

The Shelton Planning & Zoning Commission held a Special Meeting on September 28, 2004 at 7:00 P.M. in the Shelton City Hall Auditorium and Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. Daniel Orazietti
Comm. Jason Perillo
(sitting in for Comm. Papale)
Comm. Leon Sylvester
(arrived late due to an emergency at work)
Comm. Karen Tomko-McGovern

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

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

APPLICATION # 04-38 GARY KNAUF FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR – OFFICE BUILDING) BRIDGEPORT AVENUE (MAP 50, LOT 10) LIP DISTRICT

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

Wayne Jacobson, A Registered Professional Engineer, working for Spath Bjorklund Associates, with offices on Main Street in Monroe, addressed the Commission.

I am here with an application for Gary Knauf. This is a 1.99-acre parcel on the West side of Bridgeport Avenue a little bit North of the intersection of Cross Hill Road, 555 is to our North, and there is a lot to the south that is undeveloped.

The site rises quickly from Bridgeport Avenue as with the all of the lots along here. What we will do is excavate out a platform to create an area to hold the building. The cut at the back will be 35 feet deep at the deepest point.

The driveway will come up at a 12% grade, up from a 3% apron, the site then will grade at 7% until we get to the point that we will be putting the building. The building will span the site from side to side.

There will be a driveway passing under the building. The second driveway is under the building for a circular traffic pattern on the site.

On the ground level there will be 2 stairwells for access upstairs to the building. The northerly stairwell will have the elevator in it, stated Wayne Jacobson.

We will be picking up the storm water in the curtain drains on the west side of the building and collecting down to the easterly end here to an existing drainage facility at the State Right of Way. The State will want to have that facility rebuilt so when we go to get the permit for the driveway we will get details at to how the connection will be made.

We will have public water on the site and the sewer is by pump station. The 3 buildings to the north have an arrangement to have pump stations on site, pumping up to a manhole that crosses the pipe and goes to the pump station. We will be doing that too because there is no gravity sewer available to the site, stated Wayne Jacobson.

We are going to have a rock cut and we will be installing a chain link fence. We are proposing concrete curbs and the pavement under the building will be concrete.

The site lines are good to the south and north from the site.

We have gone to the Wetlands and gotten a Wetlands permit. There is a stream that goes around the west side of the site along the southerly side of the property. There is a small area of the Wetlands, stated Wayne Jacobson.

The site conforms to all the requirements. We have 72 parking spaces on the site. The table of uses, permitted uses, you are allowed to have 20% of your building to be used for an establishment that provides clients with services on site.

We have a little over 40,000 square feet that will allow us to have that type of use. We would request that the Commission allow us to increase that number. The maximum is 5000 square feet in that table of uses. The first item is that we have 715 square feet on the lowest level that is only used for stairs and elevators. It is access to the upper portion of the building.

We looked at that and applied those spaces plus the applicant is planning to use the top half of the building for his offices. There will be the applicant, the administrative assistant and a secretary in that space. Half of that space would then be dedicated to lease able area. It is just over 8000 square feet and then you add the top half, it would be approximately 18000 square feet.

For those uses and Gary's 3 spaces you would need 66 spaces at 3.5 per 1000 square feet. I have 72 spaces stated Wayne Jacobson. I have 6 over what I would need. I add the numbers to what is remaining I find I could get the 5000 maximum for the clients provided services.

Would you explain the driveway to me again, asked Chairman Cribbins? As you come off the State Highway, there is a 3% apron for 25 feet and it gets kicked up until you get to where the parking spaces are. You will rise and go off at 7%, which is a practical slope. That is a useable pitch across the parking lot. Those numbers are high, stated Chairman Cribbins.

I did speak to Bob Kulacz early on and he was on board with those numbers. They are a high end but we want to get this to be useable. As you go underneath the building it is 1.5% on the concrete pad.

Comm. Orazietti questioned how much floor space is on the third floor? There is 1585 square feet of floor space on the third floor answered Wayne Jacobson.

Will there be retaining walls in that space, questioned Comm. Lopera? No we are planning on getting a one on 6-finish slope on the rock face, answered Wayne Jacobson. When we were going through the Wetlands process, they were concerned that we could fracture the ledge underneath the wetlands drainage and we got someone who is a Geo Technical Specialist. He explained how to maintain the uniform rock face. You drill wholes along where the cut will go and drill small wholes for smaller charges. A blast monitor will be assigned to the site, he added.

There is no stabilization there, the rock will just stay there, questioned Comm. Lopera? That is correct answered Wayne Jacobson. What happens when you start blasting, what will happen to all the material that will be on site, questioned Comm. Lopera? Gary has made arrangements with Mr. Brennan to haul that off site for a crushing operation, answered Wayne Jacobson.

Could you run through your calculations on the parking spaces, questioned Comm. Perillo? If you take 20% of the building you get 4114 square feet that are allowed to have that use, stated Wayne Jacobson. Then you take the floor area for the staircases on the bottom floor that is 715 square feet. That totals 4829 square feet. Almost 5000 square feet then I am saying the additional space will come from what Gary is using, the limited use of third floor, so I get to the 5000 square feet, he added.

I have the 1585 square feet is what Gary will take on the third story, I have 1585 square feet left that I have to park. I have 8062 on the 2nd and 3rd floor. So that gives me 16,104 spaces on the two floors plus the 1585 on the top floor totaling 17609. You park that at 3.5 cars per 1000. So that we can park 63 cars. You take Gary's 3 people that makes 66 and you take the 72 shown here less the 66 cars which makes it 6 extra spaces. You take that and add that remaining additional number to what I am entitled the 4114 square feet and I am well over the maximum, stated Wayne Jacobson.

You have to understand that the 5000 square feet maximum is a zoning provision and yes parking is a factor that comes into play but it is the sole reason that drives that limit, stated Anthony Panico. When you start dealing with parking in a LIP zone it is not based on an arbitrary assignment of parking spaces. It is based on the actual occupancy of the floor space. The Staff has advocated the use of the 3.5 per 1000 when you are building a speculative building when you do not know the occupancy. The bottom line is even though it is designed for those numbers Staff monitors the occupancy of the building. If we find that you occupy 75% of the building but you will have problems leasing the rest of the building to a low user. So to toss numbers around that doesn't wash. The bottom line is that the Commission has to deliberate the validity of your request at 5000 square feet to determine the required zoning procedure to allow that to happen. This Commission doesn't have the right to ignore the zoning requirements, he added.

If you can not live with the limits set by zoning, you would wait until your building is occupied so that your analysis of the parking demand should be determined at that time if in effect you have extra parking then you can approach a variance from the Board of Zoning Appeals because this Board doesn't have the liberty to grant you the additional space, stated Anthony Panico.

You are within all the setback requirements asked Comm. Sylvester? Yes we are, stated Wayne Jacobson.

Jim McElroy, Architect, with offices in Milford, CT., addressed the Commission. The inspiration for this building was to present an elegant façade along Bridgeport Avenue. This is an old building and I wanted to reduce the scale somewhat to reduce visibility.

The material I choose was natural fieldstone on the first floor and stucco on the second and third. We want to be able to screen the mechanical equipment.

We did apply for a variance because we are at 49 feet, stated Jim McElroy. You have the ability to climb over the mechanical equipment.

The dormers are to reduce the scale somewhat. There is a lot of open area on the first floor and we used the archways to keep that looking opened, stated Jim McElroy.

The design of the two main floors are for flexibility in rentals. There is a design for a future corridor.

The third floor will be occupied by the owner. The dormers could be reduced or increased.

Comm. Lapera questioned if the Bridgeport Avenue is elevation zero, how far above Bridgeport Avenue are the arches? The first level of the arches? The first floor? How far up is it? Jim McElroy answered 16 feet.

What is the length of the driveway before you get to any parking area, questioned Comm. Lapera? The actual street line of Bridgeport Avenue, asked Jim McElroy? Right there stated Comm. Lapera. 80 feet stated both Jim McElroy and Wayne Jacobson.

Will you see parking from Bridgeport Avenue, questioned Comm. Lapera? There is parking on both sides, stated Wayne Jacobson. The parking patterns continue, he added. We did some modification to the Fire Marshall's speculations stated Jim McElroy. This is a fully sprinkler building.

The line of site goes to the first floor of the building. The site to the end of the driveway is at level to the back, questioned Comm. Lapera? It is 7% here and it will be 7% underneath the building stated Wayne Jacobson. You come in here at 3%, then it goes up to 12% then at the underneath parking level you go from 7% here to 7% all the way around to the back, stated Jim McElroy.

The area in green is the rock face and is the light green the safety zone, asked Comm. Lapera? There is a 6-foot offset from the curbside to the base, answered Jim McElroy. In the back here is a swale by the Wetlands. This will be planted with trees and we want to keep the water in the watercourse, he added. There is a watercourse and Wetlands is concerned with preserving that.

Comm. Lapera asked where is the sewer going? There is a site here and we are coming out to the manhole here to the pump station here, answered Jim McElroy. The pump is here and the pump station is here, stated Anthony Panico. That is up hill, questioned Comm. Lapera? That is and there is a drop of 25-30 feet from there to the driveway, stated Anthony Panico. 555 is here stated Wayne Jacobson. There are steep access drives there stated Richard Schultz. That is another steep driveway, he added.

We applied to WPCA and they suggested contacting the neighbor but they are not willing to let us tie in to their system so we are not done with WPCA, stated Wayne Jacobson.

You have 9 stairs to work and then an intermediate landing area. It is straight up hill, you can pull forward, back-up and go down. There are 24 feet wide driveways on each side that allows the circulation to go right around the building. If there is a truck you can still keep going all the way around the building.

Where would you put the dumpster, asked Chairman Cribbins? The dumpster has been moved up front and it will be enclosed, answered Jim McElroy. It is a location that works and it might be less convenient for people that have to get there, he added. The dumpster and the façade on the building will be the same.

If there is going to be a daytime pick-up of that dumpster that will be a huge disruption, stated Comm. Lapera. They can control when the garbage will be picked up but you can't control when UPS or the U S Postal Service will pick-up, stated Anthony Panico.

Gary Knauf, the applicant addressed the Commission. I appreciate your input. I have built here before and I am looking forward to this project. There are nice buildings including the Wendy's location.

Wetlands was extensive and we spent a lot of time and I have tried to cover all the bases. I would like to get as much space as possible with regard to the 5000 square feet. There is a lot of empty space around and I will be sensitive to the parking. I intend to be selective with the tenants. I will accommodate the type of users that are in the area like the law offices.

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

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to close the Public Hearing.

RECESS AND RECONVENE IN ROOM 303. COMM. SYLVESTER ARRIVED AT 7:58 P.M. AND ASK THE RECORD SHOW HE WAS LATE DUE TO AN EMERGENCY AT WORK.

PROPOSAL OF THE SHELTON PLANNING & ZONING COMMISSION TO AMEND THE ZONING MAP BY EXTENDING THE CENTRAL BUSINESS DISTRICT (CBD) OVERLAY ZONE FOR THE EAST CANAL STREET AREA (PUBLIC HEARING CLOSED ON 7/27/2004) DISCUSSION AND ACTION AND

APPLICATION # 04-03 PETITION OF JOHN GUEDES ON BEHALF OF BIRMINGHAM DEVELOPMENT FOR EXTENSION OF CENTRAL BUSINESS DISTRICT OVERLAY, 5 BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22, 23) IB2 DISTRICT (PUBLIC HEARING CLOSED ON 3/9/04) DISCUSSION AND ACTION

Anthony Panico stated that we wanted to do these as one. The Commissioners all recall the area that we are talking about here that is shaded in. Mr. Guedes application is for this portion and we have considered these together. Anthony Panico then read the attached Staff Report.

End of Side 1A of 2B, Tape 1 of 2 at 8:00 P.M.

We had a lot of discussion at our last meeting and we had a consensus. We need to let the record show that Comm. McGovern came in at 8:05P.M, stated Chairman Cribbins. Since Danny and Leon are here, we said Jason was sitting in for Comm. Pogoda you are allowed to sit in for Comm. Papale, stated Chairman Cribbins. It is actually the other way around stated Anthony Panico. You have indicated that Jason was sitting for Billy, he added.

One of the reasons that I bought that up is that we have received information because I have had discussions from our Corporation Counsel. Chairman Cribbins stated that all 8 members can hear an application and only the people sitting here can vote on a particular application. The two alternates then can't discuss the application on the table unless someone has recused themselves. We can't have 8 people discussing this issue. So there is presence set. There is something set in our file. I wanted opened dialogue and I value everyone's opinion and there is a presence set, he added.

You have obviously had a discussion so this is a question, if Karen is a representative of the minority Party she can still participate, she still has a right to participate as a fill in for the majority Party, questioned Comm. Sylvester? That is in our regulations, stated Chairman Cribbins. I think that you are correct Mr. Chairman, stated Richard Schultz.

I think the issue is when you have a full sitting board, what is the role of the alternates, stated Anthony Panico. I understood the role of the alternates to be that they could not participate. They can hear an application, they just can't deliberate, he added. Right, stated Chairman Cribbins. They have to sit back during the deliberations and let the official members sitting on that item deliberate.

If it is part of the deliberations then the alternate is a alternate for the entire Board, stated Comm. Sylvester. Unless your Charter provides otherwise that is my understanding, stated Anthony Panico. The alternate can sit for any member of the Commission. I read the language on that sometime ago when we first put it in, stated Chairman Cribbins.

Comm. Sylvester stated Danny and I missed the last meeting, so I have some questions. You had a consensus at the last meeting, he questioned? We had more than 6 Commission members here at the last meeting this was on the agenda and we went over the reasons why we were doing this and we came to a consensus. There was no resolution written at that time, we asked Tony to go ahead and write that resolution.

Comm. Sylvester stated that as I understand it the Central Business District Overlay doesn't give anyone any relief from any Zoning Requirements? That is true stated Anthony Panico.

It doesn't automatically allow, automatically allow, less parking, or higher height, it just allows, this is a question, it simply allows the Commission to work with the applicant in that particular zone to do something that would be more appropriate, questioned Comm. Sylvester?

Anthony Panico stated no. What it does, it authorizes the Commission the right to consider a Planned Development District (PDD). Normally, a PDD is relegated to Special Development Areas (SDA's) that have 60,000 square foot parcels, etc. Well obviously that doesn't work downtown. So what the Commission did, several months if not years ago, decided that didn't make sense downtown. You have unique circumstances including parcel size, etc. In order to have flexibility to use the PDD you needed to have a mechanism. So we agreed to reduce the minimum size of the PDD in the case of the downtown area to 10,000 square feet but you have to be located in the Special Downtown Area.

That Special Downtown Development area was called the Central Business District (CBD) Overlay. What this proposal does is to take the CBD Overlay, when it was originally put on it terminated at the railroad and now extends this to the river. It picks up the riverfront parcels, stated Anthony Panico.

So what it does is allow someone in that particular area to apply for PDD, questioned Comm. Sylvester? That is correct, stated Anthony Panico. They have to have a minimum of 10,000 square feet, he added.

So lets go to the PDD, stated Comm. Sylvester. Does the PDD allow more development, more intensity, he questioned? As you know the PDD allows you to consider the development based on its merit rather than artificial standards and restraints on a generic zone, stated Anthony Panico. The trade off being it is done only with a specific unique approval on each specific proposal, he added.

The 1992 Plan of Development has recommendations on the height in the downtown area, stated Richard Schultz.

I am more concerned with the traffic stated Comm. Sylvester. That is the issue and I am extremely concerned with traffic. I am concerned with the lack of ability to handle the traffic. The traffic is just what the downtown merchants want, he added.

That is why it is important what happens is in concert with improvements to the infrastructure, stated Anthony Panico. Until now we finally have some improvements along Canal Street up into here. Development for the Condos on Canal Street, questioned Comm. Sylvester? It is expressing a form of support that this is the type of development that has been visualized and should be considered. To do that you need to have this approach, stated Anthony Panico. Yes, in that sense it is. Does this action give the green light for that, no, answered Anthony Panico. There is another item that as you know, on the agenda Item C that is the actual Petition to establish the PDD which would authorize that development to go forward, he added. I will tell you the discussion at the last meeting was a very positive approach to it. We still have a couple hours of work to do on that, Rick and I, and will probably be on the next meeting, that is our expectation, he added.

One last question, an approval A leads to an automatic approval of B, questioned Comm. Sylvester? No, stated Anthony Panico. A & B are combined. B is the small portion of the overall. Once A exists you can't refuse B, stated Comm. Sylvester. If the Commission thinks is practical it is comprehensive to do the both, added Anthony Panico. Now with the other parcel it is marketable down there, he added.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to approve the Proposal of the Shelton Planning & Zoning Commission to amend the Zoning Map by extending the Central Business District (CBD) Overlay Zone for the East Canal Street area and Application # 04-03 Petition of John Guedes on behalf of Birmingham Development for extension of Central Business District Overlay, 5 Bridge Street and Canal Street West (Map 129, Lots 20,22, 23) IB-2 District. A roll call vote followed with Comm. Perillo, Comm. McGovern, Comm. Oraziotti, Comm. Sylvester, Comm. Lapera and Chairman Cribbins all voting I to approve.

APPLICATION # 04-04 PETITION OF JOHN GUEDES ON BEHALF OF BIRMINGHAM DEVELOPMENT FOR PDD ZONE CHANGE (CONDOMINIMUM UNITS) 5 BRIDGE STREET AND CANAL STREET WEST (MAP 129, LOTS 20, 22, 23) IB-1 DISTRICT (PUBLIC HEARING CLOSED ON 3/9/04) DISCUSSION AND ACTION

Two weeks ago when we had our meeting we also talked about this particular application. We told Tony to write up a resolution and he had no time to do that. He will come back at our next meeting with the resolution.

We did get a letter from the applicant authorizing an extension until October 13th, so we will need a motion, stated Richard Schultz.

On a motion made by Patrick Lapera seconded by Jason Perillo it was unanimously voted to accept the extension on Application # 04-04 until October 13, 2004.

I would like the record to show that I was not at the last meeting and the consensus was not based on any of my opinion, stated Comm. Sylvester. If you would like to listen to the tape or get the minutes, stated Chairman Cribbins.

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, LOTS 52, 10, 15, 16, 7) DISCUSSION AND ACTION

Richard Schultz read the attached report from the City Engineer.

At the last three meetings we have had discussions on this, stated Chairman Cribbins. The Aldermen are very willing and have taken the action to get the road opening at the T, he added.

We had a lot of discussion and a lot of aspects were kicked around. There is follow-up work to be done after the action you will take tonight, stated Anthony Panico. We need to put the subdivision to bed and he then read from the attached findings and conditions.

That is our goal is to take this line over for Open Space and we are going to get there in steps stated Anthony Panico. Qualified Open Space is that which is free of wetlands. Depending on what the plans show if we gain enough Open Space we would have extracted the entire Open Space for all of the 81 acres and there will not be additional Open Space taken, he added.

In going through this the plan shows 37 lots and septic system design. There is not enough room to fool with the geometry of the lots. Our goal is to get rid of these 3 lots. You can move one here and the road can be terminated in a cul-de-sac.

If we shift the Open Space there may be a little room here to play with lot lines. That is doable but it needs corporation from Wetlands. There is an intermittent watercourse, which then includes a setback.

We have even looked at this area as a CRD development within the overall development. You could then set different perimeters for the lot, stated Anthony Panico. We might be able to create another lot here.

Is it necessary to take 3 lots, asked Comm. Sylvester? No, it is desirable stated Anthony Panico. For the City stated Comm. Sylvester.

I am going to suggest grant the approval and these 2 lots will be interior with fee strips off this cul-de-sac. This lot will come out and be added to Open Space. The second may come over here, stated Anthony Panico. The two would be, you can get two but three, stated Comm. Sylvester.

This piece abuts the French's Farm piece. It has a lot of potential uses and that is where the Open Space should be, stated Anthony Panico.

What is the total amount of Open Space, asked Chairman Cribbins? It is about 70 acres, stated Anthony Panico. That is the bottom line on that.

The applicant wants to get into a construction road. We want that to be maintained as access to the Open Space, stated Anthony Panico. The applicant just wanted it for construction then he would destroy it but I would like to see that maintained as access for Open Space, he added.

It is important for the existing neighborhood and the proposed neighborhood to have access to the Open Space and they can handle through the access here, stated Anthony Panico.

We don't need this little strip between lots # 29 and 31.

There are some situation that the lots have large backyards and we want a conservation easement and then if it is backing up to Open Space we would ask them to convey that. It is land that they can't use anyway.

They need to bring a driveway line and then 27 would be an interior lot. There are a few lot line adjustments like that.

You have everything in there and maybe we will end up with a lot up there, stated Chairman Cribbins. You can keep that as a standard 1-acre lot, stated Anthony Panico.

Richard Schultz read his draft motion. (see attached)

On a motion made by Patrick Lapera seconded by Daniel Oraziatti it was unanimously voted to approve Application # 04-17 with conditions. A roll call vote followed with all Commissioners voting I to approve.

It seems like we are doing a lot of work to add a some amount to Open Space and my question is we are talking about moving the Open Space access down to the westerly side of Lot (?), in order to remove this access and add a lot in here somewhere, questioned Jason Perillo? That was not the original goal. The original goal was a consensus to have a pedestrian walkway down through here along the backs of these houses that have been here for years, as well as the new homes, it looks good to us as planners and conservation & open space like that. People who live there they don't like people walking in their backyard, stated Anthony Panico. Like Mayflower Lane, that backfired, stated Richard Schultz.

Jason Perillo stated from a homeowners prospective I would want this. The homeowners that are there now the cul-de-sac is there right by the Open Space, stated Anthony Panico.

End of Side 1B of 2B, Tape 1 of 2 at 8:45 P.M.

APPLICATION # 04-28 PETITION OF VETERINARY PROPERTIES, LLC FOR SDA OVERLAY EXTENSION, BRIDGEPORT AVENUE (MAP 8, LOTS 8, 13, 15, 16, 17) (PUBLIC HEARING CLOSED ON 8/10/2004) DISCUSSION AND ACTION AND APPLICATION # 04-29 PETITION OF VETERINARY PROPERTIES, LLC FOR PDD ZONE CHANGE (VETERINARIAN HOSPITAL) 895 BRIDGEPORT AVENUE (MAP 8, LOT 17) (PUBLIC HEARING CLOSED ON 8/10/2004) DISCUSSION AND ACTION

At the last meeting we also discussed these applications, came to a verbal consensus and we authorized Tony to draw up a resolution.

Anthony Panico read the attached draft resolution. (see attached)

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to approve Applications # 04-28 and 04-29. A roll call vote followed with all Commissioners (except Commissioner Sylvester – who didn't vote) voting I for approval.

Richard Schultz stated that with the previous action we didn't do anything about the clear cutting. Detailed plans were filed today, he added. This is for clear cutting for the Veterinary Clinic, he added. I thought we would take that as a separate action, stated Anthony Panico. As long as we get the bonding in, stated Richard Schultz. They have a tough time line, stated Anthony Panico. You can direct Staff, stated Richard Schultz. O.K. then we will direct Staff to allow the clear cutting and communicate with the applicant in regard to that, stated Chairman Cribbins.

OTHER BUSINESS

8-24 REFERRAL: ACQUISITION OF WIACEK FARM PROPERTY (MEADOW STREET/CONSTITUTION BOULEVARD NORTH)

Richard Schultz read a memo from the Mayor's office requesting the 8-24, he then read minutes from a Board of Aldermen's meeting, and he also read a letter from the City Engineer. (see attached)

The office was made aware today that eminent domain will take place, stated Richard Schultz. There is a letter from Corporation Counsel with the pink being the property and the property in yellow will be reserved for the Wiacek Family. The City is considering taking 38 acres by eminent domain. Accordingly by State Statutes this Commission makes a recommendation to the Board of Aldermen.

Really it is not rather or not we are approving the action for eminent domain or anything to do with that. Our charge is from a planning standpoint, stated Chairman Cribbins. The acquisition of the farmland, stated Richard Schultz. If the acquisition of this farmland is in the best interest of the City, stated Chairman Cribbins, and the long-range plan.

I think that is true but I can't separate those, stated Comm. Sylvester. I think that you hit the nail right on the head and that is where I am torn. See I was part of a discussion early on several years ago, where consideration was to acquire this property and as part of the discussion I was in favor as far as this is adjoining the Shelton High School Complex. Of all the Open Space we have purchased. This is used daily the Shelton High Complex.

My problem is that I think in my heart we let this go to far, stated Comm. Sylvester. If that was going to be done it should have been done before these people separated it, broke into lots and started to develop it as a homestead, he added. Now I have a real problem of stepping in there to take as eminent domain. I have a problem and I am addressing your comment because I feel you are right on the money and I understand what you are saying, however, ultimately I can not separate the two. Knowing full well that it is my understanding that the Wiacek people have not been privy to even this information.

They are completely in the dark. They have moved forward in good faith to develop their property. It is my understanding that the City made an offer for the property, in view of the value of the property in the City, was ridiculous low. They (the City) had an indication they wanted to buy it but they did not want to pay a fair market price for it. The Wiacek people moved on.

So you see Pat I am saying something as I view, having lived in this Community all my life, if my family owned that property, had negotiated openly with the City, but the City was not willing to pay the value, I moved forward, came here in this process, sat before this Board working hard and diligently to divide into lots, once I did that, I went up there to excavate for my own private home, then the City moved wanting to take this as eminent domain, that clearly is not a separation of issue in my opinion, stated Comm. Sylvester. Now you are entitled to yours, he added.

All I can say Leon is that the decision for condemnation, rather to do it or not to do it and the timing, is not a decision that rests with this body, stated Comm. Lopera. It is a decision of the legislative body of this City, the Aldermen and the Executive. It concerns me that we are talking about the City as to how much they are willing to pay, how much they are not willing to pay, if they should condemn it, because it is not a proper discussion, he added.

I think it is a proper discussion, stated Comm. Sylvester. No, stated Comm. Lopera. Well in your opinion it is not and in my opinion it is, stated Comm. Sylvester. Obviously I believe it is a proper discussion because I am putting it in the minutes and on the record, he added.

The discussion of how much the City wanted to pay or what the City is going to do is not zoning an issue. The condemnation is not a power that this body has or that it ever had and the decision as I understand it, stated Comm. Lopera.

They are asking for a referral from us though, stated Comm. Oraziotti. They are asking for a referral, for a planning referral stated Chairman Cribbins. It is a planning referral, does it make sense to acquire the property, stated Comm. Lopera.

I put it on the record that I am in favor of the purchase of this property, stated Comm. Sylvester. That is in the record. I have been in favor of the purchase of this property. However, I cannot clear myself from what I just said. I cannot support it at this time. Condemnation. I cannot support. Rick just described the proposed action of this City is to use the above condemnation, the process of condemnation. I cannot accept that.

This referral is the intent of the City to pursue acquisition by whatever means are necessary, stated Anthony Panico. I think he said condemnation, stated Comm. Sylvester. I think that is what he believes is going to happen, stated Anthony Panico. Because I don't want the Commission to read something different to this, stated Richard Schultz.

I share Comm. Sylvester's concerns about how this property is being acquired, stated Comm. Perillo. I certainly do and I have wrestled with this for quiet a while. I respect that Comm. Sylvester can not clear that acquisition and the manner in which it will happen away from the decision on this.

However, I believe we have to do that because I think we have to remember, myself excluded, we have to remember why we were elected. We were elected to the Commission of Planning & Zoning. We are not legislatures. It does not fall within our charge. Our charge is to make recommendations and work hard toward the proper and best way to develop and plan the future of this City. If we as Commissioners believe that this piece of property makes sense from the perspective of planning & zoning then that is what needs to drive our decision, I believe, stated Comm. Perillo. I believe we must tear the manner of acquisition away from the planning & zoning aspect of this. I certainly would urge the legislatures to try to pursue this in the best way possible. Is condemnation the best way, I don't believe so and I would strongly urge the legislatures to try to come to a reasonable compromise on this, stated Comm. Perillo. However, that is not our charge and I think we need to tear ourselves away from that in order to make a planning & zoning decision, as a planning & zoning Commission, he added.

I respect your opinion and I haven't a problem with that, I have just given you my opinion and the way I would vote, stated Comm. Sylvester.

Mr. Chairman, I would clarify the acreage, I think I said 38 it is 39.7, stated Richard Schultz. The legal description is for 39.7 acres, he added.

Any further discussion, then can I have a motion to report on the 8-24 Referral, stated Chairman Cribbins. Comm. Perillo made that motion and Comm. Lopera seconded it. Any further discussion. Comm. Oraziotti stated I am abstaining. Comm. McGovern stated I am with Danny.

I am just trying to put this into perspective. They came to us to say this is a reasonable thing, stated Chairman Cribbins. Whatever the outcome is, today I don't understand the method that they will take, they may come up with some equitable form, I do not know what they are doing here, he added. However, from a planning standpoint see as though we have it, the City owns the Open Space up here, it is an adjoining piece to the Shelton High School piece, if this piece is next to 500 acres of City owned property when you look at the piece that we took all the way down here to the campus, then you go across the street all the way to Huntington Street, that 200+ plus piece we took over there, when you look at, it makes sense from a planning standpoint, to take this particular piece of property, especially if you would like some additional fields up the top, stated Chairman Cribbins.

Having said that I do not know why the Board of Aldermen waited, why they did, they came to us months ago and said we would really like this property. Why did the Board of Aldermen not take an action, then? Why did we have to have public hearings waste their time, waste our time, if they wanted to take some action, we would have said go ahead and do that, stated Chairman Cribbins. Rather or not in their discussion with the people that were here, lets us go through the process, it is possible that happened, maybe Shawn said lets go through the process if it is good enough to see how many lots we can get on the property to establish a value, to see what we could get approval on. My vote on this 8-24 would not be for rather or not the process is acceptable to me, it is about how this will work out. I would rather this be raw land and we had not come here, so we would not have had hearings and discussions and Open Space and our time, we had valuable time that we could have been working on other things, stated Chairman Cribbins. I have the same issue with the Tall Property.

We have a lot of people upset about the Tall Property. Had a lot of people here that other people in the Community got them excited that there would be a lot homes built on this on thing, rather we knew, we knew what we were doing, it was other people in the Community that got them all excited and upset that multiple things were happening on this property, stated Chairman Cribbins. On this 8-24 Referral, I am just voting on this from a planning standpoint, he added.

On a motion made by Jason Perillo seconded by Patrick Lopera it was voted to report favorably on the 8-24 Referral: Acquisition of Wiacek Farm property (Meadow St./Constitution Blvd. North). 3 Commissioners voted I in favor, 2 voted no in opposition and Comm. Oraziotti abstained.

I am opposed because I believe we have allowed this development to go to far before we stepped in and condemn it or take it by eminent domain. I think that the City has a right to use eminent domain however in my opinion it is far beyond that and we should have made that decision long ago, rather then allow this family that has owned this property and worked cooperatively with the Board of Education and the City for all these years, stop them in the middle of constructing their own home to say that they (the City) are going to take this by eminent domain, stated Comm. Sylvester. I have no problem with the value of the property, although it does have high-tension wires running right down the middle of it. I am not sure what we could do with it as far as if a school could be built there. There are other parcels in town that would warrant access. We have exercised our right to purchase property but eminent domain, I just can't get there, he added. So I vote no.

Comm. McGovern stated I feel the same way. I sat through the hearings with the family and everything. Long discussions with them about the Mayor and the families getting together, we asked questions, we had a hearing, we went through a lot of deliberations, to me I feel the same way. You cannot take it by eminent domain. If there is another way, I don't want to see it done that way, stated Comm. McGovern. So I vote no, she added.

Comm. Perillo stated I also do not want to see the family go through that. However, I am able to divorce myself from that issue because it is a planning & zoning issue and I am a Planning & Zoning Commissioner. I vote I, stated Comm. Perillo.

Comm. Lapera stated I think from a planning perspective, looking at the Board of Aldermen, looking at Conservation, saying that they would like this piece of property, it contains acreage, it is next to the high school, from a planning point of view it certainly makes a lot of sense for this property to come into the City. I agree with the Chairman that I may or may not have an opinion on the City's handling of the matter, I think that the City's handling, that condemnation is the responsibility of the Board of Aldermen and the Executive of the City, and how they decide on acquisition I don't think is a proper matter for this Board or the manner in which they acquire property, is a matter for this Board. As far as the planning goes, if it was raw land or a subdivision or whatever it is, from a planning standpoint it makes sense because of the location near Open Space and the High School. So from a planning point of view I will vote I, stated Comm. Lapera.

The Chairman votes I, stated Chairman Cribbins.

The vote was Comm. Lapera, Comm. Perillo and Chairman Cribbins all voting to report favorably on the 8-24 Referral on the Wiacek Property. Comm. Sylvester and Comm. McGovern voted no in opposition to the 8-24 Referral on the Wiacek Property. Comm. Orazietti stated he will abstained from the vote because he has used Attorney Shawn Splan with regard to his business.

8-24 REFERRAL: ACQUISITION OF THE TALL FARM PROPERTY (LONG HILL AVENUE)

Richard Schultz read the letter from the Mayor's Office requesting an 8-24 Referral on the Tall Farm, he also read from the Board of Aldermen minutes showing the location of the property. There is a map that the Commission is looking at. The Tall property is 33 acres. He also read the City Engineer's letter.

This property never came to us for development rights, stated Comm. Sylvester. Of course it has, stated Anthony Panico. I mean for a subdivision, stated Comm. Sylvester. It came for a zone change, stated Anthony Panico, not for a subdivision. We did get a lot of support from the neighborhood that it should be kept as Open Space. It was a zone change and it was our right to say no to that, stated Chairman Cribbins. I think Open Space is great for the City, stated Comm. Sylvester. I have a problem with condemnation, he added. A side note, if the City acquires this property, Stowe Drive cul-de-sac will become a permanent cul-de-sac by way of City ownership, stated Richard Schultz.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to report favorably on the 8-24 Referral: Acquisition of the Tall Farm Property (Long Hill Avenue).

Do we have a recommendation by Staff on the value of this property as Open Space for the City, asked Comm. Sylvester? When I formulated the Open Space plan back in 1993 this was recognized by me and I believe it is a crucial linkage of the Housatonic Greenway to the Far Mill River Greenway, stated Richard Schultz. I have no opinion on the feasibility or desirability of it. I would defer to the experts who spend their time to Open Space needs, stated Anthony Panico.

8-24 REFERRAL: RELOCATION OF EASEMENT (15 STENDAHL DRIVE)

Richard Schultz read the City Engineer's letter who recommends no action at this time so this Commission can report unfavorably. There is some pipe in there, let Highway & Bridges do there due diligence. You would report unfavorably and let the City do their work, he added. It makes sense to go along with the City Engineer, stated Chairman Cribbins.

On a motion made by Daniel Orazietti seconded by Patrick Lapera it was unanimously voted to report unfavorably on the 8-24 Referral: relocation of easement (15 Stendahl Drive).

8-24 REFERRAL: IMPROVEMENTS TO INTERSECTION OF BUDDINGTON ROAD AND JUDSON STREET

End of Side 2A of 2B, Tape 2 of 2 at 9:30 P.M.

Richard Schultz read the City Engineer's letter. (see attached0

We don't have the infrastructure to take care of these things, stated Comm. Sylvester. There is a big problem up at the high school with garbage. We are asking that people take home what they bring up there. We don't have the workforce to take care of this. To eliminate this because it serves no purpose, stated Comm. Sylvester, it is a good thing.

On a motion made by Patrick Lapera seconded by Jason Perillo it was unanimously voted to report favorably on the 8-24 Referral: Improvements to intersection of Buddington Road and Judson Street.

8-24 REFERRAL: EXTENSION OF PAWTUCKET AVENUE

Richard Schultz read the City Engineer's report. (see attached) We have extensive paper streets in the Coram Avenue area and the Pine Rock Park area.

On a motion made by Jason Perillo seconded by Leon Sylvester it was unanimously voted to report unfavorably on the 8-24 Referral: Extension of Pawtucket Avenue.

On a motion made by Daniel Oraziatti seconded by Leon Sylvester it was unanimously voted to adjourn at 9:40 P.M.

Respectfully submitted by,

Diana Barry,
Clerk

Tapes (2) and correspondence are on file in the City/Town Clerk's Office and the Planning & Zoning Office.