SHELTON PLANNING AND ZONING COMMISSION  
APRIL 12, 2016

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, April 12, 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 Ned Miller (alternate for Comm. Pogoda)  
Commissioner Frank Okak (alternate for Comm. Tickey)  
Commissioner Elaine Matto

Staff Present: Richard Schultz, P&Z Administrator  
Anthony Panico, P&Z Consultant (via teleconference)  
Patricia Gargiulo, Court Stenographer  
Helen Solotruck, P&Z Recording Secretary

Tapes (2), correspondence and attachments are on file in the City/Town Clerk’s Office and the Planning & Zoning Office and on the City of Shelton Website www.cityofshelton.org. Please note that the tape recording of this meeting was defective.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Parkins call the April 12th Regular Meeting of the Shelton P&Z Commission to order at 7:05 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Commissioner Osak would be acting as alternate of Commissioner Tickey and Commissioner Miller would be the alternate of Commissioner Pogoda for this meeting. Additionally, P&Z Consultant, Tony Panico would be attending the meeting via teleconference phone.

PUBLIC HEARING

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 (CONTINUED FROM 3/23/16).

Chairman Parkins indicated that the first item on the agenda would be the public hearing for Application #16-7. She reviewed the Commission’s procedures for the public hearing process and provided instructions for individuals wishing to address the Commission regarding the proposed application. She asked the P&Z Secretary to read the Call of the Hearing.

P&Z Secretary, Commissioner Harger read a letter addressed to Richard Schultz, P&Z Administrator, from Chief Jones, Shelton Fire Department dated 4/8/2016
stating his concerns and recommendations for proposed Application #16-7. Letter on file.

P&Z Secretary, Commissioner Harger read a letter addressed to Chairman Parkins from Shelton Conservation Commission Chairman, Thomas Harbinson dated 4/12/2016 stating that the Conservation Commission recommends that the application be denied. Letter on file.

Discussion of traffic study being available. Chairman Parkins recommends getting our own traffic study done by a professional.


ON A MOTION MADE BY COMMISSIONER MATTO, SECONDED BY COMMISSIONER HARGER, IT WAS UNANIMOUSLY VOTED TO CONTINUE THE PUBLIC HEARING UNTIL MAY 10, 2016.

OLD BUSINESS

A. APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0619 - VALES DEVELOPERS, LLC. 163 LONG HILL CROSS ROAD, STOCKPILING OF EARTH MATERIAL

On a motion made by Commissioner Harger, seconded by Commissioner Matto, it was unanimously voted to approve stockpiling of earth material.

SEPARATE #0637 - FEHIM CECUNJANIN. 500 HOWE AVENUE, OUTSIDE SEATING

On a motion made by Commissioner Harger, seconded by Commissioner Matto, it was unanimously voted to table outside seating for Separate #0637 and to submit it to the Downtown Zoning Sub-Committee for review.

SEPARATE #0632 - CHUNG CHEN, 111 CENTER STREET, FAÇADE WORK

On a motion made by Commissioner Osak, seconded by Commissioner Matto, it was unanimously voted to approve façade work.

SEPARATE #0627 - DAN MALENCI. 465 BRIDGEPORT AVENUE, OUTSIDE PLANTS (TEMPORARY)

On a motion made by Commissioner Harger, seconded by Commissioner Matto, it was unanimously voted to approve outside plants.
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On a motion made by Commissioner Harger, seconded by Commissioner Matto, it was unanimously voted to table Separate #0626 to the May 10, 2016 meeting.
B. APPLICATION #16-5: PLAZA DINER, LLC FOR MODIFICATION OF SITE PLAN APPROVAL (BUILDING EXPANSION AND PATIO ENCLOSURE). 737 BRIDGEPORT AVENUE, (MAP 28, LOT 19), CB-1 DISTRICT (COMMERCIAL BUILDING).

Three owners of Plaza Diner attended the meeting to discuss the proposal. They stated that they would like to complete three things:
- Enclose existing patio area
- Add bathroom addition on back of building which would require a variance
- They are presently communicating with the State of Connecticut regarding extra parking area

Chairman Parkins read a letter addressed to Richard Schultz, P&Z Administrator, from Chief Jones, Shelton Fire Department, dated April 8, 2016 stating his concerns regarding this proposal. Letter on file.

Richard Schultz, P&Z Administrator, read a letter addressed to himself from James Tortora, Shelton Fire Marshal, dated April 12, 2016 stating what would be needed in order for the proposed site plan to be approved. Letter on file.

Richard Schultz, P&Z Administrator, read a letter addressed to himself from Robert Kulacz, Shelton City Engineer, dated April 8, 2016 stating his office has no concerns or comments on the proposal at this time. Letter on file.

Chairman Parkins directed staff to work with applicants to finalize all plans and to report back when all has been done.

On a motion made by Commissioner Harger, seconded by Commissioner Miller, it was unanimously voted to table this to the May 10, 2016 meeting.

C. APPLICATION #16-6: DOMINICK THOMAS FOR INITIAL DEVELOPMENT CONCEPT PLANS AND PDD ZONE CHANGE FOR 445 ACCESS ROAD (MAP 63, LOT 31), IA-3 DISTRICT AND FINAL DEVELOPMENT PLANS AND PDD ZONE CHANGE (COMMERCIAL BUILDINGS) FOR 493 BRIDGEPORT AVENUE (MAP 62, LOT 44) CA-2 DISTRICT.

Discussion of proposal. Chairman Parkins asked for a consensus from the Commission, which was favorable. Chairman Parkins then directed staff to write a favorable resolution for the May 10, 2016 meeting.

VI. NEW BUSINESS
A. APPLICATION #16-9 - R.D. SCINTO, INC. FOR INITIAL DEVELOPMENT CONCEPT PLANS AND PDD ZONE CHANGE (COMMERCIAL BUILDINGS) FOR 100 COMMERCE DRIVE (MAP 39, LOT 1), IA-3: ACCEPT AND SCHEDULE PUBLIC HEARING.
Discussion of scheduling a public hearing.

On a motion made by Commissioner Osak, seconded by Commissioner Matto, it was unanimously voted to accept and schedule a public hearing on May 17, 2016.

VII. PUBLIC PORTION

Chairman Perkins asked if there was anyone in the audience wishing to address the Commission on any item not on the agenda. With no comments, Chairman Perkins asked for a motion to close the public portion.

On a motion made by Commissioner Harger, seconded by Commissioner Matto, it was unanimously voted to close the public portion.

VII. OTHER BUSINESS

A. APPROVAL OF MINUTES – FEBRUARY 24, 2016 AND MARCH 8, 2016

Discussion of minutes.

On a motion made by Commissioner Harger, seconded by Commissioner Matto, it was unanimously voted to table the approval of the minutes from February 24, 2016 and March 8, 2016.

B. PAYMENT OF BILLS

On a motion made by Commissioner Harger, seconded by Commissioner Matto, it was unanimously voted to approve the payment of bills, if funds are available.

C. INFORMAL DISCUSSION: PROPOSED GROUND MOUNTED SOLAR PANELS FOR THE HONEY CELL BUILDING LOCATED AT 600 BRIDGEPORT AVENUE.

Rudolph Neidermeyer, owner of Honey Cell Corporation, discussed installing ground mounted solar panels at his corporate location.

Anthony Savino, President of Sound Solar Systems, explained the process to install ground solar panels. Discussion of concerns and process. Discussion of writing new regulations. Discussion of October 1, 2016 deadline. Chairman Perkins reported that Zoning Sub-Committee Chairman Pogoda will meet with the Committee as soon as possible to work on this.

D. STAFF REPORT
**See attached P&Z Staff Report dated April 12, 2016 from Richard Schultz, P&Z Administrator.**

**E. COMMENTS FROM CHAIRMAN AND SUB-COMMITTEE CHAIRS**

Commissioner Osak discussed the Plan of Conservation and Development Sub-Committee plan update. Richard Schultz, P&Z Administrator, will create an agenda for the POCD Sub-Committee meeting which is scheduled for Friday, May 13, 2016 and will return to the SEDC.

**IX. ADJOURNMENT**

With no further business, Chairman Parkins asked for a motion to adjourn.

On a motion made by Commissioner Harger, seconded by Commissioner Miller, it was unanimously voted to adjourn the meeting at 9:40 p.m.

Respectfully submitted:

[Helen Solotruk]

Helen Solotruk
P&Z Recording Secretary
Richard D. Schultz
City Hall, 3rd Floor, Room 303
Shelton, CT 06484

Re: Public Hearing, April 12, 2016 regarding Long Hill Avenue
Our Client: Michael Fitol
Matter #: 1611-0014

Dear Rick:

As a follow up on our telephone conference, the undersigned, who represents Michael Fitol, 401 Long Hill Avenue, will be out of state at a conference on April 12, 2016 and will be unable to attend the Public Hearing on behalf of our client. We request that the Public Hearing be kept open. My understanding is more information will be presented at the Hearing, including traffic study and alternative options for development.

As you may recall, we are of the opinion that as presented, the matter is premature because the Appellate Court decision specifically overturned the City’s placement of the property in question in a residential zone. Please see the referenced court case enclosed herewith for review by the Commission. The correct zoning is a matter that must be addressed before any consideration of the pending application or any alternatives as suggested by the applicant are acted upon. Please feel free to ask Corporate Counsel for a ruling on the above.

Thank you for your kind attention to this matter. If you have any questions, please do not hesitate to contact our office.

Very truly yours,
RYAN & TYMA, L.L.P.

By  
Alan J. Tyma, Esq.

A JT/als
Enclosed
April 12, 2016

Chairman Ruth Parkins
Planning & Zoning Commission
City of Shelton
54 Hill Street
Shelton, CT 06484

RE: PLANNED DEVELOPMENT DISTRICT APPLICATION #16-7
405 LONG HILL AVENUE

Dear Chairman Parkins:

The purpose of this letter is to consent to an extension of time for the Commission to complete the public hearing for an additional thirteen (13) days. The 35 day time period to complete the public hearing expires on April 29, 2016, and the extension would extend that time to May 12, 2016.

Thank you for your attention.

Very truly yours,
Cohen and Thomas

[Signature]

DJT:d
cc: Jack and Josephine Gaida
City of Shelton Fire Department
Office of the Fire Chief

To: Rick Shultz
From: Chief Jones
Re: Application # 16-7 (# 405 Long Hill Avenue)
Date: 04/08/16

I have reviewed the proposed application # 16-7 and have the following concerns & recommendations.

- The current proposed density and type of development being considered is problematic to emergency egress.

- Any housing proposed would need to have sufficient level access and egress to all sides of the buildings. Due to the steep topography as indicated on the proposed site plan.

- A secondary vehicle emergency egress would need to be incorporated within the site proposal.

- Any proposed development on this site would need an entrance of sufficient size with good site lines to accommodate fire apparatus, and routine traffic.

- A water line of sufficient size and hydrant to meet the fire flow demands of the project would need to be installed.

- Any turning radius within the project would need to be sufficient to meet the turning radius of fire department vehicles (See attached turning radius of Tower7)
4/12/2016

Ruth Parkins, Chair
Planning and Zoning Commission
City of Shelton
54 Hill Street
Shelton, CT 06484

RE: PZC Application # 16-7 “Brookview Heights”
405 Long Hill Avenue PDD

Dear Ms. Parkins:

The Conservation Commission reviewed the “Brookview Heights” plans dated 1/03/2016, and recommends that the application be denied.

We are opposed to the use of PDD’s in residential areas when this leads to greater overall site density than would otherwise be allowed by the existing zone. Our position statement on this topic dated December 3, 2014 is attached for the record.

Sincerely,

[Signature]

Thomas Harbinson
Chairman

Cc: John Cook, Inland Wetlands
I have reviewed the proposed application # 16-5 and have the following concerns.

- Access within the Woodside Plaza is extremely tight for fire apparatus thus any additional occupancy added to the diner may further reduce access within the overall plaza due to the need for increased parking spaces to accommodate more patrons.

- The area identified within the site plan for dumpsters does not account for the actual refuse containers currently on-site. This would also need to be addressed to ensure adequate space is available for these refuse containers.
04/12/26

TO: Rick Schultz, Administrator
Planning & Zoning Administrator

RP: Application #16-5

Dear Rick,

After a review of the site plan for the proposed additions to be located at #737 Bridgeport Avenue the following shall apply:

1. For a building permit to be approved, a complete set of building plans, including but not limited too if applicable; fire alarm systems, carbon monoxide alarms systems, fire sprinkler systems or any fire protection features shall be submitted for review for compliance to the Connecticut Fire Safety Code and applicable regulations.

This site plan is approved by the Fire Marshal’s Office. Should you have any questions please feel free to contact me.

James M Tortora
Fire Marshal
City of Shelton
Office of the City Engineer
54 Hill Street
Shelton, Connecticut 06484-3207

Robert F. Kulacz, P.E.
City Engineer

Rimas J. Bulsys
Assistant City Engineer

April 8, 2016

Richard D. Schultz
Planning & Zoning Administrator
City of Shelton
54 Hill Street
Shelton, CT 06484

Re: Plaza Diner, 737 Bridgeport Avenue;
Proposed Additions Site Plan dated November 6, 2015, revised 3/1/16

Dear Mr. Schultz:

This office has no concerns or comments on the above referenced drawing.

Very truly yours,

Robert F. Kulacz
P.E.
City Engineer

File: 737 Bridgeport Avenue Site Plan
STAFF REPORT
SHELTON PLANNING AND ZONING DEPARTMENT

MEETING DATE: April 12, 2016

SUBJECT: Miscellaneous Zoning and Planning Matters and Meeting Schedules

ZONING MATTERS

1. **ZBA Agenda**: Please review the attached 4/19/16 ZBA agenda and advise Staff of any questions or concerns. (see attachment)

2. **CT Siting Council**: There were no application(s) made to the CSC during this reporting period:

3. **Zoning Subcommittee Report**: The ZSC’s next scheduled meeting will be to continue discussion on a variety of zoning topics and miscellaneous amendments.

4. **Downtown Subcommittee Report**: The DS’s last meeting was held on 2/26 to continue discussion on the redevelopment of the Carroll Home Improvement properties. The next meeting scheduled is 5/13/16.
5. **Zoning Enforcement Program**:

<table>
<thead>
<tr>
<th>New High Priority Matters</th>
<th>Status</th>
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<tbody>
<tr>
<td>a. 112 Bridgeport Ave.: junk yard</td>
<td>On-going</td>
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<tr>
<td>b. 87 Maltby Street: chickens</td>
<td>On-going</td>
</tr>
<tr>
<td>c. 55 Toas Street: unregistered motor vehicles</td>
<td>On-going</td>
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<tr>
<td>d. 249 River Road: water</td>
<td>On-going</td>
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<td>e. 15 Spoke Drive: junk yard</td>
<td>On-going</td>
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<tr>
<th>Previously Reported High Priority Matters</th>
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<tbody>
<tr>
<td>a. 1 Round Hill Road: unregistered motor vehicles</td>
<td>On-going</td>
</tr>
<tr>
<td>b. 107 Kneen Street: unregistered motor vehicles</td>
<td>On-going</td>
</tr>
<tr>
<td>c. 163 Long Hill Cross Road: junkyard conditions</td>
<td>On-going</td>
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<tr>
<td>d. 39 Elm Street: unregistered motor vehicles</td>
<td>On-going</td>
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<td>e. 540 Huntington Street: junkyard conditions</td>
<td>Referred to Corporation Counsel</td>
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<td>f. 70 Isinglass Road: junk yard</td>
<td>Referred to Corporation Counsel</td>
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<td>g. 21 Cedarland Drive: junkyard</td>
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**Other On-Going Zoning Matters**

Clothes Bin Structures                                      On-going

**Sign Enforcement**

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<td>a. city-wide illegal signs</td>
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PLANNING MATTERS

1. **2006 Plan of Conservation and Development Update**: The PZC has established a POCID Update Subcommittee and started discussion at its 5/27/15 meeting. The Subcommittee will now continue to meet monthly with Staff and to report to the full Commission at its regular meeting.


MEETING SCHEDULE

1. **Special Meeting(s) for April**: A special meeting has been scheduled on April 27, 2016 at 7pm in the Auditorium to conduct a public hearing.

**Permits Issued for New Residential Units for 2015**

1. Single Family Detached Units: 23
2. Condominium Units: 9
3. Apartment Units: 61
4. Pre-manufactured homes: 0
5. Re-built single family dwelling: 0

**Permits Issued for New Residential Units for 2016 as of 4/12/16**

1. Single Family Detached Units: 24
2. Condominium Units: 0
3. Apartment Units: 0
4. Pre-manufactured Homes: 2
5. Re-built existing single family dwellings: 1
City of Shelton Board of Zoning Appeals
54 Hill Street, Shelton, Connecticut

<table>
<thead>
<tr>
<th>Edmund Conklin, Chairman</th>
<th>Phillip A. Cavallaro, Sr., Vice-Chairman</th>
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<tr>
<td>Linda Adanti</td>
<td>Philip J. Jones</td>
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<td>James Grazzetti</td>
<td>Bryan Vasser</td>
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<td>Zoning Enforcement Officer</td>
<td>Building Inspector</td>
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<td>Corporation Counsel</td>
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<td>Wetland Enforcement Officer</td>
<td>Fire Marshall</td>
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<td>Conservation Commission</td>
<td>City/Town Clerk</td>
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Meeting, April 19, 2016 7:30 P.M.
Hearing Room, City Hall, 54 Hill Street, Shelton

1. #0116-01 737 Bridgeport Avenue, Perry Pettas of 100 Parrott Drive, Shelton, CT for a waiver to Schedule B, Standards Line #9 under CB-1 by varying the minimum setback from the right side yard setback from 20 feet to 18 feet to allow for an extension of the bathroom area to 2 feet 6 inches by 31 feet 10 inches to allow for handicapped bathrooms in an existing diner in a CB-1 zone. Application states that on the right is United Illuminating (P.O. Box 1402, New Haven, CT); on the rear is Three Enterprise Drive Shelton LLC, c/o RD Scinto, 100 Parrott Drive, Suite 100, Shelton, CT.; on the left is CT Commercial Investors, LTD., Co., 819 Bridgeport, Avenue and in the front RA 710 Bridgeport Avenue, Commercial Loan SVC Dept., 101 JFK A4 07078.

2. #0216-01 247 Grove Street, Robert Hinman c/o Attorney D. Thomas of 315 Main Street, Derby, CT for a variance to Section 5.25, Schedule B, Line 1a, to reduce the contiguous buildable area from 12,000 s.f. to 8,675 s.f. to allow for a building lot for a single family home in an R-3 zone. On the right is the applicant, Robert Hinman, on the rear is Manuel and Delfina Pereira of 135 Coram Road and Asuncion Calo-Patino of 137 Coram Road, on the left is the applicant Robert Hinman in front is Grove Street.

3. #0316-01 181 Meadow Street, Paula Anthony of 181 Meadow Street, Shelton, CT for a variance to Section 24.2, Lot Area, to allow for a lot split on Parcel B as it does not connect to required front set back in an R1 zone. This will result in Lot Split #B having an area of 45,375 square feet and Lot A having 42,240 square feet). Application states on the right is Sinsabaugh Heights (187 Meadow Street); On the rear Maria Videira (179 Meadow Street); on the left is same as rear; and on the front is Meadow Street.

4. #0316-02 104 Perry Hill Road, George Sheehy of 258 Thompson Street, Shelton, CT (property owner Derrick Clark) for a waiver to Section 24, Schedule B, Line 7 to reduce the left side street set back from 40 feet to 30 feet (Walnut Ave); for a waiver to Section 24.12.1 to increase the maximum square footage from 750 square feet to 864 square feet to allow for a private garage; to Section 24, Schedule B Line 11A to increase the lot coverage for an accessory structure from 326 square feet to 864 square feet – effectively 2.5% to 6.6% and for a waiver to Section24, Schedule B, Line 11 to increase lot coverage from 15% (1,960 square feet to 2,280 square feet) to 18% in an R2 zone to allow for a 24 foot by 36 foot three (3) car garage. Application states on the right James and Donna Bacchiochi (98 Perry Hill Road); on the rear Mark Saksa and Ed Guerra Trustee (14 Walnut Avenue); on the left Walnut Avenue and on the front Perry Hill.

5. #0316-03 107 Mohegan Road, Perrine Engineering LLC of One Enterprise Drive, Suite 312, Shelton, CT (property owner Russell and Delores Leggetto) for a waiver to Section 24.11-4 to reduce the left side set back from 40 feet to 32.5 feet for an interior lot. Application states on the right is John Chaves (109 Mohegan Road); on the rear is Terrance Myron Horbal (69 Philip Drive); on the left D&D Star, LLC (101 Mohegan Road and Dorothy Magnar (91 Mohegan Road) and in the front John Michael and Lizette Guedes (105 Mohegan Road).
6. #0316-02 243 Huntington Street – Proposed Lot 1, Thomas Bombero and Elaine Bombero, Trustee c/o of Attorney D. Thomas of 315 Main Street, Derby, CT, for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 s.f. to 25,095.8 s.f. and a variance to Section 24, Schedule B, Line 3 to reduce the lot square from 150 feet to 100 feet, and a variance to Section 24, Schedule B, Line 11a to reduce the maximum lot coverage from 1,000 square feet to 625 square feet to allow for a remaining house and garage on lot after the proposed split. On the right is Huntington Street, on the rear is the applicant, on the left is Karen Ann Martin Wildman of 8 Maple Lane and in the front is Maple Lane.

7. #0316-05 243 Huntington Street – Proposed Lot 2, Thomas Bombero and Elaine Bombero, Trustee c/o of Attorney D. Thomas of 315 Main Street, Derby, CT, for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 s.f. to 25,242.3 s.f. and a variance to Section 24, Schedule B, Line 3 to reduce the lot square from 150 feet to 100 feet to allow for the creation of a building lot. On the right is Anthony and Donette Esposito of 251 Huntington Street, on the rear is Karen Ann Martin Wildman of 8 Maple Lane, on the left is the applicant, on the front is Huntington Street.


SHELTON BOARD OF ZONING APPEALS
by Susan M. Pulos
for Philip Jones, Secretary