

The Shelton Planning & Zoning held a special meeting on February 5, 2004 in the Shelton City Hall Auditorium, 54 Hill St., Shelton, CT

Members present: Chairman Joseph Pagliaro  
Comm. Alan Cribbins  
Comm. Patrick Lapera  
Comm. Daniel Oraziatti (arrived late)  
Comm. Anthony Pogoda  
Comm. Leon Sylvester (arrived late)  
Comm. Karen Tomko-McGovern (arrived late)

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

Members absent: Comm. William Papale

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

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

**APPLICATION # 03-54 DOMINICK THOMAS ON BEHALF OF ED NEWMAN FOR PDD ZONE CHANGE (CAR WASH AND RESTAURANT) BRIDGEPORT AVENUE (MAP 77, LOT 19) OP DISTRICT (RESCHEDULED FROM 1/27/2004)**

Comm. Pogoda read the call of the hearing and one additional piece of correspondence from the Fire Marshall. Richard Schultz read an announcement concerning the publication notice of this hearing that was incorrect in the newspaper. The notice was corrected in the newspaper. This hearing will be continued until February 10, 2004, to accommodate anyone who might wish to address this application. The Post published the right date but the wrong day, stated the Chairman. The Chairman explained the procedure.

**Attorney Thomas addressed the Commission.** He presented the notices for both dates. Attorney Thomas reviewed the prior application. This is on the corner of Platt Rd. and Bridgeport Ave. and it is referred to as the Kassheimer property. It is across from Webster Bank, Crabtree Haus, Gold's Gym and it abuts SBC. This property doesn't have access on Bridgeport Avenue.

The applicant had come in with an application for a car wash. Initially the car wash was not a typical car wash. This has 150-foot tube, which contains everything in the car wash. This application was reduced from one tube to two tube and 2-3 self-car wash bays. This application had a bank and at that time this application was denied. We had some discussion and we came in with a second application. That application moved the car wash to the back of the property. In front was a mixed used retail and office. During that application we mentioned a single use restaurant. That application was denied due to the Fire Marshall's comments. He did mention tractor-trailers and because we didn't see that to after, we didn't know what he was talking about.

We went back to the drawing board and now have a single use restaurant with this application. The idea of the cars backing out onto Platt Road is ridiculous. There is queuing for 29 cars without counting the tunnel. I myself won't wait in a line for car wash that has 6-7. River Road can only queue 10-12 cars. We are talking 29 without the tunnel and 35 with the tunnel, stated Attorney Thomas.

We took the decision of the Commission and addressed each and every concern of this Commission. Now I know that the question will be raised why PDD? When this Commission laid the zone down not every parcel of land was appropriate for OP District. That is 120000 sq. ft. minimum lot. This is a small piece, 2.2 acres, stated Attorney Thomas. It has an office building across the street with 3 car dealers, the SBC building and the Kassheimer property. We will give him (Kassheimer) any buffer he wants. It is across from Crabtree, Gold's Gym and John J. Brennan Construction Co. There are some small restaurants down the road.

We think the use is appropriate. We believe the restaurant is an appropriate fit for that area. We have spoken to the car dealers and they would be happy to look into having their cars done. Remember when people are washing cars in their driveway they are not governed by the DEP. There are certain regulations governing what will be done with water and recycling of the water. There is less of an impact with a car wash than people doing cars in their driveway.

We did put a second entrance up beyond Todd Road so it would not interfere. We welcome whatever suggestions this Commission will make concerning the use of that. In and out, turns or whatever. We believe that the single entrance is and will be sufficient. The second entrance in and about where the driveway is for the lower abandoned house had to be put in to address those issues.

We did a traffic study and that shows this won't impact the intersection, stated Attorney Thomas. The study shows the peak times of the car wash relative to the restaurant. We have provided 100 parking spaces on this place. The restaurant person will tell you people don't go to restaurants singles in a car they go 4 and 5. He presented the traffic study as an exhibit. (On file in the Planning & Zoning Office)

Two more points about traffic – these proposals have less of an impact than the impact from an office building. There will be a widening of Platt Road in this area. He presented an article that appeared in the Huntington Herald asked the question about a car wash. Three were in favor and 2 were opposed. The 2 that were opposed said people should wash their own cars for the exercise.

We have addressed all the issues including the tractor-trailers coming in. We believe we have taken the rejections as constructive criticism, addressed all the issues and responded, stated Attorney Thomas.

**Joseph Mingolello, Mingolello & Hayes Architect, with an office at 90 Huntington Street, addressed the Commission.** He went over the site plan. The site is located on Bridgeport Avenue at the corner of Todd Road. It is owned by the State of Connecticut and the building will be 175 feet setback off the road. There is a green buffer that will be cleaned up.

The balanced of the site which is about 350 feet along Platt Road climbs as you head up Platt Road. The elevation to Bridgeport Avenue is 15 feet high. It is elevated up on a plateau. This is the first entrance as you climb Platt Road. This is where the restaurant will be.

This is the second entrance and it is primarily for the car wash. They will queue up behind the restaurant and you won't see the car wash from Bridgeport Avenue. It will allow us to queue a long line. We queue 25 cars plus and 13 here and whatever is in the tunnel without blocking the second entrance, stated Joseph Mingolello.

There is enough room for emergency vehicles to enter here as you see the tractor-trailers here. Emergency access and 2 entrances will take care of the Fire Marshall's concerns.

The site plan shows the restaurant facing Bridgeport Avenue. The car wash is secondary with the entrance off Platt Road 250 feet, stated Joseph Mingolello.

The car wash is self-contained. You will enter the car wash in the rear, your car will be vacuumed, it is run through the car wash cycle, through the blower area and dryer area. It is 150 feet. We had concerns with the neighbors that they didn't want to hear the car wash.

The restaurant is here. The dining room will accommodate 75 patrons and the bar will accommodate 25 patrons. The kitchen is 1500 sq. ft. and there is a party room that will accommodate 100 people, stated Joseph Mingolello. We tried to separate the traffic. Traffic for the restaurant and traffic for the party room. This is the main part off the restaurant off Platt Road.

The vestibule, the dining room and the lounge. That is the main part of the restaurant. The party room will have a separate entrance at the rear. The people using the restaurant will use the parking closest to the front. If you are going to the party room you will park here and here.

Visually what you will see on Bridgeport Avenue will be a one-story building. There is an entrance for the party room. We will use a Brick Wayne's Coating creating an entranceway with a peaked roof. We will use canopy and fabric type awnings for the restaurant. If you are heading north on Bridgeport Avenue you will see the canopies, stucco, brick and a lot of glass, stated Joseph Mingoello.

What we tried to do with the car wash is carry the same architecture. Brick down low with a second floor. A room for the employees, 2 small offices and 2 bathrooms. That is how we created the second floor. Same brick, stucco and metal roof. This is the first tunnel and 2 self-service bays.

The Chairman questioned the total occupancy of the restaurant will be 200 people? For the restaurant that is correct answered Joseph Mingoello. How many employees for the car wash, questioned the Chairman? 15 answered Joseph Mingoello.

Parking spaces stated Joseph Mingoello. It is required by regulations for every 75 sq. ft. of patron area there is 1 parking space which would equal 57 for the restaurant. The car wash would need 15 spaces for a total of 72 parking spaces. We have provided 108 which are more then enough for any special occasion. We think we have too much and we could add some green space.

Dominick Thomas stated that Mr. Chan (did the traffic study) looked at when peak times were for a car wash. During the winter months to wash the salt off the cars. For those of you who where out and about Saturday and Sunday people were getting their car wash. I did embark on finding one with less then 10-20 cars so I just vacuumed the car and told my wife it was going to snow again on Tuesday. That is when you will have 15 employees and must times it will be less then that. The employees coming will be using public transportation which is provided along Bridgeport Avenue, he added.

**Vincent Noce, Jr., 3354 Main St., Bridgeport, addressed the Commission.** I was here several months ago.

Comm. Cribbins questioned the take out and I am interested in the traffic coming on to the site and leaving? Yes, answered Vincent Noce, there will be take out here.

Hours of operation, questioned the Chairman? Vincent Noce answered Monday–Thursday, 11a.m. to 10 p.m., Friday and Saturday 11a.m. to 11 p.m. and Sunday 12p.m. to 9p.m.

Comm. Cribbins questioned I cannot tell by the renderings but where will the trash enclosures be on the property? Joseph Mingoello answered we have a service corner here. The kitchen is serviced here and you won't see that. The dumpster is back here. That will service the car wash also, questioned the Chairman? It will service both, answered Joseph Mingoello.

The Chairman questioned the hours of operation for the car wash? Ed Newman answered we open at 8 a.m. and we close at 5 p.m. excluding Sunday when we open at 9 a.m. and close at 3 p.m. There are rain days and snow rains when we don't open. In the dead of winter we close at 4 p.m. Are you busiest in the early morning as opposed to the 2 p.m., questioned the Chairman? It is hard to say what the traffic will bring in the Shelton area but yes we are busier in the early morning as opposed to the afternoon, answered Ed Newman.

Comm. Pogoda questioned the left turn lane for the second entrance and not for the first? Isn't more critical for the first entrance? Are there any thoughts for doing the first entrance as a left hand turn? Joseph Mingoello stated we originally had only one entrance with the second being just for emergency vehicles. We widened Platt Road and we though we really needed it here, he added.

**Irving Chan, Traffic Consultant, addressed the Commission.** There are a couple of reasons for providing that left hand turn on Platt Toad. One was because it was more of a safety issue in the event we have a back up it won't back up on Platt Road. The other entrance near Todd Road is lighter and there aren't peaks like at the car wash.

Comm. Pogoda questioned the 2 offices above the car wash? It is not rental space, answered Attorney Thomas, it is for the car wash.

Comm. Cribbins questioned if the car wash is in the rear can you talk to us about the signage on the property? Joseph Mingoello answered there is a sign here dedicated to the restaurant with a small sign to tell you the car wash is in the rear. The signage will be on Platt Road.

Comm. Oraziatti arrived at 7:45 P.M.

There was a short recess to allow the public time to look over the exhibits.

**Joan Flannery, 8 Partridge Lane, addressed the Commission.** She is in favor of this. I am very happy about this and I like the architecture for the restaurant. She doesn't think it will cause any traffic problem. I use the car wash in Darien that Mr. Newman owns and I happy with the service I get there.

**Melissa Rydzy, 30 Beecher Avenue, addressed the Commission.** I am for the car wash and it is a convenient location. I am always driving around Stratford and Ansonia looking for a car wash without a line. It is a really good idea.

**Sal DeFilippo, Sr. 3 Colony St., addressed the Commission.** I am opposed to this application and he read from a prepared statement. (the statement is part of the file in the Planning & Zoning Office)

**End of Side 1A of 3A, Tape 1 of 3 at 8:00 P.M.**

Comm. Cribbins stated that it is very kind of you to give Mr. DeFilippo the courtesy of coming here every time to speak on anything other then and for the most part when he speaks he speaks on many other issues not associated with the particular proposal on hand. We have a long agenda tonight and I wish that people will confine themselves to this particular thing and if they are in favor of the car wash and proposed restaurant and that particular piece of property. We don't need to waste our time and other people's time speaking on any other issue or any other development within the City. Can I say something, asked Mr. DeFilippo? No said the Chairman. No stated Comm. Cribbins, I listened to you, now you are going to listen to me.

I give you the courtesy and let you speak at every hearing, stated the Chairman. You have been invited to come to the Mayor's office and the Planning & Zoning Office to speak about these things and you choose not to come. Then you get up all the time and speak to other then the issue. Now let someone else speak, stated the Chairman. I have more people who want to speak to this. We will allow other people to speak to this issue.

It is my Constitutional Right to speak, stated Mr. DeFilippo. You are right stated the Chairman and we gave it to you. You have a right to speak to the proposal added Comm. Cribbins. I also have a right under the State Statues to limit the time you speak and I don't stated the Chairman. Well inform me, you don't have to do this in front of all these people when you are not correct, stated Mr. DeFilippo. Why you chastise us in front of all these people every time you come here stated the Chairman. Now someone gives you a little back, he added. You have no right to chastise me when I have a right to speak, stated Mr. DeFilippo. I am not chastising you, you are chastising us, stated the Chairman. Mr. DeFilippo please have a seat.

**Chris Panek, 19 Meaghan Lane, addressed the Commission.**

Mr. Scinto made an interesting comment on Tuesday night, residents do have a right to come here and speak their peace. You can't come here and fight every development because there is going to be development in town. I have come many times and spoke to the PDD. This is a prime example of where the PDD should be used and this type of development should go on Bridgeport Avenue and Todd Road. It looks like a great plan and I won't have to go to River Road for a car wash. Vazzy's is a great restaurant and I go to both Monroe and Stratford. I just wanted to go on record that this is a great plan, a great proposal and I hope it is approved next, stated Chris Panek.

**Irving Steiner, 23 Partridge Lane, addressed the Commission.** He stated that this is a wonderful proposal. It will cut down on traffic to the car wash on Route 110. Reduce the traffic on Old Stratford Road and I go over there once a week. I go to Vazzy's and I am all for this development. Thank you.

**Debbie Wieckowski, 10 Manton St., addressed the Commission.** She stated that I am for the car wash and it is a great idea. A little competition for River Road. It is a good idea to have another car wash in the area and I won't have to go to Ansonia or Stratford. It will bring business to home, she added.

**Sheila Suleski, 68 Shelton Avenue, addressed the Commission.** She stated this was her first time here and I don't have any idea what a PDD is. I drive down Bridgeport Avenue take a left onto Platt Road and then to Forest Parkway where I work. I honestly don't feel that the widening of the road and one left hand turn will handle the traffic specifically during bad weather or snowstorms like last week. Platt Road was the safest road. Long Hill Avenue was closed and then people came through Platt Road. Emergency vehicles could not get through. I am in favor of the car wash and I would love it. My concern is with the traffic. They talk about public transportation on Bridgeport Avenue before Platt Road heading into Shelton. There is no crosswalk. I have dropped my car and walked there. I have been hit there and I have hit other people. I am concerned with the 4:30 to 6:00 time when people are coming out of work, people going into the gym and the trucks coming from Stratford. I am concerned with the truck deliveries with regard to SBC and whatever. The people coming into the restaurant is questionable. We will (people I work with) go to the bars on Friday after work and we all take our own cars. She was concerned with the lights on Bridgeport Avenue. She was concerned with 4.5 miles having 27 establishments where you can eat. I would love it if Platt Road was done but I don't think widening it just 5 feet is good enough.

**Nancy Steiner, 23 Partridge Lane, addressed the Commission.** She stated for the record I am positive about the car wash and the restaurant. I think it is terrific and I welcome an eatery that I visit many times on Broadbridge Avenue. I hope that you pass this application with great approval. It was mentioned that people who come to your meetings are negative about everything now I have only spoken out when I have not been in favor of something I think that there is a misconception there that Nancy Steiner is a negative person. I thought I would add to the length of the meeting if I was positive and I didn't want to add to the length of the meeting. However, I don't want a mistaken impression that I am negative so from now on I will speak out if I am positive about something. This is that time. I care very deeply about Shelton. It has been my hometown for 35 years and that is why I am here.

The Chairman stated that this hearing will also be kept open until February 10, 2004. Attorney Thomas and Ed Newman stated that the car wash is closed on rainy and snowy days. We cannot do business. This will be kept in the same order on February 10, 2004.

**On a motion made by Alan Cribbins seconded by Patrick Lapera it was unanimously voted to continue the Public Hearing on Application # 03-54 until February 10, 2004.**

**APPLICATION # 03-63 DOMINICK THOMAS ON BEHALF OF ROSELAND SHELTON, LLC FOR MODIFICATION OF PDD # 32 AND CREATION OF NEW PDD (APARTMENTS) RESEARCH DRIVE, (MAP 28, LOT 1) RESCHEDULED FROM 1/27/2004**

Comm. Pogoda read the call of the hearing and the Chairman stated that this hearing also will stay open until February 10, 2004. There was no additional correspondence.

Attorney Thomas presented both sets of return mail receipts. His second set of notices went with wrong days on them and their office called all corporations (abutting property owners) with regard to the notices.

**Attorney Thomas, representing Roseland of New Jersey and Roseland Shelton, LLC, addressed the Commission.** This is similar to a proposal we made a year ago and there is a need and a desire for this in Shelton. He doesn't want to be repetitive but the evidence introduced by Mr. Scinto on Tuesday is relative to this application as well. We will address the marketing issue.

He showed pictures and the location relative to the Mr. Scinto's proposal. The site is in red and surrounded by corporate development in this area. Corporate Drive is here, Huntington Street, Trap Falls Road and Bridgeport Avenue.

This site was already approved for PDD # 32 for two 4-story office buildings. One was developed and there has never been the need for the second one. There has been a movement not just in Shelton but also throughout the East Coast to incorporate residential uses within office parks, stated Attorney Thomas. The effort is to provide, not for everyone, the corporate citizens the ability to live approximate to where they work. This is a prime site and there is a prime need.

The architecture will blend in with the area in size as well. There is no zone in Shelton that permits apartments of this density. The PDD is the only vehicle. In the booklet I gave you your 1992 plan recognizes the need for apartments. 1800 apartments. In that section I addressed a planning & zoning multifamily development report which showed that as of last year only 21 units were occupied. There was not multi-family development. Your plan calls for downtown and River Road, stated Attorney Thomas.

A prime location, and I am echoing what was said 2 nights ago, for this is where you have 1000 people commuting into Shelton everyday. A bedroom community is where people leave the area to work. Shelton is not a bedroom community, it is an economic center. It is probably an economic center for Fairfield County. The shining star of Fairfield County when you look at the services. The people coming into the town need to be provided with all these services including residential, stated Attorney Thomas.

In Section 2 there are articles relating to housing costs. There is concern about urban sprawl. The articles stated people travel up major highways and that creates sprawl. They come to Shelton to work because they have gone up further along the major highways to live. We can provide for a need that surpasses the proposals. Roseland is looking at an adjacent parcel for a total of 276 units. The additional property is not before you but we want to be honest with you. With Renaissance it is 481 units, stated Attorney Thomas.

The housing costs have gone up and I don't have to explain to you how desirable it is to live in Shelton. The figures are in the article with costs in Fairfield County. There needs to be a housing affordable to those working in that area with all amenities that they want. These units will enhance the value of your office space. Landlords will enhance tenants and tenants can entice employees with these apartments.

Traffic in these articles show more people are employed away from their hometowns. In one of the articles they make reference to vehicle miles from home to work increased 15% from the 80's to the 90's. The planning article talks about the new corporate office park. The last page shows a development in Virginia that shows a corporate park with office and residential, both apartments and single-family houses, stated Attorney Thomas. We can't do that in Shelton it is developed on such a large scale but we can do that on a small scale.

There is a traffic memorandum. You have already approved an office building on this site and this will generate less traffic. People who don't work in the corporate parks will be going against the traffic. It will be less traffic.

People talk about the burden on the infrastructure and the schools. Mr. Smith will talk about that and he is one of the biggest developers along the East Coast. Item 6 shows a chart identifying their development projects. Underneath the information is the rental ranges. There are totals for all types of the apartments and the number of children that live there. Their ages are divided and at the bottom of the chart is the total of apartments and the consideration given to the children. Each then is represented 9% of children (totally). Roseland has 186 apartments and those percentages translate to 17.2 children. The non-3 bedroom apartments are 14 children, stated Attorney Thomas. I added Renaissance and the other project you will have only 44 children. 18 would be school age. These are based on the study of the 10 or so projects that are already existing.

We believe there is a substantial need in the corporate area and it won't tax the infrastructure. Roseland's representative will speak to you about the Company. It is important to have a quality developer. These will be upscale quality done apartments. We will hear from the architect, the Engineer, the traffic person, the owner of the property and the person who prepared a marketing study, stated Attorney Thomas.

Comm. Sylvester arrived at 8:45 P.M.

**Jim Smith, Vice President Roseland Properties, addressed the Commission.** We have spoke to you in the past as to who Roseland is and there are brochures that are being passed out for you to see some of our developments. We have put together some marketing materials as well. It is important to understand that we as a company think there is a unique opportunity to provide an unmet need in the Community.

Our architect will talk to the architectural. I will highlight the product we will develop here. They will range from 740 sq. ft. to 1300 sq. ft. and will be one and two bedroom units. The rent will be about \$1400-\$2000 a month, stated Jim Smith.

You then get into what makes the difference in the projects. The architectural designs are shown in the brochure that was passed out and our architects will explain the renderings. The floor plans and layouts will set the developers apart from each other. These evolve around the market place needs. He went through some pictures and explained the proposals amenities. The pool will be part of the project, the boardroom will be part of the project, the computer office center will be part of this project which will include computers, Xerox machines and fax machines. There will be a fitness center and clubhouse. There will be an area that you rent movies and show them on a big screen TV for a movie night theme.

In the brochure is an explanation about the Gold Key Club. This is in our corporate centers. The corporate people will rent units that include weekly maid service.

**End of Side 1B of 3A, Tape 1 of 3 at 8:55 P.M.**

All apartments will have high speed internet, satellite televisions with speakers in the wall, 4 telephone lines and alarms, stated Jim Smith.

If you compare the 60's garden apartments to this type of development, people here will be rentals by choice. The need is very strong in Shelton, Fairfield area. There is concern for what will happen years from now, we are the owners who have a management company and we manage property we don't own. Our skills for management is shown because we don't own some we manage, stated Jim Smith. We want to be good neighbors and something that the people of Shelton will be proud of.

Attorney Thomas stated that there are handouts available for anyone in the audience who may want one.

**Jerry Simon, the project architect, addressed the Commission.** We coined this a boutique hotel. This is an upscale apartment complex and we are proud of it.

We are using brick throughout with different color bricks to highlight the building. There are large glass areas throughout the building. The rear elevations show a courtyard and there will be some vinyl siding in that area. There will be flat roofs and different brick patterns throughout. On the backside of this building is a basement level. Building 2 is strictly 4-story. The ranges on size are 740 sq. ft.-1300 sq. ft. and 79 will be one bedroom, 91 two bedrooms and 16 two bedrooms with dens. That is a typical 1300 sq. ft. unit.

The amenities center is within this building and is 5000 sq. ft., stated Jerry Simon. He showed pictures of a typical projects clubroom, fitness center, conference room, and computer center. There will be a small leasing area in this project.

I am working on 3 projects of business within residential. There are samples of these in the brochure. There is one in Virginia with an office and residential in the center. The second example is in Canada with high-rise and low-rise offices and several different types of apartments, town homes and retail component. This is a product that is compatible. There is another project in West Patterson, N.J. We will bring additional amenities to the office park, stated Jerry Simon.

**John Schmitz, BL Companies, Meriden, CT, addressed the Commission.** He stated that Attorney Thomas is handing out copies of some plans that were submitted in December. The first plan shows the existing conditions and topography. This is undeveloped with a lot of meadow area and perimeter trees. It slopes from Research down to the wetlands area.

We have located the 2 buildings on the center of the site with perimeter parking around all buildings. The entrance will be a boulevard style entrance. There will be adequate site difference from both sides. There is a connection to the south of the property. The first 10 parking spaces will be covered. There are enough spaces for 50 cars.

We have continued the walking path, stated John Schmitz. There is a path located on Phase 1 and we have continued that around our development. That will be recreational for all the tenants use.

The grading and drainage plan is enclosed, also. We tried to get some of the drainage improvements for the office park. The drainage has been built out with the first phase. We want to construct a similar system to the north with the same drainage pattern, stated John Schmitz. Phase 2 we did a comparison of the coverage and this will be 2% less and that will be a reduction in the runoff. We have included following up on some separators that are in base and that will be incorporated into our system. All utilities are available to this development on Research Drive.

The last sheet shows the erosion control long term and short-term measures that are in place on the site. There will be a pad and topsoil stockpiles and things of those nature. Long term will have a maintenance schedule for the oil separators. Roseland will maintain as well as own this property, stated John Schmitz.

**Fred Greenberg, Traffic Engineer with BL Companies, addressed the Commission.** I usually come in with a fat and boring traffic report. Tonight I come with a very thin traffic memo. This site was previously approved for 148000 sq. ft. office park. I prepared the traffic as generated for what was approved for the office – the cars generated for the office will be 1800 daily trips in and out, the apartments will be 1250 daily trips in and out or a 1/3 reduction, stated Fred Greenberg.

The peak hours generated office building will have different peaks hours, that will come to 250 peak hour trips, the apartments will have 100 peak hour trips, a reduction of 50%. Apartments don't generate the peaks that the office does. It will be 1/2 less traffic then what was already approved.

There are improvements approved and there will be some widening on Bridgeport Avenue. There will be some widening and the State Traffic Commission will be consulted. There are a lot of additional projects since the last time we were here and Split Rock has some work to be done in that area as well, stated Fred Greenberg. Generally this proposal will generate less traffic, he added.

**Christopher Kerin, Kerin Commercial Real Estate, addressed the Commission.** There was a study that was done last year and you have an updated copy in front of you.

The apartment study had 2 questions, 1 was there a need and 2 does this fit the need. The housing cost continues to increase. The study is updated to 2003. The average sale price in 2000 was just over \$260,000, in 2003 that average sale price was over \$350,000.00. That was over 10% increase. The average cost of new construction was \$475,000.00

This market in Shelton is lacking multifamily products. There are condos and some rentals with no vacancy coupled with a restrictive supply point to a strong demand for apartments in Shelton, stated Christopher Kerin.

He looked at similar projects in other areas and there are 5 Avalon complexes that I looked at, I looked at Beacon Falls and one in Norwalk. There types of units were explained and he spoke on the Merritt 7 buildings. There are office buildings with apartments within that complex. One bedroom is \$1700 and two bedroom is \$2130 and 3 bedrooms start at \$2875. This complex was opened in September of 2002. I spoke with the leasing agency and it is at 90% occupancy, stated Christopher Kerin.

The apartments within the office will have an opposite traffic flow. The apartments were similar and each is 90-100% occupied. There are no luxury apartments that are here and the only other is Renaissance that you heard about on Tuesday. The region has quickly absorbed anything like this.

I performed an impact study to the neighborhood. The project is within the corporate park and surrounded by retail uses. The traffic analysis and trips generated will be less than what was previously approved. This is in harmony with what is in the neighborhood and this complex will impact nothing in the area negatively.

I was asked to do a fiscal study with regard to tax revenues for the apartments and the office building. There is a table in summary on page 23 of the report submitted. (this is part of the file in the planning & zoning office) The data from the apartments is better then what would come from the office building.

The apartments will have no negative impact on neighborhood properties. The proposed development is in harmony with the neighborhood, stated Christopher Kerin.

Attorney Thomas stated that the numbers are enlightening. The numbers show people commuting into town from 9 other communities. Comm. Sylvester stated I don't understand the numbers? The Shelton numbers are people who live here and work here. 5,327 who live in Shelton work in Shelton, stated Attorney Thomas. The bulk of corporate are in this area and you would expect a lot of people working and living here, he added. Comm. Sylvester questioned the numbers together, I don't understand. Christopher Kerin stated these numbers are just for Shelton – people who commute into Shelton from Shelton. Those numbers should be the same. 10600 work in Shelton and half stay in Shelton to work and half go somewhere else to work stated the Chairman. Christopher Kerin went over the report with regard to workers coming and going into Shelton. The second column says that there are 2563 in Shelton that commute to Bridgeport to work. The Shelton numbers are those that live here. The top 9 towns were shown here and towns that were less were not shown.

**David Mack, owner of the property, addressed the Commission.** It has been a year since we were before you last. Just some history on this piece, I bought this property when my daughter was little and she is now a freshmen in college. There was one building put on that property and the office market is not booming now. This has sat for a long-time and we paid taxes on just the land . The taxes here are not high and are one of the lowest in Fairfield County.

The office market is very soft with over 7 million sq ft available within the Fairfield County area. With those numbers it would take some time to absorb what is on the market now.

Hopefully you will see that this is a positive project for the town of Shelton.

Shelton is still a desirable place to live and that is why Roseland is here and that is why the proposal on Tuesday night was heard, stated Attorney Thomas. This project, we believe, will enhance the office space that exists. It will enhance what needs to be rented. You have seen the facts that show the rental space is better for the landlords and the tenants, he added. In the Route 8 study, that I read from front to back, shows the area where office should be developed. There is still an availability for office space. There will be developers who will come with the mixed-use proposals.

The Chairman stated that a PDD Public Hearing allows the public to speak to this proposal and it allows the Commission to put tighter restraints on certain proposals that we don't get in the other zones. If for any reason this changes uses or fails this would come back to this Commission. There are other experts in the City and State that will look at this. PDD's give us a lot more control over the developments, stated the Chairman.

**Bill Bures, Division Avenue, addressed the Commission.** I own property on Commerce Drive. Both my neighbor's property and mine have been in our family for 150 years. I was told there wasn't going to be traffic on Commerce Dr. I have heard it all and when I see what they say they will do goes in one ear and out the other. This town is overdeveloped and they have really done some damage.

If the market is bad for office space I don't see why we should accommodate that. I have a lot of things that I can't sell and I don't buy that theory.

I am against the PDD for the sewers, the fire department, we are overcrowded in schools and I can go on and on. The papers say people are not happy with the Grand List and we are taking where the most money comes in and we want the office money that pays more.

There is a newspaper that mentions Mr. Panicos advise to a board in Fairfield that wants to change a medical building that puts no demand on the public services in the town. The taxes from the medical building were more money then the apartment building, stated Bill Bures.

**Joan Flannery, 8 Partridge Lane, addressed the Commission.** She stated it was presented to us this evening how the houses have escalated in value in Shelton. I picked Shelton for low taxes and because it was a corporate town. I have bought and sold in Stamford where the houses did escalate also. In Stamford we had similar arguments and condos and apartments were built. I am happy that these are not 17-story high. If you put one of these in Shelton there will be another one and another one.

**End of Side 2A of 2B, Tape 2 of 3 at 9:50 P.M.**

**Joan Flannery, continued by reading her prepared statement.** She is opposed to these apartments and requests a moratorium on building until we get the effects from the projects that have already been approved.

**Richard Patterson, President WER-1, 31 Daybreak Lane, addressed the Commission.**

I want to echo the sediments that we need a moratorium. This proposal tonight and Mr. Scinto's Tuesday, it is just one right after another. We are looking at a planned development that is 15 years old. We need to get a handle on what is going on in our City. Once you approve one there will be one after another and another.

I disagree with these traffic studies. Even a one bedroom apartment you will have a husband and a wife with 2 cars who will going 7 days a week 24 hours a day 365 days a year. You have peak cars 100 that you will see all week, stated Richard Patterson.

Right now Old Stratford Road has a failing grade because of the traffic congestion. None of these applicants are doing anything about that. We can't allow any more to go on.

The sewer system is old and we have bonded for a new plant but when will that be built? It has not gone out to bid yet.

It is irresponsible to allow the high-density development to be approved until the infrastructure is up to speed, stated Richard Patterson. He stated his concern to stay a little City. The voters voted you in to protect our property and us, he added.

The rental cost would support a \$300,000.00 mortgage. They could buy a nice home. Shelton is not the City for this, stated Richard Patterson.

**Walter Sofian, 7 Andrew Drive, addressed the Commission.** He is opposed to this proposal and read his prepared statement. (see attached) Apartments were recommended in our plan but nowhere near this property. Mr. Scinto's proposal should not be transferable to this application.

**Irving Steiner, 23 Partridge Lane, addressed the Commission.** He is the Co-Founder of WER-1. Again we are faced with the flip/flop situation because of the down turned economy. I can't accept the use of land for corporate to be residential. The developers are ignoring what the economy will need in a year from now.

Can any member of Planning & Zoning Commission tell me what the town of Shelton will look like in 10 years? I don't think so, stated Irving Steiner. Many towns know that because their plan of development is in place.

Nine years ago I retired and shortly after my wife retired. We planned to spend our retirement years with our children and grandchildren and use our discretionary time for vacations. Instead we are spending 2 nights a week at P & Z meetings, spending hours at City Hall pouring over records and one night a week with our own organization. We have cut one vacation short and cancelled one in order to attend P & Z meetings. Sitting here is no joyous event for us in total frustration we listen to developers dividing up the City's land. The votes appears always to be unanimous and rarely split. Our pleas are listened too but never really heard, stated Irving Steiner.

We are dedicated citizens who love our Community and are upset at recent events that indicate that our plan has no substance and appears dysfunctional. We will remain active and involved until the City's course of action with regard to Planning & Zoning undergoes a change for the better.

WER-1 should not be considered a hostile organization to the P & Z Commission. We are for planned development. We are a group of concerned citizens who deserve and want a coordinated well thought out long-range plan for the development of Shelton. We do not want developers telling our P & Z Commission what is best for the City of Shelton, we want our P & Z Commission to tell developers if there project is good for the City, stated Irving Steiner. We want this Commission to operate on a long-range philosophy. We want the Commission to issue a moratorium but a moratorium with advice from Legal Counsel with regard to SDA's and PDD's. It would allow this Commission to catch its breath and divert more manpower to the long-range plan. We don't care if another town thought of this first. If it is a good plan we should embrace it.

In closing, WER-1's goal is to have the P & Z operate under a long-range philosophy which the 10-year plan would provide. Developers would use better judgment in their applications and they would know if there applications fit into the plan for the City. When that happens WER-1 will disappear and you will be able to hold your meetings in a telephone booth with the public invited, stated Irving Steiner.

**Sal DeFilippo, 3 Colony St., addressed the Commission.** He spoke in opposition to this application.

He doesn't think this is right because of the zone change. It doesn't work out well. If you give one person an o.k. then you will have to give an o.k. to somebody else. I think you should make a zone just for apartments, stated Sal DeFilippo.

**Chris Panek, 19 Meaghan Lane, addressed the Commission.** He read from one of the handouts. Mr. Sylvester made a comment that no one should use the children as pawns. I would not come here and say you should not approve this because this will bring more kids. We need to make a decision based on if the infrastructure can handle this or not. If there are 15-20 school children. They cannot handle this. I have a school 2 miles away and my daughter will be bused 9 miles away.

The earlier application tonight was a prime example of where a PDD should be used and this is a prime example of where a PDD should not be used, stated Chris Panek. You cannot use the PDD as a reactive measure because the office space market is soft. It will only benefit the developer, it won't benefit the community or the future of Shelton, he added.

**Rick Carlson, 28 Wesley Drive, addressed the Commission.** He wanted to voice his opposition. I will not repeat most of the comments made by the public. There study for the house values are escalating and when you look at the apartments they usually are single people who rent apartments where houses are usually dual income with children. House values are increasing you need apartments, I don't agree with that statement. We can spin the numbers any way we want. How do you make a determination of apartments when houses are on the rise?

There is a quality of life here and people are moving here for a rural community. In 10 years this will be destroyed. We can have apartments that may be empty, stated Rick Carlson.

I am surprised at the office space that is available. Why not turn some office space that is available into apartments? Armstrong Road has companies moving out and I heard another one has just moved out, stated Rick Carlson. If there are office vacancies who will rent the apartments?

12-14 acres with 400 apartments and 800 cars. Traffic study is for 186 units/1250 trips and that is 2500 between the 2. 2500 cars all the time, stated Rick Carlson. People will sleep, he added.

Shelton is a rising star and I don't want to live in Stamford because when will it end. The PDD is a tool for the developers. You will destroy the quality of life in Shelton. We need to stop and look at what we are doing to this City. Use Zoning not the PDD and stick to the plan. We are not following the plan and we are in violation of the plan. We are not following the plan to a T and there is the use of PDD in certain parts of the City, stated Rick Carlson. He wishes the Board to listen to the citizens.

He voiced his concerns with the impact on the land. Listen to the citizens and I won't have to come here for the next 15 months to oppose these, stated Rick Carlson.

**Attorney Thomas responded.** Someone stated total frustration. That is when someone makes a presentation based on facts and no one listens. Facts concerning facts and no one listens. The fact is the PDD is used for new things. That was developed for new things.

Someone said why not create a zone for apartments. If you create a zone then apartments will be allowed throughout that zone. Approval of the PDD creates no president for anything. Its concept is not to create permitted use on other properties. If there is a need for apartments granted in different areas, it is the way to control where the apartments are, it is the PDD. We are not coming in with new proposals and this has to do with what you did in the yellow area behind you, stated Attorney Thomas. Apartments in mixed-use residential areas is something that can be done.

Someone said the experts can do the studies but they would be the same. The proposals have low infrastructure impact.

This project will generate more taxes than the office building that was approved. This is a proposal whose time has come. There are other corporate areas to develop, stated Attorney Thomas.

What we hope here is this development that is not new and not shocking is being done all over the country will be a benefit to the City. We hope that you will see the quality of this applicant. When you were doing your plan they said put them downtown. Someday downtown issues will be addressed. There is traffic downtown. Go to White Street and at 3p.m. try to get to Derby. It is not very far and sometime I sit at the light for 3 times, stated Attorney Thomas. People who live here at Roseland and Renaissance will reach into their pockets and spend money downtown. They will increase the respect for Shelton. We understand that this will be kept open until Tuesday, February 10 stated Attorney Thomas.

Comm. Sylvester stated this is a fine study and I appreciate the number count on the cars traveling through Shelton. I recognize the enormous traffic tie up in this Community. I know that there must be traffic moving through our Community that is not included in any of those counts. There is an incredible number coming just from Monroe and that number is enormous. They did do road studies on Route 34, stated Attorney Thomas. That is a concern and our project won't settle the traffic problems.

When we did the numbers we recognized what the driving forces would be especially relative to Constitution Blvd, stated Comm. Sylvester. Anthony Panico stated we all have feelings for the traffic issues. If you want hard numbers you do an orientation destination study, he added. Comm. Sylvester stated we should take numbers like these and there are other numbers of people who cross our community daily that are not part of these numbers. That is right, stated Attorney Thomas. This is an approved use and people find it hard to believe office generates more than residential, especially at peak times, he added.

**On a motion made by Alan Cribbins seconded by Patrick Lopera it was unanimously voted to continue the Public Hearing on Application # 03-63 until Tuesday, February 10, 2004.**

**PLANNING AND ZONING COMMISSION INITIATED ZONING REGULATIONS AND BUILDING ZONE MAP AMENDMENTS: PDD (SIZE) AMENDMENTS, AGE RESTRICTED RESIDENTIAL REGULATION, ADULT ORIENTED RESIDENTIAL REGULATION, RESTRICTED BUSINESS PARK ZONE MAP AND AMENDMENT AND IA-2 TO R-1 ZONE MAP AMENDMENT (RESCHEDULED FROM 1/27/2004)**  
**(see attached)**

Comm. Pogoda presented 7-8 pieces of correspondence. He read 2 letters from residents.

**End of Side 2B of 3A, Tape 2 of 3 at 10:35 P.M.**

The lots that these people are referring to in their letters are not what this hearing is about stated the Chairman. The area we are considering tonight is what we described and published and these letters are beyond the area we are discussing tonight, stated Anthony Panico.

Comm. Pogoda read the call of the hearing and continued to read 5-6 more letters from local agencies. (these letters are part of the file in the planning & zoning office) All the letters were in support of these amendments. Richard Schultz explained the amendments. PDD amendments are to include a change in size and refinements along Route 8 and Long Hill Avenue. There are maps being presented and other exhibits that Richard Schultz presented for the record and continued on the size of the PDD amendments.

There are 14 lots that don't conform to the size. With Spooner House they went to ZBA and the Commission then needed to deal with this in house.

You are only eligible if you are on Bridgeport Avenue or have direct access to the other 4 roads to, stated Anthony Panico.

Comm. Cribbins stated that his brother owns land on Todd Road and I will not vote on anything to do with Todd Road. I don't gain anything financially from this area but I will not vote on anything on Todd Road. That property is not a subject of this zone change, stated Anthony Panico.

Richard Patterson asked if the property owners are aware of this? Anthony Panico answered this doesn't have a negative impact to their property. This does nothing to their property, it doesn't take anything away from them, he added.

We had the situation with Spooner House and the proposal was good but the site was not the right size. So other than to go to ZBA we wanted to deal with this, stated Anthony Panico.

I have a client who wants to bring his business from Stratford to Shelton and he is aware that this is happening. He asked for this to happen and he wants for this to happen, stated Attorney Thomas.

Comm. Sylvester asked is there anything that will aid and abate unwarranted development in this area? No there is not, stated Anthony Panico. Are we doing something that will increase development, asked Comm. Sylvester? Yes it will open up developing, stated Anthony Panico. You can put a generic zone there but you will get undesirable uses then, he added. The first hearing tonight, the car wash and restaurant won't go there without a generic zone that allows drive-ins, repair shops and other undesirables. There are other sites that will fit and there are applications that won't fit until we do this, stated Anthony Panico.

The Chairman said we will have hearings on these parcels and the people will be here to speak.

Attorney Thomas stated that this makes it worse for me. The PDD gives you discretion. There are standards and there is more control, he added.

Richard Patterson states there should be additional wording to not allow the residential elements here. The parcels are commercial oriented stated Anthony Panico. We will look at and if we can put some additional wording we will.

We have to close this within a certain amount of time stated the Chairman. Our application coming up March 9<sup>th</sup> is relative to this, stated Richard Patterson.

**Richard Schultz continued with the new restricted business district.**

The restricted business park was formed to deal with a lawsuit involving the car dealers. The Commission sat down to formulate new regulations. These went into effect in August 1, 2003. We are actually putting that on the zone map.

This runs parallel with Crabtree along Bridgeport Avenue and northerly back to Bridgeport Avenue and over to Nells Rock Road, jumps past Webster and runs to Cot Street. There are 2 parcels on Cot Street then over to Dr. Pinke, stated Richard Schultz.

This was CB-2 and we wanted to get rid of the uncontrolled commercial development and that created a problem with the car dealerships, stated Anthony Panico. We compromised in a controlled fashion. CB-2 was changed to IB-2 stated Richard Schultz. This is a result of the planning studies and working with the property owners, he added.

The second amendment pertains to 4 parcels on Long Hill Avenue and Sylvan Drive intersection. There is a small area of IA-2 in the rear of these residential properties. We wanted to redefine the residential and industrial boundaries, stated Richard Schultz.

The Chairman stated the rear yards of these houses are in an industrial zones that back up to Route 8. The Sikorsky property has access off Platt Road, stated Richard Schultz. It is a small area, he added.

These are oversize lots that don't have the frontage, stated Richard Schultz. If that is industrial and I decide I don't want to use the residential land but I want to use the industrial, can I asked the Chairman? No said Richard Schultz. Our regulations don't permit that.

That line got there 40 years ago stated Anthony Panico. The zone lines ran parallel with the road, he added. We have good mapping now and they didn't have them back then. We will not act on this tonight so you can take them home and digest this, stated the Chairman to the people in the audience.

**Joe Crabtree, addressed the Commission.** I am very happy about the rezoning and we wanted an extension on the restricted business zone. Can we extend this over here, he asked? When you are dealing with a map change you cannot expand the zone without another hearing. You would submit a request for rezoning the parcel that you are talking about, stated Anthony Panico. It is illegal. We can listen to all the proposals but not on the strength of this hearing. If we wanted to do that we would have to have another hearing, stated the Chairman. I wanted to pull that zone up to Platt Road but I was out voted he stated. We had problems with the property owners and we did a hybrid zone, stated Anthony Panico. This was easy, the additional ones are in a different zone and there deliberations would be different, he added.

**Ray Blanchette, addressed the Commission.** If I want him in the CA1 he can't sell his cars, he questioned? You would have to make an application for a public hearing and state the land you want to expand to, stated the Chairman. If we act on this and this gets approved then we would have to have another hearing on that, stated Anthony Panico. You will need 10000 sq. ft. to do that stated Richard Schultz. Those houses never were residential R1, stated both Anthony Panico and Richard Schultz.

The parcels there (3) if they all got together they could have a McDonald's. The 3 houses could be vacated and allow for an attorney or an accountant to move in, stated Anthony Panico.

When we did our planning with the Route 8 update the OPD was put in place to restrict what we didn't want there to go there, stated the Chairman. We didn't want undesirable places to go there, such as fast food places in certain places of the corridor. The car dealers then took us to Court and from that came the Restricted Business District. The people in those houses were notified about this hearing. This will create a buffer so that they are protected stated the Chairman.

**Attorney Thomas addressed the Commission.** Please approve this he stated and I do represent the people who own this parcel as he shows the Commission on the map. There is a residential lot and industrial lot. There is a variance on there and they purchased this as commercial. The residential zone is very little part of the lot and we feel this is a detriment to them and what residential options would be available to them, stated Attorney Thomas. Any nonresidential activity on Long Hill Avenue is deemed unacceptable, stated Anthony Panico. We are willing to sit down with the Commission concerning residential issues but we feel there is communication with Sikorsky's right now, added Attorney Thomas

A gentlemen from the audience shows a property that is cut into 3 parts including the driveway. The line should be moved stated the gentlemen. That will be another hearing, he questioned. We did nothing with that property , it is not in this area, stated Anthony Panico.

**On a motion made by Patrick Lapera seconded by Alan Cribbins it was unanimously voted to continue the Public Hearing on the Planning & Zoning Amendments until Tuesday, February 10, 2004.**

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn and continue the rest of the agenda until February 10, 2004 at 11:30 P.M.**

Respectfully submitted by,

Diana Barry, Secretary