

The Shelton Planning & Zoning Commission held a Regular Meeting on Tuesday, May 11, 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
(arrived late)
Comm. Karen Tomko-McGovern

Staff present: Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Patrick Tisi, Assistant Planning Administrator
Thomas Dingle, Zoning Enforcement Officer
Pat Garguillo, Court Stenographer
Diana Barry, Secretary

The Chairman opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS

APPLICATION # 04-13, PETITION OF KEY DEVELOPMENT, LLC FOR EXTENSION OF SDA OVERLAY, LAKE ROAD (MAP 115, LOTS 4 AND 5) R-1 DISTRICT

AND

APPLICATION # 04-14, PETITION OF KEY DEVELOPMENT, LLC FOR MODIFICATION OF PDD # 34 AND CREATION OF NEW PDD (CLUSTER RESIDENTIAL DEVELOPMENT) LAKE ROAD (MAP 115, LOTS 4, 5, AND 7)

Comm. Orazietti read the call of the hearing. There were 20 letters all from Meadow Lake Condo's, all in opposition to these applications. Comm. Orazietti read only one of those letters and entered all of them into the record. There were also 3 additional letters including one from Shelton Conservation Commission, Shelton Inland Wetlands Commission and one addressed to John Cook from the City Engineer all endorsing these applications. Comm. Orazietti read all 3 letters into the record.

Comm. Sylvester arrived at 7:12 P.M. before applicant started his presentation.

In the letters we received from Meadow Lake it is stated that there are 55 units, stated the Chairman. Some one could have made a mistake because there are 40 units being proposed. There are 25 on one side and 15 on the other side, he added.

Attorney John Fallon, representing Key Development, LLC, addressed the Commission. He presented the receipts of the notices that were sent to the Chairman. We are pleased to be here to present the proposal for the Woods at Lake Grove. We feel this is a worthy and unique application.

This is an adult oriented Community of 40 units- single-family detached homes. This will be situated on almost 33 acres on Lake Road next to the nursing facility.

He presented the prior approval. In 1999 the PDD #34 was approved on a portion of this property in accordance with Section 34 of your zoning regulations, stated Attorney Fallon. This contemplated a 55-person occupancy assisted living facility.

We seek 2 modifications to that 1999 act. We are asking that you extend the Special Development Area to the balance of the property comprised of 18.4 acres. We ask that you modify PDD # 34 by eliminating the assisted living facility and replace with this single family home Community. He handed out a pamphlet describing the project.

I think one of the things that is most unique of this application is that you will find that the first half of this outline, you will see that we have actual approvals from the WPCA, the City Engineer, Shelton Conservation Commission and the Inland Wetlands Agency for the town, stated Attorney Fallon. These are not conceptual plan approvals. These are approvals.

One of the other things that are important is that if you look in the pamphlet you will see that we took some time to analysis our proposed density. We did that 2 ways, we took other projects that have been recently approved and we did it by the reference of the condos that surround this property.

When we say 40 detached units on 33 acres, we think that compares favorably with Heritage Point that is 2.25, Wells Spring Estates 2.01 and Four Winds, which is 1.46. We are lower in terms of density then any of those, stated Attorney Fallon. We approximate closer to 1 unit per acre. We compare to Meadow Lake Condo's which is 4.5 units per acre, Tamarack Ridge Condo's is 3.8 units, the Pines is 7.4 units and Greystone is 5.4 units. All of those considered in the context that we are proposing a density of 1.2 units per acres.

If we are going to market this as an adult oriented Community we have to be careful to make this attractive. We didn't want to come to you with something that was over dense, stated Attorney Fallon.

We wanted to avoid any visual impact with regard to this proposal on Route 108, which will maintain traffic and important scenic views.

There is a tremendous commitment to Open Space that is here. The pamphlet has an Open Space chart. We have 32.9 acres. On the East Side we are reserving Community Open Space of 5.45 acres, stated Attorney Fallon. On the left side we are reserving Community Open Space at 4.99 acres as will be detailed by Mr. Sheppard and we will reserve Town Open Space of 9.15 acres. The total Open Space dedication is 19.58 acres or 59% of the property. That is why we received favorable approvals from Conservation and Inland Wetlands.

This Open Space that is being provided to the Town connects to other Town Open Space. It is adjacent to the High School. We have designed this as it links to the other Town Open Space.

You will hear that we are dedicating property for the extension of Constitution Boulevard. That makes the commitment of dedicated space well over 60%.

If I say we are proud I mean it. The density is well within the under lying zone. This is a more attractive alternative. We are providing an opportunity for housing that is demanded in Shelton. This will keep long time residents here in Shelton while also bringing new people into Shelton.

This is all accomplished with a good tax base and no stretch on the services such as schools. These will attract the market we want to attract. We will ensure that an adult oriented provision will be part of the bylaws as well, stated Attorney Fallon. The nature of the architect and site plan will drive that also.

This is a win-win situation. There is a demand in Shelton. It provides a tax base and attracts new residents with no tax drain. We are proud of the work that leads to the approvals we have received.

The traffic is a favorable utilization compared to other alternatives. We are pleased with the density at 1 per acre. We are comfortable, confident and proud of the site engineering. We base that pride not only on the reputation of Mr. Sheppard who is well known to this Commission but also the approval of the Inland Wetlands Agency and the City Engineer, stated Attorney Fallon.

The facts of record include Mr. Alan Sheppard who will review the site plan with you, John Ruffalo, our architect will present to you the exterior architectural design, Mr. James Bubaris, is our traffic engineer, and Dennis Laferriere who will address the landscape architectural design.

Alan Sheppard, Partner in the firm of Nowakowski, O'Bymachow and Kane, located at 415 Howe Avenue, addressed the Commission. We looked at the project with an eye for keeping structures off the wetlands by 50 feet. On the east side this is generally sloped with ledge on the backside. We took the wetland lines and worked the contours into that. If you look at the site plan there is not a lot of grading. There are no major cuts or fills. We worked with the contours of the land. There is ledge up in back and it is close to the road but we don't touch it. We left the buffers on this side. From Lake Grove there will be a wooded area and we did the same thing with the other parcel. We nestled the units in that to balance with the road system, stated Alan Sheppard.

City sewers are available running through the property. The sewer usage will be less than what was approved previously.

There is an overlay on the west side. There will be significant grading here. The red line is the cut and fill and that is our cut project. Cut on the high side and fill on the low side, stated Alan Sheppard.

Just on one side there were more units than proposed for the whole project. We can use the gentle slopes to our advantage. Once the leaves are out you won't be able to see it from the road. There is Open Space in front and Open Space in back. There are wetlands down by the road that we didn't do anything with. The cluster layout allows you to work with the land. I have a storm water plan for two 100-year storms. The City Engineer asked for details on the berm areas. The Wetlands questioned drainage from the back property. I have to make provisions for that, stated Alan Sheppard.

John Ruffalo, Architect, 415 Howe Avenue, addressed the Commission. What you see before you is the layout of the first floor, the second floor and the elevations. It maybe easier to follow along in the pamphlet. The first floor plan has 1500 sq. ft. of living space that includes 400 sq. ft. in the garage area. So you have almost 2000 sq.ft. You have a master bedroom on the left hand side of the first floor plan. Toward the center is a great room that is a 2-story element that goes up to the second floor. To the right of that you have a breakfast room/island kitchen. In the front is a dining/study area. In the master bedroom is a large bathroom with tub and shower in it. It is designed for the adult type living in this area. It has a lot of space.

On the second floor you have a loft to the right of the stairway. There is a large bedroom with walk-in closet and large bathroom with shower and tub. That is about 900 sq.ft. We want to give a lot of Open Space within the house. There will be nice landscaped areas outside to enjoy.

The elevations, the upper left hand are the front elevation with the center door, garage doors, and windows in the dormers.

Colors will be neutral such as beige and tan. There will be vinyl siding and an architectural designer roofing type material. There will be stone on the chimney and tie that into the wooded areas. The right hand side is the backside of the condos. There are windows in the great room to bring in a lot of light. The house is elongated. There will be lights in different areas. There will be landscaping around the house, driveways and entrances into the house, stated John Ruffalo.

Jim Burbaris, a principal in Burbaris Traffic Associates located in Woodbridge, CT, addressed the Commission. We are Traffic Engineers and Consultants. I will tell you what we did and I will give you my conclusions. The report is dated 5/10/2004 and I will hand one out to each of you at the conclusion of my presentation for you to read at your leisure.

We defined the study area that we were to evaluate. We did turning moving counts to tell us what we had in the a.m. and p.m. We took peak times and defined the study area. We went around the block looking at the two site drives as proposed. We look at Meadow Street and Lake Road. We looked in the southerly direction at Shelton Avenue (Route 108). We looked at the intersection of Meadow Street and Shelton Avenue, which is a signalized intersection.

What we did is we measured the volumes as to what is going through there today. We projected into 2006 when this project will be in place. That will serve as our background traffic.

What we then did was an operational analysis. We came up with the level of services, stated Jim Burbaris. You look at the street and the volumes. The service goes A-F. A is very good and F is bad. The background condition along Lake Road is level service A. Shelton Avenue and Meadow Street is working on level service B.

We looked at the type of traffic to be generated. We rely on the trip generation that is put out by our professional society. They have measurements for varying land use. In single-family homes there is a wealth of information. Unfortunately in the case of senior housing they don't have much information.

I evaluated this as though it is a single-family traditional development. The amount of trips would vary between 37-47 in an hour. A trip is to or from the development. Like someone leaving to go to work. That is one trip. When they return at the end of the day that is another trip. So if this was a traditional development of 40 homes you would have a trip generation count of 37-47. If this is going to be 55 years or older the trips will drop down 60% or more. Those numbers would be between 22-28 trips per hours. I didn't use those numbers because the database was extensive, stated Jim Burbaris.

When you enter the trips into the way the traffic is already moving in the study area you get no change in the level of services. The level of service would remain A and B.

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

The street is not posted with any speed limits. In the vacancy of the road narrowing they are moving about 30 mph. At the downgrade they are moving at 40mph. DOT the site lines are satisfied.

In conclusion we don't find that this neighborhood would impact the traffic operations in the surrounding area, stated Jim Burbaris. In fact the level of service would remain as they will if this development was not even built, he added. He passed his report out.

Attorney Fallon stated I have a good fortune to work with landscape architects none of which are as talented as Dennis Laferriere. He has done the landscaping for Four Winds.

Dennis Laferriere, Landscape Architect, with a firm in Milford (Sitescapes, PC), addressed the Commission. I will bring you through the site so that you can see how the concept was developed. The initial proposal illustrates the houses within the site with undisturbed wetlands in the front and ledge in the back. Entrance to each parcel is a single entry roadway flanked by four feet high pillars and stonewalls made from on site stone. The combination of low profile and small scale residents along with streets trees and shrubs will minimize the visibility from Lake Road and surrounding properties, stated Dennis L.

The landscape plan on the left is identified as A and is the eastern side with 15 units. The layout shows the residents in orange and shows the footprint of the patios and sidewalks are. The orange rectangulars fall outside the wetlands setback of 50 feet. This shows the ground coverage on each lot. Each lot will have a street tree (3.5 inches in caliber) and the buffers will have 6-8 feet high evergreens.

The brown area on the left drawing shows the rock ledge cliff. The green color shows the evergreen border that will separate the north and eastern properties.

The next drawing is the encroachment deterrent near the wetlands. What the Wetlands Agency want to verify was the impact of the property bordering the wetlands area. The orange area is the building footprint including patios. What we did to help situate the development, we recognized the wetlands setbacks occur within dense overgrowth and removal of tree canopies that shaded the growth, that will alter shape and growth pattern, stated Dennis Laferriere.

To help, define and maintain the no point of clearances, what we are proposing are 2 options to define the clearance border. One option is to install low stonewalls using on site stone. Another option is to install a cedar split rail fence. What you can see in the drawings, in the upper right hand corner, is the 50 feet setbacks with the residents to the left of those lines. The drawings show a structure based on existing grades which the office will develop with an introduction at a lower grade and a basement access, stated Dennis Laferriere. The stonewalls are proposed to be 2 feet high and the split rail fence will be 3 feet high. Both will still allow visibility from the residents into the natural wetlands area.

On the western portion of the site there will be 25 units and this shows the structures outside the 50 feet wetlands setback area. Development is located between the rock cliffs and minimizes visibility from offsite. The area for the sanitary sewer easement is in light green. The cross-patched area shows undisturbed vegetation. The brown area is the existence of the rock ledge. The area that is in red is the catch basin, stated Dennis Laferriere.

There were some questions raised in the Wetlands review process and this drawing shows those. They wanted to assure that proper consideration was given to the restoration of the area being restored for the proposed retention basins. What we are showing is the placement of the basin adjacent to the Wetlands area. This allows for plants and also provides additional area for wildlife. The plantings are new and chosen from a document published in 2002. The basin shapes are dictated by the existing trees including pines, tulips and birches. Those are just above the wetlands area. There are contours of the slopes and there will be minimum height flowering trees. There will be groups of trees and those will be around the perimeter area of the sewer easements.

The slopes will be seeded per DEP's recommendations, stated Dennis Laferriere. We have taken a look at their charts and recommended a mix along the slopes. We want something with quick growth and the seeding will be welcomed by the habitat of the site and surrounding wilderness.

Our proposal will identify plantings along the residents. So each lot will receive a street tree and a combination of foundation shrubs with plantings to compliment the façade of the buildings. This will help minimize the visual situation with regard to utilities.

At the lower portion of the site at the left and right side borders we are proposing introducing at the developing stage evergreen trees to provide some security and privacy between the backyard and patio area, stated Dennis Laferriere. The cross patch of the bottom of the drawing shows the undisturbed part of the lot referencing the 50-foot setback line that will remain undisturbed, he added.

Site lighting that is being proposed shows the lighting to be compatible with impacts minimized to the site. The poles will be 15 feet high, 100-watt metal lamp complimented by downward reflectors within the heads of the units to shield the light sources downward. We don't have a lamp shining light outside the property. The post is colonial in nature. We will produce some low lights to shine on the proposed entrance walls. There will be adequate lighting on the signs and the walls will be highlighted on a ground level basis to eliminate the pole line from Lake Road. This will provide identity in a low impact way.

The whole project is designed to maintain a natural setting and 50% will be left undisturbed. The buffer areas adjacent to the residents will be buffered by evergreens, which recognize the importance of minimizing the impacts on neighbors.

Attorney Fallon stated we want to thank you for your patience. We hope that you are as impressed as we are proud.

By way of summary there are 5 reasons why this application is worthy of your support. The first is that the proposal stands as environmental sensitive. Approximately 60% of the site will be Open Space. They designed a plan that shows a density of 1.2 units per gross acreage on the property. The landscaping plan has a strong environmental function to it and that is supported by the Wetlands approval.

The second reason that I feel this is worthy of your support is because we have applied the highest standards of site engineering. The City Engineer has given approval.

The third thing is that the site is attractive. The homes and the landscaping care are evidence that this is a pleasing site.

The fourth is the traffic. The impacts here are benign with the density less than what is surrounding us and others already approved. We have less impact than what has been proposed previously here.

The fifth reason is the win-win quote. This is an example of an outstanding proposal from a planning prospective for the City. The City wants to increase the tax base with the tax burden. You want to provide adults who live in Shelton desiring to stay here in a new home with a new lifestyle. This will bring new people in. For all those reasons we think this application is an outstanding one. We think all 5 are worthy of your support and meet the requirements of the regulations, stated Attorney Fallon.

Comm. Cribbins questioned Attorney Fallon as to 55 and older? I didn't hear that in your presentation although you said strict provisions, by law provisions. Can you elaborate on that, he stated.

We are not proposing an age restricted Community. What we have here is an adult oriented Community as is with Four Winds and Well Springs Estates. What I was referring to is the clear aspect to the adult oriented Community is the nature of the architectural, which is driven to that type of lifestyle. The second is the market and we sit with the baby boomers that are now in there 50's. We have had the discussion to age restrict this but then there is the issue of enforcement and limiting occupancy. We are comfortable as in the case with the others development we will have provisions in the bylaws. It has been the experience that the age restrictions have trouble in the market. If you design these as attractive as we have and you put teeth into the bylaws it would discourage the single family with children Community. You want to assure what you want and we plan that this will be an adult Community. There is experience in the market. We don't want to age restrict this, stated Attorney Fallon.

Comm. Pogoda questioned if the houses will have basements? Yes, answered John Ruffalo (?). How long are the houses? They are 25 to 30 feet long and some may be longer. How deep is the retention basin, asked Chairman Pagliaro? On my retention basins I use a 3 to 1 side slope. The detention areas will knock this down into the hillside. The detention areas will be designed for the whole range of storms we have. With the gentle slopes the detention ponds are not something I am crazy about. The detention area will look like a ponded area. It won't maintain full water, stated Alan Sheppard. I have reduced the area with overflow and there is another emergency overflow there. It won't hold water on a permanent basis, questioned the Chairman? No answered Alan Sheppard. The pond in front of us, the wetlands asked us to dig down to get some wet pieces. It won't pond regular water, he added.

How far apart are the houses, questioned the Chairman? The houses are no closer than 25 feet away. There is one over here that is 40-45 feet. This one is 30 and this one is a little bit more, stated Alan Sheppard. How big are the bedrooms and the loft, questioned Comm. Karen Tomko-McGovern? The first floor has 1500 sq ft. and the loft has a total of 900 sq. ft.

The Chairman explained the procedure and asked that people speaking sign the sheet with their name and try not to repeat anything that has already been said. There will be a public portion to address something other than what is on the agenda when we go upstairs, later tonight.

Joan Flannery, 8 Partridge Lane, addressed the Commission. This is more than what I expected. What I see before me is 40 houses on 13.5 acres not 33 acres because you have the 20 acres of Open Space. That 20 Open Space scares me because 10 years from now we may be here again to put something else on that 20 acres. I am also concerned with the 3-bathrooms/3 bedrooms and an upstairs. When it has 2 floors and it is not a ranch it tells me it is not for the elderly. I have a 23-year-old daughter and the 20 year olds are excited for the cluster homes that they can purchase for cheap taxes. I am tired of the cluster houses on the one-acre zoning. Even if he advertises 1.2 houses on an acres it is just that. Even if people in Shelton buy these homes they will buy these cluster homes and that leaves their house for sale to a family with children. He is not taking that into consideration. I am a teacher and the art & music teachers will give up their room for kindergartners who will be bused across town. We are having a crisis in our schools that we have meet. I don't think a 3-bedroom house will help. When it comes to traffic my Professor at UCONN taught me that you can make the statistics look any way you want it is all in presentation. I am sorry but I don't buy his statistics about traffic. What I go by is what I actually see and feel myself. We have enough cars in Shelton already, stated Joan Flannery. She went over Attorney Fallons summary expressing her concerns about the environmental sensitivity and the win-win situation in regard to the tax burden.

Richard Patterson, 31 Daybreak Lane, President WER1, addressed the Commission. Here we go again, another PDD high cluster development. I would like to remind this Commission, right here and now, that 2 months ago this Commission, we submitted to this Commission a petition of over 2200 signatures of voting citizens of this City that were against residential uses of PDD's. I stand before you now to say that there are 2200 people that are against this project or anything like it.

Secondly, if we are going to have age restricted then the developer should make it deed restricted age restricted. Not putting it in the deeds is just smoke and mirrors. This has 1.2 per acres and it is just smoke and mirrors. Lets take out the wetlands and steep slopes to see how many units we have per acre. That is the real number and that is what needs to be considered here.

Denise Cote, 4 Meadow Lake Drive, addressed the Commission. The number I got I got from you and I didn't realize it had gone down. Traffic is not benign. I live there and traffic on Lake Road is already difficult. The traffic lights are not synchronized. This is used as a cut through. There already is a lot on that road and you are going to add 40 or 80 if they have 2 cars. If there are no statistics on 55 and older then you really don't know how it will impact the roads. I thought that this is age restricted at 55. It is adult living and what if someone with kids wants to buy this. Are you going to say no? You will create more taxes and you will have a nightmare on the street that can't take the traffic that is already there. You are comparing apples to oranges. Condos to houses. I choose to live where it is denser. If you live in a house it should be one house per acre. I am a therapist on the road a lot so I see a lot of the cluster homes. Everyone is doing it but it doesn't mean it is best for Shelton. I don't understand the drainage or run off. How is it not going to effect me? That is my biggest concern.

Irving Steiner, 23 Partridge Lane, Co-Founder WER1, addressed the Commission. I have a few questions on this development. I didn't hear if a traffic study was performed at Knells Rock and Route 108. I don't know if this was an oversight or not and I understand that there have been major traffic accidents there with a couple of deaths.

Traffic studies as we have always stated will never be negative to a developer. Particular if the developer pays them for. So they are a useless document as far as WER1 is concerned.

Is all the runoff from the surfaces destined to the detention ponds, asked Irving Steiner? Are there sewers in the low beds to funnel that rainwater off? I was curious about that and the additional water running off into the wetlands, stated Irving Steiner.

I must reiterate that what makes these units adult is just a cliché. Three bedrooms is not a senior citizen arrangement especially with the second floor as Joan Flannery stated. If the P & Z were to have their new regulations in place they would have been what was considered with regard to this application.

What is the size of the lot per unit, asked Irving Steiner? Mention was made to a property strip to continue Constitution Blvd. I am assuming that is guaranteed to the City somehow. I would assume that anything bordering that would have to be considered.

This application is complex enough and so much was said tonight that I think the hearing should be kept opened tonight. Mr. Patterson failed to mention that but I am sure he would support that, added Mr. Steiner.

Bob Awalt, 32 Pine Needle Drive, I am on the Executive Board and I represent 32 unit owners, addressed the Commission. I won't go over what other people say but the 1.2 unit per acre. The market that they want to attract is 55 or over but they don't want any rules for that. I don't think that Oronoque is having a market problem. Either all or a good part of that complex is 55 or over.

The other issue that bothers us is the traffic situation. If you look at the roadway to the west section. They are using the driveway for Shelton Lakes. That driveway is directly across Lake Road from the driveway to the Pines. I worked part time when I retired for Shelton Lakes. I drove their bus. The traffic going into Shelton Lakes includes emergency vehicles, buses, and handicapped vehicles. Now we are going to congest it with 25 homes with a potential of 50 cars. That concerns us very much. You have emergency vehicles, stated Bob Awalt.

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

***Michael Johnson, 1 Meadow Lake Condo, addressed the Commission.** He voiced his concerns about the swale around the whole property, the retention pond, the driveway adjacent to the entrance way, the traffic issues, one house one acre and no cluster homes.

***Tom LaTulipe, 91 Toas St., addressed the Commission.** He voiced his concerns with the traffic study, the volunteer fire, ems an already overtaxed police department, and traffic coming and going.

***These 2 are not on the tape and the secretary relied on her notes.**

Walter Sofian, 7 Andrew Drive, addressed the Commission. I am a member of WER1 and we have petitioned the P & Z Commission to eliminate the use of PDD's in residential zones. This a prime example even though the landscaping is beautiful and the houses look like they are very pretty & spacious. Close together. This still comes to breaking the zone in R1. In addition to our petition that will ultimately get decided the City has proposed their own 2 designations – age restricted residential district and adult oriented residential district. In light of the fact that the Commissioners are thinking this way yourselves, I think you should hold off making any decision on this particular project until you guys put into place your age restricted residential district and your adult oriented residential district. Lets see if the developer will come in under that situation and qualify. The density would be much lower then that.

I question the 37 vehicles per hour, stated Walter Sofian? There has not been a traffic study on the corner of Knells Rock Road and Route 108. Irving Steiner pointed out that there was a major fatality on that road and it is one of the reasons we have that light there. Coupled with the fact that the neighbors living in high-density houses in the area are opposed to this for many reasons. This is a situation when you should really pay attention to what the neighbors are saying, stated Walter Sofian. Thank you very much.

Attorney Fallon, addressed the Commission. I know you have a long agenda ahead so I will summarize and point out facts. Ms. Flannery indicates that she is concerned with the Open Space and development of it. As the Commission is aware of all of the Open Space all 60% will be deeded on the land records. Not subject to any further development. 60% of the Open Space and they say I can't take credit for that. Why not? It is a 33-acre site and we want to put 40 houses on it and we should be entitled to that consideration. We should not be jeopardized or criticized in that consideration because we are deeding 60% into Open Space. Clearly you look at the density 40 homes on 33 acres.

They are not 3 bathrooms they are 2.5 baths. That is a substantial difference. This is not an elderly community or elderly housing project. It is an adult oriented complex, stated Attorney Fallon.

With regard to the 20 year olds scooping these up. That has not been the market experience here in Shelton. Though the pricing has not been determined but you look at the pricing going on in similar communities in Shelton it would take a very affluent and fortunate 20 year old to bring themselves to this market.

A lot of the site will be undisturbed and the plans speak for themselves with regard to that.

I respect Mr. Patterson's comments but I don't think it is fair to categorize the high cluster development. It is not. It is a development that has 1.2 homes per acre, stated Attorney Fallon.

This is important for the record, this these homes and it should be, shall be and can be, a condition of the approval of this Commission will be deed restricted to have no more than 2 bedrooms. They will be deed restricted and this record should show that. In addition to this being a deed restriction about the 2 bedrooms there could also be a condition that should also be a bylaw condition. An association will be formed to enforce the bylaws. There will be 2 levels of protection with regard to adult oriented Community. That is not only words. These homes will be deed restricted and bylaw restricted to have only 2 bedrooms. So why do you need the law, asked Attorney Fallon? There are people like me and you and when you move out of the 4-bedroom house as George Carlin use to say you got stuff.

There is spaciousness and it will attract people living here who have stuff to put in the loft, a place for their computers, a home office, sure, stated Attorney Fallon. If people keep saying that we are going to use them for 3 bedrooms and put 7 kids in there, you just have to look at the real market information that proves this is not true. This doesn't happen. Deed and by law restrict them. There will be no children in this development and there is a market need for this development.

Mr. Sheppard and his firm have reviewed drainage. The record contains an endorsement from your City Engineer. There is no level for those concerns.

I think it was Ms. Cote who said that the density was unbelievable. I don't know what project she was talking about but I don't figure 1.2 units per acre to be unbelievable.

Mr. Steiner was concerned about traffic, which was a common comment, and I will get to that. He also was concerned about drainage. I will submit that the City Engineer addressed that.

He also makes a request, I guess he feels that none of us have anything else better to do, that this hearing would remain open. The applicant strongly would object to that. This application has been duly noticed and in accordance with all the provisions of your regulations and Connecticut Statutes. The applicant has been here this evening and made a full presentation to this volunteer Commission which we appreciate. Members of the public have certainly not been denied of any opportunity to speak. This hearing should close in accordance with normal procedure. There is no valid or constructive reason that this should remain opened unless of course the Commission felt there was information forth coming. But the statement this should remain opened makes no sense, stated Attorney Fallon.

Mr. Awalt speaks about the Pines on 7.4 acres with 32 units 4.32 units per acres. That is o.k. there is nothing wrong with that. When he talks about concerns that he has about aspects of this proposal it is hard to get that a proper plan work when you consider from where they come. He also speaks about concerns for emergency vehicles based on his experience with the nursing facility. Would it be better to go back to the assisted living facility, questioned Attorney Fallon? There will be 60 elderly citizens in care with all the emergency vehicles and support services that are required there including doctor visits, employ shifts, trucks, laundry and food. I don't get it. This is not a vacant piece of property and the client has a right to develop his property. We are asking you to substitute an assisted living facility for this Community so I can't understand that comment.

Mr. Johnson from Meadow Lake talks with their 8.6 acres 36 units per acre with a density of 4.5 per acres. He has wetlands concerns. Well the Wetlands staff has granted a permit after a thorough review. That is assurance of the concerns with regard to wetlands. He is concerned with drainage and again I would refer him to the City Engineer. He says that it will change the quality of living. That is a wonderful part of Shelton and this was previously approved for a more intense development only on one portion that is surrounded by 4 separate Condominium Communities. It is hardly a fair statement to say that the inclusion on these 33 acres of 40 homes landscaped the way they are is going to have some treacherous or diabolical impact on the neighborhood as we sit in a donut in the middle of the condominium, stated Attorney Fallon.

Everyone talked about traffic. Lets make a few things clear about traffic. Number 1 the only expert testimony belongs to the traffic professional, Mr. Burbaris, who is certified. The report speaks for itself and it gives you a lot of facts. The other thing that is important is the previous approval that forms a benchmark for this. The modification of the PDD has a benefit of traffic. The single-family home development with 17-18 homes on this site. You can use your own common sense with regard to 4-5 bedrooms populated with children. You can talk about what children will do and count the trips between soccer and the grocery. So that it is unreasonable to suggest that this development will have any impact. Traffic is not an issue. This will have less than what was previously approved. Much less than a traditional 15-16 home development.

We have the highest standard of engineering, reviewed by your City Engineer and Wetlands, the highest regard for landscaping, design that shows we marketing to adults, deed restrictions and bylaws. That is what we are talking about because we don't want to steer anyone away that may want to stay here.

Traffic is a plus and this is a win-win. What better can be done with this property? It is what the citizens want. The others are selling and there is a market for this. It is win-win for us and for Shelton.

The Chairman asked if any of the Commissioners feel we should leave this hearing opened. Someone from the audience asks to make a comment. We have devoted 2 hours and 10 minutes to this sir, you have had your opportunity to speak. If I let you speak I would have to let everyone speak. I can't go into that. If you think you have something to say of a technical matter you can bring it to Mr. Schultz or Mr. Panico. Even if this hearing is closed it doesn't mean that you can't have input of a technical nature. If you have something that is technical come to Mr. Schultz and if he feels it is important we would be happy to review it.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to close the Public Hearing on Applications #04-13 and 04-14.

The Chairman stated we will now reconvene in Room 303. We will take care of the Public Portion upstairs, then new business that includes small matters and then we will start with the last item under old business going to the first item.

PUBLIC PORTION

Joan Flannery, 8 Partridge Lane, addressed the Commission. She read a letter updating the Commission on what has taken place in her neighborhood since the start of the Wells Springs Estates development. She voiced her concerns about the trees removed, the displaced animals, the alcove that was destroyed, cars parking at Daybreak Lane, and she asked that development stop in her neighborhood because the neighborhood can't take the burden.

Dr. Michael Montanaro, addressed the Commission. I had sent a letter and have spoken to Richard Schultz about illegal sign placement with regard to their rules and regulations. It is allowed that a banner can be placed for 30 days. The Board usually acts to curb any errors that are in town, I called Rick with regard to a sign that has been up since Christmas. I told him the sign was up for long time and Rick said I will call them. After I had called and spoke with the Zoning Enforcement Officer. Rick did speak to the offending party who told him he would do whatever he wanted to. I worked out something that at the end of May the sign will be gone. I checked with a friend who is an Attorney in Westport and he said they send a letter to the owner that they will be fined until the sign gets removed. That is an appropriate way to deal with those issues. You should do something along those lines or choose whatever you will to deal with those signs. So the question is how to deal with illegal signage relative not only to this that I brought up or anyone. Are they allowed to leave those for longer then 30 days, asked Dr. Montanaro? Rick has talked to the owner. Since December is going beyond the 30 days. I don't come here complaining. You need to have a law or rule in place and I think you need to give Rick some direction to allow this sign.

Chris Panek, 19 Meghan Lane, addressed the Commission. I just have a question. I wonder if there is a reason why these meeting are reconvened upstairs. There are people standing in the hall and there is not a lot of room. You have a busy schedule and I wondered if there was a reason why you move up here? In the past the meetings have been going on late at night and people are standing for 2-3 hours. In the future maybe with such a busy schedule so many residents concerned you can keep the meetings in the auditorium.

The Chairman stated that the major reason is that many of the documents, maps and files that we have are stored up here, in here. We usually don't have large crowds and that is why we are switching the agenda around to accommodate the crowds, that is at the request of staff, because of the maps he added. Thank you, stated Chris Panek.

Richard Patterson, 31 Daybreak Lane, President WER1, addressed the Commission. It was 2 months ago that we submitted an application for zoning amendment regulations. We don't see it under old business, we don't see it posted anywhere. Does the Commission have any plans on discussing this or getting it on the agenda under old business? It will be on the appropriate number of days, Rick will get that on the schedule, answered the Chairman.

Additionally, it has been since last September that we have raised questions as to rather or not the Commission is considering a moratorium and the response we have heard to date is that the Commission is waiting for some legal opinion. Has the Commission gotten any, asked Richard Patterson? We have been in contact with legal counsel and the Mayor's Office. There will be some discussion on that at a future meeting, stated the Chairman.

Comm. Sylvester stated I don't have it with me tonight but I have the proper count for the Shelton School System for the next 10 years. I have put that in chart form and I will distribute them to this Board and the Planning Board as soon as I get those printed.

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

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE

Mr. Tisi reported that there are standards numbers 1-9 that all meet requirements.

On a motion made by Alan Cribbins seconded by Daniel Oraziotti it was unanimously voted to approve Applications for Certificate of Zoning Compliance Standards #'s 1-9.

SEPARATE

#3292 TOM GEISLER, 17 BROOKPINE DRIVE, HOME OFFICE

Mr. Tisi reported that this was tabled from the last meeting. We had some discussion from legal representation for both the applicant and the neighbor who was opposed to this type of operation in the neighborhood. Commission needs to make a decision on it. I know that both Rick and Tony Panico have been out there, stated Mr. Tisi.

Comm. Tomko-McGovern questioned wasn't this turned down before? We did turn this down before and the applicant reapplied which he has the right to do. I know that I asked Rick and Tony to look into it. I asked that they prepared something for us. I did that stated Richard Schultz. Does anyone have any questions about the prepared text, questioned the Chairman?

Comm. Pogoda read the attached draft resolution.

On a motion made by Anthony Pogoda seconded by Alan Cribbins it was unanimously voted to deny Application # 3292.

I want everyone to understand that this is a second denial. I vote means denied. Everyone in favor and motion passed unanimously, stated the Chairman.

#3331, 30 DAYBREAK LANE, HOME OFFICE

Mr. Tisi reported that this gentleman has a duplicating service. He is a service representative and he needs this for a checking account.

On a motion made by Alan Cribbins seconded by William Papale it was unanimously voted to approve Separate # 3331.

#3299, 142 VILLAGE DRIVE, HOME OFFICE/HOME IMPROVEMENT

Mr. Tisi reported that this is a home office for home improvement. He will use approximately 100 sq. ft. There will be no outside storage or signage. He needs this for a checking account. It is pretty standard.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to approve Separate # 3299.

#3443 289 BRIDGEPORT AVENUE, BUSINESS

Mr. Tisi stated that this will require a little bit of discussion. Let me take this over, stated Richard Schultz. It will require some discussion and some guidance from the Commission. Our office received a complaint regarding the storage facility at 287 Bridgeport Avenue. This storage facility was approved in the mid 80's. It is the Mulrooney Storage Facility. What has happened since the approval in the 80's the facility has grown in terms of uses. You have a rental facility there, a truck rental facility beside the rental of storage can be used 24 hours. I tried to find the previous records from the 80's. Clearly it is a change and the applicant has come in to modify their statement of use. So what we have is a situation they will modify their statement of use. We need direction from the Commission as to if this should be handled administratively or if it should be a modification of site plan. The project was approved with the site plan approval.

How close are the residents, asked Comm. Cribbins? There is one single-family dwelling adjacent to the access driveway, stated Richard Schultz.

There are 3 homes with little children. There is a road where the trucks come through. Mr. Oswald Padillo, is speaking.

This has been in operation for 20+ years, they have expanded the actual storage facility, questioned the Chairman? Not to my knowledge, stated Richard Schultz. So the only thing that was added is the truck rentals, questioned the Chairman? I always remember the trucks being there, he added. A woman stated the trucks were always there. The truck rental has been there for 22 years. The record should indicate that is Mrs. Mulrooney speaking, stated the Chairman. I always remember the trucks being there and you are looking for guidance from the Commission. What are the hours of operation, asked the Chairman? It is 24 hours, stated Richard Schultz. The concerns of the neighbor is not so much the use but the hours of operation, he added. Never was 24 hours, added the neighbor. This happened quickly so we wanted to get this on the table. Obviously one of the neighbors is very upset and displeased because of its impacts. Staff needs to devote more time to it.

What zone is this, asked the Chairman? It is an old CA-2 stated Richard Schultz. That is one that allows the homes in this area, questioned Anthony Panico? They are preexisting non-conforming, added Richard Schultz. It is the mixture of existing uses.

Was the originally approval given for a 24 hour operation, asked the Chairman? I can't find that information and we directed the applicant to come in with the modified statement of use so we could have a record, stated Richard Schultz.

Is it necessary to operate this on a 24-hour basis, asked the Chairman? Regarding the self-storage there is definitely room for compromise there on 2 different issues, stated Mrs. Mulrooney. Regarding truck rentals it has always operated on 24 hours, since day one. On truck rentals, if we have one coming in from out of state or out of town. There has never been control on trucks being dropped off from out of State. There is a lock box that was closer to Mr. Padillo's home that was moved 200 feet away from his home when the new owners took over. Regarding self-storage that is something that there is room for compromise on, stated Mrs. Mulrooney. I do have software that when we did go 24 hours as of November 2003 there has not been anyone on the property passed 10:59, except for one bread man that comes in at 4a.m. and goes right out. Regarding truck rentals, there has been no change to the operation. Yes we are working very hard to make this a successful business. We want to increase the growth of the self-storage facility. That is why the trucks were brought up and if the emergency vehicles needed to get through they could not. I have spoke to both my tenants who are in the 2 homes at 287-289 and they are willing to write letters in support of the facility, she continued.

Aren't you one of the Mulrooney's, questioned the Chairman? My ex-husbands family. The owners have contacted me and asked me to do this. I am a Manager/employee, answered Mrs. Mulrooney.

What kind of trucks are we talking about, questioned Comm. Orazietti? Budget Truck Rentals, answered Mrs. Mulrooney. The box trucks stated Comm. Orazietti. The chain is across here, stated Mr. Padillo. He passed around a picture that shows a big truck. This is the size of the driveway 13 feet wide and the trucks come at night and sleepover. Mrs. Mulrooney went to say something and the Chairman stated I can't get dialogue going between the two of you. You have already talked now it is my time to talk, stated Mr. Padillo. I will control that, stated the Chairman.

One more thing, this was approved never for truck rental. That is why Mr. Schultz cannot find it. Always was in violation of City ordinance. Maybe this thing was never licensed for truck rentals. This was approved for storage. Don't go around the bush tell the truth, stated Mr. Padillo. Say guys you never get an application for this which never existed cut the double-talking. This was acted on in violation.

Excuse me sir, direct your comments to me or to Staff, stated the Chairman. The reason I get a little sorry, said Mr. Padillo, I get excited. The reasons the records don't exist is that they never applied for the truck rental. That is why it is not in there. She knows it, stated Mr. Padillo. We will make a special effort to look for that, stated the Chairman. Everything is running in violation. Here is this size of trucks, here is this truck came at 4 in the morning. This is ridiculous. The guy knocked on my door, stated Mr. Padillo. I made them park on the street. They sleepover and this is the truth. Trucks come all time of hours and you see how it is. I proof this to the owners and I ask the owners you got to do something. They are not there. Mr. Mulrooney came to me and asked for big favor. Then the tenants came to me asking me to move trucks. Then I told them they had a problem. Mrs. Mulrooney should get a license and everything was on violation of zoning. 6p.m. last night truck come and it took 2 hours to unload. Now 2 hours my wife got to go get the kids and we can't get out. The trucks are here all times and hours, stated Mr. Padillo. It is terrible.

Do you share the same driveway, asked the Chairman? Yes the same driveway, stated Mr. Padillo. Richard Schultz stated no, he accesses his driveway separately. The driveway is to the left of the house, he added. The driveway is 13 feet wide, guys I want justice in this, added Mr. Padillo. You can keep this for the record. I was there first I lived there for 35 years. Protect my privacy. They came with an application only for storage. There was never an application for the heavy trucks. I don't care what they do, if they operate during the day. 10p.m. knocking on my door. The three families are afraid to come because they are afraid they will have to move. Then she came to me to say that things will get noiseier and I asked why, he stated. I will be operating 24 hours a day and I asked her if she was coming to the town. She told me if I didn't like it I could move out, stated Mr. Padillo. Let us try to get a handle on this stated the Chairman. So we can understand where you are coming from, he added. There are three homes of which 2 are owned by the rental storage facility and you own the other one.

End of Side 2A of 3A, Tape 2 of 3 at 9:55 P.M.

Mrs. Mulrooney stated that there was an incident that happened the other night. There was a truck that came at night and was off at 10:15 P.M. I had a self-storage man that we allowed to park on the street and load into the self-storage. Mr. Padillo stated Friday the truck was flipping over again and the police were there.

Do any of the Commissioners have any comments or direction that they want us to take, asked the Chairman? I just think that this is a change in the business operations, stated Comm. Tomko-McGovern. There has not been, stated Mrs. Mulrooney. There has just been a change in ownership, stated the Chairman. Exactly, stated Tammy Mulrooney. As far as proper paperwork, there has only been an expansion of the hours, she added. Mr. Padillo the operation was only from 8-5. Staff is there from 8:30-5. There are trucks that can use the gates, asked the Chairman? We have trucks here stated Mrs. Mulrooney.

The Chairman stated we could spend 2 hours on this. Rick I think you should make a special effort to find out what the original approval was. I think you should make a site visit and if any of the Commissioners want to go up there to visit. I am familiar and I don't know what the situation is or where anyone's driveway is, he added.

Mr. Padillo said they could operate Monday-Sunday but when they operate at night, stated Mr. Padillo. I want you people to remember that the license application for this operation, was what, he added.

Can I bring you some information and documents for you to look over, stated Mrs. Mulrooney? Yes, you can bring that to the Staff, answered the Chairman. Maybe that will help Rick to find some of the other paperwork, he added.

On a motion made by Alan Cribbins seconded by William Papale it was unanimously voted to table Separate # 3443.

You can bring any documentation that you have to Staff, then, stated the Chairman. Do I then wait to hear from you, asked Mrs. Mulrooney? We will ask him to look at the original approval, review it and I have seen the trucks up here for as long as I have been here. We have to accommodate the both of you and we also have to protect the neighbors out front. There is a safety issue involved and we have to consider a lot of things. I think we can work this out and solve this problem, stated the Chairman.

NEW BUSINESS;

APPLICATION # 04-18 HUNTINGTON STREET, LLC FOR DETAILED DEVELOPMENT APPROVAL AND PDD ZONE CHANGE (VETERINARY CENTER) 560 HUNTINGTON STREET (MAP 2, LOT 3) –ACCEPT FOR REVIEW

On a motion made by Alan Cribbins seconded by William Papale it was unanimously voted to accept for review Application # 04-18.

APPLICATION # 04-19 PETITON OF SAL MATTO FOR ZONE CHANGE (IA-3 TO R-3) FANNY STREET (MAP 54, LOT 33) –ACCEPT AND SCHEDULE PULIC HEARING

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to accept and schedule Application # 04-19 for a Public Hearing on June 22, 2004.

APPLICATION # 04-20 PETITON 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 – ACCEPT AND SCHEDULE PUBLIC HEARING AND

APPLICATION # 04-21 PETITON 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) IB-2 DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Alan Cribbins seconded by William Papale it was unanimously voted to accept and schedule Applications # 04-20 and 04-21 for a Public Hearing on June 22, 2004.

I was just informed tonight by Mr. Zuckerman that he submitted 2 Petitions for PDD's one on Long Hill Avenue and one on Murphy's Lane. I am not aware of it, Staff didn't bring it to my attention, there may have been an oversight. I have informed Mr. Zuckerman that even though the Commission is not accepting anything this evening that it won't delay the Public Hearing. Even if the Commission accepted it this evening it would be scheduled for June 22 anyway. We could put it on our next meeting, stated Richard Schultz. Mr. Zuckerman, is in the audience, and states this needs to be done in a timely fashion. Wait a minute what was submitted, questioned the Chairman? 2 petitions for a PDD Zone Change, answered Richard Schultz? For what, questioned the Chairman? For residential development, 2 separate parcels, added Richard Schultz. Other then the Pinecrest, questioned the Chairman? Adjacent to the Pinecrest and other then the Pinecrest, he added. I wasn't aware of it, stated the Chairman. This is news to me, I am the administrator and I didn't see the applications, stated Richard Schultz. I process it and I am not prepared tonight to say accept, he added. Was it done by your Attorney, Sir, or yourself, questioned the Chairman? By my Attorney and Mr. Dingle, answered Mr. Zuckerman. It is back on Rick's table, stated Tom Dingle (who is seated at the back of the room). I don't know I have not seen it, stated Rick. It would only be to schedule a hearing, questioned the Chairman? It is to accept, I told Mr. Zuckerman we could do that at our next meeting and the clock could start tonight, stated Rick. We could accept it and we could schedule it for June 22, stated the Chairman. I want the Commission to know I don't recommend accepting it because I still have to review, stated Richard Schultz. There is a lot involved with the PDD's, he added. We could still have it on the 22nd, stated the Chairman. I apologize for any delays but I still have to review it because there is a lot with PDD's, added Richard Schultz.

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 (PUBLIC HEARING CLOSED ON 2/10/2004) – DISCUSSION AND POSSIBLE ACTION

The Chairman asked of Richard Schultz if we got an extension on this? We have not received an extension today and I advised the Attorney who is here. We have to make a decision tonight or get an extension.

Anthony Panico stated we have had a lengthy discussion regarding if the Commission was interested in doing one or the other of the uses. There was a discussion as to pursue just one or pursue the two uses or just deny the whole thing. We have some options here, we can deny, we can approve or we can choose one or the other and set some perimeters, stated the Chairman.

My recollection about the discussion was that the two uses together were overtaxing the site with regard to the traffic issues, stated Anthony Panico. The peak times of the car wash and restaurant was a concern. There is no way to put any additional parking offsite.

The Chairman stated we have arguments on both sides of the street. There is an office building on the corner as well as auto uses on the other side. That is OPD and we put the OPD to protect that corner, he added. We have concern for the neighbor directly behind this also.

I would agree that if both businesses peaked at the same time, it would be a rare time, but it would tax the property.

Car wash as I understand it would have long stacking, stated the Chairman. The site plan has been worked out with regard to the car wash. The driveway is well located and the stacking is very long, stated Anthony Panico. The tunnel itself is longer than normal. The activities that usually take place outdoors at this type of facility will take place inside the tunnel, stated the Chairman.

I give you the pros and cons. Do you think that the 2 of them together are too much for that property, asked Comm. Tomko-McGovern? That is what we have discussed, stated Comm. Papale.

This property has no access from Bridgeport Avenue, it only has access from Platt Road, stated the Chairman.

The applicant's primary interest when this whole development started was to put in a car wash, stated Anthony Panico. It was through a lot of discussion that we were discouraging to the applicant. The only way it could be an acceptable situation was if it were a part of a complex. The complex that involved more than just the car wash. The Commission has been disturbed by if there was or was not room on the site to handle it all. It was originally brought forward with a car wash, a bank, a storage facility and an office building. It didn't fit well or sit well with the Commission, stated Anthony Panico. That went away and now it is back. The car wash came back with a restaurant. Then it was proposed to just do the two of them. It will be a significant restaurant. You could decide to deny it, approve it in phases, if you want to approve the phase that goes to the car wash. You can allow that to get started with no promise if the second phase would ever get done. Or you can say that you are only going to put that one use on their stated Anthony Panico.

This was a rare case when at the Public Hearing there was a lot of support for the application. Usually it is the other way around.

In fairness to the applicant is a well-designed facility. It is just not a long tube for a car wash with people all around. This is a sophisticated design, stated Anthony Panico.

If we approve the car wash we would get another crack at it, stated the Chairman. We could set this in the back and from Bridgeport Avenue you won't see it. This is all vegetation and you might be aware there is a structure there, stated Anthony Panico.

If you were putting a restaurant there you would put it in the front. The second entrance was not on the first proposal. The second entrance came from a comment from the Fire Marshall when he reviewed the second proposal. He was uncertain with the restaurant there, the car wash and concern you would not be able to get emergency vehicles on site. He then suggested to have an additional curb cut. In effect the curb cut was in the back and the curb cut closer to Bridgeport Avenue was to serve the restaurant.

I could deal with the car wash, stated Comm. Papale. There could be additional curb cuts and a slow down lane to make that turn, stated Anthony Panico. Who do we see about an arrow to make a turn on Bridgeport Avenue, asked Comm. Tomko-McGovern? That is a State Highway and you would have to get both State and Local Traffic Authority to be involved. You could write a letter to Chief of Police as the Local Traffic Authority, stated Anthony Panico.

I would vote on an application for a car wash stated Comm. Cribbins. We have to really understand the restrictions and uses within the property. So that we won't get another use and another use. The thing that really bothers us is bringing a lot of traffic on and off of the property. There are a lot of businesses at Platt Road. We tried to be careful with the amount of traffic, he added.

Anthony Panico stated if your Commission decides to approve just the car wash. The applicant will need to decide if he can survive with just a car wash. That is the end of the road because there is no guarantee that anything more will be approved later, he added. If the car wash causes no problem and he wanted to request additional activities then you make that decision.

The initial decision would be the PDD with a single user car wash, stated Anthony Panico. We keep pushing the envelope to make a decision. The layout of the design will be in concert if it is a restaurant or car wash.

What is the building going to look like if you take the restaurant away from the front, asked Anthony Panico? That is why I asked because you will have an opportunity to work on the design. You will take the front off and put the car wash in the back, he added.

The thought process is if they have both of them on the site they will peak at the same time it would be too much for the site to handle. I get my car wash frequently but the majority of people get it done on the weekends, stated the Chairman. The restaurant is a 7-day operation and both businesses have pros and cons.

An intensive office could go on the site, stated Anthony Panico. That is why there is the OPD there. If you put a major building there that would have a much bigger impact. There is not a strong office market now but in 5 years there may be, he added.

One thing that pushed us to make the driveway back as far as possible to allow for more stacking. We could look at a single driveway that is not so far back and we can look at that if we are going with the single user.

I can make a motion to approve this but we have to make a decision one way or another, stated Comm. Cribbins. We don't normally write them up until you give us some direction stated Anthony Panico. Let me ask you this, if we get an extension after tomorrow, we give you some decision, then can you write something up, stated the Chairman. Can I ask them for a vote to allow approval of the car wash, stated Comm. Cribbins? Not a restaurant, just the car wash, stated the Chairman.

Once we decide that we are going that route, the most flexible place for that is in the back, stated Anthony Panico. Do we have to allow anything in the front, asked the Chairman? No, stated Anthony Panico. The Chairman then asked the Commissioners what they felt. I can live with a restaurant on the front of the property, stated Comm. Pogoda. I am comfortable with the car wash, stated Comm. Oraziotti. (the secretary cannot make out what Comm. Tomko-McGovern is saying.) I am not leaning toward one or the other stated Comm. Papale. I could go with the car wash, he added. Now I will say to Rick do you have an extension, I will make that motion if I need to, stated Comm. Cribbins. Not at this time, can you get one in 30 seconds, stated Comm. Cribbins. The Attorney for the applicant can do one right now, he is doing that right now, stated Richard Schultz.

On a motion made by William Papale seconded by Alan Cribbins it was unanimously voted to approve the extension until June 9, 2004 on Application # 03-54.

APPLICATION # 04-11 SMITH AND OLEJNIK REALTY FOR SITE PLAN APPROVAL (EXPANSION TO PROFESSIONAL OFFICES) 72 WOOSTER STREET, (MAP 129A, LOT 78) R-4 DISTRICT – DISCUSSION AND POSSIBLE ACTION

Richard Schultz read letters from the Fire Marshall and the City Engineers as well as a Staff Memorandum. (see attached)

There are 2 one-story additions and they are making this handicap accessible. There is no handicap ramp now. The additions are one on the left and one on the right with the ramp on the right. The biohazards are picked up by a company and the paper waste is picked up at curbside. There is not a lot of garbage there and it would be difficult to put a dumpster there.

On a motion made by Alan Cribbins seconded by Leon Sylvester it was unanimously voted to approve Application # 04-11.

APPLICATION # 04-09 PETITION OF CRABTREE SUBARU FOR EXTENSION OF RBD DISTRICT 417, 419, AND 425 BRIDGEPORT AVENUE (MAP 63, LOT 9) CA-1 DISTRICT (PUBLIC HEARING CLOSED ON 4/13/2004) DISCUSSION AND POSSIBLE ACTION

The Chairman stated everyone knows that a new district was created and this building wasn't in that district. It was joining that district and we had a hearing to extend that. Are they planning on leaving the building up or knocking the building down, asked the Chairman? The two buildings are proposed to be removed for an expansion of the car dealership parking lot for new and used vehicles, stated Richard Schultz.

What the decision is then is if you want the car dealership moving down further on Bridgeport Avenue, stated the Chairman? I really don't have an issue with this stated Comm. Cribbins. There are not an real neighbors but Blanchette's. The Farm Market is going, stated Richard Schultz. We will rezone a portion of the site, stated Richard Schultz.

On a motion made by Alan Cribbins seconded by Leon Sylvester it was unanimously voted to approve Application # 04-09. * Effective May 21, 2004

Food for thought if we move this and it is approved but they don't demolish the buildings, asked the Chairman? This will require site plan approval, stated Richard Schultz. Whatever the RBD would allow and that requires immediate attention of the applicant. This shows a parking lot and the buildings removed, he added. I would caution you because this is right on Bridgeport Avenue however it is buffered. It is not directly exposed to the traffic, stated Anthony Panico. It is visible stated the Chairman. It is the sidewall and there is land between that and Bridgeport Avenue, added Anthony Panico. They keep it well and they conduct business in a professional way. Even the Farm Market is not offensive to me. I hate to see it go, stated Comm. Leon Sylvester.

End of Side 2B of 3A, Tape 2 of 3 at 10:45 P.M.

The strip along in the front aids the business in front. None of them could do the business if that strip was not there stated Comm. Sylvester. We have been up there asking that they don't close the street stated the Chairman. We had trouble with parking and the loading of cars, he added. They still load cars in that area stated Richard Schultz. If the auto business should shrink what would happen with this property, asked Comm. Sylvester? That property has a wide range of potential uses and that requires special processing by your Commission. Very little could happen as of right, stated Anthony Panico. It could be retail, it could be office and a variety of use and it would have to come down to detailed review, he added. Could this Board refuse, stated Comm. Sylvester? You have reason and you have discretionary right to say I don't like it, stated Anthony Panico. That was the reason for the zone change because the way it was on the old zone you could have ended up with auto body shop, a major lumber yard, a Lowe's, a Home Depot or even a McDonald's on the corner. The control is now back on this table, stated the Chairman. If this doesn't move forward that will still stay on the property, he added.

*** Just include the effective date of May 21, 2004, stated Richard Schultz.**

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 (PUBLIC HEARING CLOSED ON 3/9/2004-REQUEST TO WITHDRAW

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) IB1 DISTRICT (PUBLIC HEARING CLOSED ON 3/9/2004) – REQUEST TO WITHDRAW

On a motion made by Alan Cribbins seconded by William Papale it was unanimously voted to accept the request to withdraw on Applications # 04-03 and 04-04.

APPLICATION # 03-52 RIVER ROAD PARTNERS, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) AND CAM SITE PLAN, 745 RIVER ROAD (MAP 21, LOTS 46, 48) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 1/16/2004) –DISCUSSION AND ACTION

I asked a question last week because Stratford has said no to the sewers, where are we are on this, asked the Chairman? We have to get the Sewer Commission's approval to bring that back into our sewer system stated the Chairman. So your decision is based on there will be sanitary sewer services to be provided to them, stated Anthony Panico. If Stratford failed the applicant has to come up with a solution that this Commission finds acceptable, he added. It has to have sanitary service. This is basic development stage. You are bringing the concept that is an acceptable use with an acceptable plan with whatever changes and modifications we build into. They will then go back in to finish up the engineering and lock up all their commitments and permits.

Is there a way because of that decision by Stratford to hold up on this, questioned Comm. Sylvester? I asked Rick to find out if what was in the newspaper about Stratford was true, stated the Chairman? I meet with the applicant and I have called the department to reconfirm. We were not notified and we can't be turned down for something we have not applied for stated the Attorney for the applicant (?). We have had our Attorneys look at.

They voted to deny stated Comm. Sylvester. I did confirm that with a phone call stated Richard Schultz. The applicant is obligated to provide a sanitary sewer service to the site, stated Anthony Panico. The assumption was because this was in the area that was serviced by Stratford that was where they would apply, he added.

My thought, stated Comm. Sylvester, was is not that they don't have alternatives, if Stratford refused, there is always an alternative, if the alternatives impact the development, perhaps, could they impact the number (density)? If you vote tonight to give a specific number for the density and it is true that Stratford refuses, it comes back by whatever adjustments are made, it could affect the plan. If it effected the plan it could effect this Boards willingness to give a certain number, he added. So I put that on the table as a question.

This project if it is to go forward must be connected to the municipal sanitary sewer system, stated Anthony Panico. That means a pipe will come off the site of this development and it has to connect to a municipal sewer. It can go one-way or another. The cost of going this way as to this way may indeed jeopardize the project, stated Anthony Panico.

Is it the same delivering that stuff to Stratford as it would be delivering that stuff to Shelton, questioned Comm. Sylvester? For instance septic system, questioned Comm. Sylvester? Absolutely not, stated Anthony Panico. Are we talking about a pump station of some kind, questioned Comm. Sylvester? Absolutely, stated Anthony Panico. Will that pumping station effect numbers, questioned Comm. Sylvester? I don't think it will stated Anthony Panico. Can it handle the numbers about what we are talking about, stated Comm. Sylvester? A pumping station of that magnitude is usually located underground, stated Anthony Panico. Wouldn't it be cautious to wait, stated Comm. Sylvester? If that is the case you should just deny it, stated Anthony Panico. Our vote is predicated on sewer approval and we can make that a condition of our approval stated the Chairman.

We had a full report at the last meeting from the Sewer Commission. They have blocks for towns that show just what they can accept. That is something that they will decide stated the Chairman. If we give a number and what if the sewer authority say no, they override us, he added.

There is nothing signed off by your Commission and because these are basic plans they will have time to get that in order, stated Anthony Panico. There is no zone change until the detailed development plans are approved. If something happens that you don't find consistent with your thoughts you don't approve your plans, he added.

Anthony Panico read the attached report.

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was voted to approve Application # 03-52. It is predicated on sewer approval and we will get another crack at this when it comes back for other approvals. A roll call voted followed with Comm. Oraziotti, Comm. Pogoda, Comm. Tomko-McGovern, Comm. Papale, Comm. Cribbins and Chairman Pagliaro all voting I to approve.

Karen will vote for me I certainly am familiar with this stated Comm. Sylvester.

The Chairman will refuse himself from the discussion on the Tall property at the next meeting.

Comm. Sylvester stated that Monty Blakeman thinks that I should excuse myself from the next applications because my family has an involvement with someone who is against this project. He feels I am bias and I am announcing this, I will review and I will make my comments. If it has validity and it bothers me but it happens from people who think I am for development I am against. I will come back and share my decision stated Comm. Sylvester.

The Chairman stated we have payment of bills, approval of minutes and he asked if anyone wanted to take time to discuss the Blakeman project? He then asked when these applications could be on the agenda again of Richard Schultz? We are trying to put this on every meeting. The next meeting is the 25th, added Richard Schultz. Is anyone in favor of another meeting before the 25th to discuss this or other matters, questioned the Chairman. It is a difficult time to have extra meetings. I have said that we overworked and I think it is unfair. I have made a special attempt to be here at every meeting and I think people should understand stated Comm. Sylvester. The Chairman went around the table to see who would be here for the 25th. Richard Schultz went over the 25th agenda stating the Tall Farm is the only hearing. We will have Blakeman and WER1 will have to submit an extension, he added.

To be fair we need to talk about the earth removal, stated Comm. Cribbins. As with many projects such as Ivy Brook, people prepare sites for construction. All of Constitution Boulevard was done that way. You need to get that in when the weather will accommodate you, stated the Chairman. There is a lengthy discussion with regard to earth removal and there are several discussions all going on at the same time.

APPROVAL OF MINUTES 4/13/2004

On a motion made by Alan Cribbins seconded by William Papale it was unanimously voted to approve the minutes of 4/13/2004.

PAYMENT OF BILLS

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

On a motion made by Alan Cribbins seconded by Anthony Pogoda it was unanimously voted to adjourn at 11:20 P.M.

Respectfully submitted by,

Diana Barry, Secretary