SHELTON PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, March 27, 2019
Shelton City Hall, Room 104
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 (via telephone)
Elaine Matto, Secretary
Jimmy Tickey
Charles Kelly
Mark Widomski
Ned Miller, Alternate
Nancy Dickal, Alternate

PZC Excused:
Anthony Panico, Consultant
Alexander Rossetti, PZC Assistant

Also Present:
Kenneth Nappi, Provisional, Planning and
Zoning Administrator
Josh O’Neill, PZC Assistant
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 7:05 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.

A. Continuation of 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 encompassing an area of 2.01 acres. The PDD intends 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.

Secretary Elaine Matto read aloud the letter from John R. Cook, Inland Wetlands Coordinator, to Attorney Dominick Thomas, dated March 27, 2019.

Attorney Dominick Thomas identified himself on behalf of the applicant and indicated that his clients performed the required test pits that were observed by Scott Stevens from Soil Science & Environmental Services, Inc. and John R. Cook. He stated that they “never reached natural ground” and the fill probably commenced in 1950’s / 1960’s before the Inland Wetlands Regulations went into effect.

Fred D’Amico, Civil Engineer in Oxford, Conn., mentioned that the reason they stopped digging was because of “Scott Stevens and John Cook’s decision”. “Once we got down to 23-feet, the material was consistent (bricks and large boulders) and had no containments or hazard materials,” said Mr. D’Amico.

Fred D’Amico stated that they added an “adequate site line that was over 400-feet both ways” which one of the Commissioners questioned previously. He also said they moved the two dwellings closest to the wetlands by 15-feet and 10-feet. This was because they were on the edge of the drop-off and the Wetlands’ concern was that they could disturb the material closest to the road. “Both dwellings will probably require excavation of the fill all the way down to virgin soil so the foundations will be structurally sound,” said Mr. D’Amico.

Attorney Dominick Thomas noted that he will submit the traffic study performed from Tighe & Bond Inc. Comm. Widomski said he would like the city traffic engineer to double check the site lines.

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

Joseph Bienkowski submitted a rubber sample “protruding from the neighbor’s lawn”.
Steven P. Kampler
Regis Dognin
Danielle Dognin
Attorney Alan J. Tyma of Ryan & Tyma, LLP, spoke on behalf of Michael Fitol
John Anglace

Attorney Dominick Thomas indicated that the appeal is about a “variance to access industrial property through the residential zone.” “If the variance is not granted the property is confiscated and cannot be used for its appropriate use zone which IA-2.”
He stated that he feels they have addressed “every single issue” and noted that the reason this is a PDD is because it is an industrial zone. Comm. Dickal said, “we need to do our due diligence with making sure that there is nothing that is cancerous.”

A five-minute recess was observed at 8:25 p.m. and the meeting resumed at 8:30 p.m.

Comm. Harger recommended keeping the public hearing open so that Mr. Nappi could submit any information received by Mr. Cook, any complaints filed about this property in the past, and she would like an additional statement / confirmation from Mr. Cook as to what he observes regarding the new test pit. Comm. Widomski requested that the neighbors show / point to where the test pit should be dug on the applicant’s property and Comm. Pogoda agreed with him.

Motion made by Comm. Tickey, seconded by Comm. Kelly to keep the public hearing open with one test pit indicated by the neighbor to be conducted by the applicant with a PZC member on site. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #19 – 01.

B. **Continuation of Application #19 – 06: “River Road Townhouse Development”**

Key Development LLC., 85-97 River Road (Assessor’s Map #66, Parcel 7), petition for a Special Exception approval in a 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.

Secretary Elaine Matto read aloud the call of the public hearing for Application #19 – 06.

Pat Rose, from Rose-Tiso & Co LLC, gave a presentation on behalf of the applicant. He reviewed their changes from their last PZC meeting and provided the Commissioners with a photocopy of the presentation slides. He spoke about the site location map, the topography and the wetlands which is noted on their survey and mentioned their site plan revisions. Mr. Rose said he added “24 new parking spaces to account for the additional second space since the tandem spaces can only count for one space.”

Manuel Jose Silva, P.E. of Rose-Tiso & Co LLC, spoke about the drainage and issues associated with the rock. He noted that this is a “very solid, homogenous rock” and it will only crack in between the drill holes. He also reviewed their proposed units on their site map and he said the buildings are away from each other by 25 feet as per the regulations. He then explained their utility plan, grading plan, soil and erosion control plan and landscape plan as well.

Craig Yannes, P.E. of Tighe & Bond, Inc. gave a presentation of the analysis they performed regarding their traffic report. He noted they observed traffic operations on River Road and examined the collision history in the area as well.
Comm. Harger opened up the public portion and the following members of the audience all spoke in opposition to Appl.#19-06:

    Gregory Tetro
    Diana Barry
    Peter Gomes

Secretary Elaine Matto read aloud the letter from Thomas W. Harbinson, Conservation Commissioner, to Comm. Harger, dated March 8, 2019.

Kenneth Schaible from Key Development LLC indicated they have WPCA approval, Conservation Commission approval and said he will make the requested changes from Inland Wetlands. He mentioned that he is serving on the Blasting Commission and said they do everything they need to do to “keep a safe environment and do the job in a professional manner.”

Motion made by Comm. Widomski, seconded by Comm. Kelly to keep public hearing open with the condition that the public can make comments, receipt of the Inland Wetlands report, engineering report and Conservation Commission’s review of the language of the easement. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #19 – 06.

**C. Continuation of Application #19 – 08, PDD #67: “Bridge Street Commons II”, Bridge Street Partners, LLC. 427 Howe Avenue, (Assessor’s Map #129D and Lot Numbers 41 - 43), petition for expansion of the Initial Development Plans for a mixed-use development encompassing an area of .53 acres. This petition intends to expand the limits of the PDD to include additional retail space, construct ground floor and deck parking, and an additional 80 dwelling units. The Proposed Modification to Initial Development Concept Plans titled, “Bridge Street Commons II” were prepared by James R. Swift, Engineering, and Rose Tiso & Company, Architects.**

Secretary Elaine Matto read aloud the call of the public hearing for Application #19 – 08.

Attorney Kevin J. Gumpper from the Law Firm of Holahan, Gumpper & Dowling identified himself on behalf of the applicant. He indicated that their tentative agreement to purchase the 5,000 square feet at 441 – 445 Howe Avenue fell apart and the plans will need to be revised. He then submitted a letter of withdrawal.

Motion made by Comm. Tickey, seconded by Comm. Kelly, to accept the letter of withdrawal. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #19-08.

Motion made by Comm. Kelly, seconded by Comm. Matto, for discussion to waive the re-application fee. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #19-08.
C. Bond Release

None.

D. Comments from PZC Chairman and Subcommittee Chairman

Comm. Harger indicated that there is a downtown Subcommittee meeting at the SEDC office on Friday, April 12, 2019 at 9:00 a.m.

E. Staff Comments

Comm. Widomski would like Comm. Harger to check with Corporation Counsel regarding the ZBO and different types of clubs which need regulation. Mr. Nappi noted that Sperry Rail has their sign up, Comm. Pogoda said he is not pleased with their front parking and Comm. Harger mentioned they will direct Staff to look into their lights.

Comm. Pogoda indicated that someone expressed to him about the traffic along Starbuck’s drive-through and Comm. Kelly said, “that’s an accident waiting to happen.” Mr. Nappi stated that he will meet with the traffic unit to see if they have any recommendations and Comm. Harger said for “anyone who comes across that situation to document it with a picture.”

Adjournment

Motion made by Comm. Pogoda, seconded by Comm. Widomski to adjourn at 10:40 p.m. On a voice vote, the PZC unanimously voted to approve the motion.

Respectfully submitted,

Sarah Vournazos
Recording Secretary