

**TRANSCRIBED, BUT NOT YET  
REVIEWED OR APPROVED BY SPZC**  
SHELTON PLANNING AND ZONING COMMISSION  
SPECIAL MEETING MINUTES  
Wednesday, September 11, 2019  
Shelton City Hall Auditorium  
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairman  
Anthony Pogoda, Vice-Chairman  
Elaine Matto, Secretary  
Jimmy Tickey (arrived at 7:05 p.m.)  
Charles Kelly  
Mark Widomski  
Ned Miller, Alternate  
Nancy Dickal, Alternate (left at 8:20 p.m.)

*Virginia Harger*

2019 SEP 18 P 5:35

CITY OF SHELTON  
TOWN CLERK

Also Present: Attorney Francis Teodosio, Corporation Counsel  
(left at 8:00 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

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 7:00 p.m. and observed one minute of silence in recognition for the tragedy that occurred 18 years ago today.

II. Pledge of Allegiance

All those who were present rose and recited the Pledge of Allegiance.

III. Roll Call

Comm. Harger identified members present.

IV. Executive Session – pending legal matters: Hush It Up, Huntington Village, 405 Long Hill

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to go into Executive Session at 7:05 p.m. including inviting Mr. Nappi, Mr. Panico, Mr. Rossetti, Mr. O'Neill, and Corporation Counsel Francis Teodosio. On a voice vote, the PZC voted unanimously to approve the motion.

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

#### V. Applications for Certificate of Zoning Compliance

1. Application #3225: Hickory Mill Home Imp. 20 Sunrise Circle for an in-law apartment. Mr. Leonard Delvecchio identified himself and indicated that the addition is 590 square feet.

Motion made by Comm. Pogoda, seconded by Comm. Tickey, to approve the in-law apartment for Appl. #3225. On a voice vote, the PZC voted unanimously to approve the motion.

2. Application #3287: Quiling Chen. 445 River Road for a sign and business occupancy. Mr. Rossetti indicated this is for Lee Massage which is relocating from Howe Avenue.

Motion made by Comm. Kelly, seconded by Comm. Matto, to approve the sign and business occupancy for Appl. #3287. On a voice vote, the PZC voted unanimously to approve the motion.

3. Application #3289: National Sign Corp. 15 Armstrong Road for a sign replacement. Mr. Rossetti indicated this is for Hartford Healthcare Urgent Care and Comm. Harger noted that this is the free-standing building to the left of Hawley Lane Shoes with the main entrance located on Armstrong Road. Comm. Matto and Comm. Pogoda mentioned that the full street address of 15 Armstrong Road should be located on the sign.

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to approve the sign replacement with the stipulation of adding the full street address of "15 Armstrong Road" to its sign for Appl. #3289. On a voice vote, the PZC voted unanimously to approve the motion.

4. Application #2863: Signlite, Inc. 801 Bridgeport Avenue for a sign on the monument and wall.

Comm. Harger indicated that it has been withdrawn.

5. Application #3265: Signarama Danbury. 385 Bridgeport Avenue for a sign on the monument and walls.

Mr. Joe Andrews identified himself on behalf of the applicant. Comm. Harger indicated that this is the free-standing building behind Arooga's and Mr. O'Neill mentioned that the HSS stands for Hospital for Special Surgery.

Motion made by Comm. Tickey, seconded by Comm. Pogoda, to table the sign for the monument and walls for Appl. #3265. On a voice vote, the PZC voted unanimously to approve the motion.

## VI. Old Business

A. Application #19-01, Dominick Thomas for Jack and Josephine Gaida, Petition for Planned Development District (PDD) Zone Change and Site Development Plan Approval, 405 Long Hill Avenue, on 4.0 acres. A four (4) Lot Residential Development Project. Review, Discuss, Resolution and Possible Action.

Mr. Panico read aloud the resolution regarding Appl. #19-01.

Comm. Pogoda indicated he would like to see the final details of the landscaping provisions and Mr. Panico reiterated that one of the conditions the applicant needs to satisfy is the landscaping plan. Mr. Panico noted he would like to see the vehicle turnaround reflected in the drawings and Comm. Pogoda concurred. Mr. Panico mentioned the conditions are imposed in the resolution and "it's up to staff to implement those changes that are necessary." Mr. Nappi reiterated that they will compare the changes to the resolution making sure everything is done before providing their signatures.

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Motion made by Comm. Kelly, seconded by Comm. Pogoda, to move the resolution for Appl. #19-01. 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 passed 6 to 0 and the resolution has been adopted.

B. Application #19-19, PDD#7, Fairfield Realty Group, LLC., at 1000 Bpt. Ave., on 6.27 acres petition for a Modification to the Statement of Use and Standards of PDD #7 to accommodate the use of an esthetician business occupying 1600 sf. located on the third floor, with appointment only service. Review, Discuss, Resolution and Possible Action.

Mr. Panico read aloud the resolution regarding Appl. #19-19.

Motion made by Comm. Kelly, seconded by Comm. Tickey, to move the resolution for Appl. #19-19. 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 passed 6 to 0 and the resolution has been adopted.

C. Application #19-18, PDD #68, Dominick Thomas and NOK, at 122 Buddington Road on 2.55 acres, petition for a Major Modification to Detailed Development Plans, to revise the PDD density for six (6), single-family units to two (2), single-family units and permit limited farming on Lot 2 in accordance with the Shelton Zoning Regulations. Review,

Discuss, Resolution and Possible Action.

Mr. Panico read aloud the resolution regarding Appl. #19-18.

Motion made by Comm. Widomski, seconded by Comm. Pogoda, to move the resolution for Appl. #19-18. 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 passed 6 to 0 and the resolution has been adopted.

D. Application #19-06, “Day Break Ridge”, Key Development LLC., 85-97 River Road, petition for Special Exception approval in an R-3 Zone, for a 9 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 Consensus.

Comm. Matto indicated she was pleased to see the drawings reflect that buildings #20 - 23 were away from the steep ledge and Mr. Panico stated that there will now be a six-unit and four-unit with appropriate spacing between them. Comm. Tickey said he is still concerned about the residents’ “safety... about the retention wall, the density of the 36-units, the blasting needed for the abutters... and worry about the parking on site.” Comm. Pogoda noted he is also concerned about the density of the project and the ingress and egress into the property.

Mr. Panico mentioned that there is a formula for calculating the buildable area depending upon the slope of the ground. He said that once calculated “the buildable area factored in with that permitted density of that zone tells you what the maximum number of dwelling units you can put on the property.” The Commissioners’ major concern is about the proximity of the rock face to the actual wall and Mr. Panico said he will ask the applicant to make a few more cross-sections.

Motion made by Comm. Kelly, seconded by Comm. Tickey, to table the petition in order for staff to pursue with the applicant for Appl. #19-06. On a voice vote, the PZC voted unanimously to approve the motion.

E. Application #19-16, PDD#26 “United Methodist Welcome Center”, United Methodist Homes Inc., at 572 Long Hill Ave., petition for a Major Modification of PDD #26 and alteration to the Statement of Uses and Standards, on 1.09 acres. This petition intends to accommodate the development of a 6,000 sf. “Welcome Center” to include a multi-purpose hall and 6 administrative offices with 41 parking spaces. Review, Discuss and Consensus.

Mr. Panico indicated that they had preliminary work sessions with the applicant, who has addressed the Commissioners' concerns. Mr. Panico also noted that this will be in two steps, conceptual and detailed. He said, "we can do everything in our power to address whatever concerns they (neighbors) verbalize to us."

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

## VII. New Business

A. Application #19-22, "Bridge Street Commons II" 427 Howe Avenue, petition for a 1.07-acre expansion of PDD #67. This development will include an additional 72 apartments, 2 retail spaces, patios and 95 parking spaces. Modification to Initial Development Plans titled "Bridge Street Commons II" James R. Swift, Rose Tiso & Co. LLC. Accept and Set Public Hearing.

Mr. Nappi indicated that the real estate problems have been resolved and it "still retains the 72-apartment character."

Motion made by Comm. Tickey, seconded by Comm. Kelly, to accept for review and set the public hearing date to September 25, 2019 for Appl. #19-22. On a voice vote, the PZC voted unanimously to approve the motion.

B. Application #18-26, "The Crossroads – An Active Adult Community" S & G of Shelton, LLC., discussion of possible modification of Initial Development Plans based on report back of pending litigation. Located at 96 Long Hill Cross Roads, applying for a PDD to develop an age-restricted community consisting of 15 duplex units, and onsite parking. Review, Discuss and Possible Action.

Secretary Matto read aloud the letter addressed to PZC, from Ben Perry, Jr. and dated September 11, 2019.

Mr. Ben Perry identified himself and spoke to the Commissioners. He indicated that eight – ten units will have two-car garages with tandem parking in front of them and said, "every unit will have parking in front of them." He mentioned that there are now 88 parking spots with a net increase of 23 spots. In addition to addressing the parking concerns, he told the Commissioners that this plan now adds in affordable housing. Comm. Pogoda noted that he would like to mitigate the sound from Route 8 with landscaping and Mr. Perry responded that there will be a berm and it will be heavily buffered with evergreens. Comm. Widomski said, "I still have reservations about placing any housing in the middle of two factories within an industrial zone."

## C. Hearing

A hearing on the withdrawal of *Gaida v. Zoning Board of Appeals of the City of Shelton, et al*, Docket Number HHD-CV17-6081131-S, in accordance with Connecticut General Statutes Section 8-8(n) will be held on October 2, 2019, at 9:30 a.m. at the Land Use

Docket, Superior Court, Judicial District of Hartford, 95 Washington Street, Hartford, Connecticut. Interested parties may attend and be heard.

VIII. Public Portion: Anyone wishing to address the Commission on any item, not on the agenda.

Mr. John Anglace identified himself and thanked the Commissioners for speaking into their microphones. He mentioned they have a group evaluating the technology and is "going to continue to work on it."

Motion made by Comm. Pogoda, seconded by Comm. Kelly, to close the public portion. On a voice vote, the PZC voted unanimously to approve the motion.

### IX. Other Business

#### A. Bond Release

- I. Application #15-1, "Hawk's Ridge." Hawks Ridge of Shelton, LLC. 53 White Tail Lane, request the release of \$20,000 Soil and Erosion Control Bond.

Motion made by Comm. Pogoda, seconded by Comm. Widomski, to authorize the release of the \$20,000 Soil and Erosion Control Bond. On a voice vote, the PZC voted unanimously to approve the motion.

#### B. Comments from PZC Chairman and Subcommittee Chairman

Comm. Pogoda indicated that they met last week with a sign representative for Fountain Square and Mr. Pat Rose of by Rose Tiso & Co. LLC, and "thought it was a good discussion." Mr. Nappi stated that they requested photos of them and is pleased to have the Sign Subcommittee.

Comm. Widomski inquired about the previously submitted paperwork for the zoning officer's ability to give fines and Comm. Harger said she waiting to hear from Attorney Francis Teodosio.

#### C. Staff Comments

- I. Meetings Schedule for 2020

Mr. Nappi indicated that he will keep the meetings scheduled every second Tuesday and fourth Wednesday and they will vote on it at a different meeting. The Commissioners also discussed the Subcommittee scheduling and will vote on it at a different meeting.

#### D. Approval of Minutes

- I. July 9, 2019 – Regular Meeting
- II. July 31, 2019 – Special Meeting

Motion made by Comm. Pogoda, seconded by Comm. Matto, to approve the PZC meeting minutes of 7/9/19 and 7/31/19. On a voice vote, the PZC voted unanimously to approve the motion.

E. Distribution of Minutes and Motions

- I. August 13, 2019 – Regular Meeting
- II. August 28, 2019 – Special Meeting

X. Adjournment

Motion made by Comm. Pogoda, seconded by Comm. Matto, to adjourn at 10:00 p.m. On a voice vote, the PZC unanimously voted to approve the motion.

Respectfully submitted,

Sarah Vournazos,  
Recording Secretary

