

SHELTON PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, September 25, 2024
Shelton City Hall (In Person & 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

TRANSCRIBED, BUT
NOT YET REVIEWED OR
APPROVED BY SPZC

Also Present: Attorney Francis Teodosio, Corporation Counsel
Ron Baia, Zoning Enforcement Officer
Alexandrea Castro, Asst. Planning and Zoning Admin.
Stephanie Charboneau, Stenographer
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 6:05 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. Old Business
 - A. Application #24-07 "390 Shelton Avenue", Chris Russo for B-WIZZ, LLC., at 390 Shelton Avenue (Assessor's Map 89, Lot 29) in an R1 zone, for a Planned Development District on 5 acres for 16 detached dwelling units. Review, discuss and possible action.

Chair Harger read aloud the letter dated September 25, 2024 which PZC staff received from Attorney Christopher Russo, regarding Appl. #24-07,

Motion made by Comm. Kelly, seconded by Comm. Matto, to table Appl. #24-07. On a roll call vote taken by Chair Harger, the PZC voted as follows:

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

The motion passed 6 to 0.

- B. Application #24-12, Dominick Thomas for 740 River Road LLC., at 740 River Road (Assessor's Map 21, Lot 50) to establish a PDD and approve Initial Development Plans for 40 side-by-side residential condominiums and onsite parking. Review Resolution, discuss and possible action.

Attorney Francis Teodosio, Corporation Counsel, read aloud the resolution regarding Appl. #24-12.

A nine-minute recess was observed beginning at 6:12 p.m. and the meeting resumed at 6:21 p.m.

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

Chair Harger clarified that PDD #91 was noted in the resolution by mistake, it should instead mention that Appl. #24-12 is to establish a PDD.

The Commission discussed the resolution regarding Appl. #24-12. Comm. Matto expressed she prefers the revised plan. Chair Harger indicated she appreciated the applicant withdrawing his original plan for 51 units and changing his parking accordingly.

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

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

The motion passed 6 to 0.

- C. Application #24-16, Dominick Thomas for Daybreak Ridge LLC., for a text amendment to Shelton Planning & Zoning Commission Regulation Section 34.1. Review Resolution, discuss and possible action.

Chair Harger relayed that Attorney Teodosio, Corporation Counsel is reviewing Appl. #24-16.

Motion made by Comm. Parkins, seconded by Comm. Kelly, to table Appl. #24-16. On a roll call vote taken by Chair Harger, the PZC voted as follows:

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

The motion passed 6 to 0.

- D. Application ZBO-24-53 “Carsation”, Dominick Thomas for Carsation LLC., at 40 Oliver Terrace (Assessors Map 63, Lot 12) in an IA-2 zone, for an application for a Certificate of Zoning Compliance under schedule A line 42C; Warehousing, storage and distribution facility, occupying 12,000 square feet of an existing building. Review, discuss and possible action.

Ms. Alexandra Castro, Asst. Planning and Zoning Admin., addressed the Commission. She read aloud her report regarding Appl. ZBO-24-53. Chair Harger relayed that the applicant is continuing to perform the actions which he was informed to not do in the Cease-and-Desist order. Ms. Castro referenced a discussion with the landlord, who told her about a complaint from their tenant below the applicant.

Attorney Dominick Thomas from Cohen & Thomas, Derby, CT addressed the Commission on behalf of the applicant. He mentioned the piping issue with the tenant located below his applicant did not have to do with his applicant washing cars. He said, “warehousing storage would allow somebody to store inventory, distribute it when necessary and they would be able to take care of that inventory.” He noted that his applicant meets the standards for the use line under 42.C. However, Chair Harger replied that the applicant went “above and beyond what he was permitted to do.”

Attorney Thomas expressed the Commission could place a restriction regarding washing cars. Comm. Parkins replied that his applicant “does not seem to pay any attention to our conditions” and Comm. Cristiano stated, “the conditions to stop doing activities have been in place for quite some time.” Chair Harger referenced the application for business occupancy, noting that the applicant could have included activities under the section about providing details about the operations of his business.

Attorney Thomas spoke about a discussion with the landlord’s attorney and relayed that the landlord has not withdrawn his permission to file.

Attorney Hale Sargent, Westport, CT addressed the Commission on behalf of the applicant’s landlord, Bernard Thomas LLC. He relayed the landlord’s stance and said, “the landlord vigorously opposes any washing of vehicles on this site, the lease does not offer that as one of the activities...it has caused tremendous damage to my client and the tenant downstairs, Reza, who has lost \$13,000 in materials.” He referenced the Cease-and-Desist order, noting the applicant is in violation of his lease.

Chair Harger expressed that the Commission should take suitable action to enforce the Cease-and-Desist order. However, Attorney Thomas responded that he will appeal it since the application is for warehousing and storage.

Attorney Sargent replied that the landlord would like the applicant to be in compliance with the permitted uses and approvals of the various departments within the city of Shelton. He then read aloud an excerpt from the lease and noted that it is “essential” there is no flooding.

Attorney Teodosio mentioned the applicant is not in compliance with the zoning regulations regarding the showroom use. He asked Attorney Thomas about the landlord and tenant revising the lease to only have storage with no showroom and detailing. Attorney Sargent responded that his client would be happy to amend the lease to provide storage for the vehicles. Ms. Castro reminded the Commission that the applicant has been occupying the space since September 2023 and said, “we have given every opportunity...and whatever you say today is no different than what’s been said in May, the first meeting.”

Mr. Ron Baia, Zoning Enforcement Officer, addressed the Commission. He referenced staff’s 18 months of work regarding this application, noting the applicant has gone “above and beyond” the use for warehouse and storage. He mentioned the Cease-and-Desist order and said, “the applicant violated that ...and does whatever he wants.” He expressed his frustration and stated, “I think approving this is going to be nothing but a continuous headache.”

Motion made by Comm. Cristiano, seconded by Comm. Matto, to deny Appl. #ZBO-24-53 and to authorize staff to enforce the Cease-and-Desist order by any means necessary. On a roll call vote taken by Chair Harger, the PZC voted as follows:

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

The motion passed 5 to 0 to 1.

V. Public Hearing

Chair Harger read aloud the guidelines for the public hearings, and how the public who wished to comment on the proposals being presented will be recognized by the Chair.

- A. Initiation of Application #24-17, Dominick Thomas for Daybreak Ridge LLC., at 85 River Road, (Assessors Map 94, Lot 89) for a Planned Development District for 20 townhouses and 20 one-bedroom units in accordance with Connecticut General Statutes 8-30g. Review, discuss and possible action.

Comm. Matto read aloud the legal notice regarding Appl. #24-17.

Chair Harger indicated that Appl. #24-17 was accepted for review on July 10, 2024. She mentioned that the following items were posted to the city’s website: application for the zone, Statement of Uses and Standards, site plans, architectural plans, renderings, a site plan showing the conservation easement,

a traffic impact study, a blasting plan, a letter dated July 31st from the applicant's attorney consenting to an extension until September 30th to commence the public hearing, a list of affordable housing appeals, a list of affordable housing units in Shelton, sign posting and photos and certificates of mailings.

Attorney Dominick Thomas from Cohen & Thomas, Derby, CT addressed the Commission on behalf of the applicant. He indicated the rental units will be affordable in accordance with the statute and the housing marketing plan. The parcel size is 12.39 acres with three to four acres dedicated as a conservation easement. He requested the public hearing to be kept open as he is waiting for a report from a fire safety expert. He mentioned there is a need for affordable housing and noted that the area was previously approved for higher density residential. There is a "substantial buffer that exists and will exist with the conservation easement."

Comm. Parkins inquired about whether the current residents of the units were noticed about the proposal or does the developer still have control over the complex. Mr. Kenneth Schaible, applicant, Shelton, CT addressed the Commission. He responded that the developer obtained rights to further develop the property in the public offering. He noted the residents have asked him about the development and he said, "I'm going to keep them, retain them and rent them."

Mr. Pat Rose, Rose-Tiso & Co. LLC., Fairfield, CT addressed the Commission on behalf of the applicant. He indicated three of the four buildings will be townhouses. He mentioned the apartments in the apartment building are one-bedrooms which range from 643 sq. ft. to 800 sq. ft. The apartment with the den is 990 sq. ft. He noted there will be 12 affordable units comprised of six units in the apartment building and 6 units in the townhouse building. Attorney Thomas said, "a two-bedroom townhouse is going to be evaluated the same as a two-bedroom apartment when it comes to affordability."

Mr. Rose addressed the parking and noted there are 18 parking spaces underneath the apartment building. He indicated the townhouse has the ability to park "two cars in tandem...with the possibility of three cars at the townhomes." He mentioned there are 110 parking spaces for 40 units. Comm. Cristiano inquired about a "short set of stairs leading to the lower parking level" and Mr. Rose replied that there could be a pedestrian connection. Mr. Rose then reviewed the elevations, noting that the rear and front elevations for the apartments are similar.

Mr. Manuel Jose Silva, P.E. of Rose-Tiso & Co LLC, Fairfield, CT addressed the Commission on behalf of the applicant. He went over the site plans and pointed out the driveway for the fire safety vehicles and dump trucks. Attorney Thomas indicated that Mr. Silva prepared a fire truck turnaround template to be used as an exhibit.

Mr. Silva reviewed the grading and Comm. Kelly inquired about the grade of the 100 ft. from River Road to the top of the apartments. Mr. Silva replied that it is still the same. He then went over the drainage, noting Phase Two will overall reduce the drain discharge to the system onto River Road. He said, "we're actually reducing less water with the two phases built." He spoke about the landscaping and pointed out the shaded trees around the parking areas. Comm. Matto mentioned that the London Plane trees can grow big and Mr. Silva said they will be located between the buildings.

Mr. Kermit Hua, PE., KWH Enterprise, LLC., Meriden, CT addressed the Commission on behalf of the applicant. He mentioned there are 18 trips for the weekday morning peak hour and 21 for the weekday afternoon peak hour. He stated, "there will be no change in the level of service after all of these 76 units are built." He noted he collected 85th percentile of speed on Route 110 which was used as his criteria to judge the side distance, which was 45 mph on both sides of Route 110.

Mr. Hua noted the vehicle accidents on Route 110. Chair Harger relayed that the units were only partially occupied and Mr. Hua confirmed that there were 11 units occupied out of the 36 units. He said, "there is no traffic capacity issues...there's more than enough roadway capacity and intersection capacity to these limited number of trips generated by these 40 units."

Attorney Thomas referenced school age children, noting there was an enrollment projection by the school department between 2011 and 2024 which predicted a decrease of 400 children. However, he indicated that the enrollment has decreased by 800 children.

Chair Harger opened up the public portion and the following members spoke regarding Appl. #24-17:

1. Mr. Gary Dezolt, Shelton, CT addressed the Commission. He expressed his water drainage concern and about the collection pond failing which is located behind his property.
2. Mr. Peter Gomez, Shelton, CT addressed the Commission. He relayed his density concern and that his property value will be affected by the proposal.
3. Mr. Chad McNeil, Shelton, CT addressed the Commission. He referenced the cracks in his garage and in his fireplace. He noted his blasting concern regarding the safety of his property which he has resided in for 35 years. He mentioned his wildlife concern and said, "the impact of these animals that were in this space has been strained."

Attorney Thomas responded to the public's comments. He said, "there's no

empirical evidence about diminishing property values about high density.” He mentioned the applicant will follow the rules regarding blasting. Mr. Silva also replied to the public’s comments. He mentioned the site being steep but will be making a pocket to create the pond itself which will control the water. He said, “there’s no way for the holding vessel that’s holding the water to fail...because it’s basically cut into the rock.”

Mr. Schaible responded to the public’s comments. He referenced the blasting and noted that he hired a “very reputable blaster” and that he did not receive any complaints about property damage. He indicated there was an environmental officer who visited his property and he worked around the schedule of the eagles who were there.

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

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

The motion passed 6 to 0.

VI. Adjournment: Chair Harger adjourned at 9:05 p.m.

Respectfully submitted,

Sarah Vournazos
Recording Secretary