

The Shelton Planning & Zoning Commission held a Regular Meeting on March 9, 2004 at 7:00 P.M. in the Shelton City Hall, Auditorium and Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Joseph Pagliaro
Comm. Alan Cribbins
Comm. Patrick Lapera
Comm. William Papale
Comm. Anthony Pogoda
Comm. Leon Sylvester
Comm. Karen Tomko-McGovern
(sitting in for Comm. Daniel Oraziotti)

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

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

The Chairman stated I mentioned this before to Mr. Patterson, we are changing the order of the agenda around. The applicants for A and B can't be here at 7:00 P.M., why I don't know it may be the weather, I don't know, but we will take Application C # 03-67 first on the agenda, then. We will keep this opened because of the weather for a couple of weeks. During the hearing we will come up with a date for that continuance. This gives the opportunity to people who didn't come out this evening, added the Chairman.

APPLICATION # 03-67 PETITION OF RICHARD PATTERSON ON BEHALF OF WE R-1 TO AMEND THE ZONING REGULATIONS (SDA: SECTION 21.2 AND PDD: SECTION 34.8)
(see attached)

Comm. Pogoda read the call of the hearing and 3 additional pieces of correspondence from Margaret Welch, Kevin O'Mara and John Panza.

The Chairman explained the procedure that includes all speakers should print their name on the sheet floating around the audience. After applicant presents his proposals, the Commission and Staff then may ask questions. The public will then address the proposal. There is trouble with the microphone.

Attorney Brian Stone, at Attorney with Sousa, Stone & D'Agosto, LLC, representing Richard Patterson and WE R-1, addressed the Commission.

The proposed amendments before you this evening, are simple. They eliminate the PDD's and establishment of SDA's in residential zones and eliminate the right to include within PDD's the non-residential zones other than the CA-3 Zone and Business District Zones from having any residential development.

What these amendments are not is a moratorium? There has been a lot of discussion with regard to a moratorium in town, stated Attorney Stone. It won't prevent the Commission from establishing PDD's or SDA's along your commercial areas. It won't prevent the Commission from considering or approving subdivision applications nor will it prevent the Commission from considering PDD's under your regulations. It will put the breaks on multifamily or mixed-use development in a residential zone and the development of multifamily uses in a residential zone, stated Attorney Stone. It will reduce the burden on the Commission with regard to enormous numbers of application. Enabling you to spend your time in updating the plan of development, he added.

Our Courts have consistently helped Planning & Zoning Commission's by giving broad authority to amend your regulations. I quote "when time, experience and responsible planning and contemporary conditions indicate." Zoning must be flexible to meet the demand of increased populations. We submit that circumstances dictate that it is time for you to exercise your right and discretion and implement the changes for this Community. The Community that you are charged to protect and to serve.

You will hear from members of WE R-1 who are far more able to express concerns with respect to schools, infrastructures, traffic and sewers. Far more better experienced than I, stated Attorney Stone.

In considering an application before you, a member of your Commission stated that it really wasn't his concerns such matters as infrastructure, education concerns and the likes, those are concerns for others. I respectfully disagree. I submit to you a copy of 8-2 of the General Statutes, which is the enabling legislation for the adoption of zoning regulations under our Law. (see attached) Attorney Stone then read from the attached. It is exactly your charge to be concerned with schools, traffic, infrastructure and open space in your regulations and how you evaluate them, stated Attorney Stone.

I took a chance to review your Zoning Regulations Volume 2 that has all of the PDD's that have been approved since inception in August of 1979 through August of 2002. Generally I find that for the most part there is an attempt to follow a pattern from the underlining zone, stated Attorney Stone.

I would point out that when you look at this book, it is one inch thick. You have more PDD's than regulations that govern them. (He read from the books)

Floating zones have been held in Courts as legal. I am not disputing your right and I do recognize the benefit to have PDD's but this should be part of a comprehensive plan. It should not be done on an individual case-by-case basis in regard to individual properties. What you have in the Town of Shelton is contract zoning, stated Attorney Stone.

The pattern that exists throughout this book has changed. The SDA and PDD are utilized to create multifamily development. I don't believe that was the intention. He went over the various developments such as Well Springs 30 units on 15 acres in an R1 Zone, Huntington Estates R1 and LIP 40 units on 17 acres, Riverview Community, 175 units on 31 acres 5.6 units in an R1 Zone, Cranberry Hill Estates, that is on the agenda for tonight, 49 units on 22.8 acres R1 Zone 2.5 units per acre, Tall Farm has a proposal for 166 units on 28 acres 5.93 per acre. Mr. Scinto's proposals not in a residential zone but in an office park district have 204 units on Parrot Drive. Roseland's proposal is for 186 units. Total number of units in all these proposals in 797 units, stated Attorney Stone. 5.5% of your housing stock by applicants that are trying to take advantage of what was not intended to use the PDD's to create intense residential development.

When you consider a zone change our case law says it is a two-fold test. It might be in accord with a comprehensive town plan and be related to the rational police powers in 8.2, stated Attorney Stone.

Let's talk about your comprehensive town plan. The comprehensive plan is found in the scheme of your own zoning regulations. Lets look at your zoning regulations, in your residential zones there is no commercial, industrial and with the exception of limited office and professional office in R4 and R5 there is no allowance for office use. The scheme of your zoning regulations is to maintain the viability of your residential zones. This proposal is fully in accord with the purpose, stated Attorney Stone.

Your regulations, other than with respect to other than residential zones, don't allow for multifamily development except for within the CA-3 Zone. Our proposal follows your regulations to allow residential uses in PDD which are located in the CA-3 Zone. We have added to that the Central Business District. That is the reality of your Central Business District is the mixed uses, stated Attorney Stone. That is in the scheme of development of the town as it exists.

This plan follows the comprehensive plan of development shown in your own zoning regulations. The PDD's, which have large multifamily development outside of residential zones and look to create intense development go well beyond anything that is allowed under zoning regulations and does not meet your comprehensive plan of development, stated Attorney Stone.

I would like to submit for the records some articles that have appeared in the papers relative to school overcrowding issues. (see attached) It is a series of three articles that have been stapled together.

Why are these SDA's and PDD's being proposed? There is only one purpose that is to increase residential development for the benefit of the developer at the expense of the Community, stated Attorney Stone.

One of the findings that you must make on a zone change application is a finding if it is or if it is not consistent with the plan of development adopted in accordance to Section 8-23. The plan has not been updated in a considerable time and you are in violation of State Law. However, you did update in July of 1999 and revised in May of 2000 the Route 8 Corridor Plan. When we talk about SDA's and PDD's in this town that is the heart of the business development. It will support the tax base in the future. I believe this proposal is consistent with that plan.

On Page I2 of that plan is your golden objective, maintain the current pattern of economic development and provide opportunity for growth. How is allowing residential use within that corridor consistent with the first goal in plan of development. Clearly it is not, stated Attorney Stone.

Study Area B has land use that includes light industrial, offices, mixed residential, highway oriented retail and food establishments, and automobile dealerships. While most of the commercial was established years ago the continuation of the mixture of uses is inconsistent with the preferred build out and the recommended land use of this plan. You are trying to eliminate mixed use not enhance within this development area under your own plan.

On Page V-3, referencing existing residential. Residential accounts for established residential areas adjacent to and generally beyond the limits of the corridor read Attorney Stone. The current zoning is expected to be maintained and appropriate measures taken to protect the privacy of these areas from the intrusion of higher density non-residential activities. This category also applies to Woodland Park that is situated in this area and not contemplated for conversion to other uses, at this time, he added. Your own plan talks about protecting the privacy of the residential areas and preventing the intrusion of higher density residential uses.

Sanitary sewerage disposal on Page V 13-14. That talks about the needed for expanded sanitary sewers within this Community at the time of this proposal of May 2000 with a budget of \$15 million to build a new plant.

With requirements and other issues you probably could double that. These things have not yet happened, however you are looking at 800 additional housing units from the time of that plan.

Your regulations provide for multifamily developed. You have PDD's to develop multifamily units on appropriate pieces of land. Land that is sized large enough to create a modest increase in density and allow for Open Space, stated Attorney Stone.

I submit by allowing these multifamily developments to be developed under the SDA's and PDD's is an attempt to circumvent the PRD regulations, to circumvent the requirements of 8-2 of the regulations with regard to consistent use, and it is inappropriate and improper, stated Attorney Stone.

That concludes my presentation and I would like to call on some members of the WE R-1 who will give testimony, stated Attorney Stone.

Richard Patterson, President of WE R-1, 31 Daybreak Lane, addressed the Commission.

WE R-1 is a non-profit, non-political group of concerned Shelton citizens and taxpayers dedicated to preserving our quality of life in the City of Shelton. I am here to press our demands to stop the relentless zoning applications for high density housing in our City of Shelton, stated Richard Patterson. He voiced his concerns over the negative impact on the quality of life. He was concerned with the infrastructure and the busing situation in regard to overcrowding schools. He voiced his concerns with the antiquated sewer plants and connected fines with regard to that.

He stated he would be happy spending money on books and computers for school children instead of spending money on fines to the State. He stated his concerns with Anthony Panico and the plan of development. He stated his concerns over the moratorium. He questioned hiring Anthony Panico and not legal counsel for a moratorium. In two weekends WE R-1 collected over 2000 signatures on a petition as part of this application.

He stated his concerns over members of the Commission partying on yachts, going to free Broadway Shows, ski vacations in Vermont, just to mention a few. The Commission is responsible to the fellow Citizen's, stated Richard Patterson. The Citizens of Shelton are sitting in judgment of this Commission. WE R-1 will keep the Citizens of Shelton informed and it is up to this Commission as to how they want to be judged, he added.

Mrs. Nancy Steiner, 23 Partridge Lane, addressed the Commission. We started a goal and wanted to get a 1000 signatures, that is a lot. We have 2564 registered voting Citizens in Shelton. I thought how could we reach these people. We gave out lists to members to take to family and friends. The bulk of list was done at Stop & Shop and Beechwood in two weekends, stated Mrs. Steiner. She was amazed at the response and the ease at carrying out our tasks. The majority of citizens didn't need any more description then what was at the top of the page, she stated. A few decided not to sign because their employment was in the building trade and you could understand that. This morning a woman who missed us at Stop & Shop asked if she could drive to my house from the White Hills Section. Our goal was 1000 and I felt that was a stretch. We obtained over 2,200 signatures. They represent 8.8 of the registered voters in Shelton, she added. I am amazed at the homeowners who gave permission for the WE R-1 signs in their front yards.

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

She listed where the signs are posted. She voiced her concerns that the taxpayers are saying enough is enough. She asked that SDA's and PDD's not be allowed on R1 land. These were never part of the long-range plan for the City. Take time to develop a plan that the Citizens can be happy with. We will not disappear. We are your neighbors, you small business owners, your retirees and we are the voters of this town, stated Nancy Steiner.

Walter Sofian, 7 Andrew Drive, addressed the Commission. (see attached)

Mr. (Irving) Steiner, 23 Partridge Lane, Co-Founder WE R-1, addressed the Commission. He looked at a Ct. Post article and stated that Mr. Sylvester's remarks were a breath of fresh air. He took a strong position and he is in conflict with the Mayor and Mr. Cribbins. He said he would vote on a moratorium on anything that required a zone change. He agreed that the P & Z is overwhelmed with applications. He added that we should stop so we could see what we are doing. He stated that Mr. Sylvester was concerned with the infrastructure. He is the only positive voice (Mr. Sylvester) against the PDD's stated Mr. Steiner.

Mr. Steiner was concerned with the Mayors comments on the sewer treatment plants. He voiced his concerns with the absence of the Mayor. He stated his concerns with the Mayor's recent purchase of land on River Rd. Mr. Steiner was concerned with the Mayor's lack of knowledge of WE R-1. He stated his concerns with the Mayors knowledge of the system that is at the sewer treatment plant. He is concerned with the road and support of them.

He read the Mayors words from an article regarding a moratorium. People are beginning not to want to live here, stated Mr. Steiner. He stated the Commission can stop now or wait until the options disappear.

He read some more remarks from the article that the Mayor had made regarding zone changes. He read from regulations regarding neighborhoods. He didn't want to parrot (it is a name of a development) what anyone else has said.

Mr. Steiner read from the article Comm. Cribbins comments. Mr. Steiner went to Oxford and got a copy of their moratorium. It is simple and just one page. The P & Z has the power to create a moratorium. It can be immediately appealed and by the time the courts acted on it the moratorium would be over, he added. You could get Legal Counsel to round off the corners.

Mr. Steiner stated the following are examples of abusing the regulations, Tanglewood Condo's built on a ledge with septic, septic system has failed and needs repair. The City has a responsibility in some way to these residents. They didn't know that a system should not be built on a ledge. The City owes that group some correction to that error.

Well Springs Estates doesn't meet 33.6.10 criteria (which I read) and 34.8 were not looked into. Such as PRD's requirement to look at other needs, stated Mr. Steiner. PRD's have less units and blend in with R1 and the developer won't maximize his profit. He stated his concerns with regard to PRD and PDD's and the developer's choices. Pinecrest was the same but Avalon got involved and it might have been left as Open Space until P & Z agreed to the sewer hookups going to Stratford, he added. The Town of Stratford will get \$80 more then we charge our residents for hook ups to Stratford.

Mr. Steiner that is an open item on agenda and we can't have discussion about that stated the Chairman. I stand corrected stated Mr. Steiner. Spilt Rock, said Mr. Steiner. That is on our agenda, stated the Chairman. If we allow that to happen we prejudice our vote, he added. It is my mistake and you have my apology for it, stated Mr. Steiner.

He talked about certain applications with regard to dynamite. I can tell you that in pursuit of signatures on this petition people have had trouble with their wells, cracks in their walls and their water has changed. The City of Shelton has done nothing to protect these Citizens. The P & Z should bond in some way the developer to insure that he is responsible to fix these problems, stated Mr. Steiner. You can water test before and after the dynamite.

He voiced his concerns with zoning regulations being violated. Our regulations have been weakened by deviating from the regulations and if Parrot Dr. can defy the building type. That is still on our agenda stated the Chairman.

You are looking at people who support WE R-1 and we try to do the right thing. We want there support and do anything we can to garner their support. When we don't have their support you will be doing the right thing and we will disappear. We will be here to fight any abuse that the Shelton residents feel they are receiving, stated Mr. Steiner.

Comm. Cribbins stated that it is hard to believe but everything that you read in the paper may not be true. What happened was a reporter called me up and she said do you think you need a moratorium? I said well I will tell you what I do. I take every application on its own Merritt and I don't think personally for me, I don't need a moratorium. I can certainly vote, stated Comm. Cribbins.

The second thing is that over the course of a number of meetings that we have had here it has been expressed by our own Counsel and other Counsels and some representing Oxfords that yes there are strict rules and regulations regarding moratoriums that you should pay attention to. So before I initiated one of those I would do that, he added. It has to be timed bound, it has to be for certain specific reasons and there are limitations to them, but before we did that I am sure that we would seek legal Counsel, stated Comm. Cribbins.

The moratorium is not the issue, your zoning regulations are the issue stated Attorney Stone.

Comm. Sylvester stated I would like to make a comment because my name also was mentioned. I appreciate Mr. Steiner's comments and am not use to that treatment by your group. They are welcomed believe me. The premise that you are arguing on is that I am an expert on the overcrowding in the schools. We have not been participants of WE R-1 but I have been fighting for the downtown and its preservation of the zoning as you are in R1. I have been discouraged as you are. Multifamily belongs downtown. The multifamily I see happening is absentee ownership and beautiful residential areas in decay. That is as much of a problem as your R1 problems, stated Comm. Sylvester. I have my feelings about the moratoriums and we don't disagree on where we need to go.

The overcrowding issue is one I am very sensitive too. We need to transport kindergartners from one part of Shelton to another part of Shelton to get some relief. I want to point out to you that were not based on the overcrowding as we see it today. The point is we need to look at. I disagree with the Mayor he used 1970 figures. If he went 10 years later 1980-89 we increased our student population. The problem as I see it is not the overcrowding. The children are a very important part of the community. We are turning into a 2 Shelton's. We are turning in to the wealthy part of Shelton and the not wealthy part of Shelton. For that we need to pay attention to the kind of development that is happening in Shelton. Not only in your neighborhood but also with what is happening downtown.

There are seats available in the Shelton school system but no one wants to go to school in downtown Shelton, they want to go to school in up town Shelton.

It is important to me to face the development of Shelton and not turn into a 2 Shelton town. I don't support the thought that it is o.k. to do downtown but it is not o.k. somewhere else, stated Comm. Sylvester. We need to look at that in a more direct way, he added. All development needs to be affordable. Lets not just say lets do this downtown, stated Comm. Sylvester.

We have the petitions to enter into the record stated the Chairman. We will keep this hearing opened. I will open this up to the public and ask that you speak clearly and only to this matter.

Bill Bures, Division Avenue, addressed the Commission. I am one of the old warhorses on the battles with Planning & Zoning. Our families have owned property well over 100 years. We ended up with Commerce Drive behind us. Might as well have put 95 behind us. Downtown I tried to save the riverfront. I do agree with downtown is not just a downtown. There is living and breathing people living there. They have a right to clean air and a good school system.

I agree with what WE R-1 is doing, stated Bill Bures. We wanted people to fight Commerce Drive and no one will come. We do appreciate what we are seeing.

We are not a small town. We are an economic corporate center now. I looked at an old moratorium try from 1988 and the Republicans wanted a moratorium. Here we are with the reverse. Over 2/3 of the people were on the board then and I think to get a real change we need a change in the complexion of the board. There will never be any change unless the party has a challenge.

There are other people who want to talk and I am going to ask you to keep your comments to 3-4 minutes with regard to only this application, stated the Chairman. I am sorry, stated Bill Bures.

Gene Hope, 74 North Street, addressed the Commission. I don't represent any groups. I read the papers and I am here to express my opinions. Route 8 was the catalos for opening Shelton to commercial development. He named various firms and companies and where they came. The administration responded in the construction of Research Drive. The result was growth beyond our wildest expectations. It was controlled growth under the guidance of the P & Z Commission. In those days P & Z was lead by men of exceptional vision men like Ole Severson, Frank Osak and Tony Panico who is still with us. These gentlemen recognized the need for planning that maintained the residential character of our Community while accommodating the needs of the new business. Don't sacrifice residential integrity for the benefit of profit-motivated developers, was their creed, stated Gene Hope.

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

Has anyone ever stood at the intersection of Old Stratford Road, Bridgeport Avenue and Commerce Drive at lets say 8:30 a.m. or 4:30 p.m., asked Gene Hope, to watch traffic flow? I have and I could not keep track of the passing vehicles with a hand held counter. I wonder what an air pollution test would indicate, he asked. The traffic flow could be likened to Broadway and 42nd street. It too will get worse if it is not controlled.

At some point, during recent years, P & Z came to a fork in the road, to follow along the right side of the fork, would have signaled a continuation of thoughtful past policies through which the rights of our residential property owners would remain the paramount consideration in planning disputes, zoning changes, variances, waivers and the likes, stated Gene Hope. These things would continue to be the exception rather than the rule. Unfortunately Planning & Zoning took the left fork, which assured maximization of profits by developers as project density requirements continued to be eased while homeowner's rights were literally trampled upon, he added.

Mr. Sylvester, a member of this Commission, has indicated his support for a moratorium. Although Leon and I have had our differences over the years I agree 100% with Leon. I find it unfortunate that other members of the Commission have come out in opposition to this position. I commend Mr. Sylvester for his stance and unfortunately others have not supported it, stated Gene Hope.

I read an interesting comment from an Attorney here is the quote, "we are addressing what we believe to be a need in the City of Shelton and the desire of its corporate citizens." We meaning this Attorney and others of his ilk, they have decided what the City of Shelton needs and they refer to their corporate clients. What this says is the need of developers are paramount and to hell with the residential property owners, their rights and their families, stated Gene Hope.

I too should mention our Mayor who has introduced himself into this controversy by public disagreeing with Mr. Sylvester. Based on my own experience, I am appalled that this would happen with any City Mayor. I am aware of the fact that the Mayor is very busy with his downtown restaurant and planning his catering business on the banks of the Housatonic River.

I just ask you as a courtesy to address this hearing, stated the Chairman.

The Mayor should not forget his primary obligation is to serve the people who elected him and to whom he is ultimately responsible and accountable, stated Gene Hope.

When I saw WE R-1, I thought it was a cute slogan. As I read more I came to understand that these people represent more than a slogan. The people in Shelton are one. We agree and disagree on things but when it comes to values and cores believes we are one, stated Gene Hope. Our shared believe is in freedom of religion and speech and the right of the homeowner to enjoy uninterrupted peace and privacy on the property, which he has been able to purchase after many years of hard work and sacrifices. This is a right which developers ignore because there have been so many profits involved in past projects. They figure why not go for the moon, stated Gene Hope.

We are all accountable to the people of this City and something has to be done. I don't come with a solution, I came to talk about a problem. The members of the Planning & Zoning Commission are intelligent people, educated, articulate, and knowledgeable men and women and I know you have the fortitude to do that which is right for the people of the City, stated Gene Hope.

Geraldine DeLibro, Asbury Ridge, addressed the Commission. I am new to the Community. I have only been here for 2 years. I love it and it is a lovely town. She voiced her concerns about developers coming in with high-density housing. I have listened to a developer and in his presentation the developer kept telling us things were not feasible. He should have told us things were not profitable. She stated her concerns with zoning directing these developers downtown to those beautiful factories. She thinks they would make wonderful housing for people. She is not a developer, stated Geraldine DeLibro, I am sure it would be costly. Shelton is a beautiful town, she added.

Sal DeFillippo, 3 Colony Street, addressed the Commission. He stated he commends the WE R-1 people for their presentation. I agree with the changes except for the PDD. I think the PDD regulation should be removed from the zoning regulations. It is illegal and spot zoning. This regulation is here to change zones that are already on the books. It is a vehicle to change zones and gives this Commission too much discretionary power, that hurts this City, stated Sal DeFillippo. It would be better to remove it not modify. Everyone in the City is affected by PDD's, he added.

There are 3 elderly women leaving in the back of the auditorium and the Chairman interrupted Mr. DeFillippo to ask them if they wished to speak next. He would like to give them an opportunity to speak, if they so desire. They didn't want to speak.

This PDD regulation has no regard of the zones used to change, stated Sal DeFillippo. Get rid of that PDD and that will solve a lot of the problems. I have been here all of my life and I have spoken enough about PDD's, he added.

Ledwick Spinelli, 14 Willard Road, addressed the Commission. It seems agent history that 15 years there were a group of citizen's called "Safe our Shelton." Same issue PDD. We did try but we didn't have an Attorney. Politics as it were the vote went from 3-3 to 4-2 and it was something that the current Administration didn't want to do. I wanted to correct Mr. Bures. Neighborhood rights for the PDD were championed by those from Safe Our Shelton from both parties. We also had a 3 Republican and 3 Democrat situation, stated Ledwick Spinelli. Had it not been for that we would have had condominiums in a R1 zone. At that point the Commission was advocating for the Super Block along Route 108. There are still problems with traffic.

We still don't have a full-time City Planner. We have advocated for that. It is well needed. Every homeowner deserves the opportunity to know that they live in an R1 Zone and it will stay R1. It should not affect their values and if you do a comparative to other towns, that is why are values are not on par with our neighbors. It hurts everyone in the pocketbook, stated Ledwick Spinelli.

I urge you to do away with the PDD, once and for all. There are other mechanisms in your planning and zoning documents that you can use. I hold heartedly endorse the efforts of WE R-1 and it is too bad that we had to go full circle from 15 years ago. Many of us got disillusioned by the 4/2 and the neighborhood rights being on the left hand side of the issue.

Mike DeAngelis, 45 Hubbell Lane, Chairman of the Water Pollution Authority, addressed the Commission. He stated he was not for or against the WE R-1. It is a fantastic cause and pretty soon I might be on that side. We are working at the WPCA and we are addressing all of our issues. We meet every month and we have considered a moratorium. It comes from Planning & Zoning first, though, stated Mike DeAngelis. We are working every month to address all of the issues including upgrading the plant, which I hope will be on line by 2007. Some of the facts presented tonight were distorted and you need to understand more of average flows, etc. We are paying huge fines to the State of Connecticut. We have looked at different ways to address the corrections. We are behind schedule and there are 2 engineers involved. We do work endless hours.

Most Planning & Zoning members don't even know who I am, stated Mike DeAngelis. I am looking at Mr. Pagliaro. I know who you are stated the Chairman. I have been on the Commission for 9 years and the Chairman for 2, stated Mike DeAngelis. I have worked with Leon before on the new Intermediate School. Regis is the Co-Chair and we would like you to leave this hearing opened for a month so that we at the WPCA can get a statement.

We have a meeting tomorrow night, please do not come, we don't have the room and I don't think I could handle the crowd, stated Mike DeAngelis. We ask that you leave this month and we will get a statement to you.

I reached out to Mr. Schultz and he didn't get back to me to show a sign of faith. So I dropped the ball. We have tried to make connect with the P & Z to no avail. We would like to come back next month and give you a statement.

Comm. Sylvester asked if Mr. DeAngelis will send us the information on the charges the Community pay. I have never heard this stuff before. You are talking about the charges we are paying to the State because of certain activities and I would like to be made aware of that.

That is why we are here tonight, stated mike DeAngelis. There is a little bit of a division between us.

Regis Dognin, 342 Long Hill Avenue, addressed the Commission. I have been involved for years and you have seen me here before. I have tried to prevent downsizing and there was a PDD application submitted for a gas station at the corner of Long Hill and Constitution Boulevard that I was so glad never passed.

I am definitely against PDD's in a residential area and I have always been. I am a member of the Open Space Committee and it is harmful to the Community. You are subsidizing the developer. If I buy an acre of land I can put one house on one acre but if a developer buys ten acres he can put 50 houses on it because of the PDD. You are subsidizing the developer to the tune of 4 houses per acres. That is so wrong. It should be a glaring fault that we should not allow.

He voiced his concerns over the fire department, the expenses of everything in town, he was concerned with the school issue, and the sewer issue. Back in 1992 every 6 homes counted for another 1.8 classroom, another teacher, 2/3 of a bus and all of these to proportion. This was with working at 1.8 children per family. More density makes for a greater load on the requirements of the City.

The money we give to the State on the sewers is not a penalty or a slap on the hand. The State decided that nitrogen fertilizer should not be put into Long Island Sound. The plants within the State had to cut down on nitrogen. There are incentives and disincentives. Some plants take in this money and others pay out. We will stop paying out when our new plant is in, stated Regis Dognin.

I would like to say PDD's in residential areas are inappropriate at all times. They give a built-in benefit to developers. The developers want to be told CRD and PRD's are not at such a premium for the developers. I support the WE R-1 motion tonight.

Chris Jones, 21 Geissler Drive, addressed the Commission. I prepared this letter for 2 weeks ago and I will read it here. The letter concerned the town and development. He read another letter he prepared last night. His second letter concerned the Mayor's purchase of waterfront property and the possibility that he himself could be coming before this Board for a zone change.

Chairman Pagliaro stated I wanted everyone to address the zone change. We have a public portion where you are able to address your concerns about the City. There are a lot of people who want to address the zone change and it is our right to ask you to speak just to the zone change. It is not a political platform this zone hearing. If you want to speak to us about that come to the public portion and speak to us there, stated the Chairman.

James LeDonne, 112 Big Horn Road, addressed the Commission. I have a business in town. I am an Attorney in town and I don't represent anyone. There has been a lot of bashing of the Commission tonight. I would like to congratulate the Commission on their outstanding achievement and work over my lifetime. I am a lifelong resident of Shelton. I grew up here and have lived here all of my life. The Open Space that has been generated and the proper mix of zoning have allowed this City to keep their taxes one of the lowest in Fairfield County.

I noted that WE R-1 had presented a petition this evening to the Commission. I was at Stop & Shop this past weekend or last week some time. I was asked to sign the petition and asked for the written portion of what I am signing. The person who was there had no written part of what I was signing and could not explain to me what the petition was for, stated James LeDonne.

Joan Flannery, 8 Partridge Lane, addressed the Commission. She stated that she wasn't planning to speak tonight. My life is longer than his and I am a wise old owl at age 50. I am proud of Shelton and how we keep a balance. WE R-1 is asking to keep that balance. We want a balance in the town and I can't afford the taxes to rise. She voiced her concerns with the overcrowding. She wants to keep the kindergartners in their neighborhoods. She wanted to take issue with the overcrowding and the PDD's. I do think that it was me that this gentleman was talking with and I explained to him about the petition and I am sorry he didn't understand me.

Randy York, 10 Longview Road, addressed the Commission. I am here to support WE R-1. I didn't sign the petition and I wanted to get my name on your list after the meeting. I support the proposals changes and I listened to all the residents.

We are not an island and we are connected to neighbors. I went on the Internet to find out that 51 towns in New Haven and Fairfield Counties are behind a transmission line bottleneck. We are in this load pocket where there is a demand that is not being provided for. She submitted a map with the energy consumption highlighted. It is a high priority issue and I am not the only that thinks it is a high priority issue. On the utility companies website is energy consumption. Southwest Connecticut is a big liability risk for energy consumption and can have prolonged wide spread power outages, stated Randy York. We have a serious problem with high density over development being the cause.

This affects every Citizen in Connecticut. The other residents have to pay a congestion charge on their electric bills. We are affecting people everywhere. I wish the Commission to address this and I wish that I could have some sort of statement from you on this. These are the things that you should be looking at instead of the developer's marble statues. Things are getting very bad. The utility company said that each year we pay penalties. Every time we hog the energy they are firing up generators and pump tons of pollutants in the air. We affect the water, the air and we are piggish with energy consumption, and we are affecting issues that are quality of life issues. On the Shelton website it shows what a wonderful Community Shelton is. You should be looking at the quality of life issues and health issues. I would like some sort of response as to what is being done to address the energy issue.

The Chairman stated again we have a public portion of the meeting if you want to address this. I would like to keep this to this hearing. I said I was going to cut this off at 9:15 and it is now 9:17. Is there anyone else who wishes to address this hearing.

Remy Kocurek, 15 Partridge Lane, addressed the Commission. On each petition sheet there was a paragraph as to what we were doing. Every person who approached us got a folder and I would think Attorney's are the best at spiriting out information. Wouldn't it be nice to hold a meeting in a phone booth because at this rate you are going to have to rent out the Hartford Civic Center.

So many of us come to these meetings because we are afraid of what over development proposals are lurking around the corner. Cluster developments have been accepted overturning residential zoning and many more are still in discussion. We are dizzy from dealing with the busing in schools and are anxious about the direction are town is taking.

Meeting after meeting we are attending. People who never stepped foot in City Hall. Why because WE R1 doesn't seem to matter, stated Remy Kocurek. Rather than it is an exception that R1 be overturned it is the rule. This points to a lack of a plan or such an old one that you are ignoring it. The Attorney's for the developers want you to believe that unless their plans for PDD's are adopted the wealthy retirees here in Shelton will be homeless. I ask you to please adopt Application # 03-67 that will protect our neighborhoods and insulate them from PDD's.

Ingrid Ward, Long Hill Cross Road, addressed the Commission. She stated that there were no problems with people signing the petition. We even had people stopping in cars to ask if we are WE R-1.

The Chairman stated that if there is no one else who wishes to address this hearing, I will ask Richard Schultz to give me a date to reconvene this hearing. The Chairman read from statistics regarding school age children.

End of Side 2A of 3B, Tape 2 of 3 at 9:25 P.M.

The Chairman stated we will keep this hearing opened for 2 weeks. Rick will check to see if we can get this hall. We will ask the WPCA to expedite their information back to us. There is a discussion from a woman in the audience regarding another application to be heard on April 13. The intent of this Commission is to close this hearing before that, stated Anthony Panico. The Chairman explained the procedure and time constraints.

Comm. Sylvester questioned Mr. Patterson's comments regarding denying any application brought forth without prejudice. That statement is part of the record, can I hear your opinion on that, questioned Comm. Sylvester? Can we do that? With respect to the zone change you have a lot of discretion, stated Anthony Panico. You can say no absolutely, he added. We should have this discussion and we have different opinions and I am expressing my opinion on stopping the incoming stuff so that we can get our feet under us. We should have this discussion and we continue to accept applications, I don't know how it will come out. We need to have these discussions and not allow more and more to build up behind us, stated Comm. Sylvester. I would seek advice from you leadership, I mean that we need to hear this, he added. It is a discussion we should have but not here stated the Chairman. I need a motion to recess this hearing and reconvene it on March 23.

On a motion made by Alan Cribbins seconded by William Papale it was voted to reconvene the hearing on Application # 03-67 on March 23, 2004. Comm. Lopera was not voting because all other Commissioners were present.

APPLICATION # 03-68 PETITION OF JONES FAMILY FARM TO AMEND THE ZONING REGULATIONS (FARM WINERY)

Comm. Pogoda read the call of hearing and 5 additional pieces of correspondence including a letter from Phillip Cavallo in support of this application and one from Guy Beardsley in support of this application.

Jamie Jones, together with his parents they operate the Jones Family Farm, Israel Farm Road, addressed the Commission. He is here to petition the Commission to add a use line with regard to wineries. (See attached amendments)

The State of Connecticut passed legislation in the late 70's to create farm wineries. I propose that a new use line be added and he read from the attached sheet. I conform to the standards that include the winery has to be 500 feet from a State Highway, the farm has to have a minimum of 10 acres and that the building that will be used should be 100 from any street or property line. These standards could be restrictive and others in the future might not be able to meet these standards. It is not my intent to hinder or stop anyone who might want to start a farm winery in the future.

I would like to point out the difficulty of starting a farm winery. There is a long time range and the cost is prohibited itself. One must receive a Federal Manufacturers Permit that the State of Connecticut permit is contingent upon, stated Jamie Jones. The process to receive this permit is extremely comprehensive. It includes multiple visits from the Federal Agents and posting of a bond. This has taken me over a year to complete.

I got the idea for a winery from attending college in Central New York State. They attract tourist and statistics show that for every \$3 spent at the winery \$1 will be spent in the local economy.

In 1999 I planted an acre of grapes to see how they would grow in our climate. In 2002 I harvested my first crop, stated Jamie Jones. I found quality wine could be made from the grapes and I found that fruit wine could be made from the other crops (blueberries, strawberries and raspberries), as well.

In 2003 we started to renovate a building that we thought would be suitable for wine production. This building, which has been approved for wine production, was once the mess hall for the Army Nike Missile Base. The Nike site was built in the 1950's from land acquired from our family farm, stated Jamie Jones. They choose the site because it was the highest point in Shelton and was used for about 1½ years then decommissioned. The base sat dormant until we reacquired the land in the late 1999's. We took an old building put a new roof on it and renovated it. He submitted pictures for the record. Now this building will be used for the production of wine. The building will not be opened for tours yet. All of the wine will be sold at our main farm locations with existing parking and customer service instructions.

I also strongly believe that further modification should be included in the zoning regulations that would allow the production and sale of value products that are accessory to farm operations. I think that everyone in this room is in favor of preserving our town's farmlands. You must remember that to do so one must preserve the farmer, stated Jamie Jones. One must be able to make a reasonable living from the land in order to keep it agriculture.

In time society and lifestyles change, in these days to make a living off the land we are finding that are farm guests are interested in farm products made from the crops we produce. My grandfather was the first to grow Christmas Trees and sell them as cut your own in the 1940's when people demanded a fuller tree than what grew in the wild, stated Jamie Jones.

In the 1960's, my father planted strawberries for people to pick their own. Today we still grow trees and strawberries but it is different. People expect more services. Gone are days of harvesting boxes of berries for jam and freezing. Families still come to the farm but they pick less seeking additional products such as cider, maple syrup, jam, jellies and wine.

Please consider amending the Shelton Zoning Regulations to encourage the remaining farm left in Shelton to be used for agriculture and allow those farming it to reap a reasonable harvest, stated Jamie Jones.

The Chairman questioned if we could go look it? Yes, answered Jamie Jones, they certainly could come and look at this.

Dan Beardsley, 89 Pearmain Road, part owner of Beardsley Cedar Mill, addressed the Commission. I am excited about Jamie's winery. It would be great to have a winery in Shelton. I have a potential to make hard cider. The regulation is interesting to me, stated Dan Beardsley.

Each farm in Shelton can benefit by the diversity. People like to take a trip to a farm if they can go to more than one or purchase more than one item.

As a Shelton farmer I am looking at these requirements as they were written and it looks like one or two Shelton farmer would qualify for a winery. I think it is a little too restrictive and I can give you two examples, stated Dan Beardsley.

The first one is the requirement to be 500 feet from a State Highway. That would not affect my cider mill but at one spot my uncle's property is less than 100 feet from my cider feet. It seems like it could be the same as setback to make it more appropriate.

The other is Paragraph 45.7.2 that deals with accessory uses. I would like to add value products are so important to us. Customers come to expect items such as honey, cookies, and pies, things like that. They are expecting different ones and new ones. I would like to see that added, stated Dan Beardsley. I hope you will consider these points when you consider these regulations.

You mentioned the State Highway, we could look at that when we draft these regulations, stated Anthony Panico. We had it in mind that there would be additional activity connected to a winery such as tasting and that you didn't want that in the middle of a residential neighborhood, he added.

The setback of 100 feet would only apply if you were building a new building specifically for that activity, stated Anthony Panico. If you have an existing farm building that was able to be used for this and was closer it would be eligible for that use, he added. It is an existing building this building. If you are creating a new building then this setback falls into place.

Harriet Wilbur, Co-Chairperson Conservation Commission, addressed the Commission. We have a program to protect Shelton's farm and forest and in order to make that successful the farmers have to be successful.

Comm. Sylvester questioned if there were others who could qualify for this activity? Maybe the Wells property, answered Comm. Papale. I think this would be a great thing and I think if we could hear from more people I would like to hear from them, stated Comm. Sylvester. Someone might have an individual thought on this, he added. This is a narrow area of interest. Within the agriculture community there are the Jones, the Beardsley's, and I am sure they are connected within their community to have talked about this. Rick and I identified some others that we thought might have some interest and we have addressed that, stated Anthony Panico. I think we should make it in a flexible state when we did this in case there are others interested stated Comm. Sylvester. We wanted this to be the least intrusive into the community and we will get to the owners who would consider this.

Geraldine DeLibro, Asbury Ridge, addressed the Commission. I think this would be beneficial to the City of Shelton to have something like this. There is a wine trail as you drive upstate maybe Shelton could be part of that wine trail.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was voted to close the hearing on Application # 03-68.

APPLICATIONS # 04-03 PETITION OF JOHN GUEDES ON BEHALF 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 AND APPLICATION # 04-04 PETITION OF JOHN GUEDES ON BEHALF OF BIRMINGHAM DEVELOPMENT FOR PDD ZONE CHANGE (CONDOMINIUM UNITS) 5 BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22, 23)

Comm. Pogoda read the call of the hearing and there was no additional correspondence.

Attorney Raymond Rizzio, representing the applicant, with an office in Fairfield, addressed the Commission. This property as you know it is the old corset company. The PDD is appropriate for this site and it would be a start to the revitalization of downtown.

This is the Birmingham site and it is the old corset company. It is along Canal Street and it is a 5-story building that is over 100 years old. At one time it employed approximately 500 people. This is an industrial building and I can't tell you the last time I saw a building like this, stated Attorney Rizzio.

We plan to renovate and clean up this property with no enlargement to the footprint. There will be 137 parking spaces and there will be parking across the street as well.

It will be 110 condominiums with 49 being one-bedroom units, 57 two-bedroom units and 4 three-bedroom units. These will have City sewers and City water, stated Attorney Rizzio.

Standards that we plan to set forth pursuant to 34.15 and 34.25. In determining the PDD we looked at the location in the SDA. We are in an IB-2 Zone. There are special requirements and you are not bound by the 60-foot height requirement. There is an application with wetlands.

The Attorney is having a lot of trouble with the microphone.

The property exceeds 60000 sq ft and I believe it is 86,000 sq. ft. We have parking across the street and will satisfy the parking requirements, stated Attorney Rizzio. He submitted a letter from Barkan & Ness with regard to their traffic findings concerning conditions and parking on the site.

Joe Ferrera, Ferrera Engineering, addressed the Commission. I will take you through the layout of the site. We are leaving the existing footprint as it is. We are renovating the inside of the building.

Basically the building will only be remodeled on the inside. We will clean up around the site and to the southwest we are proposing to take the existing site of gravel and sand put a parking lot in with an above ground structure for parking, also. There is a lot with 71 spaces, across the street 50 spaces above that and 12 below the bridge here, stated Joe Ferrera. Access to the above ground parking area will be designated at different spots. There will be an entrance to the upper level and an exit to the upper level to the west.

Drainage will be tied into the existing system, stated Joe Ferrera. We are proposing 3 new catch basins and what is not shown, we are proposing and providing a storm water concentrator. That will allow for separations and there will be another drainage catch basin on the eastside. The building is serviced by water and sewers. We will not provide another sewer line, he added.

We are putting in a short snow shelf so that when there is snow plowed down the ramp we can intercept that here. There will be erosion and sediment control. There are catch basins and they will give added protection from the dirt.

The standards we want to set forth are the permitted use of the one, two and three bedrooms. There will be onsite parking. This is located in the IB2 Zone.

The Attorney is rambling so fast that it is very difficult to understand anything that he is saying. He continues to have trouble with the microphone, also.

In looking at the SDA there is a required minimum lot area and our area is more than that. There is maximum coverage of 90%.

When you look at the standards you have to decide if you want this to be a PDD. You should look at types of uses. There is the river and we believe it is an excellent feature. The architectural features show an atrium window in the front. That is the riverfront from Canal Street, stated Attorney Rizzio. The interior will have the ability of garden like conditions. We will put a garden area within the center of the base of the building. We will have beautiful hallways and you won't see door after door. There will be open space and units will have windows along the outside with a view of the river, stated Attorney Rizzio.

Does everyone struggle with this or is it just me, questioned Attorney Rizzio, with regard to the microphone?

In conclusion, we satisfy the SDA and the intent of the PDD was to look at areas like these. Mr. Guedes has put together a building like this in inner City Bridgeport. We find this to be a big success in town. The price will be between \$150,000-\$180,000. With young professionals being able to help revitalize downtown. The parking garage will be a great improvement.

End of Side 2B of 3B, Tape 2 of 3 at 10:20 P.M.

We believe this is what the PDD was designed for and that the SDA at this location is clearly needed. This will give the flexibility to address the types of issues presented by the application, stated Attorney Rizzio.

Comm. Tomko-McGovern questioned who owns the property? The City is in negotiations for this property. The Utility Company owns this and this will be deeded over. Canal Street is being widened and that will shave about 10 feet off our property. The project is contingent on this piece and the parking. We don't own that property, we own about 2/3's of this piece right now, stated Attorney Rizzio. This is our plan and if for some reason this that should be finalized soon and is not then you would not get this plan. You won't see one thing and get another, he added. Have you spoken to the Mayor's office, questioned Comm. Sylvester? I have not but a principal in the office has, added Attorney Rizzio.

There is a bus route down there will encourage this. We have cut down the number of units.

Comm. Sylvester asked is there a traffic study? There is a letter from Barkan & Ness with regard to traffic and parking. There was not an actual traffic study, questioned Comm. Sylvester. We could do a traffic study and have that presented to you previous to your decision. When you submit that could you show us what the condos would look like, questioned Comm. Cribbins? What is the timeframe for the project, questioned Comm. Cribbins? The construction would be 6 months to a year. We need all new windows and the interiors would take longer. From start to go conservatively a year.

There are floor plans in your package. The units go from 775 to 1850 sq. ft. Within each floors the units are designated from A-F. I want the Board of Education to get ready for more students, stated Comm. Cribbins. I would not anticipate a large number of children in these units. These are geared to the young professionals, stated Attorney Rizzio.

What your regulations allow you to do is to retrofit this building and provide a need for the downtown, he added. Have you got any information on the other projects that you have done with regard to the amount of cars, asked the Chairman? It is in your package and there is a break down with counts answered Attorney Rizzio. Can you pull some information from other projects, questioned the Chairman?

There are not a lot of children mainly because there is no space for recreational equipment, stated Attorney Rizzio. He went over the units and square footage .

There are penthouse units overlooking the river. Is there any gym in here, asked Comm. Papale? There is no plan for that. There is a courtyard, stated Attorney Rizzio. There is ability to lift weights in the basement. There is an all purpose room, managers office, a room to workout in and a laundry area, stated Attorney Rizzio.

Stephen Grey, 48 Pine Tree Hill Road, addressed the Commission. My wife and I moved here less than 2 years ago. We moved because of traffic patterns on Long Island where we resided for 33 years. While I commend the Board for considering the development over here I am concerned with what these gentlemen say about the number of vehicles per apartment and most of the roads in that area are one lane each way, stated Stephen Grey. You have the bridge, the roads to Route 108, you have Bridgeport Avenue, and Center Street. I have serious waits on traffic signals in the Bridge Street area. I can only imagine how that would change with the addition of more vehicles. While I am impressed with a renovation instead of a tearing down I am extremely concerned with the extra vehicular traffic, stated Stephen Grey. No one who is driving through that intersection will welcome that traffic.

Comm. Sylvester stated I would like to endorse what this gentleman said. This is about downtown and the development issue there. If someone was to come here and develop 110 units somewhere else there would be a lot more information shared and better preparation coming forth than what we saw today. This presentation doesn't give any information into the most important issues that the people living downtown deal with. That is the infrastructure, stated Comm. Sylvester. The traffic downtown has a lack of ability to get through that traffic. It is about one way in and one way out of the neighborhoods. It is a great concept the rehabbing and restoring downtown. More important than parking is the traffic flow and its impact. I am taken back that was not addressed, he added.

You still can bring technical information to Staff once the hearing is closed, stated the Chairman. We will get a traffic impact study done, stated Attorney Rizzio. I apologize and there was no intent to neglect that. Someone is in a hurry to get something done in downtown Shelton, stated Comm. Sylvester. This development is wonderful but you don't want to impact the rest of Shelton, he added. Attorney Rizzio stated we will get the traffic study done and we are working very closely with the town through the improvements on this project. This will be a complimentary use with what is downtown now. I apologize for not presenting that information and I will get that information to you, stated Attorney Rizzio.

I would like to see a better layout of the apartments, stated Comm. Papale. Attorney Rizzio stated that there is a detailed layout of each unit. Square footage of each unit and identification of each unit. He shows the 2 bedrooms and that was provided, stated Attorney Rizzio. The detailed layouts are in the plans.

Mrs. Steiner asked what the price range was? Between \$150,000-\$180,000.00, answered Attorney Rizzio. If I am spending that kind of money for an apartment I don't want to go to the basement for the washers & dryers with everyone else, I would like my own. That is a drawback and I would think that you might have trouble selling those. Those units have a strong market and we will make your comment noted to the developers, stated Attorney Rizzio.

There was a question about elevators? There are double elevators in the main lobby, stated Joe Ferrera. It is on the site plan itself. This property is tight and there is no real estate around the building.

On a motion made by Alan Cribbins seconded by William Papale it was voted to close the Public Hearing on Application # 04-03 and #04-04.

Mr. Schultz is asking that we pick and choose the rest of the agenda because it is getting late, stated the Chairman.

APPLICATION # 04-01 PRECISION RESOURCE FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR-BUILDING AND PARKING EXPANSION) 25 FOREST PARKWAY (MAP 63, LOT 34) LIP DISTRICT

Comm. Pogoda read the call of the hearing and there was no additional correspondence. The Chairman excused himself because this is a relative of his. Comm. Cribbins chaired the application.

Michael H. Horbal, Registered Land Surveyor, representing Precision Resource Center, addressed the Commission.

Precision Resource Center is attempting to gain your approval for the Special Exception for the addition of 13,832 sq. ft. to their building. They also will be adding 117 parking spaces to their existing parking lot.

There are site plans on the easels and he turned in the certified mail receipts. Michael Horbal explained the elements that they want to add. The parcel is on the east side of Forest Parkway. There is a 99,000 sq. ft. building now and we will add another 13,382 sq. ft. The existing building is here in orange and the darker color is the addition. The additional parking is in gray on the site plans.

In addition to the building addition we will add some minor elements to the building we are extending the truck dock canopy. We are adding a sidewalk along the front of the building for an employee's entrance, stated Michel Horbal.

As we reviewed your zoning regulations, we note that your regulations in the LIP zone require a minimum of 80,000 sq. ft. and 450,000 sq. ft. or 10 acres. We have proposed 260 parking spaces. We have setbacks a minimum of 75 feet and ours are 78 feet, along the residential zone at Long Hill Avenue, stated Michael Horbal. We have a lot coverage of 21.8% and we will get up to 24.9% where 30% is allowed. The maximum floor area will be 112,832 sq. ft. or 25%.

We did turn in with our application a statement of use. If you are not familiar with the facility they provide components for the automotive, science and medical fields. The addition is needed for warehouse space, stated Michael Horbal.

The plans submitted include grading, soil and erosion plan and landscaping plan. Some elements were designed to shield the residential neighbors whose back of their land borders ours. Our land is higher than the adjoining land. We will provide a berm and landscaping plantings to block sound and lights from the neighbors. The building construction will match what is there now, added Michael Horbal.

Mr. Larabee, addressed the Commission. This is a simple structure. We are proposing an addition of 13, 832 sq. ft. It will be warehouse space for raw material and finished products. The design perimeters were that it is an add on to the existing facility. The owners wanted to make sure that this will look like it has been there for years. We will match the siding, we match the tinted windows and we will match the existing height. We won't be able to tell is an addition, stated Mr. Larabee.

Michael Horbal stated I have prepared 2 drawings. One I submitted is the site plan that goes with the your drawings and the one that I showed you early was alternate. On that alternate we would like to construct an alternative driveway for employees entering or exiting the site on Platt Road. We would have to remove a highway line here, stated Michael Horbal.

That parcel was created by an industrial subdivision many many years ago, stated Anthony Panico. Michael Horbal stated I am aware that all employees park here and there is only one way out. There is an emergency exit to the southeast side of the parcel onto Robert Scinto's property. Employees coming out now go to Forest Parkway northerly to Platt and Long Hill Avenue, he added.

We deliberated long and hard about that and that is why that is only an emergency exit, stated Anthony Panico. We have a traffic problem in that area and to give that entrance and exit that would be adding more traffic to an area that already has problems stated Comm. Papale. The application as submitted didn't have a driveway on it, stated Anthony Panico.

We talked about with the Staff the need for blasting during construction. We would like to be able to process that on site and use that minimizing the truck traffic. It would be a good use of material on the site, stated Michael Horbal. Is there any rock coming off, questioned Comm. Lapera? There is excess of 6000 yards and that will be trucked off the site, stated Michael Horbal. We could use it to build the alternative driveway.

Henry Deitman, from Barkan & Ness, addressed the Commission. Precision Resource is proposing an expansion of their building and will add 20 employees over the next year. There parking spaces will be added to 117 spaces.

The Chairman asked why do you need so much parking? I will get to that stated Henry Deitman. We did a parking study and determined if the number of spaces occupied along with the future demand. The addition of 120 spaces puts them into the major traffic generator. We had to ask the State if they would impact the State Highway. The State has responded and the traffic impact doesn't warrant certification. They gave us a negative determination and he submitted both of those for the record.

The Statues say if you have in access of 200 then you have to approval from the STC, stated Anthony Panico. We did a parking utilization study and visited during different times of the day. The lot currently has 127 spaces and most of time the cars on site were lower. The highest number was 151 and there is a demand for more parking, stated Henry Deitman. They are employing more and you don't want to have empty spaces.

Current number of employees is what questioned Anthony Panico?

Tom Stockwell, applicant with Precision Resource Center, addressed the Commission. These gentlemen are here on our behalf. We want to expand our parking beyond the normal expansion. We have no reserve parking and have given it up so the employees can park in an organized fashion. All our handicapped parking is used everyday. We want to get back where we have extra parking spaces.

End of Side 3A of 3B, Tape 3 of 3 at 11:05 P.M.

Part of the expansion will bring in sizeable equipment and get this ready for future growth. We don't want to keep upsetting people we want to do this once, stated Tom Stockwell.

We will upset the neighbors at first but he wants this to look right to them. That was the owners first concern was that the building look just like it does now.

We have 130 employees on our first shift and 35 employees on the second shift. We don't hire and layoff. When we have spikes we hire temporary help. They will play into the parking numbers, stated Tom Stockwell. There are problems with the change in shifts. The shift is 6 to 4 and 4 to 1. When the second shift arrives they double up and have to go back out to move cars. We want to get rid of that.

Michael Horbal stated that were traffic counts at both ends of Forest Parkway. The letter grades of service was an A & B . That is an excellent level of service. There is access we want to Platt Road and if the vehicles have an intention to get out of the driveway to Platt and Long Hill. They are doing it now and this would not add more traffic. The intersection was designed to handle that traffic, stated Michael Horbal.

On a motion made by Anthony Pogoda seconded by William Papale it was voted to close the Public Hearing on Application # 04-01.

The Chairman asked if there was anyone in the audience who wished to address anything that was not on the agenda and there was no response.

APPLICATION #03-53 WIACEK FARMS,LLC FOR SUBDIVISION APPROVAL (24 LOTS WIACEK FARM ESTATES) MEADOW STREET (MAP 137, LOT 3) R-1 DISTRICT-DISCUSSION AND POSSIBLE ACTION

The Chairman returned and Comm. Papale excused himself.

Anthony Panico stated we have had discussions and we sat down with a report and prepared a resolution. I will skip over the background. The Commission is aware that the City want this property and the Board of Ed was wanting to enlarge their parcel. We have to process this application to a final decision. The discussion on this is in the minutes of our last meeting. There were issues with the school property and the Blue Dot Trail. We had concerns that the applicant came back with a revised subdivision. We have redirected the road and the Commission was satisfied with the creation of the lots. The Commission authorized Staff to prepare a resolution. Approve the 24 lots subject to modification and reconfiguration of the Open Space. Establish Conservation Easements. Reconfigure the roads so that you access from Constitution Boulevard. Redirect the storm water drainage out to Constitution Boulevard. Relocate the access way to Lot # 4 locating the house away from the overhead power lines. Create driveways were they are feasible. We will end up with 2 curb cuts on Meadow Street. All utilities will be underground and sidewalks will be to regulations. Satisfaction of all other departments, Submission of the easements. Posting of a bond. A cash bond will be provided. All bonds will be posted before there are any permits.

With respect to the Open Space we went out to Meadow Street and accommodate the Blue Dot Trail. They want to get it over to the walkway system. There are no sidewalks along this road and there should be sidewalks extended to the school. Comm. Sylvester asked where the Open Space was? Anthony Panico pointed it out to him on the maps.

The Chairman stated we will only be handling one Certificate of Zoning Compliance and everything left on this agenda will go to March 23, 2004.

On a motion made by Alan Cribbins seconded by Patrick Lapera it was unanimously voted to approve Application # 03-53. A roll call vote followed with all Commissioners voting I = approval. Comm. Lapera was sitting in for Comm. Papale. Comm. Oraziotti sent in a letter for an application was not heard this evening.

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE
3601 THOMAS GEISSLER, 17 BROOKPINE DRIVE, BUSINESS**

The Chairman read the application. The company name is Focus Drum Set Instructions. The owner is Thomas Geissler. Drum set instruction and he will use his basement. Hours of operation are Mon-Fri 3p.m. to 7p.m. Saturday 9:30-1p.m. Students are dropped off and picked up an hour later. Thomas Dingle stated there was neighborhood opposition. Thomas Geissler stated I have about 10 students. Hours are late afternoon and early evening with Saturday morning. A few students is all I can handle. These are on drum pads.

Carey Moran, 156 Village Drive, 2 of Tom's students are my sons. I was shocked with the setup and I can't hear until I open the garage. Then I only hear tapping. Everything is sounded proof. You cannot hear. I park the jeep in the driveway and I only hear pounding. The boys are learning so much and I am in favor of this. He is a great instructor and the school is sending him students.

I appreciate your input and I was not aware there was neighborhood opposition but this will be put on our next agenda, stated the Chairman.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was voted to adjourn at 11:25 P.M.

Respectfully submitted by,
Diana Barry,Secretary

