

SHELTON PLANNING AND ZONING COMMISSION MINUTES

SHELTON PLANNING AND ZONING COMMISSION MEETING HELD

SEPTEMBER 12, 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
Jimmy Tickey
Elaine Matto
Charles Kelly

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

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 7:04 PM.

II. Pledge of Allegiance

III. Roll Call

Chairman Parkins identified members present.

Application #2202 – Nancy Roy Collins, 66 Huntington Street for business

Richard Schultz: This is the older Montanaro house next to the restaurant. This is the last occupant. This is for Nancy Roy Collins Real Estate, LLC. They are going to lease 612 sq. ft. Sixty-Six (66) Huntington Street. This is the last occupant for that two-story.

On a motion made by Comm. Tickey, seconded by Comm. Harger it was unanimously voted to approve business on App. #2202.

Application #2210 and #2209 – Related Properties, 876 Bpt. Ave. for business and sign.

Richard Schultz: We will do the next two together. Dress Barn occupied 2 separate store fronts. As I advised the Commission, the name has changed to Roz & Ali, women apparel.

They have received 2 separate addresses 874 and 876. The use is women's clothing apparel. They have 5 employees. The hours are 9-9 Monday Through Saturday. Sunday is 10AM to 5PM. Previous tenant Dress Barn is the sign replacement.

Comm. Harger: Dress Barn still owns the name as far as I could remember from the article.

Comm. Parkins: Is it all one because Dress Barn was Dress Barn.

Richard Schultz: It's one.

Comm. Harger: Two separate store fronts?

Richard Schultz: Two separate store fronts. They are connecting.

On a motion made by Comm. Tickey, seconded by Comm. Harger it was unanimously voted to approve business and sign on App. #'s 2210 and 2209.

Application #2071 – R. D. Scinto, 100 Beard Sawmill Rd. for business.

Richard Schultz: Previous tenant was Clinton. It is an event planning office occupying 1,275 sq. ft., 3 employees 9AM to 6PM Monday through Friday.

On a motion made by Comm. Harger, seconded by Comm. Pogoda it was unanimously voted to approve business on App. #2071.

Application #2070 – R. D. Scinto, 100 Beard Sawmill Rd. for business.

Richard Schultz: Also replacing a portion of the Clinton occupancy, Story Teller's Ad Agency. 975 sq. ft., 3 employees Monday through Friday 9AM to 5PM.

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to approve business on App. #2070.

Application #2220 – Vitec Videocom, Inc., 14-16 Progress Dr. for business.

Richard Schultz: Vitec is occupying space previously occupied by Panoram Inc. Vitec is battery manufacturing with some warehouse space. Fifty-Thousand sq. ft. and the hours of operation are from 7AM to 8PM, Monday through Friday.

Comm. Pogoda: Rick, is it Vitec or Viatec?

Richard Schultz: Vitec, excuse me.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to approve business on App. #2220.

Application #2160 – Better Building, LLC, 27 Long Hill Ave., 2nd floor for business.

Richard Schultz: The Commission Tabled this. This is about the tenant who went in without the proper permits. I tried to get the property owner tonight to no avail. This is Better Building Performance, LLC., the home energy company installation and general contractor. They occupied the second floor of the detached garage which is just west of the pizzeria. It's 150 sq. ft., 2 employees, hours of operation are 9AM to 5PM and 6:30 AM to 5:30PM Sunday through Saturday. They also store their materials on the first floor which has overhead doors, 2 vans, 1 box truck and 3 SUV's which are parked where the three-family house is.

Comm. Parkins: Using as a contractor storage yard.

Richard Schultz: The big issue is the gate that is left open, they want the gate closed. The occupant of Better Building Performance, I would say, because people are coming in for the pizzeria. They have no problem with the Commission making that a condition to talk to the owners. Obviously it's an emergency situation.

Comm. Parkins: Did we take into consideration parking?

Richard Schultz: You have the owner that occupies, he's a landscaper. It's a good fit; it's just that we have an issue with the gate.

Comm. Harger: So was it the landlord who was opening up the gate?

Richard Schultz: Yes, the landlord is aware of it to facilitate the pizzeria.

Comm. Parkins: They should be directed to park in their own area.

Richard Schultz: It's a safer area; you could get by the gate. The owner wants to free up the space because of a lot of take out. The owner wants to free up the space.

Comm. Parkins: The owner of this business?

Richard Schultz: No, the owner of the pizzeria.

Comm. Parkins: I am talking about the owner of this business.

Richard Schultz: No, this one's all on site.

On a motion made by Comm. Harger, seconded by Comm. Pogoda it was unanimously voted to approve business on App. #2160.

Application #2221 – Joseph Coci, 1 Waterview Dr. for business.

Richard Schultz: This is the large building complex, Waterview. This is the office with administrative and the owner does not want to say the name. This is an area of 34,000 sq. ft., Monday Through Friday 1AM to 6PM.

Comm. Tickey: What kind?

Richard Schultz: Offices and administrator. It's so competitive out there now.

Comm. Parkins: Just office and administrator for 34,000 sq. ft.?

Richard Schultz: Yes.

Comm. Kelly: Enough parking for that?

Richard Schultz: Yes.

Comm. Parkins: It could be a call center of some sort.

On a motion made by Comm. Kelly, seconded by Comm. Tickey it was unanimously voted to approve business on App. #2221.

Application #2204 – Cellular Sales of CT, LLC, 405 Bpt. Ave. for business.

Richard Schultz: This is Split Rock and occupying 2500 sq. ft. 8 employees, 9AM to 9PM, Monday through Saturday and 11AM to 7PM, Sunday - retail of cellular phones and accessories.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to approve business on App. #2204.

Application #2207 – Claris Const., 65 Trap Falls Rd. for business.

Richard Schultz: We are accepting the Application. This is for the occupant. We are going to table.

Comm. Parkins: Temporarily table.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to temporarily table business on App. #2207.

Application #2223 – Sign Pro, 10 Constitution Blvd. S for sign.

Richard Schultz: This is the Santo Technology on the bottom of Constitution Blvd.

Comm. Harger: They are changing the sign.

On a motion made by Comm. Kelly, seconded by Comm. Pogoda it was unanimously voted to approve sign on App. #2223.

Application #0008 – J. Dedovic, 888 Bpt. Avenue for sign.

Richard Schultz: This one took a year and a half. This is the old pizza restaurant next to Stop & Shop, Outpost. Ultimately, it went to Legends Pizza and I tried to download and it's Legends Pizza now.

Comm. Tickey: It's the Legends in the bold lettering.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to approve sign on App. #0008.

Application #2224 – Carol Gambel, 9 Soundridge Rd. for in-law.

Richard Schultz: I am passing out the information. The footprint is in yellow the floor plan is on the second page and the 3rd page is the photograph using same vinyl siding. When you are looking at the house, the addition is going on the left hand side where you see the chimney. They are saving the chimney.

Anthony Panico: The existing house is here? (Looking at the photograph)

Richard Schultz: Right here, L- shaped. They are interconnected to the main house. It's a fancy in-law and they have an enclosed porch for the summer. Christine Gamble, the mother is going to be occupying the house. It's 826 sq. ft.; you are allowed up to 900.

Comm. Harger: The windows on the left side are the chimney?

Richard Schultz: They are closing it off, they have to.

Comm. Harger: Any exterior access?

Comm. Kelly: You have to have exterior access.

Richard Schultz: Yes.

Anthony Panico: City sewers?

Richard Schultz: City sewers and public water.

Anthony Panico: Is the driveway proposed.

Richard Schultz: Proposed.

On a motion made by Comm. Pogoda seconded by Comm. Harger it was unanimously voted to approve for in-law on App. #2224.

Application #17-06, Dominick Thomas 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 (public hearing closed on 6/28/17)

Anthony Panico: Do we need any drawings? We did our final review and wrote up a favorable resolution. One thing that came up when I was doing their final review over the weekend is that their density was not in conformity with regulations. Nobody knew how they got to the numbers. You will see as I read the Resolution that there is a reduction that's required. The bottom line is there will be approval with modification with density from 11 down to 7. In the event that the applicant is not able to work with it, then they will go back and pursue an alternative.

Comm. Parkins: Handicap parking raised an issue.

Anthony Panico: That will not be an issue anymore. May result in one less story.

Anthony Panico: (Reading Application description).

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to move for resolution for Special Exception Approval on App. #17-06.

Comm. Harger: On that same page, page 4, it's required by Commission, samples shall be provided?

Anthony Panico: Sometimes we leave it optional if the Commission thinks they understand it, sometimes we request it.

Comm. Harger: Changed to seven studios? Is there any other configuration that we could use?

Anthony Panico: That's the maximum. The applicant knows what the standards are and the regulation. If he goes to one-bedroom units, he will lose units and that will be up to them.

Comm. Matto: Why does he lose?

Anthony Panico: Because of the density factors. We have three different categories. We have efficiencies and one bedroom with elderly occupancy and studios for non-elderly and we have one bedroom for non-elderly and density varies.

Richard Schultz: This is the first Application with these new regulations. If staff hears back from the applicant that it's not working, we are going to let the full Commission know.

Anthony Panico: Actually those numbers are good. But we may want to go back and re-examine those numbers. Are we being too rigid? Slightly higher density?

Comm. Matto: The density is based on sq. footage.

Anthony Panico: Square footage of the lot. They only have a 10,000 sq. ft. lot.

Richard Schultz: More for elderly.

Comm. Kelly: Tony, could they go higher?

Anthony Panico: No, there will be an elevator.

Anthony Panico: It will be nice to see the building stay 3 stories. I would hate to see it a single family flat; that would be totally out of character.

Comm. Matto: What kind of roof?

Anthony Panico: Flat roof, at the present time.

Roll Call

Resolution passes unanimously

Application #17-07, Dominick Thomas on behalf of 62 Center, 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), (public hearing closed on 6/28/17)

Anthony Panico: This is the first opportunity as a Commission to discuss this project.

Richard Schultz: (showing large maps)

Anthony Panico: The one thing that I got loud and clear from talking to the Commissioners is that the existing driveway that is continued to use into the site is very narrow and awkward. If he is not able to acquire the property and do a nice driveway, then the next best thing is widen and approve it. The Architect is confident that we could make the building work; the Engineer is confident that we could make the in and out driveway situation. In the event that this Applicant is successful in negotiating the acquisition of the adjacent building, then the building could be removed, a good driveway could be designed where the existing one is, then this building could be expanded. The Architect discussed with us at staff level that there's a lot of advantages. There some additional retail space, a half a dozen apartment units that could be created, provided they could acquire the property at a reasonable price. We have a proposal before us and we have to make a decision. Ginny, you had expressed interest in trying to acquire a right away through the adjacent property in order to hook up to the city parking lot that exits onto Howe Avenue. We had some discussions with the Applicant's professionals about it. Attorney Thomas does not think that is a doable thing, mainly because that property owner is opposed to that project. He is not apt to be very cooperative in working out some kind of a cross easement and that would mean the City would have to get involved and I don't think that the City wants to get involved.

Comm. Harger: So the footprint of the building will be reduced.

Anthony Pogoda: There is a lot of room between the floor and the restaurants. He would have to take some space out of the restaurant but I think it is doable. The Architect is confident.

Comm. Harger: So the parking is not.

Comm. Parkins: It requires a little playing around with things.

Richard Schultz: Jim, could you advise staff, not the Commission what the status is?

Jim Swift: We will have to work this out with DEEP.

Richard Schultz: That will be continued?

Jim Swift: Yes.

Anthony Pogoda: Getting back to widening the driveway, you could take 5 or 6 ft. off of that building.

Comm. Harger: I would hate to have it be like a tunnel effect.

Anthony Pogoda: All you are doing is projective 5 ft. It would not be creating a tunnel effect.

Comm. Kelly: It has to be high enough.

Anthony Pogoda: It has to be high enough for trucks to go in and out of. We should not lose site of the fact that the purpose of this driveway is primarily for residents to be able to access – the level of activity that this driveway is going to experience—it's really going to serve about 20 cars of residents that are going to be parked at that level and a few loading vehicles making deliveries and picking up trash. Not a lot of customer traffic in and out and in and out. Less than a half of the apartments will be using that. The rest come in directly off of Center Street.

Comm. Kelly: For the private parking, it is still coming in from Coram Avenue.

Anthony Pogoda: Right.

Comm. Parkins: I'm sure they will put a sign reading its private parking. Not encouraging people that there is public parking there.

Anthony Panica: It really does not have impact on the residential component. So that's where we are. Any other questions on the Commissions mind that we should look at? We have to work with the Engineer and get a proper way to address the stipulations on the enclosure of the brook.

Comm. Harger: Did we get more information on how the brook is going to be treated in the future?

Richard Schultz: It's a work in progress.

Comm. Kelly: Isn't Jeff's appliance on top of that building?

Comm. Parkins: Yes and regardless of what the outcome or what the decision is, it's not going to affect these plans.

Anthony Panico: The Applicant is to not touch the culvert; only minimum of disturbance to it.

Comm. Parkins: So when the final detail plans come in, we'll have more information? There was some kind of discussion the access of the mailboxes should be on the inside – the elevator lobby because the postman has to get in there, but you don't want the access to the elevator to be open to the public so there has to be a double entry one single door into the lobby with some kind of call system.

Anthony Panico: The advantage of the two- step system is that it is very workable. We will get, hopefully, to a conceptual approval and put the zoning in place. Once that's done and the Engineer and Architect are doing their work, we can have them sit across the table and we could go through all of those little issues and have them explain in detail how this is going to work.

Comm. Kelly: How much are you going to take away from the driveway?

Anthony Panico: Probably about five to six feet.

Comm. Kelly: Not talking a heck of a lot.

Comm. Harger: Has there been any discussion about relocating the opening to the garage so that's it's a straight in and out?

Anthony Panico: No, but we could talk about that. Those are the kind of refinements we will talk about once we have a conceptual approval. Rick, do we have an extension of time?

Richard Schultz: Yes, October 10th.

Anthony Panico: Hopefully we could get to a consensus tonight or we will need to solicit another letter.

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted for a favorable consensus for Initial Development Concept Plan and PDD Zone Change approval on App. #17-07.

Comm. Parkins: We are looking for a favorable consensus for a PDD Zone Change and Initial Development Concept.

Anthony Panico: In terms of the general scope of the project, is everyone comfortable with it? The 42 dwelling units, the parking and whatever gets left to the size of the restaurant, is everyone comfortable with the direction that the Architecture is going?

Comm. Parkins: Yes.

Anthony Panico: So that the general appearance, we're in good shape. It's certainly going to anchor downtown.

Comm. Tickey: I think we need to think about the traffic and think about the 42 cars added and especially if they are on Center and as it stands now, if they are taking a left, we've all been in that traffic where certain times of the day if they are going to take a left to come down here that that could really back it up.

Comm. Pogoda: From Dunkin Donuts taking a left across traffic.

Comm. Kelly: You are going to have that anyway.

Comm. Tickey: We need to be aware of this. I just think it needs to be part of a plan.

Comm. Parkins: You would hope that people are a little considerate. Most of the traffic is jammed up heading toward Bridgeport Avenue.

Anthony Panico: We are in a downtown setting. We are dealing with access for the sake of 20 residents. If 50% come home during peak hours, we're talking about 10 vehicles.

Comm. Harger: The parking garage is not an interior ramp.

Anthony Panico: No, it's straight in and flat.

Comm. Harger: So would you think that the people that park on the first floor are assigned, so it's not like –

Anthony Panico: They would be assigned.

Comm. Parkins: As far as the restaurant parking there's – Amici's basically has the same situation. They have no private parking but they have the City lot right behind them plus the bank. Many people use both parking lots. So we just need to reach a favorable consensus.

Anthony Panico: If a favorable consensus is there, Rick and I will put together the report and resolution hopefully for your next meeting.

No motion

Application #17-12, Schaible Realty for Final Subdivision Approval (69 Pearmain Estates: 6 lots): 69 Pearmain Road (Map 134, Lot 1), R-1 District

Richard Schultz: I have several pieces of correspondence and then Tony is going to read a report. The Applicant has posted the property. Notices went out to abutting neighbors. The first piece

of correspondence is from Naugatuck Valley Health dated June 22nd addressed to Chairman Parkins. (Rick is reading correspondence pieces).

Anthony Panico: The issue I was concerned about when I looked at this plan was the open space configuration. I just don't see the benefits of long skinny sliver of open space. I thought it would be more beneficial if the open space could be aggregated on the front on that portion of Pearmain Road which is not going to be used in the future and help to preserve the character of Pearmain Road. Secondly, I would like to see Pearmain Road protected from future intrusion with driveways by creating some non-access. Third, I would agree with Conservation Commissioner's observation that the sizable wetland portion of the site should be protected with a conservation easement and fourth that that be carried down the Line adjacent to farm would help with transition from houses and farming. I think it can be done with basically a configuration of the Subdivision. All we are asking is that lot 5 devote in a sense the half of it that's toward Pearmain to create a chunk of open space in that one area and just shift a couple of property lines conceivably one or two of these lots might be an interior lot, but they are already large enough to begin with and these adjustments would not interfere with the areas that the Applicant has already tested for disposal system. So I think it's very doable. In the event that the City does proceed, reserving to the applicant enough room for a couple of lots. I know that the Applicant was interested in retaining the existing house and another lot so you can carve out 2 lots. We are not asking for a major renovation. We could leave this just the way they are designed with maybe a lot line over and an interior lot.

Comm. Matto: The open space is coming down in this direction?

Anthony Panico: This is the way the open space was proposed and what we are suggesting is consolidate or remove the strip – I would like to see some of it as a conservation easement.

Comm. Harger: Will the applicant have to put up shrubbery or plant more trees?

Richard Schultz: The new road has street trees.

Comm. Pogoda: That sounds like a good resolution.

Comm. Parkins: Referencing Subdivision: The Commission may require the Applicant to provide and officially dedicate open space areas of appropriate size and location. We have the final say. Any further questions?

Richard Schultz: To approve with modifications of the Subdivision P&Z Application #17-12, 6 lots titled 69 Pearmain Estates prepared by James Swift, 4/26/17, and revised to 6/29/17, and Louis Associates, Land Surveyor, dated 3/16/17 with the following conditions. (Rick is reading the Draft). (Next Memo dated January 14, 2017. Next Memo dated May 9, 2017).

Comm. Parkins: Did you say – who has to inspect?

Richard Schultz: City Engineering then the Board of Alderman.

Anthony Panico: Jim, do you anticipate any blasting.

Jim Swift: No, on lot 5 there is some ledge up top, but this house here could actually even slide around this way which takes it off the top of the hill.

On a motion made by Comm. Matto, seconded by Comm. Kelly it was unanimously voted to move for Final Subdivision Approval 69 Pearmain Estates on App. #17-12.

Roll Call

Motion Carries

VI New Business

Application #17-13, Duane Howell for Final Subdivision Approval (194 Mohegan Estates: 4 lots): 194 Mohegan Road (Map 84, Lot 64), R-1 District: accept for review

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was unanimously voted to accept for review Final Subdivision Approval 194 Mohegan Estates on App. #17-13

Richard Schultz: The Applicant's Engineer is here. The Applicant has posted the property and notified the surrounding property owners.

Jim Swift: Just to bring the Commission up to date. It is two front lots and two rear lots. We presented a layout to the Zoning Board of Appeals where we could have built a road into the site and had 4 frontage lots with a city street. I know this Commission is not in favor of that. The other thing is Lot 4, you will see that there is a wet land in the corner of the site. The area just outside the wetlands has a stone wall along it. We have previously gone over that stone wall via outside the 50 ft. area and some neighbors came and said that there is some flooding there and they brought some pictures. We decided that Lot 4 was going to work out just fine if we kept all construction over on our side of the stone wall.

Comm. Harger: Are we going to have any discussion on this?

Richard Schultz: We are not acting on this, we just have to review. The Chairman is going to ask if there are any comments on this.

Comm. Parkins: I am concerned about the 3 driveways. Couldn't they access all of them off of one curb cut?

Jim swift: Another house that has legal front is actually accessed from Meadow Street.
(Tape ended)

What we are doing is pitching both driveways towards the center so that the water goes down between the driveways and into the basin.

Comm. Parkins: Couldn't you take that unit #4 and share the apron off from there?

Anthony Panico: Lots 3 and 4 share the same apron and lots 1 and 2 share the same apron.

Jim Swift: It's a "marry your neighbor type of a situation" and all it's going to take is one person to say I'm putting in my 10 bucks to have this snow plowed. If it was unavoidable to be a common driveway, you'd have to agree, but it is avoidable.

Richard Schultz: The Engineer Department wants to control the curb cuts.

Comm. Parkins: I think 3 are too much; preferably one.

Jim Swift: We would be glad to meet with staff about this.

Richard Schultz: Okay.

Comm. Parkins: Is there anyone here regarding this Subdivision?

Application #17-14, Splash Shelton for Minor Modification of Detailed Development Plans for PDD #53 (vacuum cleaner expansion/access drive widening), 376 Bpt. Avenue (Map 77, Lot 19): accept for review

On a motion made by Comm. Harger, seconded by Comm. Tickey it was unanimously voted to accept for review Splash Shelton for Minor Modification of Detailed Development Plans for PDD #53 on App. #17-14.

Jay of Splash: (Pointing to a map)

Asking for 6 additional vacuum stalls. The entrance is on Platt Road. The outermost lane is for the full-service where we vacuum the cars; the inner lane is customers for the exterior. When they exit they could use vacuum stalls. They have become popular over the years. We tend to have times where they are full and people exiting the car wash can't use them and we get a backup or they just leave. We don't really have space at the exit to add anymore. So what we wanted to propose was to put in the entrance where the cars enter the driveway, widening the driveway on this side and pushing the lanes over 5 or 6 ft. to give us some more space which will allow 6 additional stalls. Leaving the existing ones there.

Comm Parkins: But then they have to back up.

Jay: Back up and continue on.

Comm. Parkins: But if cars are queued up there? If this occasionally happens?

Jay: Occasionally it does happen.

Comm. Harger: Can they pull through?

Comm. Parkins: My concern is people backing out as people come down. A little bit of a hazard situation. Sometimes you have 2 or 3 cars waiting to be towel-dried and the cars at the vacuum waiting to get out.

Jay: By moving the full-service line over, it allows us to shift this lane over and gives us an extra 10 ft. for cars to back up.

Anthony Panico: How many stalls?

Jay: Proposing 6 more stalls.

Comm. Harger: Has the grade changed going down?

Jay: This is just a grass island with a tree on it and will remain.

Comm. Harger: That won't be a good spot?

Jay: (explaining not)

Comm. Parkins: I would just say if you need 6 there and 5 there then you are pretty busy.

Jay: It is rare that we are queued back that far.

Comm. Parkins: I think 4 and not 6.

Anthony Panico: How about parallel parking for the vacuum?

Jay: Parallel parking won't work.

Comm. Harger: What about the gravel area?

Jay: That is where we detail cars.

Comm. Harger: Could I see the poster?

Jay: Just about 20 feet.

Comm. Harger: All this property, that is all yours?

Jay: That is.

Comm. Harger: Can't you carve something out to the right of that?

Jay: I could visit that.

Comm. Kelly: You don't have anything in between there?

Jay: They are going to want to go over in other lane.

Comm. Harger: Looks like a lot of space that you could utilize.

Comm. Kelly: I don't think it is a good idea.

Comm. Parkins: I don't think 6 is a good idea; six is too many in there. I think you should re-visit that open space area to see what you could do. I think it is an accident waiting to happen. You have a lot of space there to revisit.

Jay: I could put speed bumps in to slow traffic down. No different than someone at Walmart backing out of a parking space.

Richard Schultz: Jay, do you have any other similar design?

Jay: Yes, we do on the West Haven and New Haven line.

Richard Schultz: Is the Commission comfortable with the level of the Site Plan Submission? As long as you feel comfortable then that is a non-issue. What address have you been using? We have always been using 376 but Engineering is saying 85 Platt Road.

Jay: Yes, 376.

Richard Schultz: It's 85 Platt Road.

Jay: Sorry about that.

Comm. Parkins: Is this an electrical unit at the end of this tail?

Jay: That is where the vacuum is; a central vacuum system.

Comm. Parkins: Could you look at reconfiguring using this open space, reconfiguring an entrance way in that would have a dedicated line for these vacuums, so when they back out, they will back out not into traffic. Come out into that open space area.

Jay: So, turn these around as well and take these lanes and move over here. Yeah, I think something like that would work. Would the curb cut have to change?

Richard Schultz: Jay, that's where the City Engineer gets involved, they control curb cuts. Staff will work with on that. We will put you down for the **October 10th Meeting**.

Jay: Okay. I will have them fix that address, too.

Application #17-15, Claris Const. for Modification of Site Plan Approval (parking expansion), 65 Trap Falls Rd. (Map 18, Lot 24), IA-2 District: accept for review

Richard Schultz: That ties in with #10 Application for Certificate.

Comm. Parkins: So we will just accept for review.

On a motion made by Comm. Harger, seconded by Comm. Kelly it was unanimously voted to accept for review for Modification of Site Plan Approval parking expansion of App. #17-15.

Application #17-16, Key Development, LLC for Special Exception Approval (conversion of two family to three family dwelling) 1-3 Lakeview Ave. (Map 129A, Lot 47), R-5 District: accept and schedule public hearing

Richard Schultz: This is the first public hearing – we could either do September 27 or October 25.

Comm. Parkins: September 27?

Comm. Kelly: That's fine.

On a motion made by Comm. Kelly, seconded by Comm. Harger it was unanimously voted for hearing to be held on September 27 meeting on Key Development, LLC, for Special Exception on App. #17-16.

VII. Public Portion

Comm. Parkins: If there is no one in the audience that wishes to address the Commission, I ask to close the public portion.

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

A. Approval Of Minutes

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to add January 25, 2017, to approval of minutes.

Comm. Parkins: I have corrections to as noted on each docket. I abstained from May 9 because I was not here.

Comm. Harger: I would have to abstain from February 22, March 7, March 22, April 1 and April 26. Under the circumstances, I do not feel comfortable with approving those minutes.

Comm. Matto: I was absent May 9 and July 11.

Comm. Parkins: Noted to approve with noted corrections.

On a motion made by Comm. Tickey, seconded by Comm. Matto it was unanimously voted to approve all meetings as listed with noted corrections and changes with the abstention of Comm. Parkins for May 9, Comm. Harger for February 22, March 7 March 22, April 1 and April 26 and Comm. Matto for May 9 and July 11.

B. Payment of Bills

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

C. The Mark Apartments: request for Site Bond Release

Richard Schultz: Staff is recommending we table it. Staff is advising that we remove the balloons and the other marketing flags so we will put this on the **October 10 Meeting**.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted to table The Mark Apartments request for Site Bond Release.

D. Bridge Street Commons: request for Site Bond Release

Richard Schultz: Most of the Commissioners visited the sites. The site is like 99.9 % complete. All the exterior is done. Some minor interior. So the Applicant has requested release of \$50,000 bond.

Comm. Pogoda: Did they get all the lights in?

Comm. Harger: Are you sure you don't want to hold back 10,000?

Comm. Miller: It's probably only one bond.

On a motion made by Comm. Kelly, seconded by Comm. Matto it was unanimously voted to release bond on the Bridge Street Commons.

E. 8-24 Referral: 45, 49, 53 and 57 Wesley Drive: negotiate sale, lease or license of city owned property

Richard Schultz: As soon as you get to the new Subdivision on the right hand side as you are going up the hill, there are 4 single family dwellings. Accordingly from the Mayor's office I am requesting an 8-24 Referral to the P&Z Commission for allowing the Mayor to negotiate the sale, lease and or license of said property for the purpose of resolving encroachment issues over the name of John Bashar.

Comm. Harger: How long has this situation-?

Richard Schultz: For several years. The Conservation Commission sent a letter to John Bashar (Rick is reading letter)

Comm. Pogoda: If that portion is sold off to property owner and it is close to trail, "like hey, what are you doing on my property" then it's sold off to them.

Comm. Matto: I don't know if there is a trail there. The guy put a fence over here.

Richard Schultz: (September 8 letter from the City Engineer, read by Richard Schultz).

Anthony Panico: What was the origin of that open space?

Richard Schultz: Huntington Road.

Anthony Panico: Was it all a part of --?

Richard Schultz: They consciously did it. It's very difficult for Conversation to describe.

Comm. Harger: The home owners have to pay the City?

Richard Schultz: It depends on the agreement; it could be a lease, it could be an easement.

Comm. Harger: But it's the homeowners that are going to pay for it.

Comm. Parkins: Yes.

Comm. Kelly: The idea is that's it going to be their property though.

Anthony Panico: I don't think they are talking about selling it.

Comm. Parkins: It's an option. They have to put all scenarios out there.

Comm. Parkins: It's a Conservation issue.

Comm. Matto: I think it should be open space enforced.

Richard Schultz: The Board of Alderman has the final say.

Comm. Parkins: I think everyone is in agreement that we don't want it sold, we want it open space.

Comm. Harger: Rick, are you talking about this is off Mohegan?

Richard Schultz: Off Buddington.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted for referral on App. #8-24: 45, 49, 53 and 57 Wesley Drive to negotiate sale, lease or license of city owned property

F. 8-24 Referral: Bristol Drive properties: negotiate sale, lease or license of city owned property

Comm. Harger: Do they lease this or -?

Comm. Parkins: I would think the City would make them remove the structure.

Richard Schultz: (reading letter from John Bashir)

This is the residence in that area being proactive of a buffer.

Mike Damico: I live at 11 Bristol Drive. I approached the Mayor about purchasing the property – Kings Highway is now just overgrown woods. I am hoping in the future to put a small addition on my house. It's a raised ranch on Bristol Drive. That piece of property I live on has 3 or 4 different elevations because it is a giant piece of rock that I live on and I approached the Mayor and talked about it and he said well we are not going to build that road but someday we may cut through there. I was talking to my wife and I said someday I would like to purchase that part of the road. I would have to go for a variance. So that's how this got started. I just wanted to shed a little bit of light. There are no encroachments there. I was hoping to purchase the paper road. My family loves the location and we want to try to work with the City.

Anthony Panico: The problem is that it's such an old highway that the city doesn't have rights to it.

On a motion made by Comm. Pogoda, seconded by Comm. Harger it was unanimously voted for referral on App. #8-24, Bristol Drive Properties.

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

On a motion made by Comm. Pogoda, seconded by Comm. Tickey it was unanimously voted to table Referral on App. #8-24 Constitution Blvd North for realignment of road.

H. Hawks Ridge: request to waive secondary engineering oversight

Richard Schultz: I have a lot of information today. I have a letter from A. J. Grasso who is before you tonight.

This is addressed to the Chairman. (Richard Schultz is reading letter).

Turned tape 2 over

A. J. Grasso: A. J. Grasso, Hawks Ridge of Shelton, LLC, 14 Red Tail Court.

It's been about 2 ½ years since the original approval. They completed all the retention ponds and all the water mains, all the sewer mains, all the storm water drainage. They paved about 60%. We will probably have the balance paved in the next 45 days. There will also be a piece of property on Beard Saw Road – we will be closing on that next week. We have our Engineering crew on board. We have the DEEP permit and this requirement has been in place since the beginning. We also have our Engineer and a secondary Engineer. Every single time there is significant rain, Don Smith (hired as secondary Engineer) is on site and no big issues at all. Once

the curbs are in place, no water will leave the site. Every time it is going to rain, Don Smith is on site and we get a phone call from Richard Schultz and a visit from Tom Dingle. Also reminded by the Mayor to keep the soil levels under control and up to speed. Now that we have all the detention ponds completed, there are no concerns. In all that, Don Smith is just adding an additional expense to us. We already have Allen Shepard who is also watching. Don Smith is out there 3 or 4 times a month anyway for the DEEP. What I am asking for, what I would like to do when the roads are completed and the curbs are done, I would like to ask for the additional Engineering to be eliminated; It's an extra \$1,000 to \$1200 a month expense.

Comm. Harger: The whole back side hasn't been completed, correct?

A. J. Grasso: Are you talking about the multifamily? Last week we paved up to the clubhouse. 1900 feet of road has not been paved. The water is in, the sewer is in, we are ¼ away from electrical and cable and Gas Company is coming in about a week and a half. So we anticipate paving by end of October or early November. The whole loop will be paved at the same time. Again, we won't hold the portion that the Assisted Living is purchasing.

Comm. Parkins: So how does that protection with them go into effect?

Richard Schultz: Two separate bonds, cash bond and completion bond. Staff will have to monitor that. Our meeting will be on November will be the 14th. So we ask the Commission to table that until the 14th. That's legit – having all the paperwork done.

Comm. Parkins: One of the reasons that the measurement was put into place was the largeness of the project and because we didn't have staff resources to monitor such a large project.

Richard Schultz: And these crazy storm events.

Comm. Tickey: But it also sounds that mechanisms are in place with the DEEP.

Comm. Parkins: That's totally separate. The City has its requirements.

Richard Schultz: Staff wants to reiterate to myself and John Cook this is a very important tool for erosion control for not only the larger projects but sites with difficulty and this site kind of has both.

Comm. Parkins: You are satisfied that once the paving is done –

Richard Schultz: My comfort level will be a lot better then.

A. J. Grasso: In regards to the DEEP Permit, that one expired until I have the entire site -.

Comm. Parkins: Do you need to - ?

A. J. Grasso: While it's being developed, you have different areas where it will retain water. For the most part it is graded off. There's no actual recording that has to be done with the DEEP.

Comm. Parkins: But you needed an Engineer to make reports for them?

A. J. Grasso: We needed an Engineer; they don't allow your site Engineer to be your DEEP Engineer.

Comm. Parkins: So you were able to piggy back?

A. J. Grasso: It worked out fairly well. It's probably still twice the cost still adding another \$1200 per month to pay an expense that I am still paying Allan Shepard to oversee. The hard part is behind us. We have not had a problem in over 2 ½ years.

Comm. Parkins: The City still has to sign off on these which is the purpose of having -.

A. J. Grasso: It certainly is a large site and now that the Assisted Living portion will be sold, that is a little on the Hawks Ridge on the right going down to Bridgeport Avenue.

Anthony Panico: With paving and drainage system in and getting rid of the site of the Assisted Living, you got the construction activities down to where staff could monitor.

Comm. Parkins: So that will be a call on staff.

Richard Schultz: I will include on my Staff Report. Twenty-five years ago, Whippoorwill, off of Soundview Avenue it was the worst erosion control fiasco that the City of Shelton ever faced. I am so glad Inland Wetlands made this a condition. It served the City well.

Anthony Panico: With major projects we have no other alternative.

On a motion made by Comm. Pogoda, seconded by Comm. Kelly it was unanimously voted to table Hawks Ridge request to waive secondary engineering oversight to November meeting.

Comm. Parkins: Okay, so no staff report.

Richard Schultz: Next meeting. We all met last Friday; very productive, Downtown Subcommittee Meeting. The October 10 meeting we will see a service. Jason will submit his Scope of Service for the two block area – and have photographs – and the Echo Hose block.

Comm. Parkins: How did things end with Todd Levine?

Richard Schultz: I sent you an email. It's a work in progress. Tod Levine went over his check list. John Getz said everything that you are saying is reasonable as long as he could implement them without you criticizing them.

Comm. Parkins: Are you going to put those on your agenda?

Richard Schultz: Yes.

Comm. Harger: You sent it to all the Commissioners? Did not get, send again.

Richard Schultz: He is ready to paint dark green or black and I said please don't do that. Write me a narrative and I'll send it to the Commission. Perry Pettus is ready to move ahead to do all the drawings. So you will probably see that in November or October.

Comm. Parkins: Maybe we could we put Perry Pettus on for September 27?

Richard Schultz: Yes, that will be good. That's 223 Canal Street.

IX. Adjournment

On a motion made by Comm. Kelly, seconded by Comm. Pogoda it was unanimously voted to adjourn the meeting at 9:40 PM.

Respectfully submitted,
Sandra Wasilewski
Recording Secretary