

The Shelton Planning & Zoning Commission held a Regular Meeting on January 6, 2004 at 7:00 P.M. in the Shelton City Hall Auditorium and Room 303, 54 Hill St., Shelton, CT

The Chairman reserves the right to change the sequence of the items on the agenda.

Members present were: Vice Chairman Alan Cribbins
Comm. Patrick Lapera (for Comm. Pagliaro)
Comm. William Papale
Comm. Anthony Pogoda
Comm. Karen Tomko-McGovern (for Comm. Sylvester)

Staff present were: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Pat Garguillo, Court Stenographer
Diana Barry, Secretary

The Vice Chairman opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING

APPLICATION # 03-52, RIVER ROAD PARTNERS, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) AND CAM SITE PLAN, 745 RIVER ROAD (MAP 21, LOTS 46, 48) R-1 DISTRICT (CONTINUED FROM 12/6/03 MEETING)

Comm. Pogoda read a letter from the Department of Environmental Protection Agency. He read only the recommendations of that letter into the record.

Richard Patterson, 31 Daybreak Lane, addressed the Commission. President of the Neighborhood group WER1. He stated he has had a number of conversations with the developer and members of WER1. WER1 was established for responsible development and we feel with the development being scaled back to 150 units is a responsible development of this property. He was concerned with the sewers going to Stratford and the City of Shelton not be burdened by those expenses. He was concerned this be a high-end development and he is in support of this.

Walter Sofian, 7 Andrew Drive, addressed the Commission. He presented a written copy of his remarks the day of the first hearing. (SEE ATTACHED) I am against this project even at 150 units and he is concerned with the burden on the school system.

The applicant addressed the Commission.

He responded to the comments from the public hearing held earlier.

He stated that the relationship to the long range plan. This plan is consistent with the long range plan that shows 1800 multi-family units, 50% of which were to fall along the River Road corridor. Pinecrest falls within the special development area that makes it appropriate for the PDD application.

There have been many comments about the sewer situation. We have been discussing the sewer situation with Shelton and Stratford since July. There are formal correspondence back and forth. The City of Stratford will charge \$200 a tap and Shelton will only get \$120. Our commitment will be that the homeowners association will take care of the difference as a requirement. We will take your guidance as to how the best way to handle that would be.

Community density – we are sensitive to the comments made especially by the Fire Department and the volunteers whose firehouse abuts our property. We provide an additional buffer and that will eliminate some homes in that area. We will work with the Staff and the Commission as to which and how many units to eliminate to come up with a program that will work for us all, stated the applicant. Furthermore, when the sales staff goes to sell any units they will make the potential buyers aware that there is a siren for the volunteer firefighters nearby, he added.

On the subject of fiscal impact, the development will continue to generate a positive revenue for the City and allow the City to maintain one of the lowest mill rates in the State.

As far as school age children, stated the applicant, some people didn't understand the mythology used. The statistics in the town of Shelton show that the condo/townhouses generate .019 school children per unit. Flats generate .029 school children. If you multiply those out with the original 175 units that shows this would generate 37 children that includes children going to private schools (that is normally 10%), that includes children below 5. It is hard to generate more than 37 school children with the 175 units.

Traffic was another concern. The Level is a C and the consultant indicates it will remain at a Level C. The real problem with traffic on River Road is that people go 50 m.p.h. This will keep the flow and this project will not change that at all, stated the applicant.

Blasting was another concern. We have always followed and will give preblast surveys to any neighbor. It is a good policy for safety and financial responsibility. There is concern with the gas line in that area and the safety of that is paramount. The blaster is well insured and very experienced.

Joan Flannery, 8 Partridge Lane, addressed the Commission. She read a letter with her concerns.

Mr. William Bures, Division Avenue, addressed the Commission. I didn't speak at the last meeting. Long Hill Avenue is only 24 feet wide and that is not a normal size road. I am concerned with the schools being overburdened. He stated that the job of a zoning commission is to maintain the integrity of the neighborhood. The Commission is offering an all you can eat buffet. I think it is time it stop, the PDD's and the SDA's. Who is going to be the real estate agent on this deal he asked?

A women in the audience asked when this evening could I ask questions of the board? You can't answered the Chairman. The Chair will ask the questions, there cannot be dialogue between the builder and the audience, he added. If I ask you, you ask the builder, at what time do we get an answer, the women questioned? I may need to get additional information from him and I will get the Staff to get the answer from him, stated the Chairman. It might not be able to be answered in 5 minutes so that the Staff can mail you the answer, he added.

Comm. Tomko-McGovern questioned the Chairman on the position of WER1. Mr. Patterson says he is in support of the 150 units and Joan Flannery is against this project. Joan Flannery states from the audience that she is a member of WER1. The Chairman stated we thought we heard that WER1 is now in favor of this proposal. Joan Flannery stated I am in favor of the R1 zone. The Chairman stated we will listen to the tapes.

Louis Scuilla, 18 Peachtree Lane, addressed the Commission. He stated I would like to have it on record for this evening the weather conditions and he excused himself for being late because of the weather. I think it is important because this might the last public hearing on this and there might be a lot of people who opted not to risk their life for this, which is what you are doing just from the Long Hill Area, stated Louis Scuilla.

Being that I was late, I didn't hear from the builder if there was an exact date given for the traffic survey. The Chairman stated we will get you answer. Tonight, Louis Scuilla questioned? I am not sure, stated the Chairman, but we will get you an answer.

I didn't have time to look at the property layout but someone brought it to my attention that there is a parcel that may be connected to this development that I have a map on it that I wish to have submitted. It shows 7 acres on the northern end towards Murphy Lane that has less than 1 acre is considered for tax purposes for the City and development purposes. It is considered prime site and it is valued at \$61,000.00. The residual is 6.2 acres and that is only valued at \$10,000.00. I would like the Board to review this to see that there is building being performed on this area and for at least 20 years was taxed as residual land. This was handed over at the last minute. I don't know if this is Open Space and I think it is important if someone owns land and pays a reduction in taxes every year that they not be allowed to build on it as prime land.

We will accept your map and try to get some clarification, stated the Chairman. Really though that is a question for the Tax Assessors Office not this Board. There is agriculture land here, there is raw land here and there is farmland, stated the Chairman.

You are also not supposed to consider if there are children in a development, but they always tell us that and it always comes up, stated Louis Scuilla. If they are putting 50 condos on land that was never taxed as buildable land, that is important and I think that everyone should know that.

Anthony Panico stated you are making an assumption that may or may not be factual. I said that this was handed to me at the last minute and I don't know if it was even true, stated Louis Scuilla. I didn't want to take the time to look at the map in front of everyone; it is connected to the property.

We don't understand it, stated the Chairman. We will have our Staff look at it, he added. I will get you a comment on the date of the traffic study. The applicant answered Mr. Chairman September the 16th. Do you know what day of the week that was, asked the Chairman? The expert advisor says that was a Friday stated the applicant. Do you know approximately the time of day, asked the Chairman? 4p.m. stated the applicant.

Nancy Steiner, 23 Partridge Lane, addressed the Commission. My question is how we first heard there would be 175 units and then Mr. Patterson talked about 150 units? Then this gentlemen got up to explain and he mentioned a reduction but never really gave a number. So I think to many of us that number is important. We want to know how many the reduction will be and I need to hear it from him – to you – to me, or whatever. A reduction could be from 175 to 160. I need to know how much that reduction is?

In the end when we are done here, we give the applicant the chance to speak on that and they certainly can answer your question. The final decision rests here with the Board and it may not be rather the number is 175 or 125. That may not be acceptable to the Commission, whatever that number may be. So the numbers being tossed around, until we thoroughly examine the property and all the information being provided as we take the days to deliberate that may or may not be the number, stated the Chairman. So there is no number at this time, stated Comm. Papale.

At least a statement should be made by the builder tonight as to what he is thinking the number will be. It should not be hanging in the air, stated Nancy Steiner. Just give us a number and I appreciate it may not be the end result but just give us a number that is in their mind for the reduction.

The application is for 175 units, stated Comm. Papale. If the applicant would like to make a comment about the level of what they are thinking, there will be some negotiation on what that number is, stated the Chairman.

Comm. Papale asked the applicant for his name as he spoke before we didn't have his name.

Steve Julias, Danbury, CT., addressed the Commission. I was not trying to be cute when I said a reduction before. I was actually trying to be sensitive. Our goal would be 150 units as we have discussed in the past. I hope the Commission agrees with that. We would not build more units at this time, stated Steve Julias.

Comm. Tomko-McGovern stated I would like the public and the Commission to be reminded on what the alternative is if this is not approved. I am not sure that is a proper discussion to take place here, stated Anthony Panico. Nothing is carteblanche and we only assess the likelihood of the projects as they are presented, he stated. These are based on things as they are today, so we talk about this and we deliberate what you have heard so you can draw your own conclusions, he added. Far be it from me to tell you what is going to happen stated Anthony Panico to Comm. Tomko-McGovern.

Irving Steiner, 23 Partridge Lane, addressed the Commission. There seems to be some question as to the position of WER1. We are a free spirit group. We at this point see a development and the alternative. We find there is a situation were we could not fully agree on the best course of action. Given the information that we have some of us have abstained, and some of us have a right to be against the development. I personally have abstained. This is a borderline fence type that could go bad or could go good, stated Irving Steiner, for the residents of Shelton. We are a group that allows freedom of speech, he added.

We are just trying to understand the position because the person who spoke earlier, we thought we heard WER1's opinion is in support, stated the Chairman. That is what we thought we heard and we will consult the record, he added.

Bob Harbison, 10 Soundcrest Drive, addressed the Commission. There has been a great deal of fear generated that if you don't pass this we will get affordable housing. I am sure that will play a part in your decision. That is not a suitable site for affordable housing, that site is not close to shopping centers or schools. I see no reason and I would like the Board to give me a reason why this should be passed in an R1 Zone. I would like a response from the Board as to a reason for passing this.

You are asking the Board to comment on a position it has not taken yet, stated Anthony Panico. I am not asking that, I am saying is there a reason for passing this, I have not seen it, stated Bob Harbison.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on Application # 30-52.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to recess the meeting from the auditorium and reconvene in Room 303.

EXECUTIVE SESSION: PENDING LITIGATION MATTER

All interested parties were not present and the Chairman proceeded with the meeting.

PUBLIC PORTION

The Chairman asked if there was anyone in the audience who wished to address the Commission on any item that was not on the agenda and hearing no response asked for a motion to close the Public Portion.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Portion.

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Richard Schultz stated that there are standards numbers 1-9. Comm. Tomko-McGovern questioned what #9 is? This is the condos on the corner that we have approved and these are just the certificates. You are seeing the permits now, stated Richard Schultz.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve the Standard Applications for Certificate of Zoning Compliance #'s 1-9.

SEPARATES:

3167 BOBBI & JACQUES WAGEMAKER, 18 REINER DR., HOME OFFICE

Richard Schultz stated that this is for a home office. This is marketing office for a husband and wife team. It is a 50 sq ft. office and the home is 2800 sq ft. Pretty straight forward and Staff recommends approval.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3167.

3154 SAMUEL SANCHEZ, 361 SHELTON AVENUE, HOME OFFICE

Richard Schultz stated this is a consumer goods broker. Company name is Diversified Merchandise Group. There is one employee and it will be part time. He uses his personal car and it is only 50 sq ft.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3154.

3155 BARBARA P. CHAVEZ, 41 WAKELEE AVENUE, HOME OFFICE

Richard Schultz stated that this is for interior redesign. There is one employee the homeowner. She will use 100 sq. ft. Monday to Friday 9 to 5. She uses her car to visit individual homes.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3155.

3132 ADK ELECTRIC CO, LLC 98 LONG HILL AVENUE, HOME OFFICE

Richard Schultz reported that this is for an electrical contractor. 50 sq. ft. and this is a two family house.

End of Side 1A of 2A, Tape 1 of 2 at 7:55 P.M.

I heard no storage and no equipment, stated the Chairman. Does the employee drive his car to this location, leave it and drive to the customer's location, questioned Anthony Panico? Yes, answered Richard Schultz.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3132.

3137 JOSE REYES/JOE VISLINSKY, 549 HOWE AVENUE, SIGN

Richard Schultz stated that we have approved the billiards room at the Mill and the ground sign. We tabled the wall sign and you directed Staff to find out just where the wall sign would go. We have marked it here and it has been reduced to 7 by 30. It is not illuminated and it is to the right of the landing. They got rid of the logo. It is on the right hand side on the landing, stated Comm. Pogoda. In the back, stated the Chairman. When you park the car you will see it and go right up the stairs, stated Richard Schultz. It has been substantially reduced, he added.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve Separate # 3137.

APPLICATION # 03-37, S PROPERTY LIMITED PARTNERSHIP FOR TEMPORARY SPECIAL EXCEPTION APPROVAL (EARTH REMOVAL) PROPOSED LOT 32, IVY BROOK ROAD (MAP 65, LOT 1) LIP DISTRICT (PUBLIC HEARING CLOSED ON 9/23/2003) DISCUSSION AND ACTION

We had a lengthy discussion at the last meeting about the perimeters. We were concerned with the blasting. His (the owners) interest was in getting the blasting and grading done before much more construction of these units takes place. The Commission gave us their consensus and asked for a resolution to deal with this, stated Anthony Panico. (SEE ATTACHED)

Comm. Pogoda questioned if we discussed a timetable to start clear cutting in March. I don't see it in this draft resolution. It was a critical point and they want to be done on October 1st, stated Comm. Pogoda. It was in my draft and it is important before the winter sets in to get the ground reestablished. March 1st he can clear cut without any bulldozers. April 1st he can start and that begins the 6 months, stated Anthony Panico. He can't bring the bulldozer until April 1st. Anthony Panico inserted that into the paragraph that speaks to timing.

On a motion made by Anthony Pogoda seconded by William Papale it was voted to approve Application # 03-37. A roll call voted followed with Comm. Lapera abstaining and all other Commissioners voting I in favor.

The Chairman questioned how long Anthony Panico has been advising this Commission. Since 1965 stated Anthony Panico. I do understand that you graduated from Yale and that was very well read. This Community has benefited from your years of experience, added the Chairman.

APPLICATION # 03-43 CRANBERRY HILL, LLC FOR SDA OVERLAY ZONE, ARMSTRONG ROAD, (MAP 19, LOTS 2, 3, 4 AND 5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 9/23/2003) REQUEST FOR EXTENSION ON REVIEW PERIOD

AND

APPLICATION # 03-44 CRANBERRY HILL, LLC FOR PDD ZONE CHANGE (49 SINGLE FAMILY CLUSTER RESIDENTIAL) ARMSTRONG ROAD (MAP 19, LOTS 2, 3, 4 AND 5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 9/23/2003) REQUEST FOR EXTENSION ON REVIEW PERIOD

Richard Schultz stated that we need to extend the review period. This will be the final extension on these 2 applications, he added.

On a motion made by William Papale seconded by Karen Tomko-McGovern it was unanimously voted to approve the request for the 65-day extension on Applications # 03-43 and 03-44.

Anthony Panico stated we are not geared for a discussion on this. Rick and I need to sit together and digest the areas of concern from the Commission, he added. The Chairman asked that if you could put one piece of data together for us it would be the new regulations that we talked about for the meeting on the 27th. The perimeters of those new regulations in comparison to this application, stated the Chairman. You would like to see a comparison then, asked Richard Schultz? What it would be, stated the Chairman. We have a meeting in January on the 6th, split rock is next Tuesday, we skip a week and it goes to the 27th, stated the Chairman.

APPLICATION # 03-55 WELKIN, INC FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE (WELL SPRING ESTATES – 30 SINGLE FAMILY DWELLINGS) OLD STRATFORD ROAD (MAP 29, LOT 19) DISCUSSION AND ACTION

Anthony Panico spread some maps out. The Chairman questioned that we are now at the maximum number of 30? Yes, stated Anthony Panico. These are adjustments that have been made and there are still a few things that have to be finally adjusted. We are acting on these sets of drawings, he added.

Anthony Panico then read a draft resolution. (SEE ATTACHED)

Staff reviewed the letter from Conservation to preserve the barn. We can accomplish this if this house is allowed to extend into the Wetlands buffer. If you move this back and the cul-de-sac comes back you can pull this building forward laying within the Open Space Area. Wetlands has to look favorably at this and then the next question is does the City want that building? The Board of Aldermen need to let us know if they want the building. If they don't want it then it will be demolished and the plan will go forth as is, stated Anthony Panico. There has to be discussions with Wetlands. The barn is not a historical building but it can be refurbished. There is no need for that building and the association may not want that. It will add more value to the community as expressed by the Trails and Conservation Comm. We need to maintain the driveways for the public use. As a dead-end system the emergency vehicles may use it for in and out access, added Anthony Panico.

What was Conservations concerns for having it, asked Comm. Pogoda? It would be used for a shelter for those using the trails, stated Richard Schultz. There are a lot of fishermen in that area. If there is bad weather they will use it, he added. Everyone has to want it and it is workable, added Anthony Panico.

We want residents to come here to walk the pathway and this is access for the residents to the Open Space stated Anthony Panico.

The minimum pavement width will be 26 and the applicant was asking for 24.

There is an area of 7 consecutive houses of the same models. There is one spot with some grading that they may change the model and change the facades on some of the houses, stated Anthony Panico. There are 4 to 5 on this side that they may substitute some models.

We have had a lot of discussion on this, stated the Chairman, so can I have a motion on this.

On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to approve Application # 03-55. A roll call vote followed with all Commissioners voting I in favor.

There was a comment made as to the reasons why and if they take this and read these reasons why, stated the Chairman. It captures why this makes sense and this is separated by the residential properties and there are a lot of reasons why this makes sense to do this, he added.

Mr. Wells, thanked the Commission. We have a lot of work ahead of us and we appreciate it, he added. I like the way you laid it out and the fact the backyards are not all bunched together, stated Comm. Tomko-McGovern. You will have an informal discussion with Wetlands, asked Anthony Panico? We are moving in that direction stated Mr. Wells.

APPLICATION # 03-67 PETITON OF RICHARD PATTERSON ON BEHALF OF WE R-1 TO AMEND THE ZONING REGULATIONS (SDA: SECTION 21.2 AND PDD: SECTION 34.8) ACCEPT AND SCHEDULE PUBLIC HEARING

We are all aware of January, stated Richard Schultz. February 10 is the second Tuesday and that is our regular meeting. The third Tuesday is the 17th and the fourth Tuesday is the 24th. I will be out for knee surgery on the 16th, stated Comm. McGovern. Comm. Papale stated he would be gone on the 10th and Comm. Lopera stated he would be out on the 24th. Comm. Papale asked about later in February. We will be meeting at least on the 10th and the 24th of February, stated Richard Schultz.

We have a lot of actions on the plate, stated Anthony Panico. We have a lot of old business also, stated Richard Schultz. You have the regulations and I don't want those things to sit around stated Anthony Panico. The Chairman asked when is the vacation for school children? It is the third week in February, stated Richard Schultz. March 9th is the regular meeting, stated Anthony Panico.

End of Side 1B of 2A, Tape 1 of 2 at 8:40 P.M.

On a motion made by William Papale seconded by Patrick Lapera it was unanimously voted to accept Application # 03-67 and schedule the Public Hearing for March 9, 2004.

APPLICATION # 03-68 PETITION OF JONES FAMILY FARM TO AMEND THE ZONING REGULATIONS (FARM WINERY) ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated I recommend the same night as the previous application, Mr. Chairman.

On a motion made by William Papale seconded by Patrick Lapera it was unanimously voted to accept Application # 03-68 and schedule the Public Hearing for March 9, 2004.

APPLICATION #03-69 AREA CONGREGATIONS TOGETHER, INC. FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE (SPOONER HOUSE) TODD ROAD (MAP 63, LOT 17) ACCEPT FOR REVIEW

On a motion made by William Papale seconded by Anthony Pogoda it was voted to accept Application # 03-69 for review. Comm. Lapera abstained from the vote.

The Chairman questioned Richard Schultz as to how that was doing in Court? The hearing just opened on Monday, answered Richard Schultz.

APPLICATION # 03-70 CAMMISA'S GARAGE, INC. FOR SITE PLAN APPROVAL (GARAGE EXPANSION) 344 RIVER ROAD (MAP 80, LOT 162) CA-2 DISTRICT -ACCEPT FOR REVIEW

On a motion made by William Papale seconded by Karen Tomko-McGovern it was unanimously voted to accept for review Application # 03-70.

APPROVAL OF MINUTES 12/9/2003

On a motion made by William Papale seconded by Karen Tomko-McGovern it was unanimously voted to approve the minutes of 12/9/2003.

8-24 REFERRAL: HAYING OF CITY PROPERTY (KLAPIK PARCEL)

Richard Schultz stated that the Board of Aldermen has referred this to us so that Mr. Lyman Wells can start to hay this parcel.

On a motion made by Patrick Lapera seconded by Karen Tomko-McGovern it was unanimously voted to report favorably on the 8-24 Referral: Haying of City Property (Klapik parcel).

ORCHARD PARK: REQUEST FOR RELEASE OF PERFORMANCE BOND

Richard Schultz stated that this was tabled until all the drainage improvements were done. They are asking for release of the \$5000.00 cash bond.

On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to approve the request for release of the performance bond on Orchard Park.

PAYMENT OF BILLS

On a motion made Patrick Lapera seconded by William Papale it was unanimously voted to pay bills, if funds area available.

STAFF REPORT

Richard Schultz stated that the agenda for ZBA is pretty straightforward. There is a list of the names of the members for the update committee.

On a motion made by Patrick Lapera seconded by William Papale it was unanimously voted to table the Executive Session: Pending Litigation Matter.

On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was unanimously voted to adjourn at 8:55 P.M.

Respectfully submitted by,
Diana Barry, Secretary