

The Shelton Planning & Zoning Commission held a Special Meeting on September 26, 2006 in the Shelton City Hall Auditorium, 54 Hill Street, Shelton, CT

The following members were present: Chairman Alan Cribbins  
Comm. Virginia Harger  
Comm. Leon Sylvester  
Comm. Karen Tomko-McGovern  
Comm. Jason Perillo

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

Members absent: Comm. Anthony Pogoda  
Comm. David Oraziatti

**Tapes 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 at 7:05 p.m.

**PUBLIC HEARINGS**

**APPLICATION #06-41, BISHOP DEVELOPMENT OF SHELTON FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (HIGH TRAFFIC GENERATOR: RETAIL/OFFICE BUILDING), 865 RIVER ROAD (MAP 5A, LOT 2), CA-2 DISTRICT.**

Richard Schultz read the call of the hearing and three letters from the City Engineer. There was also a letter from the Fire Marshal and the State of Connecticut Long Island Sound Programs. Joseph Mingoello submitted the certified mailings and stated that the buildings on the site have been removed.

Jim Swift stated that this is the site of the former Esther's Hacienda and the Far Mill River is just to the south of the property. There are two curb cuts onto River Road which will be combined into a single driveway. The site is approximately 1.2 acres and it is zoned CZ-2. They are proposing a three story building with some parking in the front and the general circulation is coming around the building. There will be employee parking in the rear. There is an existing sewer line there also. They are proposing two drive-thru facilities with canopy. The highway line goes across the front of the property and they have a long term lease for this area. There will be 66 spaces on the site. There will be a large plaza in the front of the building. The grading is fairly consistent with what is there now; there will be some filling. There is a fairly steep grade which separates the site from the residential area at the top of the hill which is also the CA-2 zone. The drainage system is completely new with a sub-surface retention area. There will be a oil/grit separator and a complete soil and erosion control plan is shown. He stated that they have added some shade trees and plantings along the wall. There are no plantings shown in the front parking area but they can recommend some small shrubs and plants to the State.

Joseph Mingoello stated that if they were to lose their lease with the State for the front of the site they would still be able to provide adequate parking but would lose the plaza area. Each floor of the building would be approximately 5,000 s.f. The first floor would have two tenants bank/retail uses and the second and third floors would be office spaces. There would be the major entrance from the parking lot and a secondary entrance in another location. There would be a canopy around the front facade with a tower on each end with the stairways. It would be brick for the entire first floor with vinyl siding in the center.

Dave Sullivan, Barkham & Mess did the traffic study and analyzed the existing traffic conditions. He stated that they took a.m. and p.m. counts during peak hours and found 75 vehicles in the a.m. hours and 185 trips in the p.m. hours. The sight lines are good on both sides. He also stated that they did a impact analysis on the Long Hill Avenue intersection and the levels of service would be the same with the added traffic.

The levels of service on Seneca Road would also be the same. The current driveway is at level of service D and E and they conclude that there will be no impact to those levels and no safety impacts. Chm. Cribbins asked about the possibility of adding a turning lane and Mr. Sullivan stated that there are no plans for that. Chm. Cribbins also asked about the length of the long term lease and Mr. Mingoello indicated that it is 15 years. Leon Sylvester stated that it is difficult to exit the site going north and Mr. Sullivan stated that while it is difficult the sight lines are good.

Chm. Cribbins asked for any public comment.

Tom Vinnotti, Manhasset Trail stated that he had traffic concerns and it is difficult to get in and out of that site.

**On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to close the public hearing for Application #06-41.**

**PROPOSAL OF PLANNING AND ZONING COMMISSION TO AMEND THE ZONING REGULATIONS BY RE-WRITING SECTION 34: PLANNED DEVELOPMENT DISTRICT (PDD).**

Chm. Cribbins stated that this hearing involves proposed zoning amendments initiated by the Planning & Zoning Commission involving the re-writing of Section 34. It was reviewed by the zoning sub-committee and forwarded to the full Commission. It was also reviewed with the 2006 Plan of Conservation and Development. He stated that the PDD has been an important zone used extensively in the city.

Richard Schultz read the call of the hearing and there was correspondence from Valley Council of Governments, Central Naugatuck Regional Planning Agency, South Central Regional Planning Agency and Long Island Sound Programs, State of Connecticut DEP. He stated that the exhibits presented include the draft text amendments, 2006 Plan of Conservation and Development and building zone map.

Tony Panico stated that this was done in response to some ongoing concerns from citizens, as well as situations that the Commission has encountered and the bring more substance to the regulations. There were some serious issues raised in a recent court case challenging the New Haven regulations. This places controls on potential locations for PDD and it would not be used in the middle of homogeneous single family residential areas. They have also modified the process of these applications. There would be specific time limits and if the conceptual plan is approved then an applicant would have six months to submit detailed or final design plans. Mr. Panico stated that one of the new items is the open space requirement which would be not less than 10% of the lot area but the Commission could accept a fee in lieu of open space. This area needs a lot of discussion. Leon Sylvester stated that he has a lot of reservations about this especially when you talk about the downtown area where there is no open space and if a fee is applied considering the value of property it might make it difficult for a developer. Mr. Panico stated that a mechanism could be added for certain areas. Leon Sylvester also felt that the residential areas should also be discussed in detail.

Chm. Cribbins asked for public comment.

Atty. Dominick J. Thomas representing Jim Botti stated that this is a good step but had some concerns about the floor area ratio and felt that the open space was the focus in residential areas and not in the downtown area. He also spoke on signage controls and felt that there should be some flexibility with that. Mr. Panico stated that the owner has the responsibility to make sure that the development looks good and the Commission is somewhat limited on how this can be done. Atty. Thomas stated that he is in favor of public comment but not in favor of public hearings because he felt that it actually limits the input of information and comments to the Commission. Atty. Thomas also felt that they should not be voting on PDD under certificates of zoning compliance and Mr. Panico stated that is the process that this commission follows. Atty. Thomas also

questioned the language pertaining to Inland Wetlands approval and Mr. Panico stated that he is trying to give them a level confidence in being able to express an opinion before they have a formal application. He also commented on the performance bond language. He also asked about the language that speaks about the expiration of the approval. Mr. Panico stated that if the commission approves the initial development and then the developer does not go forward and no extension is given then the initial plan is null and void and a public hearing can be scheduled to delete the PDD approval.

Atty. Jim White stated that he just received this and did review the plan of development and thought that it was to limit the use of PDD. He also commented on the fee in lieu of open space and what formula would be used. Mr. panico stated that it is the same concept used in a subdivision. He also commented on the relationship between this commission and inland-wetlands.

Royal Wells commented on the open space and felt that with large tracts there should be some flexibility and perhaps those large tracts could be grandfathered in under the old regulations.

Richard Jaeger, 2 Gotham Lane felt that the draft was a step in the right direction but still needed work.

Irving Steiner, 23 Partridge Lane also felt that it was a step in the right direction and the locations of PDDs are important. He also felt that the Commission should try and maintain greenery in the Route 8 corridor and limit the amount if impervious surfaces especially in developments near the rivers.

**On a motion made by Virginia Harger seconded by Jason Perillo it was unanimously voted to close the public hearing for this Proposal to amend Section 34.**

The meeting was recessed t 8:50 p.m. and reconvened at 9:00 p.m.

### **OLD BUSINESS**

Chm. Cribbin read a letter of resignation from William Papale stating that his resignation from the Commission was effective immediately.

**On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to accept the letter of resignation.**

**APPLICATION #06-30, R.D. SCINTO, INC. FOR SPECIAL EXCEPTION (HIGH TRAFFIC GENERATOR); (LIGHT INDUSTRIAL BUILDING), 71 LONG HILL CROSS ROAD (MAP 51, LOT 7), LIP DISTRICT (PUBLIC HEARING CLOSED ON 7/11/06)**  
**DISCUSSION AND ACTION**

**APPLICATION #06-33, R.D. SCINTO, INC. FOR SITE PLAN APPROVAL (LIGHT INDUSTRIAL BUILDING), 71 LONG HILL CROSS ROAD (MAP 51, LOT 7), LIP DISTRICT DISCUSSION AND ACTION**

Chm. Cribbins stated that there was a lot of discussion at the last meeting on these applications and some Commissioners wanted the opportunity to review the minutes and listen to the tapes. Richard Schultz stated that all the reports are in and are favorable. Anthony Panico read the proposed resolution. Chm. Cribbins stated that the Commissioners can vote to approve this based on the City Engineer's report that it is an acceptable plan and they can discharge onto the adjacent property. Chm. Cribbins also stated that the two alternates will vote this evening.

A motion made by Virginia Harger seconded by Jason Perillo to approve Application #06-30.

Leon Sylvester stated that the obvious question is who is responsible for the discharge onto the other property. The City Engineer says that it is appropriate but it is very difficult to vote for something that will allow the discharge onto another property. He felt that an opinion should be obtained from the corporation counsel.

Richard Schultz stated that the City Engineer indicated that he anticipates a lawsuit regardless of the action taken by the Commission.

Chm. Cribbins stated that this is an application and process and we rely on the City Engineer to make the determination that it is a sound plan for discharges. He stated that if it is denied on what basis are we denying it if we have gotten a favorable report from the City Engineer. He also stated that if the Commissioners want we can ask for an opinion from the corporation counsel.

Leon Sylvester stated that someone should advise the Commission if there is reasonable doubt or should we vote based on the City Engineer's report. He stated that he would feel better if there was a legal opinion.

Karen McGovern-Tompko asked if there was anything that can be done so that it would not discharge on to the adjacent property. Chm. Cribbins stated that the plans that were submitted were reviewed by the City Engineer and a favorable report received.

Jason Perillo stated that he would have no problem waiting for a legal opinion and then rescinded his second to the motion. Virginia Harger then withdrew her motion.

**On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to table action on Application #06-30 and #06-33.**

#### **OTHER BUSINESS**

#### **25/40 SURREY DRIVE: APPROVAL OF STIPULATION TO CONDUCT SITE IMPROVEMENTS**

Richard Schultz read a stipulation prepared by the corporation counsel. The soil and erosion control plan was prepared and approved by the City Engineer. The work would begin immediately and be completed no later than November 15, 2006. Upon completion the engineer will provide an as-built survey.

**On a motion made by Jason Perillo, seconded by Leon Sylvester it was unanimously voted to approve the stipulation for 25/40 Surrey Drive.**

**On a motion made by Leon Sylvester, seconded by Jason Perillo it was unanimously voted to adjourn the meeting at 9:15 p.m.**

Respectfully submitted,

Maryanne DeTullio