

**SHELTON PLANNING AND ZONING COMMISSION**  
**JUNE 14, 2016**

The Shelton Planning and Zoning Commission held a regular meeting on Tuesday, June 14, 2016, Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT 06484 at 7:00 p.m.

**Commissioners Present:**

Chairperson Ruth Parkins  
Commissioner Virginia Harger  
Commissioner Thomas McGorty  
Commissioner Elaine Matto  
Commissioner Jim Tickey  
Commissioner Ned Miller – Alternate sitting in for  
Commissioner Anthony Pogoda (Absent)  
Commissioner Frank Osak - Alternate

**Staff Present:**

Richard Schultz, Planning & Zoning Administrator  
Anthony Panico, Planning & Zoning Consultant  
Virginia Evanski, 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](http://www.cityofshelton.org).

**I. II. & III. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Chairman Parkins called the June 14<sup>th</sup> Regular Meeting of the Shelton Planning & Zoning Commission to order at 7:03 p.m. with the Pledge of Allegiance, followed by a moment of silence for the those that so senselessly lost their lives in Orlando and roll call of members present. She then noted that Commissioner Ned Miller would be acting as an alternate for Commissioner Pogoda.

Chairman Parkins indicated that there will be an adjustment to the agenda to move on to Application #16-7, B under IV. OLD BUSINESS. She reminded the public that this was for discussion by the Commission only and reviewed the Commission's procedures noting there would be no vote on this application tonight.

**IV. OLD BUSINESS**

**B. 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 (PUBLIC HEARING CLOSED ON 5/10/16).**

Chairman Parkins indicated that the application was for 18 units and was revised during the hearing process to 14 units and opened it up for discussion. She noted that the Commission hired a peer review for the traffic study which concurred the traffic study of the applicant. Inland-Wetlands was consulted and responded via a letter which indicated that they didn't have any findings inside of their jurisdiction in terms of fill. They did make some recommendations to be considered should the project proceed.

Mr. Shultz noted that Commissioner Pagoda indicated that he will be present at the July 12<sup>th</sup> meeting and plans to vote.

Chairman Parkins continued to inform the Commission that there are several referrals. Conservation Commission was opposed to the project. The Fire Marshal did not oppose the project but had recommendations as to fire hydrants and such. The Fire Chief had issues with egress, a second egress. From the public standpoint there are several issues. Traffic was raised over and over again. Safety was raised including a fire that occurred nearby causing a situation on Long Hill Avenue. And density was also the other main issue. The zone is both light industrial and R1.

Mr. Panico noted that it was a residual piece from a light industrial zone that was in between the houses that front on Long Hill Avenue and the Route 8 expressway. Originally it made sense because it was contiguous with other land that could be developed. Then when the highway went through, it isolated it cutting off access to it. The only reasonable industrial use that could have been made is by coming in by where Sikorsky comes in. Leaving a piece of land in an undesirable zone classification with no reasonable access due to zoning regulations set for industrial use of the land cannot be accessed through a residential zone. Even if one of the neighbors wanted to give a driveway for access it's not permissible for industrial use. So the Commission thought it would be desirable to get rid of the industrial zone and make it contiguous with the residential R1 zoning that was upfront which was done. The applicant took the Commission to Court and the Appellate Court found that it was spot zoning and told the petitioner to work it out with the Commission.

Mr. Shultz indicated that the official map has the property zoned as R1.

Mr. Panico continued by saying that this is what the applicant is trying to do by proposing this development.

Commissioner Matto asked how long ago was the Court matter.

Mr. Shultz indicated it was about 6 or 8 years ago.

Commissioner Matto noted that since that time it has been listed on the books as a residential lot and taxed as such.

Mr. Panico went on to indicate that the applicant has come in with a proposal to put in a rather intensive residential development with its only access being approximately 30 feet on Long Hill Avenue. Had it been 50 feet then the response would have been to put in a road and develop it however you think you can develop it. But the access is not large enough for a road and therefore the best that can be done is to put in a private road. The other aspect is if the development is too dense a secondary access will be needed. Even a median can't be put in because the space is inadequate.

Commissioner Harger asked if a private road would be allowed with only 30 feet.

Mr. Panico indicated that a private road could be done with it being a driveway with cross easements and maintenance responsibility being the property owners.

Commissioner Matto raised LIP residential and noted that the applicant has asked the commission to look at the property as residential property. The public's concern is to have it treated like typical of the neighborhood R1 zone and then it's said oh no it's a LIP but they came in with a proposal for residential so the commission has a strong position to look at it as residential.

Mr. Panico noted that the only development that makes sense is a residential development.

Commissioner Matto noted that the applicant asked for a PDD zone change to put in 14 or 18 units, could they not have come in and asked for a PDD with 3 lots.

To which Mr. Panico replied yes.

Commissioner Matto then went on to say why not just one house.

Chairman Parkins noted that she did not believe that the property is ideal for industrial use with traffic, having people coming in at one time and leaving at another time.

Mr. Panico noted the downfall of industrial use is placing a higher burden on Long Hill Avenue than what would otherwise be there and giving a person the right to use that strip for access through a residential zone or a rezoning of that strip to overcome that problem putting it into the same industrial zone that is already there. The question is what kind of residential use and how much.

Commissioner Tickey noted he has concerns with 18 units and even still with 14 units, that's as many homes that are on Sylvan Drive that would be on this parcel with a 30 foot frontage. Long Hill many times of the day is busy, unsafe, so to add that many more units with individuals and cars it is much too dense and have serious concerns with the safety of the traffic, there should be less, 14 units is too much, too dense.

Commissioner Harger did not think that it would blend in with the type of the neighborhood that exists and if the applicant was to further modify the proposal to single family units it would blend in much better and housing is the better way to go but not with 14 units. Small individual homes, 2 or 3.

Mr. Schultz noted single family detached.

Commissioner Matto raised filing and if it would be tested. She asked if the commission approved would the building department then determine if they could build back there.

Mr. Schultz explained that this Commission upon assigning what type of land use is going to be there they would have to get the proper approvals.

Commissioner Matto then noted it would be a condition of the approval.

Mr. Schultz indicated it would and noted that it has happened before with the improper filling.

Chairman Parkins interjected that as part of the conditions it could be required that engineering review of the fill.

Mr. Schultz noted an evaluation.

Mr. Panico noted that it would be unreasonable to have them demonstrate adequate foundation materials so where every he decides that the house is going to go we would need to do a subsurface soil investigation to see where the virgin land is, what kind of fill has been put in and quality of that fill is.

Chairman Parkins noted it would part of the condition of approval.

Mr. Panico noted one of the reasons why some sort of control development would be better than say, a conventional subdivision. Something that would give the commission a little greater degree of control.

Chairman Parkins pointed out that the Commission heard a lot about condominiums don't belong in that area and noted that she lives in a condo complex and lives across the street from another condo complex. There's two residential streets nearby. It's a very dense area but it's not this area. She indicated that she

agreed and noted that she said right up front and asked when this proposal first came in, that it was too dense and why they couldn't consider 3 or 4 single family homes because it's close to 4 acres. There was a lot of negative connotation towards condominiums and wanted to note that condos aren't bad and people who live in condos are not bad people. They have a purpose and fit in many locations but don't think the density of this complex is ideal.

Commissioner Harger and Commissioner Tickey agreed that this is not an appropriate use.

Commissioner McGorty noted residential is really the right way to go as said before over light industrial and a greater impact as light industrial on traffic on Long Hill Avenue. Is it too dense? Yeah. Doesn't know what the magic number is or how it could be reconfigured or split up as R1.

Mr. Panico indicated that one approach is to take a density approach with R1 zone and 3,000 sq. foot lots and might say, okay, we can't necessarily create conventional lots but we could limit the density to the same density of the R1 zone. In this case it would be 4 houses.

Commissioner Matto noted that it would be more like 3 because of the unbuildable part of the land.

Mr. Panico said that it could be but that they are looking to come up with a compromise that works for everyone. It may be stretching it a little bit.

Chairman Parkins asked about the map from the close of the hearing and it was pointed out that a lot of the frontage on the houses that surround the area, are actually right of ways, city right of ways and wanted to know if they were non-conforming lots.

Mr. Panico indicated that he had not analyzed the neighborhood. One of the things staff could do, if wanted, is to take a look at the immediate neighborhood and see what the lot sizes are and the degree to which they do or do not conform to the R1 zoning.

Commissioner McGorty indicated that he thinks it's denser than one acre lots. The local, the neighbors lots are a quarter acre, half acre.

Mr. Panico noted that very, very few from his recollection satisfy the R1 requirements. There needs to be a mechanism, a rationale for why you decide to do what you decide to do. One thing you can do is analyze the existing density in the neighborhood and then apply that here and come up with a number. I was thinking the most conservative approach would be to apply the R1 standard.

Commissioner Harger noted that, that would be tough because a lot of the homes in the area are very old that have been in the area for years and probably pre-date zoning.

Mr. Panico noted all the neighborhood pre-dates zoning.

It was pointed out that Sylvan is not and is a PRD.

Commissioner McGorty noted that if keeping with the current zoning, on that piece of property, I think you would get 5 lots.

Mr. Panico indicated that would not be so. If keeping in total consistency with the R1 zone you can't put anything but 1 house.

Commissioner McGorty corrected Mr. Panico, not the R1 zone but the local zone, the neighborhood.

Mr. Panico noted that the problem is that there needs some special treatment to go beyond one house because of the frontage. So in order to have a second lot you have to either split that frontage with 2 access ways, which is possible. You don't have the enjoyment of the normal amount of frontage. There's no frontage but 30 feet.

Commissioner Matto noted that you could have a PDD with any number of units.

Mr. Panico agreed that it could be a PDD but would rather there be a modification to one of the other designs zones without using the PDD. But if everything else failed one mechanism would be a PDD with recognizing the constraints on density and etcetera talked about. A PDD for a much lesser, single family detached units.

Chairman Parkins asked what mechanism could be used to put in 2 or 3 single family homes.

Mr. Panico advised that there is currently nothing in the zoning regulations today to allow the Commission to do so. But it is one of the things on the to do list is to go back and re-examine the concept of Planned Residential Development and maybe there's a mechanism that could be worked out there or a special exception mechanism that can be worked out that's tailored to this. What is needed to be known is what the Commission wants to do to figure out a way to get there.

Chairman Parkins noted the Commission has a certain amount of time to act.

Mr. Panico noted the Commission has 3 choices. Approve, modify and approve or deny without prejudice giving the applicant some direction as to what the Commission would be comfortable with. A total hands off approach would be to just deny it.

Commissioner Matto asked if they could get a variance.

Mr. Panico indicated that there's no basis for a variance, that anyone of the abutters that wanted to can object to it. There's no hardship. The hardship is financial and the hardship was there when the man purchased the property.

If the property went back to light industrial.

Mr. Panico pointed out that there's a question as to how he could use it short of some relief as to use as an industrial driveway which is not desirable.

Commissioner McGorty point out that it could happen.

Mr. Panico indicated it could only happen if somebody gave relief.

Commissioner Matto asked who.

Mr. Panico responded that it would be the ZBA, most probable.

Commissioner McGorty noted that, that would be the hardship due to the zone and without it they can't access it.

Mr. Panico agreed and indicated that the course of events would be something like this. This Commission decides no and doesn't give any direction. The applicant goes back to Court and the Court says okay the

R1 zone change is invalidated. The applicant indicates he has an industrial piece of property with the only access being the strip of land and wants to be able to use it for something and gain permission to use it.

Commissioner Matto noted that, that would be the hardship.

Mr. Panico indicated that is one scenario that would most probably hold up.

Commissioner Harger asked if there was some means that if it went to a LIP that access couldn't be done through Sikorsky.

Mr. Panico stated that, that is the second possibility that it have some value to Sikorsky and Sikorsky wants to acquire it expand their operation.

Commissioner Harger inquired if Sikorsky would allow access through their property.

Commissioner McGorty responded that he doubted it due to the sensitivity of the operation of their business, it's secure, gated with guards.

Mr. Panico noted that it just seems to him, for the benefit of the neighborhood, would be for this Commission to conclude on what's a reasonable amount of residential development that ought to be allowed and encourage that.

Commissioner McGorty noted that his point for what it is worth, a good transition for this would be whatever is in keeping, so whatever the current zoning is there, third of an acre, half acre, so that it is a smooth transition and it blends in with the neighborhood. So whatever that is, however many houses can fit in there and this will have to be dealt with.

Commissioner Tickey noted that the Commission would have to take a look at what is actually buildable and if the neighborhood is a third of an acre and would like to see less homes. Treating the property as a R1 will give less homes. With a third of an acre there will be more homes.

Mr. Panico commented that it would seem to him that whatever happens then it happens against the R1 zoning. That is the zone that would be in place. Maybe forego some of the land analysis and just deal with the density of 40 thousand square feet per building lot.

Commissioner Matto asked about open space.

Mr. Panico responded by saying that normally there is but this is a hybrid. Depending upon the design mechanism the Commission can extract open space. He noted that there's no reason why there can't be a plan that keeps the development in a certain area that does not go into the sensitive area and put a conservation easement in place to prevent it from ever happening.

Commissioner Matto asked if Mr. Panico was still talking about doing the townhouses as presented in the application.

Mr. Panico responded no. A cluster of 4 single family detached houses.

Mr. Schultz agreed and noted like off Eagle Drive that Terry Jones did.

Chairman Parkins asked if the Commission could do that as a special exception in a R1 zone.

Mr. Panico indicated that it couldn't be done without amending the zoning regulations first. There is nothing in the regulations now that would allow it.

Mr. Schultz noted that a tweak was done for Cranberry, the PRD.

Mr. Panico pointed out that the quickest way out is a different PDD that is designed to accommodate 4, 5 single family detached and be done with it.

Chairman Parkins noted that she would prefer to do it without a PDD.

Mr. Panico agreed but noted that it is just a matter of timing and noted that he and Mr. Schultz will be studying this, taking it apart the PRD because it doesn't serve anybody's purpose today and tailor it into something that is usable and keep this in mind and try and adjust it. It is a matter of timing.

Chairman Parkins followed up noting that rather than denying the PDD the Commission can deny the project without prejudice.

Mr. Panico explained that the Commission would be denying the application without prejudice.

Chairman Parkins after forming some sort of consensus of how many homes the Commission would like to see.

Mr. Panico noted expressing what the Commission believes is the maximum amount that is workable provided with a private street access. Spell out the type not attached but detached, single family detached not more than x number of units served by a private street.

Chairman Parkins, no more than three bedrooms.

Mr. Panico noted the Commission could put a maximum bedroom count.

Commissioner McGorty asked if that is treating it as a R1.

Mr. Panico indicated that he is just using that because he knows the general number that the Commission is more comfortable with would be consistent with the R1 zone. The property is a 3.9 acre parcel.

Commissioner McGorty asked what would be the number if they truly are 1 and limit them.....

Chairman Parkins interrupted and noted that they would still have to comply with a PRD.

Commissioner McGorty responded okay, which are 3 bedrooms. He then indicated that he had never heard of that and asked the reason it's 3 as opposed to 4.

Mr. Panico said that that control does not come into play.

Commissioner McGorty asked when that does come into play.

Mr. Panico indicated that what Chairman Parkins is expressing is that it is the general desire of the Commission minimize the number of bedrooms that get created because the more bedrooms, the children, school aged children, are a factor. Schools are declining. It's prudent. Its been seen now for 8 years plus that it's going down, not up.

Chairman Parkins started to note that if you have 3 houses with 4 bedrooms or 4 houses with 3 bedrooms....

Commissioner McGorty interjected that he did not think it's a big deal when discussing a few houses.

Chairman Parkins agreed.

Commissioner McGorty noted that school alone is down if you look at the trend and continuing to go down.

Commissioner Miller noted that he was at one time a resident of Sylvan Drive and is familiar with the area and believes it was half acre lots there and this application doesn't really conform to what he'd like to see in the neighborhood. Also concerned about safety from an insurance standpoint, and what the fire marshal's report was and has a difficult time with it as it's proposed today. But does like the residential and single family detached homes and it's more in keeping with the neighborhood.

Mr. Panico noted that he thought 5 would be the absolute maximum that he would be comfortable with and he would need to be shown that it could work. If the Commission does not like that number then he suggested that the Commission pick a smaller number.

Commissioner Tickey noted that although the property is 3.9 acres it's not all buildable due to wetlands.

Chairman Parkins noted that the other houses are not on 1 acres either.

Mr. Panico noted that they are trying to balance a bunch of things that do not conform.

Commissioner Harger raised the map that was submitted April 12<sup>th</sup>, it was 14, reduced, and notes total area as 172,380 square feet, 3.9 acres total, is like 4 houses, but as said before, thinks only 2 or 3 from her point of view.

Commissioner Matto thinks 4 would be a lot.

Chairman Parkins noted that the Commission has between 2, 3, & 4.

Commissioner Tickey suggested the Commission takes 4 off the table.

Commissioner Harger suggested that the high and low be taken off and meet in the middle.

Chairman Parkins indicated that she believed that the Commission could rely on Mr. Panico's evaluation of the lots and see what would work there.

Mr. Panico noted he could see if 4 fits comfortably.

Chairman Parkins indicated she thought it would be between 3 or 4.

Commissioner Harger asked if a Motion was needed.

Mr. Schultz advised that he wrote down that the consensus reads disapprove the 14/18 unit multi-family proposal and at the same time provided guidance to the owner that the preferred development is for x number of single family dwellings, detached. Access by a private road by using standards which may be provided for within the PRD text. Staff is going to be looking at that. The applicant obviously has a right, if you deny with 1<sup>st</sup> app, the applicant has the right to reapply.

Chairman Parkins noted that Mr. Schultz didn't say the Commission was doing that. That, that would be the ultimate resolution.

Mr. Schultz responded that, that was right, that he and Mr. Panico are going to prepare a build out development. Clearly the consensus is to disapprove the pending application and start fresh.

Mr. Panico noted that the question is how much direction the Commission wants to give. He also noted that he's not certain how fast the applicant wants to move. If he wants to move quickly, if so his best bet would be to do it under a PDD, a small PDD of limited scope that fulfills what the Commission is talking about.

Chairman Parkins noted she would not be comfortable approving a PDD until knowing what is being proposed on the property.

Mr. Panico agreed that the Commission should never approve a PDD without seeing the proposal, the layout and the product. The advantage of the PDD is that the Commission can get into things like rubbish removal which should be nailed down.

Commissioner Harger noted as much as the applicant has the right to develop the property it shouldn't be at the expense of the city, undue hardship on the city services.

It was noted that it is only 3 houses that are being considered so it's not that much undue hardship.

Mr. Panico interjected that the city should not accept the road as a city road as it does not meet city standards.

Chairman Parkins noted that there are developments where they bring their trash cans out to the curb.

Mr. Schultz advised Chairman Parkins that the applicant's attorney would probably contact staff, knowing the consensus from tonight and that will assist for the July 12<sup>th</sup> meeting when action is taken.

Mr. Panico inquired as to his understanding of the consensus to say the property cannot accommodate a development of more than 4 single family detached homes, preferably a few simple lots.

Commissioner Tickey noted that he'd like less homes than more.

Commissioner McGorty interjected that the Commission should see how many homes can be comfortably fit there.

Mr. Panico said that the Commission should not say up to four and have the applicant come in with a plan to put up 3 houses and then have the Commission deny it because they want less.

Chairman Parkins noted that the Commission is going to wait to hear from Mr. Panico as to how many houses can fit there before making a decision.

The ongoing fill violations was raised as the topic was not really discussed and it was noted "if" there is a violation.

There was an interjection from a member of the public audience who was directed that this part of the hearing is not open for the public to address the Commission and that comments from the public are not to continue. It was noted that there will be a comment in regard to the issue in the final resolution.

Chairman Parkins noted that this would be all that will be discussed as to this matter and that the public is welcome to stay for the rest of the meeting should they wish.

### **AGENDA ADD-ONS**

Chairman Parkins asked for a motion to add three items to the agenda under Old Business, Application for Certificate of Zoning Compliance #0746 for an in-law apartment at 253 Coram Road; for an Application for Certificate of Zoning Compliance #0751 for occupancy for office/warehouse at 12 Commerce Drive, and an Application for Certificate of Zoning Compliance #0696 for a child care center at 62 Perry Hill Road.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was passed unanimously to add Application for Certificate of Zoning Compliance #0746 for an in-law apartment at 253 Coram Road; for an Application for Certificate of Zoning Compliance #0751 for occupancy for office/warehouse at 12 Commerce Drive, and an Application for Certificate of Zoning Compliance #0696 for a child care center at 62 Perry Hill Road to the agenda under Old Business.**

#### **A. APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

1. 0689 – G. Stendbergh, 524 Howe Avenue business

Mr. Schultz stated that this is the convenience store by Webster Bank that is being sold. Everything is the same with hours of operation, 1,020 square feet, three employees seven days a week. This does have a liquor permit. No name change. Staff recommends approval.

**Motion to approve made by Thomas McGorty seconded by Jim Tickey, motion carries.**

2. 314 – Mike & Rob Rabinoff, 1 Corporate Drive renovations & business

Mr. Schultz stated that this is the deli. Company name is R Table and renovating, this is food service. Tower One. Renovation by new owners. Staff recommends approval.

**Motion to approve made by Thomas McGorty seconded by Jim Tickey, motion carries.**

3. 0701 – Mohammed Mansour, 99 Bridgeport Avenue business

Mr. Schultz stated that this is the gas station, the Shell on Bridgeport Avenue and they need a trade name and need approval from the Commission. A certificate of zoning compliance is needed for the current owner. Staff recommends approval.

**Motion to approve made by Virginia Harger seconded by Elaine Matto, motion carries.**

4. 0247 – R. D. Scinto, 2 Trap Falls Road buisness

Mr. Schultz stated that this is the Higgins Group replacing the HC Neilson, 1,500 square feet, eight employees, Monday through Friday 8 am to 5 pm. Staff recommends approval.

**Motion to approve made by Virginia Harger seconded by Jim Tickey, motion carries.**

5. 313 – BML, 100 Beard Sawmill business

Mr. Schultz stated that this is the former HealthNet property. New occupant BML Fulfillment Service and are a computer programming company. Leasing 1,845 square feet, five employees, Monday through Friday, 9 am to 5 pm. Staff recommends approval.

**Motion to approve made by Thomas McGorty seconded by Jim Tickey, motion carries.**

6. 0699 – Daniel Wells, 656 Bridgeport Avenue business

Mr. Schultz stated that this is the ice cream shop. They did not have a trade name approved. It's 1,200 square feet, six employees, hours 12 pm to 9 pm. Staff recommends approval.

**Motion to approve made by Thomas McGorty seconded by Elaine Matto, motion carries.**

7. 0689 – G. Stendbergh, 524 Howe Avenue business

Mr. Schultz stated that this is a redundant/duplicate application and should be deleted.

8. 0711 – Yung Shau, 514 Bridgeport Avenue business

Mr. Schultz stated that this is the Wild Kanji restaurant which is a transfer of ownership. Everything is status quo with the restaurant. Staff recommends approval.

**Motion to approve made by Thomas McGorty seconded by Jim Tickey, motion carries.**

9. 0741 – Michael Coppola, 10 Progress Drive business

Mr. Schultz stated that this is for a sign for the Griffin Hospital facilities director, going in the same building as the Chamber of Commerce. Staff recommends approval.

**Motion to approve made by Thomas McGorty seconded by Elaine Matto, motion carries.**

**Add-On A. Application for Zoning Compliance 0746 for an in-law apartment at 253 Coram Road.**

Mr. Schultz stated that this is for a Pam Matto, Sal's daughter. Her mother is going to be living with her. This is a raised ranch. In-law apartment is in the ground level where the garage is and is 579 square feet in-law apartment with access through the garage and through stairs that go up stairs. No exterior changes. This is "as right" through Commission. It was a finished basement with a door access by a hall through garage.

**Motion to approve made by Jim Tickey seconded by Virginia Harger, motion carries.**

**Add-On B. Application for Zoning Compliance 0751 for occupancy of an office warehouse at Commerce Drive.**

Mr. Schultz noted that this is 12 Commerce Drive right before the intersection of Research where Latex Foam was. Corporate offices moving in and warehousing component that Latex Foam used. Len Baccarelli spoke to the Commission about his business, BTX, indicating that they have 50 employees for the back office that they have 280 employees working for them and looking to bring in 20 to 40 employees into the facility and usage of warehouse. They do kits and have been doing so for Sikorsky. Basically a pick, pack, and ship facility along with a corporate facility. All the same company but different divisions.

The commission raised the issue of parking.

Applicant answered questions regarding the same and advised as to timeline and future expectations.

Mr. Schultz indicated that staff recommended approval.

**Motion to approve made by Thomas McGorty seconded by Virginia Harger, motion carries.**

Mr. Schultz informed Chairman Parkins that the third one will be held off at this time.

Chairman Parkins indicated that the Commission would table.

**V. NEW BUSINESS**

**A. APPLICATION #16-10, ANCO ENGINEERING, INC. FOR SPECIAL EXCEPTION APPROVAL (BUILDING ADDITIONS, PARKING EXPANSION AND RAIL TEST TRACK), 217 LONG HILL CROSS ROAD, LIP DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING.**

Chairman Parkins recommended July 12, 2016.

**Motion to schedule public hearing as recommended by Chairman Parkins made by Virginia Harger seconded by Jim Tickey, motion carries.**

**B. APPLICATION #16-11, DOMINICK THOMAS ON BEHALF OF SOUNDVIEW CROSSING, LLC FOR RE-SUBDISION APPROVAL (7 LOTS: SOUNDVIEW CROSSING PARCEL B), SOUNDVIEW AVENUE (MAP 126, LOTS 44, 45, 46), R-1 DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING.**

Mr. Schultz indicated that the neighborhood was surprised it's a conventional R-1. It's an as of right with a road. This is a hearing because it is a resubdivision.

Chairman Parkins recommended July 12, 2016.

**Motion to schedule public hearing as recommended by Chairman Parkins made by Virginia Harger seconded by Thomas McGorty, motion carries.**

**C. APPLICATION #16-12, PHILKEN HOTELS SHELTON, LLC FOR MODIFICATION OF PDD #63 (HOTEL AND FREE STANDING RESTAURANT), 899 AND 905 BRIDGEPORT AVENUE (MAP 8, LOTS 15 AND 16): ACCEPT AND SCHEDULE PUBLIC HEARING.**

Chairman Parkins recommended August 24, 2016.

**Motion to schedule public hearing as recommended by Chairman Parkins made by Virginia Harger seconded by Jim Tickey, motion carries.**

**D. PROPOSAL OF SPZC: AMENDEMENTS OF SECTION 33, SECTION 5 AND SCHEULE A: PERMITTED USES FOR GROUND MOUNTED SOLAR ENERGY SYSTEMS IN LIP DISTRICTS: SCHEDULE A PUBLIC HEARING.**

Chairman Parkins recommended July 12, 2016.

**Motion to schedule public hearing as recommended by Chairman Parkins made by Virginia Harger seconded by Elaine Matto, motion carries.**

**E. PROPOSAL OF SPZC: AMENDEMENTS OF SECTION 33 AND SCHEDULE A: PERMITTED USES FOR MIX USE DEVELOPMENT IN CA-2 DISTRICTS: SCHEDULE A PUBLIC HEARING .**

Chairman Parkins recommended July 12, 2016.

**Motion to schedule public hearing as recommended by Chairman Parkins made by Virginia Harger seconded by Elaine Matto, motion carries.**

**VI. PUBLIC PORTION**

**Scott Masson – 27 Reiner Drive – In-Law Apartment**

Mr. Masson informed the Commission that the ZBA approved a variance for the enlargement of an in-law apartment from 900 square feet to 1,200 square feet and indicated that Mr. Schultz directed him to be at this meeting so that the Commission could address and give any concerns.

Mr. Schultz indicated that this will be on the July 12, 2016 agenda and Mr. Masson wanted to know in advance if there were going to be anything that needed to be addressed in advance.

Chairman Parkins indicated that the Commission would get back to Mr. Masson to review his plans once the Public Portion is done.

**416 Howe Avenue**

This was a matter that was previously before the Commission which had an issue with a license and making sure that there was a tax id for the operation of a massage therapy.

Chairman Parkins indicated that, that was in April/May and was a tabled item and asked Mr. Schultz to see if he could identify what was the reason the item was tabled. Chairman Parkins noted to Mr. Schultz that it is for Application 0690 and further indicated that the Commission would take care of this as well once the Public Portion is done.

**Geraldine Delibro**

Ms. Delibro indicated that she was late to the meeting and wanted to know what happened with Long Hill Avenue.

Chairman Parkins informed Ms. Delibro that the Commission did not make a decision but had reached a consensus that residential is preferred rather than industrial use and directed staff to look into how many single family detached homes can fit.

Mr. Schultz indicated that, that was it for the public portion.

Chairman Parkins asked if anyone else in the public wanted to speak. Hearing none she called for a motion to close the public portion.

**Motion to close the public portion made by Virginia Harger seconded by Jim Tickey, motion carries.**

Chairman Parkins indicated that the Commission was going to add on Application for Zoning Compliance 0753 for Reiner Drive for in-law apartment.

**Motion to add item as indicated by Chairman Parkins made by Thomas McGorty seconded by Jim Tickey, motion carries.**

Mr. Schultz noted that he had another one to be added, Application 0651 for 23 Nicholdale Road for an in-law apartment.

**Motion to add on Application 0651 as indicated by Richard Schultz made by Thomas McGorty seconded by Jim Tickey, motion carries.**

Chairman Parkins indicated that the Commission is going to add on Application 0738 (formerly Application 0690) for 416 Howe Avenue.

**Motion to add on Application 0738 as indicated by Chairman Parkins made by Thomas McGorty seconded by Jim Tickey, motion carries.**

Chairman Parkins called on Scott, Application 0753, and asked that he again state his name and address for the record.

**Scott Masson – 211 Plains Road, Milford, Connecticut**

Mr. Masson informed the Commission that he will be moving in with his in-laws who are the current owners of 23 Reiner Drive once the project is complete. Mr. Masson advised the Commission that the property has been occupied for many years and the in-law apartment that currently exist has been vacant since the passing of his father-in-laws mom who formerly occupied the space approximately 10 years ago. Mr. Masson provided plans for the Commission to review and provided a history of the plans.

The Commission expressed concerns as to the current design of the entryway into the unit and the main house. Concern is that it looks like a two family house. Mr. Schultz indicated that he would meet with Mr. Masson to work on this to get it to be along the lines of what the Commission is looking for.

**Motion to table Application 0753 made by Thomas McGorty seconded by Virginia Harger, motion carries.**

Chairman Parkins then called on Application 0651 for 23 Nicholdale Road.

Mr. Schultz noted that this is another in-law, it's an addition, and advised Michael Su to tell the Commission what style home he has.

Mr. Su advised that he has a raised ranch and provided pictures and showed where he would be adding a single floor addition, 672 square feet.

The Commission asked questions as to the structure, changes, access, guidelines.

Mr. Schultz then indicated that staff recommends approval.

**Motion to approve made by Thomas McGorty seconded by Ned Miller, motion carries.**

Chairman Parkins then called on Application 0738, 416 Howe Avenue.

Mr. Schultz noted that the Commission had tabled it and it is occupancy.

Commission had questions as to sign for the business and name of the business.

Mr. Schultz indicated that the only thing required is the address.

Without all the proper documentation the Commission wants to see updated documents and all documents in place to operate a business.

**Motion to table Application 0738 made by Virginia Harger seconded by Thomas McGorty, motion carries.**

Mr. Schultz then indicated next would be Application 0696 combination with the 8-24 Referral, Debbie Aldrich to talk about the re-use of the Perry Hill School portable building.

Chairman Parkins noted that 0696 was already added on but goes along with Agenda Item C. 8-24 Referral: use of the Perry Hill School portable building for before and after school program, under VII. Other Business. Chairman Parkins indicated that the Commission did table this the last time.

Mr. Schultz indicated that they were going back to 0738.

Chairman Parkins then called Application 0738 which was just tabled is back on the table reversing the tabled motion.

Mr. Schultz noted that having been presented with all the proper papers, staff recommends approval.

Chairman Parkins indicated that the Commission would recommend approval but that the applicant have signage to reflect the name of the business, Lisa Massage, or whatever it is registered with the State and to update address.

The applicant agreed.

**Motion to approve made by Thomas McGorty seconded by Elaine Matto, motion carries.**

Mr. Schultz then indicated again that Debbie was there for the proposed daycare, 8-24 Referral.

Chairman Parkins noted that the Commission tabled this the last time because they didn't have information as there were questions as to traffic flow, times of operation, and number of children. Chairman Parkins asked that Debbie state her name and address for the record.

**Deborah Aldrich – 9 Alendale Court, Shelton, Connecticut**

Ms. Aldrich informed the Commission the operation of the daycare addressing the Commissions concerns previously raised when the Commission tabled this the last time.

Mr. Schultz noted that the Commission tabled this at the last meeting and the Aldermen voted unanimously, 8 to 0 to approve the lease. The two issues before the Commission is sufficient parking for the drop off and an outside play area.

Ms. Aldrich advised the Commission how the parking and drop off would work.

**Motion to approve contingent upon favorable report from the Police Chief on this site made by Jim Tickey seconded by Thomas McGorty, motion carries.**

## **VII. OTHER BUSINESS**

### **A. APPROVAL OF MINUTES 4/12/16, 4/27/16, AND 5/10/16**

Chairman Parkins indicated she had one correction on the minutes from 5/10/16. A recommendation was made by Chairman Parkins to come back on their 6/10/16 meeting and there wasn't a 6/10<sup>th</sup> meeting.

Mr. Schultz asked if Chairman Parkins had a page of the error.

Chairman Parkins advised it was on page 165, it's regarding the 8-24 Referral. It should have been 6/14/16 meeting.

**Motion to approve the 4/12/16 minutes made by Jim Tickey seconded by Elaine Matto, Abstention by Virginia Harger, motion carries.**

**Motion to table the approval of the 4/27/16 & 5/10/16 minutes made by Virginia Harger second by Jim Tickey, motion carries.**

### **B. PAYMENT OF BILLS**

**Motion to pay the bills made by Virginia Harger second by Ned Miller, motion carries.**

### **C. 8-24 REFERRAL: USE OF PERRY HILL SCHOOL PORTABLE BUILDING FOR BEFORE AND AFTER SCHOOL PROGRAM.**

(This Agenda Item was already addressed.)

### **D. STAFF REPORT**

Mr. Schultz started with the Zoning Board of Appeals Agenda, and noted that the Commission has a copy of their meeting which was 6/21/16. 1<sup>st</sup> two applications for Huntington Street have been withdrawn. The balance of the applications are minimal in scope. Mr. Schultz directed the Commissions attention to Number 11 regarding a fence going from 6 feet to 8 feet and noted that Shelton does not have an agricultural zone that gives farmers the ability to do certain things like erect an 8 foot fence on the property line. Mr. Schultz also pointed out the Connecticut Siting Council, 14 Old Stratford Road, the UI property, modified its application, the Pootatuck substation, expanding it. Zoning Subcommittee to have a hearing on 7/12/16. Downtown Subcommittee to have a meeting on 7/8/16. Mr. Schultz pointed out for everyone to watch Melisi as he's ready to pour concrete. Zoning Subcommittee to be meeting with John Gatts on follow-up on Canal Street.

Chairman Parkins pointed out the Subcommittee meeting schedule attached to their packets and asked that they attend so as to be aware of on-going discussions.

Mr. Schultz noted that on Zoning Enforcement that he inadvertently left off a chicken matter at 23 Meadow Ridge Drive.

**E. COMMENTS FROM CHAIRMAN AND SUBCOMMITTEE CHAIRS**

None.

**VIII. ADJOURNMENT**

**Motion to adjourn at 9:23 pm made by Thomas McGorty second by Elaine Matto, motion carries.**

Respectfully submitted,

Virginia Evanoski  
Planning & Zoning Recording Secretary