



SHELTON PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

HELD WEDNESDAY, MAY 8, 2018 AT 7:00 PM.
CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484

PZC Commissioners Present:

Virginia Harger, Chairman
Anthony Pogoda, Vice-Chairman
Elaine Matto, Secretary
Jimmy Tickey
Charles Kelly
Mark Widomski
Ned Miller, Alternate

Absent: Nancy Dickal, Alternate

Also Present:

Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant
Corporation Counsel Francis Teodosio
Karen Kemmesies, Recording Secretary

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 Harger called the meeting to order at 7:00 PM.

III. Roll Call

Chairman Harger identified members present.

IV. Applications for Certificate of Zoning Compliance

On a motion made by Comm. Pogoda, seconded by Comm. Widowski it was unanimously voted to add 2535 Miko Marcello 93 Center St. for a business.

1. 2432 – Archer Signs, 100 Commerce Dr. - signs

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to table application 2432 until the June 12, 2018 meeting.

2. 2521 – The Mark, 7 Acadia Lane - sign

The sign request is for the main entrance sign to the apartments. The address has been approved by the city engineer and the sign is consistent with the site plan. The sign will be internally illuminated and will state “Mark Luxury Apartments”. Members stated that the website address has been removed. The units are 100% occupied. The entrance is a private driveway previously approved. The signage will identify that these are apartments and should help avoid unnecessary traffic entering the driveway.

On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to approve application 2521 for a sign.

3. 2502 – Maged Obied, 425 River Rd. - business & sign

This request is for the relocation of Piccolo’s Sunnyside Deli to the previously owned Lia’s Pizza. No signage has been submitted at this time. This is 2,000 sq. feet with five employees. The establishment will be open 6 days a week – Monday through Saturday. They do have extended hours during the holidays. The Chair asked that the hours of operation be clarified. It was noted that signage is already on the building. Mr. Shultz indicated that there has been nothing submitted.

On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to approve application 2502 for relocation of the business with clarification on the hours.

4. 2245 – R. D. Scinto, 5 Research Dr. - business

Application 2245 is for new occupancy – business name is “Really Good Stuff” which is an educational supply company employing 120 operating Monday through Friday 7 am to 6 pm. This was previously a data center with ample parking. Later in the meeting there will be further discussion on this parcel of land.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve application 2245 for a business.

5. 2083 – R. D. Scinto, 5 Research Dr. - business

Application 2083 is for business name “Dark Field” which is an automatic inspection company. They are occupying 5,785 sq. ft with 10 employees and operation is Monday through Friday 9 am to 5 pm. The company inspects railroad tracks for integrity. Comm. Harger requested that the square footage be verified.

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was unanimously voted to approve application 2083 for a business.

6. 2504 – R. D. Scinto, 110 Commerce Dr. - business

Application 2504 is the official relocation request of Hunan Pan. They are occupying 2,762 sq. ft with 9 employees and with hours of operation as follows: Monday through Thursday 11 am to 10 pm, Friday to be determined and Sat and Sunday 11 am to 11 pm. This will be the lower building with Starbucks and there is also a rear building in the complex. There are 20 parking spaces earmarked for this establishment. The complex is a mixed use with shared parking but that number of spaces may be insufficient for the restaurant use. Mr. Schultz will further review the number of spaces required at peak demands.

On a motion made by Comm. Tickey, seconded by Comm. Widowski it was unanimously voted to table application 2504 to the June 12, 2018 meeting.

7. 2527 – Jenny Noia-Gilson, 415 Howe Ave. - business

Application 2527 is an office setting for Ms. Gilson who is a mental health therapist. She is occupying 500 sq. ft in the Conti Building and her hours will vary Monday through Saturday.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve application 2527 for a business.

8. 2530 – BJS Designs, 415 Howe Ave. - business

Application 2530 is a business that does event planning and holiday decorating. They are occupying 200 sq. ft in the Conti Building with 5 employees open Monday through Friday 9 am to 5 pm and Saturday/Sunday by appointment.

On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to approve application 2530 as a business.

9. 2507 – Howe Ave. Pizza, 503 Howe Ave. - business & sign

Application 2507 is the Corner Pizza at 503 Howe Ave. and White St. They are occupying 1,000 sq. ft with 5 employees open Monday through Saturday 11 am to 10 pm. The sign has been modified with the removal of the telephone number. The business is mainly take-out and will continue to be take-out with very limited seating inside.

On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to approve application 2507 as a business and for a sign with the clarification that the phone number has been eliminated from the sign.

10. 2519 – Thuy Phung, 495D River Rd. business & sign

Application 2519 is the Nail Salon. They are occupying 1,100 sq. ft (the former liquor store next to Sterling Pool) with 4 employees open Monday through Saturday 8am to 10 pm. The sign request has not been submitted. The motion will be for the business occupancy only. Members confirmed that the business will be nails only. The chair was concerned with the lateness of the hours and it was determined that the hours would be approved subject to review after six months.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to approve application 2519 with the clarification that the motion is for business occupancy only and that the hours of operation will be subject to review after six months.

11. 2429 – Keystone, 350 Bridgeport. Ave. temp. sale of fireworks

This is a temporary business that will operate from time of approval through July 5, 2018. The company is out of Pennsylvania, the tent will occupy 800 sq. ft. in the parking lot and there should be sufficient space so as not to interfere with the building occupant's customer parking. There will be one full time employee and 1 part time employee open Sunday through Saturday 9 am to 9:30 pm. The Fire Marshall has authorized the request and will monitor daily. Members requested written authorization from the Fire Marshall. It was believed that the fireworks would be sparkler grade as the State legislature did not take action on broadening the type of fireworks permitted to be sold in Connecticut. This location is the plaza across from Curtis/Ryan. Members expressed concern for temporary signage being placed along the roadway. Mr. Schultz indicated that if the signs were observed by the City that they would be removed by the City and the business owner would be advised that any future permit requests would likely be denied.

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was unanimously voted to approve application 2429 through July 5, 2018.

Added 2535 – Miko Marcello, 93 Center St. – business.

Mr. Macello explained that the business is Taro card reading. The business is in the lower level with no apartments above (not mixed use); the upstairs will be used for storage only. There will be curbside parking with one space available to the business owner in the gated area in the rear of the building. The business will be operated by appointment only. It will be moving from the current location at 438 Howe Ave. as the building has been sold. There is no sign request at this time but the owner requests the ability to post in the front window with the understanding that any posting of signs will be within the allowed requirements for coverage of a window.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve application 2535 Miko Marcello 93 Center St. for a business.

12. Staff Separates (see list)

A brief recess was taken from 7:30 pm to 7:40 pm.

Now in attendance - Corporation Counsel Francis Teodosio.

V. Old Business

A. **Application #17-20**, Dominick Thomas for Amendment to Zoning Regulations (Section 45.6: Accessory Dwelling Units) (public hearing closed on 1/24/18)

Draft resolution dated May 8, 2018 **Application #17-20** for Amendment to Zoning Regulations by modifying subsections of Section 45.6: - Accessory Dwelling Units. (resolution attached) #1 with effective date of May 25, 2018 at 8:00 am.

Mr. Schultz noted that with regards to the five year period, he has only received one call for a new house with a request for an accessory dwelling unit. In any given calendar year there have only been at most seven accessory dwelling units approved over the last five years. The number

of new single family home construction has diminished greatly in the past five years. Unlike Trumbull, the existing units will not be grandfathered. Twenty years ago Trumbull provided a period of time for units to be registered and grandfathered into the zoning. Shelton did not want that but rather the zoning department will review each instance on its specific qualifications. He noted for instance that many units are located in the basements where ceiling height as well as other zoning requirements could be of issue. Staff feels comfortable, the Zoning Sub-Committee feels comfortable with this amendment.

On a motion made by Comm. Pogoda, seconded by Comm. Widowski it was voted to approve the resolution for application #17-20 as presented with effective date of May 25, 2018 at 8:00 am. Roll call vote passes unanimously.

ROLL CALL:

Virginia Harger aye
Anthony Pogoda aye
Elaine Matto aye
Jimmy Tickey aye
Charles Kelly aye
Mark Widowski aye
Ned Miller alternate – non voting member

B. Application #17-21, James R. Swift for Amendment to Zoning Regulations (Section 34.31: PDD Standards) (public hearing closed on 1/24/18)

Mr. Panico read the resolution for **Application #17-21** for Amendment to Zoning Regulations (Section 34.31: PDD Standards) to adjust a parcel size by up to ten percent (10%) only in the Central Business District. (resolution attached) ^{#2} with effective date of May 25, 2018

On a motion made by Comm. Kelly, seconded by Comm. Matto it was voted to approve the resolution for application #17-21 as presented with effective date of May 25, 2018. Roll call vote passes unanimously.

ROLL CALL:

Virginia Harger aye
Anthony Pogoda aye
Elaine Matto aye
Jimmy Tickey aye
Charles Kelly aye
Mark Widowski aye
Ned Miller alternate – non voting member

C. Application #17-22, 636 Cooke Street, LLC for Initial Development Concept Plan, Detailed Development Plans and PDD Zone Change (mix use development), 523 Howe Avenue (Map 129B, Lot 36), IA-3/CBD Overlay District (public hearing closed on 1/24/18)

Without objection this application will be continued to the June 12, 2018 meeting.

D. Application #18-01, Perry Pettas for Modification of PDD #65 including Basic Development Plans, Detailed Development Plans, and Statement of Uses and Standards (Riverwalk Place: 25 apartment units and retail) 356-368 Howe Avenue, (Map 117B, Lots 58, 60 and 62) (public hearing closed on 2/28/18)

Without objection this application will be continued to the May 23, 2018 meeting.

E. 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): public hearing closed on 4/25/18)

Corporation Counsel Teodosio was in attendance this evening at the request of the chair. He indicated that no substantive action appears to have been taken at the April 25, 2018. He summarized the actions at that meeting. It was noted that the applicant did submit a letter of extension which was read into the record at the meeting. The letter was submitted at the request of the City. The Commission put forward a motion to accept the extension and continue the hearing. That motion failed. A motion was put forward to close the public hearing. That motion carried by majority vote. With the closing of the public hearing, the action can not be reversed but a dilemma was created by the Commission. Corporation Counsel Teodosio felt there are three options the Commission could take on this matter.

1. The applicant could withdraw and reapply and the Commission could waive the application fees.
2. The applicant could withdraw and reapply and the Commission does not waive the application fees.
3. The Commission tables the matter for further research by Corporation Counsel. Taking no action this evening is within the timetable for action on this application.

Comm. Widowski asked why Corporation Counsel was present being that he is not regularly in attendance for the meetings. Comm. Harger indicated that she contacted him as she had concerns that the applicant was asked for the extension, he provided the extension and then the Commission moved forward without the applicant in attendance at the meeting. The Commission has always allowed the applicant to be present and provide comment.

Atty. Thomas stated that it was his understanding that the extension was requested as the auditorium was not available that evening. Further, he questioned whether Comm. Dickal's vote was valid as she was not identified as a voting alternate on this application. He also questioned whether she had fully familiarized herself with this application. He indicated for the record his verbal agreement that he would provide an additional extension that would advance the timetable of the application to mid June.

On a motion made by Comm. Kelly, seconded by Comm. Tickey it was voted to table application #18-02 until May 23, 2018 for Corporation Counsel to provide due diligence on this issue and return his findings to the Commission. Motion carried with Comm. Widowski opposed.

F. **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): public hearing closed on 4/25/18)

Mr. Schultz read the resolution for application #1804 for amendment of Building Zone Map by changing from IB-2 District to CB-2 District, 25 Brook Street (Map 129, Lot 14): (resolution attached) ^{#3} with effective date of May 25, 2018 at 8:00 am.

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was voted to approve the resolution for application #18-04 as presented with effective date of May 25, 2018 at 8:00 am. Roll call vote passes unanimously.

ROLL CALL:

Virginia Harger	aye
Anthony Pogoda	aye
Elaine Matto	aye
Jimmy Tickey	aye
Charles Kelly	aye
Mark Widomski	aye
Ned Miller	alternate – non voting member

G. **Application #18-06**, John Paul Development, LLC for Final Subdivision Approval (Booth Hill Estates: 6 lots), Waverly Road/Booth Hill Road (Map 44, Lots 56 and 57), R-1 District: authorization for extension on review period

Mr. Schultz indicated that the special exception public hearing is scheduled for May 23, 2018 for **Application #18-05**, John Paul Development, LLC for DRD Residential Development (Booth Hill Estates: 17 Lots), Booth Hill Road (Map 44, Lots 56 and 57). Both applications will be heard at that time. The review period extension of 65 days will take Application #18-06 well past the May 23rd meeting.

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was unanimously voted to authorize the extension on the review period for Application #18-06.

VI. New Business

A. **Application #18-09**, Key Development, LLC for Modification of Subdivision Approval (69 Pearmain Estates: 4 lots), 69 Pearmain Road, R-1 District (Map 134, Lot 1): accept, review and possible action

Atty. Dominick Thomas was present representing the applicant. He explained that the Commission previously approved a 6 lot subdivision off of Pearmain Road and it is under extension for recording of the map. During the course of time he engaged in friendly negotiations with that Mayor and the Conservation Commission concerning the purchase of open space. He thought an agreement was reached on the redesign where his client would get three lots without a road and he indicated that the Conservation Commission was applying for a grant for the purchase of a portion of the parcel for open space. The grant submittal would take six to eight months, which would be a financing issue for his client. The negotiations were

subsequently finalized between the City of Shelton and Key Development, LLC and a purchase and sales agreement has been signed. The plans presented detail the three building lots and Lot #4 which is the open space parcel. The City has agreed to purchase the open space even if the DEEP grant does not come through favorably. The interior lot (lot#2) will be subject to a conservation easement as well. The submittal defines the redesigned lots and the agreement is that the City must make the purchase prior to December 31, 2018. Members discussed the labeling of lot#4 and wanted clarity that this is not a building lot and is subject to the classification as open space. Atty. Thomas noted that the language regarding the lot must be clear for his client's financing as well as the terms of the contract.

Mr. Schultz submitted a letter (exhibit #4) from the City Engineer dated May 4, 2018 stating that he has reviewed the revised proposal of three building lots and removal of the road and endorses the application subject to the posting of a performance surety bond in the amount of \$7,500 to insure the installation of the survey monuments along the road.

On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to accept application #18-09.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve the modification of Subdivision for Planning and Zoning Application #18-09 for a four lot subdivision with the clarification that there will be three building lots and the partial identified as lot #4 to be conveyed to the City on plans entitled record subdivision map 69 Pearmain Estates prepared by Lewis Associates dated 3/6/2017 with final revision dated of 4/26/2018 with the standard boiler plate conditions 1,5,6,7,8,9,12,13,21,26,27,28 & 29 and let the record show that Lot 4 is not a building lot and should be identified as such.

B. Application #18-10, R. D. Scinto, Inc. for Modification of Site Plan Approval (new building), 5 Research Drive (Map 27, Lot 3), LIP District: accept, review and possible action

On a motion made by Comm. Tickey, seconded by Comm. Matto it was unanimously voted to accept application #18-10.

Rod Scinto was present this evening to present the application. He explained that the existing building that once housed a call center has been divided and separate leases have been issued. When it was a call center there was ample parking in the rear lot. He is proposing to construct a 10,000 sq. ft building to accommodate a new tenant. The new tenant has very tight time issues as their lease is up at their current location in a few months. They will be occupying space in the existing building as well as the new building. Mr. Scinto displayed the unique exterior material he intends to use and feels that the new building will aesthetically enhance the location. He asked that the Commission assist in quickly acting on this proposal so that construction can move forward in line with the tight schedule. The business calibrates equipment for the inspection of railway tracks. The vehicles are similar to a large pick up truck and would be on-site for the testing and then would be dispatched to various job sites around the country.

James Swift reviewed the plans for this application. Members and Mr. Panico raised issues of traffic flow and felt tractor trailer flow needed to be managed. A gate or chained off

entrance/exit was suggested. Mr. Swift indicated that he will be discussing the traffic pattern with the city engineer. Mr. Swift noted that the proposal does meet the requirements of the LIP district.

Members raised concern about the exterior material and asked for further renderings to provide a better vision for the building's appearance.

Mr. Schultz submitted a letter (exhibit #5) from the City Engineer dated May 4, 2018 regarding this application. The letter cites concern that there is no A-2 survey and that the proposed driveway out to Commerce Drive has turning conflicts and he suggests that the curb cut should be eliminated. With the concerns noted he endorsed this application.

It was noted that the parcels are identified as 5 Research Drive and the new building appears to be 9 Research Drive. Mr. Swift indicated that the City Engineer would determine the street number for this development.

Mr. Schultz submitted a letter (exhibit #6) from the Fire Marshall dated May 8, 2018. He cited the need for proper fire lane delineation, that a complete set of building plans be submitted to his office for review and the project shall meet any other requirements not submitted in his report.

The applicant will be returning for signage approval at a later time.

On a motion made by Comm. Pogoda, seconded by Comm. Matto it was unanimously voted to approve the modification of site plan of Planning and Zoning application #18-10 for a 10,000 sq ft. industrial building on plans entitled 5 Research Drive prepared by James R. Swift, professional engineer and landscape architect dated 5/1/18 with the standard boiler plate conditions 5,7,8,10,12,13,15,21 with adherence to the requirements of the city engineer with the exception of the Commerce Drive connection restriction and special condition that the Commerce Drive connection shall be limited to exit only and blocked when not in use and the applicant shall submit alternative exterior building color materials for final review and approval by the Commission.

C. Application #18-11, Kenneth Baldwin, Esq. on behalf of Cellco Partnership dba Verizon Wireless for Minor Modification of PDD #58 (generator on concrete pad), 1 Enterprise Drive (Map 28, Lot 1): accept, review and possible action

On a motion made by Comm. Kelly, seconded by Comm. Widowski it was unanimously voted to accept application #18-11.

Kenneth Baldwin, Esq. of Robinson and Cole was present this evening on behalf of Cellco Partnership dba Verizon Wireless for Minor Modification of PDD #58 (generator on concrete pad), 6 Enterprise Drive (Map 28, Lot 1): He explained that the request is to establish a Centralized Radio Access Network hub (CRAN) where transmission equipment is installed to control cell sites in and around the Shelton area. The hub allows Verizon Wireless to operate more efficiently with less equipment at the individual cell sites. The equipment hub will occupy approximately 1,000 sq ft in the existing building. They are proposing to install a 16 KW generator on a concrete pad to provide back up power to their equipment and it would be

adjacent to an existing generator at the location. It will be located in an acoustical enclosure that complies with state and local noise standards and there will be screening around the generator location. The concrete pad is ten feet by five feet and nine feet in height. It will be operated by diesel and will perform bi-weekly self-testing. The existing generators are being utilized by existing tenants in the building. Verizon seeks to utilize and maintain its own equipment. It was noted for the record that the agenda states 6 Research Drive but the actual location is 1 Enterprise Drive.

On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to approve the modification to the site plan of Planning and Zoning application #18-11 for Minor Modification of PDD #58 (generator on concrete pad), 1 Enterprise Drive (Map 28, Lot 1)

VII. Public Portion: anyone wishing to address the Commission on any items not on the agenda

The chair asked three times if there was anyone wishing to speak. No one came forward.

On a motion made by Comm. Pogoda, seconded by Comm. Widowski it was unanimously voted to close the public portion.

VIII. Other Business

A. Hawks Ridge Development: request to terminate consultant services for project.

AJ Grasso representing the Development approached the Commission explained that last year a request to terminate was made and the Commission instructed the developer to return in June 2018. Donald Smith PE has consulted for the last three years. Hawks Ridge Development will continue DEEP reporting.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve the request to the termination of the consultant services for the project.

B. Approval of Minutes: none

C. Payment of Bills

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to pay all bills.

D. Staff Report

Mr. Schultz reviewed his report dated May 8th.

Minutes from the May 15th Zoning Board of Appeal meeting will be distributed to the members when available.

Nothing to report from the Siting Council.

The Zoning Sub-Committee has fulfilled its obligations in preparing the text amendments. Corporation Counsel is reviewing and the amendments will be brought to the full Commission for review.

Downtown Sub-Committee has been cancelled for May. Speakers are being scheduled for June 8th meeting including In-Line Plastics and the Conti Building regarding sidewalk issues and some other downtown related issues.

There are four new items for Zoning enforcement.

1. 104 Cliff St – unregistered vehicles
2. 24 Elliot Dr – illegal landscaping business in a residential zone (neighbor complaint regarding equipment and employee activity.)
3. Isinglass Rd right of way – referred to the Police Department (car towed)
4. 112- 124 Bridgeport Ave – illegal sale of motor vehicles

A number of pending issues were also discussed. Mr. Schultz noted the Downtown planning study – Phase II is completed and final reports are being compiled. The Huntington Center Special Study is scheduled for a public meeting on May 16th at 6pm at the Huntington Community Center. A questionnaire will be distributed to explore whether there is interest in sidewalks, multi-family development, pedestrian walkways, clean up of dumpsters, etc.

Public hearings scheduled for May 23 meeting

A. **Application #18-05**, John Paul Development, LLC for Special Exception approval for DRD Residential Development (Booth Hill Estates: 17 lots), Booth Hill Road (Map 44, Lots 56 and 57) and **Application #18-06**, John Paul Development, LLC for Final Subdivision Approval (Booth Hill Estates: 6 lots), Waverly Road/Booth Hill Road (Map 44, Lots 56 and 57), R-1 District will be heard at that time as well.

B. **Application #18-07**, Manuel Moutinho for Initial Development Concept Plan and PDD Zone Change approval (retail shopping center), 6 Todd Road (Map 77, Lot 25), OP District

E. Comments from PZC Chairman and Subcommittee Chairmen

Redevelopment is in high gear.

Sewer capacity issues need further clarification and further communication between the Commission and the Sewer Authority. Also, the connections that involve the Stratford sewer system.

IX. Adjournment

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was unanimously voted to adjourn the meeting at 9:50 p.m.

Submitted by:

**Karen Kemmesies
Recording Secretary**

Attachments

#1 – resolution for application #17-20

#2 – resolution for application #17-21

#3 – resolution for application #18-02

#4 – City engineer letter for application #18-09

#5 – City engineer letter for application #18-10

#6 – Fire Marshall letter for application #18-10