SHELTON PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Wednesday, January 8, 2025
Shelton City Hall (Virtual)
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairwoman
Charles Kelly, Vice-Chairman
Elaine Matto, Secretary
Ruth Parkins
Jimmy Tickey
Robert Cristiano
Matt McGee, Alternate
Win Oppel, Alternate

TRANSCRIBED, BUT NOT YET REVIEWED OR APPROVED BY SPZC

Also Present: Alexandrea Castro, Asst. Planning and Zoning Admin.
Attorney Francis Teodosio, Corporation Counsel
Kellie Vazzano, Administrative Assistant to Mayor
Ron Baia, Zoning Enforcement Officer
Sarah Vournazos, Recording Secretary

USB disks, correspondences, and attachments are on file in the City/Town Clerk's office and the Planning and Zoning office. Minutes are on the City of Shelton website: www.cityofshelton.org.

I. Call to Order
Chair Harger called the meeting to order at 6:04 p.m.

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

III. Roll Call
Chair Harger identified members present and gave the meeting protocol.

IV. Other Business
A. 8-24 Referral for the purchase of State Land/Break in the Non-Access Highway Line - S.R. 714 Bridgeport Avenue at Constitution Boulevard.

Mrs. Kellie Vazzano, Administrative Assistant to Mayor Mark Lauretti, addressed the Commission. She indicated that the property is 23,800 sq. ft. and acquiring it is necessary in order to complete the construction of Constitution Blvd. West. Attorney Francis Teodosio, Corporation Counsel, then addressed the Commission. He mentioned that if the PZC acted tonight, it would help the Board of Aldermen since they are meeting tomorrow night.

Comm. Matto inquired about who determines the price for the purchase of the land. Mrs. Vazzano replied that it is the State of Connecticut who sets the price

which is based upon an appraisal. Comm. Parkins asked about the rights of access box on the map. Mrs. Vazzano responded that it is not part of the plan of the map of the access area.

Motion made by Comm. Cristiano, seconded by Comm. Kelly, to report favorably for the 8-24 Referral. On a roll call vote taken by Chair Harger, the PZC voted as follows:

Comm. Parkins – Aye	Comm. Kelly – Aye	Comm. Tickey – Aye
Comm. Matto – Aye	Comm. Cristiano – Aye	Chair Harger – Aye

The motion passed 6 to 0.

V. Applications for Certificate of Zoning Compliance

1. Dominican Styles Beauty Salon, 132 Center Street, for a sign.
Comm. Parkins relayed that the sign subcommittee prefers the revised design rather than the previous photograph which was "inappropriate."

Motion made by Comm. Kelly, seconded by Comm. Matto to approve the sign application. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

The Commission began to discuss item 2, but then discussed agenda items 4 – 6 in order to give Attorney Thomas more time.

4. Gaga Polish Deli, 437 River Road, for a sign.
Comm. Parkins noted that the sign subcommittee would like the applicant to remove the homemade food sign, which is above the Gaga Polish Deli sign since it is not in conformance. Chair Harger requested that the applicant remove the space after the word "deli" and before the comma.

Motion made by Comm. Tickey, seconded by Comm. Matto to approve the sign with the condition of removing the homemade food sign on the façade and to eliminate the space after the word "deli" and before the comma. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

5. Inline Plastics, 470 Bridgeport Avenue, for a sign.
Comm. Parkins mentioned that the sign is directional for tractor trailers coming up the driveway, to tell them where to go and how to contact the office. The sign is not visible from the road.

Motion made by Comm. Kelly, seconded by Comm. Matto to approve the sign. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

6. Inline Plastics, 42 Canal Street East, for a sign.
Comm. Parkins mentioned that the sign is directional. There are two options: 1) to have a composite material and 2) to have a light box sign. She noted that

the flag should be removed. Chair Harger inquired if option 2 is because of the hours the plant is operating.

Mr. Brian Lafoe, American Sign, addressed the Commission on behalf of the applicant. He mentioned that option 2 was a thought about something they could do, but said, "we are going with option one."

Motion made by Comm. Matto, seconded by Comm. Parkins to approve option 1 sign for the 42 Canal Street East application from Inline Plastics. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

2. Fountain Square, 801 Bridgeport Avenue, for a sign.
Comm. Parkins relayed that the sign subcommittee would like Panera and Chick-fil-A to move down one spot each for the Trader Joe's sign. The sign subcommittee is not in favor of having the Trader Joe's sign on the top billing. She indicated that Trader Joe's sign's height exceeds the PZC regulations. Ms. Castro, Assistant Planning and Zoning Administrator, addressed the Commission. She reminded them that they have the discretion to allow Trader Joe's to go beyond the 15 sq. ft. and they went to 20 sq. ft.

Attorney Dominick Thomas from Cohen & Thomas, Derby, CT addressed the Commission on behalf of the applicant. He noted that there was a discussion regarding a revision to the sign. He said, "the address would be at the bottom, elevated the bottom three panels, with two of the rows to be three across and smaller." Chair Harger inquired about how many more retail spaces are there which would need a line for a block.

Mr. David Gunia, Fountain Square, Shelton, CT addressed the Commission. He indicated that there are 27 tenants of Fountain Square. He confirmed that he eliminated three rows from the bottom and there will be three signs which go across instead of two signs across. The Fountain Square logo will be moved down into the band, the Trader Joe's letters shrank in size from 24 inches to 18 inches and the address would hang underneath the very bottom of the sign. Chair Harger stated that she is not in favor of moving the address or the Fountain Square logo.

Attorney Thomas reviewed the revision. He pointed out that the words Fountain Square would be back lit. However, he noted that there is a different revision of enlarging the 745 – 801 with a separate plaque hanging underneath. Chair Harger asked how much of a commitment the new tenants are given once they sign their lease before meeting with the PZC. Attorney Thomas replied that the smaller tenants are not given any specific commitment, but the anchor or nationals (Trader Joe's, Mercato) would like a commitment and to have a spot on the board. He noted that none of the other tenants have raised an issue.

Comm. Parkins and Comm. Cristiano expressed their concern about Attorney

Thomas making an agreement with the tenant before presenting to the PZC. Comm. Parkins reminded the Commission that Fountain Square is in a PDD and of its regulations. Chair Harger noted they would like the address and the words “Fountain Square” to remain where they are, and to move the words “Trader Joe’s” down along with the others.

Motion made by Comm. Kelly, seconded by Comm. Parkins to table the sign. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

3. Walmart, 465 Bridgeport Avenue, for a sign.
Comm. Parkins indicated that the applicant would like to have the words “Outdoor Living” on a triangular façade and the word “Pickup” on another one but with the color blue to match the Walmart sign. The sign subcommittee would like the top of the colors to remain the same and the word “Pickup” to be the same size lettering as the words “Outdoor Living.”

Ms. Castro pointed out a color change, “a refresh on the paint color,” for the building. The Commission reviewed the color legend. Ms. Lisa Liebman, MMA Architects, NJ, addressed the Commission on behalf of the applicant. She confirmed that the colors of the building will match its existing color and it is just being refreshed. The red color is for fire and safety markings. She noted that the word “Pickup” and the words “Outdoor Living” will be two feet high.

Ms. Liebman mentioned that there is a directional arrow attached to the Pickup Sign to direct the customers where the parking spaces are located. Chair Harger referenced the Walmart pylon sign down the driveway and requested that some of the brush should be removed since there is some overgrowth.

Motion made by Comm. Tickey, seconded by Comm. Parkins to approve the sign. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

7. Roaring Boar, 509-517 Howe Avenue, for a business occupancy.
Mr. Mathew Calandro, Shelton, CT addressed the Commission. He indicated that it is a 4,000 sq. ft. venue and there will be Americana, barbeque, breakfast, lunch and dinner served. There will be music, a stage and community theatre. He mentioned that 3,500 sq. ft. will be somewhat self-service, with a QR Code on the table which someone will deliver food to and there will be no tips. The remaining 500 sq. ft. will be like a regular restaurant, a “VIP experience,” with a bourbon bar. It will have 12 seats and four high-top tables. It is going to mimic a 1920’s lounge.

Mr. Calandro reviewed the floor plan, Chair Harger pointed out the windows and Mr. Calandro replied that there will be no windows opening on Howe Avenue. He is hoping to meet with the PZC when revising the PDD and to have a patio on the rear of the building for dining only and “no music.” He is trying to

"revolutionize what casual dining is". He referenced the parking lot and there will be three parking spaces dedicated to grab-and-go and there is no drive-through.

Mr. Calandro went over the updated layout, noting the bathroom has changed. There will be no pool table but he will have foosball and popular bar games. Tables will be removed if there is a band which brings in approximately 150 people. Chair Harger pointed out that indoor entertainment is not a permitted use in the existing PDD. She noted that all of the uses are to be listed for an intended space and the application needs to be corrected. Ms. Castro relayed that the Liquor Control holds public hearings and are required to post about applications which have amplified or non-amplified music.

Chair Harger expressed her concern of not following protocol if they approve the business occupancy. She voiced that the applicant is going beyond the permitted use Section 5D, of food service with a sit-down service accessory to the main use with no drive through service. Attorney Francis Teodosio, Corporation Counsel, addressed the Commission and agreed with Chair Harger.

> Motion made by Comm. Parkins, seconded by Comm. Kelly to table and ask staff to do research on similar PDDs. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

8. Mark Cody, 33 Hilltop Drive, for an ADU.
   Chair Harger indicated that the Zoning Board of Appeals approved a variance to reduce the setback on the right sideline from the required 30 ft. to 20 ft. on November 25, 2024. She referenced her conversation with the Chair of the ZBA who confirmed that the right sideline is if someone is standing in the doorway looking at the street.

   Mr. Ed Lomax, Retail Designs, CT addressed the Commission on behalf of the applicant. The ADU is 750 sq. ft., with an entrance located on the driveway side and an exit in the back off of the mudroom. There is a door which goes between the existing living room to the living room of the ADU. Chair Harger inquired about the driveway's location being close to the setback. Mr. Lomax replied that he wants to balance how the house looks with the paving area and it is easier for the occupant to just exit the vehicle and walk from the driveway. She asked about the three ft. wide landing next to the side entrance. She expressed her safety concern of the occupant falling and would like the landing to be expanded.

   Mr. Ron Baia, Zoning Enforcement Officer for the City of Shelton, addressed the Commission. He indicated that the ADU abuts to the principal structure, wall to wall and meets the PZC regulations. He said, "if they were all this easy, we'd have it really easy." Chair Harger inquired about the water drainage. Mr. Baia replied that the curtain drain should bring the water to the back of the house without a disturbance to the neighbors. He confirmed that he verifies the

drainage and grading before he will sign a permit.

Motion made by Comm. Parkins, seconded by Comm. Kelly to approve. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

VI. Old Business

A. Application #24-18, Dominick Thomas for David Chuckta for a text amendment to Shelton Planning & Zoning Commission Regulation Section 35, Table 1. Review, discuss and possible action.

Chair Harger indicated that the public hearing opened on August 28, 2024 and closed on October 16, 2024. She reminded the Commission that Appl. #24-18 is where table one of the Designed Residential Development (DRD) setback from the track perimeter property line which is currently 75 ft. for R1-A, R1, R3 Districts would be eliminated.

The Commissioners discussed Appl. #24-18. Comm. Cristiano expressed that he does not agree with having the setback as 0 and agrees with the R3 setback of 20 ft. on all sides. Comm. Tickey would like there to be some buffer and the PZC should have some discretion with a text change. Attorney Teodosio stated that if you change the regulation to 0 from 75 at the PZC discretion, or just put "at your discretion, you get the ability to consider each application on its own merits."

Motion made by Comm. Tickey, seconded by Comm. Kelly for denial. On a roll call vote taken by Chair Harger, the PZC voted as follows:

Comm. Parkins – Aye to deny	Comm. Kelly – Aye to deny
Comm. Tickey – Aye to deny	Comm. Cristiano – Aye to deny
Comm. Matto – Nay	Chair Harger – Aye to deny

The motion passed 5 to 1.

B. Application #24-19, Dominick Thomas for David Chuckta at 0 Constitution Boulevard & 0 Weybosset Street, (3 parcels: Assessor's Map 92, lot 85; Assessor's Map 78 Lot 123; Assessor's Map 93 Lot 1) for a zone change from R-1 and R-2 to R-3 zoning. Review, discuss and possible action.

Chair Harger indicated that the public hearing opened on October 16, 2024 and closed on December 11, 2024. Comm. Cristiano referenced the site plans from October 2023 and October 2024 showing different areas. He mentioned the paper road which is owned by the City of Shelton off of Weybossett Street. He inquired if the property line is that of which the applicant owns or the 30 ft. which the neighborhood believes that their property extends. Comm. Parkins replied that the City of Shelton would have to abandon the road and someone would have to petition to take ownership.

Attorney Francis Teodosio, Corporation Counsel, addressed the Commission.

He relayed that a roadway which is designated is either owned by the city or has a right-of-way and stated that a "portion of a roadway that is on a map that hasn't been abandoned is of no significance." When a roadway is abandoned, the two "contiguous" property owners become the owners of the property after a process which much be followed. If any properties are landlocked as a result of abandonment, one could pass over it and there would be an easement. He stated, "the real issue is where the property line is when the application comes in."

Comm. Parkins reminded the Commission that the DRD was developed to have more cluster housing and to avoid subdivisions which take up a lot of extra property. Attorney Teodosio pointed out that the PZC can change the zone and respect the roadway boundary because "you are dealing with ownership when dealing with a specific application." Comm. Tickey expressed his concern about the density of housing under R3 and there would be less houses in an R1 and R2 district.

Motion made by Comm. Tickey for denial.

Comm. Parkins voiced that she understands the residents not wanting the Commission to change the zone but the residents do not understand the repercussions of not changing the zone. Comm. Cristiano agrees with Comm. Tickey that less units means the right to come through the neighborhood.

Comm. Tickey amended motion for denial.
Motion made by Comm. Tickey for denial, seconded by Comm. Cristiano to deny without prejudice. On a roll call vote taken by Chair Harger, the PZC voted as follows:

Comm. Parkins – Aye to deny	Comm. Kelly – Aye to deny
Comm. Tickey – Aye to deny	Comm. Cristiano – Aye to deny
Comm. Matto – Aye to deny	Chair Harger – Aye to deny

The motion passed 6 to 0.

C. Application #24-31, PDD #72, Dominick Thomas for Bishop Development of Shelton LLC., at 762 River Road (Assessor's Map 12, Lots 35) for Final Site Development Plans for the Amendment to PDD #72. Review, discuss and possible action.

Chair Harger indicated that Appl. #24-31 was accepted for review on November 20, 2024. She mentioned that a cover letter from the applicant, the amended final site development plans, and letters from the City Engineer and Fire Marshal were posted to the city's website.

Attorney Dominick Thomas from Cohen & Thomas, Derby, CT addressed the Commission on behalf of the applicant. He indicated that PDD #72 has been approved for commercial and a medical office building. The amended PDD #72 had acreage added to it from 740 River Road to 762 River Road for

construction of a new building.

Mr. James R. Swift, P.E., addressed the Commission on behalf of the applicant. He mentioned that the sidewalk will continue all across the property in accordance with connecting the sidewalk "from one end of the start of the project to the skating rink sidewalk." Comm. Cristiano inquired about parking and Mr. Swift replied that the parking spaces for the medical office building are shown on the site data. Chair Harger relayed that there are 61 parking spaces for the retail restaurant and 292.6 parking spaces for the medical office building.

Motion made by Comm. Cristiano, seconded by Comm. Kelly to approve. On a roll call vote taken by Chair Harger, the PZC voted as follows:

Comm. Parkins – Aye	Comm. Kelly – Aye	Comm. Matto – Aye
Comm. Tickey – Aye	Comm. Cristiano – Aye	Chair Harger – Aye

The motion passed 6 to 0.

D. Application #24-32, PDD #108, Dominick Thomas for Bishop Development of Shelton LLC. at 740 River Road (Assessor's Map 21, Lot 50) for Final Site Development Plans. Review, discuss and possible action.

Chair Harger indicated that Appl. #24-32 was accepted for review on November 20, 2024. She mentioned that a cover letter from the applicant, the amended final site development plans, coastal area management application and a letter from the City Engineer were posted to the city's website.
Attorney Dominick Thomas from Cohen & Thomas, Derby, CT addressed the Commission on behalf of the applicant. He noted that the application for 51 condominiums, 25 duplexes and one single unit was withdrawn and reapplied for 40 units. He referenced a report from September 2023, which he was not provided with and it was based on Appl. #24-31. Ms. Castro confirmed that it was not uploaded because it came after Appl. #24-31 had been withdrawn. She noted that the City Engineer has given Appl. #24-32 a "positive endorsement" and Chair Harger read aloud the City Engineer's letter of January 8th. She then briefly reviewed the Fire Marshal's letter.

Motion made by Comm. Matto, seconded by Comm. Cristiano to approve. On a roll call vote taken by Chair Harger, the PZC voted as follows:

Comm. Tickey – Aye	Comm. Matto – Aye	Comm. Cristiano – Aye
Comm. Kelly – Aye	Comm. Parkins – Aye	Chair Harger – Aye

The motion passed 6 to 0.

E. Application #24-36, PDD #91, Dominick Thomas for Fountain Square LLC., and FS Shelton LLC., for Final Site Development Plans, consisting of a minor modification; rotating the previously approved location of the specialty grocer known as "Trader Joes" by 180 degrees. Review, discuss and possible action.

Chair Harger indicated that Appl. #24-36 was accepted for review on December 11, 2024. She mentioned that a cover letter from the applicant, the original and amended final site development plans, letters from the City Engineer and the Fire Marshal, and two artist renderings of the building and site were posted to the city's website.

Attorney Dominick Thomas from Cohen & Thomas, Derby, CT addressed the Commission on behalf of the applicant. He mentioned that the tenant made the request to relocate the building to the front with the entrance in the back but later changed their mind.

Mr. Manuel Jose Silva, P.E. of Rose-Tiso & Co LLC, Fairfield, CT addressed the Commission on behalf of the applicant. He reviewed the site plan and pointed out the driveway, noting the circulation. The entrance is the front corner facing Bridgeport Avenue, whereas the front corner previously faced Parrott Drive. Trader Joe's wanted the building to be forward facing instead of showing the back as with their other locations. He noted that Trader Joe's has replaced the office building.

Mr. Silva relayed that the sewer connection is coming from an existing manhole, and that water and electrical are already installed. He briefly reviewed the soil and erosion control plan; the collected water will go into the detention pond. He pointed out the street trees in the islands and said that the landscape goes along well with the overall theme of the site. He also went over the lighting plan.

Comm. Parkins inquired about the parking spaces alongside the loading dock. Mr. Silva pointed out the 123 parking spaces, noting how the property will be divided. He mentioned the turning templates of approximately 170 ft. He reviewed the grading, noting that the fountain became "nearly impossible due to the lowering of the grade." Comm. Cristiano reminded the Commissioners that the fountain had a stairwell. Mr. Silva relayed that there should be pedestrian connectivity throughout the site.

Mr. Pat Rose, Rose-Tiso & Co. LLC., Fairfield, CT addressed the Commission on behalf of the applicant. He reviewed the rendering of the front elevation for Trader Joe's; the materials are grey and white brick on the lower section. There is a large canopy that projects around the front of the building.

Motion made by Comm. Tickey, seconded by Comm. Cristiano to approve. On a roll call vote taken by Chair Harger, the PZC voted as follows:

Comm. Kelly – Aye	Comm. Parkins – Aye	Comm. Tickey – Aye
Comm. Matto – Aye	Comm. Cristiano – Aye	Chair Harger – Aye

The motion passed 6 to 0.

VII. Public Portion

Chair Harger asked if there was anyone from the public who wished to comment and no one from the public indicated to Ms. Castro that he or she needed to be recognized to make any comments.

VIII. Other Business

A. Comments from Chairperson and Subcommittee Chairperson

No comments were made.

B. Staff Comments

Staff and the Commissioners sang the song, “Happy Birthday,” to Chair Harger in honor of her birthday. Mr. Mark Harger presented Chair Harger with a birthday cake.

C. Minutes for Approval

i. December 11, 2024

Ms. Castro mentioned that there is some wording regarding a letter of a withdrawal which needs clarification.

Motion made by Comm. Kelly, seconded by Comm. Parkins to table the December 11, 2024 PZC Meeting Minutes. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

D. Executive Session – Pending Legal Matters

Motion made by Comm. Cristiano, seconded by Comm. Kelly to go into Executive Session, Attorney Teodosio and Ms. Castro. On a voice vote taken by Chair Harger, the PZC voted 6 – 0 in favor of, with no Commissioner voting no or abstaining.

Motion made by Comm. Cristiano, seconded by Comm. Parkins to come out of Executive Session with no votes taken. On a roll call vote taken by Chair Harger, the PZC voted as follows:

Comm. Parkins – Aye Comm. Matto – Aye Comm. Tickey – Aye
Comm. Cristiano – Aye Comm. Kelly – Aye Chair Harger – Aye

The motion passed 6 to 0.

Motion made by Attorney Teodosio, seconded by Comm. Cristiano to approve settlement proposal for zoning appeal of Ismaili versus Shelton Planning & Zoning, Docket No: HHDLNDCV24618336-5. On a roll call vote taken by Chair Harger, the PZC voted as follows:

Comm. Kelly – Aye Comm. Parkins – Nay Comm. Cristiano – Nay
Comm. Tickey – Nay Comm. Matto – Nay Chair Harger – Nay

The motion failed 5 to 1.

IX. Adjournment Chair Harger adjourned at 10:07 p.m.

Respectfully submitted,

Sarah Vournazos
Recording Secretary