SHELTON PLANNING & ZONING COMMISSION

MAY 10, 2016

The Shelton Planning & Zoning Commission held a regular meeting on Tuesday, May 10, 2016, Shelton City Hall, Auditorium at 7:00 p.m., 54 Hill Street, Shelton, CT, 06484.

Commissioners Present: Chairperson Ruth Perkins
Commissioner Virginia Harger
Commissioner Anthony Pogoda
Commissioner Jim Tickey
Commissioner Elaine Matto
Commissioner Thomas McGorty
Commissioner Frank Osak (Alternate)

Staff Present: Richard Schultz, P&Z Administrator
Patricia Gargiulo, Court Stenographer
Helen Sokotruk, 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. A copy of the public hearing transcript will be provided to the public and made available in the Planning & Zoning Office.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Perkins called the May 10th Regular Meeting of the Shelton Planning & Zoning Commission to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that Commissioner Osak would be acting as an alternate.

PUBLIC HEARING

APPLICATION #16-7: DOMINICK THOMAS FOR INITIAL DEVELOPMENT CONCEPT PLAN AND PDD ZONE CHANGE (18 UNIT MULTI-FAMILY DEVELOPMENT), 405 LONG HILL AVE (MAP 78, LOT 5) R-1 DISTRICT (CONTINUED FROM 4/12/2016).

Chairman Perkins indicated that the first item on the agenda would be the continued 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 that anyone wishing to speak only do so to add new information in order to allow time for everyone on the sign up list to speak. Chairman Perkins reported that the Planning & Zoning Commission received a letter from John Cook, Inland-Wetlands Administrator, regarding Application #16-7.

Chairman Parkins announced that a traffic study has been completed and the findings will now be presented.

At this time, Quincy Brown of Milone & MacBroom, Professional Engineers in the State of Connecticut, spoke regarding the traffic study completed by his firm. He reported that the site plan has been reviewed extensively and they feel that the traffic volumes will be reasonable and acceptable. They feel that there will be no impact to the road system. One possible issue would be to have a second access to this site. Research varies on this topic. He recommends the applicant review the need for a second access with the local fire department to see if this would be required by them. The fire department must be able to maneuver the fire truck in this access area in case of emergencies.

Chairman Parkins stated all information regarding Application #16-7 has been presented and will now continue the public speaking portion of the meeting.

**Dennis Salzer - 418 Long Hill Avenue**

Mr. Salzer first thanked the Planning & Zoning Commission for all of their hard work. He stated that he is strongly opposed to Application #16-7. He is extremely worried about safety issues, especially if there was a fire since access to this property is very narrow and would be hard for fire trucks to maneuver.

**Joseph Bienkowski - 403 Long Hill Avenue**

Mr. Bienkowski stated that he has lived here for 55 years and he is extremely opposed to Application #16-7. Mr. Bienkowski presented exhibits which showed the brooks/streams in the area of this project are already being used as illegal filling areas and the wetlands are being destroyed. Mr. Bienkowski submitted photos of the area where the fillings are taking place and told the Planning & Zoning Commission that he does not want this to continue. He again stated that he is opposed to this project.

**Gregory Tetro - 281 Buddington Road**

Mr. Tetro questioned how Application #16-7 would affect the water treatment plant. It seems to be close to capacity at this point and what would have to be done to make it larger and able to handle all of this new development in town. He stated that he does not want the zoning changed. He feels that it only hurts the people in the area and he asked the Planning & Zoning Commission to stop letting these developers make profits off of the residents of Shelton.

**Regis Dognin - 342 Long Hill Avenue**

Mr. Dognin stated that he would like more detailed information regarding residents comments in the minutes. He spoke regarding the traffic study completed and feels that the traffic on Long
Hill Avenue is already extremely heavy, especially at certain times of the day when Sikorsky employees get out of work. Mr. Dognin read a letter from Celeste Beattie - 21 Keron Drive, who couldn’t attend tonight’s meeting, stating that she is totally opposed to Application #16-7.

Alderman Lynne Farrell - 25 Buddington Park
Ms. Farrell asked the Planning & Zoning Commission to not allow a zone change to occur and to deny Application #16-7.

Margaret Paulson - 64 Sunset Drive
Ms. Paulson stated that the site survey was irresponsibly done and Burying Ground Brook would no longer exist. She is against the approval of Application #16-7.

Derek Krycki - 11 Laurelwood Drive
Mr. Krycki stated that he is against Application #16-7 and he does not want a zone change. He feels that it would ruin the neighborhood and cause too many traffic and safety issues.

Susan Gucwa-Bucasas - 415 Long Hill Avenue
Ms. Bucasas stated that the development would be really close to her house and that there is already too much traffic on Long Hill Avenue. She reported that she has to pick up garbage on her lawn from all the traffic now and she feels that the curves in the road will be too dangerous for even more traffic. She also stated that we need to have respect for the wetlands and does not want all the nature in the area to disappear. Ms. Bucasas stated that she is in total opposition of this zone change and Application #16-7.

Tom Harbinson - 15 Soundcrest Drive
Mr. Harbinson stated that he feels that Application #16-7 is too dense of a project for the area. He asked the Planning & Zoning Commission to please look at the P&Z Regulations carefully to see what the actual intent of a PDD is. Mr. Harbinson mentioned other acreage in town also. He is opposed to Application #16-7.

Attorney Tyna - 231 Coram Avenue
Attorney Tyna commented on his concerns regarding PDD zone changes. He referred to Regulations and Acts regarding how PDD’s are to be viewed. Attorney Tyna made reference to State Act 8-2m. Attorney Tyna discussed the court case involving rezoning of the subject property.

Alderman John Anglace - 676 Long Hill Avenue
Mr. Anglace again asked the Planning & Zoning Commission to deny the zone change and Application #16-7. He pointed out that there will be no buffer for the residents in that area. He asked the Planning & Zoning Commission to continue to provide the city residents with assurance that this will stay an R-1 District. Mr. Anglace also stated that he is concerned it will be a safety issue with all of the traffic being added to the roads.
**Steven Kampler - 397 Long Hill Avenue**
Mr. Kampler stated that he is very worried about the traffic situation. He has watched fire trucks try to get near this area and because of the location of this property, it would be very hard to maneuver a fire truck. He stated that there is already so much debris scattered on the lawns in the area because of the amount of traffic already on Long Hill Avenue. He stated that he opposes Application #16-7.

**Stephanie Kampler - 397 Long Hill Avenue**
Ms. Kampler stated that she is speaking on behalf of her neighbor, Elizabeth Quarters - 407 Long Hill Avenue, who is very concerned about her property since she is the closest property to this project. She is concerned that part of her driveway will be taken away. She is very worried about children who walk on Long Hill Avenue. She originally purchased her home because it was in a residential area. She is completely opposed to this project and sees no benefit to the neighborhood.

**Ken Huzi - 84 Walnut Avenue**
Mr. Huzi is concerned about the long term effects on constantly building all of these new properties. What happens when the real estate market bottoms out again? He questioned the capacity of the sewer treatment plant, schools and support services. He feels that open space in Shelton is no longer going to exist and all of the taxpayers will lose. He asked that if this gets approved, he requests that the Planning & Zoning Commission each publicly state how they voted and why.

**Ana Vidal - 679 Long Hill Avenue**
Ms. Vidal told the Planning & Zoning Commission that she appreciates all of their hard work. She stated that she has lived at this address for 30 years and she has witnessed an incredible increase in the amount of traffic on Long Hill Avenue. She wants the City to have more open space and the nature to be left alone. Ms. Vidal stated she is against Application #16-7 and hopes that the Planning & Zoning Commission votes no.

At this time, Chairman Parkins asked Attorney Dominick Thomas for closing remarks.

Attorney Thomas thanked the Planning & Zoning Commission for having a traffic study done.

Attorney Thomas summarized his closing remarks by addressing the following issues:

- Explained State Act 8-2m and stated that this Act does not apply
- Discussion of the Gaida case regarding variance
- Reduced the density of the property from 18 to 14 units
- There are natural buffers in place and those will be enhanced
- Has spoken to John Cook regarding pools and redirecting streams
- Compared this project to other condominium projects throughout the City
- Spoke with the Fire Marshal who stated that a second entrance is not required
• Discussion of the line of sight issue
• Contacted WPCA and the sewer treatment plant has sufficient room to accommodate project
• Stated that many projects that have been approved by the Commissioners have not hurt the value of the surrounding homes
• Since the number of units was reduced there will be more open space

Commissioner Harger questioned the Long Hill Avenue side of the project.

Commissioner Hickey asked to see a drawing of how large vehicles would turn around. Discussion of fire trucks entering other condominium complexes.

Commissioner Osak discussed lot sizes in the area of Long Hill Avenue.

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

As the meeting resumed, Commissioner Matto had to leave and Commissioner Osak will be the alternate.

V. OLD BUSINESS
A. APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

SEPARATE #0620 - BENNY DIMARCO, 495 RIVER ROAD, BUSINESS/SIGN

On a motion made by Commissioner Harger, seconded by Commissioner Tickey, it was voted unanimously to approve the business but not the sign.

SEPARATE #0697 - DIVERSIFIED KITCHENS LLC, 43-51 HUNTINGTON STREET, BUSINESS/SIGN

On a motion made by Commissioner Pogoda, seconded by Commissioner McGorty, it was voted unanimously to approve the business but not the sign.

SEPARATE #0692 - MICHAEL CASERTA, 190 CORAM AVENUE, GROUND SIGN

On a motion made by Commissioner Pogoda, seconded by Commissioner Tickey, it was voted unanimously to approve the ground sign.
SEPARATE #0668 - DESIREE TAVARES, 42 OLIVER TERRACE, BUSINESS

On a motion made by Commissioner Tickey, seconded by Commissioner McGorty, it was voted unanimously to approve the business.

SEPARATE #0669 - GLEN NEISTEMSKI, 415 HOWE AVENUE, #328, BUSINESS

On a motion made by Commissioner Pogoda, seconded by Commissioner McGorty, it was voted unanimously to approve the business.

SEPARATE #0670 - R. D. SCINTO, 2 CORPORATE DRIVE, BUSINESS

On a motion made by Commissioner Harger, seconded by Commissioner Tickey, it was voted unanimously to approve the business.

SEPARATE #0671 - JESSE CERRONE, 23 BRIDGEPORT AVENUE, BUSINESS

On a motion made by Commissioner Tickey, seconded by Commissioner Harger, it was voted unanimously to approve the business.

SEPARATE #0681 - BISMARCK CONSTRUCTION, 710 BRIDGEPORT AVENUE, BUSINESS

On a motion made by Commissioner Harger, seconded by Commissioner Pogoda, it was voted unanimously to approve the business.

SEPARATE #0683 - 714 LLC, 406 BRIDGEPORT AVENUE, BUSINESS

On a motion made by Commissioner Tickey, seconded by Commissioner Pogoda, it was voted unanimously to approve the business.

SEPARATE #0684 - DR. F. AMOQ, 1 TRAP FALLS ROAD, BUSINESS

On a motion made by Commissioner Tickey, seconded by Commissioner Pogoda, it was voted unanimously to approve the business.

SEPARATE #0690 - QUILING CHEN, 350 CORAM AVENUE, BUSINESS

Discussion. Ms. Chen does not have a business name or FEIN # from the State of Connecticut yet. On a motion made by Commissioner Tickey, seconded by Commissioner Pogoda, it was unanimously voted to table this request for business until the applicant has a business name and FEIN #.
B. APPLICATION #16-5, PLAZA DINER, LLC MODIFICATION OF SITE PLAN APPROVAL (BUILDING EXPANSION AND PATIO ENCLOSURE), 737 BRIDGEPORT AVENUE (MAP 28, LOT 19), CB-1 DISTRICT (COMMERCIAL BUILDING)

Richard Schultz indicated that Planning & Zoning received a ZBA Application for variance and advised the Planning & Zoning Commission that final architectural plans have been submitted. Perry Pettas and his partners addressed the Commission on proposed additions and interior and exterior renovations. Chairman Parkins indicated that the Commission was ready to act favorable on Application 16-5. On a motion made by Commissioner Harger, seconded by Commissioner Tickey, it was voted unanimously to approve Application 16-5.

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 BUILDING) FOR 493 BRIDGEPORT AVENUE (MAP 62, LOT 44) CA-2 DISTRICT (CLOSED PUBLIC HEARING 3/23/16)

Chairman Parkins read a draft resolution dated May 6, 2016 revised on May 9, 2016. There were no additional questions by the Commission and, therefore, a vote was taken. On a motion made by Commissioner McGorty, seconded by Commissioner Tickey, a roll call vote was taken:

Chairman Ruth Parkins - Aye
Commissioner Virginia Harger - Aye
Commissioner Anthony Pogoda - Aye
Commissioner Jim Tickey - Aye
Commissioner Thomas McGorty - Aye
Commissioner Frank Osak - Aye

Motion passed unanimously.

D. APPLICATION #16-8, 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: RESCHEDULE PUBLIC HEARING

On a motion made by Commissioner Pogoda, seconded by Commissioner McGorty, it was unanimously voted to reschedule this public hearing to Wednesday, June 22, 2016.
At this time, Chairman Parkins reported that there was an add on to the agenda (Application #16-4) which will follow and will need a motion for the add on. On a motion made by Commissioner Tickey, seconded by Commissioner Harger, it was unanimously voted to approve this add on.

E. APPLICATION #16-4, 2 LOT RESUBDIVISION, PEARMAIN ROAD

Richard Schultz indicated the Commission is awaiting fair market value of subject property. The application indicated the fair market value is $100,000.00 and will be depositing $10,000.00 into the Shelton Open Space Trust Fund Account. The fraction method will be used for this payment. On a motion made by Commissioner Harger, seconded by Commissioner McGorty, it was unanimously voted to approve this payment.

VI. PUBLIC PORTION: ANYONE WISHING TO ADDRESS THE COMMISSION ON ANY ITEMS NOT ON THE AGENDA

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

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

VII. OTHER BUSINESS


Discussion of minutes.

On a motion made by Commissioner Pogoda, seconded by Commissioner McGorty, it was unanimously voted to approve the February 24, 2016, March 8, 2016 and March 23, 2016 minutes.

The minutes from the April 12, 2016 meeting will be tabled until the next meeting.

B. PAYMENT OF BILLS

On a motion made by Commissioner McGorty, seconded by Commissioner Pogoda, it was unanimously voted to approve the payment of bills, if funds are available.
C. 8-24 REFERRAL: USE OF PERRY HILL SCHOOL PORTABLE BUILDING FOR BEFORE AND AFTER SCHOOL PROGRAM

Chairman Parkins asked for a motion to table this until the June 10, 2016 Planning & Zoning meeting. On a motion made by Commissioner Harger, seconded by Commissioner Tickey, it was unanimously voted to table the 8-24 Referral.

D. 140 BRIDGEPORT AVENUE: REQUEST FOR RELEASE OF SITE BOND

Richard Schultz recommended release of the site bond. On a motion made by Commissioner McGorty, seconded by Commissioner Tickey, it was unanimously voted to release the site bond.

E. STAFF REPORT

**See attached Planning & Zoning Staff Report dated May 10, 2016 from Richard Schultz, P&Z Administrator.

F. COMMENTS FROM CHAIRMAN AND SUBCOMMITTEE CHAIRS

No comments.

VIII. ADJOURNMENT

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

On a motion made by Commissioner Pogoda, seconded by Commissioner Tickey, it was unanimously voted to adjourn the meeting at 10:04 p.m.

Respectfully submitted:

Helen Solotruk
P&Z Recording Secretary
MEMO

To: Richard D. Schultz, Administrator P&Z Commission
From: John R. Cook, Wetlands Administrator

Date: April 28, 2016

Re: PIZ Application #16-7, Dominick Thomas for Initial Development Concept Plans and PDD Zone Change (18 unit multi-family development), 405 Long Hill Avenue (Map 76, Lot 5) R-1 District

Dear Mr. Schultz:
At your request we have prepared a brief summary of the property for above mentioned application. In fact several members of the public have asked for background as well. Myself, or Fred Willis has been to the property several times over the years from around 2003. An extensive file search was conducted including aerial photography and City mapping. The purpose was to respond to concerns with mass filling and possible regulated area encroachment.

While this research did not lead to formal action for enforcement the investigation on the property has led to the following findings: These finding are not to be considered an absolute determination.
1. Aerial photograph of August 19, 1951 shows the area completely forested.
2. The dwelling on the parcel was constructed on or around 1955.
3. Aerial photograph of March 1, 1965 shows a slight fill just beyond the western limit of the dwelling and north to the immediate property line.
4. Aerial photograph of February 26, 1970 shows the area of fill expanded by a factor of approximately two fold northerly and westerly.
5. Aerial photograph and topographic map from April 30, 1973 shows significant ongoing filling with an approximate straight line running NE-SW and a horizontal distance of approximately 150' from west edge of dwelling.
6. Aerial photograph of March 30, 1986 shows the area fill extending northward approximately 250' onto property of 397 Long Hill Avenue and westerly 100-120' beyond the 1955 limit.
7. Aerial photograph and topographic map from March 30, 1988 shows area stabilized from 1986 image and no recent filling.
8. Aerial photograph of March 15, 1990 shows the area stabilized will no change beyond the 1986 photograph.
9. On October 9, 2007 field inspection confirmed recent mass filling not within I/W jurisdiction. Photos attached.
10. In June and July 2013 Land was sought from the state of Connecticut. Minutes attached confirm steep slopes, ledge and wetland conditions.
From these reviews much of the mass filling on this property apparently occurred before the enactment of the Inland Wetlands program. This fill would not be considered a violation. Much of the recent years fill would be on top of the older fill. Additional aerial photos from 2006, 2008 & 2010 indicate a pattern of fill/activity and stabilization. Though it is unknown if recent fill has expanded beyond historic limits and if that occurred that could be considered a violation of regulated areas. Photographs show recent filling over and around trees and their root systems. Given the history of filling there are significant questions that should be considered.

The record of Shelton sites having mass filling undertaken without oversight regardless of soil types, usually is done without removal of trees, root systems or organic soil layers. Nor has such filling typically been done in ‘lifts’ that would better support any development. This knowledge would suggest that a series of grid borings down to undisturbed soil possibly 20-30’ to not only to ascertain if fill exists over I/W soils or suitability for any type of construction due to logs, roots, or stumps. A current field confirmation of detailed topography for comparison to older topography of record will help confirm if encroachment expansion over recent years took place.

This analysis goes not only to provide complete data for evaluation but also would diminish any likelihood of future settlement or sink holes that could adversely affect the either the current owner’s use or future users of the property.
STATE PROPERTIES REVIEW BOARD
Minutes of Meeting Held On July 3, 2013
State Office Building, Hartford, Connecticut
The State Properties Review Board held its regularly scheduled meeting on July 3, 2013 in the
State Office Building.
Members Present: Edwin S. Greenberg, Chairman
Bennett Millstein, Vice Chairman
Bruce Josephy, Secretary
Pasquale A. Pepe
John P. Valengavich
Members Absent: Mark A. Norman
Staff Present: Brian A. Dillon, Director
Mary Goodhouse, Real Estate Examiner
Chairman Greenberg called the meeting to order.
Mr. Josephy moved and Mr. Valengavich seconded a motion to enter into Open Session. The
motion passed unanimously.
OPEN SESSION
ACCEPTANCE OF MINUTES OF June 27, 2013. Mr. Josephy moved and Mr. Pepe seconded a
motion to approve the minutes of June 27, 2013. The motion passed unanimously, except for Mr.
Valengavich who abstained from voting.
REAL ESTATE: UNFINISHED BUSINESS
REAL ESTATE: NEW BUSINESS
PRE # 13-137 Transaction/Contract Type: RE / Sale
Origin/Client: DOT / DOT
Project Number: 126-51-88
Grantee: Jack and Josephine A. Gaida
Property: Easterly side of State Route 8 adjacent to 405 Long Hill Ave., Shelton
Project Purpose: DOT Sale of Excess Property
Item Purpose: Release of approximately 1.88 acres of vacant land to the Grantee as the result of an
abutter bid

Mr. Pepe viewed the release parcel and concurred with staff reports that this release parcel is an
irregular shaped parcel. Located on the easterly side of Route 8 and west of Long Hill Avenue, the
parcel is 1.88 acres and does not conform to the residential lot requirements of the R-1 zone.
There is no frontage/access. The westerly boundary is 708.23 feet along the Route 8 non-access
highway line. The parcel has steep slopes, wetlands, a watercourse, and ledge outcroppings.

Ms. Goodhouse reported that there are four abutters. On the south boundary is 21 acres occupied
by Sikorsky Aircraft Corporation. The other three abutting properties are residential. DOT
proceeded with an abutter bid sale of the release parcel. DOT's

Appraiser Anthony John DeLucco believed that the most logical use of the subject parcel is
assemblage with the property to the east owned by Jack & Josephine Gaida at 405 Long Hill
Avenue, Shelton. This is a "rear lot" of 2.12 acres improved with a ranch style single family
residence. After determining that the improvements would not be affected, the appraiser completed
a before and after valuation in which he relied on sales of three approved "rear lots" located in
Shelton. The sales occurred in 2011 and 2012; the sales prices were $155,000; $129,000 and
$195,000. After making adjustments for location, lot size and topography, the appraiser concluded
a value of $130,000 as of 10/12/12.
After assemblage with the logical abutter, the 2.12 acre parcel becomes 4.00± acres. The highest
and best use remains single family residential.
Mr. Pepe inspected the site for the Board and concurred with the appraiser that there is no potential for any additional residential development due to configuration, steep slopes, wetlands, ledge and lack of access. The appraiser concluded that the newly created 4.00 acre lot would have a value of $145,000. Thus the appraised value of the 1.88 acre release parcel is $15,000 ($0.18/SF).

An abutter bid was held in February 2013, and elicited two bids. The abutter to the south (land used by Sikorsky) offered $5,001. The "logical" abutter offered $20,125 ($0.25/SF) which DOT has accepted.

Ms. Goodhouse recommended Board approval to Quit Claim 1.88 acres of vacant residential land for $20,125 to the Grantee.
SHELTON PLANNING AND ZONING COMMISSION

May 6, 2016, Rev. 5/9/16

ADOPTED RESOLUTION/REPORT

RE: Application #16-6 Petition of Dominick behalf of E.P.C. International, Inc. and GVG Premium Properties, LLC for Initial Concept/Final Site Development Plan Approval, Detailed Development Plan Approval for 493 Bridgeport Avenue and Adoption of a Planned Development District (PDD) for a single story retail commercial building at 493 Bridgeport Avenue, currently zoned Commercial CA-2 District and a self-storage facility and gas station/convenience store on the portion of the site at 445 Access Road, currently zoned Industrial IA-3 District.

The Petitioner proposes to establish a Planned Development District (PDD) consisting of two (2) separate parcels located within 1,000 feet of each other along Bridgeport Avenue and Access Road in the Route 8 Corridor area. Parcel A, located at 493 Bridgeport Avenue contains approximately 10,479 square feet (0.24 acres) and is proposed to be developed with a small, retail commercial building of approximately 2,500 square feet for one tenant. The property fronts on Bridgeport Avenue and abuts the Woodland Mobile Home Park on all other sides. The opposite side of Bridgeport Avenue is retail commercial use. The site is currently vacant and approved for a gas station use, replacing a previous gas station. Full utility services are available in Bridgeport Avenue and all on-site utilities will be located underground. All storm water roof runoff will be collected and conveyed to underground galleys for detention and cleansing, prior to discharge into Wells Hollow Brook, adjacent to the rear of the site. The front area will continue to drain toward Bridgeport Avenue (Route 714). Any impacts on inland wetlands and watercourses have been addressed and approved by the Inland Wetlands Commission. The approval of the Shelton Water Pollution Control Agency (WPCA) for the discharge to the sanitary sewer system has been received.
Parcel B, located at 445 Access Road, approximately 1,000 feet to the north of Parcel A, contains approximately 87,268 square feet (2.003 acres) and is proposed conceptually for a self-storage facility and a gas station and convenience store. The site has about 250 feet of frontage on Access Road with Wal-Mart on the south and west and other industrial uses on the north. The site slopes up gradually from Access Road and it has a small inland wetlands area along the westerly property line. It has most recently been used for a contractor’s storage facility and is currently in an Industrial IA-3 District.

The proposed PDD will encompass the two parcels A and B lying in two zones, the CA-2 district at 493 Bridgeport Avenue and the IA-3 district at 445 Access Road, with a total area of 97,747 square feet (2.243 acres), exceeding that required for a PDD by the Shelton Zoning Regulations. The applicant has submitted fully engineered Final Site Development Plans for parcel A on Bridgeport Avenue and proposes construction of a small, 2,500 square foot retail-commercial building with supporting parking for 12 cars and utilizing the two (2) existing curb cuts. The site was previously used for a gas station and no significant excavation and/or regard is anticipated. Architectural design of the building will reflect and compliment the attractive commercial development across Bridgeport Avenue, with a modified hip roof with architectural grade asphalt shingles. The canopy roof will have a standing seam roof. Walls will consist of stucco above a brick lower wall. This low brick wall treatment should extend along both side walls. Final Site Development Plans were submitted for the proposal and are accompanied by a Statement of Uses and Standards. Said plans are entitled “Proposed Retail Store, 493 Bridgeport Avenue (Route 714), Shelton, Connecticut” and were prepared by James R. Swift, Professional Engineer – Landscape Architect, Lewis Associates, Land Surveyors and Upper Landing Associates, LLC, building design.

Preliminary concept plans have been submitted for parcel B showing a gas station and convenience store on the front portion of the site and a self-store building to the rear. Both facilities would share two (2) driveways and curb cuts on Access Road. Any development of this site will necessitate some excavation and regrading of the site. No preliminary engineering has been submitted for the proposed development. The Commission has expressed concerns.
with the proposed gas station/convenience store use at this location and would prefer to see those replaced with other appropriate uses. The plans submitted are very conceptual in nature and do not provide sufficient detail to comment on the proposed self-store facility but as a use, it would appear appropriate for the area. Subject to a revision of development plans, sizes and materials, the Commission would prefer to see most if not all storage rental spaces accessed from within the structure.

The Commission has reviewed all materials provided to it, is familiar with both parcels and existing site conditions, has considered how each is proposed to be developed as well as the prior land uses and the land use of adjacent parcels and the concerns expressed by the Commission at the public hearing and in its deliberations and notes the following observations and findings:

1 As noted above, land uses in the general area are mixed. The site on Bridgeport Avenue abuts a significant residential use and a well-designed building with retail uses will be far more consistent with the residential use than the currently approved gas station/convenience store. A variety of industrial and commercial uses can be compatible on the Access Road site, although a high traffic generator use such as a gas station/convenience store should be avoided. To overcome the potential issues and concerns associated with the wide range of uses allowed by a conventional zone, the PDD approach would be the most desirable, giving the Commission full control over future uses and better controls over the design, layout and appearance of the development proposal. To simply change the existing zoning district to a conventional commercial district would result in the site being vulnerable to other potentially undesirable uses and activities, including automotive, other highway-oriented commercial uses and high-traffic generators.

2 Bridgeport Avenue is a State highway and for parcel A the Applicant will require CTDOT approval of all proposed activities within the public right-of-way. The applicant should be requested to re-evaluate the use of existing driveway connections with the CTDOT who will mandate any needed modifications and improvements at the entrance, as well as final entry
design details. Any significant modifications to site access must be submitted to the Commission for its review and concurrence prior to endorsement of final site plan approval.

3 The plans were referred to the Fire Marshall and the City Engineer for their review and comments. Only minor concerns were noted about the fire lane widths. All concerns of staff and municipal departments will be addressed prior to sign-off of final approvals of all Final Site Development Plans.

4 At this time, the Statement of Uses and Standards needs to be revised and modified to clarify certain language as well as the permitted uses and standards, especially with respect to automotive service establishments, to restrict the potential for high-activity uses and other uses that may result in unusually high traffic generation and/or site activity.

5 The Commission convened and completed a duly noticed public hearing on March 23, 2016. There were no comments expressed by the public. The Commissioners raised several questions relative to land use issues on the Access Road parcel as well as the Bridgeport Avenue site access, architectural designs and exterior materials. All questions were adequately addressed by the applicant and his representatives who noted that all concerns regarding parcel B will be considered more fully during the redesign of the site, to the satisfaction of the Commission and all other responsible boards and commissions.

After further discussions of the PDD petition, the Final Site Development Plans for parcel A and the Preliminary Concept Plans for parcel B, the Commission was prepared to render its decision and authorized staff to prepare a favorable RESOLUTION for their consideration and action. On the basis of the findings and concerns noted above, the following RESOLUTION is offered:

RESOLUTION

WHEREAS the Applicant has submitted a complete petition for the establishment of a 2,500 square foot single-story retail facility located at 493 Bridgeport Avenue, which site is currently
zoned Commercial CA-2 District and a self-store facility and gas station/convenience store on
another parcel located at 445 Access Road in an Industrial IA-3 District under the provisions of
the Planned Development District regulations on two (2) separate parcels; and

WHEREAS the Commission held a duly noticed public hearing on March 23, 2016 to consider
said applications; and

WHEREAS the Applicant has submitted Initial Development Concept Plans for 445 Access
Road and Final Site Development Plans for 493 Bridgeport Avenue, including fully engineered
site plans and preliminary architectural design plans for a small retail-commercial building, in
order to provide the Commission with the required information and details necessary to render
Final Site Development Plan approval for the said 493 Bridgeport Avenue parcel; and

WHEREAS the Commission is familiar with the subject site and the applicable zoning
regulations and has reviewed in detail the proposals and all accompanying documents thereto
and subject to the comments set forth above the Commission notes the following:

1. The application complies with the applicable zoning requirements.

2. Necessary approvals of the IWC and WPCA have been obtained for 493 Bridgeport Avenue
and favorable reports with comments have been received from the Fire Marshall and the City
Engineer. Any additional concerns identified relate to on-site conditions and will be resolved
prior to final sign-off of said Final Site Development Plans for the 493 Bridgeport Avenue
parcel.

3. The parcels encompassed by the proposed PDD are currently vacant and surrounded by other
established land uses. The proposed storm water management plan for 493 Bridgeport
Avenue satisfies the City Ordinance and adequately addresses storm water drainage issues.
Further review and evaluation of access drives is required in concert with the CTDOT. All
utilities are available in Bridgeport Avenue at the site frontage.
4. The proposed building at 493 Bridgeport Avenue for retail-commercial uses requires commercial zoning accommodation under a PDD. The Initial Concept Plan for Access Road proposes a gas station/convenience store and a sizeable, self-store facility. The Commission has concerns about the potential negative impacts of the gas station/convenience store and recommends an alternative, acceptable use be identified.

5. Existing and proposed utility services are adequate for the proposed development at both parcels. Further site planning is needed on the Access Road parcel to address Commission concerns. With appropriate modifications to proposed land uses, site planning, supporting parking and site circulation will be adequate to serve the proposals and projected traffic should not overload the street system in the area. The applicant has agreed to discuss the Bridgeport Avenue curb cuts with the CTDOT and to explore other uses to replace the gas station/convenience store proposed on Access Road.

6. For the 493 Bridgeport Avenue parcel, the Final Site Development Plans will need to address all outstanding concerns of the Fire Marshall and City Engineer as well as issues relative to landscaping, engineering and construction details. A CTDOT permit approval will be needed to address any requirements and concerns of CTDOT with respect to existing driveway configuration and other improvements occurring within the Bridgeport Avenue right-of-way. Subject to modification of Preliminary Concept Plans for Commission approval, required Final Detailed Site Development Plans will be submitted addressing all pertinent issues.

7. The proposed PDD designation encompasses two (2) separate parcels having a total area of 97,747 square feet, greater than the 20,000 square feet required and is consistent with the comprehensive plan of zoning for the City with specific reference to the Route 8 Corridor area.
NOW THEREFORE, on the basis of the above, the representations made at the public hearings and other discussions of the Commission, the Shelton Planning and Zoning Commission hereby takes the following actions:

A. The proposal with proposed modifications is deemed to be consistent with the existing pattern of development in the Route 8 Corridor area and with Shelton’s adopted Plan of Conservation and Development.

B. In accordance with the provisions of Section 34 of the Shelton Zoning Regulations, the subject Final Site Development Plan for 493 Bridgeport Avenue is hereby approved subject to the following conditions and adjustments:

a. Final determination by the Commission concerning the entry drives, pending further engineer evaluation and CTDOT review, final approval of the CTDOT regarding curb cuts, drainage and driveway improvements and satisfaction of all engineering concerns of the City Engineer and comments and concerns of the Fire Marshall as well as any and all other applicable municipal boards and commissions.

b. Modification and revision of Final Site Development Plan as necessary in response to all concerns noted above and any outstanding concerns of the Commission and its staff.

c. Clarification of proposed building design and details with particular attention to sign limitations and use of proposed exterior finishes on all building elevations. No more than one (1) retail store shall be permitted.

C. The Initial Development Concept Plan for the Access Road parcel is approved subject to the following conditions and modifications:

a. Replacement of the proposed gas station/convenience store use with another low-traffic generating land use consistent with the self-store facility.
b. Submission of modified initial Development Concept Plans for review and approval by the Commission, including appropriate preliminary architectural plans and proposed building materials. Said Concept Plans are also subject to approval by the Fire Marshall, City Engineer, JWC and other applicable municipal boards and commissions.

D. Submission of a modified and revised Statement of Uses and Standards to clarify language, address outstanding concerns of staff regarding permitted uses and applicable standards and clarification regarding prohibition of high-traffic activity uses.

E. All utility services shall be located underground. Confirmation of final approvals by the WPCA relative to proposed sanitary sewer connection.

F. Final modified Initial Development Concept Plans for parcel B, including all supporting details and information shall be submitted to the Commission on or before December 31, 2016 for review and approval. Final modified Final Site Development Plans for 493 Bridgeport Avenue shall be submitted for Commission approval of any driveway curb cut modifications prior to endorsement of final approval. No permits shall be issued for any site or building construction prior to said endorsement of the approved Final Site Development Plans.

G. On the basis of this conditional approval of Initial Development Concept Plans/Final Site Development Plans subject to the stipulations and modifications set forth above, the proposed PDD is hereby adopted for the reasons found in the discussions preceding the motion and shall be identified as PDD #84.

Said PDD adoption set forth herein shall become effective on Friday, May 27, 2016 at 8:00 a.m.
The above RESOLUTION was moved by Commissioner McGorty and seconded by Commissioner Harger.

Upon completion of all further discussion, on a roll call vote, Commissioners McGorty, Harger, Pogoda, Matto, Tickey and Parkins voted in favor.

None voted in opposition.

The Chairman declared the RESOLUTION adopted