SHELTON PLANNING AND ZONING COMMISSION

MINUTES

SHELTON PLANNING AND ZONING COMMISSION MEETING SEPTEMBER 13, 2016 AT 7:00 P.M., AUDITORIUM, 54 HILL STREET, SHELTON, CT

PZC Commissioners Present:
- Chairman Ruth Parkins
- Vice-Chairman Anthony Pogoda
- Secretary Virginia Harger
- Jimmy Tickey
- Elaine Matto
- Frank Osak, Alternate
- Ned Miller, Alternate (sitting for Bernie Simons)

Staff Present:
- Richard Schultz, AICP, Planning and Zoning Administrator
- Anthony Panico, Consultant

- A tape of the entire meeting is available for listening in the City/Town Clerk’s Office.

Chairman Parkins called the meeting to order at 7:03 p.m. with the Pledge of Allegiance and roll call of members present. Chairman read the resignation letter from Tom McGorty and stated his replacement Bernie Simons who could not attend tonight’s meeting. On a motion made by Anthony Pogoda, seconded by Virginia Harger it was unanimously moved to accept the letter of resignation. Parkins indicated that Alternate Member Ned Miller will be sitting for Bernie Simons.

Chairman Parkins thanked Tom McGorty for his service to the Commission and to his community and that he will be missed.

Public Hearing

Application #16-12: Phiiken Hotels Shelton, LLC; Modification of PDD #63

Secretary Harger read call of hearing and two pieces of correspondence; Fire Marshal and City Engineer. (see attachments)

Atty. John Knuff representing the applicant presented their modification of PDD #63. He then gave the history of the previous approval and what changes are necessary to move ahead with a new hotel called the “GLO” and freestanding restaurant also located on the site. He indicated for the record that the property was posted and certified mailings were sent out pursuant to the Shelton Zoning Regulations.

Mr. Knuff then presented a Project Overview Report dated 9/13/16 which was entered as an exhibit and discussed in detail.
Ron Schwacker, applicant rejected the recommendation of the Conservation Commission's request for a conservation easement but agreed to the fraction method for the payment in lieu of open space.

Commissioner Pogoda moved to approve application #16-27 with the noted conditions, seconded by Commissioner Harger and unanimously approved.

**Application #16-28: Modification of PDD #24 for the River Road Marina**

Commissioner Harger moved to accept Application #16-28 and schedule the public hearing to 11/16/16, moved by Commissioner Matto and unanimously approved.

**Application #16-29: Wells Property PDD Zone Change Bpt. Avenue**

Commissioner Tickey moved to accept Application #16-29 and schedule the public hearing on 1/25/2017, seconded by Commissioner Pogoda and unanimously approved.

**Public Portion**

There were no comments.
Commissioner Pogoda made motion to close the public portion, seconded by Commissioner Harger and unanimously approved.

**Minutes**

Commissioner Pogoda made motion to table action on the minutes, seconded by Commissioner Harger and unanimously approved.

**Payment of Bills**

Commissioner Pogoda made motion to approve bills with funding available, seconded by Commissioner Harger and unanimously approved.

**Staff Report**

Rick Schultz read his Staff report dated 9/13/16. (see attachment)

**Comments from Chairman/Subcommittee Chairs**

Comments were previously discussed under Staff report.

**ADJOURNMENT**

On a motion made by Anthony Pogoda seconded by Elaine Matto it was unanimously voted to adjourn the meeting at 10:00 p.m.

Respectfully submitted

Richard D. Schultz, AICP, Recording Secretary
Joe Pereira P.E., Project Engineer discussed the civil drawings for the proposed hotel/restaurant project. All utilities have been approved and/or existing. He discussed the storm water management system for the site. All surface water will be filtered through the system and then discharged into the brook.

Commissioner Harger questioned if excess site material will be leaving the site and if blasting will occur.

Mr Pereira said no. It is a balanced project and no excess material will leave the site and blasting is anticipated.

Atty. Knuff discussed the agreement between Shoreline Vet Hospital and the applicant regarding the north slope area.

Dennis Laferriere, Landscape Architect, discussed the planting plan for the project. Wants the neighbors to be happy with the design. Different colors will be planted to make this project attractive.

Mike Maturo, Architect, discussed the plans for both the hotel and restaurant. Discussed the 96 room hotel “GLO” run by Best Western. The first floor will have a lobby; second floor spa/massage and fitness center; and the third thru sixth floors will be for rooms.

The tenant for the restaurant is unknown at this time. The building will complement the hotel. Commissioner Osak questioned if the height will impact the surrounding neighborhood.

Steve Cipolla, P.E., Traffic engineer presented a supplement to the traffic report which was previously submitted. Discussed the map titles “Current Street System Characteristics”. Discussed the traffic volume for the area.

Commissioner Matto questioned if the medical use generated a traffic count? Mr Cipolla answered yes.

Atty. Knuff gave summary remarks by indication:

1. Consistent with POCD
2. Blighted site
3. Benefit to community

Public Portion

William Pigano, president of Beaver Dam Association discussed his concerns with the maintenance of the storm water system and how it can impact Beaver Dam. Happy that the flow will be reduced post construction.
Dr. Shelton Yesanow; Shoreline Vet Hospital indicated that he supported the project but requested the developer to regrade more of the north easterly portion of the site for better exposer

Commissioner Matto liked the landscaping plan and asked that no evasive species be used.

Closing remarks

Atty Knuff addressed Dr. Yesanow’s request and agreed to all of the including the maintenance of the system to better protect Beaver Dam.

Commissioner Pogoda moved to close the hearing, seconded by Commission Ticker and unanimously approved

Old Business

Applications for Certificate of Zoning Compliances 0847, 0858, 0785, 0872, 0881, 0846, 0863, 0866 and 0874 were all approved by the commission. (see attached motions)

**Application 16-9: Change PDD#84 to #85**

Commissioner Pogoda moved to approve the change from PDD #84 to PDD #85 with a new effective date of 9/16/16, seconded by Commissioner Tickey and unanimously approved

**Application 16-11: 7 Lot Resubdivision, Soundview Crossing Parcel B**

Commissioner Pogoda moved to accept extension on review period to 10/12/16, seconded by Commission Tickey and unanimously approved.

**Application #16-22: Minor Modification of PDD #75**

Commissioner Pogoda moved to approve minor modification to PDD #75 subject to property owners receiving notification from Toll Brothers on the change, seconded by Commissioner Matto and unanimously approved

**Application #23: Reschedule Public Hearing Date for Montinaro PDD Zone Change**

Commissioner Tickey moved to reschedule the public hearing to 11/16/16, seconded by Commissioner Matto and unanimously approved.

**Application #27: 3 Lot Subdivision 185 Nichols Avenue**

Rick Schultz read the city engineer and conservation commission report and his report. (see attachments)
City of Shelton
Office of the City Engineer
54 Hill Street
Shelton, Connecticut 06484-3267

Robert F. Kulacz, P.E.
City Engineer

Rimas J. Balsys
Assistant City Engineer

September 9, 2016

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

Re: Soundview Crossing – Parcel B, Soundview Avenue;
1) Re-subdivision Map (Lots 4, 5, & 6) dated 6-6-2016, revised 7-1-2016
2) Plan Sheets C-1.0, C-2.0, C-3.0, C-4.0, C-5.0 all dated 06.06.2016

Dear Mr. Schultz:

This office has reviewed the proposal to resubdivide the three rear Parcel B lots into seven lots with frontage on a new city road. The stormwater management plan meets the requirements of the city stormwater ordinance and the post development runoff rates are less than the existing conditions.

While this subdivision will be served by sanitary sewers, the sanitary sewer system itself will be private. The reason is that the connection will be made to the Summerfield Garden Condominium sewers, which are privately maintained. An association will have to be created to ensure that all seven future lot owners will be jointly responsible to maintain the sanitary sewer that services their homes.

The following review comments are offered:

1. The record map shall be revised to state that the sanitary sewer system is private and shall be the maintenance responsibility of the homeowners association.
2. The proposed street name Whispering Pines Lane must be formally approved by our emergency service providers.
3. A formal gravel access road shall be provided to access the detention pond.
4. The plans lack a profile of the storm sewer that runs from the street to the detention pond. An acceptable access road grade shall be provided.
5. The plans do not clearly label the type of storm sewer pipe. The only acceptable materials are reinforced concrete pipe (RCP) or high density polyethylene – smooth interior (HDPE).
6. The storm sewer trench detail is incomplete and needs to be revised for the type of pipe that will be installed.
7. The sanitary sewers shall be labeled PVC SDR-35.
8. There is no sanitary sewer profile of any type. Profiles are required for all 8 inch public/association maintained lines.

At this time, I endorse the plans for construction, with the conditions that the deficiencies cited above have been addressed in the revised drawings. The revisions shall be submitted in advance of filing the record map for their review and approval. The performance surety figure will be determined after the revised plans have been approved.

Very truly yours,

Robert F. Kulacz, P.E.
City Engineer

Cc: John R. Cook, Wetlands Coordinator
Godfrey Hoffman Associates, LLC
Thomas E. Sym, Sewer Administrator
September 9, 2016

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

RE: 185 Nichols Ave, PZC #16-27
3-Lot Subdivision with Undersized Lots

Dear Ms. Parkins:

The Conservation Commission agrees with the use of a payment in lieu of open space dedication for this project.

However, in consideration for the undersized lots the City is granting, we request that a 50' conservation easement be placed on the rear of all three properties for the purpose of protecting the nearby pond, a part of the Far Mill River.

If views of the pond are critical, then this Commission is not averse to allowing a native wildflower meadow in the Conservation Easement area, to be mowed no more frequently than once a year.

Sincerely,

Thomas Harbinson
Chair

cc: Gary Zahornasky, Chair, Inland Wetlands
MEMORANDUM

To: Shelton Planning and Zoning Commission

From: Richard D. Schultz, Planning and Zoning Administrator

Date: September 13, 2016

Re: P & Z Application #16-27
3-Lot Subdivision, 185 Nichols Avenue
185 Estates Subdivision

I have reviewed the subject proposal on plans titled “185 Estates Subdivision” prepared by Lewis Associates Land Surveying and James Swift, Civil Engineering dated August 24, 2016.

Based on this review, I offer the following comments:

1. The applicant is seeking final subdivision approval for the creation of 3 lots identified as lots 1, 2 and 3 on property containing a total area of 2.65 acres. Lot 2 contains an existing single family dwelling which is scheduled to be demolished. All lots will have individual driveways and direct access to Nichols Avenue (Rte 108). All lots will be served by municipal sanitary sewers and public water. The property is located within the Residence R-1 District.

2. The application was referred to the City Engineer, Fire Chief, and Conservation Commission.

3. The applicant received a variance from ZBA for the reduction of lot area for all three lots and noted on the record map.

4. The IWC’s Agent has determined that the subdivision does not have any regulated activities associated with this development.

5. The Fire Chief had no recommendation for this subdivision.

6. The City Engineer in his letter dated 9/9/16 recommended approval with no conditions.

7. The applicant has provided an acceptable sediment and erosion control plan. The subject property is not located within a Special Flood Hazard Area. A Certificate of Sediment and Erosion Control Permit will be issued for the construction of all three lots.
8. Staff has inspected the subject property and have determined that sidewalks are non-existing for this neighborhood.

9. Due to the soil conditions it is not anticipated that blasting is necessary.

10. The applicant is requesting Payment in Lieu of Open Space using the fraction method. The Conservation Commission in their letter dated 9/9/16 is recommending Payment and the requirement of providing a 50 foot conservation easement along the rear portion of the three lots to protect the adjacent pond.

11. The following are Staff recommendations:

   1. Add all standard notes/signature lines to the record map (notes to be provided by Staff).

   2. If blasting is to occur, the developer shall be required to conduct a pre-blasting survey of all properties located within 250 feet of the blasting area and notices shall be sent to all properties within 500 feet of the blast area. All survey data shall be submitted to the Planning and Zoning and Fire Marshall's Offices before the issuance of a Certificate of Zoning Compliance for new construction.

September 9, 2016

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

Re: Phikken Hotels Shelton, LLC, 899-905 Bridgeport Avenue; 
1) Plan Sheets 1 through 9 all dated May 26, 2016, revised 8/30/16  
2) Drainage Calculations (Report) dated May 26, 2016

Dear Mr. Schultz:

This office has reviewed the above referenced proposal to demolish the eight existing structures on this 2.64 acre parcel and construct a 96 room hotel and 3,000 square foot free standing restaurant.

The storm water management plan is sound and provides both a reduction in pre-development runoff rates as well as storm water runoff quality enhancement. The Connecticut Department of Transportation (ConnDOT) is responsible for the review and approval of the expanded driveway curb cut as well as any required pavement widening to Route 714.

The Commission should make clear to the applicant the need to monitor and maintain the erosion and sediment control measures, since any earth materials that leave this property will be washed downstream into Beaver Dam Lake in Stratford.

Having no reservations or recommendations, I endorse the project drawings for construction as submitted.

Very truly yours,

Robert F. Kulacz, P.E.  
City Engineer

Cc: John R. Cook, Wetlands Coordinator  
James Tortora, Fire Marshal

File: 899-905 Bridgeport Avenue
CITY OF SHELTON
FIRE MARSHAL
54 HILL STREET
SHELTON, CT 06484

09/09/16
TO: Rick Schultz, Administrator
Planning & Zoning Administrator

RE: Application #16-12

Dear Rick,

After a review of the site plan for the proposed hotel and restaurant to be located at #899-905 Bridgeport Avenue, the following shall apply:

1. For a building permit to be approved, plans including but not limited to: fire sprinkler systems, fire alarms and any other applicable fire protection and life safety features shall be submitted to the Fire Marshal for review and approval.

2. All driveways around the buildings are fire lanes and shall be marked and maintained as per applicable regulations.

3. Fire hydrants that are required shall be installed. The location of each shall be approved by the Fire Marshal’s Office.

4. The installation of any traffic control signals shall include the installation of a pre-emption system for use by emergency apparatus.

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

[Signature]

James M Tortora
Fire Marshal
SHELTON PLANNING AND ZONING COMMISSION
MOTIONS

SHELTON PLANNING AND ZONING COMMISSION MEETING SEPTEMBER 13, 2016 AT 7:00 P.M. CITY HALL, AUDITORIUM, 54 HILL STREET, SHELTON, CONNECTICUT

PZC Commissioners Present:
Chairman Ruth Parkins
Vice-Chairman Anthony Pogoda
Secretary Virginia Harger
Jimmy Tickey
Elaine Matto
Frank Osak, Alternate
Ned Miller, Alternate (seating for Bernie Simons)

Also Present:
Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant

MOTIONS

On a motion made by Tony Pogoda seconded by, Jimmy Tickey it was unanimously voted to close the public hearing on Application #16-12.

On a motion made by Elaine Matto, seconded by Tony Pogoda it was unanimously voted to approve Application for Certificate of Zoning Compliance #0847.

On a motion made by Tony Pogoda, seconded by Jimmy Tickey it was unanimously voted to approve Application for Certificate of Zoning Compliance #0858.

On a motion made by Tony Pogoda, seconded by Tickey it was unanimously voted to approve Application for Certificate of Zoning Compliance #0785.

On a motion made by Tony Pogoda, seconded by Virginia Harger it was unanimously voted to approve Application for Certificate of Zoning Compliance #0872.

On a motion made by Tony Pogoda, seconded by Jimmy Tickey it was unanimously voted to approve Application for Certificate of Zoning Compliance #0881.
On a motion made by Jimmy Tickey, seconded by Virginia Harger it was unanimously voted to approve Application for Certificate of Zoning Compliance #0846.
STAFF REPORT  
SHELTON PLANNING AND ZONING DEPARTMENT  

MEETING DATE: September 13, 2016  

SUBJECT: Miscellaneous Zoning and Planning Matters and Meeting Schedules  

ZONING MATTERS  

1. ZBA Agenda: Please see the attached 9/20/16 ZBA agenda and advise Staff of any questions or the need to send a letter of recommendation to the Board.  

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

3. Zoning Subcommittee Report: The ZSC has begun its discussion on the amendments regarding the outside storage/parking of automobiles and the rewrite of the PRD regulations. The Commission needs to select a new member to this Subcommittee.  

4. Downtown Subcommittee Report: The DS’s next meeting is scheduled on 10/14/16 to discuss a variety of downtown issues.
5. **Zoning Enforcement Program:**

<table>
<thead>
<tr>
<th>New High Priority Matters</th>
<th>Status</th>
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<tbody>
<tr>
<td>a. 67 Wheeler Street: unfinished side of fence facing neighbor</td>
<td>Closed</td>
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<tr>
<th>Previously Reported High Priority Matters</th>
<th>Status</th>
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<tbody>
<tr>
<td>a. 23 Meadow Ridge Drive: keeping of chickens <strong>Issued Cease and Desist Order</strong> (owner filed ZBA variance)</td>
<td></td>
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<tr>
<td>b. 86 Birchbank Road: illegal apartment <strong>Issued Cease and Desist Order</strong></td>
<td></td>
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<tr>
<td>c. 370 Nichols Ave: keeping of horses</td>
<td>Closed</td>
</tr>
<tr>
<td>d. 46 Perch Dr.: clearing of property</td>
<td>Closed</td>
</tr>
<tr>
<td>e. 14 Biltmore Drive: commercial truck</td>
<td>On-going</td>
</tr>
<tr>
<td>f. 1 Round Hill Road: unregistered motor vehicles</td>
<td>Closed</td>
</tr>
<tr>
<td>g. 163 Long Hill Cross Road: junkyard conditions</td>
<td>On-going</td>
</tr>
<tr>
<td>h. 540 Huntington Street: junkyard conditions <strong>Referred to Corporation Counsel</strong></td>
<td></td>
</tr>
<tr>
<td>i. 70 Isinglass Road: junk yard <strong>Referred to Corporation Counsel</strong></td>
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<td>j. 21 Cedarland Drive: junkyard</td>
<td>On-going</td>
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<tr>
<td>k. 112 Bridgeport Ave.: junkyard</td>
<td>On-going</td>
</tr>
<tr>
<td>l. 55 Toas Street: unregistered motor vehicles</td>
<td>On-going</td>
</tr>
<tr>
<td>m. 15 Spoke Drive: junk yard</td>
<td>On-going</td>
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</tbody>
</table>
Other On-Going Zoning Matters

Clothes Bin Structures

Sign Enforcement

City-wide illegal signs

On-going

PLANNING MATTERS

1. 2006 Plan of Conservation and Development Update: The PZC has established a POCD Update Subcommittee and started discussion at its 5/27/15 meeting. The Subcommittee will now continue to meet twice a monthly with Staff and to report to the full Commission at its regular meeting. The Office of Policy and Management has been asked to grant an extension on the completion of the 2006 POCD Update.


MEETING SCHEDULE

1. Special Meeting(s) for August: Special meetings have been scheduled on September 21 and 28, 2016 at 7pm in the City Hall Auditorium to continue a public hearing for Shelter Ridge and for new items. Please advise Staff of any conflicts.

**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 8/9/16**

1. Single Family Detached Units: 43
2. Condominium Units: 0
3. Apartment Units: 0
4. Pre-manufactured Homes: 3
5. Re-built existing single family: 1