

The Shelton Planning & Zoning Commission held a Special Meeting on May 31, 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. Daniel Oraziatti (arrived late)
Comm. William Papale
Comm. Anthony Pogoda
Comm. Leon Sylvester (arrived late)
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 * are on file in the City/Town Clerk's Office and the Planning & Zoning Office. (Letters read at the Public Hearings are part of the file that is available only in the P & Z Office) Attachments to the minutes are not posted on the website.

Chairman Cribbins opened the meeting with the Pledge of Allegiance and the Call to Order. He then asked for a motion to go into Executive Session with regard to pending litigation matter. The members and invited guests left the auditorium for that session.

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to go into Executive Session at 6:55 P.M. and invite Attorney Thomas Welch, Richard Schultz and Anthony Panico to participate.

On a motion made by Jason Perillo seconded by William Papale it was unanimously voted to come out of Executive Session at 7:10 P.M. No votes were taken.

PUBLIC HEARINGS

AVALON BAY COMMUNITIES, INC. (SHELTON I)

1. **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 – request for postponement (applicant)
2. **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) – request for postponement (applicant)
3. **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) – request for postponement (applicant)

Chairman Cribbins explained about the Avalon Bay applications. He read a letter from the applicant requesting a postponement. The notice of the hearing was not published and letters were not sent to abutting property owners. The request is asking for postponement until June 21, 2005. Chairman Cribbins stated we need a motion to accept that letter of postponement.

Comm. Sylvester stated that for the record I would like to state that we originally as a Board voted to request to allow this to happen and spread this out so that the Community would not be overwhelmed. The applicant refused to do that, as I am told. We thought this was too much for people to accept and understand all at one time. I don't find it difficult, I will make a motion to approve the request, but I would like to state for the record that this Board did request the applicant to do this and put less pressure on our Community and they refused to do it. Now they sense what is happening in our Community and they are willing to do that, stated Comm. Sylvester. I wanted to state that just for the record. I will make that motion, he added.

Chairman Cribbins asked for a second? I will second that Mr. Chairman, stated Comm. Papale.

On a motion made by Leon Sylvester seconded by William Papale it was unanimously voted to accept the letter of postponement on Applications # 05-20, 05-21 and 05-22 until June 21st, 2005.

AVALON BAY COMMUNITIES, INC. (SHELTON II)

1. **Application # 05-17, Joseph** Williams on behalf of Avalon Bay Communities, Inc. to amend the Zoning Regulations by establishing a New District entitled MHFD (multi-family housing district) and related standards (continued from 5/10/2005)
2. **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) (continued from 5/10/2005)

Comm. Pogoda read letters from Chris Whitney in opposition, a second letter from (inaudible) in opposition, the third letter is from Fred Lampert in opposition, the fourth letter is from Dr. James Miller in opposition, the fifth letter is from James Pavone in opposition, the sixth letter is from Beverly Laroque (?) in opposition, the seventh is from Harriet Wilbur and Tom Harbinson Co-Chairs of the Conservation Comm. and the last letter is from the Valley Council of Governments in opposition. (The letters are all made part of the file that is in the Planning & Zoning Office)

Chairman Cribbins stated that we took a lot of information at the last meeting. Typically what happens is that the applicant gets to present his side of what is presented to Planning & Zoning, then we take a lot of testimony from people who are for or against the different hearings. Since I know there weren't any where near this amount of people in attendance on the 10th of this month. What I would ask then is Attorney Williams who is here presenting the applicant just give us, for those of you who are in the audience who were not in attendance that evening, just a very short what are we doing, the request on that property, so that everyone is on the same page, he added. The applicant first, then we will take testimony from the audience. Thank you.

Attorney Joseph Williams, an Attorney with Shipman & Goodwin, 1 Constitution Plaza, Hartford, representing the applicant, Avalon Bay, addressed the Commission. By way of a summary, the applications that are before you this evening are 2, one to create the Multi-family Housing District and to rezone 7.05 acres at 917 Bridgeport Avenue to that new zone. The Commission did have an application for a Special Exception but they denied it pending rather or not you agree to put the zoning in place.

The site plan and particulars are not pending in front of the Commission with regard to the Special Exception. The text is laid out in the application that we filed and there is no need to go back to the regulations.

There were several questions that were asked on May 12th and I would like to update the Commission that the Inland & Wetlands Commission has given their approval. One particular thing that came up at the meeting with Inlands is that they instructed us the applicant to make every best effort and a good faith effort to move the conservation easement on the property away from the hotel. He presented the minutes that were relevant to that.

Comm. Oraziatti arrived at 7:25 P.M.

Attorney Williams presented a letter that he sent to the Board of Aldermen asking for the shifting of the easement. There are attachments to that including the letter, the wetlands permit, and the reduced copy of the plans. We also received a letter from the DEP Office of Long Island Sound that was presented to Richard Schultz. They made comments about regulations and I was surprised that they commented on water front areas. They made a recommendation concerning 2 areas and she suggest prohibiting these areas in a waterfront zone.

Attorney Williams also stated that there was a question with regard to the PDD use and I prepared a letter that references recent case law. In brief with regard to the New Haven Zone, in that decision there was case law in 1990 from Shelton showing no enabling authority for the PDD's in Shelton and the court relied on that in the New Haven ruling.

Another question was raised regarding the square footage and the site would be presented to you once the regulations were approved. The company is contemplating an average of 1100 square feet – ranging from 800 feet for 1 bedrooms and 1500 square feet for 2 bedrooms.

The next question was regarding the rent range of the units. They would be priced at the market consideration at the time of leasing. Rents would be between \$1400.00 and \$1900.00. To clarify one point that came up at the last meeting, this development on Bridgeport Avenue is not an affordable housing development. The market would decide and that is what we think, right now, that the market could handle, stated Attorney Williams.

The questions was brought up with regard to the 1977 SDA approval and I wanted to ask David Schiff to address that, stated Attorney Williams.

David Schiff, Planning Consultant, Sirgiardi and Schiff, White Plains, New York, addressed the Commission. The SDA designation on Huntington Street portion of the site goes back to 1977. We presented the minutes and resolution from that time. The Commission recognized the changing nature of the area including Bridgeport Avenue and the Route 8 corridor. The Commission felt the SDA would encourage development under the Route 8 corridor. The development plan sited the need for rental units. In 2004 the veterinary facility was developed and this is a similar situation.

Attorney Williams stated that a question was put to us about the tax revenue with this project and proposed zoning. Avalon Bay has engaged Donald Kleppersmith he has analyzed that issue and will address that.

Donald Kleppersmith, Chief Economist with (inaudible), addressed the Commission. He was SNET's Chief Economist for years and is currently employed by Channel 8.

There is trouble with the microphone and the audience being able to hear the speakers.

I spent 20 years with the State of Connecticut and I am a two-time Governor Advisor working under Governor Wicker and Governor Rell, stated David Kleppersmith.

My company was asked to do a physical impact analysis looking at the proposed development of 171 residential units versus the alternative development of 73,500 square feet of office space and 4 homes. I have written a letter to be submitted that summarizes the results of the analysis. He then read from his letter, which is part of the Planning & Zoning file.

The office development would result in a benefit of \$117,000.00 in tax revenue for one year from the office development compared to a benefit of \$32,000.00 from Avalon Bay. There is a difference of about \$85,000.00. However the highest and best use for this property should not be determined by net physical benefits alone, stated David Kleppersmith. It is my opinion that the property is best suited for residential uses based on the following reasons, I am finishing up a study for the State Legislature and with prices for homes at an all time high the residents need cost effective housing alternatives. This proposed development would increase the housing alternatives for Shelton residents and upgrade the housing alternatives in the region. Point #1.

Point # 2 Connecticut's job market is soft by standards and is clearly under performing national averages and carry's considerable risk. The town runs a higher risk for vacancy with office vacancy rates now at 16%. The high cost of doing business in Connecticut at 12% above average. The job growth is cost based. Shelton has a smaller share tied to residential relative to the State. This argues for residential development, stated David Kleppersmith.

The bottom line is that office construction carries a higher risk and is subject to the business cycle. The residential represents high and best use for the property. On a net basis this project is physically stimulant.

This would not impact the school system with the total of 19 students. This would not require any infrastructure related costs such as police officers. I would like to add for the record that the Avalon Bay Community in Orange with 168 units there are just 5 students, stated David Kleppersmith. The proposed development would not require any additional infrastructure services and give resident's additional housing. Residential development on site would allow the City to provide net revenue while preserving the quality of life in the town, he added.

Chairman Cribbins tries to get the audience under control and he stated what the procedure is and the latest proposal is up here for review. The Commission has heard the proposal, we made comments and have kept the hearing opened. We will take additional testimony from those in the audience. Try not to duplicate what the previous speaker has said and if you agree with the previous speaker please state so. Address all questions to the Chair not to the applicant. I can't have dialogue back and forth, stated Chairman Cribbins. He asked if there is anyone in the audience who wishes to speak for or against this application.

Bill Bures, Division Avenue, addressed the Commission. I am against this proposal. I feel we don't own any outside Stockholder Company, I believe with special zone changes. I believe several things have to happen now. We probably should stop any large residential units of 100 units or more from coming into the town under a safety issue until we are sure we can update the sewer treatment plant and the traffic because they are starting to, the 100 units or more, have a big impact on the City. I also believe that with Planning & Zoning they should regulate the growth of the City according to the vision, which our citizens have. I am not saying that the 300 people here, which way they go, but maybe we should have some sort of a referendum this election. (The audience is clapping) To find out what the people really want and maybe we would have to turn around one or two recent proposals. I believe that if the people are willing to fight this with our Planning & Zoning Commission, together, we would fight them in Court, if we are willing with the people that are here, right up to the Supreme Court. I appreciate your time.

Shawn Casey, Ferry Boulevard, (inaudible) representing Voices of Shelton, addressed the Commission. I only ask that the Public Hearing be kept opened until June 13th because of the huge impact to the Community. Avalon Bay has had time to present testimony from the experts and we ask that we be given the opportunity to retain the experts. We request that Avalon Bay show good faith and extend the hearing further until July 19th. The Community has a difficult time retaining experts. We ask the Commission to allow the hearings to stay open and allow the Community to get their experts.

Tom McCarthy, addressed the Commission. I would like to thank you for your time and I know with all the applications that you have before you, you must spent a lot of time at meetings, long nights away from family and friends. I will try to stick to facts. I live miles away from this site and still feel that this application should not be approved. First if I wanted to live in Bridgeport I would have moved there. Our schools are overcrowded, just read the Bridgeport Post, under budgeted and there is even talk about closing one. We can't add the possibility of adding hundreds of more students. Our roads are in disrepair already congested and we can't afford to add even 100 more cars. Our sewer system, we are paying hundreds of thousands of dollars every year, because we are over capacity. The applicant lies and evidence is the Wetlands application for Avalon 1.

(There is trouble with the microphone).

The application for Cranberry Hill the applicant stated they had never had an application denied. I was at the Inland Wetlands meeting and the Stratford Town Attorney stated once the application was overturned the town had it denied again. Once these approvals are granted there is not turning back. There have been issues with trees being cut down recently in town. Once a developer has something approved it doesn't hurt them to break a couple of rules, stated Tom McCarthy. All I am asking is that you make the right decision for the Shelton residents and then that would give you more time to spend with your friends and families.

There is trouble with the microphone.

Richard Jager, 2 Coppel Lane, addressed the Commission. His letter was presented and is part of the Planning & Zoning file.

End of Side 1A of 2B, Tape 1 of 2 at 7:51 P.M.

Richard Jager continues to read from his letter that is part of the Planning & Zoning file.

Colleen Mongillo, 550 Huntington Street, addressed the Commission. I am here tonight as a concerned resident of Huntington Street regarding the proposed Avalon Bay project. In the last few weeks I have become more informed about the project and I am extremely concerned about the impact it will have on our Community. I shared my concerns with my neighbors and other Shelton residents and we have joined forces, as you can see. To convince you that this project should not be approved at this location I would like to present to you, now I am over, up to 1,000 signatures (audience claps) opposing the Shelton 2 project. While I understand development is good for our Community, I feel that the project like Avalon Bay is completely wrong for this section of our City, stated Colleen Mongillo.

I have lived on Huntington Street for 16 years and several years ago my side of the street was closed to traffic because the bridge was being repaired. For the first and only time I felt safe enough to take my daughters for a walk down the street. This is a memory that I will always cherish. That day I really understood why people refer to Huntington Street as a gateway to Huntington.

I really hope that you listen very carefully, listen closely and take into consideration the many concerns that were raised this evening. The last few weeks have been an eye opening experience for me. I have learned that it is important to pay attention to what is going on in your city government. I have also learned that people in Shelton are willing to help when they are made aware. I would like to personally thank everyone who is here, everyone who helped us prepare for this Public Hearing tonight, and when people work together many good things can be accomplished. This process has brought new meaning to the word neighbor. Our street may not look like a neighborhood like the other towns but it is ours and we would like it to stay the way it is. Thank you for your time, stated Colleen Mongillo.

Tom Firsco, 58 Rolling Ridge, addressed the Commission. I don't need a microphone or sheet to read off. I have been a resident for 41 years and that makes a true local. I have seen where this town is has gone and the way it is going. It is going like another Stamford and I want to give my kids a reason to stay in Shelton not leave Shelton. (the audience claps)

Donnette Esposito, 251 Huntington Street, addressed the Commission. I would like to start by thanking each and every one of you for the time (inaudible) to this hearing and ones like it. And your service to the residents of Shelton.

I am here to oppose the development of Avalon Bay Shelton 2 as proposed on 7.1 acres adjacent to Huntington Street. I am opposed to the rezoning of this property and the request of the Avalon Development Company. The Huntington Street corridor is R1 and Avalon seeks to change the zone (inaudible). This is not what the residents of this town want. The zone of the area should be determined by the residents of the town that reside there not by the commercial desires of the development firms, stated Donnette Esposito. This parcel of land in a R1 zone can't support this kind of a zone change and this type of zone change transfers control from the City Planners to the development corporation.

Avalon Gates a similar development in Trumbull currently has enrollment in the Trumbull School system as 56 elementary school children, 20 middle school kids and 23 high school students. Booth Hill School cannot accommodate the influx of these many students in the already overcrowded situation. The one point the economist failed to make is the one child per cost per year that must be considered in light of the recently proposed cuts.

The traffic generated with one of these developments is not conducive to an already overburdened road infrastructure which is evident by the increasing traffic problems and the increased numbers of accidents.

The development will further stress an already over capacity sewer system in town, stated Donnette Esposito.

I would ask that you and Avalon management and Legal Team turn your consideration to a more appropriate location for this type of zone, one that is already a part of the existing development plan. The continuation and development of Constitution Boulevard. This Boulevard and its surrounding area can be development with a proper infrastructure to support the resulting traffic.

There a school could be constructed to service the children of Shelton both for Avalon and surrounding areas. A firehouse could be built there. With great supervision a plan could be developed by the City Planners and the residents of the town, not by an outside for profit Development Corporation, stated Donnette Esposito.

In closing I want to thank you for giving me the opportunity to speak, I want to thank you for listening and I implore you in your wisdom to act on behalf of the residents of Shelton and maintain the R1 Zone as determined by the people and the town planners. Thank you.

Michael Daniels, 502 Huntington Street, addressed the Commission. I am not an expert. I am a hardworking painter. Tonight on May 31, 2005 I bring to your attention the Avalon Bay hype and sting. All the outside experts don't really care about our Community. I am bringing to your attention health and safety issues. Dangerous conditions that exist at other Avalon Bay properties. We are now in the process of informing Fox News the O'Reilly Factor with the question of what is happening to the American Dream and the voice of the people? What happens to the voice of the people? This issue before you this evening, please don't let the American Dream for all of us turn into an American nightmare.

In R1 zoning there is one home for one acre. This parcel of land that Avalon Bay has is trying to capitalize on this. You must be responsible and accountable if you approve this proposal of Avalon's, stated Michael Daniels. They must be denied.

In 1989 in attempt to develop this same parcel, it was before the Inland Wetlands and P & Z for a high raise. It was denied back then what has changed? Nothing has changed on the parcel of land. Nothing has happened to the Wetlands. The whole neighborhood was involved back then, they were opposition, as we are this evening.

Our neighborhood, our Community and all of the voices of Shelton want to be heard. We want you to listen and you must listen. These wetlands are the same and the R1 zone is the same. The only thing that has changed is that the owner of this property is Alvaro DaSilva who is the Chairman of the Inland Wetlands Commission, stated Michael Daniels.

According to Attorney Williams at the May 10th meeting, I quote "Avalon Bay is an Award Winning nationally recognized developer with 2 awards from NHAB and known for the quality of their architectural. They are highly respected for their quality designed products."

To boast about 2 awards for 139 projects around this Country doesn't sound too impressive to me, stated Michael Daniels. Their properties may look good but renters beware. We are all familiar with veneer, it looks good on the outside, that is the picture they paint for you, what is underneath there when you examine it, sawdust and glue.

If you research Avalon Bay Communities you will see the truth. Anyone here can go on apartments.com and you will see the truth. Here are some comments from real people who live in Avalon Bay Communities. I randomly selected one in our Nation's Capital, Washington, D.C. It has an 18% approval rating by the residents. Very impressive.

In Connecticut, I randomly selected 8 Avalon Bay Properties that have a combined rating of 40% approval. We need to look at Avalon Bay not with rose-colored glasses. We can't be fooled. Open your eyes and ears tonight, please. Here are how the people living at Avalon Bay feel, I am quoting over 50 properties and these are comments from the residents, I will give these to you later this evening, "stay away fire trap, paper thin walls, college dorm, inferior building structure, nightmare living at Avalon, unreasonable, overpriced and liars, stay away you will be sorry, not worth the money, traffic is horrible, horrible maintenance, no parking, service and maintenance horrible, warning do not rent here, noisy, rude office staff, worse property I ever lived in, crappy construction, cheap materials, you can people sneezing from the third floor, college kids pack 6-8 in an apartment, overpriced, Avalon Bay pays no attention to basic safety with no sprinklers, don't live here worse place in Hamden, rape in Community last year, no security".

Attorney Williams addresses the Chairman (inaudible). The audience is very loud making many different comments. Although it is not pertinent to changing the zone, I was letting it go on because he was talking about the quality of Avalon which is at the May 10th meeting you talked about the quality of the Community. I had hopefully thought that he was very close to the end, thank you, stated Chairman Cribbins.

Michael Daniels continued that after 12 months new construction half of the facilities are failing are damaged. He continues with concerns over fires, parking, dangerous situations, wiring, sprinklers, repairs, the cost of the apartment, no smoke detectors, and age of renters.

Trumbull who fought Avalon for years and has 50% approval rating. Trumbull said that one entire building with sprinklers burn to the ground. It is a safety issue. The Building Department, Donald Murray, stated the Selectmen in Trumbull dedicated one full time man to the Avalon project. He was equipped with phone, binoculars, camera and video. He found that there was material not used and the site was shut down 6 times. There were appeals 5 times. At one time the roofs of three buildings had to be removed.

I hope these testimonies have given insight to what it is like living at Avalon Bay. Lets say you were looking for an apartment and it had a 40% approval rating, would you want to rent it, questioned Michael Daniels? If you sent a college student to a high price college and he came home with a 40% average would you say that was good, how would you feel about that? That is the record that Avalon Bay has with its residents. Is that what you want for Shelton?

You are responsible and accountable for what our City wants and doesn't want, stated Michael Daniels. It is our Community, our City. If you approve this application for Avalon Shelton 2 the nightmares will happen. You won't be able to say I wish I knew. You are informed this evening. Voices of Shelton, he added.

Mike Pacowta, 166 River Road, addressed the Commission. This reminds me of a time almost 20 years to the day when I stood here in this very room with a crowd about the same size and they were talking about putting in high raises, high density, affordable houses right across the street from this building. The same degree of opposition was voiced and it did not happen. I understand that you have to listen to all the statistics, the fine testimony from the experts, the economist and the like, however, what came out of that movement was a concept that is referred to as neighborhood rights. What that is, is if people move into a particular neighborhood because of the characteristics of that neighborhood upon them moving in they have the right for the characteristics to remain as long as they reside there. Neighborhood rights prevailed 20 years ago and I just ask you in addition to all of these statistics take into the consideration the rights of all of these people gathered here this evening.

Gus (inaudible) 69 Blueberry Lane, addressed the Commission. I am here today because our friends who live on Huntington Street asked us to be here tonight. I have a question for the economist who presented economic data. I believe the study was flawed because it was only compared to the single other option of office space and 4 homes. The gentlemen stated that there would \$117,000.00 while Avalon Bay would only generate \$32,000.00. There was also data presented that showed the downturn could be volatile and tax collection may be doubtful if there is vacancy. If you look at the numbers, two years of office space would equate to 8 years at Avalon Bay. The cost is just not worth it. I also don't think that the aggravation that is and the passion that you feel here today from the town and the people that live on Huntington Street is worth the investment. If you are looking to increase revenues there just put homes there. 8 homes at \$5,000.00 per year for taxes would provide you with greater amount without the economic downturn and they will be occupied fully forever on that street, stated Gus. And you won't have the outcry that you see here today from the residents of Shelton, he added.

Carla Sullivan, 107 Cali Drive, addressed the Commission. I have been asked to come here to address the potential impact to the Shelton Public School System if the Avalon Bay Shelton 2 project at the Bridgeport Avenue location, is approved. I am currently President of the Booth Hill PTA and Vice President of the PTA Council. I have attended Board of Education meetings regularly for the past several years. During this time the Board of Ed has embarked on a long-range plan to address the needs of the Shelton Education System for the next 10 years. Currently our schools at all levels are filled to capacity. Class size has increased and the school buses run on a 3-tier schedule that they find difficult to complete each and every day, stated Carla Sullivan.

There are no available classrooms at any of our elementary schools to accommodate the number of children a project like Avalon Bay Shelton 2 would bring to our City. With 171 proposed units with no average age restrictions Avalon Bay would absolutely bring more children to the schools. As Donnette told you tonight it has impacted the Trumbull Schools. We believe that it would (inaudible) the younger children will come to our schools. (Carla is talking to fast and to low – it is very difficult to hear what she is saying)

Currently Booth Hill School has an enrollment of 480 students with class size as large as 26. Our school building is getting a renovation that will add a media center and recapture 3 classrooms for us. These rooms are already filled for next year and there is no room at Booth Hill School to accommodate these children, stated Carla Sullivan. For those who think redistricting is the answer, there is even less room at our other elementary school with numbers ranging from 387 to 589. Shelton High School is currently filled to capacity with current enrollment at 1,726. Due to budget cuts Shelton Intermediate may lose a cluster next year. Potentially increasing their classroom size from 23 to 27.

There are currently 2300 proposed residential projects in Shelton with 1400 already approved. Where are the children who move to these condos, apartments and homes going to go to school? How can we properly educate these children who are entitled to quality schools when our Board of Ed has to fight for nearly every dollar it receives. Children are the life blood of every Community and every child living within our Community deserves the very best education we can provide to them. To even suggest a project like Avalon Bay 2 would not impact our schools is ridiculous. Please take into serious consideration the impact that this project would have on the Shelton Public School System if you change the zone from R1 to Multi-Family District. I thank you for your time, stated Carla Sullivan .

Bob Mosley, 235 Huntington Street, addressed the Commission. I just wanted to say that I have a problem every morning, it takes me about 5 minutes just to get out of my driveway. Even then I have to be very aggressive. The traffic on Huntington Street is at its max. I can't imagine it getting to even more. They keep building in White Hills and all those people come down Huntington Street.

I know that Avalon said their houses would be Bridgeport Avenue, stated Bob Mosley, but some of that traffic is still going down Huntington Street into the center. It is just a matter of time before they build an outlet onto Huntington Street.

I also would like to draw your attention to the inquiring photographer with the Huntington Herald recently. Now I don't pretend to say that this was a scientific study but I think it is indicative of the feelings of this Community. 5 out of 5 people say that they oppose this. 5 out of 5. To me that represents the feelings of Shelton for this proposal, stated Bob Mosley.

Irving Steiner, 23 Partridge Lane, addressed the Commission. His letter which he read one is part of the P & Z file.

As Irving Steiner read from his letter he mentioned the other Avalon applications. Chairman Cribbins asked that he confine your remarks to the application for Bridgeport Avenue that is before you this evening. Irving Steiner then stated that what you are doing then is denying me my freedom of speech? No, stated Chairman Cribbins. These people have the right to know just how this whole thing developed stated Irving Steiner. Chairman Cribbins stated that this is a formal hearing for this application and please speak just to this application.

Irving Steiner continued to read from his letter. Chairman Cribbins stated that he should not be speaking to the other Avalon application again. It was suppose to be here stated a gentlemen from the audience. It was postponed stated Chairman Cribbins. So I am being denied freedom of speech, stated Irving Steiner. No I am not saying that. You can speak to this proposal. I have allowed a lot of testimony so far on this application, he added. Mr. Chairman I ask your indulgence these citizens have a right to be brought up to speed about how we got here on these Avalon proposals, stated Irving Steiner. They are busy working people who have not had a chance to keep a breast of this and they have not been able to read the papers as they try to put bread on their tables and you are telling me that I am not allowed to bring them up to speed so they understand exactly the ramifications of this situation, he added. Please be brief but this application is for Avalon 2 Bridgeport Avenue, stated Chairman Cribbins. The public will thank you for your indulgence, stated Irving Steiner, and continued to read from his letter.

End of Side 1B of 2B, Tape 1 of 2 at 8:35 P.M.

Irving Steiner continued to read from his letter which is part of the P & Z file.

(inaudible) Violetta (?) Freeman (very difficult to understand) I was denied a sign on Huntington Street (inaudible). I think that it is time we stop stuffing developer's pockets and help the Community (the audience is clapping). I have seen the City go down the tubes since the construction of Wal-Mart and the (inaudible). I have lived here all my live and I am considering moving or sending my children to private school because of the element that is currently in our City.

Jane Daniels, 502 Huntington Street, addressed the Commission. I have been before the full Board because of the accidents in front of my house. The 12-year-old boy Joseph Cajigas was killed right in front of my house. I am fighting for people to slow down on that street and changes on my road.

Traffic in this 2.5 pie shape area that connects Bridgeport Avenue to Huntington Street, to Armstrong and Trap Falls Road is horrendous. According to police records from 2001-2005 at address 945 and 917 which is the proposed site of the hotel and where this new site is proposed to be. There have been 4 incident reports of evading responsibility and 5 auto accidents with property damage in less then 4 years, stated Jane Daniels.

From Huntington Pointe on Bridgeport Avenue to Trap Falls Road and Armstrong there have been 51 reported evading responsibility, 19 motor vehicle accidents with injuries, and 135 motor vehicle accidents with property damage. I have the Police Reports here that I will give you.

On the corner of Bridgeport Avenue and Huntington Street there were 2 motor vehicle accidents with injuries, (inaudible) with property damage, and 8 evading responsibility.

On the corner of Trap Falls Road and Bridgeport Avenue, there have been 6 motor vehicle accidents with injuries, stated Jane Daniels.

On the corner of Armstrong Road and Bridgeport Avenue there have been 20 motor vehicle accidents with property damage and 1 motor vehicle accident with injuries.

On Trap Falls Road and Huntington Street, 3 motor vehicle accidents with injuries and 18 with property damage. On Trap Falls Extension, 9 with property damage.

On the corner of Huntington Street and Isinglass there were 2 accidents with injuries and 23 with property damage, stated Jane Daniels.

Now on Huntington Street where I live, this is only from Isinglass to Trap Falls, I live at 502 Huntington Street for 22 years and I can recall 40 accidents in front of my home where people have been injured.

In the past 4 years the Shelton Police records there have shown 1 evading responsibility, 12 motor vehicle accidents with property damage, 4 motor vehicle accidents with injuries and 2 fatalities, stated Jane Daniels.

On this report I believe is very incorrect. The accident that killed the 12-year-old boy only list one fatality but there were 5 other people who were injured and I was a witness to this. Enough is enough. This is where Avalon Bay wants 171 apartment units. That is 292 accidents in 4 years in a 2-mile pie area. Isn't that enough or do more people have to get killed or hurt before we get attention?

I understand that I have had it with all the people who have gotten injured on Huntington Street but I want you to know that I am not going away, I am an advocate. I've been here for 22 years and people just have to slow down, stated Jane Daniels. There are 2 streets in Shelton, Huntington Street or Bridgeport Avenue. I understand that something is going to be done. An outside Engineer is going to do a study traffic flow (inaudible) from a meeting with Mayor Lauretti on May 25 according to an article in the Connecticut Post. It was done before and nothing was done, stated Jane Daniels. Nothing was done to improve the road.

They are saying, I want to quote this, they are saying at the Wetlands Commission meeting on May 12th, they are talking about access to Huntington Street, I want to quote Comm. Beatty, this is the regular minutes, "You are saying you don't want access to Huntington Street. Does that ensure that there will be no access to Huntington Street? Or are you at the mercy of the Board?"

"Mr. Williams: This change of building 5, I am not proposing access to Huntington Street, I am pretty sure P & Z doesn't want access either because Chairman Cribbins made some comment that they are glad there are no proposed access to Huntington Street." Now I will quote Comm. Beatty, continued Jane Daniels.

"Comm. Beatty: How about for emergency vehicle access? "

"Mr. Williams: We are not proposing it. If another City Official insists upon it we would have to talk about it with all the other City agencies to see if they agree."

"Comm. (inaudible): You could put some type of (inaudible) which is not a formal access."

Well, now, stated Jane Daniels, next month for at least a year until September 2006, they are going to be revamping Commerce Drive. What do you think that is going to do to the traffic on Huntington Street and Bridgeport Avenue? Commerce Drive will be restricted to 1 lane in each direction from 7 to 9 and 3 to 6 and closed peak hours. With all the construction on Bridgeport Avenue and Commerce Drive being closed, it will be a disaster.

Chief Voccola stated in an article in the Connecticut Post on May 25, and I quote "I know that it will be frustrating but listen just pay attention and be safe. Safety is the key and be aware that this is happening. If you know an alternate route please take it."

People going to the Corporate Towers are not going to take Exit 12 now because Commerce Drive will be closed. They are going to come down Exit 11 to Huntington Street to Trap Falls to Enterprise to work, stated Jane Daniels. Or Huntington Street or Exit 11 to Bridgeport Avenue, to Trap Falls, to Enterprise. Do you realize that we only have 2 streets in Shelton, here? Do you realize that these 2 main roads will have an extra ten of thousands of cars that will be diverted for over a year and you want to add more vehicles to the road with this proposal of Avalon's in Shelton? You have to stop and we have had enough, it has to be denied.

Now according to Avalon Bay's proposal, Bridgeport Avenue and site of 917 and 945, the applicant's traffic study dated May 10th, which I have attached notes a significant increase of traffic at the site. It noted a 21% increase since the CT. DOT survey of 2001 for the morning peak hours and 11% increase for the afternoon peak hours. Yet the study chooses the 2% increase (inaudible).

The traffic study addresses the 111 at grade parking spaces and doesn't reference the underground parking spaces that would bring the total to 308 parking spaces to this facility. Where are the additional 227 spaces considered in there (inaudible)? Are there reasons for these additional parking spaces, they are not even mentioned, questioned Jane Daniels?

During the initial presentation of Avalon Bay, their presentation noted that the traffic study was conducted without stating that they were not using Huntington Street for egress or ingress. The report doesn't reflect the consideration of the in or out. It doesn't reflect the impact of the 306 vehicles that would be added to the local traffic conditions.

The May 12th Inland Wetlands, I already read it that they are trying to get access to that road, it depends on the Board. I say you are putting people's lives at stake. Are you saying that this is an invitation to Avalon or the Board for access to Huntington Street? This can never happen, stated Jane Daniels, and you will be accountable.

According to the study by Shelton Police, the average speed at Huntington Street is 43 M.P.H. That is a 30 M.P.H. speed zone. I live on Huntington Street and I see people going 60-70 M.P.H. That is why they are zooming by. That is why they are crashing, that is why they are getting injured but there is also an element in the road, stated Jane Daniels. If it is corrected when you get a component Engineer in there you will see the problem. I see it and someone else will. The Mayor did, he was in my front yard, she added.

This proposal of Avalon Bay will be such a burden, it will be very hazardous to our 2 streets, Bridgeport Avenue and Huntington Street. This proposal must be denied. That is our voice, stated Jane Daniels.

So far tonight we have heard a lot of talk about traffic, neighborhood rights, safety, school children, construction, sewers, is there someone in the audience who has additional information other than those topics, stated Chairman Cribbins.

William Rogers, 17 North Princeton Drive, addressed the Commission. This won't take long at all. I know that a lot of topics have been discussed here this evening. One topic that has been touched on but not talked a lot on is the sewer upgrade that we have been reading about in the paper. We know that we are kind of knee deep in it. I am curious if they are going to contribute to the sewer system upgrade if they are going to be contributing to the system. I know that the City Council will come back to us to help pay for the thing. So I am curious what the status would be on that?

Carolyn Kelly Barney, 26 Pine Street and my daughter and son-in-law live at 199 Huntington Street, addressed the Commission. I am a long time resident of Shelton and I am here to speak up for my town because of living here for over 32 years I find it is very dear to me and my family. I am the type of person who doesn't stand up to say much either publicly or politically. When I was informed of the Avalon proposal I felt immediately that I was being betrayed and my town was being taken advantage of and used by people who cared nothing at all for its residents but to make money by taking advantage of us.

I am speaking of something different, I have no concrete facts or figures, none of that, this is all from the heart and I bet I am speaking for a lot of people in this audience, stated Carolyn Kelly Barney.

We came to live in the village of Huntington, Shelton when our daughter was just one year old and raised her in a country atmosphere that we loved all to well. We brought her a pony when she was 7 and her brother and herself used to ride up Pine Street to Willoughby Road.

Now my little girl is 33 with twin babies of her own, they were here earlier, they care so much for Shelton. She also has chosen Shelton, the village of Huntington, at 199 Huntington Street to live and raise her boys. That is such a compliment to Shelton that young families, 2 generation Shelton resident have decided to put down their roots in the very town that they were raised in.

The one feature of the home on Huntington Street that is a sore spot for her and her husband is the traffic on the road in the front of their home. They have already built a huge stonewall and put up a fence to block out the noise and danger of the cars making their yard at least safe for their little boys. At certain hours of the day traffic coming down from Trap Falls Reservoir is like a continuous train, slowly plowing down Huntington Street into the Center. She and her husband and I know that we don't hope to get in or out of their driveway during those hours and our navigating along Huntington Street will be more then miserable. She is also learning about the elementary schools, how crowded they now and what that will be like in 4 more years, stated Carolyn Kelly Barney.

I guess what I am saying is that we need to preserve Shelton for generations to come and learn to draw the line somewhere and stop using land for uses that are counterproductive to the desires and intentions of its very own existing residents. The current zoning regulations and restrictions were put in place years ago to do just that. We can't afford to move all these families in our Community without changing Shelton forever. Once done we can never put back what we had. Once all these people happen there will be an extreme burden placed on our schools, our police, our fire department, and further more their cars, children, sewage, water consumption, trash production, etc. will create even more problems for our town services to handle.

We choose to live in this town and raise our families here because of its unique and charming character. We must now stand and protect Shelton from this outside invader who will forever change and destroy our town for a purpose not in our best interest but in theirs. I say we shall stand together on this and tell the Avalon people that ,we the people of Shelton, what we want, and not the other way around. After all it is our town not theirs, stated Carolyn Kelly Barney. In closing I would also like to speak for Lisa Cook, 12 Dexter Drive, whom could not be here this evening. Carolyn Kelly Barney continued to read from a letter written by Lisa Cook that was submitted and is part of the P & Z file. I have lived in Shelton since 1982. I don't live in the area of the proposed Avalon project. In regard to the apartments, I don't see anything good coming from the chosen location. The location would increase the traffic on Huntington Street and Bridgeport Avenue. Huntington Street is a country road that has not seen any improvements to accommodate the increase of traffic at commuting hours. With several deaths in the last few years how can the increase of traffic benefit the general public? Having said this how about the broader issue of traffic in the Route 8 corridor? Has the State been contacted? The only benefit I see is to the Corporation proposing this. What about the residents in the area? Do any of you give a darn about the residents in these areas? Or is it the almighty dollar that matters, stated Carolyn Kelly Barney, (this is Lisa Cook's letter)? I urge you to deny the Avalon apartments. For your information I was a voting member of the Zoning Board of Appeals when I lived in Clinton, Conn. I hope that all goes well with your fight in getting this application denied. (Lisa Cook)

Carolyn Kelly Barney continued with a letter from P.B. Haverill, 1 Captain's Watch in Huntington. This letter is to express my concern with the Avalon project. I can't believe that the P & Z would approve such a proposal. The traffic is terrible now and this would compound that. The other consideration is schooling.

Are you not aware that we are up to capacity and City services are currently overloaded. City taxes would be increased. I have been a taxpayer since 1970, and since you are elected by us taxpayers please see to it that the best needs of the taxpayers are met. I fully oppose the application by Avalon Bay and ask that you turn it down accordingly. (This is P.B. Haverill)

Caroline Kelly Barney continued by reading a letter from Valerie Sampi. I asking ladies & gentlemen to deny the application of Avalon bay to build on Huntington Street. We haven't seen what effect the 17 story towers of Mr. Scinto's will do to this area. We should stop developing Shelton until we do. Our schools are packed to capacity and it is not responsible to bring children into this area until we can promise them the best education possible. The traffic situation is cause for alarm as well. We should be looking for ways to reduce the number of vehicles not to add to it.

Caroline Kelly Barney continued by reading a letter from Terry McDonald. Please deny the application of Avalon Bay to build on Huntington Street. She is already burdened by the heavy traffic and can't afford to attract more of it. I ask that you strictly enforce the R1 zoning in this charming New England town otherwise the lovely scenery and the quality of life that sets us apart from concrete jungles like Long Island will become memories.

Caroline Kelly Barney continued by reading a letter from (7 Tulip La) from Peter McDonald. Work obligations prevent me from attending the meeting to voice my opposition for the multi-family development that Avalon Bay is proposing. Under no circumstances should R1 zoning be changed in Shelton and the 171 Apartment proposal by Avalon Bay should be denied. As far as I am concerned all development should cease immediately. There are to many cars in Shelton as it is.

Chairman Cribbins asked if we could have those letters to be stamped in and taken as testimony?

Constance Schwarz, who resides at 536 Huntington Street, with her husband Albert, addressed the Commission. Our property is directly next to the proposed Avalon Bay project. We both are not in favor of this project. It is much too much for area. The roads can't handle the traffic flow now. It is an R1 District and should remain that way. We don't have a multi-family district in Shelton and the Planning and Zoning Commission should not allow this to happen.

We purchased our home in Shelton over 19 years ago with the intention of retiring and having a nice quiet place to enjoy. If you allow this it will not be quiet at all with that many families living right next door. Not to mention the height of this building looking up from a ranch home or the loss of value of our property. What will become of our rural area? It is just too much. Maybe we should put one of these next to your homes then we would see how you, the Planning & Zoning Commission would feel, like what you are trying to do to us by approving a multi-family district. I would so welcome new single-family homes on the parcel, one of each on the one-acre parcel. It would enhance the area and not burden the schools, the sewer system, our fire department, or our traffic. 4 to 5 cars versus 300+, stated Constance Schwarz. We would maintain our rural entrance to Huntington by keeping a place for our animals with the conservation strip approved by you when the Homestead was built in 1997, not moved. You would have acres to build Light Industrial like it was zoned for. Let's keep it for what it was zoned for and deny the project.

Constance Schwarz continued by reading a letter from Lauren McCarten 554 Huntington Street. I am opposing the application of Avalon Bay for 171 apartments. I was disappointed last year when the Commission approved the Veterinary clinic that now stands next to me. I feel that the City should not withstand any over development. I am opposed to the zoning being changed to accommodate developers. I don't think zoning waivers should be granted if the project fits into the neighborhood. I agree with (she lists the names of everyone speaking) who speak in opposition of this proposal to protect our neighborhood.

Chairman Cribbins stated that he would take the letter as part of the file. He then ask if there is any new testimony.

Albert Schwarz, residing at 536 Huntington Street, addressed the Commission. Our property is directly next to the property of the Avalon 2 project. Along with my wife and neighbors I am not in favor of this project being built on Huntington St and Bpt Avenue property. I agree with their statements that it is wrong and not in character with the neighborhood. It would decrease our property values and bring more traffic to that area. We do not need this. The zone is R1 and should stay that way. Thank you .

Joan Flannery, 8 Partridge Lane, addressed the Commission. You know that I am not a stranger to these meetings. You know that I have been coming here for years. I have been saying the same thing that these people are saying tonight. I am proud that more people have showed up and come to talk about this over development in Shelton. I am proud to be an original member of WER1 with Irv Steiner and I am proud that there is now another new group, Voices of Shelton, to join us. You have heard all the statements that I have made through the years and I am glad that more people are joining us to fight the fight in Shelton for over development. I am afraid that you are going to ignore Mike Pacowta's plea that we need these neighborhood rights. You need to listen to them as you have not listened to them in the past. As you know we had Wells Springs people, we were all hear speaking against that, we had the 17-story apartments we were here speaking against that, we were against Split Rock, we have been against many developments and you have not listened to us, stated Joan Flannery. I hope tonight that you listen to us, she added.

Roger Pleasenton, (?) addressed the Commission. I am not a Shelton resident. I will proceed only if you wish me to. I was a Shelton resident about 30 years ago. I am America's Dream. I live off Huntington Road. I live on Beaver Dam Lake. It is a 70-acre lake that you can still drink out of if you wish. I know that progress cannot be stopped but I also know that you can't drink the water in Central Park. I checked the water and it is still good. The water comes up from the bottom. I heard some good points from Richard Jager tonight. We are checking the runoff. I thank the City of Shelton for cooperating with the Lake Association.

The papers have been served appealing the Wetlands decision, today. It is not all dollars and sense some of it is common sense. You know what I said I am the American Dream. I fought like hell to live there and I hope it is better when I go. I bought the lake when I paid 15% to buy the thing. There is nothing like that from Massachusetts to New York and we won't let it be destroyed. Thank you.

Steve Kutash, 275 Beardsley Road, addressed the Commission. I am one of the people who come out of the White Hills everyday. I don't go through the Center I go through the back way from Isinglass. I see daily a school bus trying to make a left hand turn back onto Huntington Street. He can't do it. He sits there forever, the traffic is outrageous.

One thing that these gentlemen spoke about was Avalon Bay up North, I don't know why they didn't bring up the one in Trumbull. Many of my customers live there and I say they must go to Sacred Heart University. They say we won't need more police of course we will. They have the problems in Trumbull right now. It is only a fool who would believe that we won't need more police there.

Furthermore, I just can't see that we can allow this type of development to go in there. We have the people here tonight asking for your protection to our rights, stated Steve Kutash. Various grass roots have been coming up for a couple of years asking that we keep to one acre zoning, well all the towns around us are going to 2 acre zones or more. At a recent meeting Jack Finn was asked about the 2 acres in zoning. We visited that a long time he stated (Jack Finn). It was turned down. Well the houses were half the size they are today. We don't mind big houses here but we do mind them encroaching on one another. I don't see how they can think that we will accept a development squeezed into a small development. I was at a recent meeting with over 200 speaking for the Board of Education. We were disappointed because they were not only teachers but also senior citizens, students and people who had no ties to people in the education field. The Board of Aldermen didn't listen to those people. The people want to have a say in our government here. We are asking for you to listen to us. Please don't disappoint us.

Chairman Cribbins stated we have heard a lot of testimony and we get the feeling of the audience on the various topics discussed tonight. Anyone else wishing to speak to anything else, other than what we have heard this evening?

A women from the audience asked if all the Board members lived in Shelton? Yes, answered Chairman Cribbins. If I was to look up and down the table I know most of the members have lived here at least 4 generations, mine is 6 generations. Yes we do live in this Community, stated Chairman Cribbins, and we do wish for our families to stay here.

Albert Schwarz, 11 Beecher Avenue, addressed the Commission. I am opposed to this project. I have one question, when you build a project like this, you push the animals out, what animals are coming in? (the audience is voicing their opinions) I would imagine you might have cockroaches and I don't think it is necessary to destroy the look or feel of the Community.

Marilyn Tallon, 290 Huntington Street, addressed the Commission. I was going to speak about accidents, traffic, speeding, and if you widen the road, they don't slow down, and I have been here before. They tried to put a cemetery next to me. Something that hit me was that I came home for lunch today. There was a deer standing on the side of the road and this poor thing is going to end up on the side of the road or in the dump. Friday night there were ducks hit and it looked like someone just ripped opened 10 down comforters. Right on the top of Commerce Drive and Huntington Street. You can't allow this. Just to get out of my driveway I have to floor it or hope that there is someone who knows me that will allow me to get out of my driveway. You can't go through with this.

Richard Patterson, 31 Daybreak Lane, President WER1, addressed the Commission. I was here primarily for the other application that was postponed. I want to request that this application be left opened and in a location that will make room for everyone who wants to speak because this room is obviously not big enough.

Secondly I want to point out to this Commission that we get these proposals from developers who bring in there experts who are hired by them. They have all the money to bring in all the experts they need. When a big project comes to this Commission I think that it is this Commission's responsibility to hire their own experts. The other application is a fraudulent application and omitted a serious wetlands area and this Commission has denied that. Everything is proposed maybe fraudulent and should be verified before anything is allowed to happen, stated Richard Patterson.

Stephanie Reel, new to the Community, addressed the Commission. I lived in apartment in Elmhurst., N.Y

Shelton will be destroyed and if we can fight this I am with you all. I love the Community and I love the school. I moved here before Wal-Mart and the town turned once it was built. I love the Community and you have a good group of people who want to live here. I think that you should listen to us and back us up.

Robert Wolf, 6 Tuckahoe Drive, addressed the Commission. I am in agreement with everyone who is opposing the Avalon project. I moved from New Jersey to Connecticut in 1960's. It took me 3 hours to travel to school. I see the old route I took in the Route 8 corridor. I came to Huntington and drove down Huntington Street I said this is where God lives it is the most beautiful street. There is a different sunset every night. I see minutemen on the green. Someone earlier said if they wanted to live in Bridgeport they would have moved there, if I wanted to live in Long Island I would have moved there. I see concrete pavement from end to end, traffic jams end to end I would have moved there. I came to Huntington 40 years ago and it is worth my life to go around the green. You can't go down Soundview and the same around the green, down to Exit 11 it is another rat race.

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

Two years ago behind my home was woods. There was a 10-acre piece that now has 10 houses. There are big houses being built on land everywhere. Avalon Bay is not going to pay what those houses will pay they are going to pay \$32,000.00 big deal. Maybe if they pay \$32,000.00 for every unit there, maybe we can talk business. Give me 4 single-family homes on that property. Don't give me Long Island, Bronze, New York, Bridgeport, New Haven or Hartford. This is what people live in this town for, how it looks and how it behaves. Gentlemen if you have any sense at all, I think you do, you will consider this proposal as a very large negative for the City of Shelton. Thank you, stated Robert Wolf.

Betsy Campanelli, 540 Huntington Street, addressed the Commission. I have lived there for 21 years and I moved up from the City of Bridgeport to get away from the City and into the Country. I no longer feel that I am living in the Country. I know refer to Huntington Street as Highway 99. I fear every time my 18 year old leaves the driveway as she tries to pull out on Huntington Street. The thought of you putting in a building that will generate even more traffic on that street is absurd. Thank you for your time and please turn down this proposal.

James Gitard, 185 Isinglass Road, addressed the Commission. I am a fourth generation Shelton resident. I think of this meeting as if this proposal is on the board and when we come to you guys with wanting to put a pool in or a fence. You ask about character and if what we are trying to do matches the character of what is going on it at that location. This proposal doesn't meet the character of the area and I am asking you to give the same respect to them as you would to us. Ask yourself does it meet the character of the area and if it doesn't deny it, stated James Gitard.

Nancy Steiner, 23 Partridge Lane, addressed the Commission. I am a member of WER1 and we have three generations of my family living all on one street. We really love Shelton. I agree with all the comments made with regard to sewers, schools, traffic, etc. I agree with all of that. Can we revisit the idea of a moratorium, stopping all these applications until the 10-year plan update is complete? I don't mean to stop applications on single-family homes I mean big buildings like this. Maybe from 80 units+ and maybe we can say there is a moratorium so we can see where we are going with the update. The people on that Committee have been working very hard and I encourage people sitting here tonight try to attend the charter meetings and update plan meetings. This is where the future of the town is being planned and if you are not there to give your opinion no one will know what your opinion is. So please Planning & Zoning, see if you can consider a moratorium.

Joe (?) 268 Soundview Avenue, addressed the Commission. I just head about this recently and I am opposed to this. I am a 14-year resident from Long Island. I grew up in a house that had a space the width of a car between two houses. I love it here. I have seen Bridgeport Avenue grown in years and that is commercial. You expect that. I see a distinction with this and I don't see the need for it. There are no benefits and I see a lot of negative.

Chontele (?) 66 Baxter Drive, addressed the Commission. I have lived in Shelton since 1963 and I love this town dearly. I have seen in the last 10 years that the developers have taken control of our town in the name of profit. I would like you to consider doing something for the residents and the taxpayers of Shelton by keeping the ambiance of town because once the developers do what they do it can't be changed again. They have taken our money and run and we are left with the results.

Jim Higgins, 341 Walnut Tree Hill road, addressed the Commission. I have lived in this town for 62 years. It is proper for me to ask the questions I have of the Board? Ask your question if we have the answer we will give it to your or we will research it, stated Chairman Cribbins.

When Trumbull had to deal with Avalon they tried to knock it down but they lost in Court partly because Trumbull didn't have enough affordable housing. Avalon Bay was going to provide that. Do we have that problem here in Shelton? Not on this project, this is not affordable housing, stated Chairman Cribbins. This is market rate housing, he added. (the audience gets loud) Chairman Cribbins stated that he asked if this application had a problem like that? This application is not subject to the affordable housing Statues stated Anthony Panico.

Is there anything in the State Statues, Town Ordinances or Case Law that says that you have to change an R1 zone to meet the request of an applicant? Not with this type of a project, stated Anthony Panico. Not on this application, if you had an application with affordable housing connected to it then rules change. There have been Case Law where they say they don't meet requirements and change zones and they have won in Court, stated Chairman Cribbins. This doesn't have anything to do with this application. I am no Attorney then but it seems to me that this is open and shut, sated Jim Higgins. There is no reason for you to change the zoning. Thank you very much.

A gentlemen in the audience (Robert Wolf) asked based on what you said what would be the chance or opportunity if at some point in the future request that it could be affordable housing. I can't answer that, I don't know, we have to proceed with this stated Chairman Cribbins. We should not speculate on something in the future, he added. I don't think we speculated 20 years ago with what Mr. Scinto would do, stated the gentlemen.

Gary Duhaime, 331 Huntington Street, addressed the Commission. I am a lifelong resident of Shelton having lived at this address since 1939. Huntington is our home. I have to thank all the members and people who spoke out and people who have joined Voices of Shelton. We have tried to put a broad spectrum of fact, feeling and personal belief to you tonight for your consideration. We wanted to bring these people here tonight to speak the truth and speak rationally. This won't be over tonight nor do we intend to stop. We will continue to seek legal counsel and gain funds to pay for it. We will follow Avalon throughout Shelton to protect the R1 zone. Understanding that development happens but it should happened for the greater course for the residents. All of the members of any elected positions in town have an obligation to look to the future. All of you feel the pain and suffering looking for a decision. The Voices of Shelton have given you their feelings, their facts, and their family values. We ask you tonight to deny this application. Thank you all of you that spoke for speaking out on your own behalf and speaking for people who don't have the courage to do so.

A gentlemen (inaudible) 18 Clinton Drive, addressed the Commission. I am not familiar with this and I don't ask anyone for anything. It appears to me if I want to get anything done with this particular situation is through this Board. I hear a lot of appeals to this Board as if they are trying to get you to go in another direction as if your mind is already set. They don't feel secure that you are going to do what they would like to have done. Having sat here for the last couple of hours I have no misconception of what the people of this town want it certainly is not Avalon and it does not take a rocket scientist to figure that out. So I just hope that you will on behalf of the people do the right thing.

I think that we are at a point, the way the process works, if the Counsel wants to rebuttal at this time, he may, once we talk amongst ourselves on the issue of continuing this or not from the Commission, since we have already continued this once, I need to talk amongst ourselves to decide that. The Commission talked about continuing the hearings and we reached a consensus to leave this opened until June 21st receiving written data in support or against. At the same time the applicant gets the same equivalent of time, stated Chairman Cribbins.

A gentlemen from the audience asked Chairman Cribbins if he thinks anyone in this audience is going to change their minds. He can have all the rebuttal time he needs and they can rebut until they turn blue in the face no one hear is going to change their minds. That is the process stated Chairman Cribbins. If we don't allow this process and we don't hear from the other side therefore we made a one sided decision if they go to Court. More and more people are opposed to this and we would have closed the hearing tonight, stated Anthony Panico. We have 65 days before we have to make a decision, stated Chairman Cribbins. Attorney Williams stated that he will not have his rebuttal this evening he will speak to his rebuttal on June 14th.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to keep the hearing opened until June 14th, 2005.

Application # 05-26, Key Development, LLC for CRD Subdivision Approval (6 Lots: The Woods at Lake Road, Phase II) Lake Road (Map 115, Lots 4 and 5)

On a motion made by Jason Perillo seconded by Patrick Lapera it was unanimously voted to table Application # 05-26

Application # 05-28, Deborah Petruzzello for Special Exception Approval (addition to Appletree Daycare and Preschool Center) 117 Long Hill Cross Road, (Map 51, Lot 4) LIP District-accept and schedule Public Hearing.

On a motion made by Jason Perillo seconded by Daniel Oraziotti it was unanimously voted to accept Application # 05-28 and schedule the Public Hearing for June 14th, 2005.

Application # 05-29, Mark and Teresa Tambura for Subdivision Approval (2 Lots: Tamburo Subdivision), 6 Maple Avenue (Map 125, Lot 38) R-1 District.

On a motion made by Jason Perillo seconded by Daniel Oraziotti it was unanimously voted to accept Application # 05-29.

On a motion made by Anthony Pogoda seconded by Patrick Lapera it was unanimously voted to adjourn at 9:55 P.M.