

SHELTON PLANNING AND ZONING COMMISSION MINUTES

SHELTON PLANNING AND ZONING COMMISSION MEETING HELD

JULY 11, 2017 AT 7:00 PM. CITY HALL AUDITORIUM, 54 HILL STREET, SHELTON, CT 06484

PZC Commissioners Present:

Chairman Ruth Parkins
Anthony Pogoda, Vice-Chairman
Virginia Harger, Secretary
Jimmy Tickey (arrived at 7:25)
Charles Kelly
Ned Miller, Alternate
Nancy Dickal, Alternate

Also Present: Richard Schultz, AICP, Planning and Zoning Administrator

Anthony Panico, Consultant

Sandra Wasilewski, Recording Secretary (arrived 7:20)

Patricia Gargiulo, Stenographer

Tapes, correspondences and attachments are on file in the City/Town Clerk's office and the Planning and Zoning Office and on the City of Shelton Website www.cityofshelton.org

I.Call to Order

Chairman Parkins called the meeting to order at 7:10 PM.

II.Pledge of Allegiance

III.Roll Call

Chairman Parkins identified members present.

Comm. Parkins: First item of business is public hearing:

A.Application #17-10 Dominick Thomas on behalf of Long Hill Cross Road, LLC for Modification of PDD #69 including Statement of Uses and Standards and initial Concept Development Plan (3 single family dwellings), 241 Long Hill Cross Road (Map 51, Lots 25 and 29)

Comm. Parkins: Just a reminder, there is a sign-up sheet on the podium if anyone cares to speak.

Comm. Harger: The Shelton planning and zoning commission of the city of Shelton Connecticut hereby gives notice of the public hearing to be held on Tuesday July 11 2017 at 7pm in Shelton city hall, 54 hill street considers the following:

A. Application #17-10 petition of Dominick Thomas, esquire on behalf of Long Hill Crossroad, LLC for modification of planned development district #69 by modifying the basic development plans, detailed development plans and statement of uses and standards for property located at 241, 245 Long Hill Cross Road and identified as Assessor's Map 51, lots 25 and 29. The intent of the modification is to allow the construction of three(3) detached single family dwellings on the remaining undeveloped portion of the property identified as Lot A. Previous development on Lot A was with a construction of a light industrial building. Detailed development plans are titled J&L, LLC, 241 Long Hill Cross Roads, which was prepared by Damico and Associates Engineering and Surveying dated 7/30/15 and revised 3/10/17 – and Architects dated 10/28/15 Modified Statement of Uses and Standards will contain new language allowing for the construction of three (3) detached single family dwellings on Lot A. The properties currently serviced by municipal sewers and public waters. Such petition is on file and persons will have a right to be heard and written communications will be received dated at Shelton Connecticut this 29th June 17. Attorney Dominick forwarded to me the Application submitted to you. (Continued, Tape on file).

Richard Schultz: I just have one comment, both the City Engineer and the Fire Marshal's office had both advised the Commission that their letters of recommendation from the 2015 public hearing are still valid and to be included as part of this record.

Comm. Parkins: Do we remember what they said?

Richard Schultz: Fire Marshal was standard boiler plate, City Engineer had no comments.

Comm. Parkins: Okay.

Richard Shultz: Because it was replacing a factory building so there was no net increase to drainage concerns.

Dominick Thomas: Dominick Thomas, 315 Main Street, Derby Connecticut, representing the applicant. You have had – well this is my first appearance before you on this PDD. Referring to letter of Green & Gross from Attorney Sobel, we have attempted to address the concern existing in the last proposal. You should have them; the full sets were submitted. Basically we go in with a three lot subdivision. For the record I submitted the certificates of mailing and the map. I did communicate directly with the attorney. Are you removing the industrial use from Lot A, and the answer is 'yes' because we have taken it out in the amended statement of standards. Additionally, the entire property is taken with the three residential lots and properties and then is a conservation easement and that will be properly endorsed in the land records. The proposal contains a 10 ft. buffer easement along lot 1. The proposed amended

Statement of Uses and Standards which is attached also to Attorney Sobel's letter basically addresses changes the statement of uses to simply the residential use and the uses of the City of Shelton, the proposed houses. When I spoke to Attorney Sobel, he wanted to make it very clear. What his problem is and I've discussed with at green and Attorney Sobel. His problem is that the Statement of Uses and Standards is not part of your 3-hole punch zoning regulations and my response and my conversations with him was that when somebody comes and you look at the zone map, it's listed as a prime development and if you don't know what that is, Mr. Schultz and Mr. Dingle would say to them yes, it's PDD number whatever, and here is the statement of uses and standards and people would know it. However, this suggestion is to somehow to change the book. I made the suggestion to them that maybe we can change the land records like put a – on the land records that addresses lot A to specifically state in the title search that it is not a resident district. Certainly there is no intention on my client to interfere with the expansion progress.

Comm. Parkins: I think having it on the deed is –

Dominick Thomas: Well, it will be on the deed – it will be noted as you did the search – it will be on the Subdivision Map, it will be on everything. The only thing I will mention about the architectural that you passed around is that my client is also looking at a similar design that has a two (2) car garage instead of a one (1) car garage. Mr. Salemme is here to respond to any questions.

Comm. Parkins: So you have three (3) separate – each with a separate driveway in.

Dominick Thomas: I think that –

Comm. Pogoda: There's no show of a driveway here.

Dominick Thomas: On page 3 of 3.

Mr. Salemme: This is the backup driveway here. This is the garage, back up and then pull out – same here. I didn't notice it myself.

Comm. Parkins: How big are the houses?

Dominick Thomas: Mike, you should come up and identify yourself for the record.

Michael Salemme: 16 Soundview Avenue, Shelton, CT - about 2200

Comm. Parkins: What was the discussion about this is one (1) car garage – two (2) car garage?

Michael Salemme: They are going to have two (2) car garages. These are 32 and these will be 38.

Comm. Parkins: My only concern would be that first house not having any sort of complaints with whatever may happen at Amco – so whatever needs to be put into the record that they have no claim to stopping any kind of expansion.

Dominick Thomas: The key element in zoning is to make sure that they can't come in and use the zoning regulation to stop it. Besides the visual aspects of what's there, it will be on the land records. It will be on the title search.. If they take the time as people should do – they should walk down to Planning and Zoning and ask to look at the map. The person who buys that

house, the one closest, is going to have a buffer easement on the deed in the land records – they are going to have a row of trees that they can't touch.

Comm. Parkins: Who is responsible to maintain those trees?

Dominick Thomas: Again, it is a PDD when people ask me that question; I remind them about the trees in PDD #2 at Stop & Shop they died after 30 years. If you want to live in that house in Shelton, on Long Hill Cross Road, that's what you have to deal with.

Comm. Parkins: Let the record reflect that Comm. Tickey arrived at 7:25 and will now be sitting in.

Dominick Thomas: Any more questions? Anything you want me to review with Comm. Tickey?

Comm. Tickey: I'm just going to read the minutes and listen to the tapes.

Comm. Parkins: Don Sassenco?

Don Sassenco: My name is Don Sassenco, I own the property on 248 Long Hill Cross Road. I support for residential housing.

Female Public Speaker: Considering that this PDD is located on a site that is transitional, we support the applicant's plan for residential housing because it is a best fit and will preserve the residential character on this part of Long Hill Cross Roads, which is desirable. Thank you.

Wendy Cortina: I live at 245, closest to lot three (3). I am not opposed to residential, I would prefer residential I just had a couple of questions. Would there be a buffer because we are about 13 ft. away from the first house.

Comm. Parkins: There's 13 ft. to the property line.

Wendy Cortina: But there's no buffer there.

Comm. Parkins: No.

Wendy Cortina: So we're asking if there be a buffer. Because the last time we talked – they said there would be.

Comm. Parkins: Well the buffer is really to buffer from the industrial to the residential. That's what the buffer is proposing. There is nothing proposed on this.

Wendy Cortina: It was agreed upon that it would be between our property line and –

Comm. Parkins: If that's your recollection we will let the developer speak to you after.

Wendy Cortina: Just wondering if I could get a bigger – (map).

Comm. Parkins: You could take this one.

Wendy Cortina: Will there be sidewalks be put in.

Comm. Parkins: No sidewalks on that road

Wendy Cortina: Windows on the side.

Comm. Parkins: There could be.

Wendy Cortina: If there is a buffer asking for trees not just shrubs.

Comm. Parkins: Well there is really not much room on 13 ft. for them to put. How much space is on your side?

Wendy Cortina: Not much. I have concerns, but definitely not opposed to residential.

Comm. Parkins: Okay. Is there anyone in the audience who would like to speak regarding this proposal? No one else. Attorney Thomas to respond to the questions.

Dominick Thomas: With respect to the issue of the buffer, I wasn't around at the last hearing so I can't comment on that. Even if we get plantings, I don't think we want to mandate that the people have to keep the trees. Once you sell property, the other person would have the right to decide whether or not they want or do not want plantings along their property line. Where there any other –

Wendy: Windows.

Comm. Parkins: Looks like there's a fireplace on that side.

Dominick Thomas: You could probably arrange to have no windows on that side.

Anthony Panica: Are you agreeable to that?

Mike Salemme: Yes.

Comm. Parkins: Are you proposing any kind of planting, shrubbery or anything along the boundary line, or not necessarily?

Mike Salemme: There's kind of a – you have a fence up.

Dominick Thomas: You can't –

Mike Salemme: There's a solid fence; I think on the neighbor's property line.

Comm. Parkins: So you would leave it up to whoever purchases the house to do any landscaping.

Mike Salemme: I would say I would put a fence but there is already one there.

Comm. Parkins: You don't want to create an alleyway

Anthony Panico: Will you be building the houses?

Mike Salemme: Yes.

Dominick Thomas: You're selling the property to someone; you know it's important – between residential houses, it gets a little more difficult to do that.

Comm. Prkins: So you don't really have a landscaping plan; just a couple of trees in the front yard it looks like.

Mike salemme: The landscaping plan we have is in the front

Dominick Thomas: And along the side.

Comm. Parkins: Any other questions? No more questions?

On a motion made by Comm. Kelly, seconded by Comm. Harger it was unanimously voted to close the public hearing on App. #17-10.

Comm Parkins: Moving on to the next public hearing:

B. SPZC Initiated Text Amendments: Repeal and replace Section 35: Planned Residence District (PRD's) with (Design Residential Development) by allowing said use in R-1A, R-1 and R-3 by Special Exception and prohibited in all other districts (continued from 6/28/17)

Richard Schultz: Okay, before I begin, do any of the Commissioners need a copy of the draft text? This is the first meeting with the new PA system. Since we opened the meeting on June 28, staff has prepared an inventory map that shows available 5 acre partials and larger in the R1, R1A and R3. What I did was to color code those partials and in all likelihood could be and would be developed. Because there are some partials that I have 80% or more are wet lands and it's inconceivable. So essentially the areas shown – the two partials at the corner of Waverly and booth hill road, and both of these partials are adjacent to significant open space and I'll get into that in a little bit. Because staff is going to recommend to the commission that we modify the 10 acre minimum to a lesser amount if it meets certain criteria. The purple shaded areas are existing open space. Some areas are dotted along Mohegan. The Huntington animal hospital that went before the inland wetlands Commission for a four (4) lot subdivisions so that is moving ahead for traditional subdivision. We have a couple of scattered parcels. One of these parcels on Mohegan Road has older mobile structures on it. Some developer might buy that. You don't see it when you drive on Mohegan Road. We have several of them on Leavenworth Road on that bad curve and it does abut some open space with significant open space just south of it. In the R3 district, we have two definite locations on Rte. 110 River road across the street from the Indian Restaurant; this is on top of the cliff there. And on the south end of town, near the golf driving range, also on top of the slope area there – that is also an R3, with both utilities available – both have sewer and water. Topography is important. Staff marked up the initial draft. Staff will be meeting with the Zoning Subcommittee and we were unable to do it because of staff's scheduling with vacation but we will be meeting before the August 8th – that is the next meeting. Going to page 3 under subsection 35.4 Development Tract Size – once again, the original draft on the second line says 'having a minimum of 10 acres or more.' We are going to take this to the Zoning Subcommittee and recommend 5 acres or more meeting the following criteria.

Comm. Harger: Rick, where are you –

Richard Schultz: P. 3 Development Tract Size. We discussed the possible elimination of 3510 and 3511. I think the feedback that we are getting is – that may not fit in to what we were looking to do. Once again, we will take to the Zoning Subcommittee and address those sections as well. What we're doing tonight is entering this into the record as an exhibit. I am going to expand upon that. I just received this map so there are areas that have to review by staff but we are looking at the R1A, R1 and R3 districts.

Anthony Panico: The only purpose of the map is to convince ourselves is that there are potential parcels that can benefit from flexibility

Richard Schultz: I want the Commission to see a fairly accurate representation. This benefits the Commission's position. Staff also indicated that we will be providing some sample subdivision layouts to show you how it benefits the City of Shelton with more open space. So we need to take this to the August 8 meeting.

Comm. Parkins: Did you make note of all the things that were brought up such as to bring back to the Subcommittee some of the comments?

Richard Schultz: Yes, the Conservation Commission wrote a detailed letter of recommendation; they believe it had in there some changes. We received one more Metropolitan Council of Government.

Comm. Harger: This is dated July 3, 2017. (letter on file)

Richard Schultz: I have the sign in sheet; does anyone want to comment tonight, on this matter?

On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to continue SPZB Initiated Text Amendments discussion to August 8th.

V. Old Business

Add ons

#7. Application #2160, 27 Long Hill Avenue (2nd Floor): office use

#8. Application #2165, 389 Bridgeport Avenue: Modification of wall sign

On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted for office use on App. #2160 and modification for wall sign on App. #2165.

1. Application #689 – Meeta Vyas, 1 Controls Drive – Temporary storage bldg.

Meeta Vyas: Planning to expand and that's not happening so plan for temporary storage bldg.

Comm. Parkins: So when you say temporary, how long is temporary?

Meeta Vyas: About a year. It depends on the next step.

Richard Schultz: Out to benefit the newer Commissioners, the applicant has requested this Commission to waive a full site plan submission so tonight you would have to either agree or not agree. If you don't agree then they must submit a site plan application. This is a climate control storage facility, noncombustible, no employees working out of the facility, it is 2100 sq. ft. and the applicant is here to answer any specific questions. So you need to first agree or not to agree to waive the site plan submission.

Comm. Parkins: Well, if he could address some of the questions; I'm trying to locate your parking, where is your parking on the map?

Meeta Vyas: (showing Comm. the site plan).

Comm. Parkins: So right here this is just grass? Are you going to put any crushed stone or anything under it?

Meeta Vyas: It is crushed stone right now. Some blocks.

Comm. Parkins: So wheels and blocks?

Meeta Vyas: We may have to take the wheels off I don't know how that works.

Comm. Parkins: Typically, we only do any kind of storage for 6 months to a year. Similar to a modular classroom?

Meeta Vyas: It's similar to but much simpler.

Richard Schultz: Storage only the existing building is 18,000 sq. ft.

Meeta Vyas: Yes.

Richard Schultz: You have less than 30 full time employees?

Meeta Vyas: We have 25.

Richard Schultz: Hours are 9am to 5pm Monday thru Friday, has that changed and 35 on-site parking spaces.

Meeta Vyas: Yes.

Comm. Parkins: Is this a sidewalk of some sort that you want to put in.

Meeta Vyas: Yes.

Comm. Parkins: So this is equipment that you are wanting to store in there.

Richard Schultz: The second page shows the floor plan.

Comm. Matto: The only concern is that whoever you work with for this construction of this thing, make sure the wheels are off if it is going to be sitting on concrete.

Meeta Vyas: Yes.

Comm. Harger: The second page is for?

Richard Schultz: That's the existing.

Comm. Parkins: I've been in there; it's a very impressive building. So, this is a grassy area but, this is where you will put down the crushed stone.

Richard Schultz: And you met with Mr. John cook and he said there's no regulated activities because of the wetlands.

Meeta Vyas: Yes.

Richard Schultz: You met with the fire marshal too?

Meeta Vyas: Yes.

Comm. Parkins: Could you identify yourself for the record?

Tina Sweeney: Tina, Office Manager.

Comm. Parkins: Okay, I have no major issues with it.

Tina Sweeney: We were trying for August 1st. (tape turned over could not hear.)

On a motion made by Comm. Kelly, seconded by Comm. Harger it was unanimously voted to approve temporary storage bldg. on App. #689.

2. Application #2068-R.D. Scinto, 2 Corporate Drive for business

Richard Schultz: Okay, 2 Corporate Drive it is a 17,878 sq. ft. six employees and the company is media works and they are a media buying agency. Six employees 9-5:30 Monday through Friday.

On a motion made by Comm. Kelly, seconded by Comm. Harger it was unanimously voted to approve for business on App. #2068.

3. Application #2151 – GPT Assoc., LLC 458 River Road, business

Richard Schultz: As I have advised the Commission two weeks ago, Danny O's on River Road has left and this is the replacement 458 River Road GPT Associates and I believe out of Milford and Stratford location. They are going to continue with a full service restaurant and with liquor five full time employees seven days Sunday through Thursday 11am to 12am Friday and Saturday 11am to 1am – Friday thru Sunday 11am to 1am. They have 82 parking spaces in the back.

Comm. Tickey: Not on Sunday, Saturday.

Richard Schultz: Saturday – did I tell the Commission the name?

Comm. Pogoda: Well you said the name was Hook Line and Sink.

On a motion made by Comm. Tickey, seconded by Comm. Harger it was unanimously voted to approve for business on App. #2151.

4. Application # 2147 – Shelton NCP, LLC, 65 Trap Falls Rd. for business

Richard Schultz: Does everyone know this location you go up Trap Falls to the left, John's Lone Star Distribution occupied it previously. This is a combination wholesale, distributor and office and the company is La'Amy, Inc. and they are a wholesale distributor of eyeglasses. The building that they are leasing is 17,133 sq. ft. 25 employees Monday thru Friday, 7am to 8pm and they have 25 parking spots.

Comm. Harger: Is that where Raveis has his office?

Richard Schultz: Yes, in the back there. So it's a good fit previous occupant was John's Lonestar distribution.

On a motion made by Comm. Tickey, seconded by Comm. Kelly it was unanimously voted to approve for business on App. #2147.

5. Application #2096 – Urim Dema, 194 Leavenworth Rd. for a sign.

Richard Schultz: Okay, this is the Barber shop that replaced the Huntington Hardware. He did not have a sign.

On a motion made by Comm. Pogoda, seconded by Comm. Matto it was unanimously voted to approve sign on App. #2096.

6. Application #2154 – Mulberry Day Care, 188 Rocky Rest Road for a sign.

Richard Schultz: Okay, this is for a child day care center at the church and this is replacing the sign that is on the fence and the only thing is phone number was –

On a motion made by Comm. Harger, seconded by Comm. Matto it was unanimously voted to table on App. #2154.

Add-ons

7. Application #2160, 27 Long Hill Avenue for office use.

Richard Schultz: Okay this is after the fact. This is an energy company that is occupying a portion of the garage that's on the subject property. This is Antonio's restaurant which is in the second building. We also have an issue with the gate. The gate has been opened now to long hill avenue to facilitate this occupant. So there are two issues that the Commission needs to think about. One is the occupancy for this use and whether or not to leave the gate open. Because that was an issue when we had the public hearing on the restaurant. The home energy company occupies 150 sq. ft. 2 employees 9-5 Monday through Friday and they have on-site parking.

Comm. Harger: Do they have service trucks?

Richard Schultz: A van and a box truck.

Comm. Parkins: Are they using that gate?

Richard Schultz: Yes they are. It's commercial vehicle and easier to access long hill avenue because of the circumstances so this is where we need the Commissions guidance. Do you want to take a look on it before you act on it or - ?

Comm. Tickey: I remember hearing from the residents when we were talking about Antonio's about not wanting additional traffic on Long Hill.

Richard Schultz: We have not received any complaints but I don't know if there aware of it – it's just been left open.

Comm. Parkins: Condition of approval?

Richard Schultz: That was a condition of approval. To keep the gate locked at all times.

Comm. Parkins: If that was a condition of Antonio's it shouldn't be any different for anybody else. Is Antonio the owner of that property?

Comm. Pogoda: No, Pepper's Landscaping.

Comm. Parkins: Is there room for them to park the box truck?

Comm. Pogoda: He's got room on the side of the garage; they have that open spot near the back. Plus now they trimmed back the hedges but now they let the grass grow and that is a major hindrance. This guy is just not –he has not cooperated – it took him close to a year just to trim the hedges. I think it's just an accident waiting to happen coming out of that driveway.

Richard Schultz: Yes, I just got this application Friday when I wasn't in and I want the Commission to know that they submitted it to satisfy the occupancy needs, but now we have the site issues, the gate. The gate is a big issue.

Comm. Matto: They should make one person adhere to the gate being closed then everybody has to adhere to the same rule.

Comm. Pogoda: Plus, some of the people working there are parking in front of the homes and they are parking their cars out there. There are no garages on Long Hill Avenue.

Comm. Harger: any site line restrictions for these box trucks going in and out? Is that going to cause a traffic hazard?

Comm. Parkins: Are they using the garage for storage as well? Why do they need the box truck in there? Unless they are putting stuff in the garage and taking stuff out?

Richard Schultz: Yes, they are a home energy company so I assume.

Anthony Pogoda: I think we should table this.

On a motion made by Comm. Harger, seconded by Comm. Ticky it was unanimously voted to table initial Development Concept Plan and PDD Zone Change on App. #16-23.

8. Application #2165, 389 Bridgeport Avenue for modification of wall sign.

John Hilligan: Kindred Spirits & Wine. Signage is the utmost importance. I request a modification to the sign. We appreciate your consideration.

Comm. Parkins: looks like a very large sign.

Comm. Pogoda: I mean you expect people to drive along Bridgeport Avenue at the speed they drive and look over and see that sign? Is that what you're saying?

John Hilligan: if they were to be walking down Bridgeport Avenue, they would not be able to read that sign. So we are not trying to make the sign bigger, we are trying to make the letters in equal size. The Kindred are 22; sort of an optical illusion.

Comm. Parkins: It's hard for the Commission visualize how they blend in; we are looking for consistency. We want to make sure they don't look totally out of place.

Comm. Parkins: So the gooseneck lamps, are they supposed to come down over the lighting?

John Hilligan: They are back lights.

Comm. Parkins: I think what you are hearing is that the Commission is not necessarily opposed to this, but we'd like to see it in relation to all the other signs.

John Hilligan: There is a rectangle to the right and to the left as well, I could show you pictures on the camera if you would like.

Comm. Tickey: This is what we originally talked about but then as business owners came in and they moved to the higher so I think we can get a schematic of it but this is more of what signs are going up so I think it makes sense to be larger with all the other store fronts.

Comm. Parkins: There is a huge sign board that has all the businesses listed on it. There are some locations from Nells Rock Road where I can't see the Marks of Design sign because of the fancy type. Should we table it?

Comm. Pogoda: I'm not happy with it. Pat Rose was supposed to come in – we're deviating from what we originally said we wanted to do in that whole complex.

Comm. Parkins: Pat Rose was supposed to be guiding them.

Comm. Pogoda: Well, whoever it doesn't have to be just Pat Rose but whoever else – this isn't what we asked when that shopping center came into use. We wanted uniformity. Right now there is going to be a hodge podge.

Comm. Matto: Yes.

Comm. Tickey: We could table it and get that but that's more in power than what we are seeing happening.

Comm. Parkins: Was Pat Rose or someone there, notified the last time we approved the sign that we weren't going to approve any more signs unless they work?

Comm. Harger: A couple of P& Z meetings.

Comm. Parkins: So certainly not your fault but the fault of the contractor. I think we are going to table this for now.

John Hilligan: So, what can I do now?

Richard Schultz: Your site company will give the information to Pat Rose, the lead architect for the shopping center.

John Hilligan: So next month, is that how they do it?

Richard Schultz: August 8th.

John Hilligan: Okay. Thank you.

Comm. Parkins: Sorry.

John Hilligan: No problem.

On a motion made by Comm. Harger, seconded by Comm. Matto, it was unanimously voted to table #2165 until August 8th.

B. Application #16-23, Wendy Montenaro, LLC and 60-64 Huntington Street, LLC for initial Development Concept Plan and PDD Zone Change Approval, 60-66 Huntington Street (Map 74, Lots 27 and 28), (public hearing closed on 11/16/16)

Richard Schultz: Okay, the applicant submitted revised plans which I will show you. Mr. Panico has a draft resolution to read.

Anthony Panico: Just a matter of background, before we get into the resolution, I think it's important to know that there's not a concern about the applicants ability or willingness to meet the criteria to make it work and the applicant has taken it a step further and looked at another possible solution that would move that driveway further to the north and in doing so, instead of coming in here, coming in here, you would have more room to get down and around and have a potential to meet reasonable grades. They have submitted a set of preliminary engineering drawings. It's got some issues with it, but I think it's doable if we're all flexible enough. If the applicant is flexible enough, if the Commission is flexible enough, if the Engineer is flexible enough. It may result in losing one or two spaces in order to have decent spaces. As it is now, there are still some grading issues in three locations that need to be looked at. But I think it can be worked out. And to make it operate better, instead of hooking around and in, we're going to sweep around, get rid of these two spaces sweep around and in and try to get these spaces over here. I think it can be done. So if the Commission is satisfied with the fact that there's a practical solution – since they have an immediate problems they want to address here and the building they wanted is a future building, so to do this, he is going to end up losing a significant part of the old stone foundation that they were trying to reserve. So the final analysis of whether the building comes here, or whether they make other arrangements, they had indicated they will continue to explore with the property owner. If that turns out to materialize, then this can go away and the building can go where we thought it was going to go. But if this ends up being a permanent configuration then the new building is going to fit in there and that means that it's going to designed to meet the parameters of the Commissions already

spelled out. But that sounds like it's going to be at a future date. We are probably going to end up with what we see here as initial phase and actual construction of a new building some phase down the road.

Comm. Harger: What are the 3 cars here?

Anthony Panico: These are problematic. They are parking spaces. That's what they intend to be.

Ned Miller: Tony, how close is this to Huntington Center?

Anthony Panico: Well, it's right next door.

Comm. Tickey: Tony, the parking when you come down the driveway, it looks tight.

Anthony Panico: It's tight. But at least we have an opportunity to get the driveway down to 12%.

Comm. Parkins: More than likely, these parking spaces will be for the workers and employees, not so much public.

Anthony Panico: That's a possibility. We always specify that whatever is going to happen in the other building is going to have to be a low key tenant. With that little bit of background, let's go through the resolution:

B. **Application #16-23** Petition of Wendy Montenaro, LLC and 60-64 Huntington Street LLC for Initial Development Concept Plan Approval and Adoption of a Planned Development District (PDD) for a two (2) parcel area containing two (2) existing buildings and a pre-existing non-conforming foundation located at #60 through #66 Huntington Street, currently zoned Commercial CA-2 District

(Anthony Panico is reading the Draft and this Draft will be on file)

Comm. Parkins: Before I ask for a Motion to approve this resolution, I will note that Comm. Dickal was not on the Commission at the time of the hearing.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve the resolution regarding Application #16-23.

Comm. Harger: Tony, is it possible this plan that came in today designate what the foot print of the building will be?

Anthony Pogoda: I don't understand – this implies that the stone foundation is over here, but this implies over here that the stone foundation is over here. Maybe we could treat it as a future phase.

C. **Application #16-28** Dominick Thomas on behalf of Ricar, LLC and Mianus Holding, LLC. Modification of PDD #66 including initial Concept Development Plans and Statement of Uses and Standards (164 unit multi-family, clubhouse, maintenance building and marina), 704, 712

and 722 River Road (Map 22, Lot A and Map 32, Lots 16 and 17) and Cam Site Plan (public hearing closed on 3/22/17)

Comm. Parkins: I would like to read a brief comment. The Commission staff has recently been in contact with the Sewer Department. I was informed that the Shelton WPCA is considering a city-wide re-evaluation of their allocation of remaining capacity of the sewer treatment plan and related facilities. Relative to known and anticipated demands of downtown, Canal Street, Bridgeport Avenue and other areas of the city. Accordingly the Commission will not be discussing or acting on application 16-28 tonight and therefore we will need an authorization from the applicant on extension of time for action pending on application 16-28 for modification PDD #66.

Dominick Thomas: I will prepare one tomorrow.

Richard Schultz: We're going to take that to August 9th?

Dominick Thomas: The day after the meeting.

Comm. Parkins: The day after the meeting will be the 9th.

On a motion made by Comm. Pogoda, seconded by Comm. Ticky it was unanimously voted for the modification of PPD #66 on App. #16-28.

D. **Application #17-01** Dominick Thomas for initial Development Concept Plans and PDD Zone Change (six(6) single family dwellings on fee simple lots), 405 Long Hill Avenue (Map 78, Lot 5), R-1 District (public hearing closed on 4/11/17): letter of withdrawal

Comm. Parkins: Okay, it's dated from Attorney Cohen & Thomas, dated June 28, 2017, Shelton Planning & Zoning Commission regarding plan development district, Application #17-01, Jack and Josephine Gaida, 405 Long Hill Avenue. (Comm. Parkins reads the letter which is on file)

Richard Schultz: (continues to read letter)

On a motion made by Comm. Harger, seconded by Comm. Ticky it was unanimously voted for t initial Development Concept Plans and PDD Zone Change on App. #17-01.

E. **Application #17-02**, R. D. Scinto, Inc. for initial Development Concept Plans and PDD Zone Change (light industrial building), Waterview Drive (Map 79, Lot 13), LIP District (public hearing closed on 3/22/17)

Richard Schultz: Staff has provided Commission with a draft resolution provided before you.

Anthony Panico: The proposal that's being made on the property conforms to the requirements of the existing LIP zone that's applicable to that sight including the preservation of 100 ft. buffer area in the back. The only reason for pressing for PDD is because in order to utilize the slope of the ground, which is higher in the ground and lower in the front the building would have a two-story elevation in the back well below the maximum height of the LIP zone. The Waterview Drive side ends up being three (3) stories. But they're high stories and as a result they go over the maximum height of the LIP zone. Rather than seek a variance, which we could have done but staff kind of talked them out of it. Let's do in under a controlled fashion. Other than that, the 3 story elevation in the front, it's consistent with the LIP zone. (Anthony Panico continues to read the submitted petition)

On a motion made by Comm. Pogoda, seconded by Comm. Ticky it was unanimously voted for initial Development Concept Plans and PDD Zone Change on App. #17-02.

Comm. Parkins: Any discussion, questions or concerns? Roll call. Moving on to Application #17-09. We do have a correction on this it was not to accept and schedule a public hearing and has been deemed a minor modification. A public hearing is not necessary.

F. **Application #17-09** United Methodist Homes of CT, Inc. for Modification of Detailed Development Plans for PDD #26 (additions to northwest and northeast buildings: Wesley Heights), 580 Long Hill Avenue: accept and schedule public hearing

Richard Schultz: Okay, as the Chairman deemed that this Application needs to be processed as a minor modification to PDD #26. The Commission is not prepared to act on it. This is for 2 additions shown to the Wesley Village location and the improvements are consistent with what has been presented to the Commission. So I have drafted the Motion. Unless the Commission has any questions.

Comm. Parkins: The notification of the residents and they have no concerns.

Richard Schultz: Dave, you have not received any additional comments?

Dave: No I haven't

Richard Schultz: The Motion reads as follows to approve Application for Certificate of Zoning Compliance and to improve the minor modification of detail development plans PDD #26 P&Z Application #17-09. Plans titled North Additions Wesley Village prepared by James R. Swift, Project Engineer, EGA Architects and Louis Associates 6/6/17 with the following standard conditions 4,5,7 and 18. Are motions in order to approve?

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted for Modification of Detailed Development Plans for PDD #26 on App. #17-09.

Add ons

A. **Application #17-11**, Modification of site plan approval, (parking expansion), 470 Bridgeport Avenue (Map 63 Lot 24) IA-2 District: accept for review

On a motion made by Comm. Harger, seconded by Comm. Pogoda it was unanimously voted to accept for review new business on App. 17-11.

B. **Application #17-12**, key development for subdivision approval (69 Pearmain Estates: 6 lots), 69 Pearmain Road (Map 134 Lot 1), R-1 District: accept for review

Richard Schultz: This is the upper warehouse structure across from Sikorsky. Now they are going to be doing significant parking expansion and drainage. These are two of the oldest warehouse buildings on that part of Bridgeport Avenue.

Comm. Harger: What are they expanding to?

Richard Schultz: I don't have that. This is a significant site. Go to the site.

On a motion made by Comm. Pogoda, seconded by Comm. Ticky it was unanimously voted to accept for review new business on App. #17-12.

Richard Schultz: Charlotte Circle, it's a cul de sac accept for review.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to accept for review, App. #17-12, Charlotte Circle.

VII. Public Portion: anyone wishing to address the Commission on any items not on the agenda

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to close the public portion of the meeting.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to table the minutes.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to pay the bills.

C. White Eagles RC Club: request for Modification of flying times

Richard Schultz: Staff has received a request to put it in your package. So it is up to your discretion. The applicant has not requested any modifications.

Comm. Parkins: I don't think I would go full out. Saturday and Sunday AM - you want to have your coffee the last thing they want to hear is airplanes. Now these people have not been hearing it so they are not complaining because it's not happening first thing in the morning or later in the day. I would be ok with going from Monday to Friday 9:00 – 4:00, Saturday 10-4, and then Sunday 10-2 having two hours on Sunday.

On a motion made by Comm. Harger, seconded by Comm. Matto it was unanimously voted to modify flying times at White Eagles RC Club.

D. Staff Report

Richard Schultz: I have a modified version because I was off Friday but one of the issues is the patio. The Commission approved the modification. I sent an email out a while ago with some details. So they want to make sure they could proceed with the same direction. So if you could just share your details, because this is out in front.

Dave: Mr. Rose designed – it's going to match the stone brick phased. Planters out in front

Richard Schultz: You need to go to the restaurant to access it.

Comm. Parkins: That's State law right?

Dave: I have it pretty much enclosed. As long as it's visible. There is a gate on the Nell's rock side. It encloses it.

Ned: You have the glass doors that slide open. Will that be like Big Y's?

Dave: On nicer days.

Richard Schultz: Will you exercise where patrons will park?

Dave: In the back is the most important for employees. The location to the right; we are not sure what's going to go there. It will be nice to park.

Comm. Tickey: Noted.

Richard Schultz: I just want the Commission to have the comfort level.

Dave: Last week in August or a couple days later. Just waiting for the liquor license. Down the road, not right away, is there room for lighting on the patio, is there simple –

Richard Schultz: So accent lighting? That has to be approved.

Comm. Poguda: Appreciate it, take care, goodnight.

Richard Schultz: Downtown Subcommittees this Friday. Starts at 9:00 we are going to end the day at the Conti building to look for alternative locations for the transformer. It's on the City

property across the street. The Zoning Subcommittee will be meeting next week to discuss the pending amendments.

Comm. Harger: What is the commercial construction on the list?

Richard Schultz: That's the freestanding building. And Greco is 393 Bridgeport Avenue, Nail Salon.

Comm. Tickey: John Paoletti, page 4 of the June 13 Minutes. The guy who came to discuss the awnings.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to table the minutes of June 13, 2017.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to adjourn the meeting at 9:20 PM.

Respectfully submitted,

Sandra Wasilewski
Recording Secretary

