

The Shelton Planning & Zoning Commission held a Special Meeting on July 27, 2004 at 7:00 P.M. in the Shelton City Hall, Auditorium and Room 303, 54 Hill Street, Shelton, CT. 06484

Members present: Chairman Alan Cribbins  
Comm. Patrick Lopera (arrived late)  
Comm. William Papale  
Comm. Anthony Pogoda  
Comm. Daniel Oraziotti  
Comm. Tomko-McGovern  
(will sit in for Comm. Sylvester)

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

Members absent: Comm. Leon Sylvester

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

Chairman Cribbins stated that there had been no appointment made for the Alternate Commissioner and that it would probably be done sometime within the month for the next meeting. He read a short letter from Jane Mayer with regard to the fine work the Commission does.

**PUBLIC HEARING**

**APPLICATION # 04-35, CUMINOTTO, INC. FOR SPECIAL EXCEPTION APPROVAL, (HIGH TRAFFIC GENERATOR, LIGHT INDUSTRIAL DEVELOPMENT) IVY BROOK ROAD (MAP 65, LOT 1) LIP DISTRICT**

Comm. Oraziotti read the call of the hearing. There was one additional piece of correspondence from the Conservation Commission.

**Vincent Cuminotto, representing Cuminotto, Inc., addressed the Commission.** He presented the mailing receipts. He had an easel that had an aerial photo on it from July 15. This shows Constitution Blvd. South going this way to the River Road and Route 8 this way. This is Ivy Brook Road. Shelton Technology, the Daycare Center and the Four Wind Complex here. This section in black is where I want to develop.

Upon a previous approval we have removed trees leaving a buffer to the Four Wind Complex, stated Vincent Cuminotto. There is also a border along 3 residential houses here and along the cliff here. The rest has been cleared along here so you can see where these 2 buildings would go. At the bottom here is Sure Source.

On this plan you can see where the parking is going. Along here outlined in yellow that would be conveyed as Open Space 4.8 acres to be conveyed at the end of the project. It goes along Coram Avenue at the bottom of Constitution Boulevard along Ivy Brook on the Southside all the way up to the cul-de-sac.

Right now we are proposing this as a Conservation Easement and there won't be any excavation done. There will be nothing done in there that has not already been done. At the end of the project we will convey the deed over to the City as Open Space. What that will do it will complete this entire section of Open Space from Ivy Brook Road and Constitution to the bottom where it meets Coram Road. It is a natural conclusion to draw with the piece of land, stated Vincent Cuminotto.

This is the Open Space here and this is Emhart in the Shelton Technology Center. This borders this property line and we will leave a buffer for the first parking lot. There will be a parking lot and you will climb with a 5% incline here until you reach the front of the building.

Currently we have a proposed tenant that we are working with. They will move from Stamford. I do have competition. One of the towns favorites son is working with this tenant and none the less it is all fair play and I am sure he will do the best that he can and so will I, stated Vincent Cuminotto.

This is a 94,000 sq. ft. building with parking. The second building then would be 100,000 sq. ft. depending on the tenants. As you know the Shelton Technology Center was to be 3 buildings of 75, 000 sq. ft when we started. It ended up being 113, 000 sq. ft. based on the needs of the tenants. The Shelton Technology Center now houses Random House that is owned by a major European Corporation that also owns RCA. Black & Decker is here and we have just recently completed a lease for a medical supplier who makes surgical equipment used by Doctors. That has filled out the Shelton Technology and it has been a success.

These building will be similar light industrial with office mix. The first building will end up as 200,000 sq. ft. and if we don't get that tenant we will pursue other tenants.

I will also show you a rendering based on this tenant but the buildings will be the same. They are a split face brick building and load bearing walls.

This sticking up here is a stretch room. The tenant that we are pursuing makes the medical cameras that are used to explore men and women. They have to stretch the glass that the tube is made of, stated Vincent Cuminotto. The architect ran away with this and I don't particularly like this. If the building last a couple 100 years and we see what happened on Star Trek that they could beam you up then you could stand under there. I saw this for the first time today.

Here are some elevations and what the building would look like. I have some handouts and there was a traffic report he presented to the members of the Commission.

Chairman Cribbins asked are those loading docks in the bottom of that picture? Yes-answered Vincent Cuminotto. There are two on this side and these are trash compactors that will load from inside the building. There are 2 here and 3 here, loading docks.

This is the view facing Long Island Sound and the view facing Pitney Bowes.

How high is that from the roof of the building, that stretching room element, questioned Comm. Pogoda? The roofline is 18 feet and this extends another 15 above that. It is not a very large area, answered Vincent Cuminotto. They show me a very thin glass tube with about 4000 tiny tubes inside it. They make it larger, stretch it and heat it to get that size. It is not a big part of the building. That area will be metal with a door to access the roof. It won't be masonry. It doesn't make any sense to make the whole building that height.

There are close to 600 cars and there are 656 spaces with 3.45 per 1000 and 14 handicapped spaces. They run 2 shifts a day and roughly there parking requirements are 286. So there might be 250 employees, stated Vincent Cuminotto. They are in a building that is jerry rigged for them.

Comm. Pogoda questioned the shipping and size of the trucks? When they ship these out they are sent out in a trumpet like case, stated Vincent Cuminotto. They are very expensive and most of their shipping is done by UPS or small trucks. They want to have a truck there and if they have large trucks it will be on the inbound equipment not on things going out.

Comm. Pogoda questioned the furnaces? They have a kiln that they use for the platinum, stated Vincent Cuminotto. The furnaces are small box furnaces the size of a small refrigerator.

He presented the traffic study that was done by Barkan & Ness. He referred to Pages 4 & 5 that include supporting information for Ivy Brook Road and Long Hill Avenue. The conclusion is there a need for signalization there. It is already necessary and it is clearly stated that the intersection is warranted even before I get approval. He states that in the report and he states the way he sees it. I want to make it clear whatever is wrong with those intersections, I want to make it clear that it what is wrong with Long Hill Avenue and Ivy Brook road was wrong with them before this proposal. To put the burden on me to fix something that is already broken is not fair to me. The City should pay for it or everyone should contribute. I don't mind contributing because I don't know how you would police the contributions. They (contributions) come from the heart.

What happens on Ivy Brook Road, there was a lot of talk when we opened the daycare on Ivy Brook Road and Constitution Boulevard. What happens here is the light turns green on Long Hill Avenue. There is a platoon of traffic that turns red. I am talking about morning traffic, now, stated Vincent Cuminotto. The Pitney Bowes people turn left and you have to wait for the traffic to turn and you wait that length of traffic. Does you traffic report support that, questioned Anthony Panico?

At night when I leave Ivy Brook Road, there are cars leaving Pitney Bowes, they wait to turn right. Although I am not a traffic Engineer my suggestion is to put a stop sign on the right hand side of Constitution Boulevard. Is that in the traffic report or is that a comment that you wish to make, asked Chairman Cribbins? That is a comment I wanted to make and that is my observation, stated Vincent Cuminotto.

**Henry Dittman, Vice President of Barkan & Ness, with offices in Branford, addressed the Commission.** My question is about the intersection at the bottom of hill, there are ample breaks of traffic and this intersection doesn't grade satisfactory, is that true or isn't, questioned Anthony Panico? We took traffic counts at half a dozen intersections starting at River Road going all the way to Bridgeport Avenue and the southbound ramps. You have the analysis that shows the table in the report on Page 6. It shows the level of service at all the intersections. We analysis the signalized intersections and the unsignilized intersections, stated Henry Dittman.

The case was made because the traffic once the light goes back to red there is ample opportunity for this intersection to function properly, stated Anthony Panico. He has been there many more times than I have. We can only go by our analysis and what the computer programs tell us, stated Henry Dittman.

There is ample time to get in and out of Ivy Brook and the table shows it is difficult to get out of Waterview and Ivy Brook Road. It will be more difficult especially with the Scinto project coming on line and that dictates that there should be a signal at that intersection even before we add our traffic, stated Henry Dittman.

There are letter grades of service at F, questioned Chairman Cribbins? F does show stated Henry Dittman. We don't avoid F's we are stating what is out there. On table 2 the first two columns show background traffic that includes counts in the A.M. and P.M. The traffic out there today doesn't include the project proposal for Scinto that has not begun, yet. Under background there are levels of service F. It won't change and for the most part there will be an addition of modest traffic. Page 4 shows the peak hours # of trips and if you take the traffic that is out there, you just add in what is being proposed.

There were extensive counts on Constitution Boulevard that include a 24-hour count. This has its own characteristics. The shifts will be one in the morning and in the afternoon there will be a second shift. The report shows that the traffic higher and going down during the day. It will pick up again at 3P.M. We don't have people starting at 9 or the 5p.m. leave time. There is a flextime with traffic showing that. We counted 24 hours on Ivy Brook Road. 175-180 in the morning is the highest. On page 4 it shows traffic on Ivy Brook Road. This is how it is today, stated Henry Dittman.

That is why Mr. Cuminotto said that the traffic signal should be installed should not be only his responsibility.

Any comments or questions from the Commissioners. Hearing none I will open this up to the Public. Anyone wishing to address the Commission, I will take a motion to close the public hearing, stated Chairman Cribbins.

**Comm. Lapera entered the room at 7:40 P.M. and didn't sit at the Commission table until this hearing was closed.**

**On a motion made by Anthony Pogoda seconded by Karen Tomko-McGovern it was voted to close the Public Hearing on Application # 04-35.**

**PROPOSAL OF SHELTON PLANNING & ZONING TO AMEND THE ZONING MAP BY EXTENDING THE CENTRAL BUSINESS DISTRICT (CBD) OVERLAY ZONE FOR THE EAST CANAL STREET AREA.**

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

**Richard Schultz, Planning Administrator, addressed the Commission. Comm. Lapera joined the Commission at the table.**

As the Commission is aware we received a letter from SEDC to extend the Central Business District all the way down from Canal Street East southerly down to Monument Park and the Farmers Market location. The Commission agreed this warranted a Public Hearing. He read remarks that the Commission put together. This encompasses areas of the river frontage above the Botti Building up to the Farmers Market. This is a mix of sound and deteriorated buildings. The area can accommodate many uses including industrial, offices, commercial uses and residential in new and renovated structures. Long range planning always contemplated apartments along the river and there is no one zone that could accommodate that. Placing downtown in the CBD will promote renewal and restoration of the area, stated Richard Schultz.

He showed the Commission on a map where the overlay is up by the Boys & Girls Club up to the bridge. This gave the Commission more flexibility for applications we are seeing. There is more signage control and uses that are not compatible.

In yellow is the Botti building proposal for 110 units. We received a letter suggesting that this be extended to both ends of Canal Street East to the Monument Park. All the area in yellow is what is being proposed by the P & Z.

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

This will all coincide with the CBD that runs down Howe Avenue. Staff believes this is consistent with our long range planning, as well.

Any questions from any Commissioner, asked Chairman Cribbins? Comm. Orazietti asked why not extend this over the slab? Anthony Panico answered that the slab already has a development plan and the appropriate zoning is already there. That is IB stated Richard Schultz. We want to come up with a scheme for that area because this is a complex area, stated Anthony Panico. The pattern of the past is that they didn't know exactly what is going to happen. There was governmental action taken but we are hoping the rest will be private action, he added.

Since the legal went in our office has received calls from local business's and property owners that support this. They also suggest extending this beyond the Commodore Hull Bridge down Center Street.

We know that Mr. Calandreo has a proposal on Center Street. He received a variance that will allow his mixed-use development, stated Richard Schultz.

Does anyone in the audience have a question or comment, asked Chairman Cribbins? Hearing no response, he asked for a motion to close the Public Portion.

**On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on the Proposal of Shelton Planning & Zoning Commission to amend Zoning Map by extending the Central Business District (CBD) Overlay Zone for the East Canal Street area.**

**Chairman Cribbins stated we are going to recess and reconvene in Room 303.**

#### **OLD BUSINESS**

#### **EXECUTIVE SESSION: DISCUSSION ON LEGAL MATTER**

Chairman Cribbins stated that we have been requested to reschedule the discussion on legal matters. There has been a decision on one of the Court Cases and they want to share with us the results of that. The Attorney cannot make it tonight so we will go over that decision at our next meeting.

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

Richard Schultz stated that I provided an overview and asks that you look at the bottom that has comments and status. He read the comments on the attached overview. I had the applicants engineer come this evening in case there were any comments or concerns. The clock is ticking and some sort of decision has to be made in the month of August, he added.

As I understand it, the one point of contention with this development is that the Aldermen are considering the intersection of Maple and East Village Road. They would like this project to enter through there rather than up above this, stated Chairman Cribbins.

We are going to need a work session with the Street Committee or member of the Board of Aldermen, to make sure their considerations are taken prior to our action. August 10 is the next meeting and we will need to meet with them before that. Maybe next Tuesday or even this week on Thursday, stated Chairman Cribbins.

The issue is the potential improvement of Wabuda Place and long term is the circulation, stated Anthony Panico. We eliminated the dead end. The City should be proactive to allow the work to be done now, he added.

Can you walk us through what the action is today and the action of what we think the Aldermen are considering, I want a level set for each of the Commissioners, stated Chairman Cribbins to Anthony Panico?

The comment of what the Aldermen will consider. There was an improvement program for this portion of East Village Road and that would have cleaned this area up. Apparently the State which would have taken part in that program has put that on the back burner for now. While that is on the book we don't know when that will materialize. We have allowed over the years for development to continue on Village Drive with the assumption that some day it will outlet down here. What has happened it has gone beyond reasonable being serviced by only one connection backs out to East Village. We made it clear that any development will have to connect out, stated Anthony Panico. We pushed hard to get this in place now because the family that owns the balance of the property has sold that. The subdivision was smaller and take the street bringing it out eliminating the dead end. This will happen in 5-10 or whatever year.

We want to know that the Aldermen will look favorably on any action they have to take to reconstruct that portion of the road, stated Anthony Panico. Is that an action they want to take then we can sit with the applicant and ask for his participation in the construction. We can go ahead to prove we don't need the second connection. The money to build a piece of that road would be better spent to build a piece of this road. The result would be better for the City.

It needs a proactive stance by the Street Committee/Board of Aldermen, stated Anthony Panico. It does depend on the front part of Maple and then it starts with Village, stated Chairman Cribbins. The residents come up Maple and then they make that turn as not to get stuck when it snows. This will give them another way and it is a reverse of what is happening, stated Anthony Panico.

**James Swift, Professional Landscape Architect, addressed the Commission.** Everything is pretty much true but that would be difficult to come down this way. Parts of Village Drive are at 13% grade and very steep. I would like to put one thing in mind for the meeting with the Aldermen, a little history on this project with the State and the expansion of the roadway. The logical way to extend this was to take that bend out and make that a through street so you won't try to make the left hand turn. That is not the way it got designed for one reason. The person living in this corner house had lived there all her life and she didn't want to move. To the City's credit they were not willing to take her house by eminent domain. This reconstruction will be a T intersection making the turn easy.

Coming to the Wabuda people, I want to make it clear to the Commission that this is not a case of Joe being a dog of the manager here. Joe and Lorraine Wabuda have also lived in that house for their entire life. The only reason they reject any building of the road close to their house is because any attempt to get the 50-foot right of way to build the road would necessitate tearing down their home, stated Jim Swift. They are not opposed to this road on any other basis except it would force them to move, he added.

The difference is that the people you are concerned about sold the balance of land off for development, stated Anthony Panico. I want you to keep that in mind, stated Jim Swift.

That is probably the one major issue that we need to get a handle on from Staff's point of view, stated Anthony Panico. Once that is resolved as far as Rick and I are concerned Staff is ready, he added.

Chairman Cribbins stated these are one-acre lots they have approvals. We want to make sure they are lined up and we are working to try to get the best traffic flow. There are deeps in there and it would be nice to take that down so that the people didn't have to go out over here, he added.

Staff did not get into the Open Space. The applicant has spent a lot of time with Conservation and Open Space and this is what they concluded. Staff is ready to accept their recommendations, stated Anthony Panico. There are one or two minor issues but we can straighten that out.

Rick can you try to schedule something for Thursday or Tuesday, stated Chairman Cribbins. We can bring this to a decision and get this off the table, he added.

**APPLICATION # 04-13, PETITION OF KEY DEVELOPMENT, LLC FOR EXTENSION OF SDA OVERLAY ZONE, LAKE ROAD (MAP 115, LOTS 4 & 5) R-1 DISTRICT (PUBLIC HEARING CLOSED ON 5/11/04) DISCUSSION ONLY AND APPLICATION # 04-14, PETITION OF KEY DEVELOPMENT, LLC FOR MODIFICATION OF PDD # 34 AND CREATION OF NEW PDD (CLUSTER RESIDENTIAL DEVELOPMENT) LAKE ROAD (MAP 115, LOTS 4, 5, & 7) (PUBLIC HEARING CLOSED ON 5/11/2004) DISCUSSION ONLY**

Richard Schultz stated I have provided a summary sheet for the Commissioners. (see attached) There are two applications one is for the SDA and the other is to modify PDD # 34 which was for an Alzheimer's facility and to establish a PDD for cluster development. There are 22.8, 6.4 and 4.0 for a total of 33.2 acres. It is a cluster development, you have an east side with 15 single-family homes and a west side with 22 single-family homes, totaling 37 homes.

This will have sewers and public water. The applicant has received approvals from Wetlands, Conservation, Open Space and the City Engineer has approved the storm water design for the project, stated Richard Schultz.

So what are we waiting on, questioned Chairman Cribbins? Are we waiting on sewers, he added? I believe that is all set, I would just have to get a copy of their minutes or a document from them answered Richard Schultz. We need documentation from them, added Chairman Cribbins.

Here is Lake Road, Open Space is here, this is the Middle School site, this is a Condo development, and this is the existing PDD proposal stated Anthony Panico. This is where the Alzheimer's facility would be. On the left and right side of this is where they want to develop, stated Comm. Tomko-McGovern. This is R-1, she questioned? This is R1 stated Anthony Panico. How many acres, questioned Comm. Tomko-McGovern? 10.4 acres answered Anthony Panico. How much is build able, she questioned? I don't have that number, answered Anthony Panico. I want to know how much we are building on. How much to what, she questioned? Late this afternoon I did a quick take off of wetlands on the total site, stated Anthony Panico. That is approximately a little over 8 acres, he added. Now over here, questioned Karen Tomko-McGovern? 16.5 acres, stated Anthony Panico. How many units, she questioned? That is 22 units stated Anthony Panico. That is what this, 16.5 acres with 22 houses here. 8 acres with 15 houses, she added.

Richard Schultz stated the figure on the right is 25. They want 25 units and the total should be 40 houses. So now you are looking at 15 houses on 8 and 25 on 16.5 stated Comm. Tomko-McGovern. It is obvious that you have a problem with number of units, stated Chairman Cribbins. What I would like to do as we look at this, we can look at this proposal going back to look at the acreage to come up with a number, he added. 8 homes you can build on this. Conventional, stated Chairman Cribbins. I want to understand the range, he added.

They show 5 houses with a conventional stated Anthony Panico. What would be on the other side, asked Chairman Cribbins? 11 houses on the 16.5 piece, stated Anthony Panico. We are talking the difference between 16 and 40 houses, he added. We did rough calculations to get us some numbers. They talked about the PRD approach and that would grow to 19 homes with water and sewers. If it was a PRD the number get extraordinary with numbers above 50. If it was done on the new regulations we have not decided on yet, adult housing, and the number would be somewhere in the 50 or more unit range. Then adult non-restricted would be about 30 units. These are rough and we would have to polish up the numbers. The rough numbers go, 16, 19, and 30 and in excess of 50 stated Anthony Panico.

If you want to modify density then you need to be guided by these numbers because you have a PDD application at hand. If you want to do a PRD this would have to go to square one and go through the public hearing again.

I am trying to understand what we have today and the sense I get in speaking to a number of our Commissioners is that the number 40 in the application requested is too high. I have 4-5 Commissioners that have told me so. On the PDD that exists today we had a PDD in place there for an elderly living Alzheimer's facility, stated Chairman Cribbins.

Under the PDD today are they entitled to certain, asked Comm. Oraziotti? They are not locked in anything-stated Anthony Panico. You need to ask yourself in that environment, what makes the most sense including the adjacent land uses. There is the Bures Farm Land and there are 3-4 homes here and there is either Open Space or City of Shelton Conservation.

Where is Constitution Boulevard coming in questioned several Commissioners? Constitution is coming in here cross the land, in back of the Condo's goes into Nells Rock at this intersection and continues on up, stated Anthony Panico. We need to get a portion of this site as part of that corridor, he added.

Do you feel that traffic, we have the two schools, questioned Comm. Tomko-McGovern? The traffic report indicates no change in the level of service either before or after this development, stated Anthony Panico. Constitution Boulevard, she questioned? The area roads show no change in the level of service, stated Anthony Panico.

All that says is that if you have 1000 cars going by this and you put 20-30 homes the amount of traffic that will influence that intersection will not be great enough to change the designation of A,B,C,D, or F. So based on an analysis by a Professional Engineer it says that based on the volume that goes by today that additional traffic for 30-40 homes, whatever, this ends up being, 20 homes, will not change the designation of that intersection either up or down, stated Chairman Cribbins. As far as the numbers, I didn't look at an alternative. The traffic report should have conservative assumptions with regard to the rate of traffic. I guess the traffic will be the same order of magnitude, stated Anthony Panico. If you do elderly homes or single-family homes, the traffic will be the same, he added.

What it was approved for should have generated a higher amount of traffic, questioned Comm. Oraziotti? No less, stated Anthony Panico. It was Alzheimer's and other than the peak visiting hours there would not be a lot of traffic. That would have been ideal from the traffic point of views, he added. It was Alzheimer's assisted living, stated Richard Schultz. It is a new concept and this would have been 4 wings. There is staff and visitors parking, stated Comm. Pogoda.

I am trying to get a feel for what we are at with a number, stated Chairman Cribbins. We have a few options, we can deny the whole proposal, we offer for consideration the applicant the thought of the PRD for a better use, and we could have the applicant withdraw without prejudice. Then he has to come back in to go through the process of the PRD. We have had an application that had an assisted living proposal that was far more dense, this is less dense. Less impact, stated Comm. Pogoda. Less impact on the Community and that is where I am at, I am trying to get a sense of what the number is or is not, stated Chairman Cribbins. We are talking a PRD for the total of acreages, the entire build able site would be 19-20 homes, stated Comm. Pogoda. Conventional would be three more homes. If we take and leave that as Conventional we would get 5 homes here, he added. This side which is R1 would be 5 homes. The PRD would make more 14 homes.

That is 14 verses the 11, stated Comm. Pogoda. 14 homes on 6.5 and 5 on the 8 acres. I would be comfortable with that, that is what they would get on a normal conventional subdivision. I could live with that, stated Comm. Tomko-McGovern.

The 5 conventional appears to be correct and we will have him verify those numbers, stated Chairman Cribbins. All Tony is saying if you do a conventional on this side you would get 11 but since a PDD exists on that side of the street, we have a zone in there for something that was multi-use, the other thing is that there are condos there. There are condos here, here and down the street. They have had it with condos, stated Comm. Tomko-McGovern.

All I am saying is this neighborhood has supported 3 sections of condos and that is the type of development that is there. What we are saying is that type of development would make 14 homes, conventional, stated Chairman Cribbins. 11 he corrected. Can you live with that number, asked Chairman Cribbins? I can live with that, stated Comm. Tomko-McGovern.

14 & 5 but we didn't work the numbers because you still were looking for direction from us, stated Chairman Cribbins to Anthony Panico.

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

I don't think that we gain any more by going to a PRD on that portion, stated Chairman Cribbins. Just the mechanics, stated Anthony Panico. We have established a number on what a PRD would give you. Rather than go through all those mechanics say what the number would be permitted there, he added.

Would you then draft a resolution and validate the number of the other portion, stated Chairman Cribbins? I would just put a number there and I would like the guidance of those others, stated Anthony Panico. Based on the number of 19 exclude that and get 5 houses on that the remaining 14 will go here, he added. Exclude the other portion leaving that R1 and reduce the other portion and the PRD to establish the maximum density not to exceed 14. We are talking about excluding this and keeping it R1.

I think the other thing I wanted to look at could this open up onto Constitution Boulevard, stated Chairman Cribbins. It would make a difference to me because the whole condo development would be driving through here, stated Anthony Panico. We are talking about the future Constitution Boulevard.

Our decision may change if we knew that was in the near future, stated Comm. Pogoda. Right now I don't see that happening in my mind, he added. It is a good point if we knew it was coming down the road a little.

Why would that make a difference, questioned Anthony Panico? Less traffic, stated Comm. Pogoda. Why would this change your thinking from land use to density, asked Anthony Panico? When I look up here to Constitution, I think that there are 4-5 condos in this corridor and I would say what would I allow in my mind there, stated Chairman Cribbins.

If this was here and I had access to this I would allow a higher density, stated Anthony Panico. Someday if someone holds onto that but I don't see that happening, stated Chairman Cribbins.

**APPLICATION # 04-22, PHOENIX HOUSING OF SHELTON, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) LONG HILL AVENUE (MAP 21, LOT 46) (PUBLIC HEARING CLOSED ON 6/22/2004) DISCUSSION ONLY**

Richard Schultz stated that this project has received Inland Wetlands approval for all regulated activities. There is nothing from WPCA because of that issue. FYI I read in the paper today that the Stratford WPCA has placed the Pinecrest back on its agenda.

The recommendation was that this go to Stratford, stated Chairman Cribbins. If we didn't have that recommendation we probably could not make a call. Here is the thing that bothers me about this. When he came in with the other piece of Pinecrest all the traffic was generated from those 135 units comes out to Route 110. Everything from the density of that onto a State Road, 2-lane road, this particular piece, I hate the site line. On the opposite side of the street is R1. We thought we would get a nice buffer on this side of the street. That is the property they want to develop, stated Chairman Cribbins. I would not want the amount of traffic going on Long Hill Avenue. The R1 developments should have some sort of buffer. So in my mind I would not be in favor of this proposal.

I agree with the same thing and the site line is critical there, stated Comm. Pogoda. It is a big issue and the other issue is R1. This was looked to be at the point of the buffer for these people here. To protect these people when this project was put in there. Now he comes along with this. I think it is inappropriate in that, he added.

What we are trying to do is get some feeling and what I don't want to do is say we have to wait for WPCA, stated Chairman Cribbins. We want to give you some direction, one way or another, he added. Do I have any Commissioners that are in favor of this proposal, asked Chairman Cribbins? I think that you should start a resolution with some sort of denial, he added.

It is an oversized lot, stated Richard Schultz. I don't think that we should change the zone for this particular application, stated Chairman Cribbins.

There has been no comment from the Traffic Authority or the City Engineer. I am meeting with them on Thursday, stated Richard Schultz.

**APPLICATION # 04-23, PHOENIX HOUSING OF SHELTON, LLC FOR PDD ZONE CHANGE (MULTI-FAMILY DEVELOPMENT) MURPHY'S LANE (MAP 31, LOT 76) (PUBLIC HEARING CLOSED ON 6/22/2004) REQUEST FOR EXTENSION (APPLICANT REQUEST) DISCUSSION**

Richard Schultz stated that this was denied by Inland Wetlands. He read a letter from Attorney Benson Snaider. These are two sister applications. The Commission has directed Staff to write an unfavorable resolution on the other application. This is unique because it has Wetlands denial. The applicant is requesting the Commission to give them additional time so they could go back to Wetlands.

Do we want to first act on the request for extension, asked Chairman Cribbins? What is the timeframe, he asked? We have until the end of August, stated Richard Schultz. They expect Wetlands to accept it in August and vote on it in September.

Richard Schultz then read from the Fire Department with information on the bridge and driveway. Wetlands doesn't agree with the width the Fire Department wants. They denied this because there are alternatives.

**Jonathan Zuckerman directed comments with regard to the bridge to the Staff.**

This will still require you to go back but there is no alteration to the time sequence stated Anthony Panico. They still need to get a response back to us. We understand that you have issues and if there has to be modifications, that is between you and Wetlands. We can't do anything without their action. The Commission understands that more time is necessary.

You see for me, when I first heard this, the only possible way I could consider something like this, and I would try to do something for the neighbors across the street. I was trying to fix the septic for Tanglewood and I am not sure that could even happen, stated Chairman Cribbins. I was wondering if Stratford would consider something, he added. You would never support that, stated Anthony Panico.

Tanglewood would have to bring their line up to meet yours stated Anthony Panico. I would have to have more information on this.

We have no WPCA and we can't take an action, stated Chairman Cribbins. We can always go one way or another. We want to hear all the possibilities. I would like to hear if we could help those other people.

The Statues say the Commission cannot act until there is Wetlands approval, stated Richard Schultz. While there is on going effort. We can't act until our next meeting but we can accept the letter of extension, stated Chairman Cribbins. If the Commission wants to keep this open you are not mandated to make a decision until 30 days after Wetlands. If you want to keep this open and you need more time you would clarify with the applicant his request, stated Anthony Panico. You cannot act on the applicant's request. You need a motion to table then, stated Chairman Cribbins.

**On a motion made by William Papale seconded by Anthony Pogoda it was unanimously voted to table Application # 04-23.**

I am not crazy about the density but if there is something that can be worked out for Tanglewood then we can look at this, stated Comm. Pogoda.

**8-24 REFERRAL SHORT TERM/LONG TERM MASTER PLAN (OLD SHELTON INTERMEDIATE SCHOOL)**

Richard Schultz distributed what the Mayors Office distributed. He then read from the text. The Fire Department has outgrown there building at Donovan Lane. There will be the offices of the Probate Judge. The main entrance to the cafeteria to the left is where Probate will go. That area has been updated. They are ready to move in. The Children's Center wants to go in the back near the cafeteria.

The last time I walked this section, I had some concerns. You don't want to have children in an area like this.

Your concern is the land use and the future growth of the Community. You need to address those concerns, stated Anthony Panico.

I am a member of the long range planning committee, stated Comm. Pogoda. We would be meeting in the next week with regard to their future plans and this school. This school has been discussed. They want us to make a 8-24 referral but I would feel more comfortable after what I would hear from the Superintendent of Schools. If he was here he would give us some insight. I would feel comfortable if I had some more information, he added.

We could give a positive referral for the Judge of Probate and Emergency Services to go into that building, stated Chairman Cribbins.

**End of Side 2A of 2B, Tape 2 of 2 at 9:40 P.M.**

**BOEHM POND WOODS: REQUEST FOR REDUCTION OF PERFORMANCE BOND**

Richard Schultz reported that the City Engineer recommends the reduction of the performance bond.

**On a motion made by William Papale seconded by Patrick Lapera it was unanimously voted to approve reduction of the Performance Bond on Boehm Pond Woods.**

**HUNTINGTON WOODS: REQUEST FOR REDUCTION OF PERFORMANCE BOND**

The City Engineer is recommending the reduction to the performance bond on Huntington Woods.

**On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to approve the reduction of the Performance Bond on Huntington Woods.**

**CONSERVATION COMMISSION LETTER REQUESTING AUTHORIZATION TO USE HUNTINGTON WOOD TRUST FUND**

You probably won't want to act tonight but I need to bring certain Commissioners up to speed on this. This project is relatively old. When Huntington Woods was approved the Commission required a \$60,000 fund be established that was to be controlled by P & Z. To be used for off site improvements as deemed necessary by this Commission. That could include trails and stone walls. Conservation is designing right now in their minds projects that would benefit Shelton Lake Rec. Path.

The developer has finished most of Lane Street. They have to install 2 gates. The Fire Chief is pleased with the width and we need to emphasize the style of the gates, stated Richard Schultz.

In conjunction the rec path comes down the hill and we need to give that some thought. The Conservation Commission and the developer are working together.

We have to assign \$ amounts, stated Richard Schultz. This was taken with the Open Space and the use of that money has to benefit or enhance that neighborhood. That has to be tied to that neighborhood, stated Anthony Panico.

We will give this the needed time and he wants to see the decorative gates, stated Richard Schultz. We will be having more discussion on this, he added.

**On a motion made by Karen Tomko-McGovern seconded by Daniel Oraziotti it was unanimously voted to adjourn at 9:50 P.M.**

Respectfully submitted by,

Diana Barry  
Secretary