

The Shelton Planning & Zoning Commission held a Regular Meeting on February 10, 2004 at 7:00 P.M. in the Shelton City Hall Auditorium and Room 303, 54 Hill St., Shelton, CT

Members present: Chairman Joseph Pagliaro
Comm. Alan Cribbins
Comm. Daniel Oraziatti
Comm. Anthony Pogoda
Comm. Leon Sylvester

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

Members absent: Comm. Patrick Lopera
Comm. William Papale
Comm. Karen Tomko-McGovern

Tapes (2) 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.

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 (CONTINUED FROM 1/13/2004)

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 (CONTINUED FROM 1/13/2004)

AND

APPLICATION # 03-60 BLAKEMAN CONSTRUCTION COMPANY FOR TEMPORARY SPECIAL EXCEPTION APPROVAL (EARTH REMOVAL) BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (CONTINUED FROM 1/13/2004)

The Chairman read a letter from Attorney Christopher Smith. The letter stated the applicant is resolving some outstanding issues with an adjacent property owner. They are requesting the hearing to be continued until February 24, 2004.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept the letter requesting that the hearing be kept opened until February 24, 2004 on Applications # 03-58, 03-59 and 03-60.

Attorney Christopher Smith, an Attorney with Shipman & Goodwin, stated on behalf of Blakeman Construction and Huntington Woods, LLC we commenced a Public Hearing and made our presentation, at that time. We heard from neighbors including Perkin & Elmer and the adjacent owners Attorney for Reckson. Since that meeting we have met with Reckson and addressed their issues. We were not able to reduce those understandings to writing including some issues with landscaping and construction. In light of that, instead of Reckson being here this evening, we did ask that the hearing be continued so that we could reduce those understandings to writing. Reckson does agree with this, stated Attorney Smith.

Attorney Jane Freeman, who does represent Reckson is not in attendance tonight because of this and Attorney Scott Centrella who represents Perkin & Elmer is not in attendance this evening as well.

I have nothing to provide to the Commission except the request for the hearing to be continued, stated Attorney Smith.

The Chairman asked if there was anyone who wished to address this Application and hearing no response from the audience stated we will continue on with our Applications.

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 (CONTINUED FROM 2/5/2004)

The Chairman stated I want to remind everyone that these hearings are being continued because of a mistake that was made in the newspaper. Attorney Thomas stated that there was great public support. The Chairman asked if there was anyone in the audience who wished to address the Commission on this application.

Janet Amnicki, 428 Long Hill Avenue, addressed the Commission. She stated she made some observations with regard to traffic. During a one-hour period from 2:40 P.M. to 3:40 P.M. today I observed traffic entering and exiting Platt Road at Bridgeport Avenue.

I observed 661 vehicles including 13 school buses, 17 panel trucks, seven 18-wheelers, 1 pay loader, 10 mail delivery trucks and 15 Brennan Construction trucks. That totals 63 vehicles that were much larger than a passenger car or a pickup truck.

Janet Amnicki, continued by stating that 11 vehicles entering Platt Road from Todd Road going left onto Bridgeport Avenue waited along time before someone would let them into line. At times vehicles exiting Platt Road were backed up from the light on Bridgeport Avenue to Oliver Terrace. The 18-wheelers entering Platt Road have to negotiate the left hand turn from Bridgeport Avenue very carefully while there is still a whole line of cars waiting to exit. Trucks have a tough time getting around that bend.

Vehicles traveling east toward Long Hill Avenue on Platt Road try to avoid the catch basin. They have to go right on the line and they come close to the traffic coming westbound on that road.

Janet Amnicki stated I also observed 3 walkers and 2 joggers trying to negotiate through the Platt Road traffic.

I am opposed to any proposed businesses that depend on a large number of vehicles having entrances and exits on Platt Road at the Bridgeport Avenue intersection. I have no problem with the car wash but that entrance and exit even if you make changes. About 2 years ago in the Huntington Herald, they asked where the worse intersections are in Shelton and 2 out of 5 people in that interview said Platt Road and Bridgeport Avenue. It is really tough and it needs a lot more traffic lights or direction, stated Janet Amnicki.

Attorney Thomas, addressed the Commission. As the Commission is aware that piece of property has access only on Platt Road. That is something that the applicant has chosen and the State has chosen. The only access is Platt Road. If there was that much traffic you certainly would not want an office building because that would be more traffic at peak times. You have our traffic report. We believe that is sufficient, stated Attorney Thomas.

We believe by taking your comments from the past 2 applications as constructive criticism, we have downsized to the point that the development is appropriate to the site.

I was before this Commission last year and it is time to speak to the Executive Branch of Government and indicate to them that this area services an extensive area with tractor trailers if the car wash is there or not. There needs to be some infrastructure improvements on those road, stated Attorney Thomas.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to close the hearing on Application # 03-54.

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) (CONTINUED FROM 1/27/2004)

Richard Patterson, President WER-1, addressed the Commission. I have provided to the Commission excerpts from the Plan of Development. Your 1992 Plan of Development. There is a new committee being put together now, it is suppose to be every 10 years and it will probably be another 2 years before that Committee comes before this Commission.

Excuse me stated the Chairman. This Commission and Staff have been working on that update for about 5 years. I think that some of you people should address things honestly, you are taking things out of context. Mr. Schultz. Mr. Panico both have spent numerous hours working on the update of the Route 8 Corridor, they have worked on downtown, they have worked on South Shelton, and they have worked on the future Constitution Boulevard. It is not like we are sitting idol like you have been implying over and over again, stated the Chairman. We have been working on this plan update and now the Committee is coming together to put all these things together.

The Committee is suppose to be 3 members appointed by the Planning & Zoning Commission, 3 from the Board of Aldermen and 1 from the Mayor, stated Richard Patterson. That has just been done recently, that was not done years ago. So that the other updates were done by the Commission not by the Committee, he added. It was done knowing that we were going to do a plan update, stated the Chairman.

Richard Patterson stated I will go over the most recent Plan of Update adopted in 1992. He had highlighted some sections in the copies he had handed out and he went over them. One was a traffic concern with high generated traffic in the retail and business district. These are based on facts. If the levels of service are below a D there could be some other requirements.

Richard Patterson stated that Old Stratford Road will be effected by this proposal and it is rated a D. This traffic will hurt that D rating and make it worse. After these units the applicants have another parcel which he will put 90 more units on.

I submit to the Commission that this is totally unacceptable with our current traffic conditions. Until our traffic conditions are determined to be able to handle this capacity this application should be denied, added Richard Patterson.

Irving Steiner, 23 Partridge Lane, addressed the Commission. I only wish to comment to the Chairman's report to my predecessor. We are not aware of many of the things that you do.

It is the Commission that is not transparent to us as citizens. All we need to know is a continued update either on record or somewhere the public can read it, stated Irving Steiner. We will not pursue that area but we feel we are in the dark and we don't know that you are working on this. We would like to know this, he continued. We have a bad impression of the Commission because they are not letting us know. I don't think there is anything legally wrong for you to tell us that this is an update of what Planning & Zoning is doing for the Community. That is all we want.

With all due respect Mr. Steiner, when we did these updates there were articles in the papers, there were public hearings that were legally published after they did the work, we had to act on it and it was legally advertised as these public hearings were and no one responded stated the Chairman. It was done, it is on record, it was advertised obviously you and some members of your neighborhood did not see it.

Anthony Panico explained that subsequent to the public hearings the adoption of that study as a supplement to the previous comprehensive plan there were follow up hearings on zoning modifications that were made based on that updated portion of the plan. Publicly notified, questioned Irving Steiner? Public notices stated Anthony Panico. When was the last Public Notification, questioned Irving Steiner? I can't give you that date but I am sure Mr. Schultz can pull that out of the record, answered the Chairman.

Irving Steiner stated that we feel, recently, that we have been attending these meetings, we have been looking in the papers constantly. This was done long before your group got together, stated the Chairman. O.K., stated Irving Steiner. There were newspaper articles on it as well and hearings with people in attendance, added the Chairman. We are at fault for not having been observant citizens prior to the time we became active, stated Irving Steiner. Since we have become active there have not been to many notifications about the good work you are doing, he added. It has all been in the past, stated the Chairman.

Please bear with us with our peers who say we don't know what you are doing lately, stated Irving Steiner. If you are doing something it doesn't hurt you in the slightest to let the public be aware of it, he added. We don't want to be in this position where we don't know what is coming, added Irving Steiner. I thank you.

Attorney Thomas, addressed the Commission. I sat in a meeting in Seymour where they talked about moratoriums. If people talk and want updates constantly and this Commission spent all the time on that you, this Commission, would never hear any applications that you have updated. You have gone through it extensively.

I would like to address the traffic concerns. This site is an approved site for a 148000 sq. ft. office building. This Commission approved it and a study was done. The STC approved it. There are improvements to the intersection of Commerce Drive/Bridgeport Avenue and Old Stratford Road that are required when this property will be developed. That is why you got a one-page traffic report that shows the impact is less.

When you become Commission members of the Planning & Zoning Commission you do not remove your common sense. There are certain things that are obvious. One of those things is that traffic will flow against the grain. We can't speculate to those who will walk to work, stated Attorney Thomas.

If this Commission feels that the study done previously is not sufficient you can request an update. We are on a site that is approved and has a traffic generation factor with requirements to the lanes of Bridgeport Avenue. This might be merged with Split Rock and if that is not approved this developer will have to do those improvements. We have investigated going back to Wetlands with regard to concerns in the review area.

If you look at everything you will realize that there is a need that your prior plan addressed. I think you will realize that if you took yourself up in a helicopter and looked down you would say in 92 we thought we needed apartments along River Road. In reality you don't want those people driving across town to the corporate area, which has grown in the last 10 years to create traffic in that way, stated Attorney Thomas. Those apartments are better where they are being proposed. Look at the facts that show the infrastructure impacts are minimal to what was approved. The tax generations are equal too or greater than the office.

When you as a landlord are trying to fill an empty office building we want to get them in here I want to be able to say to them that we have 400+ apartments, stated Attorney Thomas. We can offer your people work here and live here, stated Attorney Thomas.

Anthony Panico stated for the enlightenment of the Mr. Patterson and the WER1 organization. With respect to the information that we solicited this evening that when the project was approved years back the Commission had a professional traffic report. We hired another expert to analysis if the conclusions were viable and reasonable. We went to the local intersections nearby and the applicant put up money for the signalization and funding of improvements and future reconstruction of Commerce Drive. That is now being designed. The Commission has implemented those criteria's and has done so on this particular parcel, he added.

The Chairman stated we denied a restaurant on Bridgeport Avenue and we denied based on that study. We denied it twice, we went to court on it and we won in Court, he added.

Joan Flannery, 8 Partridge Lane, addressed the Commission. The one point I want to make is that I work 9-5 in Stamford. I leave at 7 in the morning and I get home at 5:30 in the afternoon. With a corporation there, I will not see that, the traffic doesn't bother me. If you have apartments the traffic is on the times that I am living in Shelton. That is my one point stated Joan Flannery.

We can't let this hearing just go on and on stated the Chairman.

Nancy Steiner, 23 Partridge Lane, addressed the Commission. I commend the prework you are doing but isn't that suppose to be the new committee doing that work. I need to be educated about that. I read in the paper that this new group will get together to work on this plan but if you have already done all this work what are these other people there for, questioned Nancy Steiner?

The work is far from done, stated Anthony Panico. There is a lot of work that needs to be done. The Committee is advisory to the Commission. They will not be delegated with the responsibility to go out and prepare the new plan. The responsibility rests with the Planning & Zoning Commission and with its workload they feel they don't have the time to keep the plan of development up to date. We need additional help that will come from the Citizens Advisory Committee, stated Anthony Panico.

Is there a date for this Advisory Committee to meet with the Planning & Zoning Commission, questioned Nancy Steiner? There will be many meetings in the next 18-24 months stated Anthony Panico. We tried to have it yesterday and it is scheduled for February 17 at 5:00 P.M. at City Hall, stated the Chairman.

Anthony Panico stated we have a vigorous schedule for that Committee to work on. We have items for both to work and items of contact and the direction that both groups want to go in. The target date for the public hearing is August 2005, he added.

Are the public allowed to attend, stated Nancy Steiner? I would imagine and they would not be allowed to participate. The Advisory Committee will solicit the citizens concerns so that can be conveyed to us, stated Anthony Panico.

Thank you very much for explaining that to us, stated Nancy Steiner.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to close the Public Hearing on Application # 03-63.

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

Richard Schultz stated that we have recognized 12-14 parcels within the Route 8 Corridor area. The Staff wanted to organize these for the amendments. The Staff prepared a map to show the Restricted Business Zones with regard to the car dealerships. These amendments were done and we are putting those on the maps. These two areas are those areas identified on the map. The car dealerships support this, stated Richard Schultz.

There are property owners off of the map that would like an extension of this and that will need to be petitioned at a later date.

Staff identified a small pocket that was zoned industrial with a small piece of industrial in a residential area. Richard Schultz stated that would be in keeping with what is in the Route 8 Corridor.

There also needs to be some age restricted and non-age oriented cluster amendments. These drafts were part of the record of the previous hearing and are on file in the Planning & Zoning Office. Richard Schultz went over these amendments.

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

Anthony Panico stated that for a normal conventional subdivision even though it is 40000 sq ft. we went with 1.25. There is wet buildable areas that you need at 12 acres so that when you lose 10% road and 10% additional before you can start building.

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

He stated he wanted to address the dwelling unit density in both of these developments. He stated this is clarified as to how many units can be built on a physical one-acre parcel of land. You take 75% of the wetlands and if this was R-1, wetlands can not be built on and you cannot build on the setbacks to the wetlands, stated Richard Patterson.

Anthony Panico stated you have to figure the lot in R-1 10,000 sq.ft. of a 40,000 sq. ft. lot could be wetlands. We take propotions, he added.

A parcel of land in my neighborhood where there are wetlands and deep slopes in that 20-acre piece. 6-8 acres of land in that parcel are flat enough to build on, stated Richard Patterson. This makes 5 units per acre would that be allowed with that density, asked Richard Patterson? I don't know if I could agree with you or not. I could show you other parcels of land with slopes that are not flat that you get reasonable densities on, stated Anthony Panico. We don't exclude land from an eligible parcel until the slopes reach 30% or more.

My concern is how many structures can be built on any given parcel of land, questioned Richard Patterson? You give me the perimeters and I will give you the answer, stated Anthony Panico. Then there is no limit, questioned Richard Patterson? Of course there is a limit, stated Anthony Panico. It could be 4 buildings on one acre of land, stated Richard Patterson. Lets talk about average density, lets take a 10 acre site R-1, how much is wet, 10% you won't lose more, 10% less for roads, that makes 9, 10% for open space that makes 8 acres, stated Anthony Panico. Take the 8 acres and divide it by 1.25 to give you the number of homes, he added. In this case it comes out to 10. Normally it is whatever you have is what you get for unit count. 10 acres R1 you get 10 pieces.

There is no magic, if you are strict on one case you will overkill a good piece and then if your liberal you still could get hurt. We tested our number for a reasonable number, stated Anthony Panico.

If you are looking at R1 in a piece that I am aware there will be 8 buildings in view or abutting this one-acre lot house, stated Richard Patterson. Could that happen with this regulation, he asked? It probably could answered Anthony Panico. In that situation it should be tighten up to say there could be no more than 2 structures on any given acre of land, stated Richard Patterson. By allowing 4-6 units abutting a one-acre house is too much of a change and it will hurt the property values in that neighborhood, he added.

The Chairman stated that with all developments there is a lot to be considered. We also have to allow the space between the acres and there may be 25-30 feet between units that might not allow the 8 to the acre. There are a lot of factors that need to get figured in including the space in between the units.

I would like to commend the Commission for going this Route because we are so sick of hearing about the empty nester communities stated Richard Patterson. These have been in the works for a long time we just could not get them here with the work schedule, stated the Chairman. The 1992 plan states we are encouraged to look at this type of development, he added.

There is an empty nester community that has been completed for a long time, that there condo approval stated that there be no more then 5 people living in one house and that is part of their home owner manual sated the Chairman. There is one that addressed the 18 year old not living there for a period of time.

Richard Patterson stated as a Realtor this will go along way to what has been developed. If you allow a lot to be built abutting a one-acre area it will affect the value of those homes, he added. It does depend on the plan and there may be some impacts especially if there are 4 homes where there should have been 1 only 25 feet away but if the houses are a significant distance then you question if that statement is true. It could be 50,60,70, 80 feet away it wouldn't impact, stated Anthony Panico. You have to look at specifics, he added.

Comm. Cribbins asked Anthony Panico to explain low-income housing in a residential district. Lets say you have R1 all throughout with a 20 acre piece that sits in the middle. Affordable housing statues stated Comm. Cribbins. The Statues say if you don't have a sufficient amount of affordable housing to exempt you from those regulations, stated Anthony Panico. Does Shelton, questioned Comm. Cribbins? No we do not, 10% of the housing units have to fall into the designation of affordable, stated Anthony Panico. We have affordable units in this City we don't get credit for them because they are deeded to be affordable. All that is required is that it is residentially zoned, have proper utility support and no environmental constraints with regard to the development the person wants to put on it. That is the bottom line, stated Anthony Panico. We could protect the industrial zone, they are not allowed in those zones.

If you follow the papers in Milford, Orange and Trumbull they have been put to the wall with these things. Rick had experience with this in the town he was in before. They had 4-5 legislations with affordable housing and they lost on all but one, stated Anthony Panico.

Walter Sofian, 7 Andrew Drive, addressed the Commission. He questioned we are asked to speak to the issue at hand, then why is Comm. Cribbins bringing up the threat of low income housing. It should not impact the agenda that we are talking about. You had this whole conversation that is now on the record and it is not germane.

I said nothing about affordable housing being bad, stated Anthony Panico. I said it is not germane to what we are discussing here stated Walter Sofian. I will answer that stated Comm. Cribbins. There was a question about how many houses could be next to a one acre piece of property? There was a question asked by the previous speaker how many houses could be next to, stated Comm. Cribbins. Under the regulations that you are talking about, stated Walter Sofian. That is correct, stated Comm. Cribbins. Not affordable housing, stated Walter Sofian.

All I am saying, is that even though we pass these kinds of things, I want you to be aware of the fact that by doing limitations like this doesn't preclude, this isn't the concrete saying that the maximum you will ever see is 4. I want to make it perfectly clear that there are other instances that we cannot legislate, stated Comm. Cribbins.

Fully understood, stated Walter Sofian. With that in mind, I want to go on record with the issue at hand, as saying it is a big step that I would like to see it go and I am in favor of both of these regulations, he added. Thank you.

Attorney Thomas asked if he could make a few comments? When you are looking at the 18 year old and younger you might want to consider doing something like Oxford did. They put a 4-week time limit on that. When we got the initial proposals sent to us by developers they put in 6-9 months and even 3 months covers a semester. The Association will be allowed to grant hardships. The classic examples would be the husband and wife being activated for service and those are reviewed every year. They have found as a town that they policed these strongly, stated Attorney Thomas. Those stood out to me when we went through with the declarations.

Some I researched have Federal Regulations as well, stated the Chairman. If you have an age-restricted community you can restrict occupancy by anyone under 18 years old, stated Anthony Panico. Though it allows 20% to be not restricted, he added.

Attorney Thomas is not representing anyone but himself, stated the Chairman, so please let the record show that. Anthony Panico stated that when Staff was working on these we contacted other communities with what they are doing. These are in line with other towns such as Hamden and Cheshire, he added. We have researched Cheshire, Oxford, Trumbull, Brookfield, New Milford, Southbury, and Wolcott, added the Chairman.

On a motion made by Alan Cribbins seconded by Daniel Oraziatti it was unanimously voted to close the Public Hearing on the Planning & Zoning Initiated Zoning Regulations and Building Map Amendments.

PUBLIC PORTION:

Richard Patterson, 31 Daybreak Lane, addressed the Commission.

He stated he would like to know if the Commission has given any further consideration to a moratorium on high-density development. The Chairman answered that 6 weeks ago we requested information from Legal Counsel. He sent us information on cases that went to Court, that was not what we wanted. We did go back to them again last week and we are waiting for additional information, stated the Chairman.

Irving Steiner, 23 Partridge Lane, addressed the Commission. He stated he didn't know if he was in order or not, stop me if I am not. I am in receipt of an email concerning a fax that was sent by a Jeffrey Cogswell, that sent today. I received a fax today, with no signature, and I was advised not to read it. It should not have been accepted, stated the Chairman. It is from Jeffrey Cogswell, questioned Irving Steiner? Should I give it to you, asked Irving Steiner? Staff did receive it and it is something to assist us, stated Richard Schultz. The Commission should not be aware of that, stated Anthony Panico. I didn't know that and I creeping in the dark, stated Irving Steiner. If we were to read this or have it read into the record, it would be illegal, then we approve this or deny this, it could prejudice out voted and that could be challenged in Court by the application or by you people, stated the Chairman. It is supportive commentary and then the public could rebut the information, stated Anthony Panico. The best is that we don't take it, he added.

Irving Steiner stated that the DEP was not informed on this particular property about the wildlife. It will be noted by Staff if they feel this is germane to the application stated Anthony Panico. DEP knows the rules better than we and if there is technical information then Staff will make the determination if it should be admitted to the record so that we don't prejudice our vote, stated the Chairman.

The Chairman said 20 years ago we approved 200-300 housing units a year, just this passed year we approved 16 single family homes, we approved 69 total dwelling units. The year prior 120-130 and the year prior 120-130. One year it was 120 and the next it was 130 or vice versa stated the Chairman. We take great pains for the developments are not in the wrong place. We have asked to slow things down a bit, he added.

These documents are in the Planning & Zoning Office and we have records for the past 7 years. These are the lowest I have seen. The building lots creation is a new tool that helped. There have only been 16 single-family dwellings and we approved 69 units. There were no multifamily units in that mix, all were single family with garage attached, stated Richard Schultz. Our town can average between 150-200 and we are staggering the numbers, he added,

Shelton's Open Space was a model of New Haven's Open Space, stated the Chairman.

Walter Sofian, 7 Andrew Drive, addressed the Commission.

He stated that he wanted to point out, that the approvals and number of units but the problem is we have not been faced with the size projects that are coming at us now. It only takes 1-2 approvals to come up with one or 2 times your average number. You are talking about Scinto's, Roseland and the Birmingham, which I am in favor. You are talking 500 units and look at the size and you get 3 times the average we used to be, stated Walter Sofian.

On a motion made by Alan Cribbins seconded by Daniel Oraziatti it was unanimously voted to close the Public Portion and reconvene to Room 303.

APPLICATION # 03-56 DOMINICK THOMAS ON BEHALF OF CROWN POINT ASSOCIATES, LLC FOR EXTENSION OF SDA OVERLAY ZONE, BRIDGEPORT AVENUE (MAP 51, LOTS 9, 10) CA-3/LIP DISTRICTS – PUBLIC HEARING CLOSED ON 12/9/2003 REQUEST FOR EXTENSION

AND

APPLICATION # 03-57 DOMINICK THOMAS ON BEHALF OF CROWN POINT ASSOCIATES, LLC, BRIDGEPORT AVENUE FOR PDD ZONE CHANGE (MIX USE DEVELOPMENT) (MAP 51, LOTS 9, 10) CA-3 /LIP DISTRICT

Comm. Sylvester arrived at 8:30 P.M.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept the letter of extension on Applications # 03-56 and 03-57 until March 9, 2004.

Staff is prepared to discuss Application # 03-56 at the next meeting, the 24th stated Richard Schultz.

APPLICATION # 03-62 J & COUNTRY BUILDERS FOR SUBDIVISION APPROVAL (WINDY FIELD – 5 ACRES) TEN COAT LANE R-3 DISTRICT –REQUEST FOR EXTENSION

On a motion made by Alan Cribbins seconded by Daniel Oraziatti it was unanimously voted to accept the 35-day letter of extension on Application # 03-62.

APPLICATION # 03-64 ZIAM MURTISHI FOR SITE PLAN APPROVAL (CONTRACTOR'S BUSINESS AND STORAGE YARD) 82 BRIDGEPORT AVENUE, CB-2 DISTRICT – REQUEST FOR EXTENSION

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept the 65-day letter of extension for on Application # 03-64.

APPLICATION # 04-01 PRECISION RESOURCE FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR-BUILDING AND PARKING LOT EXPANSION) 25 FOREST PARKWAY (MAP 63, LOT 34) LIP DISTRICT- ACCEPT AND SCHEDULE PUBLIC HEARING (CLOCK STARTS ON 1/13/2004)

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept Application # 04-01 and set the Public Hearing for March 9, 2004.

APPLICATION # 04-02 HUNTINGTON PLAZA ASSOCIATES, LLC FOR SITE PLAN APPROVAL (ADDITION BLDG 28 HUNTINGTON PLAZA, 30 HUNTINGTON STREET, (MAP 74, LOT 25) CA-2 DISTRICT-ACCEPT FOR REVIEW (CLOCK STARTS 1/13/2004)

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept for review Application # 04-02.

APPLICATION # 04-03 PETITION OF JOHN GUEDES ON BEHLAF OF BIRMINGHAM DEVELOPMENT FOR EXTENSION OF CENTRAL BUSINESS DISTRICT OVERLAY, 5 BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22, 23) IB-2 DISTRICT ACCEPT AND SCHEDULE PUBLIC HEARING

AND
APPLICATION # 04-04 PETITION OF JOHN GUEDES ON BEHALF OF BIRMINGHAM DEVELOPMENT FOR PDD ZONE CHANGE (CONDOMINIUM 5 UNITS) BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22, 23) IB-2 DISTRICT- ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept Applications # 04-03 and # 04-04 and schedule the Public Hearing for March 9, 2004.

APPLICATION # 04-05 PETITION OF CHAPPAGUA CAPITAL CORP, FOR SDA OVERLAY, LONG HILL AVENUE (MAP 41, LOT 35) R-1 DISTRICT- ACCEPT AND SCHEDULE PUBLIC HEARING

AND
APPLICATION # 04-06 PETITION OF CHAPPAGUA CAPITAL CORP., FOR PDD ZONE CHANGE (ELDERLY APARTMENTS) LONG HILL AVENUE (MAP 41, LOT 35) R-1 DISTRICT- ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Alan Cribbins seconded by Leon Sylvester it was unanimously voted to accept Applications #04-05 and # 04-06 and schedule the Public Hearing for April 13, 2004.

APPLICATION # 04-07 GENO BLAKEMAN FOR SUBDIVISION APPROVAL (2 LOTS – CROSSROADS ESTATES) 8 BIRDSEYE ROAD EXTENSION (MAP 125, LOT 36) R-1 DISTRICT – ACCEPT FOR REVIEW

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept for review Application # 04-07.

APPLICATION # 04-08 JOHN PAWLOWSKI FOR SUBDIVISION APPROVAL (4 LOTS-HIDDEN MEADOW EST. SEC. III)BEARDSLEY ROAD (MAP 162, LOT 1) R-1 DISTRICT- ACCEPT FOR REVIEW

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept for review Application # 04-08.

APPLICATION # 04-09 PETITION OF CRABTREE SUBARU FOR EXTENSION OF RBD, 417, 419 AND 425 BRIDGEPORT AVENUE (MAP 63, LOT 9) CA-1 DISTRICT-ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept Application # 04-09 and schedule the public Hearing for April 13, 2004.

APPROVAL OF MINUTES

On a motion made by Anthony Pogoda seconded by Alan Cribbins it was unanimously voted to approve the minutes of 12/16/2003.

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

8-24 REFERRAL: CITY PURCHASE OF CITY LAND (BPT AVE. PUMP STATION)

Richard Schultz stated that City Engineer requests that we don't give an opinion this evening on this application.

8-24 REFERRAL: CITY ACQUISITION OF PROPERTY (OFF JOHN DOMINICK DRIVE)

The Chairman abstained because a family member owns this property and he excused himself from the room.

Richard Schultz passed around a location map. John Dominick is off Buddington and Old Kings Highway is here. The landlocked piece is here.

We received a request from the Mayor's Office for this 8-24 for purchase of 7.92 acres. We received a letter from the City Engineer's Office endorsing this purchase.

It is surrounded by all Open Space, questioned Comm. Sylvester? Yes, answered Richard Schultz. How did that happen, asked Comm. Sylvester? Anthony Panico stated that over time all the other parcels were acquired but this one was never acquired. No one was actively pursuing it, stated Richard Schultz. The others came up at various time and they're consistent with what the Open Space Plan was. It started with the Abbey Wright property, 30 years ago, stated Anthony Panico.

If it can't be developed and you can't get there, why buy it, asked Comm. Orazietti? This is part of the Open Space that forms the Rec. Path that crosses at the Intermediate School stated Richard Schultz. If you have many many acres that the public is allowed to use but maybe the owner could acquire another space and come in with a development stated Anthony Panico. I can never see the property ever being developed, stated Richard Schultz. I looked several months ago because there is no access, stated Anthony Panico. No way to build a road or a driveway, he added. Do you have any idea what we are paying for it, asked Comm. Orazietti? The City will pay the fair market value, stated Anthony Panico.

We have recommendations from the Mayor's Office and the City Engineer's Office, stated Comm. Cribbins (who is acting as the Chairman).

On a motion made by Anthony Pogoda seconded by Daniel Orazietti it was voted to report favorably on the 8-24 Referral: City acquisition of property (off John Dominick Drive). Chairman Pagliaro excused himself because a family member owns this property. He did not take part in the discussion or the vote.

FALLS OF HUNTINGTON SUBDIVISION: REQUEST TO ELIMINATE PEDESTRIAN FOOT BRIDGE

The Chairman returned at 8:50 P.M.

Richard Schultz stated that way back in 1998 the Commission approved a 3-lot subdivision of former BHC watershed property. A footbridge was required across the Far Mill River after a request from the Conservation Commission. The status now is that the Water Company wants to pay \$1500.00 to go into the Open Space Trust Fund, in lieu of this improvement.

This is off of lower Walnut Tree Hill Road across from Waverly by Cloverdale, stated Richard Schultz. The homeowners never really wanted it and Conservation has tried for a long time. Conservation asked that the bond be received in lieu of the bridge. They are asking for a walking path to go from Walnut Tree Hill road to Misty Lane, he added. That is secondary.

The Conservation Commission believes it is in the City's best interest to take the money for the Open Space Trust Fund. The Conservation Commission has the same members and this makes more sense. To take the funding instead of pursuing this. We were going to take this to the next step but then we got the letter, stated Richard Schultz.

Anthony Panico stated there is bonding to \$1500 and if the City wants the improvement done and it is not, then the City can take the bond. The City is then responsible for the improvement. What is happening, the people who requested the bridge, see it as not being urgent. They would rather have the money for other Open Space needs, stated Anthony Panico. I don't see a need for the bridge as a planner, he added.

The motion would be to modify the original condition of approval requiring this public improvement and to release the \$1500.00 Performance Bond into the Open Space Trust Fund in lieu of the pedestrian bridge, stated Richard Schultz. Accept the bond instead of the bridge, stated Anthony Panico.

It is the same group of people, so once they get the \$1500.00, if they want the bridge, they will put the bridge in, if they don't want the bridge, they won't put the bridge in, stated Comm. Cribbins.

Is it a long crossing asked the Chairman? No but it is a pretty involved and it is not simple, stated Richard Schultz. BHC had a major issue with it, he added. It is not conducive to a good usage. It is not part of a trail stated Richard Schultz. I recommend it at this time, he added. The bridge doesn't add anything to this and Conservation is not supportive of it. Anthony Panico stated there is a situation that we needed a strip and they gave it to us but this has no use.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to approve the request to eliminate the pedestrian footbridge at the Falls of Huntington Subdivision.

WATERVIEW LANDING: REQUEST FOR RELEASE OF PERFORMANCE BOND

We have a request from Welkin, Inc. for the release of the \$1500.00 bond. The Staff has inspected the site all improvements were completed in a satisfactory manner. It is a separate bond for the road improvements, this is for the private portion.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to approve the request for release of the Performance Bond on Waterview Landing.

DEANWOOD MEADOWS SUBDIVISION: REQUEST FOR REDUCTION OF PERFORMANCE BOND

Richard Schultz stated that this off Soundview Avenue. He read a letter from the City Engineer who endorses the reduction of the bond to \$31,600.00. This is in the upper Soundview area over by Elizabeth Shelton School. The Old Lombardi property.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to approve the request for reduction of the Performance Bond on Deanwood Meadows Subdivision.

BRUSHY MEADOWS SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND

Richard Schultz read a letter from the City Engineer who endorsed the request for release. These were off site improvements and they picked up all the drainage.

On a motion made by Leon Sylvester seconded Anthony Pogoda it was unanimously voted to approve the request for release of the Performance Bond on Brushy Meadows Subdivision.

CEDAR HILL ESTATES SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND

Richard Schultz stated this is White Hills Homes off of Tuckahoe and Soundview.

They extended the cul-de-sac and improvements have been done. Richard Schultz read a letter from the City Engineer that endorses this release.

On a motion made by Anthony Pogoda seconded by Alan Cribbins it was unanimously voted to approve the request for the release of the Performance Bond on Cedar Hill Estates.

APPOINTMENT OF REPRESENTATIVE TO OPEN SPACE COMMITTEE

Richard Schultz stated that last year Comm. Tomko-McGovern said she would do this just for that year. She is not here this evening so we can put this off until the next meeting.

PAYMENT OF BILLS

On a motion made by Anthony Pogoda seconded by Alan Cribbins it was unanimously voted to pay bills, if funds are available.

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

AND

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

The date on this is what, asked the Chairman? March 9th, stated Richard Schultz. We have 2 meetings before that, he added.

Did you receive anything on the bog from the Town of Stratford asked the Chairman? We received information at the public hearing. Did you and Tony review that asked the Chairman? We reviewed that along with the other correspondence from the hearing answered Richard Schultz. We are ready to report when we get to that portion of the project, he added.

Anthony Panico stated we pulled out all the comments and notes from the public hearing. We tried to get factual information for the Commission to deal with.

The drainage has been rearranged and it will be kept out of the feeders of the bog, stated Anthony Panico. The storm water drainage was an issue and this is downstream from where the bog is. The current discharge feeding water to the bog has to be maintained so it doesn't dry out. There is drainage that occurs through the wetlands systems and feeds into the bog, he added.

Richard Schultz read over the letters from various people including Kevin Kelly, the Town of Stratford's Attorney and Dr. Danzer addressed the Commission with his concerns for the bog. He also read from Penelope Sharpe's report and the Yale Professor's letter.

The Professor's letter had reasonable recommendations that can be implemented. The bog does need to be protected from any negative impacts from storm water or sedimentation intrusion. To do this you have to reduce or eliminate the natural water shedding going to the wetlands. You need to eliminate homes and the retention basin that is there. You have to preserve at the minimum 100-120 feet of natural undisturbed buffer, stated Anthony Panico. This cannot be done with the plan as drafted.

There is some disturbance of that area further down where there are some homes but that is below the wetlands. That would not impact the Wetlands. The Commission and the Staff would have to continue to work with the Wetlands people of the Town of Stratford to address all of their concern, continued Anthony Panico.

We looked at water access. There is service on Armstrong Road and there is a house that could be serviced but Daybreak is separated by private land, stated Anthony Panico. The city will not cross private property to install the water service. BHC won't install water mains crossing over private property, he added.

In the Town of Shelton we have sewers in our roads that are on private roads, stated Anthony Panico. There are private sewers stated Anthony Panico. There are sewers right next to a property on River Road and he had to go out the back, he added. That is up to WPCA.

The traffic pattern especially the driveway layout could be altered to eliminate the emergency connection at the sharp part of the road. You could require all of the traffic to come in that one entrance, stated Anthony Panico. You can extend the driveway median and that won't deadlock the whole project. 50% of the project would have dual access with the median divided roadway. I would not want to see the emergency driveway. This is the sharp end of Armstrong Road and they should take it out. Make a cul-de-sac and not use that all.

The units on this hillside have to come out and you have to get that drainage basin out of there. That area has to stay natural and that protects the area that meets the bog, stated Anthony Panico.

These watercourses are below the bog. It doesn't matter how the Commission will pursue this position of the Open Space, stated Anthony Panico.

Would this be Open Space then, asked the Chairman? I don't know why the City would want that opened. It would be deeded to the Association, stated Anthony Panico. We could go to the Board of Aldermen but the Open Space should be accessible from Armstrong and Daybreak, he added. The public should have access to that natural area. The Board of Aldermen would have to accept this if not that would go into the Association.

There was emotional testimony from the residents on Armstrong Road but there was no factual information given to us to rebut the Traffic Engineer's report, stated Anthony Panico. If the Commission has concerns with the traffic report they can commission an independent review of the traffic report, he added.

Who prepared that traffic study, questioned Comm. Cribbins? Barkham and Ness who have done work in the City and they have reviewed other reports. The did the traffic component with the 1992 plan, stated Anthony Panico. If you are satisfied with the City Engineer's comments then we don't have to have a review, he added.

Has the City Engineer looked at asked the Chairman? He has looked at it but we have no comments from him, stated Richard Schultz.

This is residentially zoned with utilities serviced to the site, the environmental issues can be addressed and there was past interest for affordable housing use. If someone wants to do it is possible, there is no black and white issue on that, stated Anthony Panico. We had a technical session about 2 years ago on a portion of this site, he added. Fortunately it did not happen because the property owners didn't want to leave that legacy to the City.

Comm. Cribbins stated we want to protect this area. That is difficult to protect stated Anthony Panico.

Show us the Open Space, questioned the Chairman? This whole area is Open Space and this area here is Open Space, stated Anthony Panico.

We analyzed this with the regulations you heard tonight and 41 homes of age restricted could be put on if those approved regulations. Under a regular subdivision would be half that amount 21 or 22. Conventional subdivision was not looked at stated Anthony Panico. We will try to take a look at that, he continued.

There are 22 acres and the request is for 49 units, stated Anthony Panico. Wetlands knocked it down to 45, stated the Chairman. Richard Schultz stated that there are 49 single-family units. Has Wetlands reviewed it, asked the Chairman? I thought Wetlands did something, stated the Chairman. That was the Old Stratford Road one that they reduced, added Richard Schultz.

Take a look at this again with the age restrictions, stated Comm. Cribbins. It doesn't say that in the application. I would like the number on both and the conventional, he added. It was 41 and 21 stated Anthony Panico. 21 on a non-age restricted and 41 on age restricted, he added.

What about the number of bedrooms, stated the Chairman? Had we done a conventional comparison, asked Comm. Sylvester?

On a conventional there would be 4 bedroom homes, stated Anthony Panico. On non-age restricted it would 3 bedroom and on the age restricted would be 2 bedrooms.

4 bedroom homes would have a greater impact stated the Chairman. The impacts from a conventional would be lower, stated Anthony Panico.

There are a lot of things to be looked at and as a straight subdivision Daybreak could be extended and come into the gentle part of the site. There could be a road down the side with one-sided development, stated Anthony Panico.

Where did the UI want to develop, asked the Chairman? This is an assemble of 3 parcels, gentlemen, stated Anthony Panico. I believe the UI was talking about this piece and this piece that they own, he added. Their proposal didn't go back in here. This parcel was in here because it was adjacent to the highway.

I want to go out there to get some explanation of this stated the Chairman. If anyone else wants to go just call Rick, he added. Is there a letter of extension stated the Chairman? You booked a lot tonight and there is less than one meeting to talk about this. Have we had extensions on this, asked the Chairman? We had one 65-day extension, stated the Chairman. It has not been on the table for any discussion, he added. We have not had any opportunity stated Anthony Panico.

End of Side 2A of 2B, Tape 2 of 2 at 9:25 P.M.

Comm. Cribbins stated we need some of the proposals and we need to be good neighbors with the Town of Stratford. It is a unique bog and you should protect it, stated Anthony Panico. Review the minutes of the meeting so that you can decipher the material that was put on the table this evening, stated the Chairman.

There are a few houses here and there are overhead utility lines here. The roadway right of way is right up to the property line, stated Anthony Panico. I need to count the number of houses so that we are not in violation of the regs. Can it be brought down to 20, asked the Chairman? I say sure but, stated Anthony Panico. There is an internal road that goes here with the same grade. Yes, you can do it but he can push the road through so it is not a dead end road, stated Anthony Panico.

Can I say that you would rather see a development like this then put the road through, asked the Chairman? It would be dramatic for the neighborhood if the dead end was not a dead end any longer, stated Anthony Panico. The living environment is enhanced by living on a dead end situation, he added. I would be the first to agree with that because I live on a dead end situation.

Can we eliminate some buildings here, asked the Chairman? I have looked at this area and we can pull some things off, it will cost you some 6, 7, 8 houses, stated Anthony Panico. How much is between here and here and this neighbor, asked the Chairman? These both are abutting neighbors, there is a rear lot here, 3-4 across the street, an interior lot here and a front lot here. There is a person here and a property line here, stated Anthony Panico.

What are we talking about when everything is taken, asked Comm. Pogoda? It will come down to 41 units, answered Anthony Panico. This is comparable with the other developments. It will be about 2 per gross acre, with each property having different physical characteristics, he added.

I want to go back and understand this, stated the Chairman. I will be able to show you, stated Anthony Panico.

I would like to know the space between these houses, stated the Chairman. I put the drainage divide and I worked it out to keep things away from that, stated Anthony Panico. I took a drainage basin out and I was able to put the water shed in nicely, he added. I took out of this section about 7 houses and got rid of a lot of site disturbance. Down here you might have to take 1-2 houses of this area. It could work but I would not want to pay that bill.

You need to weigh the difference in density. Anything other than conventional R1 subdivision will put more units on the property, stated Anthony Panico. The highest traffic generator is the single family home. You can put twice as many empty nesters to the conventional and it won't increase traffic, he added.

If we pass new regulations will we need to, would that be an automatic approval, reduced numbers based on the new regulations, questioned Comm. Sylvester? No, if you put them in place now, stated Anthony Panico. What if they were in place would it be automatic, questioned Comm. Sylvester? No you would have the right to review it and deny if it didn't meet the criteria, added Anthony Panico. I have to go to the original parcel to see what is allowed and weight the pluses and minuses for what is better for the Community, stated Comm. Sylvester.

Is it possible to pass the new regulations with total discretion, asked Comm. Sylvester? You would have to make it a zone, stated Anthony Panico. I am uneasy about giving up any discretionary power, to give it away or diminish is not what I think the Community is requesting us to do, stated Comm. Sylvester. That is why we got PDD's to begin with, stated Anthony Panico. It is coming back to the new regulations, stated Comm. Sylvester. We might want to make it a zone, added Anthony Panico. We would get criticized with spot zoning, stated Comm. Cribbins. As a matter of right, we have to do it, stated the Chairman. We can call for a hearing even if it is a matter of right, he added.

We did write the criteria that say to have one of these projects it either has to be on a State Highway or on a road deemed to be acceptable by this Commission, stated Anthony Panico. You can turn around and say that you don't think the road is acceptable and don't approve it, he added. You don't meet that standard. A zone change gives you greater control. The Chairman stated Rick get the extension.

STAFF REPORT

ZBA is straightforward. I said the Citing Council didn't review any communication on the tower. I got a letter today for a replacement of 6 cohabitants on Video Lane in Trumbull. I sent a letter that was consistent, stated Richard Schultz.

I just opened a letter that there wasn't a bond released on Pearmain Road, we haven't released it, asked the Chairman? I am dealing with that internally, stated Richard Schultz. There were letters sent by Conservation Commission with regard to Renaissance and they were very strong, added the Chairman. I took offense by it, he added.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to adjourn at 9:50 P.M.

Respectfully submitted by,

Diana Barry, Secretary