

The Shelton Planning & Zoning Commission held a Regular Meeting on December 14, 2004 at 7:00 P.M. in the Shelton City Hall Auditorium, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. Jason Perillo (sitting in for Comm. Papale)
Comm. Anthony Pogoda

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

Members absent: Comm. William Papale
Comm. Leon Sylvester
Comm. Karen Tomko-McGovern

TAPES (2) AND CORRESPONDENCE ARE ON FILE IN THE CITY/TOWN CLERK'S OFFICE AND THE PLANNING & ZONING OFFICE.

Chairman Cribbins opened the meeting with the Pledge of Allegiance.

PUBLIC HEARINGS

APPLICATION # 04-41, PETITION OF AUSTIN WOLF ON BEHALF OF SHELTON REALTY ASSOCIATES, LLC TO AMEND THE ZONING REGULATIONS BY ESTABLISHING AN AFFORDABLE, ELDERLY HOUSING DISTRICT (R-6 DISTRICT)

AND

APPLICATION # 04-42, PETITION OF AUSTIN WOLF ON BEHALF OF SHELTON REALTY ASSOCIATES, LLC TO AMEND THE BUILDING ZONE MAP BY CHANGING FROM R-1 TO RESIDENCE R-6 DISTRICT, 628 LONG HILL AVENUE (MAP 41, LOT 45)

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

Attorney Neil Marcus, Cohen & Wolf, on behalf of the applicant of Austin Wolf, addressed the Commission. He has with him this evening, Attorney Carrie Lawson, Herschel Sosnoff, Dave Sullivan (Barkan & Ness), and Rodney Morrison, LRC Group.

We are here this evening by virtue of a contract to purchase that property and assignment of the sales agreement, stated Attorney Neil Marcus. (see attached)

Your Secretary read to you the text of the Zoning Amendments. This amendment is made under Section 8-30G of the Connecticut General Statutes, which is actually called the Affordable Housing Act. It was adopted around 1989 and amended a number of times.

He presented to the Commission statistical information provided by the State of Connecticut, Department of Economic and Community Development (that can be found on file in the Planning & Zoning Office). The statistics show you what town's fall under the Act and which are exempt. The magic number is 10% and the towns where 10% meets the criteria there is an exception from 8-30G.

The fear was the largest City's took up the burdens of providing affordable housing. The Legislature then passed an act that smaller towns take up some of that burden. That is the origin of the act and a lot of people think it is low cost housing.

It deals with two criteria, one is housing that is available for people who are 80% of the lesser of the State or mediate income. The only place that meets those criteria is the Waterbury area. Most of the State exceeds that but in most areas we use the State mediate income which is about \$79,000-\$80,000. So we are talking about people who make 80% of that or the second level of this is the people who make 60% of that.

This is not exactly low cost housing if you family income is \$45,000-\$60,000. That is actually Middle Class Housing, stated Attorney Neil Marcus.

The proposal adopts 8-30 and we will talk about the amendments. We will create a new district, R-6. This will be a multi-family elderly residential development with an affordable housing component. In the towns or small cities where I appear regularly on applications before Planning & Zoning there is a push to adopt active adult, active elderly, multi-family or planned districts of some sort that service a need for the elderly. The proposal is to develop affordable housing for the elderly.

There is insignificant demand on the Community due to this type of development not the regular housing supply with children. This is unique in its economic considerations.

We are going to ask you to develop the standards that we set out in the proposed amendment. We will refer you to 24.1, which is your Schedule B, and we have added a column for the R6. We show lot area, the lot frontage and are the same standards that are set forth in the table.

The policy is 10 acres and there are a lot of areas where you need a sizeable parcel to have a real Community with houses.

The square footage dwelling size is smaller than what is in the R5 District. The R6 has the same square as the R1. The lot frontage is the same that is in the R5.

The building will be 4 stories. That is one higher than the R5. The setbacks are the same that are in the R4 and R5. The lot coverage at 50% is slightly more than what exists in the R4 and R5. The floor size is the same as the R4 and R5. The square foot in a one-floor unit is the same in R3, R4 and R5, stated Attorney Marcus.

Section 45 sets out standards for affordable housing and elderly housing. We have attached to the application additional information on the definition. The Section 45.7 requires that the units would be comparable in quality. Comparable doesn't mean exactly the same. When you drive into a base you know exactly where the Sergeant's live and the enlisted men live in different housing. When you drive into a development you should be able to tell that the units are finished in the same fashion.

If you have a dishwasher in one unit then you have to put a dishwasher in the other. The makes could be different but it has to be comparable.

The applicant submitted an affordability plan. We have a model that sets forth the criteria and it is not site specific to any plan at this time. This tells you that 30% of homes in condos will be designated housing units, stated Attorney Marcus.

In the plan itself there is a 40-year covenant and they will track the same statistical numbers for eligibility. If I buy an affordable unit in this proposed housing development I will sell it to someone else who qualifies. If you look at the outline of the plan there are key issues and you have to comply with a Fair Housing Act.

The Federal Reserve changed mortgage rates today and just 1/4 % raise in the rate will affect the long-term mortgage rates. The pricing is a formula based on 80% with taxes and utilities to back into the sale price based on those criteria.

The cost of occupancy can't exceed 1/3 of their income. In the yearly figure it has to have the 80% mortgage, taxes, insurance and basic utilities. The figures change daily.

There are standards with regard to underground utilities, landscaping and sanitary sewers.

When we talk about occupancy, the sons and daughters can buy this for Mom and Dad but one has to be 55 or older, stated Attorney Marcus.

I have added another section to show how the site plan will be processed under the new regulations. The standards will show options to the regulations. We show how all the information will be tied into the application.

I will leave you a copy of your comprehensive development for the City of Shelton. (on file in the Planning & Zoning Office). This shows information on elderly housing.

On page 39, there is a paragraph that talks about ownership, stated Attorney Marcus. It talks about the housing stock. There is a map of proposed Open Space and Recreation.

The next issue that we have to deal with is deciding if the amendment creates traffic issues that are unanticipated, stated Attorney Marcus. We have asked David Sullivan to talk about the issues that are not site specific. This is just information on the traffic impact, he added.

David Sullivan, Senior Transportation Engineer with Barkan & Ness Associates, addressed the Commission. We focused on the standards that are set forth in 3.1.7.1.4 we feel this is consistent with the protocol to assess the traffic impact. The development will handle .5 trips per units and the elderly housing creates less than reasonable traffic. (see attached)

Attorney Marcus stated we have covered the text amendments and I didn't ask you at the beginning if you were rolling these two hearings into one? Chairman Cribbins answered yes.

Attorney Marcus stated that we have a letter from Raveis Realty dealing with issues of site density. (this is on file in the Planning & Zoning Office). The application is for 628 Long Hill Avenue. This parcel is 28.6 acres. We asked Raveis to give us an ideal of compatibility of the zone as proposed. We asked that they indicate the lots that are available in Town that might qualify for R6.

We wanted feasible sites and it is difficult to develop this on 10 acres. We can do a further analysis on this. For 20 acres there are a lot of sites and I will get you the additional information, stated Attorney Marcus.

You know that 8-30G applies to all the zones in Shelton except industrial and is zoned for affordable housing. Once you have regulations the developers will look into the statutes.

You want to look at the site for the type of zone that we want to develop there, stated Attorney Marcus. Attorney Marcus stated we have a site evaluation summary that is not site specific that we have handed out.

Adam, (inaudible) a Civil Engineer with LRC Group, addressed the Commission. (The report is on file in the Planning & Zoning Office). This existing site has 3 areas. The portion most conducive is in yellow on the plan. The majority of this is 16.6 acres. The slope area is in green. This area has severe slopes. This area has heavy rock out cropping.

The site is not located in a Flood Hazard Zone.

There is a sewer line along Long Hill Avenue. There is a water line located along the Long Hill Avenue area, as well.

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

Utilities are available stated the Engineer.

The color map shows the immediate neighborhood and adjacent to the subject property is a condo development that sets the nature of the neighborhood. When you get further away you come down to a nice neighborhood of single-family homes. Further down there is a dense development of senior housing consisting of 161 condo units, 92 rental cottages, 92 apartments, 67 assisted living and 120 nursing home beds, stated Attorney Marcus. There are units that will house 530 elderly people adjacent to this site.

The continuing care community is compatible with that type of use. Clearly we are not taking a zone to create in the middle of nowhere and we are not putting it right in the middle of a single-family residential neighborhood. The neighborhood changes both above and below the site. If you adopt the R6 does this site qualify for the regulations.

Interesting enough, if you want to fully understand 8-30G the Connecticut Supreme Court handed down a decision called River Bend. This was a Glastonbury case, actually 3, but they are two separate cases, one a planning case and the other a zoning case.

The Planning Commission dealt with the site plan and the scope of that. The Zoning Commission dealt with the scope of the text amendments. It would help if you wanted to get some ideas of the state of law to read this case. Essentially the Supreme Court said you can't preclude affordable housing in zoning amendments unless there is something in the record that shows an overwhelming public health and safety consideration. The burden shifts to the Commission and you can see that clearly if you look at River Bend. The zoning amendments are appropriate under River Bend.

The second issue is to determine if this property by its physical characteristics, by its location and proximity to the road service, utilities, etc. if this site meets the criteria of the new amendments, stated Attorney Marcus. Keeping in mind the question, does affordable housing really apply to any site in Shelton? The answer is yes, he added.

We put before you a better process for the amendments and we will give you the text amendment, you adopt that and rezone the property. Then we will give you the site plan. We would like to leave with the thought of the orderly process. We will stand by to answer questions and we understand that because some of the Commission members are absent we want the Commission to grant an extension of the hearing until January 25th. We will follow that up with a written request and that will allow the public some additional time.

Chairman Cribbins stated that we would like the balance of the Commissioners to have that additional time and that also allows additional input from the technically staff.

Chairman Cribbins read a statement concerning affordable housing. Shelton has provided a wide variety of housing. The regulations include multi-family districts including the 3 trailer parks. The most recent housing development is the Ripton downtown, which provides 100% affordable housing units. This shows the willingness of the City to provide affordable housing as it always has. The statutes don't recognize the affordable housing units inventory in Shelton. This is because they don't recognize deed restrictive units, government assisted units and units financed by CHFA and FMHA.

Shelton according to its 2000 census has 14,707 total housing units. In 2003 Shelton only had 3.27% meeting the affordable definition. This doesn't reflect the current number in existence. The City of Shelton will continue to provide a variety of housing units, stated Chairman Cribbins.

Geraldine DeLibero, 432 Asbury Ridge Road, addressed the Commission. She pointed to the map stating that we are here and this type of housing should not be brought into this area. People over 55, like my sister-in-law who is 72 is still working everyday. She read from the attached letter. There are many people who wanted to speak to this tonight, they are elderly and could not get out this evening.

Chairman Cribbins stated we will look for your previous letter and resubmit that. We know about the traffic, the sewers and the density but if can add to that, the floor is yours, Mr. Pacowta.

Michael Pacowta, 166 River Road, addressed the Commission. He wished the Commission members a Happy and Healthy Holiday season. I stand here in support of Open Space and I also stand here in support of the taxpayers of the community. I hear other comments from the administration and the Board of Aldermen of their intent to purchase this same parcel as Open Space. Purchase it through eminent domain. My concern is for the applicant because it is highly reminiscent of another application that was approved several months ago, the Wiacek application. Very shortly after that the administration began to seek that property through condemnation, stated Michael Pacowta.

I would hope that you would not go through that type of process again. I would hope that the lines of communication are opened between the Mayor's office, the Board of Aldermen and this Commission. I would hope because you people are very busy people, you do a lot of work. Above and beyond that I would hope that for the sake of preserving precious tax dollars that you don't duplicate two processes.

Hank Lauriat, a member of the Conservation Commission, addressed the Commission. I would ask the developer how many units are in this development? Procedure is you ask the question of Chair, and the applicant then will answer. We haven't got a site plan per say but roughly 200 units answered Attorney Marcus. So of the 200 units, one person will be 55 or older, stated Hank Lauriat. Perhaps in the other bedroom are the son and daughter in law who bought this for Mom. There is a potential for an overwhelming amount of school children. That is a per child cost for city to pay for there education, every child every year. That is a lot of money that is not covered by the tax dollars generated by the revenue. Somehow there has to be a plan to make up that difference in income so that the children can be educated.

Thomas Harbinson, 15 Soundcrest Dr, 15 ,Co-Chairman Conservation Comm., addressed the Commission. I have some questions. One thing they talked about is a deed restriction for 40 years. 40 years is a short time. Sunnyside development had deed restrictions and they are no longer deed restrictive.

I think that to extend the public hearing until January 25th, I know that the postings are on the property and these notices of the hearings are in the papers, as well. People miss them so it is good to extend the hearing.

I question the size of the parcels and the zone change is not shown on the lot line. The definition of the parcel needs to be confirmed. This could be several small lots all combined, stated Tom Harbinson.

The Engineer spoke about the sewer availability. The Pinecrest property is working with the Stratford Sewer Commission. I would ask for the people who did this report to look into the capacity and rather or not this could handle the capacity, stated Tom Harbinson.

The utilities are an issue and at one time we had trouble getting a line (phone) out in our neighborhood.

The Attorney asked does the R6 fit in this location? There is a map that was prepared by Frank (Bykowski?) for the extension of Stowe Drive. He was asked to look at the extension onto the Tall Farm. This shows R1 lots. I would submit that the multi-family zone is not what I would consider the Views to the R1 of Stowe Drive. You have a choice when you approve the R6. The transition could go the other way to the R1.

I am Co-Chair of the Conservation we have made a proposal to the City to purchase 3 parcels. One of which was the Tall Property. The applicant knew about that. The P & Z has made a referral to acquire this property. The lines of communication are opened and very public. Everyone knows Conservations stand on this parcel.

Aldermen John Anglace, 676 Long Hill Avenue, addressed the Commission. Essentially I am here to state my opposition to this application. The request is an expansion of non-conforming use in an R1 District. There is already a significant portion of R1 being used for other then R1 purposes. There is no compelling need to designate any specific area for affordable elderly housing.

What I heard tonight, one would think when you hear the words affordable elderly housing, these poor elderly people. I am 73 years old and still able to stand on my own two feet. The lady said her 72-year-old friend is working, stated John Anglace. I don't why everyone thinks they have to do so much for us. I think I can do pretty well for myself. What I heard tonight, I get the impression that we are not really doing this for the elderly people, we are doing this for their sons and daughters who are moving to bring the elderly people with them.

We will set the standards by them, anyone who needs a place to live. It is a convenient way to circumvent the Zoning Regulations. We don't need the R6 zone. We are, you are currently updating the plan. You could take this all into consideration but I don't think we need it.

I don't think that I have to remind the Commission that the Board of Aldermen has indicated a interest in acquiring this property for City use. They have asked your Commission for an 8-24 Referral. You have at your September 28th meeting voted unanimously to report favorably on the City's acquisition of the Tall Fall. Since then the Board of Alderman has authorized the Mayor to seek an appraisal of the land and the process is expected to continue to its ultimate conclusion. It is my understanding that there has existed for sometime among the Aldermen the support to acquire this first through purchase and if that is not possible through eminent domain.

The applicant is well aware of the City's intentions and has been for quiet some time. It is my understanding that the granting of a new zone is within the discretion of the Planning & Zoning board. I commend you for your past use of good judgment. I ask that this application be denied.

I would comment on keeping the hearing opened. It is always good to let the minutes come out, let the public read them and to submit comments. I commend you and the applicant for doing that. I appreciate it, stated John Anglace. Thank you.

Attorney Marcus, addressed the Commission. Most of the comments from the public talk about buying the property for another use. Did anyone bring a check tonight? Unfortunately that is not a consideration under the statutes, 8-30G, rather the town wants to purchase this for Open Space. Obviously the comments from the public are that this has been a consideration for some time.

As far as children we anticipate developing 200 elderly units on that site. The property next door was developed and over the last 20 years there has been one school age child. If the City has a large stock of single-family homes the multi-family developments doesn't encourage school age children. In an application such as this the applicant would go back to the School Board.

I recognize the people who say that people age 55 and older are capable of working. The statistics on developing housing for active adults, the majority of the elderly are less gainfully employed. Keep that in mind, stated Attorney Marcus. All of the statutes and zoning information deal with the design criteria for 55 and older.

Someone talked about the sewer issue with regard to Pinecrest. We would anticipate that the infrastructure is here. The capacity is a fluctuating figure. We will identify the sewers to the service at the time of the site plans. Right now we are asking to create the text and rezone the property, stated Attorney Marcus. If the sewers show capacity for 40 units then there will not be 200 units. We look forward to discussing this at the next meeting.

I would close by wishing you all a good Holiday and hope to be here on January 25th, stated Attorney Marcus.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to recess the Public Hearing on Applications # 04-41 and 04-42 until January 25th, 2005.

PUBLIC PORTION

Michael Pacowta, 166 River Rd, addressed the Commission. I want to begin with the statement to hear any member of the public wishing to address the Commission concerning an item not on the agenda. Could you clarify the reasoning behind that, why for instance that I can't speak about Item A under New business, questioned Michael Pacowta? Why is that policy, he asked?

Anthony Panico stated you can speak to that under this portion. You can speak to a question that is being deliberated on by this Commission, if they wish to take Public comment. So that is the prerogative of the Chair if he wishes to accept any comments, then, stated Michael Pacowta. That is correct answered both Anthony Panico and Chairman Cribbins. Unless it is a Public Hearing, added Anthony Panico.

Chairman Cribbins stated see this Public Portion, this is a courtesy of the Board, is not a right. If someone is having problem in the community that they would want to make us aware of, we will take their comments or testimony for that. As you know if anything goes to a Public Hearing, after that hearing is closed, no member, no applicant or no member of the public is suppose to communicate with anyone on the Board. We can communicate amongst ourselves and deliberate either one on one or as a group, stated Chairman Cribbins. We are not suppose to take outside influences either from the applicant or the public to give us an unfair advantage.

Michael Pacowta stated in the case where something is being placed on agenda the for the sake of scheduling a Public Hearing, what if I felt that, what if I objected to that item going to a Public Hearing, when would is my opportunity? When it comes to a Public Hearing, stated Chairman Cribbins. It is every applicants right to submit an application and have that processed.

We operate under the Conn. Statues stated Anthony Panico. The application is filed, we have an obligation and we must conduct a Public Hearing and process the application, rather it is an approval or denial. It still needs to go through the process.

I understand that, I feel that something else should be done with that application rather than go to a Public Hearing, stated Michael Pacowta.

You can't do that, stated Anthony Panico. It is not what you or any other member of Public feels about it. It is the process with the application and by Statue we must follow that procedure. We can't single that out and treat that differently.

I am just saying if I want to suggest that to you, when is that opportunity, questioned Michael Pacowta? At the Public Hearing, answered Chairman Cribbins. That is the only opportunity to speak about that.

So I can't speak about Item 4A now, questioned Michael Pacowta? That is correct, answered Chairman Cribbins. You may at the Public Hearing, for example, say I would like for you to turn this down for this reason or that reason, or whatever and then here is what my alternative would be, he added.

Hypothetically speaking then, you have a piece of riverfront property someone wishes to develop, there are petitions signed for the specific reason of having the City purchase that for Open Space, would it be better for this Commission rather than to go for a hearing refer that with an 8-24, stated Michael Pacowta.

For instances, this evening you heard an applicant go through the process and we all know that we have to hear that and act on that, that is the process, stated Chairman Cribbins. The Board of Aldermen purchase property, we plan and zone, he added.

End of Side 1B of 2B, Tape 1 of 2 at 8:40 P.M.

It isn't advisable before sending that application that you hear from agencies such as the DEP, first, questioned Michael Pacowta? No, answered Anthony Panico. Statutes provide that we make a referral to the DEP 30 days prior to the hearing so comments they want to make will be part of that hearing. In respect to the inland wetlands, we can take an application that may have an impact on wetlands but this Commission can't make a decision until their recommendations are received, he added.

I would hope that the Commission would take into consideration the rarity of riverfront property and the fact that it is scarce and Shelton is fortunate to have all the miles it does. For the sake of the better of the Community this should remain Open Space I would hope that you would agree with that and vote accordingly, stated Michael Pacowta.

Unfortunately there have been other riverfront properties that were submitted for development processed and approved, stated Anthony Panico.

Hank Lauriat, Tahmore Place, addressed the Commission. He read into the record a letter from Conservation to this Commission regarding Tall Brothers. This is concerning the Wabuda subdivision. A couple of Conservation's members attended work sessions where the sales trailer was discussed. If you look at these pictures the green is the road coming in. Way in the back is where he wanted to put the trailer. He wants to put a road in there. We want to make sure the road is put back the way it is once they are through. There is a nice stonewall and 2 small trees, one of which is white oak.

He read from the letter and stated that it is imperative to protect the Open Space to be conveyed to the City. This piece that you are looking at on the map is part of the piece to be conveyed. There is a pit that defines a corner of one of lots and there should be an easement to protect that, stated Hank Lauriat.

When you come in Maple there is potentially a strip that connects to the lower pieces of the Land Trust Property. In the past the removal of topsoil was prohibited and we ask that you do this for this particular piece.

The road up to the trailer will be temporary for construction vehicles and the lower is not passable for construction vehicles, until such time the road is built, stated Anthony Panico. We discussed that the road be provided on a temporary basis for those construction vehicles then you build the neighborhood until such time the formal road is built. We don't have the necessary right of way to provide the road, he added.

The way the development came up to us was without the road even on it and we argued for it, stated Anthony Panico. The approval on behalf of the City is to be at a minimal cost to the City with maximum benefits. We will take the consideration of Conservation letter's into mind as we deliberate, stated Chairman Cribbins.

Is the Open Space donation going to change, asked Hank Lauriat? The pavement and the road will be restored to its original design, stated Anthony Panico. If the driveway will be of a benefit to the City then it will stay there.

Irving Steiner, 23 Partridge Lane, addressed the Commission. Merry Christmas and Happy New Year to all of you as well.

As a result of Mr. Pacowta's comments I was curious about one thing, sense you are processing an application that is being considered by the Board of Aldermen for eminent domain or purchase. At what point in the process by the Board of Aldermen does the action of your P & Z Commission, terminate?

The Aldermen didn't act and we close the hearing, we would act on and tell the City if the application makes sense for the City. We would follow through and if we determine that it is good for the City, they could do whatever the applicant wanted on the property, we would give them the opportunity, stated Chairman Cribbins.

He then read the attached letter (there is also copies from newspaper articles-that are on file in the Planning & Zoning Office)

We have no appeals at this time but Staff has been working with Corporation Counsel to overall our PDD's to make them more acceptable, stated Anthony Panico. This is why I would like to see a press release from the town of Shelton that this is being done, stated Irving Steiner. For us we don't usually do a press release without some sort of information to report other than what we are working on, stated Anthony Panico. Under our planning report there are amendments and we will be talking about drafting some changes to those, stated Chairman Cribbins.

We have been working and Corporation Counsel will read through to see what we could do to strengthen our regulations, stated Anthony Panico.

This reminds me of situations where some of the standards weren't the same. This Attorney has shown that there are inconsistency with the process.

Mr. Steiner stated that is the crux of it right there. The applicant wanted the City to bring the sewers to the property. The Supreme Court said no. The City didn't have to extend funds to bring the sewers to the applicant's property. In our own applications, Avalon will bring the sewers to their property.

There is no requirement by this municipality to put the sewers in, stated Mr. Steiner. They can reject that, he added. That is true stated Anthony Panico. If you don't bring the sewers down then Avalon doesn't get their development, added Irving Steiner.

Why are we the Planning Commission having this discussion, stated Anthony Panico? You are not having the discussion, I am concerned about the communication between the various boards within the City, stated Irving Steiner. You assume the Sewer Authority knows what their considerations should be, stated Anthony Panico. The obligation is for the City to hook-up a sewer if it is right out front, added Irving Steiner. He then continued from the attached letter and various copies of articles.

His concern was with an article about waste going into the Housatonic River is that there is no solution to that issue. There is some responsibility for the City to maintain that waste area.

Richard Widomski, Christine Drive, addressed the Commission. Sometime ago I spoke to you on a moratorium. At that time no action was taken going, looking back on it, it stills looks like it is a good idea. The applications are flooding Planning & Zoning and the notoriety of the applications and the fact that if a moratorium would have taken place none of these issues such as the tennis courts with Parks & Rec would have happened. It seems like everyone is trying to gather forces to get everything together. I want to be on the record that you should consider to impose a moratorium, even a short-term moratorium until the plan comes out. This will gives us time to stop, both to the public and the developer. It will give us sometime to breath. Thank you.

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

APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE STANDARDS (see attached)

Patrick Tisi stated there are 16 standards. They all meet the requirements and I recommend they be approved.

On a motion made by Patrick Lapera seconded by Jason Perillo it was unanimously voted to approve the Applications for Certificate of Zoning Compliance, Standards #'s 1-16.

SEPARATE # 3979 LAVA TAN, LLC 524 SHELTON AVENUE, BUSINESS/SIGN

Patrick Tisi reported that this is where Huntington Video is. It will be a tanning salon. I recommend the business be approved. The sign application is being passed around it, it will be illuminated and it is consistent with what is there now.

On a motion made by Daniel Orazietti seconded by Jason Perillo it was unanimously voted to approve Separate # 3979.

#3923 ROSA CERVONI, 1077 BRIDGEPORT AVENUE, BUSINESS/SIGN

Patrick Tisi reported that this is for a day spa located on Bridgeport Avenue at Huntington Pointe. Just passed Duchess with the house in front. They will occupy just less than 2000 square feet with 4 employees. The sign will be in front attached to what is there now with a small one in the back, he added.

How many businesses are there now, asked Jason Perillo? They are only occupying 1190 square feet of a total of 28,500 square feet, stated Patrick Tisi. Less then 10% stated Anthony Panico. Hours of operation are 9 to 7 weekdays, 9 to 5 on Friday, 9 to 2 on Saturday. Parking requirements are 8 spaces, with 2 already being reserved. They are licensed with the State. I recommend it be approved.

On a motion made by Anthony Pogoda seconded by Patrick Lapera with conditions relative to the small sign, it was unanimously voted to approve Separate # 3923.

#3975 ELISA BORGES, 532 SHELTON AVENUE, BUSINESS

Patrick Tisi reported that this is a business. It is a change of ownership. This is Roma's and the new owners have taken over.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3975.

3995 AMERIPATH, 1 GREENWICH PLACE, BUSINESS

Patrick Tisi reported that this is for a Blood Lab. They will use 9000 square feet of a 40,000 square foot building. Number of employees is 70. 70, questioned Anthony Panico? Do they have parking, he asked? Plenty stated Patrick Tisi. Does this impact the other businesses, questioned Anthony Panico? Greenwich Workshop moved their operation to Seymour.

Hours of operation are 7 to 5 – weekdays, stated Patrick Tisi. Just one shift, he added. Will there be patient service there, asked Anthony Panico? No patient service, laboratory and processing, added Patrick Tisi.

Gary Lewis, Project Architect, addressed the Commission. They don't have patient service. They do national testing and diagnostic work on samples. They work on the samples, do testing, analysis on cells and samples.

The parking is substantial, stated Gary Lewis. We are concerned if you double your workload you won't have the parking needed, stated Anthony Panico. There is enough parking and we did have discussions with the people in the building. The top floor is full now, added Gary Lewis.

You bring samples in and out, questioned Anthony Panico? Yes, answered Gary Lewis.

End of Side 2A of 2B, Tape 2 of 2 at 9:25 P.M.

Your operation is small but the requirements should be followed and if the landlord knows then we will just keep an eye on the parking, stated Anthony Panico.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve Separate # 3995.

4010 CHAI CHU SIU, 440 HOWE AVENUE, BUSINESS EXPANSION

Patrick Tisi reported that this is the Chinese Restaurant downtown that is expanding into the next business. They will go into the Hair Salon. He is adding the additional floor space. The new use is a change in the use, stated Anthony Panico. He will use 1600 square feet and much of the service is take out, stated Patrick Tisi.

On a motion made by Daniel Oraziatti seconded by Patrick Lapera it was unanimously voted to approve Separate # 4010 with conditions relative to the sign.

3969 JASON TRAN, 420 HOWE AVENUE, SIGN

Patrick Tisi reported that this is for the sign only, the business was approved at a previous meeting. He passed around a picture of the sign, which is at the Nail Salon on the corner of Howe and Center Street. It will not be illuminated and it meets the regulations. I recommend it be approved.

On a motion made by Patrick Lapera seconded by Jason Perillo it was unanimously voted to approve Separate # 3969.

3991 BRIAN MORRISSEY, 1 RIDGEFIELD ROAD, HOME OFFICE

Patrick Tisi reported that this gentlemen is a home improvement contractor. He will have no signs or vehicles.

On a motion made by Jason Perillo seconded by Daniel Oraziatti it was unanimously voted to approve Separate # 3991.

3990 CT CUSTOM WOODWORKING, 12 TAHMORE PLACE, HOME OFFICE

Patrick Tisi reported this for a remodeling contractor. Same as the previous application, no signs and no vehicles.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve Separate # 3990.

HIGH TRAFFIC GENERATOR: DISCUSSION ON REQUEST FOR 2ND TAKE-OUT RESTAURANT FOR 425 RIVER ROAD

This is a request for the 2nd take-out restaurant where Lia's is going across the street from Sunnyside. This is Application # 3989. The gentlemen is here tonight and he wants to do a Chinese and Japanese Sushi Take-Out Restaurant, stated Patrick Tisi.

Lia's was approved through the Special Exception. Lia's was approved with the second tenant and he did mention retail.

Total square footage is 842-stated Patrick Tisi. It will be mostly take-out.

Richard Schultz stated we told the applicant that we didn't want him spinning wheels so we felt this should be discussed first. Parking requirements are two on that, stated Patrick Tisi.

APPLICATION # 03-64, ZAIM MURTISHI FOR SITE PLAN APPROVAL (MISCELLANEOUS IMPROVEMENTS FOR MIX USE OCCUPANCY) 82 BRIDGEPORT AVENUE (MAP 117D, LOT 8) CB-2 DISTRICT – DISCUSSION AND ACTION

On a motion made by Patrick Lopera seconded by Jason Perillo it was unanimously voted to table Application # 03-64, until January 11, 2005.

APPLICATION # 04-46, HORIZON CAPITAL CORP. FOR SITE PLAN APPROVAL (7,500 SQ. FT. LIGHT INDUSTRIAL BUIDLING) 183 LONG HILL CROSS ROAD, (MAP 51, LOT 31) LIP DISTRICT – DISCUSSION AND POSSIBLE ACTION

On a motion made by Anthony Pogoda seconded by Patrick Lopera it was unanimously voted to table Application # 04-46 until January 11, 2005.

APPLICATION # 04-48, R.D. SCINTO, INC. FOR DETAILED DEVELOPMENT PLAN APPROVAL AND ADOPTION OF PDD ZONE CHANGE (THE RENAISSANCE: 200 UNIT APARTMENT BUILDING) 100 PARROTT DRIVE (MAP 28, LOT 17) – DISCUSSION AND POSSIBLE ACTION

Anthony Panico read the attached Staff Report and Resolution.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to approve Application # 04-48. A roll call vote followed with Comm. Oraziatti, Comm. Pogoda, Comm. Lopera, Comm. Perillo and Chairman Cribbins all voting I to approve. Comm. Perillo made a statement that he feels comfortable to vote after meeting with Staff to go over these Plans and reading the associated minutes.

Mr. Scinto was present and showed the exterior material, which was all white cement. This is the same material used in the Greenwich Library. The base will be bronze. The glass will be on the bottom. The top of the building where the Health Club will be is all done in this, he stated. This is the flooring for the Health Club and the dark beads will be on the windows. The pool will be a lap pool on top of the building. Outside, he stated. The imagery when you come up will be this. The outside will have a gas grill here and on both sides. There is a meeting room here with all the equipment here, a flat screen TV here and a fireplace here made out of this material. This is the finest thing that I may ever build, he stated.

Originally the proposal was for 205 and now the top 4 floors will be turned into 4 rooms for banquets or meetings, etc, stated Anthony Panico.

The lobby will have onyx material with light behind it, stated Mr. Scinto. The bathrooms will be done in limestone and the floor in the bathroom will be heated. This material will be in the lobby, a gentlemen from New York will be painting all of that. I have an Italian man working on a sculpture called the Venturian Man. It is a square in the circle. The square and circle have the same square feet. Here is a picture of him working on the sculpture. He doesn't speak English and he said what you can draw and what you can sculpt are two different things, stated Mr. Scinto. I brought all the materials this evening because I didn't know what you exactly needed.

APPLICATION # 04-44, HOUSATONIC WAY, LLC FOR SPECIAL EXCEPTION APPROVAL FOR CRD SUBDIVISION (6 LOTS) AND CAM APPROVAL, 550 RIVER ROAD (MAPS 53 AND 54, LOTS 55 AND 43) R-1/IA-3 DISTRICTS – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept Application # 04-44 for a Public Hearing on January 25, 2005.

Anthony Panico stated that the CAM report was sent out today.

APPLICATION # 04-49, DOMINICK THOMAS ON BEHALF OF CRABTREE CADILLAC, INC. FOR SITE PLAN AND LOCATION APPROVAL (RELOCATION OF DEALERSHIP LICENSE) 417-419 BRIDGEPORT AVENUE (MAP 6T3, LOT 9) R-1 DISTRICT – ACCEPT FOR REVIEW

Chairman Cribbins stated that this was taken off our agenda.

APPROVAL OF MINUTES: 11/16/2004 AND 11/30/2004

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to approve the minutes of 11/16/2004 and 11/30/2004.

8-24 REFERRAL: REQUEST FOR RETAINING WALL LICENSE AGREEMENT FOR BRIDGEPORT AVENUE PUMP STATION

Richard Schultz stated that there is an encroachment into the retaining wall at the pump station.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to report favorably on the 8-24 Referral: Request for retaining wall license agreement for Bridgeport Avenue Pump Station.

APPLICATION # 03-54: REQUEST FOR EXTENSION ON SUBMISSION OF DETAILED DEVELOPMENT PLANS FOR ED NEWMAN PROJECT, 376 BRIDGEPORT AVENUE

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was unanimously voted to approve Application # 03-54.

ZONING ENFORCEMENT: 17 BROOKPINE DRIVE – AUTHORIZATION TO INITIATE LEGAL ACTION

Richard Schultz reported that this is the drum studio that we denied. We need to authorize legal action.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to authorize Legal Action on 17 Brookline Drive.

LAUREL HEIGHTS ROAD APARTMENT PROJECT: REQUEST FOR RELEASE OF SITE BOND

Richard Schultz reported all the work was done in a satisfactory manner and Staff recommends the release of the site bond.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the request for release of the Site Bond on the Laurel Heights Road Apartment Project.

2005 MEETING SCHEDULE

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to approve the 2005 Meeting Schedule.

APPLICATION FLOW CHART: POLICY ADOPTION BY COMMISSION

Richard Schultz stated that this is something new so that the Commission could keep track of the Applications. So we will need a motion to adopt this new policy. (see attached)

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to adopt the Application Flow Chart: Policy Adoption by the Planning & Zoning Commission.

STAFF REPORT – SEE ATTACHED

PAYMENT OF BILLS

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

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 10:05 P.M.

Respectfully submitted by

Diana Barry, Clerk

HAPPY HOLIDAYS