

SHELTON PLANNING & ZONING COMMISSION

MARCH 23, 2016

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, March 23, 2016, Shelton City Hall, Auditorium at 7:00 p.m., 54 Hill Street, Shelton, CT 06484

Commissioners Present: Chairperson Ruth Parkins
Commissioner Virginia Harger
Commissioner Anthony Pogoda (via teleconference)
Commissioner Thomas McGorty
Commissioner Elaine Matto
Commissioner Jim Tickey
Commissioner Frank Osak (alternate)

Staff Present Richard Schultz, P&Z Admin. (Recording Secretary)
Anthony Panico, P&Z Consultant (via teleconference)
Patricia Gargiulo, Court Stenographer

Tapes (2), correspondence and attachments are on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website www.cityofshelton.org.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chair Parkins call the March 23rd Special Meeting of the Shelton P&Z Commission to order at 7:00 p.m. with the Pledge of Allegiance and roll call of members present.

PUBLIC HEARING

APPLICATION #16-6, DOMINICK THOMAS FOR INITIAL DEV. CONCEPT PLANS AND PDD ZONE CHANGE FOR 445 ACCESS ROAD, (COMMERCIAL BLDGS.) (MAP 63, LOT 31), IA-3 DISTRICT AND FINAL SITE DEV. PLANS AND PDD ZONE CHANGE (COMMERCIAL BLDG.) FOR 493 BPT. AVE. (MAP 62, LOT 44) CA-2 DISTRICT

Chair Parkins read the call of hearing and correspondence 2 letters – City Engineer and Fire Marshal - 1 letter

Atty. Dominick Thomas, representing the applicant, introduced himself and explained the two separate projects being presented tonight. He presented public hearing notes and plate of posted signs at 493 Bpt. Avenue: across from Wendy's; formerly a gasoline store with convenience store. The client is giving up the gas station use. It will be replaced with a single tenant retainer. The owner has an occupant and is asking for Final Plan Approval. The applicant can live with DOT conditions of approval.

445 Access Road – Atty. Thomas said they are proposing conceptual plans for a self-storage building and a gas station. It is possible that the gas station/convenience store will be eliminated. He does not have a problem with closing the hearing tonight and at a later meeting approving the PDD Zone change without the gasoline/convenience store use.

Atty. Thomas then discussed the engineering plans and architectural plans. The size of the building is 4,050 square feet and compliments Crown Point across the street.

Commission Comments

Chair Parkins asked to clarify the request tonight for the two separate sites.

Comm. Harger asked for clarification on the 493 Bpt. Ave. use.

Comm. Matto questioned the occupant and parking standards.

Comm. Tickey questioned the two curb cuts.

Comm. McGorty questioned the entering and exiting of the 493 Bpt. Ave. site and was concerned with left turns onto Bpt. Avenue.

Comm. Harger questioned garbage pickup.

Public Portion

None

Comm. Tickey moved to close public hearing on Appl. #16-6, seconded by Comm. McGorty. The motion passed by a 6 to 0 vote.

Public Hearing #2

APPLICATION #16-7, DOMINICK THOMAS FOR INITIAL DEVELOPMENT CONCEPT PLANS AND PDD ZONE CHANGE (18 UNIT MULTI-FAMILY DEVELOPMENT), 405 LONG HILL AVENUE (MAP 78, LOT 5) R-1 DISTRICT

Comm. Harger read the call of hearing and correspondence (Fire Marshal and City Engineer's letters).

Dominick Thomas, Esq. submitted notification letters and photo of public hearing sign posted on sight. He discussed the history of property and that a Cease and Desist Order was issued for the keeping and storage of commercial vehicles in a residential district. The P&Z Commission eventually rezoned the property from IA-2 to R-1. The case went to the Appellate Court and reversed the zone change of the PZC. The Supreme Court rejected an appeal. The property owner chose to come before the PZC for a specific residential project for 18 town houses. When the property was rezoned to R-1 it essentially placed a burden on the property owner. He reviewed the description of the property and the adjacent land uses. There is substantial vegetation surrounding the property.

Fred D'Amico, P.E. discussed the 18 unit condos and addressed the concerns of the Fire Marshal. All issues can be addressed. He addressed the concerns of the City Engineer. The site line is in excess of 600 feet; The grades vary from 5 percent to 8 percent. A larger development was considered but pulled back. The design will be better environmentally. The plans are preliminary in nature and can be revised to address all concerns.

Atty. Thomas addressed the architectural plans. Each unit has a single car garage with parking in front; The townhouse design includes bottom floor garage with rooms. The next floor has kitchen, dining room and deck and the top floor has two bedrooms. There are six units attached with three clusters for a total of eighteen. The price range will be high \$200,000 and low \$300,000. These are initial concept

plans but the owner has received a court reversible of the R-1 Zone as it was determined to be spot zoning.

Commission Comments

Chair Parkins asked if 1,500 square feet was the unit size.

Comm. Harger suggested the reduction to the number of units.

Comm. Matto asked why not subdivide the property into four lots?

Comm. Osak questioned the alternatives and the former zoning for the area.

Chair. Parkins questioned if 3, 4 or 5 homes could be built instead of the 18 unit cluster.

Comm. Tickey questioned if a traffic study can be submitted. He would like a traffic study.

Comm. Matto asked for further clarification of the court case and zoning restrictions.

Atty. Thomas discussed in detail the zoning history of the property before and after the Rte. 8 Expressway was constructed. The owner needs to go before the ZBA for a variance to authorize an industrial use but the owner would prefer a residential land use with a PDD Zone Change.

PUBLIC PORTION

Secretary Harger read two letters of support.

Regis Dognin requested Atty. Tyma to talk first.

Atty. Tyma on behalf of Mike Fetal would like to raise some concerns; The history of the property is very checkered. The application may be flawed as the property is really zoned IA-2 with R-1. Justin Flynn stated that the zone change was spot zoning and accordingly struck down the R-1 zone change in 2008. He stated that PDD's are not to be used in residential areas. There are no condominiums for this neighborhood. He would suggest that the application be sent to the IWC. A decision should be made by other boards. He is pleased that the hearing will be left open.

Regis Dognin who lives at 342 Long Hill Avenue gave a history of the property regarding the R-1 Zone which went into effect in 1999. He objected to the LIP zoning referenced in the application. He read a letter dated 3/23/16 opposing petition (see attachment). He will submit a petition with over 300 signatures opposing the application. He presented mapping from the Valley Council of Governments.

Fred Carlson of 10 Sharon Court presented a petition of names opposing the application and was concerned with over 100 new homes on Long Hill Cross Road.

Michael Sigrist of 25 Sylvan Drive opposes the petition. The City is getting over developed and needs to protect the wildlife. The P&Z Commission needs to be more selective.

Lynn Farrell, representing the third ward, opposes petition. There is too much development for the sight. He relayed comments from two residents.

Resident of 198 Rocky Rest Road opposes the petition. Three or 4 homes would be more reasonable.

Sam Romano of Kneen Street recommended that the PZC get legal opinion and comments from Inland Wetlands Department. No guest parking provided. Turn the property into park land.

Stephani Kampler of 390 Long Hill Avenue opposes the petition. The proposal affect four homes. She showed the PZC a photo from her cell phone. Safety concerns with traffic. She submitted a letter from her husband to keep Long Hill Avenue a single family neighborhood.

John Anglace of Long Hill Avenue and President of the Board of Alderman indicated the City will be providing a new audio/visual equipment for the auditorium. He opposes petition and gave a history of illegal dumping and impacts to Inland Wetlands.

Joseph Bienkowski of 403 Long Hill Avenue said he moved there in 1955. He gave a history of the City and south Shelton. The impact to Long Hill Avenue has become overwhelming. He discussed land use of the greater Long Hill avenue. Long Hill Avenue has turned into a minor artillery road. This changed from a collector street. There is too much traffic and accidents occur in the area. Mr. Gaida has destroyed this parcel and has impacted the watercourse and wetlands. He submitted a petition with over 300 names opposing the petition.

Eric Carlson, 365 Long Hill Avenue opposes the petition. Keep the zone R-1.

Jason Perrillo, 454 Coram Avenue, State Legislator for the District said comments were interesting from the applicant's attorney.

Margaret Paulson, Sunse Drive opposes the petition.

James Walsh, 12 Broc Terrace opposes the petition. Keep the neighborhood R-1. He had lived in Stratford and Bridgeport.

Alan Tyma said the neighborhood has spoken; Keep these comments in mind when you determine the fate of this application. Wetlands have been disturbed.

Atty. Thomas requested the hearing go to 4/27 or 4/12. The application is legal and can proceed. Wetlands are regulated by law. He will submit a traffic report. There is no legal liability to the City.

Comm. Tickey moved to continue the public hearing to 4/12/16 and was seconded by Comm. McGorty. Motion passed 6 to 0.

NEW BUSINESS

APPLICATION #16-8, DOMINICK THOMAS FOR INITIAL DEVELOPMENT CONCEPT PLANS AND PDD ZONE CHANGE (MIX USE DEVELOPMENT), FOR BPT. AVE. (MAP 50, LOT 9), LIP AND R-1 DISTRICTS; ACCEPT AND SCHEDULE PUBLIC HEARING

Comm. Harger made a motion to accept and schedule public hearing on 4/27/16; seconded by Comm. McGorty. Motion moved by a 6-0 vote.

ADJOURNMENT

Comm. McGorty made a motion to adjourn at 9:50 p.m., seconded by Comm. Tickey. Motion moved by a 6-0 vote.