

The Shelton Planning and Zoning Commission held a Special Meeting on January 16, 2007 at 7:00 P.M. in the Shelton City Hall, Room 104, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Virginia Harger
Comm. Jason Perillo
(sitting in for Comm. Lopera)
Comm. Anthony Pogoda
Comm. Karen Tomko-McGovern (arrived late)

Staff present: Richard Schultz, Planning Administrator
Pat Garguillo, Court Stenographer
Diana Barry, Clerk

Tape (1) and correspondence on file in the City/Town Clerk's Office and the Planning & Zoning Office. Attachments are not available on the website. Chairman Cribbins opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS:

APPLICATION # 06-52, ROYAL WELLS FOR SEPCIAL EXCEPTION/SITE PLAN APPROVAL (DRIVE-THRU FOR NEW BUILDING) 202-236 LEAVENWORTH ROAD (MAP 144, LOT 15) CA-2 DISTRICT

Comm. Pogoda read the call of the hearing and there were no additional correspondence.

James Swift, Professional Engineer and Landscape Architect, addressed the Commission. He presented the certificate of mailings. This was before the Commission before and we did withdraw this then because we had no user. The building is in position now and we are actively marketing this for a drive thru for a financial institution. It will have one window and will be able to stack 8 to 10 cars. It will be a small satellite institution that will be about 1200 square feet for two.

Leavenworth is at the top of the sheet, the new building is here and the drive-thru is in the corner, left hand side. This is a one level pitched roof.

Comm. Pogoda questioned which way the cars come in? The cars come in this way and they will line up along this curb line and this portion is the overhang where they will stack up, answered James Swift.

Chairman Cribbins questioned where the trash containers will be? They are right here and there will be new masonry containers constructed in the summer, one will be on this side and one on the other side, answered James Swift.

Chairman Cribbins asked if there was anyone else wishing to address the Commission, hearing none, he then asked for a motion to close the Public Hearing.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was unanimously voted to close the Public Hearing on Application # 06-52.

APPLICATION # 06-53, EPC INTERNATIONAL, INC. FOR SPECIAL EXCEPTION/SITE PLAN APPROVAL (HIGH TRAFFIC GENERATOR: CONVENIENCE STORE) 493 BRIDGEPORT AVENUE (MAP 62, LOT 44) CA-2 DISTRICT

Comm. Pogoda read the call of the hearing and there was no additional correspondence.

Joseph Mingolello, an Architect with Mingolello and Hayes, addressed the Commission. He presented the mailing receipts. This is the Mobil Repair Facility across the street from Crown Point Plaza. The tenant has moved out. The repair operation has stopped and the way the site had existed was for cars to be parked out front here. There was no access to the back and there was a dumpster there.

We want to take the rear addition off making the building smaller. At the curb cut there will be access and ingress there. The pumps will remain, we will refurburish the exterior building and we will redo the parking moving traffic around the building.

There is a piece of property owned by the neighbors and we will have an easement for parking there. We will park here, 11 spaces. There will be a planned dumpster enclosure in this corner. This is a CA-2 zone and it requires no parking and this is a pre-existing non-conforming lot. 13 spaces are required and we have provided 14 spaces.

There is an existing overhead canopy and gas pumps. We will remove 8 feet in the back. There will coolers along the side, office in the back and coffee station here. There are existing windows here and those will be replaced. There is an overhead door that will be closed up. There is brick and we will stucco the front and add a copula to it. There is concrete brick and that will be cleaned up. So those are improvements and that is the change of use from a repair facility to a convenience store, stated Joseph Mingolello.

Comm. Pogoda questioned the parking and commented that in most of these places the people wanting to just get a cup a coffee will park out front run it and I wondered if that out front could made into a fire lane.

Comm. Pogoda also commented that he didn't see a drive thru now and was concerned that they didn't come back with a drive thru. Joseph Mingoello stated there was no room for backing in or creating a bypass lane.

Two other uses that were there in the present, one they sold propane in the back and the other they sold used cars, stated Chairman Cribbins. Are we now saying that those two uses won't go on there? The whole car facility is gone, stated Joseph Mingoello. That was part of the repair facility, that system is all gone. I don't know anything about propane they will sell gas, he added. It was behind the building, added Chairman Cribbins. The use is not there and it is not planned on now, added Joseph Mingoello.

Comm. Pogoda questioned updating the canopy? It is the standard canopy, stated Joseph Mingoello. Ned Sorrentino, the owner of the property, addressed the Commission. The canopy is about 15 years old. It can be painted and dressed up. We can talk to Mobil to have the canopy upgraded. We hope the building will look better than it does now, he added. I would hate to see the building looking so good with the sore thumb sticking out of the front, stated Comm. Pogoda. I would appreciate some feedback on the that.

Comm. Perillo questioned what abuts to the rear and the left? The mobile home park is in the back. The dumpster is in the back abutting those residents. Is that where it has always been, asked Chairman Cribbins? It has always been in the back. Richard Schultz stated Staff will work with the owner.

You need those two curb cuts and you show those both as ins and outs, will that create a problem, if you have people coming in or out at the same time, questioned Comm. Perillo? For the most part coming North and South you will use that side, stated Joseph Mingoello. Is there a way to control that because this is one of those instances where a car accident is just waiting to happen, added Comm. Perillo?

How far apart are the curb cuts, he asked? About 30-35 feet apart stated Joseph Mingoello. It is conceivable that two cars will be coming in or out at the same time, stated Comm. Perillo. The property line is set back at least 20 feet to the top of the curb cut, added Joseph Mingoello. On the right side where the 11 parking spaces are set, how far is the first one from the street, questioned Comm. Perillo? About 20 feet, answered Joseph Mingoello. The second and third cars trying to get into will stick into Bridgeport Avenue that is a concern stated Comm. Perillo. We can eliminate that first space and create more green space there, stated Joseph Mingoello.

Comm. Pogoda questioned is there any landscaping plans or additional plantings planned? This is the State's property and we would have to go to them for what we can, stated Joseph Mingoello.

Where are you unloading and loading the delivery, questioned Comm. Pogoda? It will be done in the rear, we have 17 feet back here, stated Joseph Mingoello. I hope that is done during off hours and it will be tight so I wouldn't want to see that happen during the busy time, stated Comm. Pogoda. I have a service door in the back and another car can bypass that, stated Joseph Mingoello. The addition was 18 feet with pavement beyond that so access way is about 19 feet with 10 feet to bypass.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to close the Public Hearing on Application # 06-53.

APPLICATION # 06-54, FAR MILL, LLC FOR TEMPORARY SPECIAL EXCEPTION (EARTH REMOVAL) 600 BRIDGEPORT AVENUE (MAP 39, LOT 13) LIP DISTRICT

Comm. Pogoda read the call of the hearing and there was one additional piece of correspondence from Far Mill, LLC.

Robert Neidermeyer, addressed the Commission. We plan on bringing this soil back to Area 1 and that will be the area that will be the least impacted. How much material are we talking about here, questioned Comm. Pogoda? 3000 cubic yards, answered Robert Neidermeyer. That will take, how long, time wise, questioned Chairman Cribbins? A week to ten days, answered Robert Neidermeyer. About how many truckloads is that, questioned Comm. Perillo?

Mike Shortell, addressed the Commission, about 45000 tons about 20 tons a truck. That is a lot of trucks, stated Comm. Perillo.

My first question is why is it so imperative for this soil to be removed from Monroe. Number 2 what I heard here today is that it is not hazardous or detrimental then why does it have to be removed from Monroe? Number 3, if there is something wrong with it then I don't want to see it brought back to my town, stated Comm. Pogoda.

Robert Neidermeyer stated that the soil was removed from this property. We brought this property over two years ago and we have been working hard to remediate the site. The soil that was improved is not contaminated it is impacted. Our reasoning is that the soil that is there now is the same that is being brought back. We are not creating a new problem, we are taking the soil that was there back to the site.

Mike Shortell stated that it has to be removed from Monroe by DEP Statues. From the Monroe stand point it violates the Statues and would classify that property as a landfill. You cannot have that and that is why it will be returned. The impact is not a threat to the environment or humans.

Robert Neidermeyer stated that when we bring it back we will mediate it. With the cold weather we will have to bring it back and once the warmer climate comes it will be remediated.

In the process of you bringing it back, will it be covered, questioned Comm. Pogoda? Mike Shortell answered there will be plastic beneath it and on top of it. The plastic will be covered with additional soil so it won't be moved anywhere. We will put hay bales and silk fencing so no run off escapes this area, he added.

It sounds like the State made them move this off site and there is a lot of visibility, is this the right thing to do, stated Chairman Cribbins.

The person representing the DEP, (inaudible name) stated the soil has been staged in Monroe to be moved back. It has been determined to be safe by our standards. I am going to be authorizing the remediation is the spring and the permit is only a 30-day permit. I will also be monitoring that. If this is the best option, if this is the only option, this is an acceptable option, stated the DEP representative.

Comm. Pogoda questioned it is acceptable? My point is does it have to be brought back here, could it be staged somewhere else, could it be remediated somewhere else and brought back as clean fill? How much disturbance will be there, how much of a threat to the Community is there? This isn't something that has to be done, in my thoughts, he added. I am concerned with the Community itself. This is acceptable, is this the best, added Comm. Pogoda?

You can take this to a landfill but this is not what should take space up in a landfill. As far as taking it to another site it would change the classification of the site. The material is classified differently and by State laws that would be a nightmare, stated the DEP representative.

Comm. Perillo questioned I don't know if I am more frustrated with the bureaucratic red tape. It is o.k. if we remediate here but not o.k. if we remediate there but it will be remediated in both circumstances. It is the law, stated the DEP representative.

Could you explain to me, what it is about the soil that puts us here today, questioned Comm. Perillo? Will it make me grow a third eye? The pollutants are the same as you get from vehicle exhaust, diesel fuel, stated the DEP representative. They are below the standards because they didn't originate there. They don't move, they are solid and they stick to the soil. We will force them to eat the bacteria to eat the product and they will get use to that.

The dust issue and environmental issues are a concern and we will do a geo probe method. We won't turn over the soil. Mike Shortell stated it is a probe on the back of a truck and we will drive a one to two inch point under pressure using a slurry into the formation. We will do that on a 10-foot grid on center.

Do you test that along the process, questioned Comm. Harger? We will go in about 6 months after the injection and compare the soil samples from the time of transfer to see if it was effective, stated Mike Shortell. What is the time frame if you can only start that once warmer weather comes, questioned Comm. Harger? It will take 5 to 6 months from start to finish starting in the spring we will be done by winter, added Mike Shortell. Once it is cleaned what happens then, questioned Comm. Perillo? We will use it on the site for grading and with future expansion for parking, stated Robert Neidermeyer. We will level it off. Six months you do your testing, what will it show, questioned Comm. Harger? If it is not working we will be under the order of DEP to do something else, answered Robert Neidermeyer. What if the timeframe is not weather permitting, questioned Comm. Harger? It would just sit there and we would have to come to an agreement with DEP, stated Robert Neidermeyer. I did this same product in Washington, CT where we had ½ the soil and we brought it down to where it should be, stated Mike Shortell.

Richard Schultz stated the property is not located in a watershed area, it is not located within a flood hazard area and this doesn't trigger a Wetlands review.

Chairman Cribbins asked if there were any more comments or anyone from the Public wishing to comment, hearing none he then asked for a motion to close the hearing.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to close the Public Hearing on Application # 06-54.

OLD BUSINESS

APPLICATION # 06-54, FAR MILL, LLC FOR TEMPORARY SPECIAL EXCEPTION (EARTH REMOVAL) 600 BRIDGEPORT AVENUE (MAP 39, LOT 13) LIP DISTRICT- DISCUSSION AND ACTION

Richard Schultz read a draft motion on file in the Planning & Zoning Office.

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

Comm. Pogoda questioned who will monitor the placing and covering of the impacted soil? Who will monitor this so that it will be maintained properly throughout the winter?

Mike Shortell stated we will supervise the move from Monroe and will be inspecting this periodically. The DEP representative stated that there are requirements for how this is to be done.

Comm. Perillo stated the reasons I am in favor of this is that this soil will be better off after this and the DEP who is only interested in our health says this is not harmful. That is good for me, he added.

On a motion made by Virginia Harger seconded by Anthony Pogoda it was unanimously voted to approve Application # 06-54.

APPLICATION # 07-01, DANIEL WELLS FOR SITE PLAN APPROVAL (ICE CREAM SHOP) 656 BRIDGEPORT AVENUE (MAP 39, LOTS 15 AND 16) LIP DISTRICT – DISCUSSION AND ACTION

Daniel Wells and Mrs. Wells handed out some maps. There are currently retail sales of vegetables that are going on now. There is a barn that will be renovated that will be converted with a window to sell ice cream. There will be a large patio and there will be tables to sit there and enjoy the ice cream. There will be 20 parking spaces.

Comm. Pogoda questioned if the livestock will be kept there? Yes, answered Daniel Wells. The barn that is being used for the animals is around from the ice cream area. There are 4-5 barns available. The recent barn is where the trees are and was just repainted. All the barns have been sprayed over the summer, stated Daniel Wells.

Keeping a farm like this costs a lot of money to be maintained. This will generate an income to support the barn and keep it going, stated Mrs. Wells.

The parking that you will be putting in, would that be asphalt, questioned Comm. Pogoda? That will be gravel, which was the recommendation from the Wetlands Officer, stated Daniel Wells.

On the right hand side there is an overflow area for parking. The tree sales will have additional parking, stated Mrs. Wells. For ice cream we will be opened for 8 months, she added.

Hours of operation, questioned Comm. Pogoda? 12 to 10 stated Mrs. Wells. Mon thru Thursday we will close earlier, added Daniel Wells.

This parking will remain, questioned Comm. Harger? We will repave that, stated Daniel Wells. Will there be a pathway, asked Comm. Harger? It will all go in one direction and out this way, stated Mrs. Wells. There are chickens running around and people drive slow, stated Daniel Wells. The vegetables will still be sold so we are trying to do the one-way traffic in and out, stated Mrs. Wells.

The green house that is being proposed, questioned Comm. Harger? We will take two down and create one more modern greenhouse, stated Daniel Wells. We want to create a better atmosphere for the people using Bridgeport Avenue. We will be putting signage for the ice cream and vegetables for the front and the animals. We want to get the younger generation out to the farm, stated Mrs. Wells.

We are reducing the size of the barnyard. There are only 6 to 10 animals at any given time, stated Daniel Wells. If people park here I am concern if they walk up here, stated Comm. Harger.

I think we are offering two to three times the parking that is required by ordinance and we have enough parking to have a possible overflow area if needed, stated Daniel Wells.

Will the ice cream be made on site, questioned Comm. Harger? No, stated Daniel Wells. This is the 5th generation of the Wells on this property, stated Mrs. Wells.

What about in the winter making this something else over the winter, questioned Comm. Pogoda? There is so much maintenance on the farm that you need the 3-4 months to do that, stated Daniel Wells. We don't want to make this into anything else, the ice cream sales with the farm stand and the seasonal items, he added.

Richard Schultz read correspondence from the City Engineer and the Fire Marshal. (See attached) He then read his staff report and draft motion. (Available in the P & Z Office)

Comm. Tomko-McGovern arrived at 8:15 P.M.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Application # 07-01.

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 (PUBLIC HEARING CLOSED ON 12/12/2006) – DISCUSSION ONLY

Chairman Cribbins stated that Anthony Panico was not present due to a tragic family event. He had to travel to Florida to be with his family.

At our last meeting we took a number of good issues and questions concerning the density, the river walk, the location of the river walk, public spaces, access points, parking ratios, parking for the dwelling units, ratios of residential units versus commercial property, the affordable component possibility to think about and traffic improvements.

All of these things and the fact that these are still only the basic development plans, we certainly are going to be able to make comments about these and still make comments about all of these plus input on this during the life of this program, stated Chairman Cribbins. It is not necessarily true that we should have all the answers to all the questions and all the things that are on our minds before we come to some resolution on this. We did hold it opened until today because Comm. Perillo was not here and we wanted him to have some input to it. It is unanimous among the Commissioners that we want to see this happen we just want to see it done correctly as we move forward. There will be plenty of time to get to all of these concerns, he added.

One of the issues that was brought up by Comm. Sylvester, who had an excellent idea, there are other Communities that have done projects like this in their Communities and the outcomes have been very good. The suggestion was to allow Anthony Panico to go talk to these consultants that they had, talk to the developers and to take away the best practices and take our list of concerns to see if they have any issues with those.

Do all of these have to be done and settled before we vote on this, I think not, stated Chairman Cribbins. I think that we could do this over the balance of the year and give Anthony Panico the time to meet with these people as we go from the basic plans to the more detailed with the structures on this. What we thought was to get some more input and when Anthony comes back next week he will get started on resolution that we will look at during the February meeting. We will work with the developer as we march through the different phrases, he added.

Comm. Perillo stated it sounds that you mentioned all the pop all topics including density, parking, and density, which is driven by the parking. The reality is that this is a 19th Century road footprint in a 21st Century project. We have to work with what we have. That is challenging and it won't be perfect because there is no way to do that. We are going to make it the best we can within those constraints.

We have a very historical site with a canal and I know the Historical Society and the Conservation Commission have expressed concern to preserve as much of that Canal as we possibly can. I agree with them.

We need to deliver as much parking as we can underground to avoid making it one big opened parking lot. We need to encourage the developer to be creative in how he does that, stated Comm. Perillo.

There is value in what other towns have done and talking with the Consultants who have done other projects and so we can wait to be educated or we can educate ourselves. For the last year, I have made it a point to talk with other City Planners that have done this in other areas along with site visits. Manchester, New Hampshire has done a very similar Riverfront project right along the Merrimack River, which has been very successful for them.

I have had a number of very lengthy discussions with the City Planner in Lowe, Massachusetts who had a very similar situation with a canal system, which is historic. They had some excellent recommendations regarding density and use. They had some excellent recommendations regarding the value of residential development in bringing in retail development and their strategy with regard to parking, stated Comm. Perillo. That is the direction in which we are going and I think that Chairman Cribbins said another thing that was important. This is conceptual and we get another 7 cracks at this. Every time another stage of this project is brought forward we get to talk about it. We talk about it, we deliberate and then we will vote on it again.

If you look at the architectural's, these are very small architectural's, if you don't like them, that is fine we can look at them again and make it that much better, preserving as much Historical value as we can. This is Shelton's downtown history, stated Comm. Perillo. Comm. Tomko-McGovern stated that I would love to see the old Valley Health building be a Police Sub-Station. It would tie in together.

Chairman Cribbins stated we need to look at the zone changes that will take place to the South of this. The developer is on a time line as well and we need to take that into consideration and be sensitive to that. We need to give them time to work through their negotiations with the asphalt plant. We want to see this developed and will work with them. We want to structure this allowing the basic development approval and we can work with the details. This is a conceptual approval so the ball can roll and each stage will work the right way, stated Comm. Perillo.

The developer has said that there will be easements and we already have an Engineer in place for the River walk. We need to make sure the developer and the Engineer work together to make sure the walk has the plazas where they are needed, stated Comm. Perillo.

P & Z COMM.

JANUARY 16, 2007

Richard Schultz stated Anthony Panico and I will be working all next week on the resolution. We will continue to meet with the Downtown Subcommittee and the Zoning Sub-Committee to deal with the zoning proposed for downtown. I want to remind you that we have one pending application dealing with Canal and Howe Street. We will have Kyle Corners coming in soon. That ensures you, Comm. Tomko-McGovern, the business district will have 2 projects coming in. They both are significant, he added. It is imperative we don't lose site of the core area. There will be a lot on our plates for the next year. We are all on the same page, stated Chairman Cribbins.

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to adjourn at 8:35 P.M.

Respectfully submitted by,

Diana Barry,
Clerk