

SHELTON PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, February 27, 2019
Shelton City Hall, Room 104
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairman
Anthony Pogoda, Vice-Chairman (Via Telephone)
Elaine Matto, Secretary
Jimmy Tickey (Arrived at 7:20 p.m.)
Charles Kelly
Mark Widomski
Ned Miller, Alternate (Absent)
Nancy Dickal, Alternate

Also Present: Kenneth Nappi, Provisional, Planning and
Zoning Administrator
Anthony Panico, Consultant (Via Telephone)
Tom Dingle, Zoning Enforcement Officer
Sarah Vournazos, Recording Secretary
Pat Gargiulo, Stenographer

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

All those present rose and recited the Pledge of Allegiance.

III. Roll Call

Chairman Harger identified members present.

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 hearing.

Secretary Elaine Matto read aloud the following:

1. Call of Application #19-01.
2. Letter from the Fire Marshall, James R. Tortora, to Kenneth Nappi, dated February 27, 2019.
3. Letter from the Wetlands Administrator, John R. Cook, to Kenneth Nappi, dated February 26, 2019.

A. Application #19-01: "Brookview Heights": Dominick Thomas on behalf of Jack and Josephine Gaida, 405 Long Hill Avenue (Assessor's Map #78, Parcel 5), petition for a Planned Development District (PDD) Zone Change and Site Development Plan. The intent of the PDD is to accommodate the construction of a four-lot, single family housing development. The Initial Development Concept Plans titled "Brookview Heights" were prepared by D'Amico Associates, surveying and engineering, dated the 17th of September 2018.

Attorney Dominick Thomas identified himself on behalf of the applicant and mentioned that he submitted the notices and photos in accordance with the PZC requirements. He then provided some history stating that the current owners purchased the property in the early 2000's. The City Engineer issued a report claiming that the land was filled and compared it to the 1973 aerial topography. However, Attorney Thomas indicated that it should have been compared to the 1988 city of Shelton topography since one can see when the fill was done and that the fill has been stabilized.

Attorney Thomas then gave a presentation saying that this property is an IA2 and it was zoned the same as where the Sikorsky building is today, with a very narrow 30-foot entry way into the property through the residential zone. Then the PZC zoned it as a R1 which was appealed and he believes that this is the only spot zoning case that the Appellate Court found in favor of the recent land owners. He said that the Applicant wants to take an industrialized property and turn it into residential units.

Attorney Thomas stated that most of the revisions are corrections in elevations and the most significant revision is whether they can remove a corner of one of the houses. He noted in the Commissioner's packet, there is a report from Jen Beno, a Wetlands Biologist, who reviewed the site and she concluded that there is no adverse impact upon the Wetlands. He mentioned that between 1988 to the present that there was no fill extending towards the Wetlands. He then reviewed the 11 x 17 aerial photos that are included in their packet.

Fred D'Amico, Civil Engineer in Oxford, Conn., reviewed the sub-division plan of the (4) four lots. He stated that the Site Development Plan shows the (4) four proposed dwellings with the new private road. There are also detention galleys to mitigate any increase in runoffs so there is no increase in runoffs to the brook. He also noted that they will meet the setbacks that are proposed since it is a PDD. He then explained his changes on Lots 2 and 3. In addition, he said that he is not changing the grade beyond the dwellings.

Attorney Thomas mentioned that the total amount of acreage is 3.96 acres and is slightly in excess of the 40,000 square feet per unit. He noted they are proposing a PDD to create a cluster development and there is “extra landscaping” and clarified that it is “naturally buffered”. He then reiterated that the density of the proposed PDD is similar to the density of the R1 Zone which is 40,000 square feet. He also circled back to mention that in 2007, the Applicants obtained a fill permit from Wetlands and noted that there is a report showing the “new fill”. He also indicated they are willing to discuss putting in a conservation easement.

Comm. Harger opened up the public portion and the following members of the audience all spoke in opposition to Appl.#19-01:

Steven P. Kampler, his wife, Stephanie A. Thompson and Thomas W. Harbinson. Joseph Bienkowski also submitted a petition with 165 signatures which was circulated last year.

Attorney Thomas indicated that he will submit the report from Scott Stevens, Registered Professional Soil Scientist, dated April 26, 2017, with a sketch map showing the test pits.

Motion made by Comm. Widomski to keep the public hearing open with the condition that the public can comment on any new material presented, seconded by Comm. Tickey. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #19-01.

B. Application #19-04: Mike Ballaro and Son, 415 River Road (Assessor’s Map #66, Parcel #7), petition for a Special Exception approval in a CA-2 Zone, for a 607 square-foot mix-use development – additional apartment and storefront. This Special Exception intends to recognize the existing retail space with apartments and to accommodate the construction of an adjacent store-front / retail space and apartments. The Initial Development Concept Plans titled “Commercial Development” were prepared by James R. Swift, Engineering and Landscape Architect, dated the 22nd of January 2019.

The Secretary read aloud the call of Application #19-04 and a letter from the Fire Marshall, James R. Tortora, to Kenneth Nappi, dated February 27, 2019. Then Jim Swift, the Professional Engineer and Landscape Architect, gave a presentation on behalf of the applicant. He stated that this Application is for a special permit because according to the regulations when a mix-use is proposed in this zone that is a “special permit”. He also noted that this mix-use is a commercial development with a residential apartment on top of that building. Comm. Harger mentioned they are still waiting from the City Engineer’s report and Jim said they will work with the City Engineer’s recommendations.

Motion made by Comm. Kelly to close the public hearing, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #19-04.

A five minute recess was observed at 9:30 p.m. and the meeting resumed at 9:35 p.m.

C. Application #19-06: Key Development LLC., 85-97 River Road (Assessor's Map #94, Parcels #89, #91, and #92), petition for a Special Exception approval in an R-3 Zone, for nine (9) buildings, thirty-six (36) units condo development, encompassing an area of 12.39 acres. This Special Exception intends to recognize the existing residential zoning and allow for the construction for a condominium development with thirty-six units. The Initial Development Concept Plans, depicting the proposed development are titled "River Rd. Townhouse Development," prepared by Rose Tiso & Co., LLC dated the 2nd of October 2018.

Secretary Elaine Matto read aloud the following:

1. Call of Application #19-06.
2. Letter from the Fire Marshall, James R. Tortora, to Kenneth Nappi, dated February 27, 2019.
3. Letter from the Office of the City Engineer, to Kenneth Nappi, dated February 27, 2019.

Pat Rose, from Rose-Tiso & Co LLC, gave a presentation on behalf of the Applicant. He described the property and is waiting to hear on their applications with the Inland Wetlands and WPCA. He noted they are proposing 24 townhouse units with a tandem (2 car deep) garage underneath the units and a parking space in the back. In addition, they are proposing 12 ranch style units with a 2-car side by side garage and a parking space in the back. Mr. Panico mentioned that the tandem garages do not satisfy the parking requirement because tandem units are not counted as more than one parking space. Mr. Panico also said the parking space in the back is not eligible to be counted unless it is accessible independently of the other space and would like them to look more into revising.

Pat Rose indicated they are reducing the 539,000 square feet by the removal of all slopes greater than 25% and all Wetland areas which brings the total area to 270,050 square feet. He also reviewed their drainage system and Mr. Panico would like Pat to obtain some soil sampling. He will also provide a traffic report as per the Commissioners' request. Comm. Pogoda would like Pat to look into Mr. Panico's suggestions and said a lot of questions need to still be answered when they discuss this application further.

Comm. Harger opened up the public portion and the following members of the audience all spoke in opposition to Appl.#19-06:

Diana Barry, James Mandel and Peter Gomes spoke and Debra Lodato spoke twice.

Gregory Tetro also spoke and asked “is there 150 square feet of patio for each unit?” and “is it really 50 feet from the property line”? He would also like the building to be smaller so it does not hurt the area’s vegetation.

Motion made by Comm. Tickey to keep the public hearing open with the condition that the public can comment on any additional information received, seconded by Comm. Kelly. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #19-06.

V. Adjournment

Motion made by Comm. Widomski to adjourn, seconded by Comm. Kelly. On a voice vote, the PZC unanimously voted to adjourn at 10:26 p.m.

Respectfully submitted,

Sarah Vournazos
Recording Secretary