

The Shelton Planning & Zoning Commission held a Special Meeting on July 19, 2005 at 7:00 P.M. in the new Shelton Intermediate School Auditorium, 675 Constitution Boulevard North, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. Daniel Orazietti
Comm. Jason Perillo
Comm. Anthony Pogoda

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

Also in attendance Assistant Corporation Counsel Raymond Sous

Members absent: Comm. William Papale
Comm. Leon Sylvester

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning & Zoning Office. Letters read into the minutes and documents presented were clocked in and are part of the file available in the Planning & Zoning Office. Attachments are not available on the website.

Chairman Cribbins opened the meeting with the roll call and the Pledge of Allegiance.

PUBLIC HEARING
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 –(continued from 6/21/05)
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) – (continued from 6/21/05)
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) – (continued from 6/21/05)

Comm. Orazietti read the call of the hearing and 5 additional letters from Al & Edna Rourke, The Town of Stratford Inland Wetlands Commission from Steven D'Angelo, Wetlands Agent, Gregory Watkins-Colwell from Peabody Museum in New Haven, Joan Flannery, and Irene Watson. (These letters are part of the Planning & Zoning file and are available in that office.)

Chairman Cribbins stated that the City had just finished its own traffic study that was done by Fuss & O'Neill, from Stratford, Connecticut, dated July, 2005 and a copy has been given to the applicant.

Attorney Joseph Williams, representing Avalon Bay, addressed the Commission. He stated that he will be submitting this evening, 3 letter reports and a memo, that include a letter from Michael Klein an environmental planner & wetlands scientist who raises issues with regard to the wetlands mentioned at the last hearing, a short memo from himself with regard to affordable housing in Shelton responding to some information from the last hearing, the third is a letter from David Murphy a Licensed Engineer talking about the issue with regard to the water shed being diverted in a harmful way at the Cranberry pond, and the fourth document is a letter report from Arthur B. Estrada, who owns his own firm in North Haven. He is a certified Real Estate Appraiser whose reports are in response to testimony from the last hearing that the proposal would have a negative impact on property values. In summary he analyzed the neighborhood and the site, he reviewed the site and looked at sales in similar complexes of Avalon Bay throughout the State of Connecticut to determine rather there was negative impacts to property values.

This is a continuation of the hearing that was started June 21st, stated Chairman Cribbins. I have taken names of 7 additional people who want to speak. There is also a sign up sheet on the podium. Please print so that your names will be spelled correctly. **(All letters read into the record and documents that were presented to the Planning Administrator, were clocked in and are part of the Planning & Zoning file on these applications.)**

Susan Jager, 2 Copel Lane, addressed the Commission. I come before tonight to oppose this highly intense development that happens to be proposed in my neighborhood. The residents of my development are proud of their properties. I am concerned about the quality of the product of this development is. I decided to look into this myself and went onto a website called Apartment ratings.com., looking up Avalon Bay Properties. Avalon Bay has several locations. In my package that I will turn into you this evening, I have about 30 sheets rating Avalon Bays apartments. She continues by making quotes from these rating sheets that include information on Hamden's Avalon location, Manchester's location, Stamford's location and Trumbull's location. The ratings included concerns with the garbage disposal, toilet backing up, mold, thin walls, vandalism, poor staff, shabby maintenance, and bug issues.

This application concerns me because it is my neighborhood. My neighborhood is an established single residents zone.

We bought are home in good faith. We are already threatened by development on Bridgeport Avenue and Old Stratford Road. The magnitude and impact of this proposed apartment complex surely compromises the quality of life in my neighborhood. Don't turn our R1 neighborhood to an HOD. Thank you, stated Susan Jager.

Arlene Perry, 64 Gardens at Summerfield, Nancy Steiner's sister, addressed the Commission. She read a prepared letter that as stated previously was clocked in and made part of the file in the Planning & Zoning Office. She reads from the letter questioning why we are here tonight because the Chairman of the Wetlands Commission is making good on his threat to bring a huge affordable housing complex to Shelton if his original application for 49 clustered houses were denied. On these 23 acres of which only 14 are considered buildable due to steep grades and wetlands, he could have built 14 or 15 single-family homes. This solution would have been harmonious and appropriate for these 23 acres, which by the way is surrounded by single-family homes on one house per acre zoning. I don't think that switching from 49 homes to 302 affordable apartments has anything to do with affordable housing in Shelton, it is just plain revenge and greed read Arlene Perry from Nancy Steiner's letter. What else could it be, please don't tell me it is just plain business?

Much has been said about the Cranberry Bog, have you been there lately? Much of the pond is covered with water lilies and it has to be one of the most beautiful, natural sites in Shelton. A quick reminder that this rare bog is extremely threatened by this monster development.

On March 23, 2004 when the original application for 49 units was denied here are a some final comments from the Planning & Zoning Commission and I quote verbatim "this development would result in considerable (inaudible) traffic, roads, neighborhoods and long range plan of development." Those are your words, these are Nancy's, shockingly inappropriate, unharmonious, the wrong development in the wrong location, placing a burden on a neighborhood that is already in trouble with regard to traffic, overcrowded schools and no open space left.

We worry about our wells with blasting and the air quality with the increase of traffic. All those trees that provide us with cleaner air and shield us from Route 8 will be chopped down and never replaced. Our area of Shelton has already suffered the unnecessary cutting of trees by the Well Springs development and it has already made a difference in the quality of our life.

Building 14 or 15 homes on this land according to the zone – one house per acre, would not make necessary the destruction of the landscape. We are not against development but we want responsible development.

The Split Rock construction, which I call the Split Rock mining operation. I avoid driving by because I see the result of the blasting, shale cliffs, the alpine mountains of dirt and gravel and you see the feeble attempts to replace the natural beauty with tiny shrubs that will never come close to the natural beauty that was blasted away. Now gone forever from that corner, it upsets me to the point of tears.

Where our City stands regarding future development? I reiterate a moratorium on all large-scale development until our 10-year plan is complete and approved. As I hope Avalon will never build anywhere in Shelton based on comments from current and former renters about shoddy construction and poor management. This information is readily available on a website and (inaudible).

I first started to come to Planning & Zoning meetings in 2003. Much has happened since. I was naïve and uninformed then. I would like to think that I have become much better educated by attending countless Planning & Zoning meeting very rarely missing one. Expanding our knowledge of how the City of Shelton works, my husband and I also attend most meetings of the Board of Aldermen, Conservation Commission, Water Pollution Control Authority, the Inland Wetlands Commission, the Charter Revision Committee, the 10 Year Plan Update Committee and the Ethics Board. Why have we made this effort? We want to help preserve and protect the quality of life in Shelton. Please help (inaudible) make the right decision.

Richard Jager, 2 Coppel Lane, addressed the Commission. I have a number of different letters and a package to present from the interveners. There are 4 submittals that I will turn in tonight. He read from a prepared statement that was received, stamped and is part of the Planning & Zoning file on these applications.

End of Side 1A of 2B, Tape 1 of 2 at 7:45 P.M.

Richard Jager, continued to read letters, and he presented 2 petitions one with 500 feet abutters and without 500 feet abutter.

He read letters concerning traffic, accident reports, zoning issues with regard to changes, issues concerning the 5 story building, the height of 60 feet, the concern for the amount of pavement being at 50%, concern for the density of the project, the sewer issue and public health and safety issues.

John Trautman, addressed the Commission. I would like to make sure that all the public gets an opportunity to speak. I will be speaking as an expert for the Interveners. So if you want to check to make sure the public has had a chance to speak.

Thank you stated, Chairman Cribbins, I will check the list.

Randy York, 10 Longview Road, addressed the Commission. She submitted a full big notebook and a copy of her statement.

I live in the third ward and I am a lab technician. I have a Master's Degree in Public Health and I have a background in public health issues. That is what I am going to address this evening and I will begin by reading a quote from the National Association of County and Public Health Officials "because the land use choice influence the underlying determinants of the community and environmental health such as air quality, traffic (inaudible) developing coherent strategies that interrogate health considerations is critical." At this point I am sure that this Commission felt that they were addressing issues of health and safety when they review project applications. You feel as though you do address this? The Commission believes it has done a good job so far, stated Randy York.

Now is not the time to get into a debate as to how we take in and look at our applications, stated Chairman Cribbins. But you do feel as though, stated Randy York. What we do when we look at a project is review traffic patterns, we look at the safety and (inaudible) a role in our decision making progress. If you want to talk about other things like the WPCA applications and sewers, that is not the recommendation of this board. This is Planning & Zoning not necessarily that particular proponent. Another board handles that. Same thing from Wetlands we get a recommendation from Wetlands. Those are environmental stated Randy York. We get a report from the Chief of Police, stated Chairman Cribbins. We get a report from the Fire Departments, he added.

Traditionally, you do then but you said that you focus on a narrow scope of concerns like site lines, curb lines, how many cars could you get at a particular intersection, landscaping, design and things of that nature. Why these things are important I want to talk about public health and safety. I do believe this has been seriously overlooked especially in the last (inaudible), and because it has been overlooked I have done my own quality of life study. It isn't anything that I came up with on my own. It is facts, statistics, and data that is available. So I put it all together and I will give this to the Commission because it gives a good overview of what a good job we have done looking at the public health, safety and environmental issues here in Shelton. I spent a lot time doing that and I do hope you spend some time reading it, added Randy York.

The information in that study relates that we are on a collision course with disaster. What we are doing tonight is essential at this critical point in time, we can't afford to operate in a business as usual mentality. We can't afford to make it easy to build quickly or to allow developers to fast track their plans through the review process. The health impacts are just too great.

Historically shown the developer friendly attitude could possible be justified. The economic development looks good on the surface but nothing comes without a price and this is no longer the Shelton of old. Drastic changes to the landscape and rural character have occurred rapidly over the last 10 years because of our (inaudible). Local decisions made by this Commission have made this a car dependent community complete with strip malls, thousands of acres of corporate office parks, aggressive drivers, sprawl, the random destruction of large tracks of undeveloped woodlands, failed infrastructure, and resulting (inaudible) that cause and acerbate public health and environmental issues not just locally but region wide.

In 1992 Mayor Lauretti charged the Shelton Economic Commission to bring in the business. Two of the SCDC Commissioners also sit on this Commission. Although from what I read it is in the charter (inaudible) to hold (inaudible) positions. There has been advertising campaign and I will quote from the Greater Valley Resource and Business Guide, they say "strategically located in (inaudible) highways and the city boosts an abundant amount of affordable and attractive land for development with a comprehensive plan (which is clearly outdated) and a solid partnership between the public and private sector that allows developers to fast track plans with established procedures."

And another quote, "They (meaning P & Z) make it easy to get approval to build reasonably quickly" said David Feurr that was quoted in the Fairfield County Business Journal, July 23, 2001.

The established procedure that he was referring to was our PDD or planned detailed development district. This zoning techniques gives this Commission unprecedented power to rule nonconforming projects based on no criteria, personal opinions rather than community-adopted criteria. For years the (inaudible) our overzealous developers (inaudible). Petitions against this fast tracking went ignored.

In 2001 the Commission received the Connecticut Toxic Action Center's Dirt Dozen Award for its notorious reputation of approving projects that are detrimental to residents health and sacrificed (inaudible) for short-term profits and political capital. Residents are now paying a price for political liberties that were taken by the Mayor, the Shelton Economic Development Commission, the Planning & Zoning Commission, the Wetland Commission, and etc., stated Randy York.

Contrary to what that first quote said about a solid partnership between private and public sectors this fast tracking occurred without the benefit of the general publics effective input or consent. Yes, we are always allowed to testify at public hearings but rarely do our comments bear any weight on the projects review. In fact, the record shows that when the Commission denied the first application for this particular parcel of land, they stated that there denial had really nothing to do with the prepared statement of the Citizen's Group that opposed the project even though this group included many residents who would be directly effected by the construction activities and the completion of the project.

The point for all of this is that I want the record to clearly reflect that the Citizen's of this town are not opposing this project because it is affordable housing. We are opposing this project, just as we have opposed several other projects, based on our serious concerns over the undisclosed and unmitigated public health and safety impact of the high density housing, poor quality design, construction activities, post-construction activities, the cumulative construction impact to the community and the lack of any environmental impact reviews for (inaudible) impact assessments.

For instance, air pollution, Shelton is EPA listed as a non-attainment area for air pollution. This requires action at the local level to reduce their toxins for (inaudible) or face certain penalties. This project negatively impacts the air quality. It is significant and unmitigated. We are especially concerned with the public health impact of the substantial increase of diesel exhaust emission both during and after construction. A single emission from one off road truck is about 33 lbs. a day. The chemicals from the trucks were never evaluated, stated Randy York.

The cancer risks for Shelton residents is already 494 times greater than the EAP acceptable risk level. The risks are high and emergency room visits are also high. Shelton has an increased number in lung cancer risks to males. Repeated exposures to exhaust and air pollution may cause as much damage to the lungs as smoking 20 cigarettes a day. A recent study shows that the high pollution levels equal 160,000 visits to hospitals emergency rooms and 53 were serious enough to require a hospital stay. 6 million asthma attacks.

I will submit an impact submission for example so that if you decide to approve this it is the least you can do. The example defines the type and the intense as to how this report should be so that you can identify the health and safety issues with just one concern – exhaust. This is the type of review that has been consistently eliminated from the reviews of the past, stated Randy York.

In October 2002, a 3 Judge Appellate Court halted construction of a shipping terminal in Los Angeles because (the Company and the City) for failing to assess the clean air quality with regard to air pollution. A review was required, stated Randy York.

Chairman Cribbins stated that the purpose of this hearing is to get testimony from the public as to rather or not they are for or against this. They speak to the application. We have 20 pages here and I am not sure if you are going to read all 20 pages of them, questioned Chairman Cribbins of Randy York. No I am not going to read them all, she answered. To talk about Los Angeles where they categorize things like in the Northeast, is a little broader then what we want, stated Chairman Cribbins. I think it was important for the Commission to know that a Judge did rule that the Commission violated the clean air act, stated Randy York. I don't know how relevant that is to this application, stated Chairman Cribbins.

We do have a problem with the sewers and that is a threat to public health and safety. On August 11, 2004, Commissioner Edwin Hellauer, Randy York quotes, states " I would like a recommendation from a Engineering firm from all the force pumping to the sewer mains. How long can this last?"

End of Side 1B of 2B, Tape 1 of 2 at 8:30 P.M.

Randy York, continued. I have concerns about the sewage issues. The Commission needs to begin to understand that you need to consider these things and I know you felt you didn't have to listen to these in things in the past but these are serious health and safety considerations. All I am saying is that all the sewage treatment issues on this proposal are handled by another Committee who makes a recommendation to us, stated Chairman Cribbins. It is part of your job to see if the infrastructure is adequate, that is part of your job, stated Randy York.

Noise pollution created post construction is significant and unmitigated. The noise from heavy equipment and the noise impact has not been established. We are concerned with the health impact during and after construction. The noise impact after construction would include the increase parking lot traffic, landscaping maintenance noise, delivery truck noise and no long-term mitigation plan has ever been submitted. I am simply saying that short term is not sufficient. Short-term noise impacts are a threat to public health and safety and should be evaluated by adequate mitigation measures.

Construction noise impacts are significant not only adjacent properties but at properties further away. My property is about 2 miles up wind and up hill from this property and presently construction noise in this area has been a serious disturbance at my home, stated Randy York. If it is a serious disturbance at my home what is the impact for residents living within a mile of this, she questioned? Have impact studies been performed? The City should prepare a environmental review to further identify, analyze, and disclose the noise impact.

Light pollution – post construction light pollution is substantial and unmitigated. We are concerned about the increase lighting and the inadequate buffers from car lights, parking lot lights, multiple windows, decking lights (if they have them). There should be some sort of mitigation measures, stated Randy York.

Vibration impact – construction vibration is substantial and unmitigated. We are concerned with the public health impact of construction vibration and possible pile driver use, clear cutting of trees, ledge removal are all notorious sources of vibration. The impacts are likely to be significant and should be mitigated. An environmental review would fully identify, analyze, and disclose these impacts and the mitigation measures that would be used to lessen them.

We are concerned with the public health impact with traffic congestion and increase traffic accidents. We are aware that has already been discussed and that the City has done its own traffic study. We would be interested to know what those results are. My point was going to be that this Avalon project is proposed along an intersection that is the highest average traffic generator within the State.

We need to remember that Shelton isn't a major urban area. We are a community of about 40,000 and the roads are still poorly maintained. They are country roads that were not designed for the volume. One point is we have a poor public transit system. There are no bus shelters on Bridgeport Avenue and there is no funding for any of this to be done, stated Randy York.

There is funding, taxpayers money, to further widen the roads allowing more traffic into our City.

I want to talk about livable and design. We are concerned with the design. Affordable housing is subject to the social service agencies. The Public Health agency would have to get involved. This project was not designed that way and is a developers inspiration and designed for maximum profit. The likelihood of increased crime is unmitigated unless crime reducing design techniques are used. Stamford Police worked with the Engineers to make design changes after it was built because the initially design didn't allow for Police to discuss this, stated Randy York. A review of Avalon Bay I by the public safety experts would allow the solutions to be identified.

The lacks of sidewalks, lights and no bicycle lanes on the roads are a concern. There are no nearby parks or fields for children to walk to or play in. There is a lack of social services, which is a public health and safety concern for people living in the complex. Residents won't be within walking distance of and they will be required to have a car. They can walk to an unsheltered bus stop on Bridgeport Avenue. This is unacceptable for a healthy adult not to mention children, mothers with strollers, toddlers, elderly, or the people who will be living in what is being designed as affordable housing units.

These communities should have an area for barbecuing, an area for a garden and even a field so the children can run. This project offers none of that. This project doesn't offer the benefit of city living, which is convenience, or rural living which is open space, stated Randy York. Without the luxury of a car Avalon I will feel more like a low security prison.

When I say unmitigated I mean that there are things that there were never plans submitted to lessen the adverse impacts for. There are a lot of things that the developer can do to lessen the adverse effect. I went through the whole plans in the Planning & Zoning Office the other day and there were no reports submitted for any mitigation measures.

We are concerned about the impact of the tree canopy and the trees are needed to keep the area cool. Drastic and unnatural changes to the landscape lead to aggression and a reduce sense of Community. This is your job, stated Randy York.

In 1988 there was 800,000 acres about 40% and today it is about 15% and within 10 years over 30% of the land has been developed. This is a rapid and drastic change to the Community. The health impact effect the community in large is most felt by the residents in the South end of town. This project meets only the minimum requirements for buffer zones and open space. The residents of Old Stratford Road, Daybreak Lane, Partridge Lane, Andrew Drive, Dome Drive, Sterling Ridge, James Farm Road, Coppel Lane, Arthur's Court, Peter's Lane, Armstrong Road, and all the citizens in Pine Rock Park, Heather Ridge Condos, all the residents in Fairchild Heights Mobile Home Community feel the additional burden everyday of their lives when within 2 miles there are 6 ongoing construction sites creating and including the 17 story tower, Split Rock retail center, Well Springs Residential development, Crown Point strip mall, another residential community off Buddington road, and the old Pinecrest project. All of them major construction projects, all of them require height variances, density variances, sewer capacity and unmitigated traffic increase and all resulting in air pollution.

These permits have resulted in the systematic degradation of the neighborhoods, their quality of life and have unnecessarily risked the residents health. The City should require a density reduction and wood canopy buffer zones as mitigation measures.

Energy consumption impacts are significant and unmitigated. Shelton is located in a county that is registered with the Federal Energy Regulatory Commission as one of the top ten energy reliability areas. This includes the infrastructure evaluation and no such review was ever conducted. The power outages will threaten people with asthma. This is a threat to the public health and no, back up generators aren't acceptable.

Wetlands have already been discussed at length we are concerned with losing the wetlands and the water shed areas. Shelton has one of the weakest Wetlands regulations in the State of Connecticut and the State of Connecticut has some of the weakest wetlands regulations in the country, stated Randy York. Yet our Wetlands Commission has denied this application. That should tell you something, she added.

Construction impacts they are substantial and unmitigated. There are several construction sites within 2 miles of this project. We have concerns about the health impact of so much construction in one area. I put together a map that shows families living within feet of several of the construction sites.

It appears that these neighborhoods are bearing the burden of the negative impact of current development. There is 1 day care center within one mile of these sites they are subjected to diesel exhaust, dust and noise from the construction. No health impact study was ever done and certainly isn't planned.

I took pictures of where these people would have to wait if they didn't have a car. I certainly wouldn't want to do that. This took 30 minutes driving around in my car with the map of Shelton to show everything that was going on. That made me more appalled than what I was before. She reads from a newspaper with regard to energy consumption.

This project can't be considered in a vacuum by itself. The impacts to public health were not evaluated and if they were evaluated it was for this project only, stated Randy York. When the City flips through my quality of life study and sees what bad shape we are in then they will begin to see how important the clean air, clean surface water, open space, safe roads and protection from noise, light pollution, diesel pollution, vibration is as do the other citizens living in other areas of this town, she added.

The negative impact of Avalon Bay clearly outweighs the City's need for affordable housing at this time. If the developer doesn't want to modify these plans to reduce the density and address each one of these safety issues to the satisfaction of this Commission and the residents effected by it then the project is a substantial threat to the health and safety of the community and it should be denied.

If Avalon Bay is truly concerned with providing this Community with livable sustainable quality affordable housing then they should start the process by entering in a proactive effort with the City officials, residents, and public health and safety agencies to ensure the projects negative impacts don't outweigh the need for affordable housing.

Chairman Cribbins stated since we have been at this for almost two hours, we will stretch coming back at 9:00 P.M. We have heard two hours of testimony and we will hear one more and we will reconvene on Thursday at 7:00 P.M. for additional speakers. We will do this at the auditorium in City Hall. We will post this on the website for City Hall and we will try to have an answer if this will be reconvened on Thursday.

Mark Widomski, 55 Longmeadow Road, addressed the Commission. He presented his prepared letter. He stated that he has been a resident for 36 years. I will jump to page 7 and my statements about Shelton. I would like to draw your attention to the General Statutes that regulate (inaudible) of issues that this panel has to follow that does include the health and welfare of the City. I find it offensive that you attack Mrs. York when she is trying to explain just what your job is to do. It is part of your job, stated Mark Widomski.

Moving on to the presentation on the current applications, I noticed questionable statements made by Attorney Williams and their various experts. The applicant Avalon Bay, has forced laws for affordable housing that have been tailored made by Avalon Bay's lobbyist in Hartford that specifically address their needs thus their profits. Mr. Williams stated that towns have adopted their zone changes in a way that one would think they were being welcomed with opened arms. Mr. Williams, in every town that Avalon Bay is in, they have fought tooth and nail to keep them out including Wilton, Stratford, Trumbull and Shelton. The towns have fought nearly 30 court cases against them.

Mr. Williams has stated that the WPCA denied their application until the sewer system can be upgraded. Lets remember that the upgrade is already behind schedule and requires another referendum for more taxpayers money. If the sewer upgrades takes 3, 4, or 5 years to complete is Avalon Bay just going to sit on the property and watch it self-destruct. Will separate septic systems be installed on the property?

The City is already being fined daily large sums of money because of the overflow of sewage. This overflows goes into the Housatonic River creating health issues.

The water run off is a concern, also. The water runs off into gullies. These gullies will capture the water and this water will be generally cleaned. If the applicant would like to dip a cup into that water, I would like to see if he would drink it.

Mark Widomski read a memo from a roofing company that stated if the property would change hand the gullies would have to be maintained. Retention ponds are away to control water run off on the property. This will leave a pond of water. Sounds good but remember when water moves and water slopes gravity will kick in so that over time, years of winter with everything getting deposited on the site, they will decompose and the silt will fill in with the rocks and restrict the flows destroying the wetlands. You will have a pond of stagnate water that will percolate into the ground. These are not properly maintained. The owner should be responsible for the maintenance of the detention ponds. The City of Shelton and Valley Health should develop ordinances and regulations that would require (inaudible) proper maintenance procedures. In essence, long-term maintenance should be stipulated in a City ordinance. It appears the applicant has not considered the current health alert for West Nile virus to be a health hazard.

Let's move on to the traffic study, they took information from a study done 5 years ago. How does one take information from 5 years to predict traffic in 3-5 years from now, questioned Mark Widomski? I didn't hear of any on site traffic observations that can only be done with the eyes as the cars are going by. This can only be done with the human eye and this would be an adequate calculation. Machines only count the numbers of cars that pass over the equipment during the time test period.

For example if the test period is when the traffic is moving slow that will make a lower count. There are other questions as to accuracy and reliability. Were the tests done on weekends, in the summer, on holiday's, and was school in session or out of session, questioned Mark Widomski? The site measured in traffic was there any zone changes taken into effect with regard to Armstrong Road. Was the construction or future construction added into the traffic study? Was Spilt Rock or any other big construction developments taken into consideration? If the traffic study had information from the comprehensive plan of development for Shelton, lets remember that plan is over 10 years old and is not updated. It would not show data information from now.

I would like to make this comparison the reduction in parking in shopping centers parking lots. They reduced that when they thought everyone would be driving compact cars. Now we are in the days of SUV's, Hummers and large sedans that take up an entire spot. Walk out to your cars and if you see a lot of knicks then this is one small example of bending the rules.

It is difficult to predict traffic patterns in a year or two let only information from 5 years ago with a comprehensive plan that might be out dated. They continue to allow applicants extensions of time for zone changes and seemingly put out the fire. How does the Planning & Zoning have a handle on the traffic when they are continually changing projects and applications? The site doesn't address any capital improvements to the intersections. Has the applicant look at traffic at the other streets including Armstrong Road, Warner Hill Road, Bridgeport Avenue, etc? The site includes a piece of private property that will be included in the widening of Armstrong Road. Any taking of property by a developer by eminent domain is wrong.

Mark Widomski states that widening Armstrong Road and trying to make a left will make a center lane. The plan states that this will make enough room for the turn. I urge this Commission to look at the traffic laws especially one concerning passing on the right.

I would like to now address some of the laws that apply to this when you sit down to make your decision. As Mr. Jager states you are bound by Connecticut Statutes, Chapter 124 Section 8, that requires a 2/3 vote of all the Commissioners not just the ones that show up.

Mr. Williams made a statement that this Commission is bound by Section 8.3 Subsection G that states (I have printed out for you guys to read) that the decision of the zoning commission shall not be rendered on a site plan application until the Wetlands Agency has submitted a report with a final decision. Making these decisions the Zoning Commission should give due consideration to the report of the Wetlands Agency. Subsection B pretty much states the same thing. Earlier Mr. Williams stated that Wetlands denial has no barring on this decision of this Commission. He is incorrect.

In rendering a decision this Commission should also take into consideration the ramifications it would present to the City by denying a portion and not the entire applications. Avalon Bay has submitted three plans to this Commission that require a vote. However, each application relies on the other and the Commission should deny the entire application.

There are two questions tonight then, stated Mark Widomski, first if the Commission approves the zone change and denies the site plan, where does that leave the City? If the zone change is permitted and the site plan is denied, if Avalon Bay pulls out of the project, does this mean that the land has a zone change and anything will be allowed? What kind of safeguards are in place to protect the residents? If the Commission votes to deny the site plan and zone changes, the whole thing should be denied.

When doing research for this evening, I found that this very Commission denied a zone change on Long Hill Avenue that is similar in concept. The Long Hill Plan was to change the zone for elderly housing. If my memory serves me the zone change was denied because the City already had zoning in place for this. There are other options for Avalon Bay a PDD and PRD or just leave the zone R1. There is no reason Avalon needs the zoning changed they can sell it for affordable with the same criteria.

I would like to remind the Board of Section 8-2A to allow this board to regulate the height of the building, the size of the buildings and the density in the area. It further states that the Commission should protect the health, welfare and public safety along with property values. This project as proposed doesn't contribute economically to the City or to its property values. Rather it puts a drain on City services.

In closing I am asking this Commission to deny the project in its entirety as there is ample evidence submitted this evening to justify its denial, stated Mark Widomski. I hope the Board has the courage in rendering its decision and not put the City and its residents in the position of suffering long after Avalon Bay has made their money and left.

Ken Walsh, 170 Isinglass Road, addressed the Commission. I would like to thank you everyone for coming out tonight. If you all refuse the application are you concerned with them suing the City of Shelton? Is that what your main concern is, right? That is a big concern, that is a threat. I realize that you are all looking out for all of us. First you mentioned, Mr. Cribbins, that this should be looked at because Wetlands is approved. Wetlands hasn't approved this. The application should not be looked at. The new Supreme Court ruling with regard to eminent domain. Three components of this application have to be heard together but we won't act on them all, stated Chairman Cribbins.

Tom Harbinson, Progress Drive, addressed the Commission, as a member of the Conservation Commission. He read a letter that as previously stated is part of the Planning & Zoning file. We discussed this proposal at our July 6th meeting. More than 5 years ago the Conservation Commission reviewed a parcel of land that is part of this property. The Conservation Commission decided not to pursue the acquisition process on this property. The parcel is in an R1 zone with no sewers. There is qualified open space and wetlands and protection to the bog that could be used as passive recreation for any homes in the area. The preservation of the natural resources are important to not only Shelton but the region. The City is now faced with these applications and new regulations for economic gain and no open space. There would be less protection for natural resources. The Conservation Commission has great concern for the impact to the natural resources. As we walked the land several years ago we noted the Cranberry Bog. The impact of the bog and activities including run off will be negative. The Bog needs to be protected. The City won't receive open space and we request the Commission to retain the R1 zone.

Tom McCarthy, 50 Daybreak Lane, addressed the Commission. My qualifications are that I have put my live savings into my home and I am a licensed driver. I addressed these 3 applications at the previous meeting.

End of Side 2A of 2B, Tape 2 of 2 at 9:30 P.M.

Tom McCarthy, continued. I agree with the previous speakers requesting denial of these applications. The information that Randy York presented you with this evening is relevant. Everything is relevant. These applications are horribly incomplete. There should be environmental studies done. If the applicant is using the threat of a lawsuit think about all the fines we are incurring everyday because of the already overloaded septic system. The alternative here is the one house per one acre. There has been concern all along that the owner of the property is the Wetlands Chairman. I urge you to deny these applications because anything less is criminal.

Robert Baker, 46 Daybreak Lane, addressed the Commission. I am an intervener. In my 72 years this is the first time I have ever involved myself with City government and I am not proud of it. I see democracy works when everyone works at it.

My reasons for being against this project are as follows. Avalon Bay experts say there is no traffic problem. With 302 units and a possibility of some 600 cars I can't see how traffic will not be a problem. My neighbors and I don't want to lose our cul-de-sac. It is one of the reasons we live there. So Avalon Bay says o.k. we will divert traffic to Armstrong Road to keep you quiet. Anyone familiar with this neighborhood knows there are too many cars rushing to work at Sikorsky's, the shopping center, and the office parks on Commerce Park.

I am concerned with the pollution to the Cranberry Bog. What will happen will it destroy the bog, I know I for one don't want to find out. They will destroy the pool that has been there for 25 years and it is active for 2-3 weeks to 2-3 months. It is 15 by 20 and 25 by 40. Half of this pool will be covered by the 5-story building.

Does this development belong in R1 zone neighborhood especially since we don't want this in our backyard but we also don't want to push this off on any other neighborhood that can't reasonably absorb it, questioned Robert Baker?

We may need zone changes in Shelton but we need reasonable zone changes in Shelton. There seems to be enough open space. If we need apartments in Shelton then lets put them where the traffic can absorb them, where the sewers can handle them, where the schools can handle them and the higher enrollments, where there are parks for the children to play in and where they don't change the existing neighborhoods.

Our City is growing lets make sure it grows in an intelligent manner. What does Planning & Zoning need to do this? Where is the input of our Mayor and our Aldermen? Does Planning & Zoning need more members? We should act instead of react. We should have control of our City Government not the Courts where the higher priced lawyers usually prevail.

When I attended the first meeting of the Wetlands Commission with regard to these applications, my first impression of the proponents of the Avalon Bay was one of shock and outrage. They suggested that we pretty much are wasting our time because they always win their battles in Court. That may well be true as the Courts have lost sight of the spirit of law and only rule on the letter of the law which has been obvious recently with the ruling on eminent domain.

What about the previous owners of the Armstrong Road? He kept his lawn cut, the present obviously does not. The grass is about 1.5 feet high. While I was taking pictures, a little girl ran out in the street, she was followed by two smaller children at which time I stopped taking the pictures to stop the traffic to protect the children running around in the middle of the street. Multiple that picture 302 times over and picture Armstrong Road.

I am against Avalon Bay on this property, I am against a project that makes the traffic congested, the schools overcrowded, the pollution will be restrictive to the environment, the garbage cans will be increased and the overall quality of life will be lowered. I beg the Commission to deny these application and take the necessary steps to ensure that such a project is not forced on any other neighborhood in Shelton, stated Robert Baker.

John Tristine, 56 Armstrong Road, addressed the Commission. I am an intervener. I just want to make a few points that were not made the first time.

Traffic study – take a guy from out of town to do a traffic study. I can tell you I have been living here for 20 years there are too many cars on Armstrong Road. Avalon talks about curbs and 60 M.P.H. cars and the little buffer road comes right to the point of my driveway. Which I forgot to mention last time that it has been the bus stop for these children for the last 17 years. What should we do put them on Route 8 and let them catch the bus? Are you kidding me?

Second thing I would like to talk about there pool is 20 feet away from my property? Why is this on the corner next to my house, put it in the middle of the development so I won't hear it?

What about blasting surveys? There has been no talk about who is going to protect my house.

What about the great expert Mr. Estrada will he give me a letter that my property values won't go down, asked John Tristine?

We are talking lighting, we are talking noise pollution, and there is all this down here, what is protecting me? Has anyone considered the Police Force or the Fire Dept? What is the response ratio for an additional 302 transient people who don't care about the rentals and don't care about there houses? What do think is going to happen, you know what is going to happen, the police are going to be there everyday? Has anyone done any studies on that, we can't get radar so the cars slow down when the kids are waiting out there for the bus? Are they going to come for this?

The last thing, they kind of hide under the façade of low-income housing, if you want low income build 14 low-income houses, stated John Tristine.

Mrs. Olsen, addressed the Commission. I live far away from where this is all going to be happening in Shelton. I lived here for 40 years. When it was time to sell my place I turned left where we saw the cow. Conservation Commission got that farm to stay. There wasn't any Commission like that in Shelton. I called the man in Stratford and asked how do I start something like in Shelton. You go to the Women's League of Voters, then you go to the PTA meeting, and I did that. We got up and it was slow for women. At the first meeting of the year, when everyone shows up, what do we do the man said they are to old to be at a meeting. It was Frank Kelly and he started the Conservation Comm. with Billy Olman. I still am involved with land trust. I don't like the high-rise apartments and a lot of people in Shelton. I would like to see Shelton as an oasis between two big towns Westport and New Haven. It would have been nice to see all that land bought from the water company. This is where I start to feel sorry for you the Board here, because I think a big thing like the high raise apartments and the influx of all those people should not be just up to you. It should have been a vote for the whole Shelton. I hope you will push it out, stated Mrs. Olsen.

Richard Widomski, 49 Christine Drive, addressed the Commission. I would like to address the applications that strictly pertain to the new zone. Avalon Bay is proposing to build 302 units in 9 buildings. They are also proposing a creation of a new Housing Opportunity District. The Commission was told that the new proposal would provide strict district regulations for affordable housing developments. There are in place already existing zoning regulations that provide (inaudible) possibilities for housing. The Planning & Zoning Commission has in the past and presently is following PDD and PRD regulations that date back a number of years. I believe that the Chairman of the Plan Update Committee sat on this Board. I think he was part of the formation of the PDD and PRD and voted for their approval. This is testimony for how long PDD and PRD's have been in existence. If there was problems with either one of these I would think Corporation Counsel would have notified the zoning commission would need to be reviewed. None of this has happened. The Commission members in the past and currently have endorsed the regulations and praised there existence. There is no need to create new regulation. How often do you hear the PRD and PDD enhance the plans? This Commission have endorsed these regulations and that shows that we don't need any other regulations. You, Commissioners, have set the rules, you have endorsed the PRD and PDD and you have been praised for what you have done. Why does the City need additional regulations? What happens if Avalon never builds on the site? These applications should be denied anything other wise would be a disservice to the citizens of Shelton.

George Ciaccio, addressed the Commission. I have only been a resident of Shelton for the last 6 months. Before that I lived in Wilton, Ct. I have experience with this group. We have one already built there but before that I was like you spending countless hours trying to defend against them. One thing that they stipulated was that it would have minimum impact to the schools. I invite any one on this Commission to drive with me to Wilton in September to look at the bus stop. It had no impact on the schools. I don't know the cost per student in this town but I would say it would range from \$9000 to \$10,000 per student. When you add that up it won't match the taxes that Avalon would pay for the expense of these students. The Avalon lobbyist help derail this they skirt the regulations.

We hear about experts, whatever traffic study this town has done they are going to have an expert to say oh no no and you will have the two experts batting heads.

Avalon, I have seen this in Wilton, will fight until the end. Until this Board is tired or this town is tired of paying the costly lawyers fees to fight it.

George Ciaccio, continued. There concern is not for the town of Wilton but for there stockholders. There concern is there stockholders.

I heard someone say that there would be no impact to the values of the homes. Common sense tells you that, how can you build 302 units, and say it won't have an impact. I ask the members of the Avalon team would you buy a house next to this or would you live next to this? I don't think so. Anyone in this room would you buy a house without a realtor? I don't think so, stated George Ciaccio.

My feeling is this, I have gone through 2 of these in Wilton, I asked the Avalon people here why do you persist on these types of applications when the towns really don't want you here? My feeling is that I believe Las Vegas would be more suited for your project then Shelton.

How do we defeat these people? We can't defeat them one town at a time. You have to band with the other towns in Fairfield County and fight them in Court. You will be doing this today and you will be doing this tomorrow. You have to band together as a unit and you have to persist and persist. Take a look at this, how much time has this town already taken, it is too much? How much time have you taken? Now these people here, I don't any of them, but they don't live here, they don't live in this town, stated George Ciaccio. The people who built, Avalon of Wilton, they don't live in that town. They get in their BMW's and leave. I believe the only way to fight this through, because they have banded together with the lobbyist to put this law in effect to (inaudible) zoning regulations for affordable housing. I heard some of them are going to be \$1300-\$1400 a month. Is that affordable? I don't think so, how many of us in this room can afford that kind of rent, questioned George Ciaccio? That is not affordable.

Take my advise on this, you are going to be here this year and you are going to be here next year. You have to fight this in Court, you have to band together, all Fairfield County, all New Haven County and fight this not as individual towns. Thank you.

I was told tonight that Wilton only lets you speak for 5 minutes at a time, stated Chairman Cribbins. I went through a lot of research, we are very liberal, I like everyone to get their points across on both sides. Yes we have spent a lot of time, he added. Next on the list is Mr. Patterson, please do take into consideration it is 9:50 P.M. and we are stopping at 10:00 P.M.

Richard Patterson, 31 Daybreak Lane, addressed the Commission. I want to thank Mr. Williams for brining the appraiser and his letter it just goes to proof what money can buy. Now they are buying appraisers as they have bought all these other experts. I stand here as a Licensed Real Estate Broker with 33 agents in my office and have had over 500 transactions in this neighborhood this year. I stand here as an expert telling you that there is no way that the property, in all areas, not just the ones in the immediate area will not be devalued. It is an insult to our intelligence and the Commissions intelligence to say that the property values will not be lessened.

Most of you have been out there, my property is the property adjacent to this site, you picture a 5story, 60 foot high building in my backyard then tell me you would buy my house. I know you wouldn't and I know that no one else would. It is an insult to our intelligence.

Next these 3 applications have a domino effect. If the HOD is not approved, 05-20, we can't change the zones for 05-21 if that is not changed to HOD we can't approve the site plan. If we are going to create a new HOD lets create a district to the specifications designed by this Commission not the applicant who is only looking at the bottom line where the Commission would be looking at the benefit of the Town's people and their quality of life.

It is an R1 give them the HOD – one house per acre. Until the HOD is established it has to be denied. I can't see this Commission approving 05-20 which establishes the HOD without the Commission doing a lot of study, they are still working on the 10-year plan update, and the only way to approve it is with the conditions that were designed by the developer, stated Richard Patterson. Which I can't fathom it would be approved so without that they can't change the zones, it would be spot zoning because it is surrounded by R1 to the HOD which has no boundaries and therefore the site plan should be denied. Thank you.

Aldermen Anglace, 676 Long Hill Avenue, Aldermen in the Third Ward, President of the Board of Aldermen, addressed the Commission. I am opposed to these applications for all the reasons that have been stated before. I want to acknowledge that the traffic study will be entered into the record and it was funded by the City. This project, this request, this application is wrong for many reasons, it is wrong for the Armstrong Road area because it just doesn't fit, it is wrong for the City of Shelton and it is wrong for the State of Connecticut.

The State Laws for affordable housing need revision. For some time we have been talking with our legislatures and they have introduced legislations that consistently falls on deaf ears in Hartford. Our Representative, Larry Miller, filibustered for an hour this year trying to make some progress and got nowhere. This is what we are up against and this is where the battle has to be fought, stated John Anglace. The reason for this is that we have to fight whatever we can and use what ever is at our disposal.

The definition of affordable housing needs to change and we have housing here in Shelton that should be included in the definition that is not. Lets give you an example, mobile homes, those are affordable.

So what is happening now is the developers are coming circumventing local zoning rather current law and creating the high density developments, they are stripping you the Planning & Zoning people who have been vested with the authority to plan and zone in our municipality that came from the State, the laws take that power right away from you. It is ridiculous and it has to change. We have to, the gentlemen who spoke before me said that we have to band together, we have approached other Communities. Unfortunately, before any one gets stung by an application like this, they don't realize the sensitivity and the urgency behind it, stated John Anglace.

Today at the Conference for Municipalities they are after Shelton to join, dues is \$2200.00 but they are not lobbying for a change in the affordable housing. That is what we need but instead they are up there doing other things. Believe me they should put this together as a separate item for all municipalities.

I urge you to reject this application. I know that the battle may well be fought in the Courts. I want you to know that if so that you have our support, we will do what ever is necessary, whatever it takes, (inaudible) someone said "today the application is in the Armstrong Road area but tomorrow where will it be." This is just the beginning, we are prepared to put the resources of the City behind your efforts, stated John Anglace.

I can't help but think that every time I get before your Commission, I know that in the past you have used good judgment with many decisions you have made, but I can't help but think that when I came here with everyone else we walked into an R1 zone. It is a contract and it is one that we have with the City of Shelton. The City of Shelton has to do everything in its power to maintain that standard of living that we expect from the R1 zone, the quality of live that we expect from the R1 zone and we can accept nothing less. So whatever it takes I will walk away from here and I know that when talking with other Aldermen that I have their support and you have our support. If we have to fight the battle, lets do it here, stated John Anglace.

John R. Trautman, addressed the Commission. I represent the 14-signed interveners of WER1. As you are aware there was a request of the Commission to walk the site that was scheduled for Monday. This came about because a letter and the Commission agreed to that. One of the Attorney's for Avalon pulled the plug on that and I would request that the Commission deliberate and determine and discuss before you close this part of the hearing when that site visit will be rescheduled. If the decisions are made this evening then you need time to schedule but that could be as early as next Monday, stated John Trautman. Thank you.

Ludwig Spinelli, 14 (inaudible). I am against this development. Shelton does need affordable housing but this is not the way to do it. This is not a benefit to the city, we have heard about the R1 zone and to change it any other way is criminal. I remind the Commission of their responsibilities with regard to the Public Health impact. I suggest you consider a moratorium on the applications to finish the plan. I want you to take a look at the negative impact on the real estate values and it would put Shelton behind Monroe and Trumbull. I am against this and ask that these applications be denied.

Chairman Cribbins stated that is the end of the list and concludes this part of the hearings. I ask for a motion to recess and reconvene on Thursday, July 21, 2005. I will make that motion stated Comm. Perillo and I will second stated Comm. Pogoda.

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

Respectfully submitted by,

Diana Barry,
Clerk