

SHELTON PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES

Tuesday, December 11, 2018

Shelton City Hall Auditorium

54 Hill Street, Shelton, CT 06484

TRANSCRIBED, BUT NOT YET

REVIEWED OR APPROVED BY SPZC

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 (Absent)

Also Present:

Kenneth Nappi, Provisional, Planning and
Zoning Administrator
Anthony Panico, Consultant (Telephone Conference)
Tom Dingle, Zoning Enforcement Officer
Attorney Francis Teodosio
Tina Kelly, Acting Recording Secretary
Pat Gargiulo, Stenographer

Stephanie A. Harger
2018 DEC 20 A 10:23
CITY OF SHELTON
TOWN CLERK

Tapes, correspondences, and attachments are on file in the City/Town Clerk's office and the Planning and Zoning office. Minutes are on the City of Shelton website: www.cityofshelton.org.

I. Call to Order

Comm. Harger called the meeting to order at 7:07 p.m.

II. Pledge of Allegiance

III. Roll Call

Chairman Harger identified members present.

Side Note

Motion made by Comm. Kelly to add Corporation Counsel, Francis Teodosio's comments on an opinion requested by Comm. Harger, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to add on Corporation Counsel, Francis Teodosio's comments.

Attorney Teodosio indicated he was asked if it was proper within the protocol of the Bylaws to elect a Chairman and/or all of the officers in tonight's meeting and his short answer is "no". He noted that Section 5.4 in the Charter speaks of when Officers are

elected to the Commission that it is right after the election at the next regularly scheduled meeting and it is for the next two years. He also said the Charter is the "local organic law" of the city of Shelton.

Attorney Teodosio then mentioned that the Bylaws make references to sections in the Charter that are inappropriate now for the following reasons: 1) They talk about filling vacancies and Charter revision; 2) If there is a tie, then the Mayor can break the tie; 3) It limits the Chair to expenditures of \$25.00 and 4) it alludes to protocols or rules of procedure called "Cushing Rules", which antedated Robert's Rules of Order.

Comm. Harger inquired about the procedure for updating the Bylaws and Attorney Teodosio replied that the Commission can appoint a sub-committee to take a look at the Bylaws, bring them up-to-date and make them consistent with the other Boards and Commissions' Bylaws.

IV. Public Hearing

Commissioner Harger advised copies of the Agenda were on the podium, how the public who wished to comment on the proposals being presented will be called to the podium, and read the guidelines for the public hearings.

Comm. Harger opened the public hearing with Appl. #18-26 with the request that the Secretary read the call of the hearing.

A. Appl. # 18-26 – Dominic Thomas on behalf of S & G of Shelton, LLC for Initial Development Plans and Planned Development District Zone Change; 96 Long Hill Cross Roads (Assessor's Map #51, Lot #13), "The Crossroads- An Active Adult Community", 15 Duplex Residential Homes (30 Units) and a Community Building in a Residential Development Planned Age Restricted Community (55 years of age and over); Review, Discussion & Possible Consensus.

Attorney Dominick Thomas identified himself and stated that this is the first age restricted 55 and over project. He then presented the Commissioners with copies of the property postings and notices as well as a packet of items. He mentioned that the 11x17's of the floor plan and the proposed duplexes will then be discussed by Mr. Swift. He said that a copy of the 42 USCA 3607 the Religious Organization of Private Club Exemption is the age restricted Statute that governs it.

Attorney Thomas indicated there are projects such as Meadowbrook, which is also made up of duplexes and Oxford Greens, which is the largest age restricted project in the State of Connecticut. He stated that this is "governed" and most of these projects are "self-governed". He then said he has received two telephone calls about this and noted there is quite a demand for it in Shelton.

Jim Swift, the Professional Engineer and landscape Architect, gave a presentation

showing the aerial of the site. He noted that the site is currently an IA2 Zone, not residential and the site area is 5.5 acres. He said that the only access is off of Long Hill Cross Road. He also mentioned that there are 1.5 parking spaces per dwelling but will add one visitor space per two units for a total of 65 parking spaces and can always add a few more if needed.

Jim Swift indicated that there is a significant amount of detail on the grading plan. He noted that they submitted an Application to the Inland Wetlands Commission which has been approved. He said that all of the water sheds have been calculated to make sure they conformed with the municipal requirements and Aquarion Water Company will service the site. He stated there is an existing sewer line that crosses the site, which is from underneath Route 8 and feels they have all of the necessary utilities for this project. In addition, he spoke about the architecture and the landscaping and feels that it is a "pleasing look."

Benjamin Perry, of S&G of Shelton, LLC identified himself and stated that they put a price cost together based upon number of units and infrastructure which are approximately \$120 - \$140 per square foot.

Comm. Harger opened up the public portion and John Giannattasio, who served in WWII and Korean War, spoke in favor of Appl.#18-26.

Motion made by Comm. Widomski to keep the public hearing open with consideration of any reports received from the city, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to keep the public hearing open for App. #18-26.

V. Applications for Certificate of Zoning Compliance

1. Appl. #2808 – Daryl Miller, 45 Maltby Street (Hewitt-Apple Rehab) for a sign replacement. Comm. Pogoda indicated that the street address is on the bottom of the sign and he would prefer it shown on top. Comm. Harger said she would like Kenneth Nappi to contact applicant and convey their concern.

Motion made by Comm. Widomski for conditional approval based on the applicant adjusting the sign to have the street address shown on top of the sign, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted for conditional approval of Appl. #2808.

2. Appl. #2787 – Brian Foley, 172 Rocky Rest Road (Gardner Heights) for a sign replacement.

Motion made by Comm. Widomski for conditional approval based on the applicant adjusting the sign to have the street address shown on top of the sign, seconded by Comm. Tickey. On a voice vote, the PZC unanimously voted for conditional approval of Appl. #2787.

3. Appl. #2800 – Mike Kitts, 890 Bridgeport Avenue for a sign replacement. Kenneth Nappi indicated they are near Super Stop & Shop and Staff feels that the “Rx” is a symbol for prescriptions and this is a vitamin store.

Mike Kitts identified himself and said their name is “Foundation Rx” and the “Rx” is an artistic representation of FRx. He also noted that although their sign is currently pending approval from their landlord of the building, it does conform to all of the regulations in place. He said “Foundation Rx” is a franchise and there are six locations.

Motion made by Comm. Kelly to approve the sign replacement contingent upon the wording of “Foundation Rx Vitamins and Supplements”, whereas “Rx” is smaller in size and the final drawing is submitted to Staff, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to approve Appl. #2800.

4. Appl. #2804 – Manjusri. Kariyapperuma, 509A Howe Avenue for a business and a sign. Comm. Widomski and Comm. Tickey indicated that he would like to send them written notification that signage requires prior Planning and Zoning approval. Comm. Harger agrees and she would also like them to follow their original signage background colors and letters.

Motion made by Comm. Tickey to approve the business, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to approve the business for Appl. #2804.

Motion made by Comm. Matto to approve the sign, seconded by Comm. Tickey with a stipulation that applicant should receive written notification that signage requires prior Planning and Zoning approval. On a voice vote, the PZC unanimously voted to approve the sign for Appl. #2804.

5. Appl. #2722 – R. D. Scinto, 100 Beard Sawmill Road for a business occupancy. Comm. Harger indicated that this is seven days per week from 9:00 a.m. – 7:00 p.m. and the Statement of Use says it is a pediatric speech pathology group of three employees.

Motion made by Comm. Kelly to approve the business occupancy, seconded by Comm. Tickey. On a voice vote, the PZC unanimously voted to approve Appl. #2722.

6. Appl. #2768 – John Burns, 33 Victory Street (Trade Name) for a home office. Kenneth Nappi indicated that John Burns is a mechanic for the marina who is requesting a home office.

Motion made by Comm. Pogoda to approve the home office, seconded by Comm. Tickey. On a voice vote, the PZC unanimously voted to approve Appl. #2768.

7. Appl. #2761 – Vasavi Crafts, 3 Murphy’s Lane, Unit 8 (handmade Indian crafts) for a home office. Comm. Harger indicated that this is for eyeglass cases and Kenneth Nappi said the applicant would like to sell them on Ebay.

Motion made by Comm. Tickey to approve the home office, seconded by Comm. Pogoda. On a voice vote, the PZC unanimously voted to approve Appl. #2761.

8. Appl. #2790 – Par One Development, 375 Bridgeport Avenue (2nd Floor) for renovations. Kenneth Nappi indicated that the applicant brought in interior renovation plans for the Fire Marshall to review but no particular occupant is moving into the space at this time. He also mentioned that it is now questionable if the applicant is going through with this project.

Motion made by Comm. Widomski to refer the renovations to the Building Department, seconded by Comm. Pogoda. On a voice vote, the PZC unanimously voted to refer Appl. #2790.

9. Appl. #2807 – Joanne Simeonidis, 34 Philip Drive, for an in-law apartment. Kenneth Nappi stated that there is no addition and this is a basement. Comm. Tickey and Tom Dingle said that it meets all of their standards and the applicant also would like to install an additional kitchen.

Motion made by Comm. Tickey to approve the in-law apartment, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to approve Appl. #2807.

10. Appl. #853 – T. Mobile, 30 Oliver Terrace for a cell tower generator replacement.

Motion made by Comm. Kelly to approve the cell tower generator replacement, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to approve Appl. #853.

11. Appl. #2795 – Crown Castle, 30 Oliver Terrace for three (3) replacements of a cell antenna.

Motion made by Comm. Pogoda to approve three (3) replacements of the cell antenna, seconded by Comm. Widomski. On a voice vote, the PZC unanimously voted to approve Appl. #2795.

12. Appl. #2797 – Crown Castle, 30 Oliver Terrace for one (1) replacement of a cell antenna.

Motion made by Comm. Pogoda to approve one (1) replacement of the cell antenna, seconded by Comm. Widomski. On a voice vote, the PZC unanimously voted to approve Appl. #2797.

VI. Old Business

A. Appl. #18-34, 62 Center Street, LLC, Development Plans-PDD #90, 62-66 Center Street/325 Coram Avenue, Mixed Use Development; (Letter of Withdrawal) Review, Discussion and Action.

Attorney Dominick Thomas indicated that there was an issue at the Inland Water Diversion Group in DEEP and in order to avoid a legal issue, he filed a Withdrawal as well as requesting a waiver of the fee and on the same day that he filed a Wetlands Application.

Motion made by Comm. Pogoda to approve to accept the Letter of Withdrawal, seconded by Comm. Kelly. On a voice vote, the PZC voted unanimously to approve Appl. #18-34.

B. Appl. #18-28, 636 Cooke Street. LLC, Final Site Development, 523 Howe Ave, (Map 129B, Lot 36); Discussion and Possible Action.

Mr. Panico requested that the Secretary read the Resolution with regard to Appl. #18-28 and Mr. Panico indicated that it follows the lines of their discussion from the last meeting when they came to a consensus.

Motion made by Comm. Kelly to approve the Final Site Development, seconded by Comm. Pogoda. On a Roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Widomski – Aye	Comm. Kelly – Aye	Comm. Pogoda – Aye
Comm. Matto – Aye	Comm. Tickey – Aye	Comm. Harger – Aye

The motion unanimously passed 6 to 0 for Appl. #18-28.

C. Appl. #18-32, Nancy's Tree Service for Minor Modification of PDD #2 (parking expansion and curb modifications), 850 Bridgeport Avenue (Map 18 Lot 23); Review, Discussion and Possible Action.

Kenneth Nappi indicated that he made a site visit today with Comm. Pogoda and Tom Dingle and there are no problems with the spaces they want to add but did voice their concern over the radius they want to change.

Motion made by Comm. Pogoda to approve the parking spaces and to install a marking showing a one-way directional arrow onto Armstrong Road but the curb should be repaired only and not modified, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve Appl. #18-32.

D. Appl. #18-15, Ricar, LLC and Mianjus Holding, LLC, Modification of Planned Development District #66, by modifying the Initial Concept Development Plans and

amending Statement of Uses and Standards, 704, 712, and 722 River Road, known as the "Great River Water Club"; Review, Discussion and Possible Consensus.

Comm. Widomski inquired about the current flow to Stratford from Shelton and if the South-end were to connect into Stratford, what would that flow be? Kenneth Nappi said he met with the sewer administrator and they have calculated all of the approvals even though they are not hooked up yet. He then noted that the Sewer Commission is trying to find out if the public flow is going to Stratford. He also said that the conceptual approval is not needed right now and the 300,000 is part of the Inter Local Agreement between Stratford and Shelton.

The Commissioners have a favorable consensus to direct Mr. Panico to develop a Resolution to vote on at a different meeting.

Comm. Tickey – Aye for Favorable Comm. Kelly - Aye for Favorable
Comm. Matto – Aye for Favorable Comm. Widomski – Nay, Time to Consider
Comm. Pogoda-Nay, Time to Consider Comm. Harger – Aye for Favorable

The motion passed 4 to 2 for Appl. #18-15.

E. Appl. #18-22, GNK, LLC, Initial Development Plan Approval and PDD Zone Change (30-unit multi-family development), 301 Old Bridgeport Avenue (Map 91, Lot 17), RB District (Public Hearing closed 11/13/18); Review, Discussion & Possible Consensus.

The Commissioners voiced their strong opinions in opposition of this application and are unable to find any "pros" for it. For instance, Comm. Tickey and Comm. Widomski expressed their concerns that this is a traffic generator. Comm. Tickey also stated that this has a negative impact on the nearby residents and he is not in favor of high-density apartments. Comm. Harger indicated that the consensus is that this project would not be looked upon favorably.

The Commissioners have a favorable consensus to direct Mr. Panico to develop a Resolution for the approval of the Denial of the Initial Development Plan and PDD Zone Change. On a Roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Widomski – Aye for Denial Comm. Kelly – Aye for Denial
Comm. Pogoda – Aye for Denial Comm. Matto – Aye for Denial
Comm. Tickey – Aye for Denial Comm. Harger – Aye for Denial

VII. New Business

A. Appl. #18-35, Crown Point Center, LLC, 484, 494, 504 Bridgeport Avenue, Minor Lot Line Modification (PDD #41 & PDD #48), Review, Discussion and Possible Action.

Motion made by Comm. Pogoda to approve to accept the Minor Lot Line Modification for review, seconded by Comm. Tickey. On a voice vote, the PZC voted unanimously to accept for review of Appl. #18-35.

Tracy H. Lewis, Land Surveyor of Lewis Associates, spoke on behalf of Crown Point. He indicated that the Wendy's site has contamination on it and they would prefer to keep contamination on the one parcel per DEEP's suggestion. Caleb D. Scheetz, Licensed Environmental Professional, then stated that the site has had some remediation completed. However, he mentioned that there was some contamination left behind from the early 2000's and they are finding low level concentration of PCB's in the soil. He said they would like to shift the line, keeping all of the contamination onto the property that is involved in the Transfer Act and will put institutional controls on it so it will be clean which will protect human health and the environment.

Joseph Rocco, one of the partners of ownership of Crown Point, indicated that they own the entire Center and they want to move one of the property lines within the Center, nine (9) feet, in order to encompass the contamination into one parcel so that would facilitate an easier resolution for the DEEP.

Motion made by Comm. Kelly to approve the Lot Line Modification, seconded by Comm. Pogoda. On a voice vote, the PZC voted unanimously to approve the motion.

B. Appl. # 18-37, 62 Center Street, LLC, Detailed Development Plans- PDD #90, 62-66 Center Street/325 Coram Avenue, (Resubmission of Appl. #18-34); Accept for Review and Possible Discussion.

Motion made by Comm. Tickey to approve to accept the Detailed Development Plans for review, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to accept for review of Appl. #18-37.

Attorney Dominick Thomas indicated he will make a presentation at the next Planning and Zoning meeting regarding this application. He noted that the changes are to respond to the Commissions' approval conditions which have been complied. Attorney Thomas noted that he filed a fee originally and is now requesting a waiver of his fee for the Withdrawal for administrative purposes for the Wetlands Application.

Motion made by Comm. Matto to waive the fee for Attorney Dominick Thomas, seconded by Comm. Kelly. On a voice vote, the PZC voted 5 to 1 with Commissioner Widomski opposing for Appl. #18-37.

C. Appl. #18-36; Accept Application to Modify Statement and Uses of Standards and Modify Development Plans for Fountain Square, accept for review and set a public hearing date.

Motion made by Comm. Kelly to add on Item C under New Business will be Application #18-36; Accept Application to Modify Statement and Uses of Standards and Modify

Development Plans for Fountain Square, accept for review and set a public hearing date, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to add on Item C under New Business.

Motion made by Comm. Kelly to approve to accept to review to Modify Statement and Uses of Standards and Modify Development Plans for Fountain Square, seconded by Comm. Tickey. On a voice vote, the PZC voted unanimously to accept for review of Appl. #18-36.

Attorney Dominick Thomas indicated that this is an Application to amend The Statement and Uses of Standards for Fountain Square with respect to drive thru restaurants. He noted that the closing of the property is on December 21, 2018 and they are ready for Final Site Development Plans Phase II.

Motion made by Comm. Pogoda to set a public hearing date for January 23, 2019, seconded by Comm. Widomski. On a voice vote, the PZC voted unanimously to approve the motion.

VIII. Public Portion

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

IX. Other Business

On a motion made by Comm. Pogoda, seconded by Comm. Kelly, it was unanimously voted to table the other items.

X. Adjournment

Motion made by Comm. Kelly to adjourn, seconded by Comm. Pogoda. On a voice vote, the PZC unanimously voted to adjourn at 10:30 p.m.

Respectfully submitted,

Sarah Vournazos
Recording Secretary