

SHELTON PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES

Wednesday, February 13, 2019

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 (Absent)
Elaine Matto, Secretary
Jimmy Tickey
Charles Kelly
Mark Widomski
Ned Miller, Alternate (Absent)
Nancy Dickal, Alternate

Also Present:

Kenneth Nappi, Provisional, Planning and
Zoning Administrator
Anthony Panico, Consultant (Telephone Conference)
Tom Dingle, Zoning Enforcement Officer
Sarah Vournazos, Recording Secretary

CITY OF SHELTON
TOWN CLERK

2019 FEB 22 P 4: 00

Margaret E. Pogoda

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.

Side Note

Motion made by Comm. Tickey to add on three (3) Letters of Extension under Old Business for Appl. #18-26, Appl. #18-15 and Appl. #18-33, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the motion.

Motion made by Comm. Dickal to add on the Bond Release under Other Business, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the motion.

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.

Comm. Harger opened the public hearing with Appl. #18-26.

A. Appl. #18-26 – S & G of Shelton, LLC, Continuation of a Public Hearing for Initial Development Plans and PDD approval; located at 96 Long Hill Cross Road (Assessor's Map #51, Lot #13), "The Crossroads – An Active Adult Community", 15 Duplex Residential Homes (Planned Age Restricted Community); Receipt of Reports/Correspondence – Close Public Hearing.

Kenneth Nappi stated that he met with the Fire Marshall, Fire Chief and Jim Swift regarding the application and advised that they now have corresponding handouts. Attorney Dominick Thomas then identified himself on behalf of the applicant and informed the Commissioners his receipt of the revised reports from the Fire Marshall and the Fire Chief.

Jim Swift, the Professional Engineer and landscape Architect, spoke to the Commissioners regarding the following items: 1) He noted his improvements based on the Fire Marshall and Fire Chief's suggestions for the turn-around for vehicles at the dead-end area. 2) Pushed a couple of units back and made some additional parking spaces. He added three (3) parking spaces at the dead-end area, as well as more visitor and resident parking spaces throughout the rest of the site. The plan now shows a total of 77 parking spaces for thirty (30) dwellings which is two (2) parking spaces per dwelling and seventeen (17) visitor parking spaces. 3) Increased the pavement widths to widen the roadway from 24 feet to 26 feet wide and going to add a curb around the cul-de-sac in the middle of the site. 4) Added some pavement to Units 26 – 30 so the vehicles can turn around properly.

Motion made by Comm. Kelly to close the public hearing, seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #18-26. The Secretary then read the correspondence with regard to the public hearing.

B. Appl. #18-36, PDD #91 – Fountain Square, LLC, Amendment of the Statement of Uses and Standards (SUS) and Minor Modification of Initial Development Plans, 19.08-acre property, 801 Bridgeport Avenue (Assessor's Map #28, Parcel #18). Purpose of the PDD revision is to modify the Statement of Uses and Standards regarding the restriction on drive through service at restaurants. Receipt of Additional Comments/Correspondence – Close Public Hearing.

Attorney Dominick Thomas then identified himself on behalf of the applicant and informed the Commissioners he handed in the Certificate of mailings and postings regarding the application. He received a telephone call from Robert Scinto regarding his

concerns about the Final Site Development Plan Phase II. He indicated that the authorization gives the Commission the discretion to determine the restaurant type, seating capacity and interior traffic pattern. He addressed the question of "what happens if there is a large order"? Panera has "rapid pick-up" parking spaces and if there is a large order at the drive-thru then the drivers are directed to use these parking spaces. Attorney Thomas then conveyed to the Commissioners that Panera will reassess their location if unable to have their drive-thru.

Motion made by Comm. Matto to close the public hearing, seconded by Comm. Tickey. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #18-36.

C. App. #18-29, PDD #77 – Hawks Ridge Luxury Rentals LLC, of Shelton, CT. for continuation of public hearing regarding Amendment to the PDD #77, Amendment of the Statement of Uses and Standards (SUS) and Modification of Initial Development Plans and to propose Final Site Development Plans for 3.0-acre parcel located at 60 Beard Saw Mill Road (Assessor's Map #39, Parcel #14). Receipt of additional information on Traffic Flow – Close Public Hearing.

A.J. Grasso, a builder and a partner with Hawks Ridge, identified himself and spoke to the Commissioners regarding the approved 89 independent rental units. He stated that the unit size, building height and footprint is the same as what the current approval allows and would like the term "independent" be changed to "market rate". He noted they performed a Monday – Friday traffic count at the Mark on Bridgeport Avenue. He said that the Ridge at Sawmill would have 39% of the total number of units as the Mark and their comparison factors in the size difference.

Craig Yannes, P.E. and Project Manager at Tighe and Bond, identified himself and spoke to the Commissioners about their previous traffic concerns. He then reviewed their traffic statement methodology, real traffic count data and he presented traffic flow diagrams for the site driveway. Comm. Kelly mentioned the Sunwood project which was not approved for 30 apartments and their anticipated traffic flow was less than Hawk's Ridge. A.J. Grasso reminded the Commissioners that this is a "low traffic generator" and Craig Yannes said their results support the traffic statement conclusion report and their development is not expected to significantly impact the local roadways.

Motion made by Comm. Tickey to close the public hearing, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the motion for Appl. #18-29.

V. Executive Session – Report of Counsel, Pending Litigation

Motion made by Comm. Kelly to adjourn to Executive Session at 7:05 p.m., seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the motion.

Motion made by Comm. Widomski to come out of Executive Session at 7:30 p.m. with no votes taken, seconded by Comm. Tickey. On a voice vote, the PZC voted unanimously to approve the motion.

VI. Applications for Certificate of Zoning Compliance

1. Appl. #2657 – Joe Grasso, 762 River Road, Unit A for a business / restaurant. Kenneth Nappi indicated that this is for a new restaurant called Fatty Patty.

Motion made by Comm. Widomski to approve the business only and noted that the applicant needs Staff approval for a sign for Appl. #2657, seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the business only for Appl. #2657.

2. Appl. #2850 – Xing Wei Dong, 54 Huntington Street, for a business transfer. Kenneth Nappi said this is a transfer of ownership for a package store.

Motion made by Comm. Kelly to approve the business transfer for Appl. #2850, seconded by Comm. Tickey. On a voice vote, the PZC voted unanimously to approve the business transfer for Appl. #2850.

3. Appl. #2836 – Ryan White, 6 Armstrong Road, for a business occupancy. Tom Dingle noted the new tenant would like renovations within the building and obtained a building permit.

Motion made by Comm. Kelly to approve the business occupancy for Appl. #2836, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the business occupancy for Appl. #2836.

4. Appl. #2255 – R.D. Scinto, 2 Trap Falls Road, for a business occupancy. Kenneth Nappi indicated that this is a loan originator with twelve (12) employees and approximately 3,000 square feet.

Motion made by Comm. Dickal to approve the business occupancy for Appl. #2255, seconded by Comm. Tickey. On a voice vote, the PZC voted unanimously to approve the business occupancy for Appl. #2255.

5. Appl. #2730 – R.D. Scinto, 100 Beard Sawmill Road for a business occupancy. Kenneth Nappi said this is for a dispatch center (Southwest Communications) with fourteen (14) employees and approximately 2,800 square feet. Comm. Harger noted they have identified themselves on their Statement and Uses as a 911 dispatch center. Comm. Widomski inquired about a generator and the height of the roof-top antenna.

Motion made by Comm. Tickey to approve the business occupancy conditionally with Staff clarifying the usage for Appl. #2730, seconded by Comm. Dickal. On a voice vote, the PZC voted to approve the business occupancy conditionally with Comm. Widomski opposing.

6. Appl. #2842 – Anyilah Cintron, 415 Howe Ave., #310 for a business occupancy. Tom Dingle indicated this is for one person who would like to make arts and crafts.

Motion made by Comm. Kelly to approve the business occupancy for Appl. #2842, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the business occupancy for Appl. #2842.

7. Appl. #2855 – J. Coci, III One Waterview Drive, for a business occupancy. Kenneth Nappi said this is a mixed office warehouse with an estimate of 38 employees. Comm. Harger relayed that the applicant does not want to divulge their identity at this time but it is a publicly traded company.

Motion made by Comm. Tickey to approve the business occupancy for Appl. #2855, seconded by Comm. Kelly. On a voice vote, the PZC voted unanimously to approve the business occupancy for Appl. #2855.

8. Appl. #2841 – D. Thomas, 84 Platt Road, for a business occupancy / sign. Attorney Dominick Thomas addressed the Commissioners and distributed a color copy of the proposed sign noting that the white color is a gold color. William H. Karcher, the applicant, also spoke to the Commissioners about his relocation of his industrial wood products business to Shelton from Derby. Comm. Harger said that Mr. Karcher's work is "exquisite".

Motion made by Comm. Kelly to approve the business occupancy and the sign for Appl. #2841, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the business occupancy and the sign for Appl. #2841.

9. Appl. #2853 – Jay Morales, 106 Toas Street, for a home office. Tom Dingle noted that this is Huntington Fuel and their vehicle will be parked at Tracy's garage in Derby. He said this is a home office for billing purposes and a dispatcher.

Motion made by Comm. Dickal to approve the home office for Appl. #2853, seconded by Comm. Tickey. On a voice vote, the PZC voted unanimously to approve the home office for Appl. #2853.

10. Appl. #2837 – Julie Ayer, 28 Poe Place for a home office. Tom Dingle said that the applicant creates small crafts and ornaments and passed out an example.

Motion made by Comm. Tickey to approve the home office for Appl. #2837, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the home office for Appl. #2837.

11. Appl. #6138 – John Petaway, 33 Hull Street for a sign replacement. Tom Dingle stated that this is an existing business that wants to change the sign to say "American made Distributor." Comm. Harger noted that the previous sign says "Sterling Marketing".

Motion made by Comm. Kelly to approve the sign replacement for Appl. #6138,

seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the sign replacement for Appl. #6138.

12. Appl. #2839 – Archer Signs, 750 Bridgeport Avenue for a sign.
Tom Dingle said this is for the Bertucci's property for a sign for a kidney dialysis and fitness gym.

Motion made by Comm. Kelly to approve the sign upon the condition of adding the street number in accordance with the regulations, seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the sign upon the condition for Appl. #2839.

VII. Old Business

A. Appl. #18-17, Calandro and Guarrera, LLC for discussion of proposed modifications to satisfy conditions of approval of Initial Development Plans, 509 Howe Avenue (Map 129D, Lots 27 and 29). Review, Discussion and Possible Action.

Attorney Stephen Bellis identified himself on behalf of the applicant and Joseph Mingoello, the Architect from Mingoello & Associates, spoke to the Commissioners as well. Mr. Mingoello addressed the building height, how they tied the new building with the old theatre building and their trash compaction system. He then passed around a current photograph of the theatre to the Commissioners and he noted he would like to do a restoration of the building. Mr. Panico said they can work on the detailed design drawings.

Motion made by Comm. Matto to approve the proposed modifications to satisfy conditions of approval of Initial Development Plans, seconded by Comm. Kelly. On a voice vote, the PZC voted unanimously to approve Appl. #18-17.

B. Appl. #18-36, Fountain Square, LLC, Amendment of the Statement of Uses and Standards (SUS) and Minor Modification of Initial Development Plans, 19.08-acre site at 801 Bridgeport Avenue (Assessor's Map #28, Parcel #18). Purpose of the PDD Amendment is to revise the Statement of Uses and Standards regarding the restriction on drive through service at restaurants. Review, Discussion and Possible Action.

Comm. Widomski opposes a drive-thru and feels that Panera will not reassess their location due to the strong amount of business they do in the current location. Comm. Harger indicated they are changing their model and would like to have a drive-thru. Comm. Kelly and Comm. Dickal said the drive-thru will take away from pedestrians walking through. Comm. Tickey reminded the Commissioners that they had Fountain Square pay attention to character to the development and feels it is a minor modification.

Motion made by Comm. Matto to approve the Amendment of the Statement of Uses and Standards and Minor Modifications of Initial Development Plans, seconded by Comm.

Tickey. On a Roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Widomski – Nay	Comm. Kelly – Aye	Comm. Matto – Aye
Comm. Dickal - Nay	Comm. Tickey – Aye	Comm. Harger – Aye

The motion passed 4 to 2 for Appl. #18-36 with Comm. Dickal sitting in for Comm. Pogoda. The effective date is Friday, March 1, 2019.

C. Appl. #18-26, S & G of Shelton, LLC, Continuation of a Public Hearing for proposed Planned Development District Zone Change for property located at 96 Long Hill Cross Road (Assessor's Map #51, Lot #13), "The Crossroads – An Active Adult Community", 15 Duplex Residential Homes (Planned Age Restricted Community); Review, Discussion and Possible Action.

Comm. Widomski stated that this is not a suitable location for housing and he does not like the idea of housing located within factories. Comm. Matto said it's very dense and they are basically duplexes. Comm. Kelly expressed his concern that there is not enough parking, e.g. if the home owner has two vehicles.

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. Matto – Aye for Favorable
Comm. Dickal – Aye for Favorable	Comm. Harger – Aye for Favorable
Comm. Kelly – Nay. Time to Consider with conditions	Comm. Widomski – Nay.

The motion passed 4 to 2 for Appl. #18-26.

D. Appl. #18-29, Hawks Ridge Luxury Rentals LLC, of Shelton, CT. for Amendment to the PDD #77, Amendment of the Statement of Uses and Standards (SUS) and Modification of Initial Development Plans and to propose Final Site Development Plans for 3.0-acre parcel located at 60 Beard Saw Mill Road (Assessor's Map #39, Parcel #14). Review, Discussion and Possible Action.

Comm. Widomski noted he is pleased with the traffic report and feels this is a good location. Comm. Dickal said she is in favor of this and noted that A.J. Grasso is keeping jobs in the Valley. Comm. Harger conveyed to the Commissioners that this is an appropriate kind of project for this particular piece of property.

The Commissioners have a favorable consensus to direct Mr. Panico to develop a Resolution with no need to include any reduction in the density and they will vote on it at a different meeting.

Comm. Tickey – Aye for Favorable	Comm. Matto – Aye for Favorable
Comm. Dickal – Aye for Favorable	Comm. Harger – Aye for Favorable

Comm. Kelly – Aye for Favorable

Comm. Widomski – Aye for Favorable

The motion passed unanimously for Appl. #18-29.

Application #18-26: Secretary Elaine Matto read aloud the Letter of Extension from Attorney Dominick Thomas to Chairman Harger dated February 13, 2019.

Motion made by Comm. Kelly to accept the Letter of Extension, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the Letter of Extension for Appl. #18-26.

Application #18-15: Secretary Elaine Matto read aloud the Letter of Extension from Attorney Dominick Thomas to Chairman Harger dated February 13, 2019.

Motion made by Comm. Widomski to accept the Letter of Extension, seconded by Comm. Kelly. On a voice vote, the PZC voted unanimously to approve the Letter of Extension for Appl. #18-15.

Application #18-33: Secretary Elaine Matto read aloud the Letter of Extension from Attorney Thomas Lynch to Chairman Harger dated February 13, 2019.

Motion made by Comm. Dickal to accept the Letter of Extension, seconded by Comm. Kelly. On a voice vote, the PZC voted unanimously to approve the Letter of Extension Appl. #18-33.

E. Appl. #18-37, 62 Center Street LLC, Detailed Development Plans – PDD #90, 62-66 Center Street / 325 Coram Avenue, Mixed Use Development (Inland Wetlands & DEEP Response), Status Update – Plan Review and Discussion.

Attorney Dominick Thomas identified himself and spoke to the Commissioners on behalf of the applicant. He presented the approval from Wetlands and has notified DEEP of Wetlands' approval. He would like the Commissioners to note this on their Agenda for their next meeting and with their approval, his applicant can commence work on the site. Comm. Harger said this will be scheduled on their Agenda for their regular meeting in March 2019.

Motion made by Comm. Kelly to adjourn for a ten (10) minute recess at 9:30 p.m., seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the motion.

Motion made by Comm. Kelly to resume the meeting at 9:40 p.m., seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the motion.

VIII. New Business

A. Appl. #19 –01, Dominick Thomas on behalf of Jack and Josephine Gaida, Petition for

Planned Development District (PDD) Zone Change and Site Development Plan Approval, 405 Long Hill Avenue (Assessor's Map #78, Parcel 5) A four (4) Lot Residential Development Project. Accept Application and Set Public Hearing.

The Commissioners previously discussed this on January 8, 2019 and had set a public hearing date of February 27, 2019.

B. Appl. #19 –02, PDD #91, Dominick Thomas on behalf of Fountain Square, LLC, Petition Phase II Final Site Development Plan and Sub-Division of Property and Future Development, located at 801 Bridgeport Avenue and identified as Assessor's Map #28, Parcel #18 encompassing and area of 19.08 acres. Accept Application and Set Public Hearing.

Attorney Dominick Thomas identified himself, representing the Applicant. Pat Rose, Architect and owner of Rose Tiso & Co., LLC., made a presentation about the Fountain Square project. They began construction on the building at the old UI site. He mentioned that Fountain Square approved the changes associated with Panera Bread and they have updated the Chick-fil-A building as well. The hotel has not changed and he reviewed their landscape plans.

Attorney Thomas indicated that the stairway from up top no longer requires an easement and is not on Scinto's property. He noted the Commission's comments and said he will relay them to the Applicant.

C. Appl. #19 –03, Aquarion Water Company of Connecticut (Public Utility), 505 Huntington Street and identify on the Assessor's Map #17, Parcel #21, Construction of Nichols and Trap Falls 490 Water Booster Pump Station, Accept for Review and Approval.

Aparna Phadnis, P.E. and Project Manager from Aquarion Water Company gave a brief overview of the project and spoke about the pump station. This pump station will replace two existing pump stations that are located within the same compound on Huntington Street. She indicated that the purpose of this project is to ensure a reliable supply of water to their customers being sold by the Trap Falls Plant.

Motion made by Comm. Kelly to approve to Accept for Review and Approval, seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the motion.

Gary R, Simard P.E. from AECOM gave a brief presentation about the site plan. They are proposing to use the existing driveway as the main access to the building. He noted that the building will be used as two rooms – mechanical and electrical. There are no facilities in the building and it is a utility structure by code.

D. Appl. #19 –04, Mike Ballaro and Son, Petition for a Special Exception CA-2 Zone, 415 River Road and identified on the Assessor's Map #66, Parcel #7, for a Mixed-Use Development – Apartment and Retail Space. Accept Application and Set Public

Hearing.

Motion made by Comm. Tickey to Accept Application and set the public hearing date of 2/27/19, seconded by Comm. Kelly. On a voice vote, the PZC voted unanimously to approve the motion.

E. Appl. #19 -05, Kings Point Center, 350 Bridgeport Avenue and identified on the Assessor's Map #77, Parcel #33, Bull and Barley Restaurant, for a Minor Site Plan Approval (Patio Area). Accept Application, Discuss and Possible Action.

Motion made by Comm. Matto to Accept Application, seconded by Comm. Kelly. On a voice vote, the PZC voted unanimously to approve the motion.

Attorney Dominick Thomas identified himself and noted this is a PDD area. He indicated that Mr. Panico saw no issue with the addition of a walk-in cooler in the rear based on his review. The applicant will need to submit plans to the Fire Marshall's office for review of compliance to applicable codes regarding the cooler and patio for a building permit.

David Elias of AIA Architect from New Britain, Connecticut spoke to the Commissioners. Although they are eliminating three (3) parking spaces, he noted there are 147 parking spaces total and only need 101 parking spaces per Zoning. The Commissioners discussed patrons consuming alcoholic beverages on the patio while then operating their vehicles. Comm. Harger would like them to eliminate their last space and make it a grassy area or to extend the patio.

Motion made by Comm. Kelly to approve the Minor Site Plan Approval for the patio area with conditions that the applicant submits revised drawings to include elevations, seconded by Comm. Dickal. On a voice vote, the PZC voted unanimously to approve the motion with the conditions.

F. Appl. #19 -06, Key Development LLC., 85-97 River Road (Assessor's Map #94, Parcels #89, #91, #92), Application for Special Exception Approval, R-3 District, River Road. Nine (9) Buildings, thirty-six (36) Condo Development. Accept Application and Set Public Hearing.

Motion made by Comm. Kelly to Accept Application and set the public hearing date of 2/27/19, seconded by Comm. Matto. On a voice vote, the PZC voted unanimously to approve the motion.

IX. Public Portion

Motion made by Comm. Widomski, seconded by Comm. Kelly, it was unanimously voted to close the public portion.

X. Other Business

A. Approval of Minutes

Motion made by Comm. Tickey, seconded by Comm. Widomski, it was unanimously voted to table the approval of the Minutes.

B. Payment of Bill:

None.

C. Bond Release

Blue Heron Cove Project: Request for release of site Bond - Motion made by Comm. Dickal, seconded by Comm. Matto, it was unanimously voted to release the Bond of \$51,000.

Shelton Cove: Request for release of site Bond - Motion made by Comm. Kelly, seconded by Comm. Widomski, it was unanimously voted to release the Bond of \$30,000

D. Staff Report

None.

E. Comments from PZC Chairman and Subcommittee Chairman

Comm. Harger noted that Comm. Pogoda is absent and the Subcommittee has not needed to meet in a while. Comm. Harger mentioned that there will be a workshop held on Saturday, March 23, 2019 at Wesleyan University in Middletown, Conn.

Comm. Widomski noted he emailed Attorney Basher twice inquiring about the search for the permanent Planning and Zoning Administrator. He indicated that Attorney Basher said the provisional Administrator was hired based on the job description. However, there is still no job description posted yet for the permanent Administrator even though it has been four months since Rick Schultz left. Comm. Widomski said he would like his two (2) questions answered at a future PZC meeting.

Kenneth Nappi relayed that this is Tom Dingle's last meeting due to his retirement and the Commission said he will be missed.

XI. Adjournment

Motion made by Comm. Kelly to adjourn, seconded by Comm. Matto. On a voice vote, the PZC unanimously voted to adjourn at 11:05 p.m.

Respectfully submitted,
Sarah Vournazos

Recording Secretary

