

The Shelton Planning and Zoning Commission held a Regular Meeting on January 13, 2004 at 7:00 p.m. in the Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT

Members present were: Chairman Joseph Pagliaro
Comm. Alan Cribbins
Comm. Patrick Lapera
Comm. William Papale
Comm. Anthony Pogoda
Comm. Leon Sylvester
Comm. Karen Tomko-McGovern
Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Pat Garguillo, Court Stenographer
Diana Barry, Secretary

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

Tapes (3) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office.

The Chairman opened the meeting with the Pledge of Allegiance.

APPLICATION # 03-58, PETITION OF BLAKEMAN CONSTRUCTION COMPANY FOR AN EXTENSION OF SDA OVERLAY ZONE, BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT

AND

APPLICATION # 03-59, PETITION OF BLAKEMAN CONSTRUCTION COMPANY FOR A PDD ZONE CHANGE (MIXED USE DEVELOPMENT) BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT

AND

APPLICATION # 03-60 BLAKEMAN CONSTRUCTION COMPANY FOR TEMPORARY SPECIAL EXCEPTION APPROVAL (EARTH REMOVAL) BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 4) OP DISTRICT

Comm. Orazietti read the call of the hearing and read one piece of additional correspondence addressed to Chief Vocolla from the City Engineer, Robert Kulacz.

The Chairman explained the process of this hearing.

Christopher Smith, a land use Attorney with the firm of Shipman & Goodwin addressed the Commission. I am here this evening on behalf of Blakeman Construction and Huntington Woods on a mixed use development on the southwest corner of Old Stratford Road and Bridgeport Avenue.

He presented members of the team including Monty Blakeman, a member of the co-applicants, Jim Swift, our Professional Civil Engineer, our Architect Patrick Rose of Rose & Tiso, our Traffic Engineer, David Sullivan of Barkan & Mess and our Real Estate Agent Dominick Mazzelli, of GPA Williams.

Attorney Smith presented to the Chairman a package that will be used in the presentation this evening and he explained just what was in that package. (A copy of that package could be found with the application in the Planning & Zoning Office)

Attorney Smith stated that the copies of the green cards that were sent are part of the file. The second issue I want to address on a preliminary basis is the change of ownership. This is Exhibit B in the package and that states this property was transferred from Blakeman Construction, LLC to Huntington Woods, LLC. The members of the Limited Liability Corporation are the same. There is no essential change in the ownership but for the name of the LLC. That was done by a Quit Claim that was recorded on December 23, 2003 in Book 2317 at Page 104 of the Shelton Land Records. What we want from the Commission is that the owner on the application be Huntington Woods for Blakeman Construction, stated Attorney Smith. The notice in the papers and the letters contained this information. We are asking the Commission to make a motion that Blakeman be the General Contractor and co-applicant. The motion would substitute Huntington Wood and make Blakeman Construction the co-applicant.

On a motion made by Anthony Pogoda seconded by Alan Cribbins it was voted to approve the transfer of ownership on Applications # 03-58, 03-59 and 03-60.

Before the vote was taken the Chairman asked if there was any discussion. Comm. Sylvester stated that I don't have any idea of what we are doing right now. It seems like a simple motion but I would feel more comfortable to know if the motion impacts the applications at all. I think Corporation Counsel should be consulted. Attorney Smith stated this is just to notify the Commission of the change of ownership. If we didn't say anything to you it could be a potential problem that would make us go back to the beginning and start all over, he added. There will be no hiding or secret to whom the owner is. Assistant Corporation Counsel Raymond Sous was in attendance and he stated he saw no problem with the vote or the change of ownership.

Comm. Sylvester stated it is not the request of the vote that makes me uncomfortable at this time. I don't recall this Commission every being asked to vote on something like this. I am not a suspicious person or suspect that anything that you are doing is inappropriate or not right. I am uncomfortable with it because I have sat here for a long time and this is the first time that this Board has been requested to do this. I am uncomfortable with it, he added. I have never experienced it before either, added the Chairman. I didn't realize a vote was necessary, he added. We are acknowledging that the principals are remaining the same, the names are different. I am uncomfortable with the vote, stated Comm. Sylvester.

Does anyone else have a problem with this because we can vote on it or deny it, asked the Chairman? The Assistant Corporation Counsel stated he saw no problem, stated Comm. Cribbins so we can vote on this.

On a motion made by Anthony Pogoda seconded by Alan Cribbins it was voted to approve the change of ownership on Applications # 03-58, 03-59 and 03-60. The vote was 4 yes votes and 2 no votes. The two alternate members in attendance did not vote because all Commissioners were present. The motion contains a whereas that the owner be noted as Huntington Woods.

Attorney Smith stated he has some preliminary issues with the uses. He stated that the Statement of Use makes reference to proposed new uses. There are permitted uses that include multi-family uses and I want to go on record that Blakeman Construction and Huntington Woods are not pursuing that particular use. We would ask that if you approve this that text gets deleted from this application, he added. We have deleted a portion of apartments from this application.

We have three applications and it is my understanding that all three applications, which do require Public Hearings, are being entertained in this one single hearing this evening. The applications are all related and we are looking for the SDA to be designated on the parcels and the PDD to be designated on the parcels. There is an earth removal application regarding materials and excavation relative to the site preparation, stated Attorney Smith.

I would like to spend sometime on the SDA and the PDD applications pursuant to your regulations. I will then turn the floor over to Mr. Swift for specifics on the site development. Section 34 of your regulations deal with the Planned Development District. I would like to point out with Section 34 a portion of your regulations deals with a zone change. The test within the State of Connecticut is that the proposal be consistent with the comprehensive plan and your plan of development. Your plan of development is advisory only and the submittal plan for Route 8 makes that clear. A second part of the test is that the proposal would not have an adverse impact on the public health or safety for the City of Shelton. Attorney Smith read from the regulations with regard to the tracts of land to be developed and redeveloped.

The PDD is explained and Mr. Swift will speak to that more. If the Commission approves the plans then you would ask for more detailed plans. There are findings from the Commission and there is a section that makes reference to requirements for the applications.

Your authority to change a zone is legislative in nature, stated Attorney Smith. You have broad discretion.

There is an exert from the zoning map that is included in the package. The property is located right in the middle and I have it color-coded, stated Attorney Smith. There are a wide variety of zone designations surrounding this property. Mr. Swift will walk you through the adjacent properties and there are a number of uses that include retail, a gas station, office and light industrial. There are not any residents within close proximity. The closest home is 600 feet away. To the south is Perkin Elmer. Behind us is Route 8. There are a wide variety of uses that are consistent with what is being proposed. There is a copy of the zone change map and the property is in blue. You can see the different zones and uses, stated Attorney Smith

The next exhibit is an exert of the Route 8 Corridor update. The second page shows the conclusion that the plan is a guide to developers for making land uses and utilities infrastructure decisions for the next 10-15 years. You have divided the Route 8 corridor into Area A which is the westerly side of Old Stratford Rd/Commerce Dr. and Area B is the northeasterly side heading toward downtown. The subject property is located right on the boundary line between A and B.

He read from the plan update concerning the mixture of uses including light industrial, existing high density residential and support services that include food establishments, retail sales and the highest concentration of mixed commercial/business facilities, stated Attorney Smith.

There are comments about Area A and the second part of that the land uses include light industrial, corporate offices, food establishments, retail and support services including the hotel. Area B is on the next page that states what the uses are, that include the SDA, and you indicate that the advisory guide labels this as a concept for the entire area. You would like to see the SDA in this area because of the flexibility of the uses.

Area A also indicates that the land use pattern is committed to a mixture of light manufacturing, business and corporate offices in combination with single tenant retail establishments, a unified shopping center, a new dining and transit lodging accommodations supporting the office developments in the area, stated Attorney Smith.

The area improvements are addressed and the improvement of the intersection at Bridgeport Avenue and Commerce Drive to include lanes to support the traffic. An outstanding obligation to the private sector developer so that there will be no cost to the City or State. This is designated as a high priority. If you have had an opportunity to review the documents both Mr. Swift and Mr. Sullivan will walk you through the proposed improvements that are part of our applications. They are consistent with the plan.

I would like to note that your Plan of Development dated effective 10/13/1992, the one I was reading from is a supplement, on Page 5 of the plan you indicated your policy for the City listed as number 7 is to permit retail development to the point it is justified to service residents.

At page 31 there is a reference to the office space with regard to Shelton, Trumbull and Stratford. Merritt 8 has 1.9 million sq ft. that is available to lease 3.7 million is proposed. The Route 8 Corridor continues to absorb 30% then it would take 18 years to absorb. There is plenty of vacant office space here in Shelton to absorb, stated Attorney Smith. The property is zoned OPD and we want to change the zone to include uses other than offices. One half of the site will be utilized as office in this proposal.

Page 33 makes reference to the retail and support services. There are needs being met out of town. There is a retail component that will be consistent with the supplement and the overall plan for the City of Shelton.

Attorney Smith continues by going over to the document prepared by GVA Williams, Real Estate Services. Again this is the test for the zone change and what I want to demonstrate is that there is a substantial amount of offices in the area with a lack of retail space. The proposed use being considered this evening provides for ½ to be office and the other ½ to be retail servicing both the residents and people employed in the area.

End of Side 1A of 3A, Tape 1 of 3 at 7:50 P.M.

Shelton has the 3rd highest available office space in Fairfield County. 23.1 percent is available and vacant. There are proposed buildings, which are not under construction. Shelton has the 3rd highest vacancy rate in Fairfield County stated Attorney Smith.

New tax dollars will be generated, he added.

They made a comparison of spaces with Shelton and Fairfield. You will note that in Shelton there is over 8 million total commercial space and Fairfield it is over 5 million. Retail in Fairfield is at 42% and retail in Shelton represents 8.2 %. The point is this property is OPD and there is no need for office to be 100% of this property. You have large corporate office space right next door to us (Reckson) and Perkin Elmer is leasing out space right next to us, on the other side. There is no need for the space and if this is not justified my clients property should not be zoned for that space. We propose a change to the SDA/PDD process to modify the office space to a smaller level. We also will provide for some retail to the office employees but also to the citizens and residents of the City of Shelton.

There will be \$1.5 million of improvements to the property. I submit to the Commission that the SDA/PDD for this property is consistent with your regulations complying with Section 34. There are the same types of uses and zones all around us. The Special use is consistent with the immediate vicinity. I submit that with your plan of development and the Route 8 corridor that the representative from GVA Williams will state that there will be no adverse impact to the adjacent properties from this application.

Mr. Dominick Mazzelli, GVA Williams, addressed the Commission. I feel as a licensed Real Estate Agent in Connecticut that there is no adverse impact to adjacent properties for 3 reasons. There is no adverse impact because it is consistent with the overall landscape of Bridgeport Avenue. Second reason is that development is not offensive or obnoxious in nature. Thirdly the architectural appearance as proposed is an improvement to the buildings in the area.

James Swift, licensed Landscape Architect and Civil Engineer, addressed the Commission. The site location is 14.5 acres outlined in yellow in the middle of the map. Bridgeport Avenue runs North/South on the Western side of the site. Old Stratford Road runs along the Northern side of the site. Route 8 is on the far right and Exit 12 at this location. Then coming into the site, in this direction is Commerce Drive. The surrounding uses include the Mobil Station, The Hilton Garden Inn, an office building toward the North, Blockbuster/Chase Bank Building on this corner, Tetley Tea, Amerisuites, Sears, Kinkos and Woodside Plaza across the street from us to the West, and Perkin Elmer and the Reckson property surround us in the other direction.

The property line that we share with Reckson starts at Bridgeport Avenue up the shared driveway in this direction. Runs right on the edge of the pavement into the parking lot in this area. The Commission can check on A2 survey this applicant does have rights to use this access road that is adjacent to our property, stated James Swift.

There are 2 traffic lights that adjoin our property, one is on Congress Drive/Commerce Drive/Bridgeport Avenue/Old Stratford Intersection and one at Sears Hardware.

James Swift then went over the radius map that was submitted with the applications. This map shows the zones around the property, there is OPD covering the vacant Lord site, PDD # 33 in this location, IA2 Zone here, LIP zone covers the existing commercial site in that location, IA-3 and IA-2 across Bridgeport Avenue from us, PDD # 27 and PDD # 24 across the street from us. There is a lot of PDD adjacent to our property. There is OPD on the Reckson piece and our parcel, stated James Swift.

The application before you is for a mixed-use development. This will go back to a SDA application on this site about a year ago. We wanted to go with commercial on this site. We got a reaction to that and what is being presented is the sensitivity to the site with services that are necessary in town. There is general retail in the corner and there is a small office complex on this parcel. In the corner there will be gas sales in this corner, coming up the hill in this area there will be a dedicated restaurant pad, (there is a definite need for that in town), another smaller retail and in the back is the office building.

We are going in an interesting direction with the office space on this site. We are proposing the office site to be a general office Condo building. We hope that this will be successful with the ownership being an attractive interest, stated James Swift.

The layout of this is what is really important, as to how to get from point A to point B. You will hear from David Sullivan on this intersection and all we did with trying to connect driveways and roadways on the site was focused on trying to respect the intensity of Commerce Drive. We were trying to make that situation better and Dave will talk about that more, stated James Swift.

There is an interconnecting feature going from North to South within the site. There will be access from Old Stratford Road that will be signalized. There is steep earthwork there and we want to relief the traffic on Commerce Drive. For that to work this driveway goes all the way through the site to the existing driveway. Reckson will have a right to access this driveway and to use it preventing them from traveling right at Commerce Drive.

This light will help people who are not going to the site and they won't use Commerce Drives signal. They can cut through and it will help with that light and the traffic situation on the parcel, stated James Swift.

On the site, the office condos would be here, restaurant here, there is retail here, office here and gas sales here. It is 58,760 sq ft. of general retail, 4,300 of gasoline sales retail, 64,000 sq. ft. of the restaurant pad and 72,900 sq., ft. of office condo. We are maintaining about a 50% split between the office use and commercial use.

This is the conceptual plan and we are working these areas into the hillside. We are sensitive to what has to been done with the earthwork. The utilities are on site. WPCA have conceptual approved the discharge plans. Inland & Wetlands has reviewed this plan and have a favorable response to this concept. They are aware of the impacts, stated James Swift.

Drawings were submitted with regard to the earthwork. 2/3 of the site will be opened at this point to allow the start of the first building. The plan is to get final construction in this corner here. The initial plan is in 3 Phases. You would come into the shared driveway and construct our sedimentation base. The structure will be in and we will construct through here to open up the driveway cut to Old Stratford Road. They will then provide protection on the roads and there will be 2 access points then. Phase 3 will be to start the major work on the high point of the site. There will be stockpiles on the site. All temporary issues have been addressed.

The City Engineer had some comments and his concerns about the special permits have been addressed. Inland & Wetlands will be hearing this soon, stated James Swift.

Attorney Smith stated there is land that goes through the Reckson property and there is a legal document on record in the town that gives access through to Old Stratford Road. Perkin Elmer currently has 500 employees and they will be able to access this road during the shift change.

The City Engineer's letter references the curb cuts and the fact that we should go to the State DOT for those. We will be doing that after you make your decision, stated Attorney Smith. There is an easement that we share with Reckson and it will be used for an accessway.

James Swift stated that the earth material to be removed will be 140,000 cubic yards. It is less than the original that was contemplated a few years ago. The concepts and grading plans have changed dramatically, he added.

Patrick Rose, Project Architect, of Rose & Tiso with offices in Fairfield, Conn., addressed the Commission. The first thing I would like to go over is the buildings and their elevations. The first building at the intersection is general retail and intended to stand-alone. It will be the first building that you will see and it will be retail, possibly a pharmacy. This will be a 14, 5000 sq. ft pharmacy with a drive through.

It will be masonry. There is a water table on the lower portion here and it will be split face block here. It will be two towers and one of which facing here at the entrance to the building. The other will face Old Stratford Road. We envision the office building to see into this here. This is a 3-story building with access off Bridgeport Avenue. The details for the first floor show a bank on this corner with a drive up teller and canopy on Bridgeport Avenue. There will be a lobby on the first floor to service clients. The second floor will be accessed off the interior roadway side of the site. We are contemplating making it retail with a possible single tenant. The third floor will be all office at 6000 sq. ft. Access will be from the lobby and the elevator, stated Patrick Rose.

Materials will be similar to those used in the pharmacy to tie these together. There will be brick masonry and gabled towers. The signage will be on the second floor lobby and there will be landscaping incorporated on Bridgeport Avenue, stated Patrick Rose.

David Sullivan, Senior Transportation Engineer, with Barkan & Mess, Assocs., addressed the Commission. The focus on the study is to review the existing conditions that look at the site, accidents and traffic volumes. We reviewed the proposal looking at access, current circulation, and traffic volumes expected from this development. Lastly we performed an impact analysis. We took into account the additional traffic from this development. We prepared a traffic report that was then submitted to the City.

The studies focus area was the Bridgeport Avenue/Old Stratford Road intersection. We took the Route 8 Corridor out to the ramps. We took the study area and looked at the impacts to the intersection and we looked south to the impacts toward Perkin Elmer.

Traffic counts – we did a number of traffic counts. We took an all day count. (24 hours) For a daily variation and to get a feeling how traffic is profiled. Weekday traffic is obviously heavier. There are peaks from 7am-9am and from 4pm-7pm. On Bridgeport Avenue we did computer peaks and during the day peaks with retail contributing to that, stated David Sullivan.

We looked at accident numbers that we got from both your Police Department and the Department of Transportation. We did notice a strange pattern with a large number of accidents happening where you would expect at Old Stratford Road and Bridgeport Avenue. There were 74 accidents in a 3-year span reported. Most of those were minor with property only damage. 2/3's of those were rear end accidents and it is difficult to correct that situation.

The State of Connecticut Department of Transportation has a slush list that includes accident statistics that are greater than what you would expect, stated David Sullivan.

There is 59000 sq. ft. proposed as retail, 64000 restaurant space proposed, 79000 sq. ft. of office, and a gas station with 12 vehicle-fueling stations.

Access to the site – there will be one on Old Stratford Road across the street from the entrance to the hotel, there is access off the Perkin Elmer site and there is a driveway from a right hand turn from the pharmacy.

Traffic data generated for trips is individuals with the assignments of different driveways and different patterns for office, gas stations, and retail. There are pass by trips that have no impact to the main artery. You use the roads off sides.

We took the trips in and out of the area roadways, stated David Sullivan. For office we look at the professional people and where they live to come and go from. We developed different scenarios including background traffic. We add on other developments that are proposed and not built. We use that as a background. We add on site traffic to that. We knew there would be improvements needed there and we plugged in our recommendations. We adjusted those accordingly, stated David Sullivan.

He turned to a reduced roadway plan map on the easel. It highlighted all the recommendations in the area. We want to maintain the level of service at the ramps. These are both signalized. We want to maintain those levels. The first set of improvements will be at those signals at the ramps.

The bulk of the physical work will be done along here going further West. There is a sliver that develops as a right turn and we will create 3 lanes of traffic coming through. There will be a left hand turn lane into the driveway with a signal installed. There will be additional frontage along Old Stratford Road including more signals. There will be a right hand turn lane to go through the signal. We won't have backups to one intersection to the next.

Coming South from Bridgeport Avenue we will recognize the lane changes. There will be widening along the Westerly side of Bridgeport Avenue. There will be a right hand turn and that will make the other lanes through and Northerly there will be lighting. There will be a right-hand turn into the pharmacy and 2 will be dedicated to come through the intersection.

On the West the single left hand turn will now be doubled with the widening of the road, stated David Sullivan.

With all these improvements put in we will maintain the level of service. The level of service in some areas is failing now and they will be at a Level B. We have submitted these initial plans to the State Traffic Commission, we have gotten some comments back from them and we are working on those now.

I think it is important to add that there will be no adverse impacts to the levels of services associated with the improvements to the property. There are \$1.5 million dollars of improvements proposed to that intersection, stated David Sullivan.

Attorney Smith, addressed the Commission. There is a copy of the exerts from the Plan of Development from 1992, that I read into the record that I would like to have entered into the record. I would like to indicate that this is the conclusion of our presentation and I would like to submit to the Commission that the record more than supports the Commission approving the SDA/PDD and we comply with all regulations through Section 34 and Section 32. We request that based upon the administrative record the Commission approve all three applications.

Comm. Cribbins asked if there will be a buffer area between Route 8 and your property line? Is that all owned by the people leasing the Perkin Elmer property? James Swift answered that is owned by Reckson Company.

End of Side 1B of 3A, Tape 1 of 3 at 8:35 P.M.

Comm. Sylvester stated I would trust since this proposal has so much information that I would like Staff to prepare copies of the statements and letters. I would like to take them home and read them.

The Chairman questioned when you will be doing the roadwork, first while the site work is going on?

Monty Blakeman, co-applicant, addressed the Commission. What we had in mind was to phase the roadwork in along with the road improvements. We will go through the site in a timely manner. Road construction will start with the Bridgeport Avenue parcel as soon as we get our necessary permits. The Board will work with us on the other approvals. The road improvements will take place before any facilities will be opened, questioned the Chairman? It would be done before any Co's would be issued, stated Monty Blakeman. That could be a condition of approval, stated Attorney Smith.

The Chairman recessed to allow the public to review the maps and he then reconvened the meeting at 8:55 P.M. He stated the process and asked anyone in the audience wishing to speak to sign the sheet and please speak clearly so that the Secretaries could get there names and addresses. Address your comments to the Commission and we will extend this hearing to another date.

Joan Flannery, 8 Partridge Lane, addressed the Commission. She read a prepared statement and some questions. (A copy of which is on file in the Planning & Zoning Office)

The Chairman explained to Joan Flannery that the questions may not be answered tonight and she stated she understand.

Joan Flannery stated she is opposed to Split Rock. She is concerned with the OPD, the traffic, she wanted the property used for office and not retail, the blasting with regard to her horses and her vet bills, and she was grateful there would be no apartments and a car wash.

She shows on the map where her house is located in proximity to the blasting, she also questions the restaurant being a McDonald's, she questions the creation of the intersection across the street from the Mobil Station, she questions the increase of traffic with regard to getting out of her street, she questions the cut-through road, she questions the lightness of the accidents (she was involved in 2 herself), she questions the maintaining of the level of service and she questions the improvements.

The Chairman stated the restaurant will not be a McDonald's.

Sal DeFilippo, Sr., 3 Colony Street, addressed the Commission. I am opposed to this petition. He stated that this is spot zoning and he stated his concern with Aldermen John Anglace and Anthony Panico's purposes under the laws. He requested review of the Statues and that this Commission follow the law. He stated his concern with the approval of condos next to his business. He stated his concern with a comment made in the papers with regard to people who oppose the PDD's. He requests getting rid of the PDD's and he requests that the City of Shelton hire an Intelligent Full-Time City Planner to develop a Master Plan for the land that is left and oversee all the Zoning Regulations and enforcement. (A copy of his statement is given to the Chairman and will be part of the file in the Planning & Zoning Office).

He questions the facts that he heard there will be 101 housing units here? The Chairman stated he will have to come before this Commission. There are nice buildings up there that could be converted, stated Sal DeFilippo. They can't do that without coming back to us, stated the Chairman. He questioned the approval of the property next to him whereas if the condos don't sell they could become apartments and no one can do anything about it. I would ask this Board to look at this seriously, seriously and put a moratorium on the PDD's.

Walter Sofian, 7 Andrew Drive, addressed the Commission. The traffic situation hinges on a light at the site at Old Stratford Road and that is up to the State of Connecticut if a decision of a light will be granted. That does throw everything up in the air as far as I am concerned he stated. He then read from his prepared statement. (see attached)

Alan Tyma, Attorney at Law, with offices across the street, addressed the Commission. He stated that this is a legislative determination for this Board. Sound discretion will take into account what has taken place in the past. The 1999 decision you looked at this area to the north to town and this particular area reaffirming that this area needed to be modified to remove commercial uses. You are being asked to change that and I think that is unwarranted.

The applicant has burden of proof and burden of persuasion, stated Attorney Tyma. This is not a court of law but those burdens have to be meet. I feel this has failed on both points. Your 99 decision is important and you talk about achieving maximum development potential. You looked at the areas north making major changes away from the commercial development where it was. OPD is a zoning classification and I agree with the Chairman that the key as a utilization under the PDD is agreed through case law. The PDD has to be consistent even with what is being recommended. Route 8 was looked at not for commercial use and you were looking at the gateway to the City going up Old Stratford Road to Progress Drive. There is a scheme that attracted high scale well thought businesses to the area, stated Alan Tyma.

He questioned the roadway with regard it to being a main thoroughfare? This is a key component and why you should be reserved to act in a favorable way. In 99 you talked about existing zones and you wanted to promote corporate and professional offices for the undeveloped land in that corridor, he added.

You wanted that feature to remain and I see nothing presented this evening to suggest that should be changed, stated Attorney Tyma. The design is not harmonious with mixed retail, office, commercial and potential industrial uses on this parcel. You made the determination that it be OPD that is one thing you wanted to get away from.

Under your regulations the approval of the SDA then look at the PDD the OPD as it exists doesn't accomplish the objectives of your plan of development. You have modified that so that corporate and business is what is desirable for that area, he added.

Traffic was talked about and it is premature because this is a high traffic generator. You hear that traffic could go through the new road putting all the traffic through this development, stated Attorney Tyma. There will be new traffic and there were questions with regard to the restaurant. That needs to be clarified.

The OPD is here and when someone comes asking for that to be changed you ask why? You have made this OPD and you have said so that stores and other structures with retail are prohibited. The restaurants and other food establishments are also prohibited under the regs. We don't want commercial storage sales and distribution of bottled gas, that also is prohibited stated Attorney Tyma. Every OPD doesn't allow that as of matter.

When you look at this proposal, it is important that there are ebbs and flows with the economy. Shelton stands at the forefront of the important developments. There are corporate and everything on Progress Drive is a credit to the community. What you are trying to do here with the OPD is to continue that. You want to see something but not all the commercial possibilities.

This is based on history I have represented the town, the residents, and developers. I have seen it all and I call it as it is. I remember that when Sears was developed one of the professions was to limit commercial use, with no gas station stated Attorney Tyma.

I also remember someone wanted to put in a Funeral Home at Huntington Point. One of the things that happened was that Area A and Area B was brought up like tonight. I made the same argument with the gentlemen that wanted to put the Funeral Home at Huntington Point. If it was across the street I would have been fine but because he went across the street (right next door like Area A and Area B) it wasn't fine and it was denied, stated Attorney Tyma. The zone change then was not a matter of right and sound policy declaration. There was a big wetlands dispute, stated the Chairman.

The Chairman questioned the Attorney if he was here representing himself? I am here representing Kelly Petroleum, stated Attorney Tyma.

Bill Bures, Division Avenue, owner of property at Commerce Drive and Mill Street, addressed the Commission. For history we tried to buy the 40 acres that Mr. Scinto has now but the realtor didn't deal with anyone who smoked cigarettes. He has the right to do anything on his property. There are 90 foot elevations and he is concerned with well problems. I am against the PDD's and SDA's. When people looked at that property they were told no high traffic generators there. The blasting is a concern with the wells and there are 3 projects going on now. I am not against the development.

Joe Salemme, 31 Soundview Road, owner of Mobil Station on Old Stratford Road, addressed the Commission. This totally undermines the hard work that this Board put into rezoning this parcel, not to long ago. Zoning this as OPD in your opinion was the vision of the city to develop the Route 8 Corridor. You have made adjustments in the past to service the workers and residents of Shelton. This parcel was identified in the year of 2000 as the gateway to Shelton. As you enter here from Old Stratford Road to Bridgeport Avenue with 2-3 attractive office buildings. There is a watercourse that could be a beautiful pond. I don't have any objections to the restaurant being put in.

I am not opposed to the PDD it is a good tool that the Board has to work with, stated Joe Salemme. This is in the total opposite direction of what this Board specifically identified as what they wanted to see on that parcel and how it was to be developed , OPD.

The economy is coming back and you will have a demand for office property. The developer has a right to develop the property and I don't think there should be blasting, stated Joe Salemme. He stated his concerns with the blasting and the trucking. He stated his concerns with the additional road, the increase of traffic, the value of the retail parcels, the traffic jams, the traffic lights backing up here and there on the maps, the blocking of a street and their gas station, he added.

End of Side 2A of 3A, Tape 2 of 3 at 9:40 P.M.

Joe Salemme was concerned with traffic using the cut-through, he questioned the width of the road, he questioned the OPD in regard to the long range plans, he was concerned with the Boards efforts, hard work and total policy, he was concerned with the right of the proposal and the Board's discretion in regard to the zone change. He believes this parcel should stay OPD.

Irene Kokenos, 46 Treeland Road, addressed the Commission. I have been a Shelton resident for 25 years and she was concerned with the changes not so good and changes that have been good. Most of them you have been responsible for. I would hope that you would be very, very, very, careful with what you do with that corner. She was concerned with the change of image on the Route 8 corridor. My husband owns Woodside Plaza and we own a restaurant there that we have owned for 6 years, now. We own Plaza Diner and we have seen many restaurants go up on a street that there was a moratorium for restaurants on, stated Irene Kokenos. She listed all the restaurants on the 2 mile stretch of road. She questioned the congestion in Huntington Center and didn't want this area to be like that.

Scott Centrella, An Attorney with a law firm in Stamford (states several names but only able to understand Martin)Martin Law Firm, representing Perkin Elmer, addressed the Commission. Attorney Centrella stated that his client has 515 employees at 710 Bridgeport Avenue. We occupy a little more than half of that building. Currently Perkin Elmer has its research and development labs, their manufacturing facilities, and a sales training office.

Attorney Centrella explained for those of you who don't know what Perkin Elmer does, they manufacture, calibrate, and test very precise analytical instruments at this location. That is our business. These instruments are sensitive to environmental changes especially seismic activity.

Given the nature of this project blasting is a concern to Perkin Elmer. As you review the plans a substantial amount of blasting will need to be done, stated Attorney Centrella. The blasting could have a devastating effect on our instruments, our manufacturing process, our calibrating process, and ultimately on our business.

We had a meeting with the applicant and his Attorney at our facility, stated Attorney Centrella. They were shown just exactly what we do. They did come away with an appreciation of what we do. Most of our processes go on around the clock.

We come before this Commission with a set of proposed conditions of approval. We have discussed at length these with the applicant and their Counsel. Perkin Elmer and the applicants are comfortable with these. (He presented copies of these to the Commission and they are part of the file in the Planning & Zoning Office). He then read these into the record.

All blasting is limited to from 6am-10am Monday through Friday, inclusive, Saturday blasting is at the discretion of Perkin Elmer. In the event that we become aware of other times, Perkin Elmer can notify the applicant and permit them to blast at off times. He continued to read the rest of number 1 dealing with blasting. We don't know the impact of the blasting to our building. We can give more latitude once we know that, stated Attorney Centrella.

Number 2 deals with the blasting with regard to the precautions and the Authorities that oversee them.

Number 3 deals with the blasting being monitored and records to be maintained on site.

Number 4 deals with Public Liability and specifically Blasting Insurance in the amount of \$5 million shall be maintained by applicant or agent. He talked about the certificate, the name on it and the additional insured.

Number 5 deals with complying with conditions of approvals.

Attorney Centrella stated if this Commission grants approval on this that these 5 conditions be made specific conditions of approval.

Attorney Centrella continued with his concerns regarding the removal of the earth material. He displayed the map that showed the grading & erosion plan. The plan provides for anti-tracking aprons at the entrance to Old Stratford Road and at the lower portion of Perkin Elmer's driveway just off of Bridgeport Avenue. You will see 140000 cubic yards of material being removed. That is a lot of material. It envisions a rock crusher being on the property to remove that rock. That will require a lot of large truck traffic off of that site. What is not clear and we would like clarification on the record, we have concern of the material being removed in volume, in large trucks, anywhere in close proximity to our building, stated Attorney Centrella. My point is if where the anti-tracking devices are is where the removal will take place we have no issue with that but it is not clear to me that is the only place where the material will be removed and we would like a clear understanding of that, he added.

The last item I want to address, written for the record, more than anything else, is the access ways that will be provided to this development. The southern most access way to be provided to this development lies right here and is close to the corner of the Perkin Elmer. You have heard about an easement to which Perkin Elmer is not party too, stated Attorney Centrella. We have questions as to if the developer has a right to create a permanent access way given the nature of that agreement. That is not our issue, he added. We have concern with the traffic coming and going and the developer is looking at reconfiguring that access way. I wanted to make that clear for the record and we would like a response before the close of this hearing.

The Chairman stated this Commission is experienced with blasting on other sites in the City and some of the requests made are issues we have dealt with on the other sites.

Bryan Kusnierczak, 17 Dome Drive, addressed the Commission. I am opposed to this application because of the traffic issues. They are moving the traffic back to the proposed intersection back to the Hilton Gardens intersection. There is a space between Route 8 that allows traffic to build up and creating that new intersection you will have traffic backing up. This new complex will have increased traffic and it will stack up traffic at the Exit 12 Ramp and the on ramps.

I would like the applicant to explain the entrances and exits for the gas station. I think that will become a high traffic pattern there. The driveway to Perkin Elmer will become a big concern, also, he stated.

The Chairman gave the applicant time to respond to some of the questions.

Attorney Smith responded to some of the questions. He stated that the comments made relative to Perkin Elmer's concerns and their conditions. The applicant has no problem incorporating those conditions into your approval. The Fire Marshall will control the blasting. Attorney Smith stated the tour we took yesterday made it evident to us about the sensitive equipment at Perkin Elmer.

As to the grading plan, all truck traffic is being limited to those 2 areas. Yes, any truck traffic will be limited to egress and ingress at those areas, stated Attorney Smith.

The other concern was with the Reckson piece and if we could explore another access way by the office condos. We have that accessed by the Reckson piece and we are exploring an alternative access way.

It was nice to hear from the competition how they would like to design this for us, stated Attorney Smith.

The Kelly property is north of our site and there is a gas station on this parcel. Your plan of development allows you to change the zone as you have done on the properties in the area and that allows you to go back and make changes that are consistent with your regulations. The record reasonably supports approval of this.

The through road is not a through road. It is a road that will be servicing the site development, stated Attorney Smith. It is a matter of law that we have with the Reckson property that they will have access over that road to go to Old Stratford Road. That will enhance the service at that intersection. It is not a through road.

The information regarding Perkin Elmer is on the record and we do agree with those conditions, stated Attorney Smith.

Jane Freeman, an Attorney with a law firm in Stamford (Hayes, Santiago ?) representing Reckson. She stated they are the owners of property at 710 Bridgeport Avenue that abuts this property.

She has a number of questions of the applicant regarding traffic. I would like to direct those questions to the Chair and try to answer them in a group. I do have a presentation that is lengthy.

The first set of questions is directed to the Traffic Engineer – she asks will there be any takings for the roadways? What State permits are needed for the roadway work to Old Stratford Road and Old Stratford Road/Bridgeport Avenue intersection? If the applicant has secured any of the permits from the State and if not what is the timeframe to secure and process those permits?

We normally respond to things like that but I will allow the applicants representatives to respond to that, stated the Chairman.

David Sullivan, Traffic Engineer, Barkan & Mess, addressed the Commission. He stated there are no takings on private property. The widening will take place at the right of way on Bridgeport Avenue and Old Stratford Road.

With regard to the permits – there will be a State Traffic Commission Certificate due to the frontage on a State Highway. The process has begun and they have not been secured yet. We are responding to their first set of comments. Typically the State won't act until all local approvals are in hand. The process is going along smoothly and we expect we can secure those permits a month after that. When we get permits we will follow the layout sending that to the state and we will get the driveways started.

Jane Freeman, an Attorney representing Reckson, addressed the Commission with additional questions. She had some questions with regard to the traffic report. It is clear that this has not been acted on yet. I would like to know if the levels of services in that report assume that all the improvements will be made at Old Stratford Road and Bridgeport Avenue. Do they also assume that the improvements at Commerce Drive will also be made? I would like to determine what the level of service will be, if it will be a failing level of service or not, if the roadway improvements can't be made? Additional, although the level of service is in the report, the report doesn't deal with the high level of accidents? I would like the traffic engineer to assess that and if he has looked at accident projections at this location.

David Sullivan, Barkan & Mess, addressed the Commission. The levels of service the application that went to the State assumes the improvements are recommended to be done. If they are not made and the project was approved at a level of service F then that would remain Level of Service F.

As to accidents, there are a lot of factors that go into accidents statistics including geometry, some of them have to do with the level of congestion, some of them have to do with visibility issues. With the improvements we will increase the capacity of the intersection. I mentioned the majority of the accidents were rear end and those come with the increase of the traffic that is anxious and late for work in the a.m. The improvements we make will increase the capacity and reduce the number of accidents, stated David Sullivan.

Jane Freeman, an Attorney representing Reckson, addressed the Commission.

She stated that the applicant has applied for a Special Temporary Exception with the plans showing this to be done in phases. How long will it take to construct all the proposed roadways, because they are substantial, she questioned? I would anticipate that if you grant the Special Exception the applicant would start that work promptly to get a handle on if all the roadway improvements will be in place when the excavation and trucking start? The next question, deals with the roadway (driveway) from Old Stratford Road to Perkin Elmer/Reckson driveway would not be a public road but a private driveway and there is no intention to dedicate it to the public? The driveway would not meet public standards with the public trying to cut through and use that. The City Engineer would never allow that stated the Chairman. My question then is how wide would that be, asked Attorney Freeman? The public would be tempted to use it as a cut through. I would like to get an idea then how wide it would be, stated Attorney Freeman.

Attorney Smith, addressed the Commission. He stated that there would be a 30-foot internal driveway system. Huntington Woods as the owner has the right to utilize the Reckson Driveway and Reckson will have the right to utilize the driveway system to Old Stratford Road. The guests or employees will utilize the site the same as any other lot running along the property.

David Sullivan, Barkan & Mess, addressed the Commission. He stated the road will be 30 feet. It is the appropriate size to service the drives off of it. The on site excavation will be the initial thing to get started. (It is very difficult to understand what Mr. Sullivan is saying)

Is there a period of time to complete the off site work improvements, questioned the Chairman? It would probably be about 12 months, answered David Sullivan. There are lengthy roadway improvements and sometimes it takes 2-3 months for the signals to get into place, stated Anthony Panico. We will get conceptals approved by the State Highway people, stated David Sullivan.

Monty Blakeman, addressed the Commission. Everything will be done prior to any occupancy and the Commission can make that a condition of approval. The State will go through their processing.

If your questions are not answered clearly, stated the Chairman, it is up to our Staff to get the answers for you and responses. Attorney Freeman stated my concerns is with the last question when Mr. Blakeman said it would take 3-4 months for an internal drive or the improvements of Old Stratford Road/Bridgeport Avenue intersection? I would like to get clarification of that, stated Attorney Freeman. The Chairman stated I don't know what his answer will be but this Commission is very rigid on many roads that will keep our traffic flowing. The City Engineer, the Staff and the expert from the State will all look at this very closely, he added.

I would just like the Commission when you vote on this to be very clear as to if the substantial amount of excavation is to be going on as the road improvements are going on, stated Attorney Freeman. That is my concern and it was mentioned that design work and improvements take time.

The grading and initial work will be placed from one part of the parcel to another and there is a part that will come off site that appears to be in the later phases, stated Anthony Panico. We will try to get a handle on that, he added. Attorney Freeman stated those are my next questions regarding the rock crushing. We don't allow temporary rock crushing unless the crushed material will be used on that site, stated the Chairman. Once that crusher is on site that material will be crushed and used on site, it doesn't mean other material won't be removed from the site, he added.

Jane Freeman, addressed the Commission. I have a few questions about the earth removal activity. She questions the sheet entitled Section 32, Special Permit stating 140000 cubic yards of material. This shows Phases 1-3 all of which are on the portion of the site nearest to Bridgeport Avenue. In order to do all of the building will there be additional work on the easterly side that will require removal of additional material? I don't see anything of the phases on the easterly side and there has to be some work done for building the building and reaching the grading.

This application shows 140000 cubic yards to be removed I would like the engineer to tell us how much more material will be excavated from the site? I would like to know if the rock being crushed on the site is going to be used on the site or if any will be removed from the site? I would like to know about the equipment that will be used for the rock crushing on the site, questioned Attorney Freeman?

James Swift, Professional Engineer, addressed the Commission. The purpose of the Special Permit is to start the process. It is correct to say that the 140000 cubic yards is not the total amount of what will be removed from the site. It is the overwhelming majority. The material that will be removed for the single building on the other side will be less than 100000 cubic yards, The roadway will figure into that and that will change the quantities while constructing that last phase or the office phase. I don't have exact figures but it will be more, stated James Swift. You said more, questioned Anthony Panico? If you have to change the location, added Anthony Panico? I did say 100000 cubic yards presently and there will be more, added James Swift.

End of Side 2B of 3A, Tape 2 of 3 at 10:30 P.M.

I will retract that statement stated James Swift. There is an area of the site that there will be less material excavated for the office. I can't guess what that will be, he added.

Comm. Sylvester stated this is an overwhelming amount of information being transferred here. I am thankful that this Attorney (Attorney Freeman) is asking the types of questions that she is. If she wasn't here I don't who would be asking them. Just with that question alone, with the discovery that we are being told 140000 cubic yards to be removed and by a brief inquirer we are told it could be at least doubled that. I am unsettled with this and the way this is going. It is 10:30 P.M., stated Comm. Sylvester, and you talked about continuing this line of questioning. I think we should take a breath here and I think we should expect a presentation to address the issues as technical and important as these. I am sitting here, trying to comprehend not having any idea how long this process will take, my concern is that I don't understand what type of process will take place, what roads will be built, what buildings will be addressed first, how much will be taken off in what stages, and I would like someone to address that in the next part of this proposal so that we can get a better handle for the surrounding community as to what the expectations are for the development of this property, he added? Even if it is not for the development of this property, even if this whole development was not approved. My recommendation is that we give the applicant some specific directions, and I would appreciate some input from other Commissioners who are also sitting here, we should give some specific direction as to what are expectations or our needs would be to better understand what this whole thing entails, stated Comm. Sylvester.

The Chairman stated we will continue this so that the Commissioners and Staff will be able to get some questions clarified also. I respect the questions and answers and I did that for the public who are here, he added. There are so many and there so difficult added Comm. Sylvester. These need to be answered, he added. The technical staff will communicate with their experts and then comeback to us, stated the Chairman. You will ask Staff to prepare specific questions to be given to this group at the next meeting, question Comm. Sylvester? No, said the Chairman. You know once the hearing is closed, they can communicate with Staff, if we have questions that they can't get answers will have the date of the continuation of the hearing.

If Attorney Freeman has additional questions, we can get them to the applicants Attorney and we can get the rest of those answered for the next meeting, stated Comm. Cribbins. He questioned Attorney Freeman if she did in fact have additional questions and she did answer that she does have additional questions.

Attorney Smith, addressed the Commission. He explained that if Attorney Freeman wants to give him a list of additional questions concerning the earth removal that he could start off the next meeting with the answers to those.

The Chairman stated the point is well taken and Attorney Freeman if you could get those questions to us we will get those to the applicant. Attorney Freeman stated I will do that.

Richard Schultz went over the scheduling and ability of a date to continue this hearing to. He stated that there will be a Public Hearing on February 3 about the 17 story apartment building, the second Tuesday is the 10th and that is our regular meeting and the 17th is the third Tuesday and this would have to concluded by the 17th, he added. I have no problem with the 10th stated the Chairman. Could we have it on any other day, stated Comm. Sylvester? The regular meeting date is the 10th and that does allow them 4 weeks of time for the questions to come in and get answered, stated Anthony Panico. You don't want to wait to long because the Commission will forget what they have heard.

I have sat here and I have never seen an application with so much to it, stated Comm. Sylvester. The driveway and road issue is enough, he added.

It is almost impossible to address one application without addressing the other 2 stated Anthony Panico. This is a good discussion to have and you have to decide if you really want to change the zone, stated Comm. Sylvester. That is a reversal of thought for this Board and that in itself is enough, he added.

Anthony Panico stated the PDD is in question here. You recognize it is a desirable project and you can't discuss this without the physical plan, he added. There is a lot of stuff here, stated Comm. Sylvester.

On a motion made by Leon Sylvester seconded by Alan Cribbins it was unanimously voted to continue the hearing on Applications # 03-58, 03-59 and 03-60 until February 10 2004, regular meeting.

APPLICATION # 03-53 WIACEK FARMS, LLC FOR SUBDIVISION APPROVAL (24 LOTS WIACEK FARMS ESTS) MEADOW STREET (MAP 137, LOT 3) R-1 DISTRICT – REQUEST FOR EXTENSION ON REVIEW PERIOD

Comm. Sylvester stated there is response coming from the Board of Education but Richard Schultz stated he has not received the information yet.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to approve the request for extension on Application # 03-53.

BRAD WELLS HOMESTEAD SUBDIVISION, REQUEST FOR 90-DAY EXTENSION TO RECORD THE MYLAR MAP

Richard Schultz stated that this is at the top of Sawmill City Road.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to approve the request for 90-day extension to record the mylar map on Brad Wells Homestead Subdivision.

On a motion made by William Papale seconded by Leon Sylvester it was unanimously voted to adjourn at 10:45 P.M.

Respectfully submitted by,

Diana Barry,
Secretary