The Shelton Planning and Zoning Commission held a Special Meeting on May 25, 2004 at 7:00 P.M. in the Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT.

Members present:    Chairman Alan Cribbins  
Comm. Patrick Laperla  
(sitting in for Comm. Sylvester)  
Comm. Daniel Orazietti  
Comm. William Papale  

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

Members absent:    Chairman Joseph Pagliaro  
Comm. Anthony Pogoda  
Comm. Leon Sylvester  
Comm. Karen Tomko-McGovern  

The Chairman opened the meeting with the Pledge of Allegiance.

APPLICATIONS # 04-05 PETITION OF CHAPPAGUA CAPITAL CORP. FOR SDA OVERLAY, LONG HILL AVENUE (MAP 41, LOT 35) R-1 DISTRICT (RESCHEDULED FROM 4/13/04)  
AND  
APPLICATION # 04-06, PETITION OF CHAPPAGUA CAPITAL CORP. FOR PDD ZONE CHANGE (ELDERLY APARTMENTS) LONG HILL AVENUE (MAP 41, LOT 35) R-1 DISTRICT (RESCHEDULED FROM 4/13/04)

Comm. Daniel Orazietti read the call of the hearing. He read one letter in favor of these applications from Richard Sirosi. He presented and read only one of 94 identical letters from the Views of Long Hill Condo. He then presented 62 letters from residents in the Long Hill Avenue in opposition of these applications. Chairman Cribbins read a letter from Chairman Pagliaro recusing himself because he sits on the Board of the Methodist Homes. Chairman Cribbins explained an article in the newspaper had the owners of the property listed wrong and he also stated there is dialogue between the Mayor’s Office and the applicant concerning the City’s purchase of this property. We are not sure where that stands and when an application is brought forward we do have to hear that within a specific timeframe. Between the Mayor and the Aldermen, if they want to purchase this, we don’t know how that will work out. It is our job to hear these applications and allow input from the public. The Chairman explained the procedure.

Attorney Austin Wolfe, offices in Bridgeport, representing Chappagua Capital Corp. from Pleasantville, N.Y., addressed the Commission.

There is a site plan map that Attorney Wolfe makes reference to stating that the entire 28.2 acres is yellow/green area to my left. 12.9 acres will be developed pursuant to the applications before you this evening. 15.2 acres on the east and south sides will be deeded to the City of Shelton as Open Space.

The property is bounded on the North by the Views of Long Hill which is also an age restricted condominium, to the East by Old Coram Road, to the South by homes located at the end of Stowe Drive, and to the West by the remaining land of members of the Tall Family.

The application before you this evening is to establish an SDA on the 28.2 parcel which is now in an R1 zone and establish a PDD. The purpose of the application is to construct fourteen (14) 2-story buildings, containing 56 1-bedroom apartments and 112 2-bedroom apartments. All of the above will be age restricted elderly housing under the Connecticut General Statutes (see attached statue).

These condos will be deed-restricted meaning that at least one of the occupants will be 55. The declaration and title will carry the restrictions related to elderly housing. It will be similar to the Views of Long Hill. It is not adult oriented stated Attorney Wolfe.

The Views of Long Hill have 161 units on 28.5 units. That is 5.8 units to the acres. That is more then the density proposed for this at 5.7 units to the acres. Very comparable.

James Swift, Licensed Landscape Architect and Professional Engineer, addressed the Commission. I would like to take a few minutes to go over this drawing that shows what surrounds the site. The Views of Long Hill are to the North, and Long Hill Avenue in this direction. What I wanted to cover was how we came about with this configuration. This is our development here and the darker green is the Open Space.

We started this process talking to people in town that included Conservation Commission and people on the Trails Committee. On the lower side of the site there is a PDD known as Waterview Landing. That has a great deal of Open Space to the back of the development, stated James Swift. We will adjoin that PDD.

We have Old Coram Road that adjoins our property. That is not passable but is used as a walking trail. That ties in to additional Open Space on a subdivision up on Old Coram Road. The Open Space was important to connect out to Long Hill Avenue.

The plan shows 168 elderly housing units in 14 buildings that you can see spread throughout the site. We come in off of Long Hill Avenue. The main entry will break off into an esplanade that follows down into the end of site. That will be tree lined, there is a hedgerow that will be saved and a stonewall.
P & Z COMMISSION  MAY 25, 2004

There will be 56 one bedroom and 112 two bedroom. That becomes important when we start talking about parking, stated James Swift. We are proposing to park these units in a manner of one parking space per bedroom. Each one bedroom will have one parking space and each two bedroom will have two parking spaces and there will be one visitor’s parking space for every 3 dwellings. Those are spread out through the site. This is a minimum and we have additional parking up in this location where we will have a Community Building.

Site lighting is developed off the fronts of the building. There are no garages and parking will be in front of the units. Pricing is a consideration for elderly people wishing to purchase a unit. Parking is onsite on grade. The lighting will be off the front of the unit in these parking areas. Porch like sort of lighting. There will be street lighting coming through the main drag. They are between 15-18 feet high, no stronger then 250- watt and will have house shields.

There is one access way off Long Hill Avenue. For circulation we have good circulation in these two places. It is necessary to provide emergency access for a development of this size. Stowe Drive is to the South and it is a temporary dead-end. The actual right of way fronts on our parcel. We are not proposing any change to the Stowe Drive pavement. We are proposing what is called grass through pavers. They are set in the ground with grass between them, stated James Swift.

This emergency vehicle access will have grass. It can be plowed. It will be gated. For emergency personnel to get access they can have a key to the chain gate or they can use the cutters commonly referred to as the front bumper.

Plantings we have a good hedgerow that will be saved. We have a whole variety of evergreen, shade trees and foundation plantings to be planted on the site. This is the Open Space location which will be heavily buffered with evergreen plantings and trees. That is an open field and it needs to be heavily planted.

The other area that we are concerned with is the buffer to our neighbors the Views of Long Hill. Right there is a stonewall with some trees but it is very sparse, stated James Swift. We will add evergreen trees, shrubs and other plantings to buffer the Views from any neighbors.

The Open Space connection runs all the way up here from the driveway. There will be an easement granted for pedestrian and vehicular traffic to use our entryway. There will be a parking area or walking trail can be developed in this area. The public will have access to the Open Space all the way through our property down the hill to the back of the other developments on Old Coram Road, stated James Swift.

The grading has a high point at this part of the site. This portion of the site sheds off in this direction. We have wetlands in this area and we have conceptual approvals from the Wetlands Commission for this plan. We cross the wetlands and the brook. We were questioned by them concerning water run off and water quality. They are aware that a portion of the site will be discharged down in this direction. They seemed interest in renovating the pond that has been soaked up. The rest of the property shed off in this direction.

We won’t discharge on to this hillside. There is an existing brook at the bottom of the hill. We will discharge from the brook, stated James Swift. The run off won’t exceed up to the 100-year storm. We have very little earth rock. The buildings are 2 story but there is one story that is accessible. These buildings are at grade practical in this location. Down in this area the units are worked into the hill with retaining walls.

There are no deep cuts. We will balance the site and there is not a need to remove a lot of material or bring a lot of material to the site, stated James Swift.

Another concern is that there are 2 gas lines running through this property. One is the Iroquois Gas Line that runs through this portion of the site takes the corner runs off the site toward Stowe Drive. Then there is the Tennessee Gas Line running across the hillside in this direction. The reason I point those out when you design you have to make sure you are outside the easements. The Tennessee Gas Line is a distance from the development and won’t be effected by it. The Iroquois Gas Line is within 10-20 feet outside of their easement line with these 2 buildings. These buildings are on grade as well as all the buildings on this side of the water shed.

The site has access to a water main at Long Hill Avenue. City water will be available. There is a gravity line with regard to the sewers at Long Hill Avenue that runs to Stratford. We have an option to pump up to a manhole on Long Hill Avenue. The Views of Long Hill is operating on a pump up system. If we are not able to hook into the system that runs to Stratford we will do the same thing that Views of Long Hill does, stated James Swift. There is an erosion control plan but there is no danger of erosion on this plan.

David Sullivan, Senior Transportation Engineer and Professional Engineer registered with the State, with Barkham & Ness, addressed the Commission. I would like to walk you through the traffic study and findings. The traffic study was to evaluate the 168 units. The scope was to look at the conditions and then look at the development with traffic generated. We look at site access and geometry features of the driveway being proposed. We then develop traffic scenarios and make a series of analysis to determine impact.
We then make recommendations regarding safety and operations, stated David Sullivan.

With regard to existing conditions we assemble facts from the Police Department. Along the site frontage there was one accident in 3 years. We did actual counts with a hose across the road. This gives us counts and speed limits. That is important when we talk about site lines, stated David Sullivan.

We also made a manual turning counts. We made them at Route 110 and Long Hill Cross Roads. This is done in the morning peak hours and afternoon peak hours with the greatest activity-taking place at this time.

We use a number of sources to get the traffic volumes for developments. We look at the Institute of Transportation Engineers that has a statistical database for Elderly Housing. They had several categories. We look at the Senior Housing Association. We have a number of counts that we did ourselves from facilities similar to this, some more active that are age restricted, stated David Sullivan.

We looked at that information and found somewhere between 2/10 and 4/10 of a trip per unit. What we did we took the higher number 4 per unit applying that then to the unit count of 168 which resulted in about 70 per morning and 70 per afternoon peak time. In the morning it will be 2/3 of that traffic leaving the site and in the afternoon it will be the 2/3 coming back to the site, stated David Sullivan.

We did compare that with existing roads. We did counts of Wesley Heights Road and Asbury Ridge Road. We wanted to see what the generation would be at the elderly components that were there. The counts included Crosby Commons and one of the driveways to the health care. We didn’t figure those into our counts. We applied those trips to the housing units that increase the statistics of those units. We feel comfortable with the conservative numbers at Crosby Commons and the driveway.

With regard to the access drive our main concern is the visibility and site line. The posted speed limit requires a site line of 208 feet. The road is posted at 25m.p.h. When we did our traffic count we found the speeds to be higher then that, stated David Sullivan. Northbound direction the 85% speed was 43 m.p.h. Southbound was 44 m.p.h. 85% means that there is 15% that goes faster but 85% of the traffic was traveling at that speed or less. That is typically the speed you want to achieve.

Looking to the Northbound the site line is fine but to the South there are trees within the road right of way. It creates a picket fence effect. We might have to take one or two of those trees and relocate them, stated David Sullivan. We can achieve the required site line with the current traffic conditions.

We took our road information and put data in for a few years before this information and we add in any other developments traffic that might not have been brought to fruition and that creates our background condition. We add the site traffic and that becomes our combined. We do analysis and determine the level of services. We found that there is at the intersections the levels of services at the stop signs will have a longer wait at Route 110. There are delays exiting onto Route 110 especially at peak hours. This makes the criteria and the State will have the opportunity to review this. That process follows this one, stated David Sullivan.

At the site driveway we expect very good levels of service. Level of Service is A at the driveway and B is exiting the driveway. A stop sign or bar will be maintained at this driveway access. Secondly a site line should be evaluated and the necessary improvements done to meet the site line requirements, stated David Sullivan.

Stanley Gniazdowski, he is a certified appraiser and a real estate counselor, with Realty Concepts Inc., addressed the Commission. Attorney Wolfe presented copies of Mr. Gniazdowski’s report to each of the Commissioners. I am a certified appraiser, I am a member of certified commercial investment institute, and I am an instructor in the program. There are 69 teachers and I am a counselor in Real Estate. I provide consulting and advisory work. I am an adjunct Professor in New York and teach courses in Real Estate. I have been in the business for about 30 years. The applicant contacted me to prepare for him an impact analysis on this project.

End of Side 1A of 2B, Tape 1 of 2 at 7:50 P.M.

We wanted to determine what burden, if any, this project would place on the City of Shelton, stated Stanley Gniazdowski. There are definitions in the report talking about market values so please take a look at the worksheet dealing with infrastructure.

This is not an assisted living complex, this is an adult community. The definition explains that this is consisting of individual homes either freestanding or attached. The Community is geared toward empty nesters who no longer desire or need to be living in the large single-family homes. These Community’s usually provide recreational facilities and some don’t. This targets the market of 55 years of age or older.

I have looked at the P & Z Regulations, looked at pertinent Town Records, I have studied the site plan and the proposed plans for the project, I have visited the site and looked at the town of Shelton’s budget in regard to the expenses on this subject property stated Stanley Gniazdowski. This is not an appraisal report this is a consultant’s report. This doesn’t come under use patterns. We are dealing with a value range and we are dealing the site-specific property, he added.
We described the site and we got into the impacts. We looked at the 168 proposed units with regard to services and taxes that will be required. We use a conservative value range for the subject property and proposed units. Use price range to the applicant was $250,000.00-$275,000.00, stated Stanley Gniazdowski. The average price for analysis purposes was $250,000.00 which means that this would result in a 42 million dollar project.

We then look at what the current zoning allows. The current zoning allows single-family residential houses. The median price is $285,000.00. That is the target because of the demand. (The audience voices their concern with that statement and the Chairman asks that the audience let him get through his presentation) 50% of the houses sell above that and 50% of the houses sell below that. That is for the Town of Shelton.

I looked at single-family houses and I got $300,000.00 for the cost of new construction. The subject property could support 20 new single-family homes. I compared the benefits and the burden to the town with regard to the 20 new single-family homes and 168 units proposed. The subject property will be age restricted.

In the back of the report there are services listed for a range to be understood. 18% of the population in the current year is 18-34 years of age. 55+ is 15%. 65+ is 9% and 75+ is 5%. There is a large target market here. Not everyone will want to live here but certainly there are people who will want to get rid of the burden of their single family home.

There are third party publications that indicate that this type of complex serves a 7-mile area. Why do we say 7 miles? People who divest themselves of their homes want to stay close to their families, their churches, their medical services and again mainly because of families, stated Stanley Gniazdowski. This will have an attraction to people already living here.

The next thing I looked at was the assessment in taxes. I think you know that there has been a surge of condos. There is still a demand for this type of project in the town. The Town of Shelton assesses at 70% and they use the current mill rate.

One of things that I looked at was school age children. This Community will have no school age children versus the single family development with 20 homes there is a probability that all or some or most of the houses will have school age children, stated Stanley Gniazdowski. We don’t know what we don’t know. I looked at the cost of the education in 2001-2002 which was $8600. per child to educate.

The R-1 would allow 20 4-bedroom homes of 2500 sq. ft. and I used the $300,000.00 price for that house. The one thing that this project will produce is the taxes on personal property such as cars. What I did was use 1.5 cars per units on the proposed project and I used 2 cars in the single-family homes. Single-family homes have more cars then common interest communities.

Additional services, I looked at the budget. I looked at the Police Services, I looked at emergency services such as fire and ambulance, and I looked at the road maintenance. With a community such as the one being proposed there is no road maintenance. There is no lighting expense or maintenance of those grounds. However, if it was a single family development the City will be responsible for maintaining those roads that include plowing them, and lighting them on a perpetual basis, stated Stanley Gniazdowski.

One thing I discovered about Shelton is that it will cost about $200 a year to hook into the Stratford Sewer System. The average use charge is $120 but the town through its taxes subsidizes a single-family unit at about $80 per unit per year. I looked at those components and did the analysis I took the 168 units at $250,000.00 with a cost of 42 million dollars assessed at 70% would be about 29 million at the mill rate of 20.89 that would generate tax revenue $614,000.00 a year.

I then took the 168 units times the 1.5 cars per unit that would be 252 autos at the community interest community with an estimated value of $10,000.00 with an estimated value of $2.5 million dollars and assessed value of $1.7 million dollars. At the current mill rate it would generate approximately $36,850 a year. Total revenue from the project would be $651,000.00 anticipated.

Municipal expense – school children there is none. So there would be no expense on that. (The audience makes comments again and the Chairman asks to have courtesy to the applicant)

I then added the cost of ½ the cost of one Police Officer to the complex which is about $73,000.00. Fire and miscellaneous services of about $11,000. a year. Sewers times 168 units at $80.00 which is $13,000.00. How I came up with price is that I took a per capita price by combining all those service and your budget by population, stated Stanley Gniazdowski.

I looked at the 20 single-family units and took the price of $300,000.00 that gives $6 million in revenue. 70% assessment is $4.2 million dollars that would generate $87,738.00. I looked at personal property taxes, 20 units times 2 cars making 40 units at $10,000.00 makes $400,000.00 in estimated market value at 70% was $280,000.00 assessed value with the current mill rate would generate $5,849.00 in taxes. Gross revenue was $93, 587.00.
I then took 1.5 school children per unit times the 20 units that gives you 30 school age children. Times the cost of $8600.00 per year for a cost of $260,000.00. I took no additional expense for Police, no additional expense for miscellaneous expenses, and I added the sewer use charge which was about (20 units times 80) $1600.00. The tax burden to the town was $261,000.00 which met there would be a revenue lost of $168,000.00 for the 20 single family homes built on the property, stated Stanley Gniadzowski.

One of the things that was addressed in the report was the buffering. The existing residential areas in particular uniquely buffer this property. There is a buffer from the North to the older complex. The complex is more contemporary and will have no negative effect on residential property values. The benefits of the complex is that it is a common interest community meaning there will be one place for management to control the complex. When there is single-family homes there sometimes we don’t have that same control.

My conclusions are that the proposed 168-unit age restricted complex will not negatively impact the residential real estate values in the immediate area. In fact the proposed development will have a positive impact on the local residential real estate values by being more compatible. This will have a positive fiscal impact on the City of Shelton. The proposed project will increase the tax revenue through the increase of real property tax with little demand on town services in particular the school system. A zone change to allow R1 is consistent with the character of property values in the area and consistent with the town plan of development, stated Stanley Gniadzowski. The proposal will fill a void and add residential ownership options to the City of Shelton.

James Swift, addressed the Commission and walked through the architectural plans. First of all of the outside of the units which is the first thing that the Commission will be interested in. This particular view was taken looking into the site and shows you what will you see coming into the site. (James Swift is showing off drawings on the easel)

You will see the 2-story buildings with peaked roofs. There will be glass between the units. They are set-up as flats. The units will have balcony access to outside with an atrium in the center. That will be the access to the upper units. This is attractive and includes natural materials. We will be working on the materials more specifically with the staff, stated James Swift.

This is the ground floor where the 2 bedroom units will be. You come into the glass atrium into an area that provides for storage, electrical and mechanical. There is a separate entrance from that door into the unit. There will be a sitting area, a living room, small powder room in the front and then 2 bedrooms with a shared bath in this area.

These plans show the 2 bedrooms like I described and the one on left would be the single unit. This has a generous dining area, kitchen, living room and powder room. Each unit has the bedroom to the rear of the site.

This is elderly housing and access to the 2-stories was a concern. We do of course have a stairway to the second floor that will have a chair lift to the second floor set-up, also. If the people need assistance to the second floor it will be there, stated James Swift.

Attorney Wolfe addressed the Commission. Let me just state what the floor plans do not show. Unlike perhaps some condos that you have seen. There are no rooms that could be used as a loft, as a dining room, or a den or a site of another bedroom. That cannot happen here. In summary, it is a one or two bedroom complex. The proposal contemplates a very well designed and landscaped senior citizen housing. Deed covers will restrict this. It has adequate utilities and access to sewers. From Mr. Sullivan there is no traffic problems in the area. There will be perennial Open Space to the City of 15. 2 acres. There will be a buffer zone to the Southerly side of the property ranging from 90 feet in width to 210 in width. Measuring from the property line to the houses in the Stowe Drive area. This will have a positive impact to the neighborhood. The Views of Long Hill that is similar. This will fill a void. You heard the testimony of demand and the Views of Long Hill have a waiting list. The development will have a positive revenue impact to the City of Shelton. It will not hurt the school system. These applications if approved will set priorities and will have reduced prices to the employees of Shelton. For all of these reasons this development will be an asset to the neighborhood, the City and we ask your favorable consideration, stated Attorney Wolfe.

There are no elevators for the second floor, questioned Chairman Cribbins? Hersch Sosnoff answered that there is an atrium that has a staircase that can accommodate a wheelchair and a person with packages. It will be a telephone booth size that could accommodate an elevator. Professional carriers will move the furniture.

What are the floor sizes of the apartments, asked Chairman Cribbins? The one bedroom is 836 sq. ft. The second bedroom 914 sq. ft., stated the Architect. Could you add the total of parking spaces, questioned Chairman Cribbins? I added them up. We will have a minimum of 280 spaces. That is one space per bedroom. On the conceptual plans you will need 370 and there is 15 spaces at the Community area, stated James Swift. How will the refuse be taken care, questioned the Chairman? The Views are serviced by the City once a week and a private contractor once a week. It will be similar to that, stated James Swift. Could you talk about the entrance, is there a median there, questioned the Chairman? The entrance way is 24 feet wide pavement area that is set by the Fire Department. There are trees along side, stated James Swift.

P & Z COMMISSION  MAY 25, 2004
We will take a short recess and when I last looked there are 25 people signed up to speak. So if it takes 10 or 20 minutes each that will tell you how long we will be here, stated the Chairman.

The Secretary relied on her notes for the first two speakers. The tape was not turned on.

Geraldine DeLibero, 432 Asbury Ridge Road, addressed the Commission. She was concerned with the traffic and the many cars that come from Route 110 to get on Route 8. She sees a great deal of traffic already on Long Hill Avenue that are not going at the posted speed limit.

William Hoffman, 68 Laurelwood Drive, addressed the Commission. Three decades ago he bought his property and Louis Bacchiocchi told him that this would never be anything but farm land because it was zoned R1. The City of Shelton made that commitment and now they want to change that. I would rather have the 20 families with children then to have 168 units.

The tape is now running.

Paul Kollet, 35 Cold Spring Circle, addressed the Commission. Since early March, I have been walking the neighborhood and he listed the streets he visited. I would like to present to the Commission a petition of 110 people opposed to this zone change. He read the petition into the record.

He stated that it should be noted that even though the developer quoted 250 cars the 2 bedroom units with full volume would have 2 cars per unit and the 1 bedroom units each have full capacity at 1 car per unit that would be a total of 280 cars. This development will be for 55 and over, I am almost that age and I have two cars, stated Paul Kollet.

In the event of a gas leak, we have already had 2, how would you evacuate these cars? 252 cars with 10 feet for each car equals ½ mile of cars in procession. The Views of Long Hill would have to evacuated.

I stress there is a safety issue involved here, stated Paul Kollet. This is R1 and part of the farm has been built on already. They didn’t think that there would be houses North of theirs.

John Baker, 37 Stowe Drive, addressed the Commission. I am the owner of a piece of property that is at the southern boundary of this project, on Stowe drive. I am opposed to this proposal. With all these people being here in opposition of this proposal, does it really make any difference, to the board?

Secondly, if this is to be completed, I will suffer financial loss because the value of my house will depreciate. Consequently, with the high price help here maybe they can give me an answer, When I engage the services of an attorney, or me and my neighbors, what would the best approach be to regain some of the financial loss suffered, legal costs of me and my neighbors, what about punitive damages, could I get some there, too, along with my neighbors, questioned John Baker?

I really am more interested in the influence that the public or the people who live will have on this Board or the City of Shelton, which this Board is a part of, stated John Baker.

I would say that yes we take every input into consideration in our deliberations, stated Chairman Cribbins. We take every input and we do the best job that we can. We make over 100 decisions a month here on this Board. So far, I think we have done a creditable job, he added.

Kenneth Main, 351 Long Hill Avenue, addressed the Commission. I am opposed to this change. I am not against elderly housing but I don’t think this is necessary. I am getting closer to that age. I want to ditto everything that was said about traffic and values of our homes.

Susan Attard Kollet, 35 Cold Spring Circle, addressed the Commission. She read into the record and presented to the Chairman a letter regarding her feelings on this project. She read her concerns which included her opposition to the project, leaving this parcel as Open Space, traffic, adult Community, City services including the Crossing Guard at Long Hill School, children, and she would rather take her chance with 20 R1 single family homes then with 168 units.

Irving Steiner, 23 Partridge Lane, co-founder WER1, addressed the Commission. I don’t believe that the petition that was presented earlier this evening, I will say that it will not carry much weight with this Planning & Zoning Commission. We have a petition with 2,200 and I doubt that we will be successful. If we are successful a project of this that would be surrounded by R1 property and approved this application it would not fly. We sit here and watch your judgment with regard to both applications. Thank you.

Richard Patterson, 31 Daybreak Lane, President and Co-Founder of WER1, addressed the Commission. I would like to start out that it ceases to amaze me that every applicant is making the City more money. They are not costing us money and it is always in accordance with the Master Plan. I don’t know how this could be in accordance with the Master Plan when this is zoned R1. Somehow, it comes out that way.

20 homes here, I could tell you as a realtor with 2 offices in the area, 37 agents working with me, you built 20 homes here they will not be $300,000.00 they will be $600,000.00+. Anyone can play with the numbers and statistics, but that is the reality, stated Richard Patterson. I work this market everyday.
The traffic. We have all driven up and down Long Hill Avenue it is a traffic hazard as it stands now with the hilly windy roads. We will take traffic for 20 houses that is 40 cars at 4 trips per house. That is 80 trips instead of 168 x’s 4. With the traffic study you are looking at speeds of 45 m.p.h. This is just down the street of a school that the speed should be 25 m.p.h. This is a death wish for our children, crossing the street.

End of Side 1B of 2B, Tape 1 of 2 at 8:50 P.M.

As my Co-Founder Irving Steiner mentioned we submitted a petition of 2,200 voting citizens in the City who are opposed to the zone changes in the R1 zones, stated Richard Patterson.

Thomas Harbinson, 15 Soundcrest Drive, addressed the Commission. He read prepared notes, read from Zoning Regulations and showed maps with regard to Open Space. He ask that you deny this application for the R1 land to be designated an SDA until your plan of development could be updated or this area be given a special study. It is time to be compliant to planning. I didn’t hear that any of the neighbors were notified by certified mailing and when driving by the property I didn’t see any posting of this meeting.

John Anglace, 676 Long Hill Avenue, Aldermen, addressed the Commission. As President of the Board of Aldermen my first comment to you is that the City is serious about this property. We designated Tom Harbinson to research and look into recreational and Open Space opportunities for that piece. As you saw from the maps he showed you there is a corridor and it will be retained.

First the applicant held an informational neighborhood meeting on this proposal. While such a meeting is not required and not binding, it was well attended, helpful, appreciated and informative, stated John Anglace. It was stated at that meeting, as it is at each one of these informal presentations, that it is not binding and people must make their comments here to be on the public record, he added. It gives people a chance to see the maps, study the maps and ask questions informally. I think that it should continue. This is the second one we have done and the Aldermen in the Third Ward have done one as well.

During the days prior to this hearing, I was informed of issues that bear mention. The first one is that your regulations require that notice be given to the Condo. Association, if there is one within 200 feet. In this case the Views of Long Hill are effected. The notice was given to the Association but as I understand the individual unit owners were not made aware of tonight’s public hearing, unless the homeowner read it in the newspaper they were not notified. They live within the 200 feet, that is wrong and that should be changed, stated John Anglace. The regulations should require that notice should be given to all property owners rather it is a condominium association or a private home, he added. They should be notified and the 200 should be extended to 500 feet. Lets level the playing field. That is easy for you to do, it is no work for you to do the applicant does it, why not do it, questioned John Anglace?

As I listened to the presentation, I would like to make some comments, there is no need for an answer right away, maybe you could get some answers. Emergency vehicle access as I understand it the emergency vehicle access is proposed to go through the Open Space that will be conveyed to the City on through to Stowe Drive. The process as I understand it is for the Board of Aldermen to accept that Open Space. I can tell you right now that is not an acceptable solution, as far as I am concerned.

The brook. The pond that is on the property is spring feed, as I understand it. If you are going to allow the run off into the pond. Do you know what is going to happen to the brook all the way down to the Housatonic, questioned John Anglace? It will over flow its bank. It will change its course when you get heavy rains. It will take out bridges. I think that is a consideration. It might be Inland Wetlands, I am not sure if that is under your jurisdiction, but that is a consideration.

Traffic. In my view is defined not only by the number of vehicles but the size of the road they have to travel on. You cannot park a car on Long Hill Avenue, everyone knows that. We are going to take all the cars on Long Hill Avenue and then you do the 25 m.p.h. it will take you days to get from Long Hill Avenue to the destination.

I didn’t hear if sidewalks were proposed for this area. Think about it, this is an elderly proposal with no sidewalks. I mean come on, stated John Anglace.

Tom Harbinson mentioned impact fees. That is one thing that I looked into. If the State had enabling legislation to allow us to charge an impact fee, there would an ordinance in and that would be happening tomorrow. The State doesn’t allow a municipality to charge an impact fee so we can’t do it. Let me tell you, though, I have got Representative Larry Miller working on this. He informed me that there was a bill in this session so we are getting closer and closer. It was put in the legislation and we are getting closer. I have drafted the ordinance and it is ready to go.

This project is called Riverview Farms. Essential what it is, it is the expansion of a nonconforming use in the heart of an R1 District. There is already a significant portion of R1 land being used for other then R1 purposes, stated John Anglace. There is no compelling need other then profit for additional senior units, as this application suggest. To grant it would be a mistake, he added. The road and infrastructure were designed for R1 use. High density suggest more traffic. Elderly units suggest more EMS calls. More emergency traffic using the under designed roads.
Regis Dognan, 342 Long Hill Avenue, addressed the Commission.

David Zamba, 16 Soundview Avenue, addressed the Commission.

That is the end of our list and if there is anyone else wanting to speak you need to sign this list, stated prejudice. Get rid of the PDD regulation for the good of the City of Shelton. The final responsibility lies with this Commission who created this PDD regulation. It is time that years every month. I have presented to this Board many solutions. I am concerned with all zones in the State. I think that there is enough said of people who don’t believe this. They don’t fit and they are only a pie in the sky. I have opposed these PDD regulations and I have appeared at these meetings for the last two years. I have presented to this Board many solutions. I am concerned with all zones in the City. The final responsibility lies with this Commission who created this PDD regulation. It is time that this Commission start doing it is duties to take corrective action starting with saying no without profiling or prejudice. Get rid of the PDD regulation for the good of the City of Shelton.

That is the end of our list and if there is anyone else wanting to speak you need to sign this list, stated Chairman Cribbins.

David Zamba, 16 Soundview Avenue, addressed the Commission. I am Co-Chairman of the Open Space Committee and a member of the Parks & Recreation Comm. I speak on behalf of those two groups tonight when I say we oppose the zone change. We further oppose any development on this property and we urge that the City follow through to preserve this as City owned Open Space. Thank you.

Matt O’Rourke, 38 Stowe Drive, addressed the Commission. I wasn’t going to speak tonight but after listening to Herschel’s hired help here sugar coat everything by telling you how great this will be for the City. I wanted to point out some discrepancies in some of the professional information that was supplied. On the notes to how much money this would bring to the City, they said there were houses that would sell for $300,000.00, 2500 sq. ft. homes. My property abuts to the South of that and if you can find 10 of them for $300,000.00 6 months ago my house appraisal for $575,000, 2500 sq. ft. It is really should be pretty easy.

Secondly, the figures for sewers. All the houses are on one acre over there and no one is hooked up to the sewers. You don’t need sewers to be on one acre, stated Matt O’Rourke. Septics work fine on acres. When you over burden the property that is when you over burden the City sewers.

The 55, senior citizens, no children. I am 45, with a 5 year old at home, I have a 15-year-old daughter. 10 years from now I will be 55. If I want to buy them what am I going to do with my 15-year-old son, questioned Matt O’Rourke? They presented everything to you in the way that they want you to think it will be. I hope you can look at it and see reality.

Paul Augustine, 8 Lynne Terrace, addressed the Commission. I have some questions with regard to the presentation. The traffic specialist didn’t address the two schools in this district. The Real Estate person stated that we would save money by the additional property taxes that would be realized. Then in another comment he said the people would come from a 7-mile area. That means they are Shelton taxpayers now. We heard a lot of number crunching and a lot of emotional appeals from people who don’t want this, one thing has to be remembered that is the beauty of Long Hill Avenue will never be the same as it is today. If these are approved it will be the beginning of destroying Long Hill Avenue. Thank you.

Regis Dognan, 342 Long Hill Avenue, addressed the Commission. I am opposed to this for a number of reasons. First I am a resident who lives at the corner of Long Hill Avenue and Constitution Boulevard. That is very busy, with a light and today the line goes out 10-15 cars. People are waiting to turn to get onto Route 8. It is very narrow there. There is only 23 feet and that is not up to the standards that you require for a subdivision of 30 feet.
As far as parking, don’t think about it. I wait minutes to get across to my mailbox without being killed. Of course you know that Max Dursschmidt did get killed on the road 2 years ago. Again that was the issue of traffic, speed and narrowness of the road. It is hilly with the sun in your eyes. Those are all reasons to not increase traffic.

Second reason, I am on the Open Space Committee and you have heard David Zamba tell you that we want to make that the City’s property. We have important plans for that.

Third, I am on the Sewer Commission. A couple of weeks we presented to you that we have capacity to the tune of 500,000 gallons per day. That is true but it is dwindling. We have projects including this that are on the books that will decrease that. We will never make it to 2007 if all those things were accepted.

Another thing that you should realize is that we are in a position not as a land use board, we can’t say that is an incorrect use of the land, that is your position but we do have to see about the sewers, stated Regis Dognan. We are typically put in the position to say yes because we can’t say that this will put us over the top shutting down the plant. You will shorten the live of the plant so instead of having a 20 year plant, we now have a 19 year plant, an 18 year plant and so on, he added. We can’t throttle back development, you can but we can’t.

We can only watch as the infrastructure we put in place, we are at 2.75 million a day to 4.0 million a day. That construction won’t start to 2005 ending in 2007 giving us substantial additional capacity. The DEP and State won’t accept the plant for less then 20 years.

If you start talking R1 for 14 -20 houses at most, then it is 168 units all with bathroom, toilets, showers, etc. that is a lot of gallons. Yes we can do it. It will shorten significantly the live of the plant. We won’t have a 20-year solution when we put our plant on line in 2007, stated Regis Dognan. We will maybe have 13-14 years, that is the reality. If you tell me that this is going to Stratford and the day will come, if it is not already here, that Stratford will refuse the connection of homes into their system. They have problems with what we send their way and they have the benefit. There may be a day that we have to build a force main from South Shelton. The capacity looks like it will go to Stratford but we know someday we will have to accept responsibility for that. That will require additional investment on Shelton’s part.

Those are my reasons and I am totally opposed to this, stated Regis Dognan.

Sandy LaRue, 36 Lynne Terrace, addressed the Commission. My husband and I bought a house in Shelton so that we could give our children the same kind of upbringing that he had. Right now my understanding is that when I drive down Long Hill it is a very busy street. I see the elementary kids having soccer practice in front of the school. That is a hazard.

In addition with the subdivision with the rest of the land at Tall Farm we were originally talking about 11 additional houses. My understanding is that the man who wanted to deed the land back to the City would not have additional houses be built there.

A comment was made that a cost reduction in the price of the units would be given to City employees, stated Sandy LaRue. To me that sounds, rather I heard it wrong, as a bribe. Take that into consideration. We all deserve to have the best kind of life we can in Shelton. We can have the type of town that Shelton has always been.

By changing this to an R1 status you deteriorate our home values and the quality of life that our schools can handle, rather or not the volunteer fire department can handle more people, the additional calls to the EMS service, can they get there on time, do you have the personnel to do that, and so those issues all need to be considered, stated Sandy LaRue.

The comment about the employee of City Shelton cost reduction was that made at the informal presentation, questioned Chairman Cribbins? Yes, said people from the audience. There and at this hearing, they answered from the audience.

Tom LaTulipe, 91 Toas Street, addressed the Commission. I don’t live on Long Hill Avenue but I travel that road. I must agree with the people here that it is very bad up there. The speed limit is 25 and try to go 25 m.p.h. I have cars passing me. There are schools up there and they don’t need any additional traffic. The City’s position to acquire the land I think is terrific. I think there are to many deviations of doing away with the R1 areas. I would like to compliment the Board on being attentive and bringing out the fact that the transfer station is also overloaded. They didn’t how they would get rid of their debris at that complex. That shows that this Board is paying attention so that when the developers don’t submit everything they should be submitting to this Board they know that. Information that is to be submitted, I question. I ask that you support the people who took their time to come speak to you and they are not getting paid to be here. They come here because they are concerned about Shelton.

Attorney Wolfe was given the opportunity to address the concerns mentioned by the audience. Could you address the posting and notices, asked Chairman Cribbins? I realize this is an emotional thing. People say things that are remotely connected. This is the Zoning Commission. Your job is to deal with the zoning issues.
Attorney Wolfe presented a picture of a tree on the property with the sign attached. He presented the receipts for the mailings, also.

With respect to the matter of children. The Views of Long Hill have been there for 20 years and generated one child of school age. Traffic I would ask you to please look at the report. It answers every objection brought up this evening, stated Attorney Wolfe. With respect to consistency to the neighborhood. It is consistent with everything on the North Side. (The Views of Long Hill and the Methodist Home)

The age-restricted house speaks itself. The Open Space at 15 acres — I can’t see anything wrong with that, stated Attorney Wolfe.

Chairman Cribbins asked can you comment about sidewalks? Mr. Swift stated that there will be sidewalks on the west side of Long Hill Avenue and there will be sidewalks in the interior of the project. We can provide sidewalks out to Long Hill if the Commission so warrants.

We have heard rebuttal, we have heard the applicant, and we have gone on with this hearing now, I would like to bring this hearing to a close. On the notifications of the people in the Views of Long Hill, I have the postings registered letters sent to the neighbors in a particular area, what I will ask Staff to do is look at these so they meet Statues and regulations so the people in the area that should have been notified were notified, stated Chairman Cribbins. Then what I am going to do is instead of closing the hearing, I will ask that we have a motion to leave this hearing opened, we will suspend this hearing until further date to get the opinions on the notifications. We will ask for technical and engineering information and I think that is fair. That will allow the people at the Views to make further comments, he added.

**End of Side 2A of 2B, Tape 2 of 2 at 9:35 P.M.**

Attorney Wolfe questioned if the hearing was to be left opened we would have the opportunity to rebut. This procedure is a little out of the ordinary. June 8th stated Chairman Cribbins.

On a motion made by William Papale seconded by Patrick Lapera it was unanimously voted to recess the hearing until June 8th on Applications # 04-05 and 04-06.

**APPLICATION # 04-17 TOLL BROTHERS, INC. FOR SUBDIVISION APPROVAL (37 LOTS – THE VISTAS AT WHITE HILLS) EAST VILLAGE ROAD/WABUDA PLACE AND SACHEM DRIVE (MAP 152, 158, 159, LOTS 52, 10, 15, 16, 7) R-1 DISTRICT-DISCUSSION ONLY**

This is unusual and typically what would happen on a development like this because it meets all the criteria to develop this as a matter of right. R1 homes in R1 District on acre lots, all they need to do is come before us and ask, stated Chairman Cribbins. Since there was so much discussion and we wanted to give the residents an opportunity to speak about this. We asked Attorney Thomas to come give us a small presentation. The Board of Aldermen have been interested in this. We need to come together in this process as a City, stated Chairman Cribbins.

Attorney Dominick Thomas, representing Toll Brothers, addressed the Commission. Despite the fact that this is not a public hearing I did notice the people within the same way it is done in the subdivision applications. I sent 23 and all but 4 are back, stated Attorney Thomas.

This is the Wabuda Farm in White Hills. This is an R1 subdivision. We are keeping are affluent on site. We are complying with everything. We are at the end of a dead end. The site has public water and we looked into sewers across Maple through Leavenworth but the sewers can’t be extended. We took a lot of time on the site. The City has 3 sites they are discussing including our site. This site is adjacent to French’s Farm, Land Trust property, and if you look a the aerial photo the Open Space goes all the way down to Indian Wells. It is passable. Our original proposal has a wide ban of Open Space.

We began early on going on site walks with Conservation. As a result of those meetings and our application in wetlands, that has been approved, this is the result of Open Space. This is a larger area of Open Space. You will have a letter from Conservation regarding this Open Space.

This is the benefit of no public hearing that the discussion can still go on. We will extend farm walls that are boundaries. We will utilized stonewalls to create barriers. We have tried to resolved some issues.

We have tried to inform the public Thanks to Aldermen Finn and Aldermen Minotti. We have spent our time in wetlands to address drainage issues. The pond has traveled more than a traveling salesmen but it has found its home in back of Lot 14.

The school issues are not an issue. At a meeting one time there was an Politician who said there street didn’t have a lot of school age children. Well what happened was families had kids they grew up and moved away. Then the sold there houses to families with small children and the neighborhood was the same as it had been. That is how schools get kids, stated Attorney Thomas.

Even though one was not required we have done a traffic study. There are some unique features.
There are 37 lots. The traffic study did an analysis of the speed. The 85% percentile is 45. That is an issue, stated Attorney Thomas.

We will get into a discussion with regard to Sachem Road coming out. There is better site line. There is talk about bringing this out at Wabuda Place. We will give a 50-foot right of way. The City has talked about Eminent Domain. If they do that the end of the road will go through. This is the proposal because the Wabuda’s will retain the farm.

We are R1 with the affluent on site. There is a letter that Attorney Thomas read into the record.

James Swift, Landscape Architect, Professional Engineer, addressed the Commission. East Village is down this way and this is the intersection that takes the hard turn. Maple is here out to Leavenworth Road. This is French’s Farm here. The Land Trust is here and adjacent this way. Village Drive is here, Sachem and Sagamore are isolated by not having a second outlet out to East Village Dr. The plan they choose puts a large chunk of Open Space here. We agreed to give Conservation a big strip to connect to the Open Space. The minimum Open Space required is 8.1 and we are granting 10.34. When you take out slopes we owe 6.7 and we are giving 8.1. We have really given up a lot, stated James Swift.

Valley Health has approved the lots. The City Engineer has sent a letter to Wetlands. Land Trust is concerned with the brook and flows into it. There has been a memo written about that. We have had many discussions including moving the pond.

Street coming out to Maple Avenue. The Wabuda’s are reserving this. There is a temporary cul-de-sac at this location. The remaining land of Wabuda or this property here who ever develops first the road will come right through.

Aldermen John Finn, 17 Princess Wenonah Drive, addressed the Commission. We did have an informal hearing at the club. There is a small strip of green area here between French’s Farm and Sachem. That portion of space is impassable. There was one letter from someone on Village Drive that the Fire Department would have quicker access to White Hills. He also pointed out that the intersection would be dangerous. The intersection at Vista Drive will be dangerous, too.

The residents pointed out the homes and the bedrooms will be a concerned with the children for the neighborhood. Elizabeth Shelton is well stressed. We have 47 new homes being development.

This has come before the Aldermen and this is one of three parcels that the City wants. We would like to see this stay as Open Space. The greenway will take you to Indian Wells, down to the Land Trust Property, Wabuda Farm, French’s Farm and East Village Park. Then there is Bridgeport Hydraulic then back over to Jones Tree Farm. This will be a full greenway.

The speed limit is a concern with tickets being handed out all the time. I don’t believe that there was one person in the room that was in favor of this proposal. As a City Official I am concerned with the retention pond. How does the City get back in there to service that? I am very concerned about the traffic, the schools, the open space, the drainage and when I counted 10 kids getting off a school bus this afternoon I wondered how many will be getting off at this spot here.

I support the City in their quest to keep this as Open Space, stated Aldermen Finn.

David Zamba, 16 Soundview Avenue, addressed the Commission. I would like to reiterate that the Parks & Recreation Comm. & the Open Space Committee would both like to see the City purchase this as Open Space. To point out a few other things, the Conservation & Open Space are advisory. We have no teeth we can only make recommendations. So if they see the Conservation Committee endorses this they really don’t. We try to preserve the Open Space. We have to swallow these proposals. The generous Open Space at the top of the property contains 2 high wire tension lines, stated David Zamba. No one will buy a $700,000.00 house under one of those. As far as the corridor, it is far to narrow, the property owners will use it as a dumping area. The Attorney stated that this land is only passable if you are a goat. I think the residents that purchased that with hard earned money would have a problem with some of those comments.

Harry Resnick, 13 Bona Vista Terrace, addressed the Commission. I am an adjoining landowner. I would like to say that this is an appropriate use of an R1 zone. The City does need to improve the roads and schools. I do own land under the high-tension wires. I think it is a valuable piece of property. I think you should consider this and approve it.

Linda Hooper, 61 East Village Road, addressed the Commission. I would like to see the City purchase this as Open Space. My concern tonight is the road proposal. I support the dead end road coming off East Village at 45. I support the whole road coming through at Wabuda. I don’t want to see the road as a continual road hooking up with Village Drive up by East Village. The site line is bad and I would like to preserve some of the Open Space boundaries next to French’s Farm, stated Linda Hooper.

If there is no one else thank you for your input. We will discuss this again when we get all the Commissioners back.
APPLICATION # 03-67, PETITION OF RICHARD PATTERSON ON BEHALF OF WE R1 TO AMEND THE ZONING REGULATIONS (SDA: SECTION 21.2 AND PDD: SECTION 34.8) (PUBLIC HEARING CLOSED ON 3/23/2004) – DISCUSSION AND ACTION

Richard Schultz stated Staff was directed to write an unfavorable draft solution on the above. He then read from that draft.

On a motion made by Patrick Lapera seconded by William Papale it was voted to deny Application # 03-67.

Chairman Cribbins stated that we looked at this as being restrictive because it touches on every zone and every area of the City. Article 7 of the resolution says lets take a look and then strictly look at R1 where it doesn’t touch other zones.

If you talked with the Commissioners that are not here, you would see that we all as a group are opposed to this, stated Chairman Cribbins. We will take what was suggested to us and look for something that is less restrictive.

Chairman Cribbins stated an I vote is denial. I stated Comm. Orazietti, Comm. Papale, Comm. Lapera (sitting in for Sylvester) and the Chairman I.

Walter Sofian questioned if we still had a quorum? Yes, we do, stated Chairman Cribbins.

APPLICATION # 04-08 GENO BLAKEMAN FOR SUBDIVISION APPROVAL (2 LOTS- CROSSROAD ESTATES) 8 BIRDSYE ROAD EXTENSION (MAP 125, LOT 36) R-1 DISTRICT – REQUEST FOR EXTENSION (APPLICANT REQUEST)

On a motion made by William Papale seconded by Daniel Orazietti it was unanimously voted to accept the letter of extension until June 9th, 2004 on Application # 04-08.

APPLICATION # 04-15, LUCIANO CAPPIELLO FOR SUBDIVISION APPROVAL (11 LOTS- CAPPIELLO ESTATES II) KNEEN STREET (MAP 105, LOT 138) R-4 DISTRICT-REQUEST FOR EXTENSION (APPLICANT REQUEST)

On a motion made by William Papale seconded by Daniel Orazietti it was unanimously voted to approve the 65-day extension on Application #04-15.

APPLICATION # 04-21, PHOENIX HOUSING OF SHELTON, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) MURPHY’S LANE (MAP 31, LOT 76) R-1 DISTRICT- ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by William Papale seconded by Daniel Orazietti it was unanimously voted to accept and schedule Application # 04-21 for a public hearing on June 22, 2004.

APPLICATION # 04-22, PHOENIX HOUSING OF SHELTON, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) LONG HILL AVENUE (MAP 21, LOT 46) ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by William Papale seconded by Patrick Lapera it was unanimously voted to accept and schedule Application # 04-22 for a Public Hearing on June 22, 2004.

WIACEK FARM ESTATES SUBDIVISION – REQUEST FOR 90-DAY EXTENSION TO RECORD MYLAR MAP

On a motion made by Patrick Lapera seconded by Daniel Orazietti it was unanimously voted to approve the request for a 90-day extension to record the Mylar map.

On a motion made by Patrick Lapera seconded by Daniel Orazietti it was unanimously voted to adjourn at 10:20 P.M.

Respectfully submitted by,

Diana Barry,
Secretary