

SHELTON PLANNING AND ZONING COMMISSION MINUTES

SHELTON PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD WEDNESDAY, SEPTEMBER 27, 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
Ned Miller, Alternate, Absent
Jimmy Tickey
Elaine Matto
Charles Kelly

Also Present: Richard Schultz, AICP, Planning and Zoning Administrator
Anthony Panico, Consultant, Absent
Sandra Wasilewski, Recording Secretary
Pat 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 7:00 PM.

II. Pledge of Allegiance

Chairman Parkins asks for a moment of silence in the memory of John Welch who passed away on Monday.

III. Roll Call

Chairman Parkins identified members present.

IV. Public Hearing

Application #17-16 , Key Development, LLC for Special Exception Approval (conversion of two family to three family dwelling), 1-3 Lakeview Avenue (Map 129A, Lot 47), R-5 District

Comm. Harger: (Reading the Call of the Hearing regarding Application #17-16 along with two pieces of correspondence dated September 22, 2017 addressed to Richard Schultz)

Dominick Thomas: Good evening, Attorney Dominick Thomas, 315 Main Street, Derby, CT representing the Applicant in this matter. This Special Exception is a Permitted Use within the zone and your zoning regulations. The three-family house is permitted within the zone under Special Exception. The notices were sent out and the green cards and those returned to us have been presented to your Planning & Zoning Administrator. I passed out certain things ahead of time and the first thing I will point out is your section 33.4, is your general considerations for any Special Exception. This type of Special Exception has no additional considerations later on in the regulations. The first one that you consider is the size and intensity of the Proposed Use. The structure is existing; the area is a mixture of single and multi-family residential uses. So the intensification is simply the additional parking and therefore, is certainly not out of character with the neighborhood. The property will be well above standards despite comments of the City Engineer which I'm not sure what plan he was looking at but we will show you that easily, I'll adjust two spaces per unit. The addition of one single, one-bedroom apartment will not have any impact upon traffic. We are not going to contribute to the problem; the problem already exists as you could see in the photograph. The property has been substantially approved by my client. In addition to that, you may know that the client purchased the end lot and has built and is under contract to sell, a very nice house, which I could show you pictures, which will enhance the value of the properties on the street. The #5 (pointing to map) is the number and location and arrangement of off-street parking spaces and particular access to the Lot. The particular access is normal driveway. Most of the properties on this street do not have sufficient off-street parking and there's a lot of on-street parking. This will have six; off-street parking spaces and it will be fully compliant more so, again than the other properties on the street and fire and police protection needs the addition of a single apartment, will have no impact nor erosion or sewage problems. The next thing I did is I gave you a sense of the neighborhood; I gave you an 11x17 with an 8 ½ x 11 stapled to it. The 8 ½ x 11 identifies the neighborhood multi-family houses that you can see there. So as you can see, this neighborhood, the circle represents the neighborhood. The circle also represents that you have a down-grading very much down grading but abutting this property you have a condominium complex. So it's a mixture of multi-family, but once you get up to this level, as you could see the total of eleven, single family, seven, two-family, three, three-family and one six-family. So it's a typical, older urban valley neighborhood of mixtures. To address the parking issues – (Attorney Dominick Thomas is pointing to maps).

Comm. Parkins: So according to this map that the City Engineer provided, there is a 10 ft. slope down to where the parking is? Did you get a copy of the map?

Dominick Thomas: No, I only received a copy of the letter.

Comm. Parkins: So has that already been filled in?

Richard Schultz: No.

Comm. Parkins: Where is that area in terms of the grade?

Dominick Thomas: There is a slight grade down. As you could see, also a drain put in, so Mr. Schaible did, is he took from the Engineer's Site Plan which was already done in the past, showing this with the guard rail.

Comm. Parkins: So there was an approved Engineer's Plan to create that parking?

Ken Schaible: Ken Schaible, Key Development, LLC., Shelton CT. We've owned the property for about two years. It was a two-family, five-bedroom home. It had three bedrooms on the second and third floors a one bedroom on the first floor and a bedroom in the basement with a walk out, a kitchen but no bathroom. So what we want to do is convert this to a three-family, five-bedroom home. The second and third floors will remain the same; the first floor and the basement will be separated from each other therefore the first floor will be a one-bedroom apartment. The basement will become an efficiency apartment. It does have windows on three sides. We have the original Site Plan that was done by Jim Swift which was approved by the City Engineer and the grades on the Surveyors Map, which I gave to the City Engineer two days ago in response to his letter, which apparently he wrote in his office without ever going out to the site, shows that the grades that exist there today are within six inches of the grades that were on the approved Site Plan, that his office approved, nearly two years ago. All we are doing now is taking that approved Site Plan and expanding the parking area a little bit to accommodate the two additional parking spots to create the third one. We are not changing the outside structure of the home; all we are doing is making minor changes to the parking area to expand it for six parking spots.

Comm. Pogoda: How many bedrooms?

Ken Schaible: Five.

Comm. Pogoda: How can it be five when you have three bedrooms on one—.

Comm. Parkins: So is the second and third floor one apartment – okay, it's like a loft.

Ken Schaible: The second floor plus the attic finished is one apartment. That's three bedrooms. The first floor is one bedroom and the walk out basement is one.

Comm. Parkins: Why is the first floor smaller?

Ken Schaible: It's not; the houses are sitting three levels up.

Comm. Parkins: I see. So where the new parking lot ends, is that where the steep drop off is?

Ken Schaible: After that it slopes down.

Dominick Thomas: That steep grade, the City Map, what you see here is this is what's been done. All that's going to happen is that it will come out six ft. I don't think that the City Engineer was aware that this was already done.

Ken Schaible: The assistant Engineer came out and looked at the site. Tony and Rick came out to look at the site. No one had any issues with it.

Comm. Parkins: So there was a two-car garage.

Ken Schaible: There was. The lot was split up. That home has 3 parking spots as well.

Comm. Pogoda: Ken, I was out to this site, there's not much maneuvering for six cars.

Ken Schaible: Again, we are going to be expanding it so we could accommodate that and a little more room.

Comm. Pogoda: I could see that being an issue.

Dominick Thomas: The bottom line is, a property owner has a right to clear his own property. The fact of the matter is you could go to every single property on that street and say what limited, off-street parking they have – in this case here, you have tenants. The landlord is going to be responsible for getting that snow out at the appropriate time. Most of the neighborhood, if they were required to comply with your parking, a good portion would have difficulty. This is a new house, which will have six, off-street parking spaces. If you look on the street, you will see most of the people parking – in fact there are people on the street that park in front of this property because they don't have enough parking spaces on their own. But this will add six spaces. If it snows really bad, this property may and some other people might park in the street for a while, while you clear the snow; that's the reality; it happens in condos and everywhere else where you have parking.

Comm. Dickal: But this is not a condo we are speaking about, so if you are renting, a lot of landlords make the tenant responsible for shoveling themselves out. So that is a concern?

Dominick Thomas: Why?

Comm. Dickal: Because when you go down there, I was down there today, I can't imagine all those parking spaces – being able to back in and back out.

Dominick Thomas: There is no issue with how people park. The fact is, the valuable piece of this property is that there is a paved area where six cars can park off-street.

Comm. Kelly: Before the renovation it was a two-family house – where were they parking then?

Ken Schaible: There was a garage but it was not usable.

Comm. Kelly: So the residents of the house will be parking on the street, am I correct?

Dominick Thomas: Yes.

Comm. Kelly: So now with the renovations and with the parking, they will be parking -.

Dominick Thomas: This is a street view Google Maps. Now the garage is down.

Comm. Kelly: So when the new house was being constructed there wasn't any problem with parking or anything like that?

Dominick Thomas: The new house has three spaces.

Comm. Kelly: Well actually it has two; you can't really park in the front. I mean you can but there is no place to turn around. I mean it's a one car garage and you can park in the driveway.

Dominick Thomas: And along the left side.

Comm. Kelly: But you can't really park out in front.

Comm. Parkins: So next to the garage.

Comm. Kelly: Okay, that answered my question; it created more parking spaces.

Comm. Parkins: Any other questions.

Maria Marino: I live at 14 Lakeview Avenue. I did not get a letter, I heard about the letter from a neighbor. There is no hardship for this. The six-family; they are not allowed to park in the driveway its off street parking. The three- family that's across the street, they park in the street, they don't park in their driveway. The three-family that's across me, parks in the street. As for making this parking, there is no guarantee that whoever buys this house that the landlord is going to require that they park there. Also it's not only for the people who live there, what about a visitor. I cannot even get out of my driveway. If you make this a three-family, we are going to have a problem here, especially when it snows. The width is only 50ft. I'm having a very hard time just getting in and out of my own parking lot. There's no hardship there just remaining a two-family. If you want to park in your driveway, then you have to pay extra rent and if you don't want to pay it, then you have to park off-street. There's no guarantee that they are going to be using this parking spot. If it's going to snow, it will be worse because there is no place to put the snow. There will be an issue for the garbage trucks and recycling.

Comm. Parkins: Just to clarify, they are not siting a hardship on this Application for our Zoning Regulations. If they were siting a hardship, that would be for the Zoning Board of Appeals, but thank you.

Elaine Wood: I'm Elaine Wood. I live at 6 Lakeview Avenue. I certainly share the concerns. We do have a driveway and we are the turn-around spot on the street. As far as trash and recycling, that is a big issue. Four of my neighbors put their bins in front of my house without permission because there is nowhere else to put them and could you imagine putting three more sets on the street. The parking pad we'll call it, some of you may remember on the other side of the ravine, a house actually fell down the hill. It's steep and unstable. I would hate to see that parking lot fall down the hill especially if you are thinking about plowing the snow down. Thank you.

Robert Wood: Good evening my name is Robert S. Wood, I live at 6 Lakeview Avenue. The previous speaker was my wife. I am also concerned about the parking. There's an overfilled dumpster in the driveway – hazardous. I doubt that there will be spaces for six people for six cars in the parking lot. Mr. Thomas and Mr. Schaible brought up the house towards the end, but that's for another day. They got a waiver for another 25 ft. and 15 and I doubt that it's 15 but that's for another day. I am concerned about the parking and trash recycling and where is the snow going to go. If the snow goes in the driveway, it's going to take up parking spaces and when it melts, it's going to erode the already tenuous slope that they have. It is covered with rocks but the rocks are unstable. I am concerned about the erosion and the parking. Thank you.

Mary Ann Cacchillo: Mary Ann Cacchillo, 4 Lakeview Avenue. I agree that the parking lot maybe will accommodate four cars at the most. The snow is an issue. I was a teacher here in Shelton. Good thing because they had to send a small up to get the snow and on snow days, I

would have never been able to make it out we would have to shovel the street. The garbage cans, the trucks are very big. Garbage we have to put in front of our neighbors. Also the mail boxes. The drainage for the street is part of the driveway. It will be a horrible to make that a three family. I've been here for 45 years and a teacher and a nurse lived there – it was always a two-family. Definitely the parking is horrendous. I would really appreciate you going out and look at it. I should have come when they originally said could they have that waiver for footage in front.

Comm. Parkins: Do you have a two-car garage?

Mary Ann Cacchillo: I have a one-car garage but my driveway accommodates two. I have my son's boat in the driveway.

Comm. Parkins: So you are parking on the street?

Mary Ann Cacchillo: Yes, now I am. Thank you for listening and I appreciate you going to the street.

Comm. Parkins: That's all that was on the sign-up sheet, anybody else in the audience have further questions for the Commissioners? How long has the house been vacant?

Ken Schaible: About seven years before I bought it and I have been there for two years.

Comm. Parkins: So it's been vacant for about nine years.

Comm. Dickal: When the recyclable gentlemen come down, where will they be able to turn? They will back down? It needs to be taken into consideration.

Comm. Parkins: I understand it has been vacant for nine years.

Dominick Thomas: They get used to it. The Chairman responded to one of the questions, this is not a variance, it's actually a permitted use and we just have to comply with the things I went through. As far as the houses going into the river, the slope is totally stabilized, wood chips and junipers. This is an engineered slope and approved by Engineers. The only comment I can make to the reference who talked about rocks, is on the right hand side as you drive into the parking area there is a slope that has been stabilized with stone. That is not a slope going towards the ravine, the slope going down towards the ravine is stabilized. When it gets down farther it is still stabilized then it gets flattened out. You cannot compare this Application to a vacant house. You could compare it to the fact that you have two apartments, three bedrooms with appropriate parking, I'm sorry, with no parking, or you have this set up with parking that complies. This is not to be compared to a vacant house. As I explained, the considerations that you must go through for Special Exception, I think we have complied with all of them. Thank you very much.

Comm. Kelly: Assign parking?— each one would be guaranteed a parking space.

Richard Schultz: Yes, that's the language we have been talking about with our multi-families.

Comm. Harger: One thing this does not accommodate though is spaces for visitors.

Dominick Thomas: This is a Special Exception Application so, it's recorded on the Land Records so if you put that in as a condition, then it is recorded and then it becomes subject to the Special Exception Application recorded on the Land Records.

Comm. Parkins: Thank you.

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

Comm. Parkins: We won't be voting on this tonight. The next meeting is on October 10th at 7pm. The Agenda will be on line.

V. Other Business

A. 8-24 Referral: Constitution Blvd. North: realignment of road

Paul DiMauro: (Paul DiMauro, Director of Public Works is handing out maps) As you are all aware, the City of Shelton has been working this particular roadway for quite a few years. As far as road construction costs will be dramatically reduced. You are actually putting less black top down. You still have to acquire properties. We explored coming down Cots Street. This makes the most sense – going through.

Comm. Harger: What is the green circular part (pointing to the map)?

Paul DiMauro: It's just a grading thing – sloping rights going through that area.

Comm. Parkins: Will that be a steep grade.

Paul DiMauro: Well, no. This could not have been built without putting a bridge in or a massive amount of construction.

Comm. Parkins: So the beginning of Constitution Blvd. North down near River Road, that's like a 10% grade.

Paul DiMauro: Pretty similar to that.

Comm. Parkins: So you would be opening this up; this would be a four-way intersection there now with Cots Road.

Paul DiMauro: A four-way intersection there. If you go up to Cots Street, there is a heck of a rise coming up Cots Street and there is no reason for it to be there; that whole area could drop.

Comm. Parkins: Was this done by Hacks?

Paul DiMauro: Well I have working with Hacks using this method.

Comm. Harger: (looking at map) This just terminates right now no turn around?

Paul DiMauro: The good thing about going this way is that you ending up creating an area as you see in the areas, you end up with almost about five acres of land that the City will be able to either market or develop for a project.

Comm. Matto: So you have to buy these two lots here (pointing to map)?

Paul DiMauro: You have to acquire, yes.

Comm. Parkins: Isn't that all rock?

Comm. Kelly: Just about.

Paul DiMauro: This is not going to be as bad as what you saw going on at Big-Y.

Comm. Harger: Well, years ago, Route 8 was Bridgeport Avenue and Route 8 used to go over the Merit Parkway – that is where the Good Humor truck would be.

Paul DiMauro: Doesn't make sense to put a bridge up here.

Richard Schultz: Did you say the linear length of this?

Paul DiMauro: No, I didn't calculate it.

Comm. Parkins: Is there a stream or something that goes under that?

Paul DiMauro: That will be part of the drainage system.

Comm. Kelly: So you pipe it?

Paul DiMauro: Yes.

Comm. Parkins: Just to back up, we didn't approve a buffer on Bristol; we approved an 8-24 Referral for the City.

Paul DiMauro: Wrong terminology, that's what it's for, basically. There are also wetlands there.

Comm. Harger: Again, the definition of a wetland is soil composition not that it might have a pond.

Comm. Parkins: How wide is this road going to be?

Paul DiMauro: Fifty feet I would imagine; consistent with what we have now. Sorry I wasn't here last time when it was on the agenda.

Richard Schultz: Commissioners want a summary or are you all set?

Comm. Parkins: Thank you for explaining this to us. It's always helpful.

Richard Schultz: (Reading Summary-Recap)

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted for a favorable consensus for 8-24 Referral: Constitution Blvd. North: realignment of road.

VI. Adjournment

On a motion made by Comm. Dickal, seconded by Comm. Tickey it was unanimously voted to adjourn the meeting at 8:05 PM.

Respectfully submitted,

Sandra Wasilewski

Sandra Wasilewski, Recording Secretary