattle and New York. The next article is entitled explaining new wave of US bars on 2/21/2012 which appeared on the travel webpage of CNN.com and it gives additional explanations of what a “speakeasy” is today. The third article is from Architectural Digest ‘ check out 13 of the best speak easy bars in America; Portland Oregon, San Francisco, Manhattan, North Carolina, Venice California, Alexandria, Virginia, china town in New York, Chicago and then most significantly, there is an article called best things in Connecticut, the seven best “speakeasy’s” in Connecticut. This is nothing new and it gives you descriptions of modern day “speakeasies” in New Haven, West Hartford, Hartford, Ellington, Darien, Norwalk and Danbury. Shelton would not be alone with this kind of place. To determine whether or not a Zoning Compliance should be issued you are talking about compliance with the law. Personally, I don’t drink anytime, anywhere. I would never step foot in a bar, but that has nothing to do with this application. It’s our position that it is in compliance with the zoning regulations with this city. Just as Mr. Schultz attested for the Liquor Control Commission back in 2016 and the Certificate of Zoning was issued. With regard to parking, I am not in a position to address a parking issue, had this been brought to my attention 13 days ago when it was brought to the attention of the Planning & Zoning Administrator, I would have been prepared to address this tonight, but I was blindsided by that. I would ask that this matter for us remain open so I can have the opportunity to address this; I’d be happy to do that in writing within a short period of time without the need to convene another meeting, perhaps, but that is our presentation and I thank you for your time and patience.

Comm. Harger: Thank you. Attorney Klein, the size of the café as shown on the diagram is 1,334 sq. ft.; the size of the business area on the Statement of Uses is 2,700 sq. ft. Where is the 1,366 sq. ft. difference located in the business area?

Mr. Klein: What are those numbers again?

Comm. Harger: 1,334 sq. ft. the size of the business area on the Statement of Uses is 2,700 sq. ft. Where is the remaining 1,366?

Mr. Klein: It may be that the larger sq. footage refers to the whole building. I’m not sure. I don’t have an answer for that discrepancy but I can get you the answer if this matter is going to be held open.

Comm. Harger: Attorney Klein, will you please describe the exterior access to the café?

Mr. Klein: Yes, as you could see in the color photo that’s in your binders, it’s around –the back of the building you see there is a non-descript black door that locks from the outside and the inside of course, when you go inside that door, there is another interior door, that’s the one that is camouflaged with the picture of the bookcase. A lot of “speakeasys” like to use that bookcase idea. Here we actually wanted to put a bookcase here, but the Fire Marshal said we could not do that, so we substituted a mural.

Comm. Harger: Attorney Klein, is this the only means of entering the café?

Mr. Klein: It's the only means of entering for the public, I believe that is.

Comm. Harger: Attorney Klein, there is an area on the right side of the diagram marked as "exit", is that another means of entering the café, or is that an emergency exit only?

Mr. Klein: Exit only.

Comm. Harger: Is there any interior access to the café from another floor?

Mr. Klein: There is a staircase from the Chinese restaurant upstairs and it comes down to the area outside the interior door to the café.

Comm. Tickey: Could you walk us through the floor plan and explain --.

Comm. Harger: Attorney Klein, the diagram received by the Planning & Zoning office notes the inside entrance area as having 6' bookshelves on either side of the inner doorway entrance to the café but paragraph 3, line 10 of the addendum to Statement of Use states camouflage by a painted mural of a bookcase. Which is correct?

Mr. Klein: As I said before, we wanted to do bookcases which a lot of places do, but the Fire Marshal said no, so we're not doing that; we just got a painted mural.

Comm. Harger: Attorney Klein, once a patron passes through the unmarked interior entrance door between the constructed or painted bookcases the layout shows a block off area to the left and construct walk in is indicated is next to that area. What is the purpose of that blocked off area?

Mr. Klein: There's a walk in cooler there.

Comm. Harger: Attorney Klein, the same diagram shows 3 rooms to the right of the inside entrance. What is the function and purpose to those 3 rooms?

Mr. Klein: I think just lounge areas. They are open. The first one you see on the left --the right is a lounge area, the second one is a dressing room and a locker room for staff for changing into their "flapper" costume for example and the other areas are open lounge areas; just gives a little bit more quiet, I suppose.

Comm. Harger: Attorney Klein, size of the rooms?

Mr. Klein: You have the total length of the area which is 46'; it's not broken down as to the size of each of these rooms. I would only be guessing the size of the rooms, but you see them proportionately, how they are set up.

Comm. Harger: What area again, is the open area?

Mr. Klein: The open area is the area between where the lounge areas are and the bar.

Comm. Harger: Attorney Klein, the same diagram shows an identifies as a stage in the corner on the opposite side of the inner doorway. What is the size of the area identified as the stage?

Mr. Klein: The size of the stage; it's small. Approximately 8' x 8'; it's relatively small.

Comm. Harger: Attorney Klein, the same diagram does not indicate any tables or chairs for use by patrons. Are tables and chairs going to be made available for use by patrons?

Mr. Klein: Yes, in that center area.

Comm. Harger: Attorney Klein, how many tables and chairs?

Mr. Klein: Three tables, 16 chairs and 15 or 16 barstools that are obviously at the bar.

Comm. Harger: Attorney Klein, seating is 18 + 16.

Mr. Klein: Approximately, yes.

Comm. Harger: Attorney Klein, the same diagram shows a structure identified as a bar that is 25' in length. Is that correct?

Mr. Klein: As far as I know.

Comm. Harger: The Fire Marshal has indicated that the maximum total occupancy is approximately 50 customers.

Mr. Klein: Okay, is there a question?

Comm. Harger: What about standing customers?

Mr. Klein: All I could tell you is that the fire code would be adhered to, whether seated customers, standing customers, we will adhere to.

Comm. Harger: Attorney Klein, what are the dimensions of the rest rooms?

Mr. Klein: I don't know the precise dimensions. You can see from the drawing.

Comm. Tickey: The drawing is not in scale.

Mr. Klein: It's not in scale, right.

Comm. Harger: Attorney Klein, are the restrooms handicap accessible?

Mr. Klein: I believe so. With the number of questions you have about the floor plan, would you like us to come back with a precise scale floor plan?

Comm. Harger: Why wasn't that submitted with the application?

Mr. Klein: You have it.

Comm. Pogoda: This is totally insufficient for a professional job. Without any information on sizes and questions, you are completely befuddled at the questions being asked to you because you have no idea what it says here. There are a large amount of people here waiting for this meeting. We expect to have all this information presented to us, properly with all the dimensions on here. This is a drawing that a kid does.

Mr. Klein: I understand your concern about that. What I could tell you is –what I was led to believe—

Comm. Pogoda: What is your concern, sir? Who led you to believe?

Mr. Klein: Mr. Schultz, and the newspaper – the November 7 letter it gave a reason for the denial of the—the issue is the “speakeasy” use and that was the issue of concern. The Fire Marshal signed off on the liquor permit application. No one raised any concerns about dimensions or sizes or various features shown on this – I have no reason to believe --.

Comm. Pogoda: Why would we raise that question? They would expect you to have that information presented on the drawing or you would have it on a piece of paper. We have neither.

Mr. Klein: Again, if you had given me the opportunity to address the parking issue, I could address this as well.

Comm. Kelly: You are going to have a lease 50 people --.

Richard Schultz: Well what the Attorney indicated is that the main focus is the Use. When the Applicant is done, I have some points of clarification and some recommendations for the Commission.

Comm. Harger: Attorney Klein, at the end of paragraph 4 of the addendum to Statement of Use states entertainment which may include acoustics, DJ, karaoke bands, plays shows and comedians. You are pointed to theatres and performances. Theatres are not permitted in the Shelton Zoning Regulations in an RG-B Zone under Section 30.

Mr. Klein: We are not claiming that this is going to be a theatre. Do any of the Commissioners have any questions?

Mr. Klein: In the liquor permit application, there are a number of boxes on the form for live entertainment. Again, Mr. Schultz signed off with this compliance. You are raising a brand new issue. This is not the only café in Shelton. There are a dozen or so. At least half of them have a form of entertainment as well. There's nothing different that's presented in this liquor permit that's presented in anybody else's application. To call this a theatre, I find is surprising and -- I don't think it's accurate.

Comm. Harger: You were the one who checked off shows.

Mr. Klein: More like skits.

Comm. Harger: That's a theatre.

Comm. Matto: Small rooms raise concerns.

Mr. Klein: The rooms have lounge furniture.

Comm. Harger: What is the 2'x8' wall?

Mr. Klein: That is a separate area.

Tape ended

Richard Schultz: There were several intertwined questions from the press. So when I get a call from the Newspapers, they ask me a variety of questions and I can't control what goes on. But it is not an adult establishment, so that's a fact. I also want to state as a member of the Connecticut Chapter of American Planning Association, multiple zoning jurisdictions are constantly subjected to new Uses and activities, especially as a suburban town like Shelton. Right now in the City of Shelton, night clubs are a prohibited use. We've talked about it in downtown with the redevelopment of downtown. Along with night clubs, in my professional opinion a "speakeasy" is a principal use and also prohibited. I had a chance to talk to my peers. This is a new activity seen, not only in the State of Connecticut, mainly in the larger urban areas, but across the United States and it's something that has to be addressed by the local jurisdiction. You can tell by the types of questions you are asking tonight. My peers have indicated that in Shelton's situation, new definitions should be formulated by the State Liquor Commission. I've had conversations not only with different agents, but the lead agent that said we are staying out of this issue because it is a local jurisdiction right now. However, whatever

the Commission does tonight, I ask for permission for you to authorize me writing a letter to the State Liquor Commission. We have to deal with this issue because it's here to stay, not only in Shelton, but the State of Connecticut. Clearly the main issue tonight is the use and I believe that the Commission should act on the application because the driving issue is the use. You either have a use in our standards, or not. I made that comparison to a night club because we are probably going to get a request for that down the road, especially downtown. Right now it's prohibited. I believe a "speakeasy" rises to that level and we need a use line that provides the type of regulations and standards that this Commission needs to protect the public safety and welfare. We do it all the time. Our regulations have grown tremendously in over the last 20 years. Having said that, I have prepared a Staff Report, so unless the Commission has any other questions, I can get into that.

Mr. Klein: I don't believe, correct me if I'm wrong, is a nightclub --? The idea about use, we are talking about a theme here; a theme to this café. That's all it is. It's no different.

Comm. Matto: Discreet entertainment.

Mr. Klein: A "speakeasy" by nature, by definition is discreet. There's no flashing neon signs here. You have to know where to find it – it's the roaring 20's motif what's going on; it's away from the public eye, off the beaten path.

Comm. Harger: Attorney Klein, what kind of exterior lighting will the café have for the safety of patrons arriving to and from the café?

Mr. Klein: I believe there is lighting in the parking lot but I can't tell you definitively how the lighting is set up.

Comm. Harger: So you are not aware if it is adequate?

Mr. Klein: I can't speak to it specifically but as you probably know, this building has been used as a restaurant for decades.

Comm. Harger: The lower level had very limited use.

Richard Schultz: Commissioners have a copy of the draft, staff report resolution date of December 15, which reads as follows (Rick is reading report). (Rick read that the application should be denied). Now, if the Commission with moving ahead, once again, it's the Use. If it wasn't the Use, I would suggest you digest, talk about it and continue the meeting, but it is a Use as was the original application for that Use that I took it upon myself to reject. This time there are 6 Commissioners reviewing it and making an individual and collective decision. If the Commission wants me to proceed, I will.

Comm. Harger: Commissioners, Attorney Klein has asked that this matter be kept open. What do the Commissioners recommend? Comments?

Comm. Pogoda: One thing as I have said before; as far as I'm concerned the applicant came in with insufficient information. The drawings in my opinion were not acceptable. There was no information that could be provided to us regarding size. We do ask and the attorney could look at our previous applications that people brought in; where the tables are going, where the

people are going, how large is this area going to be? None of that was provided to us at this meeting which everybody knew was taking place. So to me, I'm ready to vote no on this application.

Comm. Tickey: I don't see how the business which is expecting roughly 50 people in a night, maybe more, maybe less and then you could have 14 parking spaces; I think it's a safety hazard as people are trying to find a space to park and even though it might be hard to find, as we have seen, word of mouth is very effective and people won't know where to park; people won't know where to park and I think it's a safety issue that there's not enough spaces for people to be at.

Comm. Kelly: Not only that, are the 50 people based on the 2700 sq. ft. or the 1300 sq. ft.

Comm. Miller: There's a lot of missing information but I think Mr. Schultz is correct in that we should act on what the Use is tonight and not drag this out forever. Whether the parking could be addressed or not is not relevant, it's really a matter of Use and we should vote on it today.

Comm. Harger: If there are no further comments, we need to vote on this matter.

Mr. Klein: May I inquire based on that last comment?

Comm. Harger: Sure.

Mr. Klein: If parking is not an issue, then the Fire Marshal's letter is not an issue.

Comm. Miller: What we should act is on the Use. Parking should be an issue.

Comm. Matto: Insurmountable issue.

Mr. Klein: It's not an insurmountable issue – 50 people for 17 parking spaces.

(Mr. Klein was conversing with Attorney Silver, Daniel)

Comm. Harger: Parking issue.

Richard Schultz: It's important that the Commission individually and collectively make that determination, whether or not you believe it's a permitted Use under Schedule A. when you do the roll call vote.

Comm. Harger: Based on the findings set forth in Mr. Schultz's Staff Report and discussions of the Commission preceding this action can I have a motion for Application #2318?

On a motion made by Comm. Kelly, seconded by Comm. Pogoda it was unanimously voted to deny café/entertainment on App. #2318.

Richard Schultz: Okay, the reasons stated in the draft.

Comm. Harger: The motion was made by Comm. Kelly and seconded by Comm. Pogoda for the reasons stated:

1. The proposed Use is not a permitted under Schedule A.
2. The Fire Marshal's report recommends denial due to insufficient parking and inadequate floor plan information.

3. The Commission has determined that the Proposed Use would have a negative impact on public safety and welfare.

Roll Call Vote: passes unanimously. Application #2318 is denied.

Comm. Harger: I have to leave this meeting and turn this meeting over to Vice-Chairman, Pogoda, but before I do, I wanted to explain item #18. I requested this on the agenda to give any Commissioner the opportunity to ask any questions of the Planning & Zoning Administrator for the staff approved standards that are usually listed separately listed on page 2 of our agenda. The intent is not to hear each of these items separately.

Comm. Pogoda: I am turning the meeting over to Mr. Pogoda and Commissioner Miller will sit in for me.

Application #2076 – R.D Scinto, 1 Enterprise Dr. for business

Application #2077 – R. D. Scinto, 4 Corporate Dr. for business

Application #2084 – R. D. Scinto, 1 Enterprise Dr. for business

Application #2075 – R. D. Scinto, 4 Corporate Dr. for business

Richard Schultz: The first one is Executive Search, for employment. A psychiatrist for the second one; third one is a technology support office; the last one is a clinical laboratory – Enzo clinical lab – a draw station.

On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to approve for business on App. #'s 2076, 2077, 2084 and 2075.

Application #2309 – L'amy America, 65 Trap Falls Rd. for business

Richard Schultz: This is 65 Trap Falls Road when you go in before the reservoir and this is 17,437 sq. ft; 25 employees and they do distribution of eye wear.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve for business on App. #2309.

Application #2294 – Joshua Dickinson, 1 Corporate Dr. for business

Richard Schultz: This is an accounting firm; 200 sq. ft. leased area; 3 employees; 8:30 – 5:00.

On a motion made by Comm. Tickey, seconded by Comm. Miller it was unanimously voted to approve for business on App. #2294.

Application #2290 – Loanworx, 392 River Rd. for business

Richard Schultz: This is Bob Pagliaro's building, by the funeral home. This one is a loan consulting business. This will have 2 employees, 240 sq. ft.

On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to approve for business on App. #2290.

Application #2283 – Kate Walsh, 4 Armstrong Rd. for business

Richard Schultz: This is an insurance company and they are leasing 1500 sq. ft., 10 employees, Monday through Friday 8 am to 5 pm.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve for business on App. #2283.

Application #2335 – Kimberly Finocchio, 127 Center St. for business

Richard Schultz: This is the new ownership for Center Street Social, 25 employees, 1800 sq. ft. Everything is the same except for ownership. We want the Commission to know that nothing has changed, not hours nor type of liquor license

On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to approve for business on App. #2335.

Application #2334 – Li Dong, 515 Bpt. Ave. for business

Richard Schultz: This is the occupying the old Taylor Fitness next to Quest. She has 1,880 sq. ft., 5 employees, and 9:45 am to 7:00 pm. So it's a nail salon.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve for business on App. #2334.

Application #2342 – Robert Davis, 415 Howe Ave. for business

Richard Schultz: This is the Conti building. First of all, the Fire Marshal has reviewed. He called me today and said he is satisfied providing that they could provide adequate venting. Will the applicant come forward?

Robert Davis: Robert Davis, retired Chief –from the coastguard. I started a business in 1985 in Shelton at the old photo studio – the owner, who I am renting from, is enlarging his space and I have to move. I would rather keep my business in Shelton making water and ice rescue equipment.

On a motion made by Comm. Miller, seconded by Comm. Tickey it was unanimously voted to approve for business on App. #2342.

Application #2296 – Tosum Spahia, 15 Huntington Plaza for sign

Richard Schultz: We need to table that. I did not get the application.

On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to table for sign on App. #2296.

Application #2337 – Howe Market & Deli, 464 Howe Ave. for sign

Richard Schultz: This is a solid sign and Jason Williams was kind enough to say that the font is unique.

On a motion made by Comm. Kelly, seconded by Comm. Widomski it was unanimously voted to accept for sign on App. #2337.

Application #2338 – ABC Sign, 389 Bpt. Ave. for sign

Richard Schultz: This is the replacement sign for Urgent Care. Larry will explain what happened and how he is correcting it.

Larry Burke: Larry Burke with ABC Sign Corporation. AFC was trying to be a good neighbor because the neighbors told them that the City of Shelton preferred halo lit signs. With halo lit signs, basically, the light is behind the sign – the light behind the “T” becomes a silhouette. At night you can’t even see their sign. So what we are proposing to do is put some lighting into the sign cabinet, add new faces that are translucent so that they will have a back lit sign that’s also face lit and you will be able to see it from the road.

Comm. Matto: How is that going to compare to the other signage? Is it going to kind of jump out?

Larry Burke: Unfortunately, in that plaza, you have the Big-Y; that’s a face lit sign. You have the big Verizon now which is a face lit sign so they want to comply with what Shelton wants them to do, but at the same time they are saying, “Look with our sign, we really need to have it face lit”, this is a lot smaller, but from the street you cannot see the existing sign.” Remember, they are an urgent care facility.

Comm. Matto: I did go by there a couple of days ago and I thought, “Wow, that’s bad”.

Larry Burke: Whoever made that sign didn’t understand –they should have been told right off that with that logo you can’t have a back lit sign and then they would have come forward to you and asked if they could make it face lit.

Comm. Miller: Rick, did we deny anybody --.

Richard Schultz: This is consistent.

On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to accept for sign on App. #2338.

Application #2328 – Hector Rodriguez, 60 Stendahl Dr. for in-law

Richard Schultz: This is in the basement. You could see the location map. If you look at the photo of the house, the room is to the rear of the garage. The in-law apartment is to the rear of the garage and the stairs go up to the main house. So look at the house. The house is a two story structure. This is no change exterior. This is 814 sq. ft. For the newer members, annually, the in law apartments are recertified every year. We will be doing that the first of the year.

On a motion made by Comm. Tickey, seconded by Comm. Matto it was unanimously voted to approve for in-law on App. #2328.

Application #2285 – Roberto Sellari, 18 Abby Lane for in-law

Richard Schultz: This is a left rear addition. You could see the floor plan. The interior is going to be consistent. The rear portion of the house will be occupied. You won't see it from the road because it's to the rear.

Comm. Pogoda: These drawings, this is what we should be seeing on all these in laws that come in so we know people didn't just write them up on their kitchen table and I'm assuming there is an expense to this but at least we're clear on what's going on and I think this is what we should expect with people coming in with this.

Richard Schultz: 900 sq. ft. and the materials are going to be the same as the house.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve for in-law on App. #2285.

V. Old Business

None

VI. New Business

A.Application #17-23, Miller Development for Modification of Site Plan Approval (three pads for outdoor coolers/parking reconfiguration), 200 Leavenworth Road (Map 144, Lot 15), CA-2 District: accept, review and possible action

On a motion made by Comm. Tickey, seconded by Comm. Widomski it was unanimously voted to accept for review and possible action on App. #17-23.

Richard Schultz: The applicant is here.

Brent: Vice President of the development, 200 Leavenworth.

We are proposing two units. We are adding additional cases on the insides of the supermarkets. This store is not accommodating that so we are renovating it to accommodate the new age if you will. The kitchen is going to be larger so additional perishable goods are going to be needed to be stored; 12'x25' for two units.

Richard Schultz: They are doing the interior work – different stages. We met with the Wells family on the detached – to help the tenants including IGA. This is the first step for exterior detached but they have permission to do interior.

Comm. Pogoda: I'm assuming that there's no enlargement.

Brent: They have a brand new look – the ambiance is changed, the isles are much more spacious there's new flooring new ceiling we are just going to put dormers on the front so the presence is going to be --. Basically for yearend sales, this store will increase sales by at least 26% based on the remodel.

Comm. Pogoda: Is that what's happening in Corporate?

Brent: Yes.

Comm. Pogoda: The same size?

Brent: A bit smaller.

Comm. Pogoda: Sometimes all it needs is a little lipstick.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to accept for Modification of Site Plan Approval on App. #17-23.

B.Lane Street Bridge Replacement Project: Scenic Road Evaluation

Richard Schultz: The staff gave you a staff report. (Reading December 6th report).

The bridge is 1940; as you all know we have to replace our bridges. That's a good thing. It needs to be done with sensitivity.

Comm. Kelly: You said something about gravel.

Comm. Pogoda: The road there right now is gravel. It's an emergency exit for fire apparatus. It's used for emergency purposes.

Comm. Widomski: Both gates are going to be --?

Comm. Pogoda: Yes.

On a motion made by Comm. Miller, seconded by Comm. Tickey it was unanimously voted to accept Lane Street Bridge Replacement Project, Scenic Road Evaluation.

Roll Call Vote: passes unanimously

VII. Public Portion

Comm. Pogoda: Anyone in the audience wishing to address the Commission on any items not on the agenda?

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

VIII. Other Business

A.Approval of Minutes: 10/10/17, 11/14/17 and 11/29/17

Richard Schultz: We have a good system and a couple extra pair of eyes with Ginny, Jimmy and myself.

On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to approve Minutes dated 10/10/17, 11/14/17 and 11/29/17.

B.Payment of Bills

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

C.69 Pearmain Estates Subdivision: request for extension to file record map

Richard Schultz: Mr. Schaible is asking for a 90-day extension.

On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to accept a 90-day extension pertaining to 69 Pearmain Estates Subdivision.

D.Staff Report

Richard Schultz: Good news, 25 Elm Street, they have withdrawn. His attorney sent a letter and I forwarded it to the Commission. That Stairwell is going to be removed.

333 River Road the roof over the open gazebo. Corporation Council determined that it could be done. I rejected that because I said it was an expansion of nonconforming structure. The applicant was made aware of that. He is withdrawing his application. That's the restaurant on

the River Road. The main structure they replaced the roof– then the gazebo which was open, they were putting a roof on it. I stopped it. He challenged it and Corporation Council says there is case law that allows it. I called the neighbors to let them know. They were disappointed but we will continue to watch it.

Richard Schultz: The official position of the Commission was that it was not a permitted use so we would have to establish it. They can't have these old-fashioned definitions. I spoke to the lead agent, so it has to come from the Commission. I am going to have you authorize me to send a letter. Downtown Subcommittee, we had a good meeting last Friday. The Board of Aldermen approved the funding for Jason Williams he is now moving ahead. Emphasis on the Conti Building first because we have a lot of things we want him to do and Dominick Thomas was willing to say that he is into it. He has invested \$60,000.00 so he said and he is willing to put that same amount – we have the sidewalk issue, we have the loading docks in the back, we have that catwalk and of course we have that appendage on Center Street.

Comm. Tickey: It's not the first time we had that --.

Richard Schultz: Jason was going to do architectural rendering and Jason is not going to show the appendage.

As for the Zoning Enforcement Elm Street, as I indicated, they agreed to remove the structure. 55 Wabuda we have a major fill problem in conjunction to an in ground pool and it just – no fence – the engineer that did the design did have a 2 – 1 slope – so he is looking into it. We are on top of that because that impacts the neighbors every time it rains.

Comm. Pogoda: Rick, I have a question on the Elm Street. Did you give him a time for that?

Richard Schultz: Yes, usually 30 days and we could extend to 60 especially if we get a lot of snow.

Comm. Pogoda: If he starts it, let's get it going.

Richard Schultz: So you want to work to commence.

Comm. Pogoda: 30 days.

Richard Schultz: He still has to take out a demolition permit.

Comm. Pogoda: Okay, he still has a lot of stuff to do.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to authorize Richard Schultz to send a letter to liquor control Commission to get some things ironed out regarding definitions.

Richard Schultz: Planning matters, we did our update. State Conservation Development is in the process and the 4th regional plan was been adopted by the Regional Plan Association. We have that available in our office. These are all local, regional and state planning documents.

special meetings for December. We meet next Wednesday, December 27 to continue the hearing regarding the UI site. We are expecting to get the police department's report and I will forward that back to you. The Fire Marshal's report, I usually send that out. Attorney Klein was pretty upset. I don't want you to think that that was the main reason.

Comm. Pogoda: No, I understand. Just to me, if they are stipulating 50 people and 14 parking places, let's just say 50 people come in 50 cars.

Comm. Kelly: How about the staff inside?

Comm. Pogoda: You have staff, you have the performers, supposedly whoever is going to be performing or whatever.

Comm. Kelly: As far as I'm concerned, the Application should have been disapproved because it was filled out falsely with the footage.

Comm. Widomski: In the Fire Marshal's report, was that based on the square footage on that?

Comm. Kelly: Yes. He had 16 at the bar and 18 or so bar stools.

Comm. Widomski: Then you are going to have couches and chairs in the lounge area.

Richard Schultz: Our permits are pretty neck to neck with last year. Last year 51 were issued; we are up to 46.

Comm. Pogoda: Pretty much it's all A.J. I think, right?

Richard Schultz: Well, you have East Village. They are going for \$600 - \$650,000.00. They are not huge, they are custom; very nice houses.

IX. Adjournment

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to adjourn the meeting at 8:51PM.

Respectfully submitted,

Sandra Wasilewski

Sandra Wasilewski, Recording Secretary

