SHELTON PLANNING AND ZONING COMMISSION MINUTES

SHELTON PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD
JUNE 28, 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
   Elaine Matto
   Charles Kelly
   Nancy Dickal, Alternate
   Ned Miller, Alternate

Also Present: Richard Schultz, AICP, Planning and Zoning Administrator
               Anthony Panico, Consultant
               Sandra Wasilewski, Recording Secretary/Stenographer
               Stephanie Charboneau, 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

AGENDA

I. Call to Order
Chairman Parkins called the meeting to order at 7:00 P.M.

II. Pledge of Allegiance
Chairman Parkins recited the Pledge of Allegiance.

III. Roll Call
Chairman Parkins identified members present.

IV. Old Business
   A. Applications for Certificate of Zoning Compliance
      1. 2051 – Mike Ballaro, 405 River Road

Comm. Parkins: First item of business this evening would be Application for Certificate of Zoning Compliance 2051 for sign and awning.
(Showing each other a picture of the font style and logo)
Comm. Kelly: Are the letters the same height?
Elie: Yes.
Comm. Harger: Any signage in the window?
Elie: I have pictures.
Comm. Harger: What you have now is just over the 2 windows
Elie: That's correct.
Comm. Harger: There is still a pretty big space between the two stores.
Comm. Parkins: Could we get a motion?
Comm. Harger: Motion to approve ACOZC 2051 and 2051.
Comm. Tickey: Seconded that motion.
All are in favor of motion.
Comm. Parkins: Just make sure that someone puts the 405 over the awning. Is that up there?
Oh it's up. Okay.

PUBLIC HEARING

Comm. Parkins: There are sign-up sheets if anyone would like to speak regarding any of these proposals.

A. Application # 17-06 on behalf of 636 Cooke Street, LLC for Special Exception Approval (mix use development: 11 apartment units and 2,562 sq. ft. commercial space), 523 Howe Avenue (Map 129B, Lot 36), CA-3 District with CBD Overlay

Secretary Harger read call of hearing and corresponces1. City Engineer letter and 2. Fire Marshal letter (Letters are attached to minutes)

Rick Schultz: Staff just wants to acknowledge something that’s important for the redevelopment downtown. Right now we are using 3 separate and distinct zoning techniques. First and foremost is the plan and development which the Commission has used, predominately. The second is the riverfront district. We did that for the _____and Spongex, which just closed this past week. The third is the central business district which we just adopted last year and this will be the first application on the rules and regulations. So we’ll hear from the applicant. Staff is convinced that the proper standards and guidelines are in the regulations. Thank you.

Dominick Thomas: Attorney Dominick Thomas of Derby Connecticut, representing applicant in this matter. I am going to get it over to the Engineer and the Architect as soon as possible. This project involved a set of plans that was substantially different than what you saw but through staff sessions and Downtown Committee, it has evolved into what you are seeing today which is, I think, a very appropriate mix use development for the site and I will say it’s a compliment
to both the staff, the Commission and the Subcommittees that this is what evolved. I think it's a benefit to both and with that, I will turn it over to Jim Swift who is the Project Engineer.

James R. Swift: Good evening, my name is Jim Swift and I am the Project Engineer and a Licensed Landscape Architect and a Licensed Professional for the State of Connecticut. I don't think we need to turn the lights down. I think the Commission could see reasonably well. (James Swift is pointing to a screen explaining his project) This is basically a ¾ vacant lot. It's the vacant lot directly between the Shelton Pizza Palace in this direction and the existing parking lot on the other side and of course we have Howe Avenue. As Dominick said there are a lot of variations to this. This is the plan we came up with. You could see that the building is flush, directly against the sidewalk from Howe Avenue. These are first floors. Of course use is very friendly and consistent with other commercial uses; just walk in the doors right off the sidewalk of Howe Avenue. We do have enough room to put a driveway in that accesses the back of the property. There is one that exists on Howe Avenue that is pretty beat up. So we drive to the rear and that's where we provide our (eleven) 11 parking spaces. The parking spaces are in the rear of the property. Just a few minor details as you approach the back of the property we have the trash pickup in this corner. That trash pickup is enclosed by the masonry wall which is pretty much the standard that this Commission looks for. Towards the other corner is the transformer. Towards the back area, we have some more spaces with the handicap space. I would like to note that that space is covered so that the additional 2nd and 3rd floors above that extend over those parking spaces. We also are by necessity going to have to build the sidewalk but as we do that we will be adding a brick paver strip along Howe Avenue. The site is fairly straight forward and simple. We only have two lights one in each of the back corners. The area is very small and pedestrian kind of lights somewhat along the height, not parking lot lights. So lighting is very low key. The site is very flat. Nothing unusual here. We are putting in some storm drain infiltrators to satisfy the City ordinance for water quality issues. Just for the record, all necessary utilities are available at the sites. For the record, we are going by regulations. Keeping the streets clean. Landscape plan, we have a little green space. We have some in the corners. Again, the scape is going against the street as expected in the downtown area. Towards the back of the site where we have the transformer we are providing some evergreen. On the other side of the site, we have room for our shade tree and we left some room between us and the adjacent parking lot so we could do some landscape in that area details are shown on the landscape plan and are specified on the drawing. It's a very straightforward site, very simple. I'd like to turn it over to Joe.

Joe Mingelello: Good evening, my name is Joe Mingelello, one of the associated Architects, located at 90 Huntington Street. I would like to begin with just the street level plan. We have two (2) detailed units.
Comm. Harger: Do you have this as a hand out?

Joe Mingeello: They were part of the packet, I submitted them.

Comm. Harger: We did not get ours.

(Richard Schultz handed out the appropriate documents)
(Comm. Members had the Engineer plans they just didn’t have the Architect documents)

Joe Mingeello: Starting with the street level plan. There’s two detail units each 1,000 sq. ft.—the gross floor area for this level is 2600 sq. ft., the balance of it is for a rear lobby, an exit stair on the right hand side and then an exit stair on the left side. So if you are a resident — your property in the back of the building, you can enter the back to go up the elevator. This is the 2nd floor (showing Comm. on street elevation). Total of three (3) apartments at this level and a small office. Two apartments left and right are one-bedrooms and it’s a small studio in the middle and a small office space to the rear.

Comm. Harger: Joe, what is the area to the right of where it says apartment 201? That’s part of the apartment?

Joe Mingeello: Well, the apartment 201 is (seventy-four) 74 sq. ft.—

Comm. Harger: I see it; I got it.

Joe Mingeello: The third and fourth plan, again, are similar in the plan, the apartments left and right are one bedroom. The studio is in the middle and a studio to the rear. So there’s a total of (four) 4 apartments. This is on plans 3 and 4. Then elevation in the building section—the front or south elevation is the street elevation and there’s a combination of brick for the first 2 stories and then to the upper two stories we did stucco. Large corners that wrap around. Everything is very symmetrical about the development. We added some canopies. Then the north elevation which is to the left of that, I’m sorry that’s the rear elevation. And that is the entrance west elevation and east elevation. East elevation faces Shelton Pizza. You will see the West elevation. There’s an empty lot. Then a little building section. There is a full basement on this project for mechanicals or some storage for the tenants and that. Any questions?

Comm. Popoda: So the office that you have on the second floor, what is that to be used for?
**James Swift:** I think Brian knows about that.

**Brian Botti:** I was thinking an office from a Real Estate Broker, but I'm not sure. Something like that, though.

**Comm. Pogoda:** Possibly using for rental?

**Brian Botti:** Possibly, Yes.

**Mr. Matto:** 368 Derby Avenue, Derby. [NOT SURE WHO WAS SPEAKING]

**Comm. Dickal:** Square feet on the apartments?

**Comm. Matto:** They range – the one bedroom’s are in the 700 sq. ft. range and then the studio, I believe is in the 500.

**Comm. Harger:** 580.

**Joe Mingeiello:** 580, correct.

**Comm. Harger:** Are you going to put any signage up saying resident parking only?

**Comm. Matto:** I would think so, we would have to control that, yes.

**Comm. Tickey:** How many parking spaces did you say? So (eleven) 11 plus handicap space?

**Comm. Harger:** So if a unit is not rented out for handicap, does that spot become a regular spot?

**Joe Mingeiello:** Good question because the law says that we have to provide in our design A and B type units. The A is a fully handicap so we have 3 studios that 10% of those studios have to be at AU, which means doors are wired and corridors are wired.

**Comm. Harger:** How many of those will you have?

**Joe Mingeiello:** I will probably have one studio that way and one bedroom.

**Comm. Harger:** So whoever rents that unit will get the handicap spot?
Comm. Tickey: You have to have a handicap permit to park in a handicap space.

Comm. Dickal: Say they rent out to a couple, do you have some runoff where maybe another car can go because most couples have more than one vehicle?

Joe Mingelello: No, I don’t.

Comm. Harger: Do you foresee marketing the two retail to a restaurant because we have several requests after a restaurant goes into facility to have sidewalk tables and what kind of room do we have for that with the front of the building going right on the sidewalk?

Joe Mingelello: I’m sure it will be available to someone in the restaurant business if they want a 2,000 sq. ft. restaurant, parking for that will be on the street, public parking.

Comm. Harger: Right, I’m talking about a request that comes in later on that now they want some tables out in front because people don’t want to eat on the sidewalk.

Joe Mingelello: Jim says that’s also a state highway so chances are seating—they’ll have seating out on the sidewalk.

Comm. Parker: That’s like Amici’s. They put out little café tables.

Comm. Harger: I just didn’t know if you wanted to make that a combination now.

Joe Mingelello: We are sort of locked in now.

Anthony Panico: Joe, you have to be able to rework this front phased.

Joe Mingelello: Yeah, that’s not a problem. We could do that.

Comm. Harger: Is there any reason why you can’t do brick for all four floors?

Joe Mingelello: I would like to see it broken up a little.

Comm. Harger: That town is mostly all brick, so continue that.
Joe Mingelello: There’s really not much difference these days between stucco and brick. Brick’s a little bit more.

Comm. Harger: Sure it is.

Comm. Matteo: I don’t particularly care for the brick.

Anthony Panico: I noticed on your elevation you stopped the -- Does that have to be?

Joe Mingelello: No it doesn’t. We were just thinking about sloping everything off the back.

Comm. Matteo: Will the recycling and trash be in the back too?

Joe Mingelello: Yes.

Comm. Harger: So no access to the apartments from the front and side, just the back?

Joe Mingelello: Just the back.

Comm. Harger: Tony, do you see a problem with the parking spaces and trash?

Anthony Panico: No, it’s a small lot. If it were much larger that this, we would be concerned about turning a car around, but all the spaces are assigned and it’s not generally open to the public and because there being a handicap space there is that safety are that you could back into to be able to turn a car around and maneuver it. It’s a very very tight site.

Comm. Harger: Well, is there going to be a problem with rubbish removal?

Anthony Panico: Probably they would back in. One of the features I commented on the last time we talked about this is when we did some downtown planning and we were anticipating the possibility of a multilevel parking garage in the back, this is about where we had planned a connection out to Howe Avenue. If that were to happen, this plan will accommodate that.

Comm. Parkins: Any other questions?

Comm. Kelly: No.
Comm. Parking: No questions on the Commission. Is there anyone on the signup sheet there? Anyone in the audience that would like to speak on this?

(Person comes forward)

Comm: Parkins: Will you just identify yourself sir for the record, name and address?

Sal Matto: Sal Matto. I own the property at 315 Coram Avenue. I couldn't quite see the plan. It appears to me that there is no connection with the City parking lot, is that correct?

Comm. Harger: This is on Howe Avenue.

Anthony Panico: We’re doing Howe Avenue, near Shelton Pizza. This is not next to you. That’s the next hearing.

Sal Matto: Thank you.

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

Dominick Thomas: Jim would like to wrap up.

James Swift: We are providing and maintaining the parking that’s out in front. The street side parking out there and I suspect what we will do is if and when we approach the State we are going to be striping, those parking spaces out front as well. If we don't end up leasing to a handicap person, we could take those two spaces in back and turn them into two additional spaces and assign a handicap space on Howe Avenue. That's common and that's been done. If we needed to provide a space, we would be then within our rights to remove that and get two parking spaces instead of one and if we ever did give a handicap person come in, we would just put the sign up.

Dominick Thomas: As far as street side handicap spaces, you just have to drive down Elizabeth Street in Derby you will see one on either side, right there as Elizabeth Street gets close to Main Street. Now they have a meter. Also, I have the situation with an apartment complex — actually inside parking – I’m not sure how it was eventually resolved because I just had to do some zoning and taking care of an appeal issue but the inside spaces that were designated as handicap, were only going to be handicap for handicap people.
Comm. Harger: So related to the parking issue, you have (eleven) 11 apartments, you have (eleven) 11 parking spaces. I assume that rent comes with – and that it’s not an extra charge such as the Avalon does where they charge people for parking but the office might present a problem because they will not have parking.

Dominick Thomas: The office will have to park on the street.

Comm. Harger: For the sake of the applicant, they will have to understand that there is limited parking there. There is parking available it’s just not going to be in the front. So if you have retail stores down below, and office people are parking there all day long, they will be blocking access for people to park. So as long as the applicant does not come back and say ‘there’s not enough parking down here.’

Dominick Thomas: I do not have space either; I have to walk a block.

Comm. Parkins: If there are no further questions, I’ll ask for a motion to close.

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

Comm. Parkins: Moving on to:

B. Application 17-07 Dominick Thomas on behalf of 62 Center Street, LLC for initial Development Concept Plan and PDD Zone Change approval (mix use development: 42 apartment units and 4,862 sq. ft. restaurant) 325 Coram Avenue/62-66 Center Street (Map 129D, Lots 50 and 51)

Secretary Harger read call of hearing and correspondences from 1. City Engineer and 2. Fire Marshal (see attachments)

Dominick Thomas: Attorney Dominick Thomas, 357 Main Street, Derby, Connecticut, representing the applicant. Certificates of mailing were sent out. This proposal which you will see in the presentation. This proposal is extremely in line with what you want to see downtown. The buildings are together—there is not a common wall. I have been involved in this case since the beginning and it is very interesting to discuss FEMA and flood flows. When somebody tries to explain as Mr. Swift will, he will explain how we establish flood levels. (Attorney Thomas speaks about the flood of 1955 on record). There is a stone archway. It’s stone material with Coram Avenue on top of it. I am pointing out to you what exists there. Mr. Swift
could explain to you more details – if we were to proceed along the lines of what was suggested, I believe the City, this Commission, would lose the jurisdiction over what happens to the DEEP. The plan we came up with is to reduce the amount of weight on that archway by creating a building around it that has footings on either side. I believe we have addressed the issues and continue to address them.

James Swift: My name is James Swift, Professional Engineer and Landscape Architect. (James Swift shows a screen and demonstrates) Speaking about putting storm wall infiltrators and storm water cyclonic separator. The proposal will not affect anything they are proposing.

Ned Miller: Is it 3 feet above the street level?

James Swift: It tends to follow the Bearing Ground Brook.

Anthony Panico: So if this Commission is never faced with a proposal let’s say at the corner of center and Howe, the first floor retail has to be 3 feet above the road?

Richard Schultz: Yes, it does, Tony.

James Swift: (Continuing to show screen and demonstration).

Dominick Thomas: If this Commission were to see fit, my suggestion is that any conditions relating to Burying Ground Brook should be subject to the appropriate agency.

James Swift: For the record, the landscape plan has been submitted.

Comm. Harper: Would the entrances into the parking garage the part that sits behind Civitellis?

James Swift: Yes.

Comm. Harper: Why would they design it so that you would exit on the side of Civitellis closes to the proposed building – someone coming in on the other side – they would be crossing. So someone could not take a right out?

Anthony Panico: They could but it’s not suggested.

Dominick Thomas: There will be signs.

James Swift: Discussing Porky’s side.

Comm. Harper: Do trucks access that now?
James Swift: They can. There is nothing blocking them. Right now they have access to Coram Road.

Comm. Harper: Are any of the business that abut that property using it to take deliveries or anything, current?

Dominick Thomas: I don’t think so.

Ned Miller: I think beer trucks.

Dominick Thomas: As far as garbage pickup, and stuff like that. This is not going to the garbage truck you think of. Not the trucks. The same size that does the private garbage. Not the Winter’s Brothers big green truck.

Anthony Panico: The rubbish removal system you described will that be for residence and restaurant? What about meat trucks and poultry trucks – how do envision them getting on the site?

Dominick Thomas: Yes. The other trucks will be curbside.

Anthony Panico: A meat delivery truck for the restaurant – it’s not going to park on the street?

Dominick Thomas: Yes it will. They park in front of Archimore’s in Derby all the time. They come in the morning.

Anthony Panico: the transitional period with movers moving into the apartments? Where will they park?

James Swift: Small U-Haul or a small truck.

Dominick Thomas: Not using moving vans.

Comm. Tickey: How many parking spaces?

Dominick Thomas: Forty-four (44). They will be gated.

Ned Miller: So if the parking is secured on the Coram Avenue side like a garage, so when the person comes in will that back up traffic – or is the door recessed into the building?

James Swift: There is an apron – Joe will show you what the distance is.

Ned Miller: You are spanning the brook to take the load off the top of the brook.

James Swift: Whatever is on top of that slab, that slab takes all that weight.

Comm. Harper: Is that something you originally designed, or is that something as a result of the concerns?

James Swift: That is what we showed and proposed.
Dominick Thomas: We will work with Joe and Jim together. We could have access to repairs. The bottom line is, I did not see one part of that arch that was in any way damaged. His concern is increasing capacity.

James Swift: There’s a chance that we can bring all these things up and they could say you want to rip this whole thing out, put in something new and put it back together again.

Comm. Harger: Once you take the building down you will be able to inspect the condition, right?

Anthony Panico: There’s some cover isn’t there from the top of the yards to the existing buildings?

James Swift: It’s well above.

Comm. Harger: 100 year flood.

Comm. Kelly: You still have the same square footage.

Anthony Panico: The City Engineer said it will not handle the 100 year flood. Maybe I didn’t understand the numbers right.

James Swift: He has good points; the current designed has good points. It’s going to be DEEP and we are testifying that we will pursue as we need to. No matter what design was chosen will not change what happens.

Joe Mingelello: Let’s start out with the lowest elevation Center Street plan. Jim has already described how we get in and out, the parking. Our biggest problem was this flood plan elevation of 2 ft. above elevation. We were forced up 3.5 feet. We come up hill and get up our 3.5 feet. We have a bar, an outdoor patio. (Joe is pointing to a screen and explaining the proposal) to service the building, a small service truck.

Comm. Harger: Where would the handicap access be?

Joe Mingelello: (Joe points to access on screen).

Comm. Harger: Will there be a ramp or something?

Joe Mingelello: To the restaurant?

Comm. Harger: Both.

Joe Mingelello: (Joe points to access on screen).

Comm. Harger: The door to the restaurant, a little wider?

Joe Mingelello: Code is 3 feet and then you have to have a couple of feet on the side for someone with a wheelchair. It has to meet all the ADA requirements.

Comm. Harger: You have made accommodations for that?
Joe Mingeello: Oh, absolutely.

Comm. Dickal: The parking?

Joe Mingeello: (demonstrates parking) (demonstrates entrance and a thorough demonstration of the building and elevations) both the elevations carry on Center Street and Coram Avenue. Any other questions?

Comm. Pogoda: What's the height of the building?

Joe Mingeello: The building is 62 feet high and that's to the top of the highest point.

Comm. Harger: Is there any other treatment you could use for these? (Pointing to the screens).

Joe Mingeello: We will probably put a decent decorative grill just for ventilating purposes. Yes, we will do that. We just have to find something acceptable.

Comm. Tickey: Will the sidewalk be the same size that it is now or --.

Joe Mingeello: We are making it wider.

Anthony Panico: The net passage way is about what is there now.

Comm. Harger: You don't show the traffic light pole?

Joe Mingeello: (Showing screen).

Comm. Pogoda: Do you have a garbage shoot?

Joe Mingeello: Down at the lowest level (showing compactors on the screen. (Joe Mingeello is explaining security and mailboxes).

Anthony Panico: Joe, if you have open access to where the mailboxes are, then you have access to where the elevator is also.

Dominick Thomas: No, we have to secure that area off.

Comm. Harger: The mailman has to have access to get in.

Dominick Thomas: The security could be on the outside or there will be a second door.

Comm. Dickal: Lots of people do on-line shopping now.

Joe Mingeello: Does anyone have any other questions? Thank you.

Comm. Parking: Is there anybody else on the sign in sheet that has any questions.

Russell Gillette: Yes, my name is Russell Gillette of 150 Division Avenue, Shelton. I'm concerned about traffic backups. The main entrance is going to back up traffic onto Center Street. The alleyway itself is
not wide enough to accommodate a truck. I don’t see how this is going to be used as a main transportation artery. Traffic traveling down Center Street towards Bridgeport Avenue, the traffic will have to wait. All the housing planned is going to cause significant problems for those who are trying to get on Route 8. Drop off is on Coram Avenue. Pertaining to the width there is no way to add additional parking. The only way you could have a drop off in front of restaurant is to move those spaces from Coram to across the street to restaurant. This traffic is a mess already and I do not see how this development will make things better. We should be trying to make things better. We cannot make things worse for existing residents. Thank you.

Comm. Parkins: Is there anyone else in the audience who would like to speak regarding this?

Pat Civitella: My name is Pat Civitella, 32 Center Street. First, today is Wednesday and I was downtown doing some business in my building and it was around 4:00 and there was absolutely no parking. There is so much congestion no matter what day you go 4:00, 7:00 I’m sure every night is disaster. So you want to add in 42 apartments, commercial space. I just don’t know where all these people are going to park. I think it’s just not a good plan for this property. Since I have owned that property, the driveway, the alleyway, since I have owned that property, has washed out into the sink hole at least 3 times since the years of owning that property. As a matter of fact, the City has had to come in to fill on that driveway 3 times. My basement has been flooded at least 3 times. Regardless of the engineering, there is a problem with that water. That water comes all the way up to my building. When there is a lot of rain and a lot of storms. With all that said, and then it’s going to increase the traffic and the alley way. It’s going to affect my property and Porky’s. With all the additional traffic. You are going to add 42 apartments and if they have visitor’s and guests. My porch has been hit at least 6 times with different trucks. It’s constantly being hit.

Comm. Parkins: Does that alleyway belong to you?

Pat Civitella: The alleyway is a right-of-way. But that porch has been hit at least six (6) times. So what's going to stop any other truck from doing so?

Comm. Parkins: Well, I guess I question that air space if you will of that alley way. So if you own that alley way that’s one thing, but if you only have the right away to the alley way I am wondering the legality.

Pat Civitella: I am only bringing this attention to the Board. There is a lot of problems in that area and parking and traffic is ridiculous. And forget about a Friday after 3:00.

Comm. Parkins: We all need to remember that this is a downtown district.

Pat Civitella: I understand that, but there are other projects that would be a better fit. Okay? Thank you.

Comm. Parkins: Is there anyone else who would like to speak regarding this. For or against? No, no one else. Last call?
Comm. Dickal: My concern is about the amount of traffic. The more we put down there the more cars and I am a firm believer that what we have down there is exciting it hasn't been completed yet. But we're still talking about all the traffic down there. We have to start thinking about traffic and parking because traffic is horrendous down there. No matter how you put it. If we continue the way we are going, we are going to have one big parking lot. There has to be a way we can improve it before we continue to saturate.

Comm. Parkins: Well, if you don't bring people down there, you're not going to bring business down there.

Comm. Dickal: I understand that. I am not arguing that.

Comm. Parkins: We could say no more development down there or we can start addressing the traffic issues.

Comm. Dickal: That's what I'm saying.

Comm. Parkins: No one stops at stop lights anymore, everybody clogs the intersections.

Comm. Dickal: We cannot control the driver's out there.

Comm. Parkins: You're absolutely right. We cannot control behavior.

Dominick Thomas: I would like to address a couple of points because I have addressed them before and frankly you are talking about the traffic it's a conversation we have had numerous years. There is traffic on Constitution Blvd. I can also sit here and tell you that there are communities that would die to have your traffic problem and your parking problem. Because in the downtown you have both and you have people and you have businesses coming downtown. Part of the parking problem results in what people do at the waist down. And the fact that parking for them means you have to be parking right in front of where you are going. Rather than going to this restaurant and parking in front of the Conti building in the public parking and walking a few blocks which you have to do. The other thing you haven't seen as I have seen when I jump on a plane and visit my son and granddaughter. In their neighborhood there are beautiful light streets and beautiful tables. You can try to find a parking spot if you are lucky. They have sections of valet. People don't walk now. It should be lit better. There are solutions different than saying to people 'we don't want more people, we don't want more traffic'. In a downtown area with what you have to deal with Mr. Civitelli and his concerns. I suppose there lesser impact things. But this is a downtown area in downtown Shelton and it has to be developed appropriately. There are 44 off-street spaces. There could be another development that is, has just some retail and a restaurant and no off-street spaces and put a few off-street spaces in the worst situation. Somebody has two cars, the other car parks off street. If the restaurant has an event, then they have valet parking. I guarantee there are a few other places that would love to discussing traffic problems and parking. As far as traffic, go to the meetings in Derby – just go to the meetings. Come and stand in front of my office when there is an accident in New Haven. That concludes my presentation. At this point, I don't see any reason for keeping it open.
On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to close the public hearing.

Comm. Parkins: Now moving on to our last public hearing.

C. SPZC Initiated Text Amendments: Repeal and replace Section 35: Planned Residence District (PRD’s) with Design Residential Development (DRD’s) and amend Section 23: Permitted Uses by adding new use line 1D (Design Residential Development) by allowing said use in R-1A, R-1 and R-3 by Special Exception and prohibited in all other districts.

Secretary Harger read call of hearing: The proposal of the Shelton Planning and Zoning Commission to amend the zoning regulations by repealing Section 35 planned residence district and replacing it with section 35 designed residents development is shown in final draft shown in final draft dated 12/1/16 and revised to 3/15/17 consisting to the following.

a. By amending Section 23 uses by inserting into schedule A, a new use line 1D Design residential developments consisting of single family detached dwellings for one family, subject to the additional requirements of Paragraph 33 and Section 35, the use shall be marked with an E under district codes R1A, R1 and R3 and with an S under all other district codes.

b. Repeal and replace the existing Section 35, Planned Residence Districts, with a new Section 35 titled Design Residential Development DRD, which contains the following: Subsections 35.1 purpose, 35.2 objectives, 35.3 applicability, 35.4 development, 35.5 application procedures and standards, 35.6 minimum open space requirements and criteria, 35.7 ownership, maintenance and protection of open space, 35.8 allowable building sites and adjustments, 35.9 setback requirement, 35.10 setback from exterior non-development area, 35.11 setback from track perimeter 35.12 off-street parking requirements, 35.13 road design and construction, 35.14 utility services and Table 1, lot size, frontage and set back requirements.

Secretary Harger read correspondences from NVCOG, CT DEEP and Conservation Commission. (see attached)

Richard Schultz: Commission has a document proposal of 10 pages and 5 pages of the existing regulations. Tonight we are going to go over the draft and starting on page 1 we will first need to amend Section 23 by inserting a new use line, 1D Design Residential Developments consisting of single-family detached dwellings. Keeping in mind that PRD does allow for multifamily and single family. We are moving ahead with this draft and we are allowing single family detached.

Comm. Parkins: Bringing up points about the detention pond. Wouldn’t it be an accessory structure?

Anthony Panico: You have to set aside 10% if you plan on having a detention pond.

Richard Schultz: I think at the end of the night we are going to say “Staff, take it back to the Zoning Subcommittee and re-examine these issues. Moving on to: B. the minimum requirements of shared recreational facilities. (Richard Schultz continues to read correspondence). C. Allowable number of adjustments. (Richard Schultz continues to read).
Comm. Matteo: I'm just trying to say if it were allowable 20% then you could make it 21%. Why are you starting at 15%?

Richard Schultz: That's the whole objective. Is to go up to 15% to provide an incentive for developments.

Comm. Matteo: Why would you allow 15% more building lots?

Richard Schultz: To generate more open space.

Comm. Parking: You need to meet three (3) of these criteria in order to get that.

Richard Schultz: Once again, the Commission has the final say. (Looking at Exhibits).

Anthony Panico: The bottom line that we are trying to do is encourage the preservation of greater amounts of open space. But we want to do it without penalizing the property owner. We are trying to minimize the impact, the burden of the municipality maintaining these roads.

Richard Schultz: We have to provide the appropriate languages and details. Because if we don't, and we mess up on the first Application, then we did this for nothing.

Anthony Panico: We want to be able to tell them they have to put in public streets.

Richard Schultz: (continues to discuss correspondence).

Comm. Parking: Does anyone have any comments?

Comm. Matteo: The buffer — it might not be the best location for the open space designation.

Anthony Panico: First we have to visualize it and then try to insulate it with open space all around it.

Comm. Harger: One specific development or proposal that precipitated this?

Anthony Panico: No, we had a couple of parties that have talked to us at a staff level, prematurely, indicating they are interested in some parcels of land and what they might do with them.

Comm. Harger: Oh, okay.

Richard Schultz: We tried to do the 10% to 15%. Developers have told staff, "Rick, the PRD doesn't cut it any longer for a variety of reasons, could you re-examine it?" Then the Commission said, "Yes, send it to the Zoning Committee and the Zoning Subcommittee. We believe that repealing it and replacing it makes sense at this particular time."

Comm. Harger: How would this protect some of the projects that are under construction now?

Comm. Parking: Like Perry Hill.
Anthony Panico: That’s the one that comes to me immediately. I think we could have used something like this and accomplished that project without having going through the process of a PRD.

(Commission is discussing amongst themselves, the developing of more property without losing any money and getting more open space for the City.)

Comm. Parking: Alright, there’s no one in the audience that would like to speak, so I’ll just ask for a Motion to continue the hearing.

Richard Schultz: We meet again July 11th

Comm. Pogoda: Just keep it open. The Commission is not bound on time frame.

On a motion to continue the Hearing to July 11 and seconded by Comm. Harger was unanimously voted.

Comm. Parking: Is there a Motion to adjourn?

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to adjourn at 9:53 P.M.

Respectfully submitted,

Sandra Wasilewski
Recording Secretary
06/28/17

TO: Rick Schultz, Administrator
Planning & Zoning Administrator

RE: Application #17-07

Dear Rick,

After a review of the site plan for the proposed mixed use building to be located at #62 Center Street, the following shall apply:

1. For a building permit to be approved, plans including but not limited to: required fire sprinkler systems, fire alarm systems and any other applicable fire protection and life safety features shall be submitted to the Fire Marshal for review and approval.
2. Fire hydrants may be required to be installed. The location of each shall be approved by the Fire Marshal’s Office.
3. The building shall be constructed in accordance with current State of Connecticut Fire and Building Codes and applicable regulations.
4. This office has concerns with the exiting of patrons at the adjacent Porky’s Restaurant into the right of way between their building and Civatella’s Printing. Arrangements should be made to ensure said patrons do not enter into the travel portion of the right of way.

With the aforementioned adhered to, the site plan only is approved by the Fire Marshal’s Office. Should you have any questions please feel free to contact me.

James M. Tortora
Fire Marshal
06/28/17

TO: Rick Schultz, Administrator
Planning & Zoning Administrator

RE: Application #17-06

Dear Rick,

After a review of the site plan for the proposed mixed use building to be located at #523 Howe Avenue, the following shall apply:

1. For a building permit to be approved, plans including but not limited to: required fire sprinkler systems, fire alarm systems and any other applicable fire protection and life safety features shall be submitted to the Fire Marshal for review and approval.
2. Fire hydrants may be required to be installed. The location of each shall be approved by the Fire Marshal’s Office.
3. The building shall be constructed in accordance with current State of Connecticut Fire and Building Codes and applicable regulations.

With the aforementioned adhered to, the site plan only is approved by the Fire Marshal’s Office. Should you have any questions please feel free to contact me.

James M Tortora
Fire Marshal

SUBMITTED TO
JUN 27 2017
PLANNING & ZONNING
June 26, 2017

Shelton Planning and Zoning Commission
c/o Mr. Richard D. Schultz, AICP
Planning and Zoning Administrator
54 Hill Street
Shelton, Connecticut 06484

Subject: Repeal Section 35: Planned Residence Districts and replace with new Section 35: Designed Residential Developments allowed in R-1A, R-1, and R-3 zones

Dear Commissioners:

Thank you for notifying this office of the proposed zoning regulation amendment noted above. Acting as the Commissioner’s staff, our office has reviewed the amendment for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA), and we find it to be consistent with the CCMA.

We generally support the establishment of the Designed Residential Development (DRD) overlay zone, as its purpose is to encourage the preservation of open space, agricultural lands, forests, and wildlife habitat by providing for a departure from traditional lot area, shape, and frontage requirements. We especially support the flexibility to allow for narrow road widths and the use of permeable pavement materials, both of which will result in better stormwater management and improved water quality.

With respect to public access, we note that proposed Section 35.8(c)4 would provide for a buildable sites increase of five percent if the DRD provided public access. This provision becomes particularly important if a DRD is proposed at a waterfront site along the Housatonic River. Shelton’s Plan of Conservation and Development (POCD) has identified the Housatonic River as an important coastal resource that should be reserved for river-related uses with some form of public access. There are several R-1 and R-3 zones located along the Housatonic River, and any subsequent development of a waterfront parcel as a DRD in these zones would be subject to a coastal site plan review to determine, in part, the site’s suitability to provide a water-dependent use, including public access. Accordingly, we recommend that Section 35.8(c)4 state that any public access provided in order to render a riverfront parcel’s DRD development consistent with the CCMA and the Shelton POCD should not be eligible for the five percent buildable sites increase. We also recommend that the Commission mandate that public access ingress and egress be provided via a public street, so that the general public can readily access the site (Section 35.13).
Please be advised that this consistency determination is based on coastal management considerations only, and does not necessarily reflect other municipal planning and zoning considerations which may apply. These comments are made in response to the review requirement contained in Section 22a-104(e) of the Connecticut General Statutes, which requires that notification be sent to the Commissioner of Energy and Environmental Protection at least 35 days prior to the commencement of the public hearing. Once notified, our office is responsible for reviewing the proposal's consistency with the policies of Section 22a-92 and the criteria of Section 22a-102(b) of the CCMA.

Should you have any questions regarding this letter or any other coastal management or Long Island Sound matter, please feel free to contact me at 860.424.3621.

Sincerely,

Mary-beth G. Hart
Environmental Analyst 3
Land and Water Resources Division

MbGH/h
STAFF REFERRAL REPORT

TO: Planning & Zoning Commission, CEO, and City Planner of Shelton, South Central Connecticut Council of Governments (SCCOG), Connecticut Metropolitan Council of Governments (METCCOG) and Naugatuck Valley Council of Governments (NVCOG) Regional Planning Commission (RPC) representatives

FROM: Joanna B. Rogalski, Regional Planner, NVCOG, 49 Leavenworth Street, Suite 303, Waterbury (203-757-0535)

DATE: June 26, 2017

FILE NO.: SHEL-47-060217-Z
MUNICIPALITY: Shelton
DATE RECEIVED: June 2, 2017
TYPE OF REFERRAL: Zoning

DESCRIPTION OF PROPOSAL:
The Shelton Planning & Zoning Commission has initiated a Text Amendment to Repeal and Replace “Section 35: Planned Residence Districts” with a new “Section 35: Design Residential Development” and amend “Section 23 – Permitted Uses” inserting into Schedule A – Permitted Uses and new text for “Use Line 1D” to read “Designed Residential Developments consisting of single family dwellings for one (1) family subject to the additional requirements of Par 33 and of SECTION 35” with said use line marked with an “E” under District Codes R-1A, R-1 and R-3 and with an “X” under all other district codes. The new text for “Section 35 - Design Residential Development (DRD)” is nearly verbatim the previous “Section 35 - Planned Residence Districts (PRD).” The new DRD text replacement includes the following:

1. The DRD is granted by Special Exception.
2. If fee-simple lots and/or public streets are proposed, then the proposal shall conform to the City of Shelton Subdivision regulations.
3. Mandate the use of private roads to be owned and maintained by the Homeowners’ Association.
4. Commission may request one or more proposed streets be dedicated as public to foster continuity with City-wide street circulation.
5. Maintenance of water drainage facilities associated with private roads to be included in the Homeowners’ Association Covenant, subject to Commission’s approval.
6. Specify the use of permeable “pavement” materials.
7. Setback for lands owned in common to be 30 feet.
8. Setback form “tract perimeter property line” to be 75 feet.

STAFF RECOMMENDATION:
Staff finds the proposed text amendments to be regionally significant with minimal inter-municipal impacts. Staff suggests the following zoning text sections be revised to correspond with the repeal and replacement of Section 35:
1. Section 21.1 – remove references to PDD, add references to DRD
2. Section 21.3 – remove description for “Planned Development District” and replace with description for “Design Residential Development”
3. Appendix – remove reference to “Planned Development Districts (PDD) Inventory” and, if applicable, replace with “Design Residential Development (DRD) Inventory.”

Regarding the text revision for Section 23, staff questions if the term “Par. 33” was meant to be “Section 33” which describes requirements for Special Exceptions. Staff suggests “Section 35.8.c. Allowable Number of Adjustments” include clarification on two points:
(A) Adjustment to allowable building sites will not exceed ten (10) percent or fifteen (15) percent? Ten percent is written but fifteen percent is enumerated.
(B) After the first 5% adjustment, are additional 5% adjustments made to the original number of allowable building sites as calculated in Section 35.8.a, or to the running total after subsequent 5% adjustments?

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may submit a reconsideration request to the Regional Planning Commission for further discussion of the findings.
City of Shelton
Shelton Conservation Commission
54 Hill Street, Shelton, Connecticut 06484

6/12/2017

Ruth Parkins, Chair
Planning and Zoning Commission
54 Hill Street
Shelton, CT 06484

RE: Draft Designed Residential Development Regulations

Dear Ms. Parkins:

This Commission reviewed the draft Designed Residential Development (DRD) regulations, which would replace the existing Planned Residential Development (PRD) regulations, as revised on March 15, 2017, and offer the following comments:

1. The regulations should state explicitly that areas used for detention ponds should not count towards the required open space acreage.

2. On Page 4 “Ownership”: The City of Shelton should be listed as a possible owner of the new open space. The proposed regulations don’t explicitly provide that option, but assume open space will be privately owned. The Commission disagrees with recent efforts to avoid Public Open Space properties.

3. On Page 6 there is a contradictory typo: “ten percent (15%)”.

4. On Page 5, for conservation easements, the standardized language from the City’s Conservation Easement Ordinance should be used. Standardized language would be consistent with the stated objective of efficiency in Section 35.26.

5. Section 35.11 requires a 100-foot open space buffer around the entire development, except next to abutting open space, where no new open space is required. This section should be deleted in its entirety. This requirement would lead to open space configurations with less conservation and recreation value than larger blocks, especially for those areas that are contiguous to abutting open space. It would also push homes back away from the street and potentially closer to existing conservation areas.

6. Construction of private roads, detention basins, and other improvements in the private development should be subject to the standard bonding requirements.

Sincerely,

Tom Harbinson, Chair