

The Shelton Planning & Zoning Commission held a Regular Meeting on October 11, 2005 at 7:00 P.M. in the Shelton City Hall, Room 303,54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins  
Comm. Daniel Orazietti  
Comm. Jason Perillo  
(sitting in for Comm. Papale)  
Comm. Anthony Pogoda  
Comm. Leon Sylvester  
Comm. Karen Tomko-McGovern (arrived late)  
(sitting in for Comm. Lopera)

Staff present: Richard Schultz, Planning Administrator  
Diana Barry, Clerk

Members absent: Comm. Patrick Lopera  
Comm. William Papale

Staff absent: Anthony Panico, Planning Consultant

**Tape (1) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website.**

#### **APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

Richard Schultz reported that there are 17 Standards that all meet regulations. Staff recommends approval stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to approve Standards 1-7. Comm. Orazietti abstained from the vote on Application # 5629.**

#### **# 5614 A.J. GRASSO, 195 BIRDSEYE ROAD, ACCESSORY DWELLING/GARAGE**

Richard Schultz reported that this is Don Ramia's property. He wants to set up an in-law for his Mom that have two new construction elements associated with this. There will be a detached 2-car garage up front and a new accessory apartment for his Mom. This addition to the garage is not in compliance. He went to ZBA and received a variance granting the right to construct an accessory dwelling to be built to the rear of the garage. Your regulations require that an addition have a common wall. The Board felt that it was justified to go to the rear of the garage. There is an in-law that is 26 by 28 that complies with the regulations. We have an affidavit. The garage is detached 28 by 24 and that is located on front. The applicant has recorded his variance on the record and we have approvals from Valley Health and Wetlands. Staff does recommend approval stated Richard Schultz.

**On a motion made by Leon Sylvester seconded by Daniel Orazietti it was unanimously voted to approve Separate # 5614.**

#### **# 4069 MARY VOLLHARDT, 206 LEAVENWORTH ROAD, SIGN**

Richard Schultz stated that this is the White Hills Shopping Center. The White Hills Package Store has new ownership. The signs are all uniformed with the same background. Mr. Wells has upgraded the two existing buildings with façade and roof improvements. I recommend approval he stated.

**On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 4069.**

#### **# 5616 EHEMAN FINANCIAL SERVICES, 445 RIVER ROAD, BUSINESS**

Richard Schultz stated that this David Chuckta's building. This is in the Sunnyside Package Store strip mall. This is insurance and financial services. They will occupy 800 square feet and have one full-time employee. Hours of operation are Monday thru Friday 9 to 5. This is a commercial zone and it is permitted. He added.

**On a motion made by Leon Sylvester seconded by Jason Perillo it was unanimously voted to approve Separate # 5616.**

#### **# 5617 EVERGREEN INSURANCE AGENCY, 482 RIVER ROAD, BUSINESS**

Richard Schultz stated that this is at the Oakdale Shopping Center, the Old A & P shopping center. This is another insurance company with two employees. Hours of operation are Monday thru Friday 9 to 5 and Sat 10-2. There is ample parking. It is a commercial zone and it is permitted, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5617.**

#### **# 5611 MOTHER'S EMBRACE YOGA, 476 HOWE AVENUE, BUSINESS**

Richard Schultz stated that this at the Mill, the Pagliaro property. They will use 400 square feet. Monday thru Friday 9 to 9, Saturday and Sunday 9 to 7. One employee with parking on the side.

**On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 5611.**

**# 5621 DAVID GRANT, 42 OLIVER TERRACE, BUSINESS**

Richard Schultz stated that this is Joe Salemme's property. David Grant is looking for additional area and he found this site. He will have 4 company vehicles and 8 full time employees. They will be going between the both sites. This is one of the few areas that affords many uses. Staff recommends approval, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to approve Separate # 5621. Comm. Orazietti and Comm. Sylvester abstained from the vote.**

**# 5635 BLAKEMAN CONSTRUCTION, 700 BRIDGEPORT AVENUE, BUSINESS**

Richard Schultz stated that this the first permit on the Walgreen's building. It is 14,788 square feet. This is the first building out of the 5. There will be a lone occupant of Walgreen's with a drive-thru.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to approve Separate # 5635. Comm. Sylvester abstained from the vote.**

**# 5630 SEAN MILLEA, 8 HIGHLAND AVENUE, HOME OFFICE**

Richard Schultz stated that this is for a home remodeling business. He will use 100 square feet of the house. He is self-employed with hours of operation Monday thru Friday 8 to 5. Once again with the home remodeling staff imposes no outside storage, etc. Comm. Perillo questioned vehicles? He will have one vehicle with no signage.

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to approve Separate # 5630.**

**# 5395 ROBERT SMOLENSKY, SHELTON SQUARE SHOPPING CENTER, OCCUPANCY/FACADE/SIGN**

Richard Schultz stated that this is for the shoe store at Shelton Square. This is Hawley Lane shoes that is going into the former Bradlees with Bed Bath & Beyond. Hawley shoes will be located to the left and they have agreed to follow the same architectural design. The ridgeline is straight with black and white colors. The background is earth tone with black individual channel letters. I had asked them to remove the old fence Bradlees had for storage. They agreed with that and the owner Stop & Shop will be doing the work. I asked they remove fence, clean and seed it and put some landscaping. They did agreed to do it and I know the Commission would want that area enhanced.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Separate # 5395.**

**# 5423, NAIAD MARINE, INC. 50 PARROT DRIVE, OVERHEAD DOOR, WAIVER OF SITE PLAN**

Richard Schultz stated that this is for a waiver of site plan. This is the facility located at 50 Parrot Drive. This is the second to the last building on the left before you get to the Scinto U.I. building that he has renovated. The company has been here sine the late 80's and they need better circulation for their receivables. It is in the back of the building there is a nice buffer to the buildings that have frontage on Research Drive. Once again though it does require site plan. It is pretty straightforward and Staff recommends approval. It is just a door, questioned Comm. Perillo? It is a single overhead door, answered Richard Schultz. No pavement or anything to go along with the door, questioned Comm. Perillo? It is pretty straightforward with paving around. It is an older building, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 5423.**

**PUBLIC PORTION**

Chairman Cribbins asked if there was anyone in the audience who wished to address the Commission on any item not on our agenda? Hearing none he asked for a motion to close the Public Portion.

**On a motion made by Anthony Pogoda seconded by Daniel Orazietti it was unanimously voted to close the Public Portion.**

**APPLICATION # 05-42 DOMINICK THOMAS ON BEHALF OF OTTAVIO DISANTO/DISANTO TECHNOLOGY FOR RE-SUBDIVISION APPROVAL (2 LOTS) 10-20 CONSTITUTION BOULEVARD SOUTH (MAP 53, LOT 51) AND CAM SITE PLAN (PUBLIC HEARING CLOSED ON 9/27/2005) DISCUSSION AND POSSIBLE ACTION AND**

**APPLICATION # 05-43 DOMINICK THOMAS ON BEHALF OF OTTAVIO DISANTO/DISANTO TECHNOLOGY FOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD #29 (LIGHT MANUFACTURING FACILITY) 10-20 CONSTITUTION BOULEVARD SOUTH (MAP 53, LOT 51) AND CAM SITE PLAN (PUBLIC HEARING CLOSED ON 9/27/2005) – DISCUSSION AND POSSIBLE ACTION**

Richard Schultz explained that Staff is ready to recommend approval on the resubdivision that is pretty straightforward. The second application for the modification of PDD # 29 is before Wetlands that meets this Thursday. The Commission has had some concerns about the final architectural. Staff has not had an opportunity to meet with the applicant though we plan to do that the week of the 25<sup>th</sup>.

Once we are done with the resubdivision action tonight Staff is hoping that you will direct Staff to write a favorable resolution. This is a permitted use, light manufacturing and direct Staff to meet with the applicant to address the architectural and buffer areas, stated Richard Schultz.

I would also remind the Commissioners to drive down River Road to take a look at this with the various angles.

Should we put the site work in to allow them to prepare the site, questioned Chairman Cribbins? Staff is of the opinion that the Commission can authorize some site work, tree removal, as long as they post a sediment erosion bond, stated Richard Schultz. Once again this is a permitted use and I think the Commission is comfortable with them relocating from Stamford to that site, he added.

Chairman Cribbins stated I guess my concern for the Company on this location is that they may want to do some asphalt work and it is getting close, maybe 6 weeks or so, before the asphalt plants are closed. They will do some site work, stated Richard Schultz.

So if you are going to do two motions tonight the first will be on 05-42 that I have prepared a draft motion for, stated Richard Schultz. (see attached) The second motion then would be to authorize the site work and the applicant posting a sediment erosion bond. He then read from his draft motion. This includes confirmation that the land swap has been executed and the deed has been recorded on the land records.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 05-42. A roll call vote followed with Comm. Sylvester abstaining from the vote and Comm. Pogoda, Comm. Perillo, Comm. Oraziotti, Comm. Tomko-McGovern and Chairman Cribbins all voting I to approve.**

# 05-43 – I think that as you talked about Rick, I have two concerns, stated Chairman Cribbins. I want to make sure that there is as much as possible of a buffer on the left hand side between the buildings and the residential homes there. I want to make sure that it looks good from the road on that left hand side. I realize that there will be additional modifications but I want it to look as nice as it could right at the bottom there. If we could go around the table for a consensus and the Staff can then draft a resolution once we get the Wetlands information, he added.

I am prepared to put it on the 25<sup>th</sup> with a caveat if time permits because we do have 7 public hearings, stated Richard Schultz. Staff will be prepared he added. We need to meet with the applicant.

Comm. Perillo stated I have the same concern that I voiced at the hearing. Since, the Stratford side of this moves over the setback line to some degree and I would like to see us, where the parking lot is, extra plantings with the landscaping design to serve as a further buffer from the residential homes that still exist there and I don't know if this is possible, the lighting. I noticed that they are 360-degree illumination, which is nice to look at, but for those folks living over there they may not be so nice, stated Comm. Perillo. Maybe they want to consider some spotlights facing away from the residential homes, still illuminating the parking lot from a safety perspective but still away from the houses. Other than that it is a great economical development project, he added.

I will mirror those comments also but my only comment is that they plan to expand that building in the future and I agree that we don't have to do anything to the building to the point that they will put that addition on. The other portion, the comments were brought out last time, is going up the side where they have the intentions of putting the addition should be mirrored the same as the front and wrap around up to that point, stated Comm. Pogoda.

That is taking into consideration that there will be future development out there, questioned Comm. Perillo? Well there is, stated Comm. Pogoda. Given the plans you don't want to stop it, stated Comm. Perillo. They know where they are coming out and there is no sense doing the other side because they have intentions of expanding in the future, stated Comm. Pogoda.

I would like a motion then to have the Staff draw up a positive resolution and to authorize site work with a sediment erosion bond.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was voted to direct Staff to prepare a favorable resolution and allow the applicant to post a bond for site work preparation.**

**APPLICATION # 05-46, MDC/ INVESTMENT PROPERTY XI, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: PARKING EXPANSION) ONE WATERVIEW DRIVE, (MAP 78, LOT 16) LIP DISTRICT (PUBLIC HEARING CLOSED ON 9/27/2005) DISCUSSION AND POSSIBLE ACTION**

Richard Schultz stated that this is right up the road at the Waterview intersection at Ivy Brook. We have an office building with multiple tenants. They are anticipating more occupants. Their parking requires more and they want to have 5 spaces per 1000. That will increase the parking by 100 spaces. Clearly the property has the ability to accommodate this. Staff had raised at the public hearing the issue though that they should provide better circulation. They are coming to a dead end and the Commission doesn't like that. When people are leaving if they are blocked they want to go the other way. I have a draft motion and one condition is to allow Staff to finalize the drawings before the Commission signs off, stated Richard Schultz.

Comm. Pogoda questioned have they been amicable with Tony's comments on opening that up some way? Absolutely, stated Richard Schultz.

Chairman Cribbins stated I am not sure what I heard up there, but the last week with all the rain and everything, the drains and treatments up there, take a ride up there to see what sort of erosion we have had. If we had the opportunity to put a catch basin or something, now is the perfect opportunity to do that, he added. You raised a good point, this property the Old Laurel Heights property, is so close to the Housatonic the design solution is to get the water into the Ivy Brook to the Housatonic. When you are further inland it is better to retain it for a while to infiltrate into the ground. In this case it does shut right into and I will consult with Wetlands who is reevaluating the storm management, stated Richard Schultz. He then read his draft motion. (see attached)

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was voted to approve Application # 05-46. Comm. Perillo and Comm. Sylvester abstained from the vote.**

**APPLICATION # 05-51 SAL MATTO FOR SITE PLAN APPROVAL (BUILDING EXPANSION) 500 RIVER ROAD (MAP 54, LOT 2) IA-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION**

Richard Schultz stated that this is the property that has frontage on the Housatonic adjacent to Fanny Street with the recently paved driveway across from Petremont Lane. Sal Matto bought this and there is a permanent cul-de-sac on Fanny Street which is now restricted to residential use. Sal wants to construct a 3000 foot addition which is located right here. 50 by 60, stated Richard Schultz. The user is Crescent Stairs that was in Ansonia.

He read correspondence from CAM. There are two issues coastal area management and the flood hazard. The addition is in the flood area and has to be flood proofed. 7-8 years ago we approved a building on Riverdale that had to be flood proofed, stated Richard Schultz. The City Engineer has reviewed this and O'Bymachow will flood proof according to our ordinances. This is a block building with the addition to the rear. You won't see it from the river. Access is from River Road, stated Richard Schultz.

Do you think we should see what it is going to look like and what is there now, asked Chairman Cribbins? I spoke with the applicant and as you know it is not an attractive building. He does want to duplicate what is there now, stated Richard Schultz. It is your call with how far you want him to go with the esthetics, he added. I am thinking how high will be stated Chairman Cribbins. I would like to see it myself stated Comm. Pogoda. I have not been on the new driveway either, he added. I would like to see it also stated Chairman Cribbins. I will make a motion to table stated Comm. Pogoda.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to table Application # 05-51.**

**APPLICATION # 05-60 WE PROGRESS DRIVE, LLC FOR SITE PLAN APPROVAL (PARKING AND OCCUPANCY EXPANSION) 8 PROGRESS DRIVE (MAP 28, LOT 15) LIP DISTRICT – ACCEPT, REVIEW AND POSSIBLE ACTION**

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept Application # 05-60.**

Richard Schultz showed plans. The highlighted areas are the proposed parking expansion. This is for New England Technical Association. He read from the statement of use (see attached). He also read the City Engineer's comments.

You have the school that has been there for a couple of years now and Staff has monitored that. There have been no problems mainly because of the arrival time of the students. They need additional parking because of the expansion. I did contact ZBA who stated that there is no need for a modification from their Board. That allows them to request the expansion of the use and the parking, stated Richard Schultz.

The ZBA is saying there is no need for a modification because it is within their use variance that was granted, stated Comm. Sylvester. The expansion doesn't need a modification, stated Richard Schultz.

The parking is here, asked Comm. Pogoda? What is the adjoiner, questioned Comm. Pogoda? This is another office building, stated Richard Schultz. Staff has a concern with parallel parking, he added. Commission prefers perpendicular parking and I would suggest that the Commission direct Staff to sit with the applicant on the parking layout. It is important to the Commission the overall circulation.

Comm. Sylvester questioned how much parking is there now? There are 272 and it will be increased to 302. 30 more stated Richard Schultz. Staff is always concerned with the parking design. Chairman Cribbins stated that you have to check to make sure that the water run off is not a concern. I think this will be a great addition. My brother is associated with the school but I don't have a concern, he added.

I think the recommendation should come from the technical people as to rather it could accommodate this, or if it is an intrusion on someone else's property, or if the traffic pattern or parallel parking, what are you saying, questioned Comm. Sylvester? Staff is comfortable with the expansion of the use and the schools ability to provide adequate parking. They updated the loading dock and maintain the campus in the front. The comfort level is there but Staff doesn't like parallel parking on the side, stated Richard Schultz. On one side is Francini and the other side is all office. It is LIP zone. What is the concern with parallel parking, questioned Comm. Perillo? You can't do it, he added? It is the design stated Richard Schultz. The Commission doesn't want to see that in a corporate setting like that. We can achieve the spaces they need, stated Richard Schultz. I hear good things about that, stated Comm. Pogoda. I have been there and the parking is o.k. It has been empty, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 05-60.**

**APPROVAL OF MINUTES: 9/13/2005, 9/22/2005 AND 9/27/2005**

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the minutes of 9/13/2005, 9/22/2005 and 9/27/2005.**

**8- 24 REFERRAL: WATER MAIN EXTENSION FOR SUBURBAN DRIVE**

Staff once again is pleased to report the movement of water into parts of the City that didn't have it. The Fire Department wanted to push for this in the areas that didn't have hydrants. The first one tonight is Suburban Drive. He read the City Engineer's letter endorsing this. This is off of Walnut Tree Hill Road.

**End of Side 1A of 1B, Tape 1 of 1 at 7:55 P.M.**

**On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to report favorably on the 8-24 Referral: Water Main Extension for Suburban Drive.**

**8-24 REFERRAL: WATER MAIN EXTENSION FOR SANFORD DRIVE**

Richard Schultz stated that this is off of Long Hill Avenue in an older neighborhood, by Broc Terrace and Sylvan. Sanford had partial water and this will serve 12 homes. This will cost \$107,000.00. He read the City Engineer's letter endorsing this.

Chairman Cribbins stated that if you have the opportunity you should do this. It is about \$10,000 per dwelling stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to report favorably on the 8-24 Referral: Water Main Extension for Sanford Drive.**

**# 425 RIVER ROAD: REQUEST FOR RELEASE OF SITE PLAN**

Richard Schultz stated that this is for Lia's Pizza. They are requesting that the bond of \$5000 be released. He did replace the illegal sign with a monument sign. He had a hard time getting the grass to grow when he didn't have irrigation. He has been working on that watering and he will add extra shrubbery.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to release the site plan (bond) on 425 River Road.**

**97 BRIDGEPORT AVENUE: REQUEST FOR RELEASE OF SITE PLAN**

Richard Schultz stated that this is the Butler building behind Stellers garage. He recently installed evergreens to screen the condos. He is requesting the \$5000 bond be released. Staff recommends approval.

**On a motion made by Leon Sylvester seconded by Karen Tomko-McGovern it was unanimously voted to release the site plan (bond) on 97 Bridgeport Avenue.**

**PAYMENT OF BILLS**

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to pay bills.**

**STAFF REPORT**  
**(see attached)**

ZBA's agenda is in there. We are starting to see the possibility of properties being joined along River Road because of the Housatonic views. The private individual properties, which from the restaurant are R3 and restricted.

The Citing Counsel has not acted on Platt Road. I attended the Public Informational Hearing. There was no opposition except for the City. The view shed would be impacted. Heritage Point, you can see this, stated Richard Schultz. The Consultant disagreed and I took exception to that, he added. They still haven't acted on this and this has been going on for about 6 months.

The PDD proposals can be worked on now that Avalon is done, stated Richard Schultz. We have incorporated Corporation Counsels comments in there.

We have moved our map into the GIS mode. That has to go to a Public Hearing. We will be able to sell these on lines, stated Richard Schultz. When they did the enrollment for the schools they used the GIS, he added.

The Plan Update Committee met on the 17<sup>th</sup> and will meet on Thursday. I have talked with Chairman Osak who is almost ready for us to go to a meeting moving forward. They will finish up and meet with us to get it ready for the Public Hearing, stated Chairman Cribbins. They will have an informational meeting, stated Richard Schultz. Then we get it to go to Public Hearing, stated Chairman Cribbins.

It is to bad they lost Mick Adante, he was so helpful, stated Comm. Sylvester. He had great insight, his background, open minded, stated Richard Schultz.

Richard Schultz went over the Special Meeting scheduled for October 25 that includes 7 Public Hearings. He explained each one of the hearings.

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to adjourn at 8:10 P.M.**

Respectfully submitted by,

Diana Barry,  
Clerk