SHELTON PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES

SHELTON PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD WEDNESDAY, APRIL 25, 2018 AT 7:00 PM. CITY HALL Room 304, 54 HILL STREET, SHELTON, CT 06484

PZC Commissioners Present:
Virginia Hargr, Chairman
Anthony Pogoda, Vice-Chairman
Elaine Matto, Secretary
Jimmy Ticke (arrived 7:24)
Charles Kelly
Mark Widomski
Nancy Dickal, Alternate (sitting for Comm. Tickey for item #18-02)
Ned Miller, Alternate (absent)

Also Present:
Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant (phone conference)
Karen Kemmesies, Recording Secretary
Pat Gargiulo, Stenographer

Tapes, correspondence and attachments are on file in the City/Town Clerk’s office and the Planning and Zoning Office and minutes are available for review on the City of Shelton Website www.cityofshelton.org

I. Call to Order

II. Pledge of Allegiance
Chairman Hargr called the meeting to order at 7:00 PM.

III. Roll Call
Chairman Hargr identified members present.

IV. Public Hearing

Comm. Hargr reviewed the guidelines. All members of the public wishing to address the Commission will need to clearly print their name and address on the sheet at the podium. This is to assist the recording secretary and stenographer who will be doing the minutes and transcripts of the public hearing. The applicant and/or associates will make a presentation to the Commission. During the presentation the Commission and/or the staff may ask questions to the applicant and/or his associate will be given the opportunity to answer during or at the end of the presentation. After the presentation has ended and if there are no further questions
from the Commission, the public will be given the opportunity to address the Planning & Zoning Commission about the item being discussed by the Commission. All comments and/or questions are to be directed to the Planning & Zoning Commission Chair and to the Chair only; not to the applicant or his associates. No dialog is permitted between the public and the applicant and his associates. All comments should be informational directed to the criteria of the zoning regulations, not of personal feeling. Unless a member of the public has new comments or a question to the Chair, members of the public are asked to indicate whether or not they are in agreement with the previous speaker and to please not repeat the same testimony when it’s your turn. The applicant’s attorney and/or consultants will be given the opportunity to address any comments or questions from the public after the last person from the public has been given the opportunity to speak. If the public hearing has not concluded by 10:00 p.m., the public hearing will remain open and a day for continuation of the public hearing will be announced at which time the public hearing will pick up from the point where it was left open. If the public hearing is left open, the Planning & Zoning Commission is not allowed to make any public comment, discuss any part with the applicant and/or his associate’s presentation or receive any additional information from anyone. After the Chair is satisfied that the applicant and/or his associates have concluded their presentations, has answered all questions and have directed all concerns from the Commission, there will be a motion to close the public hearing.

A. Application #18-02, Dominick Thomas on behalf of Ricar, LLC and Mianus Holding, LLC for Modification of PDD #66 including Initial Concept Development Plans and Statement of Uses and Standards (98 unit multi-family, restaurant, clubhouse, maintenance building and marina), 704, 712 and 722 River Road, (Map 22, Lot 1 and Map 32, Lots 16 and 17): authorization to continue public hearing

Mr. Schultz presented a letter dated 4/17/18 from Atty. Thomas on behalf of the applicant consenting to an extension due to the conflict with the use of the auditorium and that the applicant agrees to the continuation of the public hearing until the meeting on May 8, 2018. “Please be advised that my clients Ricar, LLC and Mianus Holding, LLC, the applicants in the above captioned matter consent to an extension of time of an additional ten days of the Planning and Zoning Commission to conclude the public hearing on the above captioned application. As a result of the prior extension, the period of time to conclude the public hearing will expire on May 4th. This extension will extend the hearing until May 14, 2018. This consent is in request to the continuation of the public hearing scheduled for Wednesday, April 25, 2018 which had to be cancelled due to a conflict with the use of the auditorium.”

Mr. Schultz presented additional house keeping details for the application. Agendas from Stratford Water Pollution Authority from February 26, 2018 through April 23, 2018 are included in this application. Stratford’s application for 704, 712 and 722 River Road has been postponed to a future meeting. He noted that the City of Stratford has been doing an overall review of their systems and have not been acting on applications. They generally meet on the fourth Thursday of the month. He stated that modified site plans have been presented to the commissioners. The modifications are fairly
insignificant but would be presented at the hearing. He is still awaiting two documents for the file. The first being from Stratford Water Pollution Authority on the connection of this development to their system. He is also awaiting communication from DEEP regarding coastal management pertaining to this project.

Members weighed the action needed on this application. They noted that the process has been going on for an extended period of time. There is no indication that the delay from Stratford will be concluded soon. Further, the sewer connection is a critical aspect of this application. They felt that applications should be complete prior to presentation to the Commission so that applications do not extend for lengthy periods of time.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was voted to accept the extension requested for Application #18-02. MOTION failed.

Roll call
Virginia Harger    aye
Anthony Pogoda    nay
Elaine Matto       aye
Charles Kelly      aye
Mark Widomski      nay
Nancy Dickal       nay

Chair Harger called for the reopening of the public hearing of App. # 18-02 at 7:15 p.m. in light of the fact that the request for extension was denied.

On a motion made by Comm. Widomski, seconded by Comm. Pogoda it was voted to close the public hearing for Application #18-02. MOTION carried with Comm. Harger and Comm. Kelly opposed.

Mr. Schultz stated that he will notify the applicant and this application will be placed on the agenda for the May 8, 2018 meeting as Old Business.

B. Application #18-04, Schaible Realty III, LLC for Amendment of Building Zone Map by changing from IB-2 District to CB-2 District, 25 Brook Street (Map 129, Lot 14)

The public hearing was started at 7:20 pm with the reading of the legal notice.

The legal notice published in the Connecticut Post on April 19, 2018 reads “The Shelton Planning and Zoning Commission of the City of Shelton, Connecticut hereby gives notice of a public hearing to be held on Wednesday, April 25, 2018 at 7:00 P.M. in the Shelton City Hall, 54 Hill Street to consider the following: Application #18-04, Petition of Schaible Realty III, LLC for Amendment of Building Zone Map by changing from Industrial IB-2 District to Commercial CB-2 District an area of approximately .72 acres on property located at 25 Brook Street and identified as Assessor's Map 129, Lot 14. Said property is generally bounded and described as follows: Southerly: by other property of Schaible Realty III, LLC a distance of 220 feet more or less; Westerly: by property of the City of Shelton a distance of 150 feet more or less; Northerly: by property of the lower Naugatuck Girls and Boys Club a distance of 153 feet more or less; and Easterly: by Brook Street a distance of 150 feet more or less. The map
showing the limits of the proposed zone change is titled "Site Development Plan" prepared by Lewis Associates, Land Surveyor dated 7/7/2003. The site is currently owned by Schaible Realty III, LLC and is served by municipal sanitary sewers and public water. Said Petition is on file in the City/Town Clerk's Office and in the Planning and Zoning Office. At said hearing all persons will have the right to be heard and written communications will be received. Dated at Shelton, Connecticut this 13th day of April, 2018 Shelton Planning and Zoning Commission Virginia Harger, Chairman Elaine Matto, Secretary

Mr. Schultz stated there are no pieces of correspondence. The sign up sheet for the public hearing was made available to the public.

Applicant Ken Schaible was present. He handed the certified letter receipts to Mr. Schultz. He explained that he has owned the property since 2000. It is adjoining another parcel he owns located at 621 Howe Avenue. That parcel is currently a CB-2 zone. On that parcel he removed the building and regraded and paved the area for parking. He explained that he is requesting to change the parcel at 25 Brook Street to the CB-2 zone to be consistent with other building lots within this downtown area.

Mr. Tickey arrived at 7:24 p.m. It was noted that he will be sitting out on this application and Ms. Dickal will be a voting member for this application.

Mr. Schultz presented an exhibit that defines the limits of the Central Business District and pointed out that this parcel is the last piece that is IB-2 and is requesting to change to CB-2. Mr. Panico noted that with the assembly of the two parcels into one it seems logical request to make this change.

Chair Harger asked three times if there was anyone from the public wishing to speak. No one came forward.

On a motion made by Comm. Kelly, seconded by Comm. Pogoda it was unanimously voted to close the public hearing for App. #18-04 with it noted that alternate Comm. Dickal voted in place of Comm. Tickey.

V. Applications for Certificate of Zoning Compliance
1. 2432 - Archer Signs: 100 Commerce Drive sign
Brian Bashir from Archer Signs was present this evening.

Comm. Pogoda indicated that there is no address on the sign.

Mr. Schultz clarified that this parcel was historically identified as 100 Commerce Drive, location of the Tetley Tea headquarters with their entrance on Commerce Drive. Mr. Scinto desires to have the development identified as CX Plaza. It is a corner lot with frontage on Bridgeport Avenue and Commerce Drive. Within the development there will be three buildings – identified as 100, 104 and 110 Commerce Drive.

Mr. Bashir stated that the CX Plaza is an identifier to 110 Commerce Drive.
Comm. Pogoda disagreed and stated that the actual address must be on the sign as per the regulations. The main entrance will be on Bridgeport Avenue. Patrons will be confused when searching for the address most likely with their GPS.

Mr. Schultz suggested reaching out to the Engineering Department to explore identifying the each building with the main building being Bridgeport Avenue and the other two to be Commerce Drive.

Members discussed the design of the monument seeking to have the address placed on the sign and to have the individual business panels displayed below said address. Comm. Harger requested that photos be taken by staff of the various business signs on Bridgeport Avenue and Trap Falls Road to offer reference for prior applications.

Mr. Bashir stressed the CX Plaza identification and was not clear as to where the confusion would be from the patrons. He was concerned with the visual aesthetics of the sign.

On a motion made by Comm. Tickey, seconded by Comm. Widowski it was unanimously voted to table monument sign until May 8th meeting - App. #2432 with Mr. Schultz instructed to speak to the Engineering Department in regards to the physical street addresses of the buildings.

2. 2435 - Rose Tiso, 391 Bpt. Ave., Suite 101 business

Pat Rose was present representing the applicant. In attendance from My Salon Suite was Kerry Tolisano. Mr. Schultz clarified that the application is actually #2409. The correction will be made.

Mr. Rose stated that at the last meeting, a floor plan was requested. The floor plan was presented prepared for My Salon Suite by Suite Management Franchising LLC, 3900 Caseway Blvd., Metairie, Louisiana 70002 dated 2/12/18 drawn by VL-03. It includes 27 suites within the location. Two suites will be spa suites that target specialized aesthetic skin care services such as but not limited to eyelashes, eyebrows, waxing, facials, massage therapy, medi spa. It was stressed that it is in the best interest of their business to perform background checks on the individual suite renters. Usually the salon suite setting draws higher end clientele considering the rental scale of the units. They have had conversations with a possible tenant who provides microblading services and said person is a licensed tattoo artist. Generally they average 75% to 85% occupancy and they were seeking to offer 24/7 business hours so that each suite operator would have the flexibility to provide their service as per the customer’s needs.

The commissioners noted that the restaurants in the plaza are allowed to stay open on the weekends until 2 a.m. They raised concern for this application’s request for 24/7 access. They felt client access should be no earlier than 7 a.m. nor later that midnight. They did feel that after the initial year of operation that the applicant may desire to revisit these hours and if so they would have to return to the Commission. Under the design the individual suites have closures and additionally the floor plan shows outer doors that provide access to the common areas. The commission felt that the outer
doors hours of operation should be from 8 a.m. to 9 p.m. The tenants can have access through the outer doors by a key or access fob as well as access to their individual suites.

Ms. Tolisano explained that the suite tenants would seek to have access on the off hours to attend to duties pertaining to their business. Custodial services would be performed on the common areas and the tenants are required to maintain their individual suites. Management will perform spot checks on the suites and will provide each tenant with the expected rules and regulations of the operations within the My Suite Salon guidelines. Each suite will be individually identified by number. As per My Salon Suite guidelines, the individual suites have glass doors to close each suite and there are limitations as to the signage or displays allowed on the glass. Typically the maximum is 1/6 of the overall view. It was noted that the protocol is to have one tenant serve as manager of the overall facility. This manager would provide for the connection with the landlord and be a local contact person. Managers are generally given some relief from their monthly rent for this provided service. All tenants are required to carry and display their licenses and they fall under the jurisdiction of the Valley Health Department.

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was unanimously voted to approve App. #2409 with the stipulated hours of operation to be no greater than from 7 a.m. to midnight each day and the outer doors shall only be unlocked from 8 a.m. to 9 p.m.

VI. Adjournment

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was unanimously voted to adjourn the meeting at 8:10 p.m.

Submitted by:

Karen Kemmesies
Recording Secretary
April 17, 2018

Chairman Virginia Harger
Shelton Planning & Zoning Commission
Shelton City Hall
54 Hill Street
Shelton, CT 06484

RE: APPLICATION #18-02
AMENDMENT TO PLANNED DEVELOPMENT DISTRICT #64

Dear Chairman Harger:

Please be advised that my clients, RICAR, LLC, and Mianus Holdings, LLC, the applicants in the above captioned matter, consent to an extension of time of an additional ten (10) days for the Planning and Zoning Commission conclude the public hearing on the above captioned application. As a result of the prior extension, the period of time to conclude the public hearing will expire on May 4, 2018. This extension will extend the period to complete the public hearing to May 14, 2018. This consent is in request to the continuation of the public hearing scheduled for Wednesday, April 25, 2018, which had to be cancelled due to a conflict with the use of the auditorium.

Thank you for your attention.

Very truly yours,
Cohen and Thomas

[Signature]

DOMINICK J. THOMAS, JR.

DJT:d
cc: RICAR, LLC
    Mianus Holdings, LLC