

SHELTON PLANNING AND ZONING COMMISSION  
SPECIAL MEETING MINUTES  
Wednesday, July 31, 2019  
Shelton City Hall Auditorium  
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairman  
Anthony Pogoda, Vice-Chairman  
Charles Kelly  
Mark Widomski  
Ned Miller, Alternate (sat in for Comm. Matto)  
Nancy Dickal, Alternate (sat in for Comm. Tickey and  
left at 9:45 p.m.)

PZC Commissioner Excused: Elaine Matto, Secretary  
Jimmy Tickey

Also Present: Mark Lauretti, Mayor (left at 7:35 p.m.)  
Kenneth Nappi, Provisional Planning and  
Zoning Administrator  
Anthony Panico, Consultant  
Alexander Rossetti, PZC Assistant  
Josh O'Neill, PZC Assistant  
Sarah Vournazos, Recording Secretary  
Stephanie Charboneau, 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](http://www.cityofshelton.org).

I. Call to Order

Comm. Harger called the meeting to order at 7:04 p.m.

II. Pledge of Allegiance

All those present rose and recited the Pledge of Allegiance.

III. Roll Call

Comm. Harger identified members present.

IV. Executive Session – Legal Matters

None.

Add On

Mayor Lauretti addressed the Commissioners regarding the issue of downtown parking. He referenced the 8-24 Referral from the May 14, 2019 PZC meeting and he stated that

“8-24 Referrals are really about use, if the use conforms with the overall plan for the zone and the application and the area for which it has been requested.” He said that when there is an opportunity to help someone who has invested “eight to ten million dollars in an area where nobody wanted to spend ten cents 25 years ago, I think we should do that and I support that ... because to me the rewards are great as compared to what we are giving up.” He noted that “our role is to encourage and bring more investors into the equation” and questioned why the PZC rejected the sale of the vacant property owned by the city, at 113 Canal Street.

Mayor Lauretti presented the Commissioners with a map of the downtown area (located in the PZC office) and all of the parking that has been supplied. He mentioned that “there is a lot of parking downtown ... and go see how lots are half full.” Comm. Widomski inquired about Mayor Lauretti’s vision in five years and Comm. Widomski indicated that his vision is to bring in some professional offices. Mayor Lauretti strongly stated that the “goal is to bring people in that have disposable income and we have reinvented what’s going on from an old industrial application to a high-end consumer/residential friendly area, called the Housatonic River and Canal Street.”

Mayor Lauretti indicated that in 2014 “we started evaluating the downtown block from White Street to Center Street to Coram to Howe” in terms of economic development and a parking garage. He said that he is even now speaking with prospective developers but it will “not be all on the city’s nickel, but will be a joint venture.” He noted that the parking lot across from Carroll’s Home Improvement is going to be for general parking, which will be leased to the businesses so they can fulfill their requirements through zoning.

#### V. 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 #19-06, “Day Break Ridge.” Key Development LLC., 85-97 River Road (Assessor’s Map 94, Lot’s 89, 91 & 92) petition for Special Exception approval in a R-3 Zone, for a nine building, 36-unit condo development encompassing an area of 12.39 acres. The Initial Development Concept Plans, depicting the proposed development titled “River Rd. Townhouse Development” was prepared by Rose-Tiso & Co. LLC. Review, Discuss and Possible Action.

Mr. Nappi read aloud the Fire Marshal’s brief report regarding Appl. #19-06.

Attorney Dominick Thomas identified himself on behalf of the applicant. He indicated that a revised site plan (Plan A) was made as a result of a work session, as well as an alternative plan (Plan B) that reduces the site disturbance, blasting and bedroom count. Mr. Pat Rose of Rose-Tiso & Co LLC distributed Plan B to the Commissioners.

Mr. Manuel Jose Silva, P.E. of Rose-Tiso & Co LLC, identified himself on behalf of the applicant and gave his presentation. He indicated that since there is now a “set back to

deal with on this building, everything had to shift over ... and the rock cut got a little bit larger which shifted into the hill more.” Mr. Panico noted that if Mr. Silva would take the “proposed grading from Plan B and put it on Plan A then you would have more room to pull that whole section away from the houses you are concerned about.” Mr. Silva replied, “we are taking away 60 feet of the actual cross section that is required to cut through there, so that reduces the amount of rock that needs to be removed.” Mr. Silva also noted that he is presenting the “better alternative due to the consideration for moving rock and the proximity of these units here.”

Mr. Silva passed around a sample of sedimentary rock found in the Wells Hollow area along Bridgeport Avenue as well as a sample of metamorphic rock found behind Shelton Car Care. He also passed around an original molted rock found in front of their property. He stated that they will reduce the amount of land development “by reducing a footprint of the disturbance”. He noted that they have an approval from the engineering office, they reduced that amount of runoff and the landscaping plan is similar to Plan A.

Attorney Thomas indicated that his applicant has received Inland Wetlands approval and that they submitted their approved traffic report. Mr. Panico conveyed his concern about the “livability of the condos that are going to be backed up against the rockface.” Comm. Widomski said that he is concerned with the general safety of the residents if the rock falls.

Comm. Harger opened up the public portion and Mr. James Mandel, a member of the audience spoke to the Commissioners regarding Appl. #19-06. Mr. Mandel indicated to the Commissioners that there is an active Bald Eagles nest on this property and his wife provided the Commissioners with an email containing pictures. The citizen and commissioners would like staff to contact DEEP about protecting the Bald Eagles and their nest.

Attorney Thomas stated that his applicant mentioned that he would consider the removal of the two units in the middle, creating two five-unit buildings as Comm. Pogoda suggested. The Commissioners have a favorable consensus for Plan B with the elimination of the two-units in the 12-unit building.

Motion made by Comm. Kelly, seconded by Comm. Miller to close the public hearing for Appl. #19-06. On a voice vote, the PZC voted unanimously to approve the motion.

B. Initiation of Application #19-17, PDD #63. R.D Scinto and Pereira Engineering, 899 & 905 Bpt. Ave. R.D. Scinto and Pereira Engineering, 899 & 905 Bpt. Ave. (Assessor’s Map 8, Lot’s 15 & 16) petition for a Major Modification to the Site and to the Statement of Use and Standards to allow for the possible development of a day care, physical fitness center, take-out food service, banking with remote service and other related services. The “Proposed Site Development Plans” were prepared by Pereira Engineering. Review, Discuss and Possible Action.

Mr. Robert Scinto indicated that he did not previously mention their day care center as one of their uses/tenants which is expanding from Trumbull, Conn. He noted they added a 5,000 sq. ft. playground area but no new parking. Comm. Harger reiterated that “any use would have to be approved by the PZC.” She also mentioned that he needs approval from the Fire Marshal, and the Commissioners agreed they need receipt of the appropriate reports.

Motion made by Comm. Dickal, seconded by Comm. Pogoda to table Appl. #19-17 and add to August 13, 2019 Agenda along with receiving the appropriate reports. On a voice vote, the PZC voted unanimously to approve the motion.

C. Initiation of Application #19-12, 1039 Howe Ave, (Assessor’s Map 146, Lot #19) Vista Apartments LLC., petition for a Zone Change from a R-1 to CA-3 zone on a site consisting of 1.96 acres. Review, Discuss and Possible Action.

Attorney Stephen Bellis identified himself on behalf of the applicant. He indicated that there is a preexisting multi-family building and their property is an R-1 zone. He is proposing a CA-3 zone for their apartments and noted that Owl Hill, which is across the street, is a PRD (Planned Residential Development). He reviewed the plan of development which has three sections that “makes it consistent by changing this zone with the plan of development.” Mr. Nappi asked if the applicant would consider voluntary affordable housing to be part of his development and Attorney Bellis said they will think about it.

Mr. Jim Swift, the Professional Engineer and Landscape Architect identified himself on behalf of the applicant. He mentioned that traffic comes out to the main driveway with the way they developed Phase 1 and Phase 2.

Motion made by Comm. Pogoda, seconded by Comm. Kelly to close the public hearing for Appl. #19-12. On a voice vote, the PZC voted unanimously to approve the motion.

D. Initiation of Application #18-01, PDD#65, “Riverwalk Place Apartments” located at 356-358 Howe Avenue (Assessor’s Map 117B, Lot #60), John Ruffalo and Perry Pettas, petition for a Modification of PDD #65 for a Mixed-Use development including two retail spaces, 36 apartments and necessary parking. Review, Discuss and Possible Action.

Attorney Dominick Thomas identified himself on behalf of the applicant. He noted that the photographs are part of the exhibits for his presentation and distributed his plan set with respect to the building heights.

Mr. John Ruffalo, Architect, identified himself on behalf of the applicant and gave his presentation. He reviewed the building height saying one corner is 64.5 ft., the other corner is 61 ft. 4 in. and without the parapet is 58 ft. 9 in. and 55 ft. 10 in. at the opposite corner. He said that the average roof height is 55 ft and Mr. Panico said the “Commission’s concern has always been the height elevation relative to Howe Avenue.”

Attorney Thomas indicated that the height elevation of the proposed building is 104.63. However, he noted that the Conti building elevation is 94.74, the Victorian condos elevation is 95.67, the elevation for the new apartment building (Melisi) is 104.48 and the Pierpont building's elevation is 123.44.

Mr. Ruffalo reviewed the site plan. In addition, he gave a break down of the bedrooms on floors two through five saying "there are three studio apartments, nine two-bedroom apartments and 23 single bedroom units."

Mr. Perry Pettas, the developer, identified himself and addressed the trash concerns raised by Comm. Pogoda and Comm. Widomski. Mr. Ruffalo noted that there is a dumpster which the Commissioners then discussed. The Commissioners expressed their reservations about the size of the dumpster given the volume of the units and retail tenants.

Motion made by Comm. Widomski, seconded by Comm. Pogoda to keep the public hearing open for Appl. #18-01 and add to August 13, 2019 Agenda along with receiving the appropriate reports and for the public to comment. On a voice vote, the PZC voted unanimously to approve the motion.

#### VI. Adjournment

Motion made by Comm. Pogoda, seconded by Comm. Kelly to adjourn at 10:04 p.m. On a voice vote, the PZC unanimously voted to approve the motion.

Respectfully submitted,

Sarah Vournazos  
Recording Secretary