

SHELTON PLANNING AND ZONING COMMISSION MOTIONS

SHELTON PLANNING AND ZONING COMMISSION MEETING HELD

JUNE 13, 2017 AT 7:00 PM. CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484

PZC Commissioners Present:

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

Also Present: Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant
Sandra Wasilewski, recording secretary/stenographer

MOTIONS

On a motion made by Comm. Parkins and seconded by Comm. Matto. It was unanimously voted to accept the letter of resignation.

On a motion made by Comm. Harger and seconded by Comm. Kelly it was unanimously voted to accept the wall sign.

On a motion made by Comm. Harger and seconded by Comm. Kelly. It was unanimously voted to accept the sign - Comm. Harger abstained the motion.

On a motion made by Comm. Tickey and seconded by Comm. Comm. Harger it was unanimously voted to accept business.

On a motion made by Comm. Parkins and seconded by Comm. Kelly it was unanimously voted to accept business.

On a motion made by Comm. Parkins it was unanimously voted to accept the sign regarding #2129, Great Clips, 397 Bridgeport Avenue.

On a motion made by Comm. Tickey and seconded by Comm. Harger it was unanimously voted to table the matter regarding #0040, Jeff Travesse, 469 Howe Avenue 2nd Floor.

On a motion made by Comm. Parkins and seconded by Comm. Harger it was unanimously voted to approve business only for now (not sign), regarding #2122, Michael Yachymiczki, 415 Howe Avenue.

On a motion made by Comm. Parkins to approve Application #0040, Jeff Travesse, 469 Howe Avenue, 2nd floor, for the business only and seconded by Comm. Harger it was unanimously voted to approve business only.

On a motion made by Comm. Parkins to approve Application #2065, Joseph Perna, Enterprise Towers, and seconded by Comm. Kelly it was unanimously voted to approve temporary signs.

On a motion made by Comm. Parkins on Application #2120, John Paoletti, 405 Bridgeport Avenue and seconded by Comm. Kelly it was unanimously voted to accept the approval for a bigger 2017 sign.

On a motion made by Comm. Parkins, regarding Application 2108, Arnco Sign, 704 Bridgeport Avenue, and seconded by Comm. Tickey it was unanimously voted to accept the sign.

On a motion made by Comm. Parkins regarding Application #2106, Donald Solostri, 350 Bridgeport Avenue for a sign, it was unanimously voted to accept the sign.

On a motion made by Comm. Parkins regarding Application #2109, Signlight, Inc., 389 Bridgeport Avenue, and seconded by Comm. Harger it was unanimously voted to accept the sign.

On a motion made by Comm. Parkins to table 2051 and 2052 for two weeks was unanimously voted and accepted.

On a motion made by Comm. Perkins, regarding Application #2096, and seconded by Comm. Harger it was unanimously voted to accept for business.

On a motion made by Comm. Parkins to table the motion, it was unanimously voted for approval of Application #16-23.

On a motion made by Comm. Parkins and seconded by Comm. Tickey it was unanimously voted to accept the letter of extension regarding Application #17-2.

On a motion made by Comm. Parkins to move with no further discussion was unanimously voted to approve for the development plan regarding Application #17-05.

On a motion to add on #17-10 made by Comm. Parkins was unanimously voted to approve.

On a motion to accept the application #17-09 was unanimously voted and approved.

On a motion made by Comm. Pogoda to accept Application #17-09, seconded by Comm. Tickey it was unanimously voted to accept with notification requirement.

On a motion made by Comm. Parkins regarding add-on Application #17-10 it was unanimously voted to accept.

On a motion made by Comm. Parkins regarding 'no one in the public to address anything' was unanimously voted and accepted.

On a motion made by Comm. Parkins for notification regarding public hearings request to allow mailing to satisfy section 52.2.3, seconded by Comm. Harger was unanimously voted and approved.

On a motion made by Anthony Poguda seconded by Comm. Kelly that the commission determine that the certificate of mailing and not the certified mailing is in compliance with the Shelton zoning regulations concerning section 52 was unanimously voted to approve.

On a motion to pay bills made by Comm. Harger was unanimously voted to approve.

On a motion made by Comm. Parkins to release Site Bond regarding c.600 Bridgeport Avenue, was unanimously voted to approve

On a motion made by Comm. Parkins regarding Application #12-17 (Shelton Cove) for a 2-year extension was unanimously voted to approve.

On a motion made by Comm. Harger to adjourn the meeting, seconded by Comm. Tickey was unanimously voted to approve at 9:30 PM.

Respectfully submitted,

Sandra L. Wasilewski
Recording Secretary

SHELTON PLANNING AND ZONING COMMISSION MINUTES

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Also Present: Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant
Sandra Wasilewski, recording secretary/stenographer

AGENDA

I. Call to Order

Chairman Parkins called the meeting to order at 7:00 PM.

II. Pledge of Allegiance

Chairman Parkins recited the Pledge of Allegiance.

III. Roll Call

Chairman Parkins identified members present.

Comm. Parkins: Acknowledged Frank Kozack submitted letter of resignation; With regret that I accept it so we thank Frank for years of service and dedication to our city and to the Shelton Planning and Zoning Committee and I ask for a motion to accept his resignation.

On a motion made by Comm. Parkins and seconded by Comm. Matto. It was unanimously voted to accept the letter of resignation.

IV. Old Business

Add on:

Application #2052, application for wall sign at 405 River Road for the 'Art of Hair Color'.

On a motion made by Comm. Harger and seconded by Comm. Kelly it was unanimously voted to accept the wall sign.

VI. Applications for Certificate of Zoning Compliance

0981 – Heather Fernandes, 50 Bridge Street for a sign

Richard Schultz: The proposal should be hereby acknowledged. All the signs are going to be consistent; white with black. These are solid signs, gooseneck lighting.

On a motion made by Comm. Harger and seconded by Comm. Kelly. It was unanimously voted to accept the sign - Comm. Harger abstained the motion.

0399- Legends of the Heart, 415 Howe Avenue for business

Richard Schultz: Another occupant of the Conte building 415 Howe avenue, Suite 181 crafts and upscale furniture

On a motion made by Comm. Tickey and seconded by Comm. Comm. Harger it was unanimously voted to accept business.

2132 – MCK Gourmet, 6 Research Drive for business

Richard Schultz: This is replacing Liquid Lunch; Full kitchen

On a motion made by Comm. Parkins and seconded by Comm. Kelly it was unanimously voted to accept business.

2129 – Great Clips, 397 Bridgeport Avenue for a sign

On a motion made by Comm. Parkins it was unanimously voted to accept the sign regarding #2129, Great Clips, 397 Bridgeport Avenue.

0040-Jeff Travesse, 469 Howe Avenue 2nd Floor for business/sign

Richard Schultz: Is the applicant here? Let's table that one.

On a motion made by Comm. Tickey and seconded by Comm. Harger it was unanimously voted to table the matter regarding #0040, Jeff Travesse, 469 Howe Avenue 2nd Floor.

2122 – Michael Yachymiczki, 415 Howe Avenue 2nd Floor for business/sign

Michael Yachymiczki: You guys remember me from two years ago; I wanted to open a temporary storage unit.

Richard Schultz: Fire Marshal has the green light – the public will park in the municipal parking lot

Michael: They are going to go down between the conti building and senior center and go down to storage facility unit – they enter from the Howe Avenue side.
The food trucks will either be on West Canal or the parking lot.

Comm. Kelly: Is there enough light?

Michael: There is not enough light right now but there will be.

Comm. Parkins: I imagine this will be a very well attended – great location with lots of parking – I assume you will get a police officer for the nights unless security guards could handle the crowds.

Michael: I am opening in September so I am not anticipating a big draw.
I am renting out 6 units and at night I could put everything in the units and just lock them.

Comm. Parkins: I assume you will be doing a sign, a temporary sign.

Michael: Yes, I am going to put a banner on the side of the parking lot, from September to end of October and 1st weekend of November.

Comm. Parkins: You are going to hang a banner on the side of the building?

Richard Schultz: Mike, I will be talking to you and you can meet us at the parking lot and show us so we will coordinate that.

Michael: do I have to come back and show you the signs?

Comm. Parkins: We are really not allowing banners on that side of the building.

On a motion made by Comm. Parkins and seconded by Comm. Harger it was unanimously voted to approve business only for now (not sign), regarding #2122, Michael Yachymiczny, 415 Howe Avenue.

Revisit 0040 – Jeff Travese, 469 Howe Avenue, 2nd Floor business/sign

Richard Schultz: this is the upper floor area – this is for adult hair salon, children hair salon and party space. Also want to do a window sign. So you have occupancy and window treatment; this requires 1 million dollar liability concerns.
Let's table this.

Comm. Harger: Seconds motion to table

Richard Schultz: We could always act on the use and then deal with the sign

On a motion made by Comm. Parkins to approve Application #0040, Jeff Travesse, 469 Howe Avenue, 2nd floor, for the business only and seconded by Comm. Harger it was unanimously voted to approve business only.

2065- Joseph Perna, Enterprise Towers for temporary signs

Richard Schultz: This is for Connecticut Burns Foundation temporarily activity and promotional signs.

On a motion made by Comm. Parkins to approve Application #2065, Joseph Perna, Enterprise Towers, and seconded by Comm. Kelly it was unanimously voted to approve temporary signs.

2120 – John Paoletti, 405 Bridgeport Avenue for sign

John Paoletti: I'm the restaurant and the landlord is authorizing the awning.

Richard Schultz: Okay, so this is awning – Goodwill installed awnings without the commission. This is the 2nd application for an awning treatment – the other one went up without a permit.

John Paoletti: It's uv protected.

John Paoletti: The architect could not make it tonight.

Comm. Pogoda: Are you taking responsibility for the upper awnings too?

John Paoletti: Those are all my landlord.

Comm. Pogoda: But they are going in?

John paoletti: Yes they are.

Comm. Pogoda: Nothing on them?

John Paoletti: Nothing on them.

Comm. Parkins: Can you make the established 2017 on the larger side?

John Paoletti: I could take it off.

Comm. Tickey: I will motion the approval for the sign that will be established on the bigger 2017 sign.

On a motion made by Comm. Parkins on Application #2120, John Paoletti, 405 Bridgeport Avenue and seconded by Comm. Kelly it was unanimously voted to accept the approval for a bigger 2017 sign.

2106- Donald Solostri, 350 Bridgeport, Avenue for sign

Richard Schultz: The commission approved the tenant – the former – the draft house – ‘Bull And Barley’ - so we have the wall sign and the directory sign.

Comm. Harger: When did the switchover take effect?

Party speaking: No live music – it’s going to be a restaurant with a liquor license. As opposed to a tavern. We are obtaining a restaurant license, not a party house.

Comm. Harger: No eyes on the bull.

On a motion made by Comm. Parkins regarding Application #2106, Donald Solostri, 350 Bridgeport Avenue for a sign, it was unanimously voted to accept the sign.

2108 – Arnco Sign, 704 Bridgeport Avenue for a sign

Richard Schultz: this is for the At&t corporate logo changes again; very minor. This is Split Rock.

On a motion made by Comm. Parkins, regarding Application 2108, Arnco Sign, 704 Bridgeport Avenue, and seconded by Comm. Tickey it was unanimously voted to accept the sign.

2109 – Signlight, Inc., 389 Bridgeport Avenue for a sign

Richard Schultz: This is for Urgent Care. The wall sign.

Comm. Tickey: I'm okay with the sign – it would be good to know in the future where the store falls.

Richard Schultz: I'm going to get a master one so you could see it.

On a motion made by Comm. Parkins regarding Application #2109, Signlight, Inc., 389 Bridgeport Avenue, and seconded by Comm. Harger it was unanimously voted to accept the sign.

2051- Mike Ballaro, 405 River Road for a sign

Richard Schultz: Tobacco shop proposal tonight is for an awning with quite a bit of text on it so I know the comm. is going to have some issues
There is a simple sign that is going to say 'the art of hair'.
Is the applicant here?

Mike Ballaro: (came forward with hair salon owner)

Hair salon: the scissors are going to be orange
There is a peak in the middle – mine is going on the flat/vertical part. Not the slope part.

Comm. Parkins: The problem is that there are a lot of letters to put across the bottom.

Comm. Pogoda: It has to look consistent

Comm. Harger: Are you using the same sign company?

Parties: We may, we're not sure.

Comm. Harger: When you say variety, what kind of variety?

Mike Ballaro: Like soda

Comm Parkins: You may want to do the Cigerello Cigars in the larger font and variety in the smaller.

Mike Ballaro: Okay.

Comm. Parkins: Okay so we'll table 2051 and 2051 for two weeks

On a motion made by Comm. Parkins to table 2051 and 2052 for two weeks was unanimously voted and accepted.

2096 – Urim Dema, 194 Leavenworth Road for business

Richard Schultz: Okay, this is for the Huntington Rental at the White Hills Shopping Center; This is a barber shop and no wall sign at this time.

Comm. Harger: This is taking the place of them.

On a motion made by Comm. Perkins, regarding Application #2096, and seconded by Comm. Harger it was unanimously voted to accept for business.

Application #16-23 Wendy Montanaro, LLC and 60-64 Huntington Street, LLC for Initial Development Concept Plan and PDD Zone Change Approval, 60-66 Huntington Street (Map 74, Lots 27 and 28), (public hearing closed on 11/16/16).

Richard Schultz: Okay, let me give you an overview; the Commission closed the public hearing in November; the Commission had a discussion on it and had a favorable consensus for a favorable resolution. The Commission received an unfavorable report from the City Engineer regarding the grade of the private driveway that is going to access the driveway to the lower parking area. We directed staff to meet with the applicant which did hire a professional Engineer to compare an engineering site plan it was insufficient. The Project Engineer was then advised to show staff a more detailed description of how they are going to treat the site. That was submitted today. The driveway is just below 15% which is still unacceptable. Now, can this be addressed? Yes, but advised the project engineer – it's got to be raised. So you have a favorable consensus on the zoning change. Allowing the restaurants some minor aggressions without having to go to the Zoning Board of Appeals for relief. Allowing the city to impose sidewalks. Then you have the commercial building then this parcel. Keep in mind, this is step one. This is preliminary site plan of the zone change. We need to sit down with the project engineer to continue to find a solution from that grade.

Anthony Pogoda : They are going to have to do some filling in the back yard. Then they need a 15% grade.

Richard Schultz: The applicant proposed not to have the Commission deny this without prejudice. The applicant is aware of the argument. It's your call – either deny or approve.

Anthony Pogoda: You have to have some understanding that it can be done.

It's not our problem that it was a basement condition to begin with – if he has to modify that, then it's something he has to deal with.

Richard Schultz: Raising that parking lot – what's going to happen to the building?

Anthony Pogoda: The raised portion does not have to go directly up against that building. It can go out 3 ft. or so and then put a retaining wall. We are not talking about a lot of fill – a couple of feet.

Richard Schultz: Okay to table to July 11th?

Anthony Pogoda: There are two important things, the grade of the driveway has to get to be down to the 12% area and the parking spaces have to have a reasonable cross walk. You can't have this kind of slope where you open the door and you – that's why it has to be looked at carefully. If the applicants are going to continue working on it, I don't feel the need to go back to square one.

Comm. Parkins: If the Commission is willing to continue this, we need to make it clear that if we don't get what we are looking for, it's going to be denied.

Comm. stated that the applicant needs to know that the engineer is not doing what was asked. Party came forward to try to speak but this is a closed public hearing.

Comm. Tickey: Motion to table

On a motion made by Comm. Parkins to table the motion, it was unanimously voted for approval of Application #16-23.

Application #16-28, Domonick Thomas on behalf of Ricar, LLC and Mianus Holding, LLC. Modification of PDD #66 including initial Concept Development Plans and Statement of Uses and Standards (164 unit multi-family, clubhouse, maintenance buildings and marina), 704 712 and 722 River Road (Map 22, Lot aa and Map 32, Lots 16 and 17) (public hearing closed on 3/22/17)

Comm. Pogoda: Based on our discussion we tried to boil it down to what we think are the important points. We talked about the elimination of the building. The building that might come out is building #2; their utility easement lines. This is the building that has to be extracted. You take that out and it offers nice views of the marina. The general feeling is we have to get rid of one building and if you recall some of our go arounds with the applicant – we had to stay with the building design and get rid of a building; get rid of the 3-bedroom units.

It looks like the final number of 140 units all one's and two's not 3's. 164 units to not more than 140 units. We would put a cap on it – not more than; opportunity for more onsite parking; talk about addition of a restaurant use – you could create a nicer setting. Site designer and traffic engineer agreed that these are both good workable curb cuts. Plus side of restaurant, another public function – take advantage to access of the water. Possibly eliminate the big pool and consider two smaller pools – he is leaving himself open to a swim club type of activity.

Comm. Parkins: What about a clubhouse for the residents?

Comm. Pogoda: He will have to re-think all this and bring it back to the Commission.

In the area of public area, the 75 slip marina stays the same – no on-site boat storage – asking to double the reserve public parking from 5 to 10 spaces. He will maintain a 5ft sidewalk loop – some hard surfaces, gravel – we have to look at this some more. On the final area, the whole sanitary sewer installation – must be hooked up and served by the Shelton sewer system. The city wants him to put in a pipe for the city and he is agreeable to do that and will be substantial savings to the city. We want that final agreement from the WPCA on paper, to us. We are looking for a copy of that written agreement.

TAPE #1 ENDS; TAPE #2 STARTS

Application #17-1, Dominick Thomas for initial Development Concept Plans and PDD Zone Change (six)(6) single family dwellings on fee simple lots), 405 Long Hill Avenue (Map 78, Lot 5) R-1 District (public hearing closed on 4/11/17)

This is regarding 6 single family lots

The Commission only feels comfortable with 2 or 3 homes.

Comm. Pogoda: It needs to keep consistent with the neighborhood.

Comm. Harger: My cap is three (3).

Comm. Parkins: I would agree to three (3) – no motions at this time.

Application #17-02, R. D. Scinto, Inc. for initial Development Concept Plans and PDD Zone Change (light industrial building), Waterview Drive (Map 79, Lot 13), LIP District (public hearing closed on 3/22/17): letter of extension

Richard Schultz: We have a letter dated June 13 addressed to the commission – as agent to the above I hereby grant the 65 day extension in the name of James R Swift so we move to accept that letter.

On a motion made by Comm. Parkins and seconded by Comm. Tickey it was unanimously voted to accept the letter of extension regarding Application #17-2.

Application #17-05, R. D. Scinto, Inc. for Final Detailed Development Plans for PDD #85 (mix use development), 100 Commerce Drive (Map 39, Lot 1)

Comm. Pogoda: The applicant is seeking final detailed development plan approval for retail development – Congress Drive and Bridgeport Avenue – formerly, Tetley Tea. Proposes one, two-story development – includes drive thru coffee shop. Commission has received the final development plans. #1 requires considerable site preparation, excavation and grading, blasting and rock removal. #2 drainage system must satisfy requirements of city ordinance. Coffee shop will be using roll out containers. Sidewalk arrangements have been made.

Comm. Harger: Questioned grading.

Comm. Pogoda: Did Mr. Scinto get grading rights on to the adjacent property?

Present Party: We are talking to him.

On a motion made by Comm. Parkins to move with no further discussion was unanimously voted to approve for the development plan regarding Application #17-05.

Roll Call

On a motion to add on #17-10 made by Comm. Parkins was unanimously voted to approve.

Application #17-9, United Methodist Homes of CT, Inc. for Modification of Detailed Development Plans for PDD #26 (additions to northwest and northeast buildings: Wesley Heights), 580 Long Hill Avenue: accept and schedule public hearing

On a motion to accept the application #17-09 was unanimously voted and approved.

UMH Representative: The plan is a unit plan and a landscaping plan. 162 residents who live in Asbury Heights frequently walk through the campus and enjoy it so they will have lighting, places to sit, etc. We had an artistic rendering done of the view. We went door to door to the residents and invited all Wesley heights to an open house on June 1. We invited all of them this evening as well. We made phone calls to every resident to Asbury Heights. The letter was hand-delivered regarding notice of this meeting.

Comm. Parkins: Do you have a sign in sheet, by any chance?

UMH Representative: We don't have a sign in sheet.

Comm. Parkins: I am more concerned about residents. I was looking for a public hearing to ensure them of what was going on.

UMH Representative: We would notify them by registered mail.

Comm. Parkins: Certified mail and a public hearing?

UMH Representative: Yes.

Richard Schultz: Let's get Commissioner Pogoda to accept with notification requirement for the July 11 meeting.

On a motion made by Comm. Pogoda to accept Application #17-09, seconded by Comm. Tickey it was unanimously voted to accept with notification requirement.

Add on Application #17-10 for notification including statement of uses and standards for dwelling units 241 Long Hill Cross Roads, Dominick Thomas we need to accept.

Scheduled a public hearing for July 11th.

On a motion made by Comm. Parkins regarding add-on Application #17-10 it was unanimously voted to accept.

VII.Public Portion

On a motion made by Comm. Parkins regarding 'no one in the public to address anything' was unanimously voted and accepted.

Add on

On a motion made by Comm. Parkins for notification regarding public hearings request to allow mailing to satisfy section 52.2.3, seconded by Comm. Harger was unanimously voted and approved.

Dominick Thomas: I sent copies of the regulation. Your regulation uses mailing – it's not certified mail. I have always sent it out by certified mail. Last year, I got a call from a lady accusing me so she wouldn't get certified notice because she never gets to go to the post office. Article 52 uses the term 'certificate of mailing'. It also uses language in there as you as the commission is the final determiner of whether the notice is sufficient. I am sitting there with a

bunch of notices on both the Brian Botti project on Howe Avenue and the 62 Center Street one. I want to get them out, tomorrow or the next day. And I ask graciously that you put it on the agenda so I can get an official determination. I have a responsibility to my clients.

Richard Schultz: I would like to make a motion to determine that we are in compliance with the Shelton zoning regulations.

On a motion made by Richard Schultz seconded by Comm. Kelly that the commission determine that the certificate of mailing and not the certified mailing is in compliance with the Shelton zoning regulations concerning Section 52 was unanimously voted to approve.

A. Payment of Bills

On a motion to pay bills made by Comm. Harger was unanimously voted to approve.

B. Staff Report – (listed below out of order)

C. 600 Bridgeport Avenue: request for Site Bond Release

This is the mounted solar. Commissioner held off \$5,000 bond until all vegetation was out and screened nicely. The Commission will be receiving something very shortly and I know they will refer to the zoning committee.

On a motion made by Comm. Parkins to release Site Bond regarding c.600 Bridgeport Avenue, was unanimously voted to approve.

D. Application #12-17 (Shelton Cove): request for extension on site plan approval

Richard Schultz: Toll Brothers is requesting a 5-yr extension

On a motion made by Comm. Parkins regarding Application #12-17 (Shelton Cove) for a 2-year extension was unanimously voted to approve.

B. Staff Report

Richard Schultz: ZBA meets June 20th – nothing out of the ordinary

Zoning subcommittee holding a public hearing

Downtown Subcommittee not meeting until July 14 –Perry was ready to discuss his project – going with the 3-story structure with the donut shop location and is out of state for that Friday and will attend the July 14th meeting – 1st floor retail. Conti family will address sidewalk issue. Planning matters are off the board.

June 28, 2 public hearings vacant property next to Shelton Pizza and Jeff's Appliance.
Certificate of zoning.

Comm. Harger: Can I ask a question? St. Vincent's Urgent Care next to Hawley Lane Shoes, air conditioner unit needs some screening. Could you clarify what is the detached structure on Judson Street?

Richard Schultz: Free standing garage.

Comm. Harger: Just remind me, why is it that the last three (3) on that page for businesses are ones that are staff approved and not by Commission?

Richard Schultz: Yeah, those are going to be put on for next week. The walk in, ground mounted air condenser for St. Vincent's and Goodwill awning – permits needed for that.

Comm. Harger: For all the awnings.

On a motion made by Comm. Harger to adjourn the meeting, seconded by Comm. Tickey was unanimously voted to approve at 9:30 PM.

Respectfully submitted,

Sandra Wasilewski
Recording Secretary