

The Shelton Planning and Zoning Commission held a Special Meeting on May 10, 2005 at **6:30 P.M.** in the Shelton City Hall Auditorium, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. William Papale
Comm. Jason Perillo
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

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning & Zoning Office. Attachments are not available on the website.

OLD BUSINESS:

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) DISCUSSION AND ACTION 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) DISCUSSION AND ACTION

Chairman Cribbins stated that we had a discussion at our last meeting. The Staff has reviewed this and has prepared resolutions for both of these applications. It is in the hands of our Corporation Counsel. He needs to review those resolutions.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to table action on these two applications until May 31st, 2005.

APPLICATION # 05-24, ROYAL WELLS FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: DRIVE-THRU) BUILDING III, WHITE HILLS SHOPPING CENTER, LEAVENWORTH ROAD (MAP 144, LOT 15) CA-2 DISTRICT – REQUEST FOR WITHDRAWAL (APPLICANT INITIATED)

Chairman Cribbins stated that the applicant initiated this request so I need a motion to accept this letter of withdrawal.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to accept the letter of withdrawal on Application # 05-24.

560 HUNTINGTON STREET: REQUEST FOR RELEASE OF SITE BOND

Richard Schultz stated that at our last meeting the Commission directed Staff to contact Corporation Counsel to have them prepare an agreement to assure that all work would be completed. Corporation Counsel has discussed this with the applicant's Attorney and this is being formulated as we speak. Accordingly Corporation Counsel suggests that the Commission takes its action tonight releasing the bond. The agreement then will be filed in the land records of the City of Shelton with completion of all work to be done by July 6th, 2006.

I will make that motion with the condition that this is a one time move and is in no way to set a precedence in any future applications for releasing the bonds, stated Comm. Pogoda. I will second that, stated Comm. Perillo.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to release the Site Bond at 560 Huntington Street with the condition that this is to be a one time move and doesn't set precedence for any future applications requesting releasing the Site Bond.

24 AUDOBON LANE (LOT 9): REQUEST TO CREATE INTERIOR LOT

Richard Schultz stated this involves a conventional lot that Ralph Matto developed in the late 90's. Lot 9 is a conventional lot with access to this fee strip except for this 30-foot strip. Mr. Matto owns significant acreage here where his house is. All interior lots have to be approved by this Commission. By taking this access land they will reduce the frontage. They could have gotten a variance or came here for us to determine if this is in the best interest to the City.

There is a retention pond here and a turn around here. He will pick up the access land here, stated Richard Schultz. We did review this years ago when we studied if Richards Blvd. should be a through road. Staff recommends acting favorably.

On a motion made by William Papale seconded by Patrick Lopera it was unanimously voted to report favorably on 24 Audobon Lane (Lot 9): request to create an interior lot.

WIACEK FARMS: REQUEST FOR RELEASE OF PERFORMANCE BOND

Richard Schultz reported that the Commission is aware of the status of the property. They are requesting the release of \$740,000.00 performance bond and the sediment erosion bond in the amount of \$20,000.00 being held by the City of Shelton to assure satisfactorily completion of improvements associated with the Subdivision of Wiacek Farms. There was a taken issue and the rest of the land will come back in at a later date. We will establish separate bonds for that at the time it comes in, he added.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was voted to release the Performance Bond on Wiacek Farms. Comm. Papale abstained from the vote.

PUBLIC HEARING

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 AND
APPLICATION # 05-18, JOSEPH WILLIAMS ON BEHALF OF AVALON BAY COMMUNITIES, INC. TO AMEND THE BUILDING ZONE MAP BY CHANGING FROM R-1/OPD TO MFHD, BRIDGEPORT AVENUE/HUNTINGTON STREET (MAP 8, LOT 8)

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

Joseph Williams, an Attorney with Shipman & Goodman, 1 Constitution Boulevard, Hartford, addressed the Commission. He presented the mailing receipts as well as pictures showing the posting of the signs. We did put signs up facing both Bridgeport Avenue and Huntington Street. I would like to make note of what was previously submitted which included the application, a letter to the Chairman providing additional information which included the previous SDA approval on the property, there is a copy of David Schiff's report and there was a letter to Richard Schultz clarifying the re-zoning parcel on the property.

I am joined this evening by David Schiff who is a Principal Planner with the firm of Sirgiardi & Schiff of White Plains, Andy Green who is a Project Engineer, David Sullivan who is are Traffic Engineer with Barkan & Mess.

Initially we presented applications to create a zone to re-zone the property with a Special Exception. That was denied and we will submit that proposal again at a later date. We ask that you consider the use of the property and we will limit our initial presentation to you in that fashion, stated Attorney Williams. He then took a few minutes to explain the presentation and what each team member would be presenting. I should note that Mark Forlenso a Principal with Avalon Bay was unable to attend this evening due to a family emergency.

Avalon Bay is an award winning nationally recognized developer. They just won two awards from the National Association of Home Builders. It is a highly respected Company for the quality of the products that it builds. It designs, rents and manages its Communities in places where they are developed. Right now it is has 50,000 units nationwide. They have planned and built approximately 11,000 in New York and 4,500 in Connecticut, stated Attorney Williams. It is known for the quality of the architecture.

I was asked to submit a letter in support of the applications from Mr. Robert Scinto. He is sorry that he could not attend this meeting and he is in full support of this application. (Copies of the letter were submitted to each Commission and are made part of the Planning and Zoning file.)

Andy Green, licensed Professional Engineer with Miles & McBroom, of Cheshire. I will give an overview of the site with existing conditions and uses on the site. I have some photos that will help orient the Commission. On the map the green shaded area is the property with North being up, Huntington Street is to the West of the side, it is across the street from Trap Falls Road Reservoir. There is a hotel to the East or Southeast of the site. There is an office building East of the site here. Bridgeport Avenue is to the left here and there is no frontage to Bridgeport Avenue. There is access through the hotel and office building. There is a light here and there is an exit to Route 8 on the other side, stated Andy Green. Further South and East is a property owned by the Tennessee Gas Pipeline. They currently use that as a construction yard to store material and equipment. There are residential single-family homes in the area, as well.

The plan shows the existing conditions on the site, stated Andy Green. The site is approximately 7 acres in size. There is a hotel here with the office building here. The light is here on Bridgeport Avenue. The access is here through this parcel. The site is wooded and the Reservoir is here. There is a stream and it shows up as a line through the property. The stream is heavily channellized and the wetlands are flagged along the watercourse. The typography is sloped moderately north of that watercourse.

The existing utilities on the site include a very large water main. It is a 30-inch water main that bi-sects the site through the middle. There is a water line on Huntington Street with the sewer line on the other side of the stream that comes through the office building and the hotel property. There is gas service available on Bridgeport Avenue, stated Andy Green.

Attorney Joseph Williams stated as mentioned we want to create a Multi-Family Housing District Section 37. That would allow the multi-family section through the Special Exception allowing you to still have control and authority. As to the proposal of the new district there have been a lot of these proposals through the PDD and normally we would have presented that way but there is a case that the appellate court is dealing with in New Haven. The status of the case is not entirely settled and the State Supreme Court has accepted it.

The multi-family district is intended to provide additional opportunities in appropriate areas in Shelton. It will promote diversity. It will help with the goals of the plan of development for the City. It will help businesses with customers and employees and housing opportunities for people working in those businesses.

Attorney Williams stated there are also additional letters along with Mr. Scinto's from business owners in the area in support of this application and I will submit those as part of and along with Mr. Scinto's letter.

The new district is in Tab 3 of the booklet that was submitted. We tailored that district into what you have already in any of your zones. It provides standards and criteria including normal items such as setbacks, limits of types on sites and parcels, the lot area and location, the lot size, the zones and the Route 8 corridor or downtown area, stated Attorney Williams. The lot has to be within 1000 feet of the municipal areas or with frontage on Bridgeport Avenue, he added.

The re-zoning is for tax parcel 88 and the 7 acres do front on Huntington Road. It is currently zoned Office Park District and R1. It is set forth through actions in 1977 and 2004 so that the SDA was applied to the entire parcel, stated Attorney Williams.

David Schiff, Planning Consultant with the firm of Sirgardi and Schiff, from White Plains, N.Y. We were asked to look at the site for the suitability of the use, the location and the overall planning for the City. The important uses are the surrounding uses with regard to Bridgeport Avenue. There are mix uses along Bridgeport Avenue that include restaurants, retail uses, warehouses, office parks and the gas facility. Along Huntington Street are residential homes directly across the street from a water treatment facility, further down the road is a veterinary clinic, a day care facility and there are condos to the left stated David Schiff.

The site itself is split between R1 and OPD, which is subject to your site plan approval. It borders industrial zone areas. The entire site is located within the SDA and was designated as such in 1977. The SDA is for flexibility in the proposals. In the area there are 9 PDD's including the veterinary facility, the hotel, the office parks and the two shopping centers, stated David Schiff.

When you take a look at your 1992 plan and the Route 8 corridor update they are supportive of proposals like this. They share the encouragement for rental units in this area. The plan suggested that multifamily districts be limited to such areas as major commercial highway areas and transition areas. In the recommendations they want to protect residential homes from the commercial zones encroaching into them.

In Study area A there is a mix use of office and retail and it is not consistent with what the plan would show. Route 8 is the economic vitality of the City. The whole area was supported by the PDD being adopted by the Commission, stated David Schiff.

End of Side 1A of 2A, Tape 1 of 2 at 7:35 P.M.

David Schiff continued stating that this will provide housing and a luxury apartment complex that is well needed. Any existing zone could not accommodate this. Looking ahead to the zoning request that is a mixed corridor both on Bridgeport Avenue and Huntington Street. The veterinary facility just approved and this parcel are consistent with the character of the area and the commercial properties in the area. This is consistent with the mix use in the area.

Huntington Street is a heavily traveled road. This property won't have any access to Huntington Street.

The housing will support the overall revelation of this corridor. The traffic will be lower than the commercial use. Even on Bridgeport Avenue. This will expand the Grand List.

The main impact along Huntington Street would be visual, stated David Schiff. There is the water treatment plant but across the street are single-family homes that would be impacted. There are opportunities on the south for significant landscaping. We will keep things like the pool and area where people would be gathering away from Huntington Street.

To create the zone would help the State achieve the multi-family housing so that they can establish the density requirements for, stated David Schiff.

David Sullivan, Senior Traffic Engineer with Barkan & Mess, addressed the Commission. I just handed in a letter that shows the comparison of the current zones traffic and the proposed zones traffic. Part of the site is OPD and part is residential with less development potential. In the traffic comparison there are more traffic trips generated under the proposed zone. Then we found out that 2/3 of what could be developed could be under the proposed zone.

David Green addressed the Commission. The access will be from Bridgeport Avenue not the old access of Huntington Road. There will 176 1-bedroom apartments in 5 4-story buildings. There will be an outside pool and City water, sewers and gas serve the site. There is underground retention area.

The site will be heavily landscaped with shade trees nearer the road. There will be evergreens. The combination will provide the buffer for Huntington Road.

Water pollution control has approved a strip for the multi-family proposal and the Commission should know if the zoning takes place all utilities are in place, stated Attorney Joseph Williams.

Anthony Panico stated that once you get the zoning in place the 5 acres minimum would be stressed for downtown. I don't know if we have any 5-acre pieces downtown, even trying to piece them together.

A specific site question with regard to the restrictive easement that parallels the backside of the resident's homes. That was put there by this Commission because of the frontage on Huntington Street, if you pursue anything in this direction have you given any thought of relocating the conservation easement so that it happens immediately adjacent to Huntington Street. Thereby minimizing the impact of this particular development.

Yes, stated Attorney Williams. That is a good question with regard to downtown and this Commission certainly has the discretion to change any of the criteria even reducing that. We wanted to provide appropriate regulations in the area and we are limited so that the Commission could get a handle on what sites to apply it to.

Anthony Panico stated maybe dual standards for the downtown area.

Our application is pending in Wetlands right now and at that first meeting one of the members asked a similar question. I wasn't sure what the intent of the easement was. It is to maintain the easement and create a buffer for the single-family. We shifted around the buildings and we will move building 5 down from the birm. We will resurface that area. Any easement will run in favor of the City. There is language to that effect. The Wetlands Commission asked that Corporation make this Commission aware of that, stated Attorney Williams.

I think the burden is on and your team to explore that fully, obviously that included this Commission and the legislative body of the City. To gain that you will need the support of the Conservation Comm. and the Open Space Comm. It would benefit you to start some sort of communication with those bodies, stated Anthony Panico. We will do that and hopefully if there is some agreement we will come back with regard to the Special Exception and we can close the door on that, stated Attorney Williams. It is possible that this Commission could be swayed if they knew this was possible or not. You can't vote favorably on that to use the easement because the zone change can't have conditions, stated Anthony Panico. I believe it is possible and it would run in favor of the City, stated Attorney Williams. The City and the Board of Aldermen would have to agree with this and if the Commission needs to hear more or have additional information we will do what ever is possible to get that, stated Attorney Williams.

Chairman Cribbins stated that if you attended our last meeting there was an application by Shelton Realty to establish elderly housing district (R-6). They wanted to do something in another area of town. By the end of our meeting and through all of our discussion, we directed Staff to write an unfavorable report for that. We felt that we didn't need a new creation of another type of district if the application could be handled within our own regulations as we have them today. I am still and I see a parallel here between the first applications for the multi-family housing district because we could handle this application through the PDD. For us we are going on the premise that the PDD is a good vehicle for us. Many of the towns are still using that vehicle, as well. We have had discussions as to rather or not to establish the multi-family district, he added.

Chairman Cribbins stated I received some information a head of time. I did go back to 1977 when we did put the SDA on the Route 8 corridor. The main purpose was at the time 40% of Bridgeport Avenue corridor was developed and 60% of the housing available acreage was developed. By adding the zone our purpose was to get the good balance between the commercial and industrial, which also balances off the housing cost. That enables you to maintain some sort of level tax base across the residents. We have been careful how we build up the City so that we get a good balance for the Community.

Please say that there is no access to Huntington Street because I think that would be a big mistake putting additional traffic on that state, stated Chairman Cribbins. We will take a look at the height of the buildings with regard to Huntington Street. In the R1 District it is 40,000 square feet and not 10,00 as I heard, stated Chairman Cribbins.

Comm. Perillo questioned the treatment of the brook? Attorney Williams stated that the original intent was respect that and be careful to insure that there by no damage to the brook. The Wetlands Commission actually asked us to move this building further away from the brook.

Chairman Cribbins asked for the number of parking spaces proposed? Under this plan there is 308, answered Attorney William. That includes under the building also, asked Chairman Cribbins? David Sullivan stated on a preliminary basis there are 111 and 200 underneath. There is a potential for more under ground.

Attorney Williams stated I would like to respond to the issue of the PDD. It is a case that involves New Haven and it challenges the PDD. There is some mention of the PDD with a case involving Shelton. It is in front of the Supreme Court. The Appellate Court will look at that and they did say that the PDD is not recommended and that is our opinion.

We think we are very creative and we do get the development we want, stated Chairman Cribbins. He then opened this up to the public for their comments.

PUBLIC COMMENT:

Constance Schwarz, 536 Huntington Street, addressed the Commission. (It is difficult to hear her.) She is concerned with traffic, the dam, the access way, the development, the accidents on the road and she is opposed to this.

Albert Schwarz, 536 Huntington Street, addressed the Commission.

He is concerned with the low income, the children with schooling, the reservoir, the traffic, the pipe (the water pipe that is over 100 years), the animals in the area and he is not interested in the multi-family district at all.

Edward Coco, 897-915 Bridgeport Avenue, (900 SHELTON PLAZA

ASSOCIATES) addressed the Commission. He was concerned with the previous application and he is in support of well-planned development. I have not formed an opinion on this property and he questions access to the property. I am very concerned with the access road and the impact on my property.

Richard Jager, 2 Coppel Lane, Professional Engineer Licensed in the State of Connecticut, addressed the Commission.

He read from a prepared statement that is part of the Planning & Zoning file on this application. He asks that this proposal be denied and he is asking the hearing be kept opened. Comm. Sylvester stated I would like to have a copy of that be provided to me for my file.

Ben (can't hear last name), 586 Huntington Street, addressed the Commission. He is concerned with the R1 zone, the tax rate, the zone change, the values of the homes in the area and he asks that you don't change the zone.

Fred Barber, 391 Huntington Street, addressed the Commission. He asked if this was a done deal. He was concerned with being black mailed with Cranberry Bog proposal. Chairman Cribbins stated that we take every application on its own merits. He was concerned if the Commission listened to the people, the residents, who owned the land, the control on the people through term limits through the Charter for the City and the quality of life.

End of Side 1B of 2A, Tape 1 of 2 at 8:20 P.M.

There was a question asked from a woman in the audience with regard to the Wetlands Commission last meeting and notification of such. Chairman Cribbins stated that our meeting start at 7:00 P.M. normally and the public portion is so noted on our agendas but he can't speak to the way the other commissions run their meetings.

Jane Daniels, 502 Huntington Street, addressed the Commission. She is concerned with wildlife, people throwing garbage in the dump, the blasting, trees, traffic and the noise from it. She referenced the recent accident in which a 12 year old was killed and she made signs for traffic to slow down. She doesn't want this and she will fight it.

Chairman Cribbins asked Attorney Williams to clarify the affordable housing issue. This is not affordable housing units this will be market rate housing. If these are for Mr. Scinto's employees, a woman from the audience, questioned (the rest is inaudible). It is hard to speak in generalities with regard to the 1992 but we will get into the market rate and the size of the apartments. We will need that stated Chairman Cribbins to Attorney Williams.

Ann Walsh, 189 Coram Road, addressed the Commission. She was curious about the apartments and the possibility of condos. Her concerns were the children and the taxes.

A gentlemen from the audience questioned if the new district is approved by this Commission any application under that new approval would still need a Public Hearing? Yes, answered Chairman Cribbins. A proposal while submitting it is a Special Exception and requires a full Public Hearing, stated Anthony Panico.

Peter Danielchuk, 504 Huntington Street, addressed the Commission. He was concerned with privacy, the noise, the traffic, the stream run-off, the wildlife and he is against this proposal.

Chairman Cribbins stated we will get the information on the difference between apartments and condos and who pays taxes.

Attorney Williams stated there is regard to the dam and we are working with the Wetlands Commission on that. We are aware of the sensitivity of this. We will accept any conditions with regard to monitoring the dam. We have sent in a traffic report. A few people are concerned with the easement and we are concerned about that. There are water pipes that we will be concerned with also, stated Attorney Williams.

They will pay taxes and Avalon is among the highest taxpayers in town. They will pay real estate on the project and real property on their vehicles. If you could do some analysis and have that for our next meeting stated Chairman Cribbins.

P & Z COMM.

MAY 10, 2005

Anthony Panico stated rental values could be answered on today's rates. The Valley Council of Governments has concerns and has asked that this meeting be held opened. Chairman Cribbins stated we will do that. He added that this hearing would be left opened until May 31st.

Anthony Panico questioned the square footage of the apartments? There are 78 one bedrooms and 92 two bedrooms totaling 176. They are between 1000 square feet to 1200 square feet.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to recess the Public Hearings on Applications # 05-17 and 05-18 until May 31st, 2005.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 8:40 P.M.

Respectfully submitted by,

Diana Barry
Clerk