

The Shelton Planning & Zoning Commission held a Special Meeting on June 22, 2004 at 7:00 P.M. in the Shelton City Hall Auditorium, 54 Hill Street, Shelton, CT.

Members present: Acting Chairman Alan Cribbins
 Comm. Patrick Lapera
 (sitting in for Joseph Pagliaro, Sr.)
 Comm. Daniel Oraziatti
 Comm. William Papale
 Comm. Anthony Pogoda
 Comm. Leon Sylvester
 Comm. Karen Tomko-McGovern
Staff present: Richard Schultz, Planning Administrator
 Anthony Panico, Planning Consultant
 Pat Garguillo, Court Stenographer
 Diana Barry, Secretary

Mayor Mark Lauretti was also in attendance.

Chairman Cribbins opened with the Pledge of Allegiance. He then asked everyone to remain standing and stated that this week we lost two public servants Francis Dyer and Joseph Pagliaro, Sr. Please join me in a moment of silence. As Joe would say there is a lot of work to be done, stated Chairman Cribbins.

Chairman Cribbins held up a poster concerning the Plan Update Advisory Committee meeting for June 24, 2004 to be held at the New Intermediate School. He then read information regarding the Public Hearings procedure.

PUBLIC HEARINGS

APPLICATION # 04-05 PETITION OF CHAPPAGUA CAPITAL CORP. FOR SDA OVERLAY ZONE, LONG HILL AVENUE (MAP 41, LOT 35) R-1 DISTRICT (CONTINUATION FROM 6/8/2004)

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 (CONTINUATION FROM 6/8/2004)

Chairman Cribbins stated that this hearing was continued because of the overflow of people in a small room at the bottom of the stairs on June 8. We told 2 people who wished to speak that night that they could come back tonight to speak. There are 2 additional correspondences which Comm. Oraziatti read from Mary Grant who lives on Sharon Court and one from Co-Chair's Conservation Commission Harriett Wilbur and Terry Jones. Chairman Cribbins asked if Liz O'Rourke and/or Cheryl Hoyer were here tonight, neither were in attendance.

There is a woman who spoke previously in the audience who asked if she could speak tonight. Chairman Cribbins explained that we held out for tonight for those 2 women to speak. If you have something you think is important you can submit it in writing, he added. I went to the P & Z office and I was told that I would be allowed to speak tonight, stated the women.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on Applications # 04-05 and 04-06.

APPLICATION # 04-19, PETITION OF SAL MATTO FOR ZONE CHANGE (IA-3 TO R-3) FANNY STREET (MAP 54, LOT 33)

Comm. Oraziatti read the call of the hearing and additional correspondence from the Regional Planning Committee in favor of this application.

Sal Matto, owner of the property, addressed the Commission. He presented the return receipts for the mailings. Chairman Cribbins read the attached letter. There was a map that was put on the easels for anyone in the audience to see. There is 25 feet of frontage on the River Road. I will leave the factory, eliminate the driveway and leave a buffer with a tree line, stated Sal Matto. If you make this industrial to residential, Mr. Matto, you aware that the resident's zone line will then place a burden on the remaining industrial site, stated Anthony Panico. There are some other criteria that you have to meet. There might be some nonconforming rights, he added.

Chairman Cribbins asked if there was anyone in the audience who wished to speak for or against this application, hearing none, he asked for a motion to close the hearing.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to close the Public Hearing on Application # 04-19.

APPLICATION # 04-26, CT COMMERCIAL INVESTORS FOR SPECIAL EXCEPTION APPROVAL (BANK DRIVE THRU-HIGH TRAFFIC GENERATOR) 819 BRIDGEPORT AVENUE (MAP 18, LOT 15) IA-2 DISTRICT AND

APPLICATION # 04-27, PETITION OF CT COMMERCIAL INVESTORS FOR MODIFICATION OF PDD # 2 (BUILDING EXPANSION) 707-711 BRIDGEPORT AVENUE (MAP 28, LOT 22)

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

Attorney Dominick Thomas, representing the applicant, addressed the Commission. He presented the mailing receipts and the notifications on the PDD.

These properties are 819, where Ruby Tuesday's is along with offices of CT Commercial Investors, Cibo's and Brueggels Bagels. Cibo's is going to move out to 705-7011 Bridgeport Avenue.

The reason for the application on 819 is that Newtown Savings Bank is ready to occupy the spot that Cibo's will be moving out of, stated Attorney Thomas. I have highlighted on the map the outline of the proposed bank in orange and in yellow is the drive-up and ATM canopy. Now you can notice by looking at the photos of the site, you can see that a canopy exists. There will be a road constructed in the back and it will require an extension of the retaining wall. There are computerized photos of what the sign will look like on the walls and front, side and monument sign.

If you look at the photos you will see the dumpster and the transformer pad. The dumpster will be moved down to the edge of the property with an enclosure. The pad will be in between the Bruggels Bagel and the Bank. The retaining wall be extended and there will be an escape lane, stated Attorney Thomas.

Those are the only changes except for the canopy. The awning will remain. There will be an ATM drive-thru and walk-up ATM inside. Newtown Savings Bank has received State Banking Commissions Approval.

Cibo's will move down to PDD #24, stated Attorney Thomas (Application # 04-27). The photos show you that the sign went out and this will show you where the new roadway will be constructed. There will be a 4 to 6 foot kiosk. It will have one employee and air tubes into Sikorsky Federal Credit Union.

There will be two additions on the Sikorsky Federal Credit Union on the side of the existing building. They will be 1625 sq.ft. They will mirror the existing building. The kiosk will be operated here where the truck is here and the drive-thru exits through an existing exit. The existing building will be mirrored and there will be 2 separate entrances. More than likely they will locate on the outside of the two new structures. This will be the same building material as it exists.

The parking on the site is extensive. The sq. ft. requirement is 166 and we have 181 spaces. The area by Sikorsky and Kinko's is used a lot but the spaces at Sears are not, stated Attorney Thomas. You have the expansion, the rear elevations, the side elevations and the materials in your package.

It is an existing PDD and we are not asking for any changes to the PDD # 24 that was approved. The PDD does permit a restaurant without a drive-thru and Cibo's is a restaurant without a drive-thru, that is the use to be moving in. The banking institution is also a permitted use. The kiosk is part of the banking facility.

Chairman Cribbins questioned the width of the driveway around the building? The width it will be constructed, the part where you enter is 14 feet, stated Attorney Thomas. Will there be buffers, asked Chairman Cribbins? This is 14 feet and this is 25 feet, added Attorney Thomas. If you look here, you can see clearer where the wall will be extended and this will remain. I am pretty sure it will.

Is the kiosk near Sikorsky, will you lose spaces, asked Chairman Cribbins? I would think you would lose existing spaces along the building here and probably lose spaces down there, stated Attorney Thomas. Is 181 net, asked Chairman Cribbins? That is what is provided under the revised PDD, answered Attorney Thomas. The parking is based on gross sq. footage, stated Anthony Panico. We will be right on or have access, stated Attorney Thomas. There is really no parking issue because of the abundance of parking over here. During the week there is more traffic over here at Kinko's and less by Sears with the opposite happening on the weekends. Sears will have more traffic and Kinko's won't, stated Attorney Thomas.

I have a site plan comment, the area of Kinko's entrance is in front of the addition and we need some maneuvering. If we do that we won't lose any spaces. This island here can be lifted up and that can be adjusted stated Anthony Panico. People can park in front of Sears, did you consider a pedestrian walkway with a stop sign, asked Comm. Lopera? Certainly that can be done, stated Attorney Thomas.

There will be separate entrances. What are the operations for Cibo's, asked Comm. Pogoda? Breakfast and lunch answered Attorney Thomas. It is my understanding that the use coming in they would have to request a Certificate of Zoning Compliance for the statement of use. You are not approving Cibo's tonight, stated Attorney Thomas. The exit won't change, asked Comm. Pogoda? That won't change stated Attorney Thomas.

Comm. Lopera where you looking for the statement of use for Sikorsky? The modification is the site plan by adding these 2 storefront units and the kiosk. The banking dept. has given approval for the kiosk, asked Comm. Lopera? I don't think Banking Approval is needed for the kiosk, stated Attorney Thomas.

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

Chairman Cribbins asked if there was anyone in the audience who wished to speak for or against this application and hearing none he asked for a motion to close the hearing.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on Applications # 04-26 and 04-27.

APPLICATION # 04-20 PETITION OF JOHN GUEDES ON BEHALF OF BIRMINGHAM DEVELOPMENT FOR EXTENSION OF CENTRAL BUSINESS DISTRICT OVERLAY, 5 BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22 23) IB-2 DISTRICT AND APPLICATION # 04-21 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) IB-1 DISTRICT

Comm. Oraziatti read the call of the hearing and there were no additional correspondence.

Attorney Raymond Rizzio, with offices at 1 Post Road, Fairfield, representing the applicant John Guedes, addressed the Commission. He presented the mailing receipts. We were before you a few months ago and there were some issues that needed to be clarified. What our client wants to do is to extend the Central Business District into the old corset factory. It was a beautiful building with some special architectural features. We look at the design intent and we look at the overlay. (The Attorney is talking to fast).

We will create a 110-condominium unit on site. The site will be serviced by 133 parking spaces. Parking spaces will be located across the street and less than half will be on the second floor of a garage to be built, stated Attorney Rizzio.

The design for the City in Bridgeport that has industrial buildings that are not functional like this building, today you will see what type of industrial buildings you have here. It is a building with 18 feet high per floor, there is 100000 sq.ft. on each floor, almost like a corporate building. This building doesn't lend itself to a use as industrial and leads us to the PDD. When you create the PDD around this building, we will make this building functional and a cornerstone for the redevelopment of downtown.

If you have commercial development downtown then you will need a good support, that could be the condominiums. This will be on an entry level for those who won't have the ability to buy in Shelton. Where will the teachers, firemen and where will the people who grew up in Shelton that Mom & Dad have a 4-bedroom colonial, where will they go, asked Attorney Rizzio? This will give the young professional and the retired person who wants to stay in the Community the ability to stay or return to Shelton.

The 110 units will be made up of 47 one-bedroom units, 59 two-bedroom units, and 4 three bedroom units, stated Attorney Rizzio. There will be 133 parking spaces. The units are between 775 sq. ft. – 1850 sq.ft. We expect that they will sell between \$150,000-200,000. We believe that there is a great demand for this market in Shelton. There is no supply currently. There is a need and demand.

The property is on 8/10 of an acre and is served by public water and sewers, stated Attorney Rizzio. It is important to know that this part of the expansion of Canal Street. The expansion of Canal Street shows the widening across the street. The developer is working closely with the City. The redevelopment and change will be to bring people downtown to make the turn around such as in Bridgeport and Hartford. This is by right and it is an essential need of housing that we will address for the town, stated Attorney Rizzio.

Joseph Pereira, P.E., Pereira Engineering, Inc. addressed the Commission. The existing site consist of two parcels. It is 5 Bridge Street which is to renovated and the other parcel is Canal St. East. The property is surrounded by the northeast by the Housatonic River, by the Northwest by Dan Beard Asphalt Plant, by the Southwest by Canal Street and by Southeast by Bridge Street.

The property where the building is located is about 8/10 of an acre, stated Joseph Pereira. The parking area which we are looking to occupy will be able to handle 133 spaces, 6 of which are handicapped.

The building itself is a 5-story building. It was formerly the Corset Factory and it was powered hydroelectrically. The stairs are currently concrete walks and a loading dock that will be demolished. That will be replaced with new concrete walks.

We have extended the work along Bridge Street with street trees, concrete curb walks, trees and landscaping along Canal Street. The parking lot is unpaved. We will eliminate the problems with the water on the property, stated Joseph Pereira.

The Canal has been piped and it goes to a 72-inch pipe and discharges into the Housatonic River. There is a storm water line that ties into the public storm water system.

Our proposed renovations to the building include 110 units, including one, two and three bedroom units, stated Joseph Pereira.

We will provide 133 parking spaces on site including a two-story parking garage. The lower level will have access from 3 separate driveways. The third driveway has a ramp up to the upper level. The top level will have 60 spaces and the lower level has 71 spaces. In addition we are providing 12 spaces under the Bridge Street overpass.

Utilities- there is public gas, electric, water and public sanitary sewers. The building itself when renovated will utilize the system.

The parking lot will have a new drainage system. The exit ramp will have a 3-foot snow shovel to prevent run-off into the existing Canal, stated Joseph Pereira. The run-off will go into three different basins. We will clean out the existing pipes as part of our agreement with Wetlands. A pad and silk fences will handle soil erosions.

We have provided a landscaping plan and that will be part of the negotiations with the City. We want this to agree with streetscape.

I don't understand the parking, can you explain that to me, questioned Comm. Sylvester? There will be 12 under the bridge, answered Joseph Pereira. That will give 121 in the area above the street, on the other side of Canal Street. We could provide another deck for parking. This parking across the street is part of your property, questioned Comm. Sylvester? This is the property line that is owned by the Canal Co. That property is in negotiation with the City, stated Attorney Rizzio. We would agree to a condition that we provide 110 spaces, he added. Right now you don't have the 12, I am not understanding, do you own the property or you don't own the property, asked Comm. Sylvester? We own this property here, answered Attorney Rizzio. How many spaces do you have there, asked Comm. Sylvester? There we have about 90 spaces, answered Attorney Rizzio. We have the ability doing the top and bottom of the deck, he added. Then there is this parcel here with 20-30 spaces that will be in here that the City is in negotiations to acquire, now.

If the City purchases this, will you lease it back from the City, asked Comm. Sylvester? Yes, answered Attorney Rizzio. We would also have extra spaces with the expansion of Canal Street. You would get more spaces here and we are cooperating with the City in the expansion of Canal Street, he added.

We are working very closely with the City and it will be significant in the developing of downtown. We want to work with the Commission and we will provide 110 spaces along with the approval. 133 spots, I apologize, stated Attorney Rizzio.

David Sullivan, Senior Transportation Engineer, with Barkan & Ness, addressed the Commission.

Attorney Rizzio is handing out the traffic study and the second is the apartment study which shows the need. Traffic study was a little different at this site. There is not a lot of traffic generated with a site like this. There is no one-way to get in and out of the site. We did look at several intersections along Route 110 because there are several ways to get out of the site and get to the street system, stated David Sullivan.

We looked at the existing conditions. We looked at accident statistics of the last 3 years. In this case we looked at Howe Avenue. We looked at traffic counts on the State Highway and that traffic has been growing in the last 6 years. We did a series of manual turning moving counts at 4 intersections, we did one at Howe Avenue, White Street, Wooster Street, northern side of Bridge Street and we counted on Bridge Street where the ramps come together for people heading to Derby.

We then looked at the proposal itself specifically traffic generated and the assignment of that traffic. We used the Institute of Transportation and we found the 110 units will generate about 55 trips in the morning and 65 trips in the afternoon peak hours. When you assign them through the system you don't get a large trip count through any of these intersections, stated David Sullivan. The peak hours will add about 5 cars going here and there and another 20 for the peak hours. We did analysis to determine what the impacts would be. There would be no change of the level of service at any of the intersections including the signalized intersections. At White Street the intersection operates at B or C and the left turns onto Howe Avenue would be at level of service D.

David Sullivan went over the traffic study and stated that the site at the bridge will have a crossing designed by DOT. In Phase 3 there might be a connection from Center Street to Bridge Street. That would eliminate some turning movements to make those moves onto Center, stated David Sullivan.

The traffic impact shows no impact to the level of service in that area and we think that the amenities in Phase 2 with a pedestrian crossing is important.

Now on to the apartment study, sated David Sullivan. Over the years we counted residential facilities. We have gathered information from suburban sites, as well. We have included the number of bedrooms and did some calculations. We did some numbers on units, on bedrooms and we did it in between with all the units. This is a downtown area and characteristics will be different. We looked at articles and they show this is different between suburban and downtown.

The fellowship along with other amenities is about 8% of what you get in suburban locations. We took the statistics and the demand is showing 110-120 units that would be suitable for this facility, stated David Sullivan. There is a generic article that shows traditional neighborhoods and they show the reduction in autos in families. The statistics show that 110-120 units demand then the 133 parking that would be adequate. There will be an overflow of parking and that should stay overflow.

Marcos Reinheimer, Architect with Primrose Companies, Inc., addressed the Commission. It is important to bring this work and we have experience in doing building conversions. We did a building conversion in the South End of Bridgeport. We did a conversion in Bridgeport with 62 units of condominiums. We want to convert this Corset Factory to 110 condominium units.

The first phase of this building was 2 separate buildings in 1892. In the early 1900's it was three story's. There was an addition and then it becomes just one building. (It is very difficult to understand the architect).

This is a brick building and we are attempting to have a New York apartment style and we will leave the brick exposed where it is possible. We will sandblast the material. We want to have an historical look to the materials.

There will be a new entrance on Canal Street. All existing windows will be replaced with double hung windows. At the riverside, our design calls for a glass wall and atrium in the inside of the building. We are removing part of the exterior to create the 6-story atrium.

At the bottom on the basement level, there will be a garden. We are trying to provide amenities in the garden area. In the basement level, 2100 sq. ft. area of a fitness center. We will have 3500 sq. ft. of a meeting room. There will be self-storage areas in the basement. There will be new elevators and 4 new stairwells.

Each unit will have central air conditioning, stated Marcos Reinheimer. All units are equipped for handicap accessibility. There are 47 one bedroom units, 59 two-bedroom units and 4 three-bedroom units, he added.

The first floor shows several different layouts. The small one is 775 one bedroom, one bathroom unit. The biggest unit is 1850 sq.ft. and has two bedroom.

Jeff Wright, Broker with Remax Wright Choice, with offices in Trumbull, Shelton and Bridgeport, addressed the Commission. I am sure that all of us are aware of the rise in Real Estate prices in the last 5 years. For all of us who are fortunate to own it is a wonderful thing but for all of those who are trying to enter the marketplace it has presented a challenge. The concept is to provide homeownership for our children and young professionals, stated Jeff Wright. Something new, attractive and well built, he added.

End of Side 1B of 3A, Tape 1 of 3 at 8:40 P.M.

I ran a report to show the price range of \$150,000-200,000 and what is currently on the market today. There were 453 properties of which 13 or 2.9% were below \$200,000.

Attorney Rizzio stated that this is a unique situation and will bring friendly pedestrian traffic downtown and boost the growth of downtown. The PDD is the only way to address this need. This is something that needs the Commission's attention. This is unique and you can't create a zone because it is specific not town wide. A building like this is usually torn down but this will enhance the downtown and preserve the historical character. It is consistent with your plan of development. In the PDD the land should be less than 60,000 and not less than 10,000 sq. ft. and we exceed that.

It is difficult to understand what Attorney Rizzio is saying (he is speaking to fast).

It is appropriate for recreation. We have a fitness center and a corporate meeting room. This should not over load the streets in the area. Our expert has done a study that shows there is no impact to the traffic and we are addressing the parking issues, stated Attorney Rizzio. All and all we are excited with this project and it is innovative. The Commission has great foresight and downtown lacks the type of housing and people that this project will provide. We ask that you take your foresight into this time and approve this project. It will make Shelton a better place to live, he added.

Mayor Lauretti stated that before Jim Ryan speaks he will need a map to show some of the things we are trying to accomplish in the downtown area. It probably is appropriate for use to talk about Item A under New Business with regard to the parking issues Mr. Rizzio brought up and the construction on Canal Street.

Chairman Cribbins stated that the map is not down here yet so we will take a 5-minute recess to get the map and give the people in the audience time to look at it.

James Ryan, President, Shelton Economic Development Corporation, addressed the Commission. The Shelton Economic Development Corporation is the implementation agency for the City of Shelton. That means the Mayor and the Board of Aldermen retain us to assist them with the City of Shelton's downtown redevelopment program.

Our Executive Committee reviewed the applications and ask that I attend this evening with our position on the applications. I will answer questions and present an update to the global activities happening around this project. The Executive Committee has found that this is consistent with your plan of development, stated Jim Ryan.

Of course you have to make that finding but we feel our work with you over the last 20 years was grounded in the recommendations on this site and other sites to the adjoining west should be of a residential nature.

The Board of Aldermen adopted a Revitalization Plan in the 80's and this proposal is consistent with that document. The applicant's Counsel reviewed that this evening and I will too with regard to goals and objectives for downtown which are met by this proposal, stated Jim Ryan.

Thirdly you know that the P & Z Commission, the Administration and the Board of Aldermen have implemented the Shelton Enterprise and Commerce Park. The first phase is complete and Phase 2 is well under way with major construction being wrapped up this year. We are in planning with the Administration for Phase 3, stated Jim Ryan. This property falls within the third Phase.

We feel that this new private investment is a real quantum leap for downtown. It is exactly what the City of Shelton has been striving through the public investments it has made through Phase 1 and 2 and other investments made by other principals downtown like Inline Plastics and the Boys & Girls Club. This is new private dollars paying for an improvement that we can't accomplish. It is the kind of project the development guy would like to do but can't find money for, stated Jim Ryan. The City has landed a developer to use his capital, we think that is significant, he added.

From a standard redevelopment firm the building has been a blight on downtown for a generation even though there was some good faith efforts from the owner to keep it tidied up. You have seen what happens with vacant properties downtown, they have been subjected to fires and other tragic consequences. This proposal will eliminate a blighting effect on downtown and the City of Shelton's Anti-Blight Program would not need to be put to work on this.

The designer referenced the very interesting characteristics associated with this building. This is historical preservation at its truest sense. All the plans that I mentioned before including your plan of development and our downtown revitalization plan talk about the preservation of the existing buildings being a priority. This 6-story 180,000 sq. ft. building has a major impact, stated Jim Ryan. Although there is not one single piece of property that will make this work, this is a critical part of the mosaic.

The applicant also brought in an expert to talk about Real Estate. The fact that there will be homeowners coming to downtown gives us the confidence in this new investment. We think that though rental housing is appropriate we think that along Canal Street near Howe Avenue main area housing opportunities of homeownership is more important.

I know that you have to do your technical analysis of the traffic and it's impact. We think any new traffic downtown is a positive in particular the kind of traffic that will come from the consumers who will live in that building. You are seeing new business's pop up on Howe Avenue, like Marks of Design, and survive. If you want to continue to fuel that you will bring in new people and new consumers. You want to make sure there is a connection with neighborhoods with the design and facilities with a project like this.

You have recognized the special urban characteristics that downtown has and you really need to apply those same efforts with this. We have had to reemphasis some of the goals that we think you share with us that include widening the road. It is critical that Canal Street has a uniformed right of way. We also feel that there it is critical that there be pedestrian access provided along that right of way.

We ask that the applicant recognize the importance of the City's commitment to extending the Riverwalk. As I am sure you read that Mayor Lauretti has been successful at landing another \$1million dollars to help us continue our work in expanding that. We want to make sure that the properties on the west side of the bridge recognize that. In working with the developer they have agreed to work closely with us on that, stated Jim Ryan.

The last major goal that we asked them to address as part of the programming conversations with the Community, is that we have invested quiet a bit of your money in the installation of underground utilities, in Phase 1. We want to make sure that when they hook up that will be accomplished through underground structures. We think that is important.

This is not a freestanding activity. There is a lot of activity that happens around it. Obviously Canal Street is a major transportation artery and it has been made a priority by the Community.

We are well on our way to finishing the work up to the Derby-Shelton Bridge from Route 8. Early in the fall the railroad crossing will be started. We have some work in the right the way that has to be squared away and that work should be done in the early fall, also. There are some sidewalks that need to be done along there. The administration has gone out to bid on the last building that is blighted. If the bids are acceptable that should be demolished in the early fall, stated Jim Ryan.

The Mayor is leading the charge with the DEP. There are environmental issues on some of the sites and that is not easy. It is pricey and the Mayor is negotiation on that. There are 4 properties that could be brought on line when those issues are taken care of. There is the Chromium Process site, the Axton Cross site and the Rolfite property. There are tanks and we want to fill that site. We want to extend Center Street out to the bridge.

20 years ago when we looked at what we would do downtown, we wanted to do everything right away. The Mayor and others said to focus and chip away at it. The Botti property was always an interest but the rest of downtown wasn't ready to receive it. This developer has inventory and what commitments have been made. There is a lease from the State of Connecticut's Department of Transportation for the area under the bridge. I can confirm that our office has been in touch with the Canal Co. for the acquisition of the small parcel here, stated Jim Ryan. We have voted that if those negotiations are unsuccessful that the City acquire that parcel through eminent domain, he added.

The Mayor stated that I would like to expand Jim's point on the two parking areas, the one underneath the bridge. We did get an o.k. from the State to lease that but there are some things in the lease that I am not totally satisfied with. I am not sure that at the end of the day it will serve our purpose. The same thing would apply to the Canal Company property to expand the parking that the applicant discussed earlier during his presentation. I am not sure of the final outcome of that at this point. I will be discussing that with the Board of Aldermen to see how it fits in with the big picture of what we are doing in this area.

I think that it is important to discuss the parking and how it will impact downtown in the big scheme of things, stated the Mayor. I think you do have to look at the big scheme of things. You will know that for down through the years the City has made commitments for parking facilities in and around town. Some get a lot of use and some get very little use.

About a year ago I sent a map upstairs to Rick Schultz with a master plan of all the City owned and managed parking areas available for business's. So that when P & Z looked at applications with respect to the downtown area they would consider this to be a joint effort on the part of the applicant and the City to act as a catalyst for development to come into the area and be successful over the long haul, stated the Mayor.

If you look at the concept that is applied in major cities and metropolitan areas, I don't see any reason why we should not do the same thing. We have demonstrated that we would do that, there are examples there that you could get familiar with, stated the Mayor.

Parking is an important issue for the overall functionality of downtown for the respect of business owners to have parking accommodating their customer base in suitable areas. It has to be a shared responsible because of the nature and make-up of downtown. Other applicants have exercised judgment with respect to that. I believe that as we move forward, Jim referenced the property along the River that is adjacent to the Shelton Enterprise Park, they might fulfill the parking needs, rather it is residential or commercial, stated the Mayor.

Jim Ryan stated the only other action that the City has taken that we consider to be imperative and that we endorse is the potential acquisition of the asphalt plant. We think this dovetails perfectly with this proposal.

I did want to mention stated the Mayor. I wanted to raise the conversation with regard to the asphalt plant. You may or may not know that 2 to 3 weeks ago the Board of Aldermen authorized a resolution that allowed me to do an exploratory work on the plant as far as condemnation. I have been meeting over the past few months with the owners and the current tenant that does rent the facility at this time.

The City has stepped up its activities as far as anti-blight and we recognized that building along with the Chromium Process building as an anti-blight candidate. Our goal is not to put anyone out of business but support the application in the downtown area, rid there property of blight and enhance the overall presence of downtown. We want to create an atmosphere of doing business and feeling comfortable as they frequent the businesses in the downtown area. The goal is to further that cause, stated the Mayor. I think you would agree as the downtown evolves and the significant changes in investment in capital made not only by the City but by the Federal Government would leads us in that direction. As we are seeing the application that is in front of you, as I can't say how soon this would occur, you will be seeing a 8-24 Referral to effect that type of a change, stated the Mayor.

I think that whatever parking there is it is important to this project. I would like to see this fast tracked and it is a key issue with this development, stated Chairman Cribbins. Even though they have an alternative to add a second deck to the parking garage, he added.

That was a positive aspect highlighted by Mr. Rizzio and put in his presentation with respect to parking and that point was that they would incorporate a pedestrian crossing path over the railroad tracks to the already existing parking lot at the end of Bridge Street, stated the Mayor.

Chairman Cribbins stated we will now open this up to the Public.

Richard Patterson, 31 Daybreak Lane, President We R1, addressed the Commission.

I am glad that all the Commissioners are sitting because you will be in shock. Basically I am in support of this project. I think it is good for the City and it is good for downtown. I do have some concerns. The major concern is that we have 110 units and I know that the traffic expert stated that the statistics show that 80% of the people will own cars in this type of a set-up. I didn't hear anything discussed about mass transit or other forms of transportation, stated Richard Patterson. There is not very much available in the City or in the downtown area.

We are looking at 110 units, husbands & wives owning their cars, include visitors and I think it is very reasonable to expect the third story on the parking garage to make sure there is adequate parking without going into public parking, stated Richard Patterson.

Secondly, I heard many comments from the professionals about affordable housing, housing for our teachers, our police, firemen and other Civil Servants. I think this is the perfect opportunity to make this deed restricted affordable housing complex. This Commission and the City is bombarded about affordable housing. We will be overturned in the Courts and affordable housing will be forced on us in other areas because the City only has only 3% of the 10% required. Those numbers come from the P & Z office, as I understand it. This won't fill the remaining void of 7% but it will be a good start in the right direction.

The final concern that I have is, with the connection to the sanitary sewers, I know we are having troubles in the downtown area with combination sewers where we have storm water runoff in the same pipes with the sanitary sewers. Whenever we have heavy rains the bypass is opened and that is going right into the Housatonic River. Even when we get to the plant on line to have additional loads into those combination sewers will put stress and expense on the City and the Sewer Treatment Plant, stated Richard Patterson. I would hope that consideration is being made to make sure we are not making the combination sewer problems worse. I didn't hear anything about that with this project and I think this is a serious consideration that we need to keep in mind.

Joan Flannery, 8 Partridge Lane, addressed the Commission. I also agree with Mr. Patterson. I am in agreement with this proposal. I am very happy that we are finally talking about revitalizing the downtown in the right way.

My concern is the parking. I have a lot of experience trying to park cars in a City that doesn't have spaces. It is frustrating to try and find a space to visit someone in an apartment when you just keep driving around in circles. I too am not happy with the proposed parking. I figure you are short about 100 spaces, stated Joan Flannery. Everyone will have 2 cars, you don't have mass transit. With the limited 110-130 spaces whatever you said, who will get those spaces when each condo wants 2 spaces, will those people have to pay for those spaces, she questioned? I don't want to see these people taking up spaces in front of business or the shop owners hurt. I know in downtown Stamford that was happening on Bedford Street for the residents of the apartments. I would like the parking addressed, stated Joan Flannery.

Richard Carlson, 28 Wesley Drive, addressed the Commission. Good evening, Mr. Mayor, Vice Chairman Cribbins and members of the Commission before I make my comments on this development, I would like to offer my condolences to Mayor Lauretti, to Mr. Cribbins, to Mr. Sylvester, Mr. Panico and the other members of this commission on the passing of Mr. Joseph Pagliaro. Although we did not see eye to eye, Joe and I and others on the development of the City he appeared to me to be a kind and generous man. So again I would just like to offer my condolences to the Board and to the Mayor whom is here this evening.

Concerning this development, I remember Mark, I think who is in his 13th year as Mayor, talking about downtown revitalization 10-13 years ago. This seems like a perfect catalyst to get traffic downtown. There are some issues the big one being the parking. Parking garages is something that I am not big on. You might be putting some residents at risk, something might happen in parking garages.

The catalyst that Mark envisioned 10-13 years ago, I think this is perfect, it will bring traffic downtown, stated Richard Carlson. The parking is an issue so if Mark can realize his dream and revitalize downtown the way he envisioned it, downtown might be a thriving entity for all residents to enjoy.

One of my concerns with this development is that I hope that this project doesn't set a precedence for other apartments to come into town. Mark and I, one thing we agree on is that we should have apartments downtown but there are other areas that we should not have that. Again I want to make sure that this doesn't set a precedence for other apartments around the City of Shelton.

Again my condolences to the Commission for the passing of Joseph Pagliaro, stated Richard Carlson.

Attorney Rizzio, addressed the comments and the Commission. I would like to make this clear right from the get go that our client will not accept any condition to require this to be a deed restrictive affordable community. We feel this will bring a real private type of development to downtown. It will create equity to first time buyers and allow people to come back into Shelton. The affordable housing regulations would not permit this type of development, stated Attorney Rizzio. This development really is addressed by your PDD standards. I want to make it clear that we will not accept any deed restrictions with regard to affordable housing, he added. These are condo style and people will sell these units to make a home ownership residential base.

We will have a separate sewer line from the storm water system.

With regard to parking, I don't think we are short 100 spaces. We have adequate parking and we will continue to work with the City to get as much parking as possible. We will agree to accept the condition of 132 spots associated with the site and available at the site. The commission can rest at ease. The spaces will not be sold, they will be dedicated to the residents for parking.

I want to thank the Commission for its patience tonight. It has been a pleasure working with the City and the Administration.

How long will the project take, questioned one of the Commissioners? We want to start tomorrow, answered Attorney Rizzio. From the time of construction, I would think it would be 18 months.

The Mayor questioned the cost of the project and the tax revenues in property taxes generated in real estate? It was difficult to understand Attorney Rizzio's answers.

Comm. Sylvester requested Staff to go over the traffic requirements regarding exiting and entering the site. Parking is an issue and it always has been downtown. There never was enough parking. The parking is not as much an issue as the traffic getting through downtown. If there is a problem in another area of town like on the highway then downtown becomes a major traffic problem, stated Comm. Sylvester. To provide disposable income is something that we strived for. The number of units that are being requested, the parking is an issue. There is a problem getting down Center Street out to Route 8 and people leaving that site will have an issue to get to Derby to Route 8. I think if you are downtown you have visions for downtown. The parking is their problem and the traffic is not their problem, it is our problem. We have to deal with what is downtown. I think that the Staff should address that issue with us at this table and it is the most important issue with regard to this application, stated Comm. Sylvester.

All of Comm. Sylvester's comments have been addressed and the level of service for traffic has been addressed, stated Attorney Rizzio.

Mayor Lauretti stated that I would like to weigh in on the traffic issue as well. I see something very different from Comm. Sylvester does with respect to the traffic. In many respects when you are a businessman traffic is a good thing. If you don't have traffic then you have a ghost town and you can't conduct business. From that standpoint I welcome traffic, stated the Mayor. I spent a lot of time downtown because of my business.

I think that if we take the time to see some of things we have done in the last 10 years with respect to Canal Street and rebuilding that. There is an option other than Howe Avenue. In the next 5-10 years the completion of Canal Street will be a reality. For the most part traffic moves in the downtown area and the only time we have a problem is when there is a problem on Route 8. I don't have an answer to that. The both Police Chiefs in Shelton and Derby and State of Connecticut DOT officials have had lengthy discussion with regard to traffic in downtown due to accidents on Route 8. We have our work cut out for us. For the most part the traffic moves. People should not walk away thinking it is constantly grid locked because it is not, stated Mayor Lauretti.

If you would like to debate the traffic downtown then I could do that. I was saying something that I didn't think needed a response from the Mayor, stated Comm. Sylvester. I was saying something as a Commissioner who asked the Staff to get information that will allow us to discuss this intelligently at the table. I have no business downtown but I live downtown and I see the traffic downtown through different eyes. That is o.k. because you see it different than I do. I see it one way you see it another. I see this as a potential impact to downtown traffic and we as a Commission need to discuss this intelligently.

Mayor Lauretti stated I don't disagree with that. The discussion at this table is the appropriate one and Staff certainly should do that. I want to emphasize another point of view.

The other point I want to raise is the lights and the grid that is controlled by the DOT. The Chief has asked for changes to those lights. There are options that people need to be aware of, added Mayor Lauretti.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to close the Public Hearing on Applications # 04-20 and 04-21.

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

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

End of Side 2A of 3A, Tape 2 of 3 at 9:35 P.M.

Adam Zuckerman, President Phoenix Housing of Shelton, LLC, 745 River Road, addressed the Commission. We are here before you this evening for a zone change R1 to PDD. We had an application before you previously.

The project is identical in density and construction to the adjoining property which is under contract through River Road Partners, LLC. This Commission approved that last month.

Open Space shelters this property on either side, right and left. The larger building is set in the rear and there will be a lot of plantings on the front of cedar. There are nature trails and they should be connected to the large development of River Road Partners, stated Adam Zuckerman.

The Engineer from Artel Engineering Group, LLC addressed the Commission (DYNAS ?)

I am here this evening on behalf of the applicant. You have before you a proposed multifamily residential development. There are 8 units proposed on 1.3 acres, located at Wintergreen Lane and Long Hill Avenue. The property has gentle slopes. There will be one driveway centrally located with 3 building clusters adjacent to the driveway.

We have tried to minimize the impacts to Wetland and we did get approval from them early this year. At that time the applicant had submitted an affordable housing project but he has since reconsidered that.

The units are similar to the units that have been approved to the east of this development. The units will have 2 parking spaces and an additional one. There will be 22 parking spaces per building and 4 other parking spaces adjacent to Long Hill Avenue.

There is water and sewers available at Long Hill Avenue. We are looking at installing sprinklers for these buildings and the architect is looking into rather they are needed or not, stated the Engineer.

We have proposed walking trail that connect into the trail system on the adjoining property. We will catch the runoff on site and there is an oil-water separator. There is a detention site.

The setbacks will be maintained except for the front yard. There is a 4-foot setback proposed. We comply with regulations on side yard setbacks and rear yard setbacks.

This is an R1 zone and across the street is R1 stated Adam Zuckerman. It is all R1 zone, stated the Engineer.

I am trying to orient myself, across the street is R1 and you go lower to the left that is R1 on your side, stated Chairman Cribbins.

Jonathan Zuckerman, adjoining landowner of Shelton Yacht and Cabana Club, addressed the Commission. This project is Phoenix Housing and has nothing to do with Shelton Yacht and Cabana.

This is 1.5 just over 60,000 sq. ft. that puts this in the PDD, stated Chairman Cribbins.

If you come off the driveway coming down the hill is tough, do you have the proper site line, questioned Chairman Cribbins?

Michelle Roseack, Long Hill Avenue, addressed the Commission. I am across the street and directly behind the Pinecrest that has just been approved for 135 units. I have been at previous zoning meetings and we were originally looking at 175 units.

I was shocked when we got this notice about this property when we were told that this property was to be the buffer for our house and our neighborhood to the new development. It is not enough that the Pinecrest property is already approved and that the surrounding neighborhood is struggling to get rid of the weeds. As a new homeowner in this town, I can't conceive how you will put in 8 units on 1.5 acres directly across from a beautiful residential neighborhood.

My home is worth over \$450,000 dollars, stated Michelle Roseack. I have spent 6 years trying to improve my property and I don't need another weed in my neighborhood. My neighbors are here and they will back me up on this.

The road is already a mess and the traffic situation is already a mess. The town doesn't even take care of the pavement, never mind the traffic, it is disgusting.

We had a water main break two doors up, I called Town Hall myself, no one wanted to take care of it, and they blamed it on Aquarian and Bridgeport Hydraulic.

There is still a pothole at the end of my driveway. This adds insult to injury and it is obvious that Mr. Zuckerman has no consideration for his neighbors or the City of Shelton. He will walk away making his investment and not care about the City of Shelton. It is obvious since the day I moved into this town 6 years ago, stated Michelle Roseack. He doesn't even now what he owns and we still listen to his music and garbage every weekend.

We don't need 8 units on 1.5 acres to make our City better. The picture around my house in a 2-mile radius is looking at Tall farm with 175 units, the Pinecrest with 135 units, and we have cluster homes and condos on Murphy. What else are you going to dump in the bottom part of South Shelton, asked Michelle Roseack? I moved from Trumbull because I thought I was moving to a nicer stable area. My husband and I are disgusted with what we see in our own neighborhood.

Charles Shackner, 765 Long Hill Avenue, directly across the street, addressed the Commission.

I question the validity of their traffic because I can't pull out of my driveway now. If you take a good look at the street you will see skid marks. I agree with Mrs. Roseack, I bought in R1 and I would like all of you to respect my investment.

There is no mention of the selling price except that it won't be affordable, stated Charles Shackner. I am wondering what the price is and what the square footage of the units would be, I didn't hear that either, he added.

Joan Flannery, 8 Partridge Lane, addressed the Commission. I am so happy that someone else came and spoke like I did a year and half ago in front of this Commission. I am glad that Mrs. Roseack came to speak and I am in agreement with her 100%, thank you.

I would like to add to her comments, I heard about nature trails and I am the type of person who likes to walk nature trails. I like to walk on nature trails, this is in my neighborhood and I would consider walking these trails but I would like to know who would maintain it? As of today I know only volunteers in this town maintain trails because I am friends with one of those volunteers. I am not happy with that, stated Joan Flannery. I think we need more responsibility put on the trails that are being proposed at these meetings.

Second thing is the septic. I recently tried to buy a house on River Road and they had to take it off the market because the septic was failing. I am wondering how many houses on River Road with failing septic should be tied in before anything new is developed on that road.

Please take care of the residents that are already here and who have suffered problems like roads, potholes, septic, whatever. You forget about the residents that are already here and the problems that we have, stated Joan Flannery. Thank you.

Richard Patterson, 31 Daybreak Lane, addressed the Commission. Here we go again. This is an R1 zone and we have seen where Pinecrest was approved for the condos. A lot of that was rationalization of being a transitional area. Going from commercial on the opposite side, going to condos then the R1 acre zoning behind that. Those condos exit onto River Road, the State Highway.

Now we are looking at multi-family in an R1, one-acre zone, on Long Hill Avenue. R1 should be protected anywhere. This is ridiculous and it is totally unfair to all the abutting property owners. 8 units on 1.3 acres. I have 1.6 acres on Daybreak Lane, can I put 8 units there, questioned Richard Patterson? Thank you.

John Moran, Tanglewood Condos, 3 Murphy Lane, Unit # 25, addressed the Commission. I brought this up several months ago about the septic problem we have. Since I was here we have developed another problem that will probably cost \$15,000.00 to repair. The system is failing and it is going down the tube fast. My question to you is what are people going to do about? By bringing all these new condos here, I see condos to the right and condos to the left, everybody is being considered except Tanglewood. We cannot keep going like this.

There are 28 units at Tanglewood about 6 years ago there were 42 people living there. Now there are 56 people living there. It is getting overloaded as every year goes by. We have talked about fixing the system, we can't afford to fix the system. Tanglewood can't obtain a loan from a bank because the individual units are ownership units. They won't give you a loan unless they take over complete operations of the condos including taking your checkbook, bankbook and they raise the maintenance fees.

I have said about all that I can say because some of this stuff I have said before, stated John Moran. The problem doesn't want to go away and no one wants to do anything about it. I don't care if the City of Shelton gets involved or the State of Connecticut. If you don't think about doing something about this we are going to be up a creek and so will the City of Shelton, stated John Moran.

Your condos have septic problems, stated Chairman Cribbins. You would like the Zoning Commission to give you a solution for that, he questioned? I think that you are in the wrong department, he added. We need some direction as to where we should head with this because nothing is happening, stated John Moran. We can't afford to fix that ourselves.

I think that you should be up talking to the Sewer Commission, stated Chairman Cribbins. We have been up talking to him, stated John Moran. I am only asking that you keep this on the table before the wheels come off the wagon, he added. It is very serious and it is getting worse. In a couple of weeks we will spend another \$15,000 and we have already spent \$150,000.00-\$200,000.00 pumping out tanks over the passed 20 years. We need help.

David Mills, Ojibwa Trail, addressed the Commission. I would like to make a comment on the foresight of Long Hill Avenue. I stand there everyday with my child waiting for the school bus. That is a very busy school bus stop there. If you add a lot more traffic I think that you are asking for trouble, stated David Mills.

Richard Carlson, 28 Wesley Drive, addressed the Commission. Although I don't live in that part of town I am opposed to this development. It is another use for the PDD and it is in violation of what I think the residents of Shelton want the City to look like. Most of the residents that live in Shelton want the zoning to stay to the current zoning. This is a clear violation of what the residents in the neighborhood want. It is R1, one-acre zone and it should stay R1, one-acre zone, stated Richard Carlson.

It is blatant misuse of the PDD process. Over the last year I have come to understand that from this Commission the PDD is a tool that allows the Commission to gain better control over development. This is blatant misuse of the PDD process, stated Richard Carlson. I am opposed to this development. I would like the Commission to stop all PDD's being brought forth until we can update our 10-year plan, he added.

There is a public hearing this Thursday at the New Intermediate School and the residents will have the opportunity to voice their opinions on what they want Shelton to look like. If the P & Z is going to continue to accept applications on the PDD rule it is going against what I think the public is going to coming out against this coming Thursday. I would like to see this application denied by this Commission, stated Richard Carlson.

George DeSantis, Wintergreen Drive, addressed the Commission. I have lived on Wintergreen Drive for 17 years. I am opposed to this project. This will have a large negative impact on my property values. I would like to know if there is blasting involved. The other project on Pinecrest was approved at 135 units and we felt good about it because of the buffer zone. This will eliminate that buffer zone, stated George DeSantis.

Jonathan Zuckerman, addressed the comments and the Commission. 5 years ago I came to this Commission on the Wintergreen project. I proposed an R3 4 house development. Most neighbors had a fear of a residence being set of an R3 development that would move northerly to encompass the entire Pinecrest. I guess that is what really happened.

This project that you have only has access to Long Hill Avenue, stated Jonathan Zuckerman. I believe that it meets the site lines required. River Road Partners promised something as far as a buffer he should not have, he added. If he did that and it might be Wetlands and I do have Wetlands approval.

Your Commission has created a neighborhood which is in the same standard of what I am asking for. The only difference is that it is on Long Hill Avenue and we have said that this is not Pinecrest. This is Phoenix House and it is a single entry and exit onto Long Hill Avenue. It is buffered by cedar trees that is why we call it Cedar Groove. The larger building will be several feet away from the other project and the buildings will be similar to what you approved last month.

We had someone comment that she has been here 6 years, stated Jonathan Zuckerman. I don't really want to go down memory lane but the Zuckerman Family has been here paying taxes for over 50 years. I have no children in the schools, I have lived through many tragedy's in our part of town, I have lived through the dump era, I have lived through the R3 denial, and I have been here 50 years, like I said.

I feel this project is no more dense then what you have approved only last month. It is identical to River Road Partners. The trails will be maintained by the Condo Association, just like River Road Partners will maintain their trails.

The septic will be connected to River Road Partners, once they decide or figure out how they will proceed. It will go to Stratford or through the property down the River Road to Shelton. That will address the problem as Mr. Moran has brought up. The development on the South side of Shelton would generate a solution to the septic. I don't think that River Road Partners went through all of that not to proceed.

The blasting will be minimal. This piece that we are building on is at almost road level. The larger building will be set lower because it slopes off down to River Road. I think that is all I have to say.

On a motion made by Patrick Lapera seconded by Leon Sylvester it was unanimously voted to close the Public Hearing on Application # 04-22.

APPLICATION # 04-23 PHOENIX HOUSING OF SHELTON, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) MURPHY'S LANE (MAP 31, LOT 76) R-1 DISTRICT

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

Adam Zuckerman, addressed the Commission. We are proposing to change the zone. We are proposing a 5-unit one building upper scale condo complex which will overlook the Housatonic River. This is across the street from Murphy's Lane across from Tanglewood. We would use the sewers on Long Hill Avenue or adjoining River Road Partners with their sewer plans. We would be willing to aid Tanglewood in the sewer problems, stated Adam Zuckerman. This a single-family 5-unit complex isolated with a stream and a bridge. It is back behind the gas line. You won't see this from Murphy's Lane because of the wetlands in this area.

The Engineer addressed the Commission. This is a multifamily complex just to the West of the Murphy's Lane and River Road intersection. The parcel is 1.6 acres roughly in size and will have 5 residential units. It is opposite the Pinecrest property. We tried to maintain setbacks. The property is isolated and surrounded by the gas line. There is a wooded area. For the 5 units there will be 19 parking spaces. It will have a one-driveway access. We will utilize the existing water from Murphy's Lane, stated

the Engineer. The applicant has discussed connecting into the sewer line for the proposed project to the south.

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We are proposing 5 units on 1.6 to yield 3.2 units per acres. There will be 20 trips a day projected traffic that won't have an impact on the road network system. There will be little impact if any, stated the Engineer.

We will work with the people for the issues regarding the sanitary sewers. There is an elevation of what the condos would like. They have the garage out front and a nice park like setting, stated the Engineer.

Comm. Pogoda asked if they have received Wetlands approval? We have not received Wetlands approval, yet, stated the Engineer. There was wetlands approval for the single-family structure a while ago. We were suppose to go to Wetlands but the meeting got cancelled. We have talked to Tom Sym but we have not gotten approval yet.

Chairman Cribbins stated I am going to assume that the comments are going to be the same on this as was presented with the previous application. Raise your hand if you agree with those same comments, like this is to many on one acre, it is a violation of the PDD, comments like that, stated Chairman Cribbins. Is there anyone from Tanglewood that would say that this is a good proposal, asked Chairman Cribbins?

John Moran, Unit # 25, Tanglewood, addressed the Commission. I did speak to someone and most of the unit owners are opposed to this. Right now it is in the early stages and we are still talking. Speaking as one person, they are against it.

End of Side 2B of 3A, Tape 2 of 3 at 10:15 P.M.

Don Selkesky, 757 Long Hill Avenue, addressed the Commission. I am opposed to this application for two reasons. I paid for the sewers and water to come in. Why should someone come in to develop and get a free ride. The law states he can do this.

The neighbors around this were under the impression that when the 135 units were approved that was to encompass the property being buffered. Right now we are talked another 13 units to bring that up to 148. Where do we stop at the 175 that was opposed or at the 148-150?

Adam Zuckerman, addressed the Commission. I feel this lot lends itself to this type of development. It is surrounded on all sides by multifamily development. You have Tanglewood on one side, you have multifamily up the street, Waterview Landing and it is a high-density development. There is a PDD that is abutting ours.

Jonathan Zuckerman, addressed the Commission. This parcel we are talking about, I originally started building a single-family house. When it became apparent that the project of River Road Partners was going to get a basic approval I rethought my process. I have Wetlands approval and I have a bridge. We were prepared to put in a single family home. I looked behind me and saw the gas line, stated Jonathan Zuckerman. That doesn't really matter but I looked to the left, there were condos, to the right condos.

The density that I am asking for is less than what you gave River Road Partners. It is equalivent to the R3 and they will be larger two bedroom condos. This is 5-units in total.

Mr. Selkesky whose house I built years ago, stated he paid for sewers and it wasn't fair for me to not pay that. I had frontage on Long Hill Avenue also. I paid for that sewer that I never used. I have sewers in the back of Pinecrest and I don't think that is a complaint to compare. I am not asking for anything more, I am asking for less then what you gave River Road Partners last month.

I am asking for a basic development and I don't have the sewer solution neither did River Road Partners. Combined I feel we can find a solution or there will be a solution. Wetlands was approved for a one family home. There meeting was cancelled. The bridge can be modified so I won't have to go back in the wetlands area. I have talked to Mr. Julius about the run off water going onto the Shelton Yacht and Cabana land. We have talked about a retention and then into the brook.

On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to close the Public Hearing on Application # 04-23.

LETTER FROM SEDC FOR EXTENSION OF CENTRAL BUSINESS DISTRICT (CBD): CANAL STREET AREA – SCHEDULE PUBLIC HEARING

Anthony Panico stated there is a letter and the area they are talking about is South of the bridge to the Botti Building. The area is from the asphalt plant. We can modify the proposal and SEDC will take the bull by the horns. We can schedule the hearing for the 27th, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to schedule the Public Hearing on the Letter from SEDC to extend the Central Business District for July 27th, 2004.

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APPLICATION # 04-31 CROWN POINT ASSOCIATES, LLC FOR DETAILED DEVELOPMENT PLAN APPROVAL (MIX USE DEVELOPMENT) AND ADOPTION OF PDD ZONE CHANGE, BRIDGEPORT AVENUE (MAP 51, LOTS 9 & 10) – ACCEPT FOR REVIEW

Attorney Thomas addressed the Commission. I do have a letter of request and we have located the foundation in respect to the driveway. There is a time crunch with the weather, stated Attorney Thomas. There is no hearing on this stated Attorney Thomas. This is administrative and you have approved the basic development plans. You have accepted the detailed plans.

We can't authorize that, stated Anthony Panico. I am not sure we could legally do that, he added. We can handle that on July 13th, stated Chairman Cribbins. We could give you a permit but the building department is who usually handles that, stated Anthony Panico. Then what you are saying is that we should not do that, stated Comm. Orazietti. All we are doing this evening is accepting this for review, stated Chairman Cribbins.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to accept Application # 04-31 for review.

APPLICATION # 04-05 PETITION OF CHAPPAGUA CAPITAL CORP. FOR SDA OVERLAY, LONG HILL AVENUE (MAP 41, LOT 35) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 6/22/2004) DISCUSSION AND POSSIBLE ACTION IF TIME PERMITS 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 (PUBLIC HEARING CLOSED ON 6/22/2004) DISCUSSION AND POSSIBLE ACTION IF TIME PERMITS

We are dealing with a zone change here, stated Anthony Panico. You are not obligated to site all of your concerns. It has been the practice to give your opinions and findings. Anthony Panico read his draft motion. (see attached)

On a motion made by William Papale seconded by Daniel Orazietti, it was voted to deny Applications # 04-05 and 04-06. A roll call voted followed with Comm. Orazietti, Comm. McGovern, Comm. Pogoda, Comm. Cribbins, Comm. Papale and Comm. Lapera all voted I to deny.

APPLICATION # 03-60 BLAKEMAN CONSTRUCTION CO./HUNTINGTON WOODS, LLC FOR TEMPORARY SPECIAL EXCEPTION APPROVAL (EARTH REMOVAL) BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (PUBLIC HEARING CLOSED ON 2/24/2004) REQUEST FOR EXTENSION (PZC REQUEST), DISCUSSION AND ACTION IF TIME PERMITS

Comm. Sylvester read a statement concerning Application # 03-60 Blakeman Construction. Mr. Blakeman had raised a conflict of interest because involvement of my family with someone who is opposed to this project. Personally I believe that there is no conflict of interest, however, I am extremely confident that Comm. Tomko-McGovern and Comm. Orazietti can hear this. I have decided to refrain from any discussion on this matter and I am in no way associated with this project and I don't believe that there is a conflict of interest.

Comm. Papale also read a statement recusing himself from this Application. Split Rock Applications # 03-58, 03-59 and 03-60.

Chairman Cribbins is asking for a motion to allow the earth removal. Anthony Panico stated I have had some discussions after the last meeting. The topsoil to be removed is from the front portion of the site. That needs a place to be stored and there is a small area in the middle of the wooded area. It will provide ample opportunity to do that and it is located 100 feet back from Old Stratford Road.

The other discussion was on the hours of blasting. I backed that off to be 7a.m. I indicated that Saturday and Sunday there will be no work without the Commission's prior approval. The consultant should be engaged by the City not the applicant. That will be paid for by the Applicant.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was voted to approve the earth removal on Application # 03-60. A roll call voted followed with Comm. Orazietti stating he is not in favor of this and it is important to me, this is a very important parcel in town. You are sending the developer the wrong message and I am against it. Comm. Tomko-McGovern stated that this is like putting the carriage before the horse. Comm. Pogoda, Comm. Cribbins and Comm. Lapera all voted I in favor of the earth removal. The motion passed 3 to 2.

**APPLICATION #03-58 PETITION OF BLAKEMAN CONSTRUCTION CO/
HUNTINGTON WOODS, LLC FOR AN EXTENSION OF SDA OVERLAY ZONE,
BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (PUBLIC
HEARING CLOSED ON 2/24/04)REQUEST FOR EXTENSION (PZC REQUEST)**
AND
**APPLICATION # 03-59 PETITION OF BLAKEMAN CONSTRUCTION CO/HUNTINGTON
WOODS, LLC FOR A PDD ZONE CHANGE(MIX USE DEVELOPMENT)**

P & Z COMMISSION

JUNE 22, 2004

**BRIDGEPORT AVENUE/OLD STRATFORD ROAD (MAP 29, LOT 24) OP DISTRICT (PUBLIC
HEARING CLOSED ON 2/24/04) REQUEST FOR EXTENSION (PZC REQUEST)**
AND
**APPPLICATION # 03-63 DOMINICK THOMAS ON BEHALF OF ROSELAND
SHELTON, LLC FOR MODIFICATION OF PDD # 32 AND CREATION OF NEW PDD
(APARTMENTS) RESEARCH DRIVE (MAP 28, LOT 1) (PUBLIC HEARING CLOSED ON
2/10/04) REQUEST FOR EXTENSION (PZC REQUEST)**
AND
**APPLICATION # 03-65 R.D. SCINTO, INC FOR SDA OVERLAY EXTENSION,
PARROT DRIVE (MAP 28, LOT 17) IA-2 DISTRICT (PUBLIC HEARING CLOSED ON 2/3/04)
REQUEST FOR EXTENSION (PZC REQUEST)**
AND
**APPLICATION # 03-66 R.D. SCINTO, INC. FOR MODIFICATION OF PDD # 4
AND # 367 AND PDD ZONE CHANGE (APARTMENTS) PARROTT DRIVE (MAP 28, LOTS 7,
11, 17) (PUBLIC HEARING CLOSED ON 2/3/04)REQUEST FOR EXTENSION (PZC REQUEST)**

Chairman Cribbins asked for a motion on all 5 of these applications to accept the request for extensions.

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to
accept the extensions on Applications # 03-58, 03-59, 03-63, 03-65 and 03-66.**

ZONING ENFORCEMENT

24 BIRCHBANK ROAD: AUTHORIZATION TO INITIATE LEGAL ACTION –

Richard Schultz stated that this is junkyard like conditions at this address.

**On a motion made by Patrick Lapera seconded by Daniel Orazietti it was unanimously voted to
authorize legal action on 24 Birchbank Road.**

**On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to
adjourn at 11:00 P.M.**

Respectfully submitted by,

Diana Barry,
Secretary