

The Shelton Planning & Zoning Commission held a Special Meeting on March 22, 2005 at 7:00 P.M. in the Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins  
Comm. Patrick Lopera (arrived late)  
Comm. Daniel Oraziatti (arrived late)  
Comm. Jason Perillo (arrived late)  
Comm. Anthony Pogoda  
Comm. Leon Sylvester  
Comm. Karen Tomko-McGovern

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

Members absent: William Papale

**TAPES (2) AND CORRESPONDENCE ON FILE IN THE CITY/TOWN CLERK'S OFFICE AND THE PLANNING AND ZONING OFFICE. ATTACHMENTS ARE NOT AVAILABLE ON THE WEBSITE.**

Chairman Cribbins opened the meeting with the Pledge of Allegiance. He continued by reading a letter concerning Application # 05-11 One Mountain View Associates, LLC for Special Exception Approval (high traffic – generator – 46, 060 sq.ft. office building) One Mt. View Road (Map 65, Lot 12) LIP District requesting a postponement of the Public Hearing that was scheduled for tonight and granting an extension until 4/27/2005.

**PUBLIC HEARINGS**  
**APPLICATION # 05-04, PETITION OF CUMINOTTO, INC. ON BEHALF OF DEKSON, INC. FOR PDD ZONE CHANGE (PROFESSIONAL/MEDICAL OFFICE DEVELOPMENT) 1 IVY BROOK ROAD (MAP 79, LOT 1) LIP DISTRICT**

Chairman Cribbins read the rules of the hearings and asked that people speaking sign the sheets with their name and address. Comm. Pogoda read the call of the hearing. There was no additional correspondence.

**Vincent Cuminotto, Developer for Dekson, LLC, addressed the Commission.** He presented the mailing receipts.

We are proposing 2 buildings, one is 40,000 square feet with 2 stories and the second one is 60,000 square feet with 3 stories. It is a 13.6-acre parcel that comes off of Ivy Brook Rd. 5 acres will eventually be turned over for Open Space. The project will be done in two phases with the first Phase being the 40,000 square foot building.

We have taken the recommendation of Staff and eliminated the perpendicular parking here. The parking originally was facing residence here and we eliminated it so there will be no lights in the backyards of the residents. We are obeying the 100 foot green area here between commercial and residential property, stated Vincent Cuminotto.

He presented drawings and a model. The building will be precast and is similar to Health Net. There will be reflective windows. You enter here and the building is facing this way here. Vincent Cuminotto continued by showing the model. You enter a lobby, there is a hallway, elevator, stairwells in front and back and handicap accessibility in the front and back.

Anthony Panico stated that the drawings submitted tonight are revised plans and they don't agree with what was previously submitted and on file in the City/Town Clerk's Office. This needs to be noted for the record, he added.

Vincent Cuminotto submitted a Traffic Report, and gave copies to all seated on the Board, from Barkan & Mess. He continued by explaining the buildings and their uses.

The first building, the 2-story 40,000 square foot office building will be a total medical building. The second building the 60,000 square foot will be mainly office space.

There are 406 parking spaces. Does that meet requirements, questioned Anthony Panico? We will have to do an analysis to see if the parking is adequate, stated Chairman Cribbins. The parking required for the medical use is 6 per 1000. The parking for the office space is 190 spaces per 1000, answered Vincent Cuminotto.

Anthony Panico questioned can you tell us the nature of the office occupancy? Would these be small offices, he questioned? It depends on the market at the time. The floor plan shows 63000 square foot per floor.

Anthony Panico asked is it your intent to building this in Phases? Yes, answered Vincent Cuminotto. We will start with the medical building first and then if we have a tenant that needs a larger space we will build the second building.

Chairman Cribbins stated my concern is that the area has a medical building already. The other item is on the corner of Split Rock where the application is for condo offices. We talked about 12 occupancy, questioned Chairman Cribbins? We figured 6 on each floor, answered Vincent Cuminotto.

Anthony Panico stated that the Commission should know the nature of the tenants. Vincent Cuminotto stated that Dr. Apperson is here as well as the President of Griffin Hospital.

**Lonna Apperson introduced her husband, Dr. Mark Apperson, and addressed the Commission.** My husband, Dr. Mark Apperson and I are working with Mr. Cuminotto on this project. My husband is an Ear, Nose and Throat Doctor. At this time in the plan, his office will be in the first building and will be about 2,000-3,000 sq. ft.

We have had some interest from different Doctor's who would like to come to Shelton and have an office in a medical building, stated Lonna Apperson. This is different in regard to location and what this building will offer. In Shelton we don't have a building like this that is accessible to the highway and close to Griffin Hospital. My husband is on call a lot and has to get to the hospital.

Our hope is to give the people an opportunity to come to one place with different physicians so they don't have to travel far away. We are working with Griffin Hospital and hope to have a lab there for diagnostic testing, as well. From the medical prospective we want to provide better medical care with everything in one facility. I think that one of the things we will offer is parking. You can drive right up and not have to walk from far away. We want to build a relationship so that we can access each other's expertise.

Vincent Cuminotto stated the floor plan shows very little floor space except for the central hallway. That makes this appealing to Doctors, he added.

**Pat Schormell, President and CEO of Griffin Hospital, addressed the Commission.** Dr. Mark Apperson is a valuable member of our Medical staff who asked me to speak on behalf of this project tonight. Griffin obviously is a major medical provider in this area. Many of our Doctors would like to expand into this area because of its close proximity to the hospital. In our area Shelton has had the largest growth and will continue over the next years. There is a shortage of space for medical doctors and it is hard to find suitable office space. We do have medical space in other buildings in the area.

**David Sullivan, Senior Transportation Engineer, with Barkan & Mess, addressed the Commission.** We did a traffic study looking at the existing conditions. There are a number of intersections involved and a lot of our data came from early studies in connection with the Shelton Technology Center.

We looked at site lines and conditions at location on Ivy Brook, and Constitution. We looked at the traffic generation and used the Institute of Traffic's database for that. We are looking at 190 trips in the A.M. peak hours and 190 trips in the P.M. peak hours.

Next we developed future volume plans with background and without this project. We looked at other developments in the area adding that on for background as well the Shelton Technology Center. We combined all the traffic and studied the intersections and the traffic is the same with or without this project. There will be delays and there is demand on the traffic making that left hand turn out of there, stated David Sullivan. There needs to be a revision to the existing certification from the State on the site, he added.

Anthony Panico questioned you have indicated when you superimpose this that the level of service doesn't change? David Sullivan answered that the level of service is at an F and the conditions won't get worse. There is a large demand out there. The site functions well.

As a Traffic Engineer do you think that there should be a modification to the intersection? There is not a lot that can be done. This allows for the left turn to wait and the right turn has a better level of service. It won't change the operating conditions. It is presently two lanes. Ivy Brook and Constitution just has one lane now, questioned Anthony Panico? There are two lanes, there is a left turn lane and one that goes straight now, stated Comm. Perillo.

**Attorney Kevin Gumper, representing One Mountain View Associates, contract purchaser on the adjacent property, addressed the Commission.** There was an item on the agenda for this evening regarding our application and concern with an easement running from Mountain View Drive across and into the subject property.

We are neighbors and businessmen in the area and as such we want to develop our property and the neighbors should be able to develop his property as well. The concern is with the crossing the property and there is one way in and one way out. If there are 190 trips per peak hours, I am concerned that the Fire Marshall and the Police Department take a look at this. We are concerned with just exactly what is going to happen here.

The driveway showed right here doesn't show a barrier here and the plans don't show if this is the driveway or is there another driveway. That is a concern that my client's have, stated Attorney Gumper. We are concerned with the level of traffic coming in here. We don't know what is proposed and we won't know until we have a report from the Fire Marshall, he added.

We would ask that you keep this hearing opened for a report from the Fire Marshall and the Police Department. We also just received the Traffic Report 15 minutes ago and I would like the chance along with my client to review that.

I am also concerned with Mr. Pogoda's (Anthony Panico – signs with names were in the wrong places) comments that the plans are not the same that are on file in the City/Town Clerk's Office. I don't know what plans I have reviewed. Chairman Cribbins corrected Attorney Gumper and explained the signs were not in the right places for the names of the people that were seated in back of the signs.

I think that the issue of the Right of Way has to be clarified. I know my clients had a meeting yesterday and it was not a fruitful meeting. I would hope it is something that can be worked out. I would hope that this hearing could be left opened until such time as we receive a report from the Fire Marshall, stated Attorney Gumper. I would like my client's to have the time to review the Traffic Report and make some comments on it to see rather it will have an impact on us or not.

There is a concern with the Doctor's comments about the blood testing being done there. I don't see the difference in your regulations and distinguishing between those 2 in your regulations. I don't understand why drafting the regulations only show 6 spaces for medical use and they are coming up short. We need some clarifications on the application for the Commission and I want to keep the hearing opened for additional input to come in from the various experts, stated Attorney Gumper.

**Jeffrey Segal, representing JADA Family, LLC, who are abutters to the South of this property.** I also would like to say as business citizens we don't want to speak against the project but we have some concerns. I would like to echo the concerns that the traffic report was not shared and we would like an opportunity to review it.

I would like to call your attention to the 406 parking spaces. In my review of the plans, I may have been looking at outdated plans but there is not space within those property lines to build the spaces they want. The drawings call for 40 feet of grading on my property, stated Jeffrey Segal. Rather they accomplish that or not, I wanted that called to your attention, he added.

**Michael Molingatto, a resident of 4 Winds, addressed the Commission.** I would like to echo the concerns with the Traffic Report. I am new to that area and have moved to 4 Winds. I am not sure of the politics involved in that area. The traffic in the area has increased with the volume. Additional I am not familiar with the easement and people making a left out cross over the right of way and I can see a back up at all times of the day. It is a tight corner and I am concerned with the volume of traffic. I can see areas of problems and I am concerned with the daycare. There is a lot of traffic coming and going all day long there, stated Michael Molingatto. Hazardous materials were mentioned and I am concerned with those issues, he added.

**David Collings, Rocky Rest Road, resident, addressed the Commission.** I am a volunteer firefighter and I have no objection to the development as stated. My concern is for the parking.

**End of Side 1A of 2B, Tape 1 of 2 at 7:55 P.M.**

David Collings continued by saying that he is concerned with the intersection at Waterview and Constitution.

Chairman Cribbins stated that I am associated with Griffin Hospital in a Volunteer capacity and I have no association with this project. We will recess this hearing until April 26 and talk to the Fire Marshall, Police and additional information from Staff.

**Vincent Cuminotto, addressed the Commission.** The first thing I would like to address is the easement. It was granted when the 3 acres sold to Sand Castles in the Sky. S Properties sold the property and retained an easement to enter the driveway. The easement is to construct a driveway for the use of this parcel. This parcel is now owned by Dekson. It is a legal issue not a Planning & Zoning matter, stated Vincent Cuminotto.

As to one way in and out this area is wide enough. Shelton Technology now has one way in and out. We have in and out over here and the easement here. If it is your intent to exit over there it should be reflected in the plans, stated Anthony Panico. It is partially reflected in the plans, answered Vincent Cuminotto. We don't feel it's necessary, he added. You are asking this Commission to review something that is predicated on access and egress on the site with the location shown for the driveway on traffic information submitted and sometime in the future there may be another way to access this, questioned Anthony Panico? This Commission has to be aware of it, he added.

This is our plan, stated Vincent Cuminotto. This issue was not raised by me it was raised by our neighbors. I stated that the easement is there and we can use. Our plan is right here and this is the entrance. If this Commission approves this plan as submitted you will not be able to use that easement without the approval of this Commission, stated Anthony Panico. It will be a significant alteration of this plan. In which case we come again before this Commission, stated Vincent Cuminotto.

The other issue is that Mr. Segal is our neighbor to the South. I did talk to Mr. Segal about getting grading rights. Mr. Segal doesn't want to grant us grading rights. So that means we don't have a problem. We can accomplish our plans without the grading rights.

The concern with the biohazard material is not a concern, stated Vincent Cuminotto.

The traffic issue with regard to this area shows that the area was deteriorating long before this project and well before Shelton Technology Center and Shelton Technology Center Phase 2. The City is collecting a lot of money on all of these properties and they will collect a lot more. The City should do something about those intersections. If all the neighbors want to contribute maybe we can do something. There is a push here especially by some on the Staff to be pushing the same issue of the traffic study, stated Vincent Cuminotto.

Mr. Cuminotto if you are making an allegation lets put all the cards on the table, stated Anthony Panico. Make it to me, he added. I want you to be aware from day one that intersection is going to be a problem that needs to be addressed, he added. When and how it will be addressed. We have brought it up with you on several of your other projects, this is not a new issue.

Did you bring it up to Mr. Scinto for the building that has hundreds of cars on Waterview, did you bring it up to Mr. Scinto when 55 housing units with 110 cars in those units, I would venture to say while it wasn't fair it was not brought up to Mr. Scinto. So therefore, I would say, stated Vincent Cuminotto.

If you are suggesting that Mr. Scinto is getting preferential treatment that is an improper allegation, stated Anthony Panico. Every project that comes in with a traffic report submitted with has recommendations from the other departments and we rely on that, he added.

We submitted our report and conclusions and our report should carry the same weight as others reports, stated Vincent Cuminotto. He read the conclusion from the report. (On file in the P & Z Office as part of this applications file)

Chairman Cribbins asked if there was anyone else in the audience who wished to address the

**On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to keep the hearing opened on Application #05-04 until April 25<sup>th</sup>, 2005.**

**APPLICATION # 05-05 PETITION OF CUMINOTTO, INC. FOR ZONE CHANGE (LIP TO R-1) PORTION OF LOT 32, ROCKY REST ROAD (MAP 65, LOT 1)**  
**AND**  
**APPLICATION 05-06, CUMINOTTO, INC., FOR RE-SUBDIVISION O FLOT 32, (3 LOTS) IVY BROOK ROAD/ROCKY REST ROAD (MAP 65, LOT 1)**

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

**Vincent Cuminotto, representing Shelton Office Park 2, addressed the Commission.** He presented the mailing receipts. Our request is for a zone change for a one-acre piece of land on Rocky Rest Road, which borders an R1 zone and another R1 area. All along Rocky Rest Road are residential homes and we want to build a single family home on this parcel. It is a conforming lot with frontage and proper square footage, stated Vincent Cuminotto.

This fronts on Rocky Rest Road and this was originally an R1 parcel. When I bought the 8 acres from Chris Bargas this area was LIP and all of this was R1. I changed everything to LIP but originally it all was R1, stated Vincent Cuminotto.

Why did you not carry the zone change all the way, questioned Chairman Cribbins? If you open this area the neighbors are going to be concerned with the traffic coming through Rocky Rest Road. There is a brook that comes through here and you can change the direction of the brook, stated Vincent Cuminotto.

This is such a great barrier between the properties, stated Anthony Panico. There are variances on the land records. The only access to the LIP piece is through the line by the driveway, stated Vincent Cuminotto. There should be legal frontage for this second lot even though there is no way to access this through Rocky Rest Road. So we need a variance, he added.

I went with the 3 lot because it didn't have anything to do with access to this property from Rocky Rest Road, stated Vincent Cuminotto. The purpose of this is to have frontage, legal frontage.

Can we grant a waiver on that, asked Chairman Cribbins? No we can't answered Anthony Panico. I don't understand why you didn't ask for a variance to create a lot by a right of way, questioned Anthony Panico? I didn't do that because of my lack of knowledge of what I can do, stated Vincent Cuminotto. If I have legal frontage and it is a conforming lot, I don't understand, he added.

I want to make sure that in the future traffic is not dumped out here, stated Chairman Cribbins. The road may or may not be in the same shape it is today, he added.

It might not be logical because if you have residential here and residential here it is illogical if you don't join them, stated Anthony Panico. Why not give your attention to Mr. Scinto he doesn't have R1 here, he has a PDD, stated Vincent Cuminotto. I don't think that is pertinent to this discussion stated Anthony Panico. When you have a PDD we have restrictions on that including having no traffic leaving that property, stated Chairman Cribbins.

I have no problem with restricting the traffic leaving that driveway because it will be my private driveway, stated Vincent Cuminotto.

In an answer to your question Mr. Cuminotto, while 4 Winds is a PDD it is a residential PDD not a non-residential PDD, stated Anthony Panico. Your remaining property is non-residential, it is an industrial zone. The logical method of doing zoning maps likes to avoid situations where you have a sliver of non-residential industrial zones interfacing between 2 adjacent residential zones. I like drawing logical boundaries, he added.

Residential PDD in a Corporate Park, how is that logical, questioned Vincent Cuminotto? What does that have to do with this hearing, Mr. Cuminotto, questioned Anthony Panico? I am talking about an R1 zone that doesn't configure, stated Vincent Cuminotto. This came in after the Corporate Park was adopted. I have residents concern with what we want to build because they have houses there, he added. Where is the consistency? I see something that is not consistent, he added.

Chairman Cribbins stated all we are saying is that to us the line doesn't make sense. Don't bring the neighbors in we are concentrating on your application, he added.

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

Comm. Sylvester questioned the variances? Anthony Panico stated I don't know about the variances but we should before we consider this. Rick and I go over those variances to see if they compliment the application, he added.

**APPLICATION # 05-08, PETITION OF DOMINICK THOMAS ON BEHALF OF JAMES BOTTL SR. FOR PDD ZONE CHANGE (MIX USE DEVELOPMENT) PORTION OF 360 BRIDGEPORT AVENUE (MAP 77, LOT 18) OP DISTRICT AND APPLICATION # 05-09 PETITION OF DOMINICK THOMAS BEHALF OF JAMES BOTTL SR. FOR PDD ZONE CHANGE (MIX USE DEVELOPMENT) PORTION OF 360 BRIDGEPORT AVENUE (MAP 77, LOT 18) OP DISTRICT**

Comm. Sylvester excused himself and Comm. Perillo will sit in for him. Comm. Pogoda read the call of the hearing and read 2 letters, one from Joseph Crabtree and Thomas D'Addario. Chairman Cribbins stated that the agenda has a typo in that Application # 05-08 should read for a SDA Overlay Extension not a PDD Zone Change.

**Attorney Dominick Thomas, representing the applicant, addressed the Commission.** He presented the mailing receipts. One property owner didn't receive his letter.

This is 360 Bridgeport Avenue – the SBC property is about 7 to approximately 8 acres. The SDA is the extension on the Newman property. That extends down to Bridgeport Avenue and covers the SBC property and goes up to the Griffin Hospital facility. The PDD covers the site only and Attorney Thomas continued to explain the colors on the map. There is one office complex and the green is our property. The property has access to Bridgeport Avenue and backs up to Route 8. The applicant is coming before you for a proposal of 32,000 sq. ft. of restaurant, retail, and a bank.

When you develop a site like this you are governed by what you put on the site. We looked at the restaurant, the retail and the bank so we can show you the proposal, stated Attorney Thomas.

**James Swift, Professional Engineer and Landscape Engineer, addressed the Commission.** He went over the map showing the SDA extension in the heavy black line that comes off in this direction here with Bridgeport Avenue being here and Platt Road being here. The existing building is here and the SDA is over here. The PDD property is in the heavier line here. There is about 7.88 acres, stated James Swift. As we propose this tonight access is off Bridgeport Avenue across from Curtiss Ryan. In this area, it is a generous street line and there is green space along here. We will do something in the back area here.

There is parking in front with a restaurant in this space here that will be 6,000 square feet, we qualify for a national chain restaurant, on this side there will be a retail and financial building here. They consist of about 13,200 square feet total. If you compare that to the under laying zone you would get 7,800 square feet and we have more coverage.

Circulation is all around with rectangular site. The circulation goes around to the back of the site, stated James Swift.

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

The building ratio is 8 per 1000 for the restaurant and 4 per 100 for the general retail. These are difficult ratios but they will work very well, stated James Swift.

There are buffers along the side of SBC and this side will be the Griffin Hospital facility. This area has buffers on that property already. Route 8 is to the back and there is quiet a bit of wooded area along there. There are gentle slopes from the South to the North and the greatest grading problem is over here.

The drainage has a creek that will be discharged too. There is an additional pipe here with the existing pipe running along here. It is part of a watershed. There is flooding issues regarding the brook. We will do some work in the back area, stated James Swift.

All utilities are available off Bridgeport Avenue.

We have discharged areas where we'll put catch basins.

**Patrick Rose, Rose Tiso & Co, addressed the Commission.** What we are asking for tonight are 2 one story buildings. One will be a financial services and retail. This will have a covered canopy in the front. The restaurant pad site is opened and similar to the other building.

The building proposal does have access to Bridgeport Avenue.

The lower portion of the building will be stone and there will be a canopy over the second building as well, stated Patrick Rose. There will be stucco and shingles on the roof creating a tower effect, he added.

The trash container will be in the back and will service the retail and restaurant area.

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

We conducted a traffic study for this project as well. We evaluated the site and access. The proposal is for a mix of restaurant and retail.

We looked at what would create more traffic. Restaurant and retail we estimate to be 165 trips with small retail being 207 trips. The small retail was the higher scenario. We did a Saturday and Sunday analysis with small retail still being higher.

The access way shows travel speed with a site line of 70 feet, stated David Sullivan. Without traffic on the site and we looked at traffic on the site that includes the signals and intersections. The study shows that the left hand turns at the site driveway operate at a poor level of service, he added.

Chairman Cribbins asked if there were any questions from the Commissioners or the audience. Anthony Panico asked to go over the parking aspect. There will be a double row of parking here and along the back of the building. There is parking in the middle here. We made sure that there was a driveway that connects with two way traffic here for service vehicles, stated James Swift. We are trying to keep this isolated in the back here. We see the primary use in the front. Is there a drive up window there, asked Anthony Panico? They can come around the back and the retail will be here to stack here at the driveway. If they don't get this way they can come in here, stated James Swift.

What are the parking quantities, asked Anthony Panico? The chain restaurants that we are looking at want 120 parking spaces and this was the best way to do it, stated James Swift. The total center is how many square feet, asked Anthony Panico? 13 answered James Swift. To some extent this is shared parking, he added. I got 141 and I don't get the 10 per 1000 stated Anthony Panico. How much is the grade change from the back of the site to the low part of the site, asked Anthony Panico? The elevation is low here and the elevation of Route 8 is a little bit of a valley answered James Swift.

You don't have any plans for a sign along the back that can be seen from Route 8, asked Anthony Panico? No answered James Swift. It is not our intention. The right of way extends all the way out to the pavement, he added.

Chairman Cribbins asked if there was anyone in the audience who wished to speak for or against this application?

**Charles Kassheimer, addressed the Commission.** They have not mentioned my property very much at all here. They have had the surveyors out there and they didn't even have the courtesy to let me know they were there. They changed the borderline from the beginning of the Century. We had surveyors up there and they are pushing over and over on our side of the land. It looks like they are trying to put a driveway on my property in the back, continued Charles Kassheimer. So they can get through I guess. Is the telephone company still staying there? This is the back of the phone company where the State dumped all there stuff from putting in Route 8 in 75.

In between the SBC building and the Griffin Hospital building, stated Chairman Cribbins. That is where that is going, stated Charles Kassheimer. I can't see anything over there. They are pushing over and it even looks like they are cutting my trees a little bit, he added.

I am trying to find out what is going on, stated Charles Kassheimer. Are they going to do any blasting, he questioned? It is all rock-ledge in there. Where the water goes off by Route 8 over there it is like a duck pond. I can show it to you anytime you want to see it. That is where I have my mulch and they are pushing right over. There is still a bobbed wire fence in the trees and they will have trouble cutting that.

What about the restaurant will it be a drive-in or sit down? I was wondering where the garage will go, questioned Charles Kassheimer? It will be a sit down restaurant, answered Chairman Cribbins. I was wondering where the lights will be and if they will shine on our place, stated Charles Kassheimer.

**Attorney Thomas responded by showing Mr. Kassheimer the map.** Along the back here is your property and the property was surveyed by individuals involved with the applicant. It was initially surveyed twice by SBC. They made a mistake and we picked that up in contract, stated Attorney Thomas. Mr. Kassheimer's piece is here, the PDD for Mr. Newman is here and the panhandle of the PDD is sticking out. The 2.99-acre that Mr. Botti wanted to purchase is involved here, also. The percentage of what we can purchase per your regulations then makes us have to offer it to the City. We asked to purchase the 2.99 acres and SBC will stay there. There is nothing to do on this piece and that will remain in its natural state. The piece that comes along Mr. Kassheimer's piece will have no development on it, stated Attorney Thomas. Between Mr. Kassheimer's piece and this development is the SBC building. It will block Mr. Kassheimer's property and his piece will have no involvement because it is on the other side.

We will if we are successful come back to you with a subdivision application that may be a free split. It depends on rather the Staff and Commission consider the lot line straightened between SBC and Griffin. There was a boundary line that was straightened out and so if that was not considered the free split then this will be.

Mr. Kassheimer will be up against the same SBC property. The surveyors roaming in his backyard could be surveyors from SBC, stated Attorney Thomas.

How far is the closest building, asked Anthony Panico? We had the State survey our property, stated Charles Kassheimer. It is about 600 feet and 250 feet to the house, about 850 feet to the house, stated James Swift. There is parking behind the SBC building, stated Attorney Thomas. We will be 10 feet below the existing grade and coming up another 10 feet, stated James Swift. The legal Staff from SBC had sent this to us and I called Griffin and was told that SBC already owned it, stated Attorney Thomas. They have corrected the survey, he added.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearings on Applications # 05-08 and 05-09.**

Comm. Karen Tomko-McGovern left at approximately 9:10 P.M.

**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) (PUBLIC HEARING CLOSED ON 1/25/2005) REQUEST FOR EXTENSION (PZC REQUEST) 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) (PUBLIC HEARING CLOSED ON 1/25/2005- REQUEST FOR EXTENSION (PZC REQUEST)**

Chairman Cribbins stated that there have been discussions on these applications and we had requested an extension that was granted until April 30, 2005. That is the final extension, stated Richard Schultz.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to accept the letter of extension until April 30<sup>th</sup>, 2005 on Applications # # 04-41 and 04-42.**

**AVALON BAY COMMUNITIES, INC. (SHELTON II)**

**APPLICATION # 05-17, JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. TO AMEND THE ZONING REGULATIONS BY ESTABLISHING A NEW DISTRICT ENTITLED MFHD (MULTI-FAMILY HOUSING DISTRICT) AND RELATED STANDARDS – SCHEDULE PUBLIC HEARING AND APPLICATION # 05-18, JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. TO AMEND THE BUILDING ZONE MAP BY CHANGING FROM R1/OPD TO MFHD, BRIDGEPORT AVENUE/HUNTINGTON STREET (MAP 8, LOT 8) – SCHEDULE PUBLIC HEARING**

Chairman Cribbins stated we need to get these started within the 65 days of accepting these. We are going to start the Public Hearing (both of these) on May 10<sup>th</sup> and continue them to the May 23<sup>rd</sup>. We are talking about the both of these, stated Comm. Sylvester. Did we ask them for an extension, like we talked about, questioned Comm. Sylvester? They are saying start these within the 65 days, stated Chairman Cribbins. Did we request an extension and it was essentially refused, questioned Comm. Sylvester? There is a lengthy letter in your packages, stated Anthony Panico, with that response.

So I need a motion to initiate the Public Hearings.

**On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was unanimously voted to schedule the Public Hearing on Applications # 05-17 and 05-18 for May 10<sup>th</sup>, 2005.**

**APPLICATION # 05-19 JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES INC. FOR SPECIAL EXCEPTION APPROVAL (171 APARTMENT UNITS) BRIDGEPORT AVENUE/HUNTINGTON STREET (MAP 8, LOT 8) – REQUEST FOR ACCEPTANCE AND SCHEDULE PUBLIC HEARING**

Chairman Cribbins stated without the action of 05-17 and 05-18 it is to our benefit to accept this and then deny this without prejudice. If they get the other applications approved the applicant will come back in with another application. 05-19 will be accepted for review and then we will discuss it, he added.

Comm. Sylvester is there any difference to accept as to accept for review. I am reading here that it is to accept and schedule the Public Hearing, questioned Comm. Sylvester? That is your choice, you can accept it for review and set the hearing, stated Anthony Panico. I don't ever remember accepting something for review when it is going for a Public Hearing, stated Comm. Sylvester. Either we accept it or it goes to Public Hearing, he added. This Commission felt as though this should not go to a Public Hearing, stated Anthony Panico. I agree and I am asking if this is procedurally correct, stated Comm. Sylvester. It is on the agenda and you are not bound by the descriptions on the agenda.

**On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to accept Application # 05-19.**

Comm. Sylvester stated what we discussed at our last meeting was to bring this to Public Hearing based on what we have not heard or considered is getting ahead of ourselves. We felt strongly that we should take these in the order of logic and this would be out of logical order. We asked for the opportunity to have an extension and based on the feeling that we are considering something based on a change that we have not heard yet, he added. It doesn't make sense.

Anthony Panico stated that there is a significant change to the zone and it would make the site plan invalid. In view of that the Commission was trying to act to get the applicant to withdraw. The applicant felt he could not do that and he is forcing this Commission to make a decision, he added. Comm. Sylvester stated then what I will do is deny without prejudice this application.

**On a motion made by Leon Sylvester seconded by Anthony Pogoda it was unanimously voted to deny without prejudice Application # 05-19.**

**AVALON BAY COMMUNITIES, INC. (SHELTON I)**

**APPLICATION # 05-20, JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. TO AMEND THE ZONING REGULATIONS BY ESTABLISHING A NEW DISTRICT ENTITLED HOD (HOUSING OPPORTUNITY DISTRICT) AND RELATED STANDARDS – SCHEDULE PUBLIC HEARING AND**

**APPLICATION # 05-21, JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. TO AMEND THE BUILDING ZONE MAP BY CHANGING FROM R-1 TO HOD, ARMSTRONG ROAD/DAYBREAK LANE (MAP 19, LOTS 2, 3, 4, 5) – SCHEDULE PUBLIC HEARING AND**

**APPLICATION # 05-22, JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. FOR SITE PLAN APPROVAL (302 APARTMENT UNITS) ARMSTRONG ROAD/DAYBREAK LANE (MAP 19, LOTS 2, 3, 4, 5) SCHEDULE PUBLIC HEARING**

Chairman Cribbins stated that our schedule is to keep this within the 65 days. We can open these on May 10<sup>th</sup> continuing them until May 31<sup>st</sup>. There is a likelihood of May 23, which is a Monday, he added. We are expecting these to take more than one night, added Anthony Panico. The Board of Aldermen have this auditorium on the 24<sup>th</sup> and we are looking at having this auditorium on the 31<sup>st</sup>, stated Chairman Cribbins.

When we open this on May 10<sup>th</sup>, do we intend to conduct, questioned Comm. Sylvester? The scenario that I envision is that we will advertise all of the items for Public Hearings and we start with 05-17 and 05-18. If the hearings are short and we open these. If the evening is consumed by the first proposal, you can recess the first, open the second and recess it to the 31<sup>st</sup>, stated Anthony Panico. What am I missing, questioned Comm. Sylvester? The last 3 applications contain the affordable housing issues and I don't want to cast the City into a battle over that, stated Anthony Panico.

**On a motion made by Anthony Pogoda seconded by Leon Sylvester it was unanimously voted to schedule Applications # 05-20, 05-21 and 05-22 for a Public Hearing on May 10<sup>th</sup>, 2005.**

Just for purpose of discussion and the record, stated Comm. Sylvester, we are trying to do this in a way that it was not shoved down our throats. Avalon was not willing to work with us, he added.

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

P & Z COMM.

MARCH 22, 2005

The letter states very precisely that they want the applications processed by the Statues, stated Anthony Panico.

**Joseph Williams, representing Avalon Bay, addressed the Commission to clarify the letter.**

You want us to make the presentations on the Bridgeport Avenue holding the hearing for additional responses. We can reconvene that on May 23, he questioned? Anthony Panico stated that is the way I think it will go especially with the second set of Applications.

By having both applications on the same evening a lot of people will come here to hear the second set of applications. It makes a lot of sense that both applications in one evening would be too difficult for this Commission to digest all of that information, stated Comm. Sylvester.

I think with good communication we can hear what we need to hear and we can communicate that to the Community so that they will know when to be here, stated Comm. Perillo.

The 10<sup>th</sup> would normally be our regular meeting and move the regular business to another night, stated Anthony Panico. We will probably be scheduling at least 3 meetings in May, stated Richard Schultz. You can put your regular business on another night, stated Comm. Pogoda.

**On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to adjourn at 9:40 P.M.**

Respectfully submitted by,

Diana Barry  
Clerk