

The Shelton Planning & Zoning Commission held a Regular Meeting on December 13, 2005 at 7:00 P.M. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Jason Perillo
Comm. Leon Sylvester
Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Diana Barry, Clerk

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website.

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

Election of Officers

On a motion made by Virginia Harger seconded by Jason Perillo it was unanimously voted to elect Alan Cribbins as Chairman, Anthony Pogoda as Vice Chairman and Daniel Oraziotti as Secretary.

Chairman's Creation of and Appointment to Sub-committees

Chairman Cribbins stated we have a lot of work to do over the next few month. We have some plans that are important to us. I would like to have a sub-committee to do some updates to the PDD's. Anthony Pogoda and I will serve on that sub-committee. We will also have one for the revitalization of the downtown area. Jason Perillo has agreed to serve on that. In our case you can't have more then 4 Commissioners meeting at one time then it is considered a forum. Each Committee will have a maximum of three people from the Planning & Zoning Commission. Comm. Harger offered to serve along with Jason Perillo on the revitalization committee.

Comm. Sylvester stated since you have appointed Committees and I was unaware those were available and appointments were made. I would ask as a member of the minority party that I am made of aware of the times and places where these subcommittees will meet so that I may. I am still reviewing because we haven't had a chance to talk to half of the Commissioners who are absent, so I will still accept appointments and if you would like to volunteer, stated Chairman Cribbins. I didn't know there were any committees so how can I volunteer, stated Comm. Sylvester.

PUBLIC PORTION

Chairman Cribbins asked if there was any one wishing to address the Commission concerning any item that is not on the agenda.

Edward F. Ostrowski, Jr., 82 Rocky Rest Road, addressed the Commission.

He continued to read from the letter attached.

Chairman Cribbins asked Richard Schultz if he had seen this? The resident is forewarning the Commission, the City Engineer has decided to issue a driveway permit and has endorsed the site plan, stated Richard Schultz. As the Commission is aware there are 4 steps, Engineering, Wetlands, Zoning and the Building Department. Step 1 has been satisfied. Mr. Kulacz has received the letters and his position is still the same. He believes the parcel has legitimate frontage on the road. By ordinance you need 20 feet. Tony (Anthony) Panico had reviewed the property many months ago. It is the City Engineer's position that enforces that particular part of that ordinance. It is currently pending before Inland Wetlands. This gentlemen is saying that when it comes before your Commission, Staff will not sign off on this, you will be in a position to reject it or approve it. He is forewarning you because as far as I know there are no Wetland concerns. Mr. Cook will make that determination but this is not on tonight's agenda. Feel free to stop by the department and we will give you the background on it.

Joan Flannery, 8 Partridge Lane, addressed the Commission.

She continued by reading from the attached letter.

Irving Steiner addressed the Commission. Mrs. Harger welcome to the Commission. It is wonderful to see a fresh face and the new ideas.

Tonight I am standing before this evening either to apologize or to be apologized to you for what Chairman Cribbins and Comm. Perillo call inaccuracy in the WER1 report card. Regarding the charge by Chairman Cribbins I will ask for his apology on the matter. The City's own minutes, which are on this hand out (see attached) on the Tall Farm decision clearly shows that Chairman Cribbins was absent for that decision. So the original report card stands as such. Chairman Cribbins do you have anything to say, questioned Irving Steiner? No I don't answered Chairman Cribbins. I would appreciate an apology, stated Irving Steiner. Chairman Cribbins asked Richard Schultz to get the minutes. It is something you need right now, I wasn't prepared for this, answered Richard Schultz. It is on the back of the report card and it is time stamped stated Irving Steiner. You may continue, stated Chairman Cribbins. It appears Chairman Cribbins that you entertain no apology or immediate response to my remarks, if not then you at least teach me this evening that it is I who must improve on my attendance record otherwise my absence seems to increase your courage to make total faceless criticism of my character and you can not respond, stated Irving Steiner. We discussed the facts of your own minutes. There was a temporary Chairman, you were not present. I am rather surprised sir that you being the Chairman of this Commission do not avail yourself of the file right here in this office to confirm that my report card is correct, he added.

Well I am looking at the file sir, I am looking at the official document for the City dated June 24, the Shelton Planning & Zoning on their Special Meeting, June 22 voted unanimously to deny Planning & Zoning Application # 05-04 the SDA zone and Chappaqua Capital Corp. I have the decision that upon completion further of all the resolution it was on a roll call vote, Commissioner Papale, Pogoda, Oraziotti, MCGovern, Lopera and Cribbins voted in favor of the decision to deny. No one was in opposition. This is the official record of the City, stated Chairman Cribbins. These are dated Thursday, June 24, 2004. That was the major application for that particular property. That is what I am looking at the official record.

Look I don't want to get into a debate with you about rather or not there was a particular meeting. There were a number of meetings on the Tall property, stated Chairman Cribbins. We had a number. This is the official record of us denying the application for that resolution, he added. It is right here. If you want us to waste some more time, and research this so we can get the actual minutes out for you, we can do that too.

I will take a few moments, stated Irving Steiner. That hand out was incorrect, I am sorry. Here is the one, the Shelton Planning & Zoning made a decision on May 26th, Sir, stated Irving Steiner. There have been a number of decisions on this property, stated Chairman Cribbins.

Was my document incorrect, questioned Irving Steiner? This official document that talks about the denial for the Chappaqua Capital Corp for their resolution, I have it here in my hand, it is the official document, stated Chairman Cribbins. This was filed in the City Clerk's Office, Sir, you should get your documentation (inaudible), stated Irving Steiner.

There were a number of actions that were taken on that particular site, there were more than one, stated Chairman Cribbins. That is right, but you impugned the one that was correct and is now on the back of the report card, stated Irving Steiner. I will tell you that I am looking at it right here, stated Chairman Cribbins. I see so that is your version, stated Irving Steiner. That came right from the City Clerk, got the copy for that day and that meeting and you were not present. Now you are saying that there was another application. Well Sir I agree with you that there was another application but on the basis that there was some confusion there you still made an outright remark and impugned my integrity, he added.

Is the copy that you now have, that I just gave you, is that correct, that particular document, that also shows it was denied and you were not present. Now if you are going to deny your own paperwork, stated Irving Steiner.

On a special meeting on May 26th, 2005 this document shows that I was not present, stated Chairman Cribbins. The day that we voted, which happens to be the year before, on the other application for that particular item, the development of 168 units two story elderly residential condominiums, I was present and voted. Now I know that you put this together to make us look as bad as possible. It is interesting that you picked the particular things that you did, there were many, many, many other votes that you could have picked and put in your planning report card. I don't understand why don't have them all in there. If you are picking on absenteeism I don't know why you don't list them because you will see that over the course of the past 14 years, I have excellent representation at this particular table with very few absents.

If you are trying to say to me what ever it is on the Tall Farm everyone knew I was against, I voted against it on numerous meetings and also I have received from the residents of Asbury Ridge letters, copies of letters that I can show you, of them thanking me for backing them by not putting in the Tall Farm, stated Chairman Cribbins. So everyone.

Sir, is the document, stated Irving Steiner? Here is the document on a motion made by Mr. Papale and Danny Oraziotti to deny the Application # 04 and 06 and a roll call vote, I am listed on there, stated Chairman Cribbins. On May 26th, questioned Irving Steiner? June 22, 2004 is the date of the application that was denied for the application on the Tall Farm. What was the number on that application, questioned Irving Steiner? It was 04-05, stated Chairman Cribbins. 04-05 stated Irving Steiner. The application that I am referring to is 04-41, will you pull that minute out, stated Irving Steiner. What I told you was the application on the Tall Farm, I have been against that and voted numerous times against it, that is all I said to you, stated Chairman Cribbins.

No you didn't even say that to me, Sir, stated Irving Steiner. You hung up on me. I also said to you the reason I called you was that you had pulled all these other applications that said that Comm. Perillo was not here, stated Chairman Cribbins.

We are not going to go there yet Sir, I would appreciate it if you would at least remark on this particular application, stated Irving Steiner. You are in enough trouble, stated Chairman Cribbins. I am not in any trouble, stated Irving Steiner. You are in a lot of trouble, stated Chairman Cribbins. I am sorry Sir, stated Irving Steiner. Or you are going to be, stated Chairman Cribbins. That is something that you are going to have to deal with, stated Irving Steiner.

The issue is with the election Committee putting out these documents and going up there to stand before all the people in front of the Third Ward and all the other places that you were to hand out these documents was totally inappropriate, stated Chairman Cribbins.

Why are you drifting, Sir, questioned Irving Steiner? I am not drifting, stated Chairman Cribbins. I am asking about an official document that is on file, stated Irving Steiner. All I am saying to you is on the vote for Chappaqua for the Tall Farm I voted against it, stated Chairman Cribbins. I am not going to say anymore, please continue, I will not get into a debate with you.

No but you are denying that you were absent that I referred to, stated Irving Steiner. Please continue or sit down, stated Chairman Cribbins. I would like to continue, stated Irving Steiner.

WER1 when they decided to create this report card, looked at the number of applications that were all voted on. It was impossible to pick them all out, stated Irving Steiner. We therefore settled on the applications by random to evaluate. If we got all them the sheet would have been a mile long so we elected to pick them out.

Since there was confusion at that time and it was criticized, I went back to my records, I checked City Hall, City Hall gave me this copy and this copy is correct, stated Irving Steiner. You are denying and you are not paying attention to the fact that what I said was true and correct on my report card. O.K. don't admit it but I would like to now get on to Comm. Perillo.

With regard to the charge for Mr. Perillo, in my eyes there are no inaccuracy per say but an area for confusion did exist. By primary dictionary definition the word absent means not present. A secondary meaning implies that absent also means missing. There by implying that the person should have been there but wasn't. To eliminate this and remove further confusion, the words before appointment have been inserted to replace absent, stated Irving Steiner. To further eliminate any sense of demeaning the attendance record of Comm. Perillo, I want to put this on the same page so to speak, so the application numbers originally used to determine the attendance and voting record have been added to the report card column. Many large projects were a series of application numbers and WER1 logically choose the particular application in the series that committed the project. There were 4, 5, 6 and that is where the ambiguity came from, he added. As one could see from the application numbers all but one of the application was applied for in 2003 and shortly thereafter prior to Comm. Perillo appointment. That was a poor choice of words and that was as far as I could find any error to the document. So if you are going to try to challenge a document that was adequate and I dare say that you can't say that you were present at the meeting that voted down Tall Farms, which occurred on that date, he added. You are denying the truth.

Can we go on, questioned Comm. Sylvester? I think we should, stated Chairman Cribbins. I can't let it go without making one more comment. I think that if you are going to come here and represent yourself as being the leader of the WER1 Party, that we the Commissioners, would like to know who are the Board of Directors of the WER1, who are the Officers of WER1, when was the last, in the last 6 months how many formal meetings have you had? We would also like to know who are the participants, so because we would like to address them ourselves. Maybe we will send our own report card. If you can for the next meeting when we have a Public Portion, I would like those answers please, stated Chairman Cribbins.

We are an informal organization, stated Irving Steiner. We don't run on official meetings. We get input from our members, which are 200, 300, 400 people. These inputs guide me and sometime other members on important issue. It is totally informal, he added. If you don't have some formality to your meetings, never mind, I am going to stop there, stated Chairman Cribbins.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to close the Public Portion.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated that there are 21 standards. Staff has reviewed and they are in compliance with the regulations.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards 1-21.

SEPARATES

5728, R.D. SCINTO, INC., 60 PARROTT DRIVE, APARTMENT BUILDING

Richard Schultz stated that this is for the Renaissance. Everything is in order in accordance with the approval, he added.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5728.

5731, NICKIE TTOOLE, 172-176 CORAM AVENUE, BUSINESS

Richard Schultz stated this is 172-176, the three story building across from the Video Place going up the hill. Pat Carey recently rehabbed it. This the first of several occupants. It is an Attorney's Office and they will be occupying the first floor. It is a three level building. They will lease 1750 square feet and require 6 on site parking spaces. If you have not been there go check it out they did a nice job on the parking. This will be one site that has fallen into the regulation that has been in place for years. What regulation is that, questioned Comm. Sylvester? The old buildings from the library all the way up the hill to Hillside for Professional Offices, stated Richard Schultz. I didn't realize that it goes passed Kneen Street, stated Comm. Sylvester. It is one space per each 300 square feet, stated Richard Schultz. It includes the video, asked Comm. Sylvester? That is a commercial zone, this is residential. The commercial is in the video, this side of the street is residential. It is R3, stated Richard Schultz. How about the Knights of Columbus, questioned Comm. Sylvester? That is commercial, it is on the right side, as you go up, stated Richard Schultz. It is only on one side, stated Comm. Sylvester. It has been designated in that zone for the professional offices, stated Richard Schultz. Please check it out the parking was done nice in the back, he added. They did a nice job, stated Comm. Sylvester.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5731.

5687 WARREN PALMENTA, 198 MEADOW STREET, HOME OFFICE

Richard Schultz stated we have a few home offices. This is Leroy Glover's property. Warren Palmenta is renting this. He is a self-employed painting contractor that will be using 25 sq. ft. of the house for an office. He has a truck with no markings. We incorporate no storage on the property. We have a letter from Mr. Glover, he added.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5687.

5693 CHAD ANDREWS, 75 CLIFF STREET, HOME OFFICE

Richard Schultz stated this is for a self-employed carpenter. He will be using 50 square feet. He has a personal vehicle, a passenger car, and once again no storage.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5693.

5694 DONALD BUDDENHAGEN, 23 WHIPPORWILL DRIVE, HOME OFFICE

Richard Schultz stated this is for Donald Buddenhagens property. He wants to create a Real Estate Office. He will use 75 square feet. This is a home office and we will put the standard conditions in the approval.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5694.

5697 PAXTON RIDDLE, 6 CORN HILL ROAD, HOME OFFICE

Richard Schultz stated that this is also for a Real Estate Agent. He will use 100 square feet. Hours of operation are Monday, Thursday, and Friday 8 to 5, part-time. This individual owns a mini-van with no lettering on it.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Separate # 5697.

Anthony Panico stated we have to be careful to watch the signage on those uses. It is interesting to note that we had a neighborhood meeting last week and the contractors are using the snap ons. I meant the signs on the property, stated Anthony Panico.

5696 PUGLIA DOMESTIC, 26 SPORTSMAN DRIVE, HOME OFFICE

Richard Schultz stated that she is a Wine Broker. She will use 100 sq. ft. It is for a wine broker.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5696.

5718 ATCO SIGN & LIGHTING, 15 MATILDA LANE, HOME OFFICE

Richard Schultz stated that this is for a sign installer and designer. He will use 90 sq.ft. He has one unmarked van. Staff incorporates no material to be stored on the premises.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5718.

5738 MSB CONSTRUCTION, 56 OJIBWA ROAD, HOME OFFICE

Richard Schultz stated that this is for a carpenter, subcontractor. He will use 75 sq. ft. Same restrictions apply here.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5738.

5705 SCHAIBLE REALTY, III, LLC 25 BROOK STREET, BUSINESS

Richard Schultz stated the next two will be occupancy on the second floor. This is a new business that will be occupied by Rotondo Engineering. They are presently at Canal Street. They will use 675 sq. ft. and they have two employees that will use two designated parking spaces.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 5705.

5706 SCHAIBLE REALTY, LLC, 487 HOWE AVENUE, BUSINESS

Richard Schultz stated that this is for a new occupant at the same location. It is for Action International, a business coaching facility. They will occupy 2500 square feet and they are assigned 4 parking spaces. Staff has been monitoring the parking down there and there have been no problems. Staff recommends approval.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5706.

5709 EDWARD ARRIBAS, 90 OLIVER TERRACE, BUSINESS

Richard Schultz stated that this is for a Company, ARCO Control Systems, Inc. They are electrical control systems and build small machines. They will occupy 8000 square feet. It is at the end of Oliver Terrace in the Industrial Zone. They will have 5 employees. They are occupying a portion of the old A & D Molding Co. They are in compliance with zoning. Comm. Sylvester stated I will abstain.

On a motion made by Jason Perillo seconded by Virginia Harger it was voted to approve Separate # 5709. Comm. Sylvester abstained from the vote.

5677 VINCE CUMINOTTO, 90 IVY BROOK ROAD, BUSINESS

Richard Schultz stated that this is for a Data Center at the end of what was recently approved. 200,000 square feet and it complies with the approval by the Commission.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5677.

5727 CHRIS COSTA, 700 BRIDGEPORT AVENUE, BUSINESS

Richard Schultz stated that this is for the second building at Spilt Rock. The first building you approved was Walgreen's. This is the second building identified as building # 3. You are not approving the occupant. There are 3 occupants coming before the Commission. The first floor will have a bank, unknown at this time, as well as a retail occupant, the second floor will be an office. This is consistent with the PDD detailed plans as approved by the Commission. This is for the building only not for the occupant or the signage, he added.

End of Side 1A of 2B, Tape 1 of 2 at 7:55 P.M.**# 5735 SHELTON PARTY WORLD, LLC, CHILDREN'S PARTIES**

Richard Schultz stated that this is for Party World on Howe Avenue by the Route 8 Bridge. It is 527 square feet that will be their Party Room. He read a letter describing what the function will be. The room will be incorporated into the business with the remaining business area being 3,008 square feet.

Hours of operation will Friday 4-7:30, Saturday and Sunday 10-5:30. Hours for the party store these days are Friday 9:30-6 and Saturday 9-5 and Sunday 10-2. Parties are accepted 2 on Friday and 4 maximum on Saturday and Sunday. There will be half an hour in between each party for set-up and clean up.

There are approximately 13 parking spaces plus one handicapped, stated Richard Schultz. The current rate of customers are 3 customers max per hour. The zoning regulations require 20 parking spaces for a building that size and an additional 4 spaces for the party room. Net total of 24 and they have 14, stated Richard Schultz. There is on-site parking there, stated Chairman Cribbins.

It is the pleasure of the Commission because it has non-conformities built in. I wanted to share with you that the City picked up the parcel right down the road, the 6 family dwelling where the southbound ramp will go in. We are meeting with the Parking Authority to see if that parking lot can be improved to accommodate businesses, stated Richard Schultz.

This is the type of business that we want to see downtown, stated Comm. Perillo. When a company is doing well we should support it. Chairman Cribbins stated we are not adding anything. If they had additional parking staff would feel better.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 5735.**# 5699 LYMAN WELLS, LONG HILL AVENUE & LAURELWOOD DRIVE, TEMP. SIGNS**

Richard Schultz stated that this done every year. This is temporary signs for selling the trees. It is in the right of way and some of the neighbors were upset, years ago. We haven't received any calls.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5699.**# 5612 ATCO SIGN & LIGHTING CO., 515 BRIDGEPORT AVENUE, SIGN**

Richard Schultz stated that the Commission had approved the occupancy of Zut's Dry Cleaning in the old Anson Reel Building. This is the proposal on the wall sign. He continued by reading a letter from the owner of the facility. The new tenant is concerned with the limitations that the City might impose on them and preclude them from creating their photo-typical Zut's signage.

Zut's brand is important to them and every sign but Cingular has the similar colors. The owner does support Zut's efforts.

Comm. Harger questioned where this is? Is it where the bridal place was? Yes answered Richard Schultz. They are all purple, stated Chairman Cribbins. The Commission regulates banners. We will take that up at a later date, stated Richard Schultz.

The color doesn't effect me but the problem is Zut's everything is purple. It is problematic for us that when Corporations or Companies take on a descriptive color then they come to occupy a facility here in Shelton. We try to regulate them to change their corporate logo. I don't have a problem with it but we need to take into consideration what happens when someone else comes to do this in whatever color it is, stated Comm. Sylvester. I think I have been clear with signs because we are not specific. When a corporation picks a color. The color is outrageous and catches your eyes, he added. Years ago when McDonald's first came out the arches caught your eye. They have gotten rid of them now though, stated Anthony Panico.

I have no problem with it and I will make a motion to approve. Just keep that in mind when someone else comes along. Anthony Panico stated we can leave it up to the owner because they can have more of the control. Many of us have seen strips and the signage should be consistent instead of the hodge-podge that doesn't create the same results.

On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5612.

5734 VASSOS EFFESS, 503 HOWE AVENUE, REPLACEMENT SIGN

Richard Schultz stated that this is Tony Dellamonica's store on Howe Avenue and White Street. This is a replacement for Vaz's Pizza. This is a new business, questioned Comm. Sylvester? New York Style stated Richard Schultz.

What are we doing on phone numbers asked Comm. Perillo? We have asked the applicants to refrain from putting them on signs, answered Richard Schultz.

On a motion made by Leon Sylvester seconded by Virginia Harger it was voted, 2 Commissioners voted I to approve and 2 Commissioners voted against Separate # 5734.

I too am concerned with the phone numbers stated Comm. Harger. I am very against it and I have hard time going forward with it in regard to the phone numbers, stated Comm. Perillo. Chairman Cribbins took a vote with Comm. Sylvester stating I to approve along with Chairman Cribbins. Chairman Cribbins then asked if anyone was against this and Comm. Perillo and Comm. Harger then voted I against this. Chairman Cribbins asked for another vote if Staff works with them in regard to a phone number. Comm. Perillo stated I will move that and Comm. Harger seconded it.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Separate # 5734 with the condition the applicant work with Staff in regard to the phone number.

SEDIMENT AND EROSION CONTROL CERTIFICATION, 25 AND 40 SURREY DRIVE

Richard Schultz stated this is a two parcel area off of Surrey Drive. Back in the 80's the Commission authorized the keeping of livestock, in particular horses. It really became a horse farm. There is steep topography.

Our Commission, last November amended the regulations to require 200,000 square feet when you come with the multiple livestock especially horses. I can honestly say that regulation is the result of this issue and others in town.

You have an ongoing issue with sediment erosion control, surface water run off and manure storage and even the urine. We all know what horses do and how it will impact the down gradient.

The slopes on the backside of this property are very steep. The owner was given authorization to clear cut trees for the bridal paths. So there has been this ongoing improvement of the property and I can attest that there have been impacts to several of the properties that abut this, stated Richard Schultz.

I have been back 9 years, this has been before me for all of those 9 years. The Staff and the Commission have done a variety of things but this is a final Engineered plan that will address this, as long as it is maintained. When you have steep slopes you have to maintain what is going on there. The regulations give the Staff and the Commission rights to mandate this professional Engineered plans for the subject property. That is what we have done, stated Richard Schultz. We would have taken the property owner to Court if he decided to fight it and he choose not to. Mr. O'Bymachow took on the work and I have his letter as well as the City Engineer's letter. Mr. Widomski is also here, he added.

So this was an involved thing, things fell short and this is what should have been done from the get go but the Commission didn't know that they would have these complications, stated Richard Schultz. Our regulations have been amended, he added and then read the letter from Mr. O'Bymachow. (see attached)

Richard Schultz read the City Engineer's letter who endorses Mr. O'Bymachow's plans.

In our resolution did we put a time frame in here, stated Chairman Cribbins. Obviously that was a concern that Mr. Widomski had. With the snow you can't do anything now, stated Chairman Cribbins. We don't want anything touched now, stated Richard Schultz. That will worsen it. We have a design that most of us have a comfort with. Let's give this a shot and if it doesn't work the neighbors will come back to me but this is a start, he added. This is something we don't normally do.

How many man hours are involved in a solution like this, questioned Chairman Cribbins? It is not thousands, answered Richard Schultz. There are key areas that will be improving and we have a plan that they have to follow. If there are any modifications then they will have to come back here so that the City Engineer can review that. The time has come where by the Commission has to acknowledge that an engineered sediment erosion control plan has been provided and Staff is of the opinion that is worthy of acceptance, he added.

Would you think it will be the first of May or something like that, questioned Chairman Cribbins? If we have a long winter, which we can, you will have snow right through to early March, April gets muddy and clearly we don't want them in disturbing it when its premature, stated Richard Schultz. The date on the resolution, then, questioned Chairman Cribbins?

I would recommend that before you put a date, that you leave that up to Staff to take a look a the ground and decide as to rather to work with all parties, stated Comm. Sylvester. ASAP but not until the Staff is comfortable.

I would like to advise the Commission that if they refuse to implement this they would be violating the Certificate of Erosion Control, we then would have to revoke that and take appropriate action. The Commission authorized Staff to take legal action. Corporation Counsel is holding up until this gets approves, stated Richard Schultz. You are accepting this.

That is why I think Joe's (Chairman Cribbins) comments are important to set a time line rather than just say we approve it and then let the person who has to carry it say, I will get too it, I will get too it. Then again you can't start to early, stated Chairman Cribbins. You can't start early stated both Comm. Sylvester and Richard Schultz. This is a volatile area. The start point has to be at the Staff's discretion and the completion date, you put something Rick, like 60 days after, stated Chairman Cribbins. That is too much time actually, 30 days, stated Richard Schultz. The intent is to get this resolved this has been going on too long.

Anthony Panico questioned Staff will determine when this should be resolved? The start date? What we need to decide is the completion in 30 days after authorization of Staff to proceed or June 1st, whatever comes later, stated Anthony Panico. If Staff is able to authorize that on April 15th he has a month and half to do that. If Staff can't authorize that until May 15th then he has a minimum of 30 days.

Richard Widomski, 49 Christine Drive, addressed the Commission.

I have a number of questions (see attached). I feel the same way that you do Chairman Cribbins, I have questions for the Engineer and he is not here. Let me give you my background I am not a professional engineer but I have an electrical Engineering background. I have read the plans but a Civil Engineer I am not. He went over his questions.

Chairman Cribbins stated Richard you should feel comfort because the City Engineer has looked over this Civil Engineer's plans. He wasn't there though, stated Richard Widomski. He wasn't on the site. There is a grade change based on his grade and this could be 14 feet of fill or no fill, he added. Is this additional work that has been done that has to be done? I can't get the answer to that because no one is here now. I don't know that the City Engineer has been to the site because he is not here now.

I have a suggestion why don't we have a pre-construction meeting with all parties, stated Richard Schultz. If the neighbors are not ready we won't have this project go. We have been working on this along time. Lets get it right. We will put that in as a condition.

Richard Widomski stated I would like to submit topographical drawings that show that he has gone 200 feet this way. This gives you an idea of how much filling he has done since 1987. He has had two Cease and Desist Orders and nothing has happened to him. So my question to you is does Staff want to look at restoration mediation back to the point where he started illegal filling where it would make the most sense to do this plan. This really is an after the fact plan. He went ex-amount of years ignoring Cease and Desist Orders, I don't blame the man for not stopping, no one stopped him. He kept filling in, filling in and filling in. My thought is to take this print, the new one, to see how much filling has gone on. Then go on the record to see what type of permits were taken out. Then you will find out what we have been running into.

The horses are not a problem, they may even increase the value of our property, if it is done correctly, stated Richard Widomski. Don't forget he will have the patterns in this area and if he doesn't regulate this area the urine will come right into our property. That is a Health Department issue, stated Richard Schultz. They have been out here numerous times, stated Richard Widomski. I must say that in the past years he has done a good job. The smell is down and we were here long before his horses. There where actions taken in the 80's that the neighbors didn't agree with and they still carry on today.

This is almost out of control and I have to commend Rick for sticking with this over the last year. I think this should be tabled to find out what he really is going to do. This has been going on for years and you expect that he will do this in 90 days or 30 days, I really don't know.

We are against the horses being in this location. We are the down side. I have been here for years and finally consider myself a Sheltonite. We are on the backside of the barn. The 5 acres that were there are going pretty fast. I am asking you to take a ride out there. I will show you what has been taking place. Maybe then you can come to some sort of resolution for the both of us, stated Richard Widomski.

The regulations give the Commission the requirement of the applicant submitting progress reports. I am of the opinion that this plan is worthy of going ahead. There are enough checks and balances and we will have a pre-construction meeting. They can't do any work until the Spring time, stated Richard Schultz.

So you have enough time to have your meeting and iron out what needs to be done, stated Chairman Cribbins.

The Commission shall either approve the issuance of Sediment Erosion Control Certificate or reject it, stated Richard Schultz. I am suggesting that you issue it with those conditions we talked about and work very carefully. You will get progress reports to make sure this thing is working. Remember we can stop it anytime and pursue the Order, he added.

In this area where he plans to put the spreaders there are trees in here, stated Richard Widomski. That is why I am asking you to look at this and he might be doing more damage. There may be a natural buffer there now with what is there now. If you give him approval now he may just start tearing things down. It is at the discretion of the Staff and we will work on this. The Commission is not knowledgeable to go there and say save that tree. They will work with Staff, stated Richard Schultz. We will have the pre-construction meeting and you can attend this.

This will not start until the Board and you give approval, stated Richard Widomski. I don't want to see this started without anyone looking at. If you read the history, he added. I can't have this going in the wrong direction, stated Richard Schultz.

That is essentially what this Board has said. That the start date is at the discretion of Staff and then to be completed expeditiously once it gets started. It won't start unless there is a comfort level by all parties, stated Richard Schultz. The start date is due to suitable weather, stated Anthony Panico. I implore you to read all that information, stated Richard Widomski. It has been a weekend job, he added.

Chairman Cribbins stated that we are all in agreement that a Sediment and Erosion Control Plan should be in place and executed. The plan within the next months might be modified depending upon your meeting. The start date will be established at the discretion of the Staff with a timely finish date. I am at a comfort level enough to say lets move ahead with this.

Something has to be done stated Richard Widomski. I am not happy with the Engineer. I have talked to the State. I have questions on the plan and I don't want to alienate my neighbor.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve the Sediment and Erosion Control Certificate on 25 and 40 Surrey Drive with conditions and requirements as set forth by both Staff and the Commission.

APPLICATION # 05-44 DOMINICK THOMAS ON BEHALF OF C & D CART ENTERPRISES FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: MOTOR VEHICLE SERVICE/MIX USE FACILITY) RIVER ROAD (MAP 66, LOTS 1 AND 2) CA-2 DISTRICT (PUBLIC HEARING CLOSED ON 9/27/2005)

Anthony Panico read the attached Staff Report and Decision. We will continue to work the applicant.

On a motion made by Jason Perillo seconded by Leon Sylvester it was voted to approve Application # 05-44. Comm. Harger did not vote as she was not seated at the time of the hearings.

What we were concerned about is what happened down the street. We put in the shop across from DiMauro's and we see the cars all over the place there. There is about 7 acres there, stated Chairman Cribbins. There is vacant property on both sides of this property, stated Anthony Panico. We want to be careful with that and set a precedence with this property. We can work with the applicant, stated Chairman Cribbins.

End of Side 1B of 2B, Tape 1 of 2 at 8:45 P.M.

Anthony Panico showed a picture of the brick. I haven't had the opportunity to look at what had just been put on the table.

Comm. Perillo stated I am not thrilled about the use but clarify for me once again it is Corporation Counsels position what? Richard Schultz stated that if we took this to Court it is ambiguous that it is permitted and redefine it. Anthony Panico stated an applicant can come along to put a couple of pumps there in an extreme. That is really not what he wants to do and we don't want him to do that.

Comm. Harger stated that I was not here at the time of the Public Hearing. The motion passed.

When I looked at this I wondered if this was the only way to put this, stated Comm. Harger. Anthony Panico stated the property is relatively small and we have to respect the set backs. That was the first thing that Staff thought about was rotating the building on the property.

APPLICATION # 05-47, ONE MOUNTAIN VIEW ASSOCS. FOR TEMPORARY SPECIAL EXCEPTION (EARTH REMOVAL) ONE MOUNTAIN VIEW DRIVE (MAP 65, LOT 12) PUBLIC HEARING CLOSED ON 9/27/2005 – DISCUSSION AND ACTION

Richard Schultz stated these are the plans that reflect Staff's comments. This is the access that goes up to the medical building. The site has been graded and it is all level. It was rough and that has been addressed. The application is to prepare the site. They are looking at the temporary special exception to get some grading done. This goes up to Four Winds. The trees will be protected, stated Richard Schultz.

Anthony Panico stated the concern of Staff was the interface of grading between the two properties was a proper one. Obviously there is some crossing in between the lines. The applicant here is aware and the Engineer referenced it is an unbalanced operation. There should not be any material leaving the site and there is no processing to be done on site. We are satisfied with those representations. We have no major stipulations but to reflect the grading has to be coordinated with the adjacent property. Time limits should be reflected with no job like this starting now. There should be no site disturbance now and excavation activities to begin before April 1st.

Comm. Perillo questioned if it is the assumption that there is no ledge or rock here reasonably given the experience of the neighboring development? There will be blasting, stated Richard Schultz. What does he plan to do with the blasted material, questioned Anthony Panico? He will bury it just like the site next to it, stated Richard Schultz.

They would like to clear cut the trees but Staff is saying no earth removal until April 1st. We don't want to get into sediment erosion control, stated Richard Schultz.

We would expect that they will be some surveying work. The nature of the blasted material depends on the style of blasting, stated Anthony Panico. If the blasted material comes off in little chunks (inaudible).

Richard Schultz read the City Engineer's report endorsing this Application.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Application # 05-47.

APPLICATION # 05-66, DOMINICK THOMAS FOR SITE PLAN APPROVAL (RETAIL COMMERCIAL CENTER) RIVER ROAD (MAP 66, LOT 1) CA-2 DISTRICT

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Application # 05-66.

Attorney Dominick Thomas addressed the Commission. I have a request of the Commission to allow Staff, this property is adjacent to Cart Enterprises property that you approved this evening. The site work on these two parcels blend together.

The site will begin on the other property and we are requesting the site be coordinated between the two properties. We will be having meetings in regard to the site work. As we are going through this process we are asking Staff to coordinate the site work on both properties, stated Attorney Thomas.

I would be comfortable with that as long as there was a bond in place and an understanding if anything fell through that the site would be restored, stated Chairman Cribbins.

I think that can wait until our next meeting, stated Anthony Panico. Give Staff the opportunity to examine the site plan, at least preliminarily, he added. We can make a recommendation to the Staff at that time.

APPLICATION # 05-67 RGR SHELTON, LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS (CRESCENT VILLAGE CONDOMINIUMS, PHASE II) 745 RIVER ROAD (MAP 21, LOT 48) – ACCEPT, DISCUSSION AND POSSIBLE ACTION

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve Application # 05-67.

Staff has been working with the applicant in regard to Phase 2. Staff is pleased with the result and the final product that you see now is an improvement over Phase 1. It is sensitive to the ground conditions. It results in some significant benefits. The modifications in Phase 2 shaded in gray show grass grown that are stable. The reorganization shows the interior open space has grown somewhat and is better integrated. It functions well even in the recreation area, stated Anthony Panico.

As far as impacts along River Road, the result of pulling the road away from the slopes there is a row of building that has dropped and the grades are lower. There were extensive retaining walls along here but you won't have that massive appearance driving down River Road.

The Open Space that perimeters the site is being preserved. There is no increase in the number of units being proposed and there is no reduction in the number of parking spaces. What has happened is the circulation route along the edge was then routed into the Open Space. The circulation comes along this side and minimizes the grading, stated Anthony Panico.

Staff is please with the modifications and adjustment. We can recommend approval, stated Anthony Panico.

There are no changes to the number, questioned Chairman Cribbins? No changes in the numbers, answered Anthony Panico.

We can take Staffs recommendation and we can approve this, stated Chairman Cribbins. What is the change in the mix from the townhouse to the ranch, questioned Comm. Perillo? There was a reduction in the townhouse and expansion in the flats, stated Anthony Panico.

Comm. Sylvester stated they did just the opposite down the street. I certainly respect Tony and Rick's opinion. If they are telling us it is a better plan or a better configuration, therefore, based on that I recommend approval. It is one more thing to get off the docket before the end of the year, he added.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to approve Application # 05-67.

APPROVAL OF MINUTES, 10/11/05, 10/25/05, 11/9/05 AND 11/30/05

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve the minutes of 10/11,10/25, 11/9 and 11/30.

8-24 REFERRAL: ACQUISITION OF UI PROPERTY ON BUDDINGTON ROAD

Richard Schultz stated this is the UI property on Buddington road. The City Engineer endorses. The request originated from the Board of Aldermen. We have decided to purchase this property and there was discussion if the developer should have done this. We will end up with more Open Space. Conservation is concerned with preserving this land. They want to maintain its natural beauty. There was a lot of discussion, stated Richard Schultz.

Chairman Cribbins stated it is in the City's best interest to pick this piece of property up. It is my opinion if no one was going to buy it give the Open Space back to the City. They have discussed this and they want our recommendation.

They are awaiting an 8-24 Referral from you, stated Richard Schultz.

It is at the Board of Aldermen's discretion and it was on the Conservation's high hit list for purchasing this, stated Chairman Cribbins.

I am always in favor of buying Open Space, stated Comm. Sylvester. I have never, I am often not in concert with the Conservations recommendations or lack of them on certain pieces of property but that doesn't apply here. I won't say that the property is not desirable because I have had that on other occasions. This works, he added. It increases the value of our Community.

On a motion made by Leon Sylvester seconded by Virginia Harger it was unanimously voted to report favorably on the 8-24 Referral: acquisition of UI property on Buddington Road.

Conservation had their heart set on this particular strip versus the alternative. From my vantage point I don't see what the benefit was and this is where we are, stated Comm. Perillo. We had a review of this thing and it looked very good, stated Chairman Cribbins. There are road improvements that are involved in this, stated Anthony Panico. We, the Planning & Zoning Commission, had no follow-up conversation, he added.

There are several conversations all going on at the same time.

Chairman Cribbins stated the conversations are if we should buy it or not, or should we obtain it or not? We are in favor of the City coming into the title, stated Anthony Panico. The 8-24 doesn't say review these option and base your opinion on the best option for the City, stated Chairman Cribbins. The 8-24 is for the acquisition of the property, stated Anthony Panico. The City has sent this notice to the State, stated Richard Schultz. This is property that should be acquired, stated Comm. Perillo. We are not talking about how we do it, stated Comm. Sylvester. We are talking about is the property valuable to the City, he added. We can send a message that this was confusing to us and if someone was interested in our opinion as to rather or not to purchase this they should have given us options also. If the Aldermen from the First Ward would carry that message, stated Chairman Cribbins.

8-24 REFERRAL: WATERMAIN EXTENSION FOR PORTION OF BROCC TERRACE

Richard Schultz read from the City Engineer's letter who endorses this 8-24 Referral. This is a good thing for them, stated Chairman Cribbins.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to report favorably on the 8-24 Referral: water main extension for a portion of Brocc Terrace.**8-24 REFERRAL: CONVEYANCE OF EASEMENT TO THE STATE OF CT. ON SHELTON AVENUE FOR ENCLAVE AT HUNTINGTON WOODS SUBDIVISION**

Richard Schultz stated that this the Maler Avenue extension that comes out by Aspetuck.

The State has to do its job. That is Maler Avenue coming out to Route 108 and the appropriate easements have to be given to the State. The developer can change the name multiple times. The light has been received and the guardrail has been removed. The signal has been approved, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to report favorably on the 8-24 Referral: conveyance of easement to the State of CT. on Shelton Avenue for Enclave at Huntington Woods Subdivision.

STELLA ESTATES SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND

Richard Schultz read the City Engineer's letter. This is Oak Avenue off Knells Rock Road. Oak Valley Road, stated Richard Schultz. There was a fire in one of the homes there. The City Engineer endorses this.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve the request for release of the Performance Bond.

BERKSHIRE COMMONS: REQUEST FOR EXTENSION TO FULFILL CONDITIONS OF APPROVAL

Richard Schultz stated that the Commission approved Jonathan Zuckerman's 4-unit condominium on Murphy's Lane. One of the requirements is the submission of approval from the Stratford Water Authority by January 2006. Due to circumstances beyond my control I request a 6-month extension, wrote Mr. Zuckerman. There is a new inter-City agreement that we are waiting for.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve the request for an extension to fulfill conditions of approval on Berkshire Commons.

2006 MEETING SCHEDULE

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve the 2006 Meeting Schedule.

Comm. Sylvester questioned the meeting date for the January meeting? I will be returning from out of the country on that day, stated Comm. Sylvester. I have obviously been the topic of the report card and I have comments. I will make those comments in regard to what a report card is and what the requirements are and the rights of someone who has been graded on the report card and the right to respond. It is interesting that they took on the topic of a report card that obviously was a part of my life for 40 years. I am offended and upset that I was shown in such a bad light on a report card that was taken out of context. It reported things without taken into consideration two things, personal life, I have had a very difficult year with my parents, and times when we had meetings when my job didn't allow me to be here, stated Comm. Sylvester. We had a conflict with working and coming to a meeting. Years ago we had with some wisdom, we could not attend, we all lived life's, we worked as volunteers, we petitioned the City in the Charter Revision to bring in alternates so that they could be here to express the concerns of the Board. Not hopefully to sit there as alternates on their own but to continue the work of the Board as we work in unison. I know that my alternate, although, she was given credit for perfect attendance, although she was working on my behalf, and we had some conversations to her effectiveness of her participation. So I think that the report card bares more than if it is adequate is it really a report card or dissatisfaction of personalities. That is where I will stop.

That is where I was going when I asked the question who are the members of your organization, your Board of Directors, of WER1, stated Chairman Cribbins. I think what you will find out is that there are none.

We need to be able to express ourselves to them and in every decision we make there is a resolution there are reasons why and reasons for and against. In all the things we do thousands of decisions we make a year this is an issue. It is personalities, stated Chairman Cribbins. There are a handful of people in the Community that like to jump on the negative side of every issue.

I didn't want to bring this out when someone else was not here, stated Comm. Sylvester. I just would like to express the feeling that there is a part of responsibility for their behavior when they are grading someone on a report card. Comm. Sylvester stated that I would like the record to show if I am not here I am returning from out of Country. I may or may not be here. Comm. Perillo stated I have a paper due but I will drop it off and be here.

PAYMENT OF BILLS

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to pay bills.

INDIAN HILL ESTATES REQUEST FOR BOND REDUCTION

Attorney Dominick Thomas stated that Toll Brothers will do the improvements of the new Wabuda Place. They stretch from Maple Avenue to East Village. There is a cash bond from an old bond. The work is done, stated Richard Schultz. This will be incorporated into the Toll Brothers Bond. We consulted with the City Engineer, stated Attorney Thomas.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to add 3 items to the agenda.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to approve the request for bond reduction on Indian Hill Estates.

8-24 REFERRAL: DISPOSITION OF ACCESS RIGHT OF WAY LOCATED AT THE INTERSECTION OF LONG HILL AVENUE AND LONG HILL CROSS ROADS

Richard Schultz stated that this is on the corner. City Engineer recommends approval. This is access right of way and the abutting property owner wants to buy this. Attorney Thomas stated I represent one of the owners. There are two but I have advised the Aldermen that this was not received from both owners.

End of Side 2A of 2B, tape 2 of 2 at 9:30 P.M.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to report favorably on the 8-24 Referral: disposition of access right of way located at the intersection of Long Hill Avenue and Long Hill Cross Roads.

APPOINTMENT TO VALLEY COUNSEL OF GOVERNMENTS

Richard Schultz stated that Comm. Harger has volunteered and Comm. Perillo will be her alternate.

STAFF REPORT

Richard Schultz stated that you have a copy with the ZBA's agenda. There is a use variance on there for Win Nelson at 740 River Road. When you have a huge variance you get notified. They will be acting on Dr. Montanaro's.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to adjourn at 9:35 P.M.

Respectfully submitted by,