

The Shelton Planning & Zoning Commission held a Special Meeting on January 25, 2005 at 7:00 P.M. in the Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT.

Members present: Acting Chairman Patrick Lapera
 Comm. William Papale
 Comm. Jason Perillo (sitting in for Chairman Cribbins)
 Comm. Anthony Pogoda
 Comm. Karen Tomko-McGovern
Staff present: Richard Schultz, Planning Administrator
 Anthony Panico, Planning Consultant
 Pat Garguillo, Court Stenographer
 Diana Barry, Secretary

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

Acting Chairman Lapera opened the meeting with the Pledge of Allegiance and before opening the Public Hearings he commented that Application 04-44 was not being heard tonight. It is scheduled for March 8th, 2005. He also explained the hearing procedures.

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) (CONTINUED FROM 12/14/04)

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) (CONTINUED FROM 12/14/04)

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

Attorney Neil Marcus, from the offices of Cohen & Wolf, Danbury, addressed the Commission. We were here on December 14, 2004 and we presented both applications along with the text amendments for the elderly housing district, the comprehensive plans to amend the building zone and we spent some time in regard to your regulations Section 30G. We submitted statistics from the Department of Economic Development. We addressed the affordable plan. We presented to you a Traffic Engineer who went over the traffic implications with regard to this property and the type of traffic it would present. We also presented to you site flexibility for this site with regard to the amendments and the map, stated Attorney Marcus.

The applicant then rested and we heard from the Commissioners as well as the Public. As I reviewed my notes there was more concern for the purchase of the land subject to zoning for a public purpose. The hearing was then adjourned to give an opportunity to the Commission to digest the material and allow other members that were not present on December 14th to review that information and hear any further comments from the Public.

I will stand by to answer any questions or comments. We do feel this is a thorough application and that the under Section 8-30G we have created that doesn't present any overriding concern for health or safety issues with regard to affordable housing. We would like to stress this is an elderly housing, senior housing, which is called several names, with the idea and intent that this is not general housing. It will serve a population that will put less strain on the community. The regulations themselves meet the criteria of the act and the site is a perfect site, stated Attorney Marcus.

Reinhold Wilhelm, 6 Falbo Drive, Seymour, owns property on River Road, Shelton, addressed the Commission.

My concern here is public safety and intentions of making this proposed adult housing so that we don't have to many children to overload the schools. These intentions are good but without stipulations you can do whatever you please. I strongly suggest that you put strong stipulations that you have to adhere to and not let them go by the wayside.

Furthermore for public safety in that area, I would strongly recommend, that when you go out of State, such as New Jersey, it is required that a subdivision goes in provides road improvements. To some respect it has been requested here in this State, too. If you speak of seniors they will need the offsite and the traffic up there is flowing rapidly.

I missed the plans of the actual project here on the tripod. No one can see the plans unless they come here to request them. It would be most proper that at least the plot plan be placed here for site on seen so we know what he is proposing in what area. We can describe the sewers and the back and never know where we really are. For that purpose this should be done, stated Reinhold Wilhelm.

William Bures, Division Avenue, addressed the Commission.

I have a question that once I measured Long Hill Avenue. I believe it is 24 feet wide? It is not a full city road. Is the Commission ready, with the other big projects going down, is this going to be a safety issue? It is not a country lane but it is not a full size road either. Has the Commission planned for this?

Number 2, I could not believe when I went by where my property on Commerce Drive, Split Rock, stated William Bures. It wasn't my impression that they were going to take the whole mountain out.

Acting Chairman Lapera stated you can't talk to that application now. You speak to what we are dealing with, this application.

Rebutting remarks from Attorney Neil Marcus.

Mr. Wilhelm commented about Public Safety and talked about good intentions going astray. I agree with him and can't oppose what he said. If he goes through our proposed regulations he will see that we spent a lot of time and care to draft regulations that strictly limit the type of development in this affordable housing district. I agree with what he said and feel we have already accomplished that.

When you have a certain land use development you will be prepared to make the infrastructure and the traffic flow safely, stated Attorney Marcus.

Barkan and Mess talked about the traffic generated from this type of zone. Standards and regulations are appropriate and were looked at to see if Long Hill Avenue needs improvements. That is the next step because right now you are just asking for approval of the Zoning Regulations. It would be premature to do that now. You are missing the plans and this application doesn't involve a specific project. It enables the legislation. When we get into the next stage there will be detailed development plans and at that time the Commission can put in their stipulations.

I believe that there is nothing on the record with regard to safety issues. We are concerned with safety and the concerns are appropriate, stated Attorney Neil Marcus.

Acting Chairman Lapera stated that he wanted to go back to the statement of the Commission from the 12/14 meeting. There is the Methodist Homes adjacent to this property. They have been there a very long time. The remaining neighborhood is all-residential with a school. This is a difficult issue and when you look at the plan of development for this area the single family is represented. Planning and Zoning makes a commitment for Open Space and keep development low density along with the residential character.

Comm. Pogoda stated I also believe that the City of Shelton provides affordable housing. This is zoned R1 and should remain R1. This is inconsistent with the neighborhood and would add more traffic to an area of town already burdened by traffic. There is a school in the area and this proposal doesn't protect the health and safety of the neighborhood.

Comm. Papale stated that although I wasn't here I looked back at the development of Asbury Ridge. I understood at that time that this was going to be the buffer zone between that and the residential development. I would stay with the consistency of that, he added.

Comm. Perillo stated I am not necessarily opposed to the concept of the new zone. I'm really not but my role in Shelton has given me some insight to Public Health and Safety. My concerns are that a community like this could really tax the Public Health and Safety System, such as the Emergency and Ambulance response. I live in the area and the property is a beautiful piece of property. The original intent was to end the elderly housing where it does and not move further down Long Hill Avenue. To move away from that and creep down is not what was envisioned and not what was planned, he added. I don't have a problem with the concept, I have a problem with the concept there.

Comm. Tomko-McGovern stated I also agree that this should remain R1.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to close the Public Hearing on Application # 04-41 and 04-42.

APPLICATION # 04-47, SHELTON DEVELOPERS, LLC FOR PRD OVERLAY ZONE (10-LOT SUBDIVISION: TURKEY HILL ESTATES) BUDDINGTON ROAD (MAP 39 AND 44, LOTS 51 AND 54) R-1 DISTRICT

Comm. Pogoda read the call of the hearing and 3 additional correspondence, one from the City Engineer, the Open Space Comm. and Conservation Comm.

Attorney Dominick Thomas, representing the applicant, addressed the Commission and presented the mailing receipts.

A planned residential district under your regulations Section 35 is a proposal to be made only in an R1 or R1A District. Its purpose is to prevent development of a piece of property so as to preserve a greater portion of Open Space and protect the natural features of the property.

This is a piece of property that could be developed in an 8-lot subdivision. That 8-lot subdivision is up on the board right now, stated Attorney Thomas. The Open Space under it is 1.29 acres. That would meet the standards for this Commission and address the request of both Open Space and Conservation to give less Open Space and protect less Wetlands. The proposal we are going to make increases the Open Space by 320% to 4.16 acres. It also results in the total protection of the Wetlands corridor.

To encourage this type of development in the R1 area you would have to use certain multipliers and we were able to gain a small multiplier to shrink the size of the lots and increase the amount of Open Space. Normally this would require a 20 acre parcel however, in your regulations the area of the PRD can be 10 acres if in fact it abuts permanent Open Space. There is no need for me to put that into the record because the correspondence read by Comm. Pogoda put that into the record, stated Attorney Thomas.

The Open Space provides a connection between other Open Space. We are opposing that the Open Space be delineated by a natural buffer and we will use stonewalls that will isolate the Open Space, stated Attorney Thomas. Wetlands have approved this Open Space.

I have done a lot of zoning and there have been comments made about the detention pond. Shelton has the best way to do it and maintains the detention pond itself. If you don't put that on City owned property if you get into easements that would generate more legal issues.

You are getting 2.5 to 3 times more Open Space with this proposal. The standards for a PRD have been fulfilled by this proposal. You have not had a PRD in a long time. This is permitted and required in a R1 Zone. Its purpose is to enhance the Open Space. It is rolling, quality and adjacent to other Open Space.

The Wetlands corridor will be in the Open Space. At a recent hearing I asked on a different matter, when you are tasked with preserving Wetlands would it be easier on City property or private property? I was answered on City property it is easier by the Wetlands Officer, stated Attorney Thomas.

We have developed these with the lots against the Open Space. We are proposing a 30 foot road and we will lower this to reduce the pavement if the Commission so wishes.

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

Paul Valko, Engineer, Land Surveyor, addressed the Commission.

This is in the R1 Zone. Present configuration allows for 8 lots with 2 rear lots and 1.2 acres of Open Space that is tied into a Pedestrian Easement out to Mill Street.

The minimum lot is 37,000 square feet and the average lot size is 46,000 square feet. There would be no protection down stream.

On the proposed 8-lot subdivision the road would be about 715 feet long. On the proposed subdivision (PRD) would have 10-lots with a 30 foot road and 4.16 acres of Open Space. There would be 3.8 acres of pond and area around the pond, stated Paul Valko.

We are protecting the stream bed and the buffer area. We still would protect the Open Space in this area, as well. We wanted to go into this area to lessen the impact of the wetlands in this area.

All the grading on the site is 3 to 1 slopes except at the end of the road. The site will have water supplied.

The minimum lot size is 20,290 square feet to 41,107 square feet. The road layout is less at 639 feet. We have approval through wetlands. They have asked that the pond be enclosed with a fence. The pond has been lowered so that it is all in the ground, stated Paul Valko.

There will be a walking path that consists of grades between 4% and 12%. You will be walking on a natural path with a gentle climb.

There is a stonewall here and a guardrail here. These are all natural stonewalls. There are enough stonewalls running along here, stated Paul Valko.

As reference to Grace Lane. There is a corridor that will be deeded to the town. There is no protection here but you will be getting a wide buffer and natural buffer to protect the watercourse, stated Attorney Thomas. We feel we comply with all the requirements, he added. I would also ask that you give the Public 5 minutes to look at the plans on the easel.

Anthony Panico stated looking at the drawings that were handed in with the application there is a difference in the grading and can you explain the connection out to Grace Lane. We did turn in another set of plans, stated Paul Valko. They were turned in the day after the Wetlands meetings. There is a difference with the pond. The pond here is located closer to the road. There are grading lines and there is a 2 to 1 slope, he added. This comes down the hill and slopes going back.

This is the cul-de-sac at Grace Lane, questioned Anthony Panico? Does the insert come out, he asked? Where is your property on that insert, questioned Anthony Panico? Paul Valko, (pointing to a map on the easel) explains the layout of the property pictured on the map. Above that is the pedestrian easement, stated Anthony Panico. Our property is down here, answered Attorney Thomas. There is a 20 foot pedestrian easement, stated Paul Valko. This is Grace Lane. This is an access easement for the sewer stated Paul Valko. The sewers will go out to Grace Lane. The sewer is on Grace Lane and it will then go up Buddington Road, stated Attorney Thomas. This will be a low pressured forced individual pumps, stated Paul Valko. It will blend in right here, stated Attorney Thomas.

Attorney Thomas shows the lots, the location of the Open Space and a 20 foot strip coming behind Lot 5 into the neck of the Open Space.

Comm. Lapera asked what about the town Open Space that is already there? We won't be traversing through that Open Space unless the City tells us that is what they want us to do, stated Attorney Thomas.

Anthony Panico asked that when Paul Valko did his calculations did he take out the slopes and wetlands. They are not to be included in the calculations. The width of the lots is a concern with the PRD. How many times does the 110 square establish the width of the lot, asked Anthony Panico? On Lot 6 and Lot 8, answered Paul Valko. We had trouble with the PRD with regard to the lot being small for the house the developer will be building, stated Anthony Panico.

Attorney Thomas stated I would request that the hearing be kept opened so that we could get additional information to you.

PUBLIC COMMENT:

Judy Tillman, 75 Mill Street, house is actually on Old Kings Highway, addressed the Commission.

We have lived there for 25 years and we are on a well. The water line is my concern with regard to blasting. They are stating that there is a pond and that is way up on the hill. We have walked that woods for 25 years.

They are putting in a detention pond for run-off from the houses, stated Acting Chairman Lapera. If they didn't do that the water would run-off into the street. This allows the water to gently run into the pond, he added.

My well and the well of all my neighbors with the drilling is my concern. I am concerned with the blasting and can't live without my water, stated Judy Tillman.

Reinhold Wilhelm, 6 Flabo Drive, Seymour, owner of property on River Rd., addressed the Commission.

I would like to comment on the 10-lot subdivision as presented, it is very well designed and it was very well presented. The give back of Open Space, all sounds very good. There are reservations, though, the lots are too small to put a 35 sq foot house up. I would ask that the Commission consider a small house. If you have a small road the drivers will drive faster. It is like going down on a ski slope and he won't be able to stop. Having lost a child, I know what it is to lose a child and if I could do anything to prevent that I will. Being in the building industry for 42 years I can tell you as soon as you make a small road they will slow down, if you make it wider they will drive faster.

In addition to that I would request that yellow turn around signs be placed down at the area of the steel barrier so it becomes evident that you can't get any further. You have so many people looking for a road, driving faster, it is nighttime, visibility is poor and they would drive right through. I would like to impress that on the Zoning Commission.

If you make the road smaller it increases the lot size. By doing that you have to consider the give away of Open Space, it all sounds so good, we are all like the idea of Open Space. Something I don't like to do is oppose Open Space but I look to the future but the road will fall to the City. Just plowing you would have to make 4 passes but if you make a 24 foot road you will only take 2 passes, stated Reinhold Wilhelm. It will all fall onto our tax base and who likes to pay additional taxes. The lot size would be in the better interest to increase the lot size and decrease the number of houses. The Open Space connector will serve the homes better and the people will maintain the Open Space better. Consider the lot size and decrease the number of homes. We should consider the integrity of the Open Space and the drawbacks. I am not against Open Space but by increasing the Open Space you will allow for more Wildlife.

Walnut Tree Hill Avenue, we have had keg parties, paintball shooting and this was unmanageable. I have witnessed oil being dumped in there. I would like you to take a look at that property. With paint balls we shoot the windows in, we broke the doors out, we took property out and we built fortresses there, stated Reinhold Wilhelm. Making more Open Space we might encourage that. People who steal and damage property might go in there, how will our Police Department canvas that? How can the City, State or anyone manage that? You the Board understand my point and I want you to use my opinions accordingly. I would like to say I am not against the Open Space but I see problems with it. Consider taking a little less and increase the lot size. Leave 10 homes and increase the lot size. People who spend that money want more privacy. So please consider some of the subjects that I mentioned. I respect the Board for their time and effort that they put into these projects.

John Tillman, 75 Mill Street, addressed the Commission.

I am concerned with the well and I want the developer to be held responsible for any damage or problem with my well.

Reinhold Wilhelm, address the Commission.

You should consider, when the project is being built, that a cash bond or whatever you want to call it, be forwarded for road improvements. Thank you.

Arlene Gray, 48 Pine Tree Hill Road, addressed the Commission.

I would ask the Board that in your deliberations that you consider the masonry fences. Some of them have been there for 100 years. I ask for those to be preserved because once they are gone they are gone forever. New England is a special place to live and I ask for those fences to be preserved and maintained for the future.

Chris Marra, 282 Buddington Road, addressed the Commission.

I am concerned with the impact to the wells. I would echo the suggestion that if the draws from the well are affected that the developer be held responsible for any problems with that.

Mr. (Iggy) Wieczorkowski, 298 Buddington Road, addressed the Commission. I can see the cars coming down that road from my driveway. That road is not wide enough. I fear every time the kids go out for the school bus. I hear the slamming of the brakes many times with the traffic. The water is getting harder and harder. I am concerned with the blasting I would have to pay the bill if there was any problem with the well. Basically those are my concerns.

Edward Deptula, 79 Mill Street, addressed the Commission.

I have been there for about 10 years. I have been told stories about situations with regard to the houses being built above me. They did there well and I have noticed a decrease in my pressure of water. There will be an effect somewhere. The wells are a concern for everyone on the street.

Attorney Thomas, addressed the Commission.
End of Side 1B of 2A, Tape 1 of 2 at 8:50 P.M.

This property will be served by City Water and City Sewers. There should be no impact to the wells. No one can actually say that there will be no blasting in regard to the development. If there needs to be blasting we can use a diggable machine. The Fire Marshall will have to be involved with any blasting and will over see those.

Again I request that the hearing be left opened so that we can recalculate the Open Space, stated Attorney Thomas. Acting Chairman Lapera stated that we recess this hearing until February 8, 2005.

PROPOSAL OF THE SHELTON PLANNING AND ZONING COMMISSION TO AMEND THE BUILDING ZONE MAP BY CHANGING PDD # 31 TO LIP (20 COMMERCE DRIVE) AND CHANGING A PORTION OF PDD # 32 TO LIP (6 RESEARCH DRIVE)

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

Richard Schultz read the narrative and stated that last year the commission received and rejected the plans for PDD # 31 and PDD # 32. The P & Z noted that it was unlikely that the office proposal would materialize. This would eliminate the PDD and rezone these parcels back to the appropriate LIP zone. The maps were presented tonight and have been on file in the Town Clerk's Office. This was supported in the 1992 Plan of Development.

Comm. Pogoda asked if when reviewing PDD #32, did you look at the setbacks? The Staff has reexamined the statement of uses and this will allow us to do our due diligence, answered Richard Schultz.

On a motion made by Anthony Pogoda seconded by William Papale it was unanimously voted to adjourn at 9:05 P.M.

Respectfully submitted by,

Diana Barry,
Secretary