

The Shelton Planning & Zoning Commission held a Special Meeting on February 28, 2006 in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

The following members presents: Chairman Alan Cribbins
Comm. Jason Perillo
Comm. Karen Tomko-McGovern
Comm. Virginia Harger
Comm. Anthony Pogoda
Comm. Daniel Orazietti

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Maryanne DeTullio, Secretary

Members absent: Comm. William Papale
Comm. Leon Sylvester

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

Vice Chairman Pogoda opened the meeting at 6:30 P.M.

On a motion made by Virginia Harger seconded by Jason Perillot the Board went into Executive Session to disuss pending litigation (Avalon) and included Richard Schultz, Asst. Corp. Counsel Ramon Sous and Anthony Panico, Planning Consultant.

On a motion made by Virginia Harger seconded by Anthony Pogoda, the Board came out of Executive Session at 6:55 P.M. and it was noted that no votes or motions were made during the Executive Session.

Chairman Cribbins opened the regular meeting at 7:00 P.M. with the Pledge of Allegiance.

Richard Schultz noted that Karen McGovern will vote for Leon Sylvester and Jason Perillo will vote for William Papale.

PUBLIC HEARINGS

APPLICATION # 06-07 MICHAEL MONTANARO FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: FOOD ESTABLISHMENT) 64 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT

Daniel Orazietti read the call of the hearing and stated that there is no correspondence with this application. Richard Schultz stated that the applicant was advised of the Public Hearing requirements and no notification was received that he was fulfilling those requirements. He was told that the Commission will open the hearing and clise it and they will have to take the appropriate action which is to deny it. Chm. Cribbins stated that the applicant has not followed procedure in notifying people with 200' of the property and posting of the property. The applicant was not present.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing for Application # 06-07.

APPLICATION # 06-08 RALPH AND ELAINE MATTO FOR RE-SUBDIVISION APPROVAL (TRANSFER OF TITLE OF RIGHT-OF-WAY) PORTION OF AUDUBON LANE, CORUM HILL DEVELOPMENT SECTION SEVEN

Daniel Orazietti read the call of the hearing and two pieces of correspondence: one from the City Engineer recommending denial of the application. The other was from the Fire Department recommending approval (copies attached). Ralph Matto presented the certified mailings. Mr. Matto stated that the road was built as a temporary cul-de-sac and was suppose to go to Richard Boulevard because you can only have 20 houses on a permanent cul-de-sac. The neighborhood had hoped that it would not go all the way through. Mr. Panico was concerned that if it went all the way through there the traffic would be increased greatly. The zoning regulation was changed that with P & Z approval a temporary cul-de-sac could now have up to 30 homes. Mr. Matto stated that the roudad could be extended up to 8 more houses but he is not looking to do that at this point. He stated tha if he has to do to get the legal frontage for his house, then he will extend it but does not see why he should have to do that. Mr. Panico stated that the reason is to change from a temporary to a permanent cul-de-sac. Mr. Matto stated that if the road should get extended the deed of the land would go back to the City. He is looking for legal frontage for his house. Chm. Cribbins stated it appears that he is asking to make it a permanent cul-de-sac. Mr. Matto stated that his driveway is on land that he has exclusive use of but does not own. Mr. Panico stated that is there was ever going to be an extgension of Audubon Lane they why should this piece of right-of-way be given up. Mr. Matto stated that only the owner of his property can extend the road and he wants to use if for legal frontage for his house. He has a legal driveway there and he wants to use it. Mr. Schultz stated that he would have legal frontage and he recommended that the members go out and look at the property. Mr. Panico stated that the results of his action need to be reviewed. Chm. Cribbins stated that some research will have to be done on this matter.

Anthony Bongiovanni, 8 Audubon Lane stated that he does not use that driveway and no one on Audubon Lane wants an extended cul-de-sac or it to run to Richard Boulevard. It should be a permanent cul-de-sac but giving him access would make all the homeowners nervous. He stated that no one would have a problem as long as it does not get too crowded of a through street to Richard Boulevard. He stated that he is concerned about what could happen in the future.

Mrs. Minagala, 63 Audubon Lane stated that she does not object to a few more houses providing that it will be a permanent cul-de-sac and will not go through to Richard Boulevard.

William Minalga, 63 Audubon Lane was concerned about future use and would like it to remain as a permanent cul-de-sac.

On a motion made by Jason Perillo seconded by Karen Tomko-McGovern it was unanimously voted to close the Public Hearing for Application # 06-08.

APPLICATION # 06-18 KEY DEVELOPMENT LLC FOR MODIFICATION OF STATEMENT OF USE AND STANDARDS FOR PDD # 34A (THE WOODS AT LAKE ROAD, PHASE I) SPICEBUSH LANE

Daniel Oraziatti read the call of the hearing and stated that there is no correspondence for this application. Alan Shepard, 415 Howe Avenue, Shelton, stated that this is a clarification of the statement of uses. He stated that it was brought to their attention that the statement of use had minimum setback from perimeter of site boundary line was 40'. He stated that the plans are in accordance with the subdivision map and vary from 15 to 40' for the setback boundary. Richard Schultz stated that the statement of uses and standards for the setback boundary state 40' but there are a lot of variations. Mr. Shepard stated that this is to help staff to clarify the statement of uses and there are no changes to anything that was approved. Ken Schaible, Key Development stated that in addition to correcting the error with the boundary line number they came up with some accessory structure regulations. He stated that from a rear property line it would be 30', side yard 10', and front yard 60'. There was no public comment on the application.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing for Application # 06-18.

APPLICATION # 06-19 PROPOSAL OF THE SHELTON PLANNING & ZONING COMMISSION FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD # 35 (IL PALIO RESTAURANT) 5 CORPORATE DRIVE

Daniel Oraziatti read the call of the hearing and also correspondence from Diane K.R. Jowdy and Robert Scinto (copies attached).

Chm. Cribbins stated that based on the letter from Mr. Scinto the Planning & Zoning Commission made the application to make the modification to the statement of use. Mr. Scinto has a good understanding of what is being presented and is in favor of it. The restriction has been that no outdoor music shall be allowed at this location. The Planning and Zoning Commission had authorized outdoor music but there have been numerous complaints about the outdoor music and they do not want it to continue any longer. It was noted that the day care is over 1,000 feet away from this location.

Robert Scinto stated that he is sympathetic to this problem. The previous permittee did not handle the matter correctly and now they have no intention of having any outdoor music.

Diane Jowdy stated that the music has been going on for over 2 years and there is no escape from it. She contacted the police and the mayor about this problem. She stated the day care center also broadcasts music and she does not want it to happen any longer. She was concerned about the sale of liquor so close to the day care center.

Irving Steiner, 23 Partridge Lane, stated that he sympathizes with the complainant but feels that this is a bandaid solution to the problem. He felt that the outdoor restaurant appears to be in violation especially in regard to the close proximity to the day care center. He felt that there should be a city ordinance so that it would apply to all restaurants in the City.

Karen McGovern stated that the day care center is another location and not next door to the restaurant. Chm. Cribbins stated that the day care center is far away from the restaurant. Richard Schultz stated that the day care has an annual celebration where they broadcast the music on that occasion. Mrs. McGovern felt that was not a problem if it was only once a year. Jason Perillo asked if there was an outside bar or the liquor was served indoors. Mr. Scinto stated that the liquor was served indoors and there was no bar outside. He also stated that the day care center is far away from the restaurant and on the other side of the site. The patio is confined and sunk in.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing for Application # 06-19.

OLD BUSINESS

APPLICATION # 06-07 MICHAEL MONTANARO FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: FOOD ESTABLISHMENT) 64 HUNTINGTON STREET (MAP 74, LOT 27) CA-2 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Richard Schultz stated that the applicant failed to adhere to the regulations under specific sections of the zoning regulations regarding this application. He did not notify the property owners within 200' of the site and did not properly post the property. He recommended denial of the application

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to deny Application # 06-07. A roll call vote followed with all participating Commissioners voting I to approve.

Chm. Cribbins stated the proper procedures were not followed so that the Commission could hear the application but a Chinese take-out restaurant at this location is not the way the Commission wants to go in that area. Richard Schultz stated he did not file a traffic report which also should have been done.

APPLICATION # 06-08 RALPH AND ELAINE MATTO FOR RE-SUBDIVISION APPROVAL (TRANSFER OF TITLE OF RIGHT-OF-WAY) PORTION OF ONE AUDUBON LANE, CORUM HILL DEVELOPMENT, SECTION SEVEN – DISCUSSION AND POSSIBLE ACTION

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to table Application # 06-08.

APPLICATION # 06-18 KEY DEVELOPMENT LLC FOR MODIFICATION FOR STATEMENT OF USES AND STANDARDS FOR PDD # 34A (THE WOODS AT LAKE ROAD, PHASE D) SPICEBUSH LANE – DISCUSSION AND POSSIBLE ACTION

Richard Schultz read a draft resolution for approval of this application.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 06-18. A roll call followed with all participating Commissioners voting I to approve.

APPLICATION # 06-19 PROPOSAL OF THE SHELTON PLANNING & ZONING COMMISSION FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD # 35 (IL PALIO RESTAURANT) 5 CORPORATE DRIVE – DISCUSSION AND POSSIBLE ACTION

Richard Schultz read a draft resolution approving this application.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 06-19. A roll call vote followed with all participating Commissioners voting I to approve.

Chm. Cribbins felt that the ZEO should go out to the property and see if there are any other complaints.

APPLICATION # 06-06 WELKIN, INC FOR PDD ZONE CHANGE (RESTAURANT) FAR MILL CROSSING (MAP 29, LOT 15) R-1 DISTRICT – EXTENSION AUTHORIZATION AND REQUEST TO RESCHEDULE PUBLIC HEARING (APPLICANT INITIATED)

Richard Schultz stated that this was scheduled for Public Hearing on March 28, 2006 but the applicant had a conflict with the date. Jim Swift representing the applicant asked that it be re-scheduled for Public Hearing on April 4th or 18th. Chm. Cribbins stated the Commission will be scheduling Public Hearings for April 25th, 2006.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept the extension authorization and schedule the Public Hearing for April 25, 2006.

NEW BUSINESS:

APPLICATION # 06-20 ONE MT. VIEW ASSOCIATES, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: LIGHT INDUSTRIAL BLDG) ONE MT. VIEW (MAP 65, LOT 12) LIP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to accept Application # 06-20 and schedule for Public Hearing on March 28, 2006.

APPLICATION # 06-21 R.D. SCINTO, INC. FOR SPECIAL EXCEPTION APPROVAL (PARKING EXPANSION) 5 RESEARCH DRIVE (MAP 27, LOT 2) LIP DISTRICT-ACCEPT FOR REVIEW AND SCHEDULE FOR PUBLIC HEARING

Richard Schultz asked that the Staff be allowed some site preparation.

On a motion made by Jason Perillo seconded by Daniel Oraziotti it was unanimously voted to accept Application # 06-21 and schedule for public hearing on March 28, 2006 and allow staff site preparation.

OTHER BUSINESS:

AUTHORIZATION FOR THE PLACEMENT OF TEMPORARY MODEL UNIT AT THE RENAISSANCE, PARROT DRIVE

Robert Scinto was present and stated that they would like to put a temporary model of a unit at the Renaissance behind Tower 1. The top six floors of this building will be condimimun units and the rest will be rental units. This will be a temporary model unit and will be removed once the project is completed. He felt that it will be needed for one year.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the temporary placement of a model unit at the Renaissance, Parrot Drive.

Virginia Harger stated that VCOG is looking for input from the Commission and members on transportation needs in the Valley including recommendations of what we would like to see. Richard Schultz stated that the plan update addresses some of these issues.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to adjourn at 8:30 P.M.

Respectfully submitted by,

Maryanne DeTullio
Secretary*

*** These minutes are being typed from the originals done by Maryanne DeTullio and are being used solely for updating the website. The Clerk, Diana Barry, was on medical leave at the time of this meeting.**