

The Shelton Planning and Zoning Commission held a Regular Meeting on December 12, 2006 at 6:30 P.M. in the Shelton City Hall, Auditorium, 54 Hill Street, Shelton, Ct.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Patrick Lapera
Comm. Daniel Oraziatti
Comm. Jason Perillo
Comm. Anthony Pogoda
Comm. Leon Sylvester
(arrived late)

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Patricia Garguillo, Court Stenographer
Diana Barry, Clerk

Members absent: Comm. Karen Tomko-McGovern

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.

EXECUTIVE SESSION:

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to go into Executive Session at 6:32 P.M. and invite all Commission members including Richard Schultz, Anthony Panico, Assistant Corporation Counsel and Mayor Mark Lauretti.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to come out of Executive Session at 7:29 P.M.

APPLICATION # 06-48, PRIMROSE FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT PLANS, SHELTON RIVERFRONT DEVELOPMENT) CANAL STREET EAST, IB-2 DISTRICT WITH CBD/SDA OVERLAY ZONE (CONTINUATION OF PUBLIC HEARING FROM 11/28/2006)

Comm. Perillo read letters one from Robert Kulacz, City Engineer, one from the Valley Council of Governments including David Elder's letter, one from the Shelton Historical Society, from Regis Dognan, and one from John "Jack" Finn. (all attached) He also read a letter from the Citizen's Advisory Board (not attached).

John Guedes, President of Primrose Co., addressed the Commission. At the last hearing we were requested with the traffic study and our consultant is here to provide us with his report. I did take mental notes of comments made and I want to present the modified plans and I will bring those to the Commission and citizens of Shelton. Those 6 points will ease the concerns raised.

Bruce Hillson, with Traffic Engineering Solutions, PC, addressed the Commission. At the meeting two weeks ago we were asked to come back with some sort of assessment with regard to the traffic on the roadway system. The report is on file in the Planning and Zoning Office.

We looked at the traffic study that was done two years ago for the Birmingham project and we incorporated those traffic counts into this study. With every building that is being proposed there will be a traffic study and count to that timeframe.

We used the ITE Trip Manual and Traffic Engineers guide to determine the number of trips for the facility. There are mixes of uses within the project and each of those has a different trip generation. We then determined the number of trips during the morning peak hours and those individual columns and trip counts are in the report, stated Bruce Hillson.

If you look at the intersection along Howe Avenue those intersections are working at an existing level of service D. It is not the best and the level of service will continue to operate at the level of service D. If you look at Howe Avenue and Wooster Street that is not signalized, what we find is that signalization should be considered elsewhere.

The last intersection we looked at is Howe and Canal and Cornell also provides the same access. We believe that a traffic signal will be needed as the first and second building are being built. The distribution there will be best served with signalization. I believe the signalization at the Howe Avenue and Wooster St. will be a benefit to the City, stated Bruce Hillson.

Comm. Perillo questioned the level of service, your analysis of unsignalized intersections of Howe and Hill? What did you anticipate the impact would be with signalization? I anticipate a level of service C or better, answered Bruce Hillson. At this stage I am not ready to say that is the location for signalization, future studies will tell us where signalization would be best served, he added.

We looked at the study that was done for the Birmingham and it shows more traffic coming south toward New Haven, coming from Center Street, stated Bruce Hillson.

Comm. Sylvester stated that White Street is a level of service B? That is almost the best and I find that without challenging you, I find that hard to believe. I do question that fact and how the traffic going southeast will avoid the use of White Street. There is a lot of traffic that you expect to come out to Route 110 that way without using Hill Street, stated Comm. Sylvester. Closer to the project is Cornell Street, stated Bruce Hillson.

John Guedes explained that when listening to some of the concerns I went back to the computer looking at 4 or 5 locations that were creating the most issues. The most recent drawings I left behind this evening but I will get them to Rick in the morning. If you remember the original site the access along the parking lot was not adequate. There was not enough room between the walkways and the buildings. Item 2 had the same concern. The units were to close to the river walk and site 3 was the same.

End of Side 1B* of 2B, tape 1 of 2 at 8:20 P.M.

Site B had the building flipped. We want to improve Canal Street with landscaping strips and the designed will be done to the site standards. There is no way of widening the road.

The major concern that was raised was about the proposed river walk. The misunderstanding is that the river walk will go along Canal Street. There are two options, when it comes to Bridge Street to go under the bridge. I would provide an easement along the Birmingham to the river walk.

I do have renderings from 1924 and if you look you see the structures are right on the river. We can tear down the buildings and put a bridge over the water. If you want to do that you would have to chop some of the building off to accommodate the sea wall.

When you look at the retail the parking is a concern and the river walk is at an elevation of 16.7 and the new will be 21.6. The river walk will come in above the locks. Our proposal is to preserve the locks and it can't happen in some of the areas, stated John Guedes.

There was concern with the handicap access, the Birmingham is being built with every unit being able to be converted into handicap.

Tom Harbinson, Chairman Conservation Commission, addressed the Commission. He read a letter into the record, which is on file in the Planning & Zoning Office.

When Tom Harbinson was finished reading his letter he went to the easel to show that on the 1924 drawings, to the right in this corner, there are 4 marks that are the high water marks, stated Tom Harbinson.

Terry Gallagher, 42 Judson Street, addressed the Commission. He was not able to be present at the last meeting so his letter was submitted. I want to clarify one thing that the illustrations show how the river walks can revitalize the downtowns.

William Bures, Division Street, addressed the Commission. He questioned the traffic on Howe Avenue and Center Street? Cornell coming out of Coram is dangerous.

Richard Jager, 2 Coppel Lane, Licensed Professional Engineer, addressed the Commission. I am in favor of the concept of this proposal by the developer. I am also in favor of the letters that Mr. Perillo read earlier. I am reluctant about that there is no affordable housing. Shelton has less than 12% affordable housing. The developers should push for this.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to close the Public Hearing on Application # 06-48.

The meeting was to be moved at this time from the auditorium to Room 304 but the Commission stayed in the auditorium.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated there are 22 standards that all meet requirements. Staff recommends approval.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve the Certificates for Zoning Compliance, Standards 1-22.

SEPARATES:

6443 ANDREW KOLASKI, 30 LONGFELLOW ROAD, HOME OFFICE

Richard Schultz stated that this is for a home office dealing with audiovisual equipment.

There is something wrong with the tape and until further noted the rest of the minutes are from the Clerk's notes.

***Side 1A is intentionally blank so that there are two tapes that include Side 1B, 2A, and 2B.**

On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to approve Separate # 6443.

6469 CHRISTOPHER PRODAN, 15 BIRCHBANK ROAD, HOME OFFICE

Richard Schultz stated that this is for snow plowing and snow removal. There are no signs on the vehicle it is strictly for an office associated with the business.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6469.

6475 KIM MALER, 120 MALTBY STREET, HOME OFFICE

Richard Schultz stated that this is for a painting subcontractor. There is one non-commercial vehicle.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6475.

6480 SOUND MARINE WORKS, 274 SOUNDVIEW AVENUE, HOME OFFICE

Richard Schultz stated that this is for a home office relative to boating repair. He will use 50 square feet for a home office.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6480.

6477 AND 6478 DARIUZ ZUREK, 55 STENDAHL DRIVE, HOME OFFICE

Richard Schultz stated that this first one is for a woodworking subcontractor. The second one is for the son who will be doing the same that the father is doing. They specialize in trim work.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6477 and 6478.

6482 ANTHONY MAURATO, 15 TAHMERE PLACE, HOME OFFICE

Richard Schultz stated that this a subcontractor who does plumbing and heating.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6482.

6494 WON S CHOI, 51 COUNTRY WALK, HOME OFFICE

Richard Schultz stated we have a letter of authorization from the Condo. Association. This is a home office for a business dealing with nail salon tables.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6494.

6476 CHRIS CARTISANO, 475 RIVER ROAD, BUSINESS

Richard Schultz stated that this is the new business on the River Road. He needs a trade name certificate now for the business.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6476.

6435 MACK-CALI, 1000 BRIDGEPORT AVENUE, BUSINESS

Richard Schultz stated that this is for a new tenant at the People's Bank building. They will occupy 5,800 square feet and have 30 employees. There will be no additional signs and there is sufficient parking there. How do you figure the parking, do you literally count parking spaces, questioned Comm. Sylvester? When there are multiple tenants you count spaces and do tabulations that include the drive-thru. If there are any problems you can call the management company. We have had no problems with the parking at this building, stated Richard Schultz.

On a motion made by Virginia Harger seconded by Leon Sylvester it was unanimously voted to approve Separate # 6435.

5748 PRATT-READ CORP, 710 BRIDGEPORT AVENUE, BUSINESS

Richard Schultz stated that this is for light manufacturing and assembly. They will have 112 employees and hours of operation are Monday through Friday, 7 A.M. to 7 P.M. There is a lot of parking on site.

Comm. Sylvester questioned what do they do, light manufacturing of what? Screwdrivers answered Richard Schultz.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to approve Separate # 5748.

6493 SUNSHINE LTD, 2 MT. VIEW DRIVE, BUSINESS

Richard Schultz stated that this is the California Closet building. This is the third occupant that will be a mail delivery company. They will use 5,5 00 square feet and have 5 employees.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6493.

The clerk is able to hear the tape now.

5315 LATRECE PRESTON, 61-65 HOWE AVENUE, MODIFY SIGN, ADD WALL SIGN

Richard Schultz stated that this is a preexisting non-conforming address. This used to be Eddie Mack's variety in the 50's. The Commission is trying to restrict the use of phone numbers on signs.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 5315 with the condition that the phone number be removed.

End of Side 2A of 2B, tape 2 of 2 at 9:15 P.M.

6463 L. WELLS, LONG HILL & LAURELWOOD, TEMPORARY SIGN

Richard Schultz stated that this is for Lyman Wells to sell Christmas Trees. It is a temporary sign.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to approve Separate # 6463.

6462 ADCO SIGN CO., 66 HUNTINGTON ST., SIGN

Richard Schultz stated that the occupant has been approved. This is replacing Remax Realty. This will go up on the wall.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to approve Separate # 6462.

6487 TOM MCMANUS, 33 HULL STREET, SIGN

Richard Schultz stated that the Commission approved the occupant for Winn Electric on Hull St. This is the proposed wall sign. Approval is for the location of the sign.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 6487.

6490 AT&T, 360 BRIDGEPORT AVENUE, SIGN

Richard Schultz stated that this is for ATT signs on Bridgeport Avenue across from Webster Bank. It will be illuminated.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 6490.

WAIVER OF SITE PLAN

6495 ST. VINCENT'S IMMEDIATE HEALTH, 2 TRAP FALLS RD., BUSINESS

Richard Schultz stated that this used to be at Shelton Square and they have moved to Trap Falls Road. They have signed a lease and will occupy the lower level with access in the back. There are 7 parking spaces for the walk-ins and the staff will use a garage. There are two temporary signs. I have told them they are illegal and they have to come in to make them permanent.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the waiver of site plan on Separate # 6495.

6496 MICHAEL FERREIRA, 267 BRIDGEPORT AVENUE, BUSINESS

Richard Schultz stated that this is for State Farm Insurance on the corner of Cot and Bridgeport Avenue. It is a house that they will occupy the first floor. Residential then will cease on this side of the street. We will monitor the parking.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the waiver of site plan on Separate # 6496.

APPLICATION # 06-46, SECOND TREETOPS, LLC FOR SPECIAL EXCEPTION /SITE PLAN APPROVAL (HIGH TRAFFIC GENERATOR: PARKING LOT) 20 COMMERCE DRIVE (MAP 38, LOT 1) LIP DISTRICT: REQUEST FOR WITHDRAWAL BY APPLICANT

Richard Schultz read the attached letter from Attorney Charles Campbell with the Pullman & Comley Law Firm.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept the letter of withdrawal on Application # 06-46.

PUBLIC PORTION:

Robert Neidemeyer, owner of a business located at the end of Long Hill Cross Roads, addressed the Commission.

Over the last 10 years we have built the business up. During the construction phase it was brought to our attention that there was contaminated soil on that site. The soil has gone off site and that will no longer take place. We had no knowledge that it was contaminated nor did we give consent for that to go off site. The soil that was removed has been returned to the site and we are handling this legally with regard to who is responsible for that. We wanted to bring this to your attention so that you are aware as to where the soil is. The soil is here in an open area in an upper lot. This will minimize impacts because there are some small trees.

We will file a special exception permit with you and we want to tell you what you can expect from us, stated Robert Neidemeyer. There are handouts of the site, he added.

Chairman Cribbins stated we will get your application and we then will go to a Public Hearing.

There are handouts for the site and correspondence from DEP with concern to the impacts from the soil. There is no threat from the soil to the Community, stated Mick Shortell.

Irving Steiner, 23 Partridge Lane, addressed the Commission. (see attached letter)

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to close the Public Portion.

OTHER BUSINESS:

APPROVAL OF MINUTES: 10/24/2006

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the minutes of 10/24/2006. Comm. Harger abstained from the vote.

8-24 REFERRAL: EXTENSION OF LEASE FOR PROPERTY AT 234 SHELTON AVENUE

Richard Schultz stated that this is the house on the corner of Knells Rock and Shelton Avenue. There was a tenant and they want to extend the lease. There are no issues with the building being maintained. They took the fence down and there are no problems with the storage of vehicles there.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to report favorably on the 8-24 Referral: extension of lease for property at 234 Shelton Avenue.

8-24 REFERRAL: CITY ACQUISITION OF PROPERTY ON WINIBIG TRAIL

Richard Schultz stated that this is 3 parcels in the Pine Rock Park Section. The owners have offered these to the City. The City Engineer endorses this purchase.

Comm. Orazietti questioned how can we refer to this or report favorably on something when we don't know the purchase price? You would not do that on any other business, he added. We are giving the Board of Aldermen a referral, stated Chairman Cribbins, with regard to planning issues. It is a referral through your planning stated Anthony Panico. If we endorse this and they buy it and later on something gets said that P & Z spent a big amount of money on that, stated Comm. Sylvester. You are not being asked to acquire or not acquire, you are being asked from a planning point of view, stated Anthony Panico.

On a motion made by Daniel Orazietti seconded by Anthony Pogoda it was unanimously voted to report favorably on the 8-24 Referral: City acquisition of property on Winibig Trail.

FOUR WINDS: REQUEST FOR RELEASE OF SITE BOND

Richard Schultz stated that there are still Wetlands issues that need to be resolved so that we won't take an action on this tonight.

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to pay bills, if funds are available.

There are problems with the recorder.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to add 4 items to the agenda.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to accept Application # 06-52 and schedule the Public Hearing for January 16, 2007.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to accept Application # 06-53 and schedule the Public Hearing for January 16, 2007.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to authorize Legal Action at 34 Wright Street.

On a motion made by Leon Sylvester seconded by Patrick Lapera it was unanimously voted to move ahead on High Plains Road and call the bond.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 9:55 P.M.

Respectfully submitted by,

Diana Barry,
Clerk