

The Shelton Planning & Zoning Commission held a Special Meeting on August 30, 2005 at 7:00 P.M. in the Shelton City Hall, Room 303, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins
Comm. Patrick Lapera
Comm. Daniel Oraziatti (arrived late)
Comm. Jason Perillo
(sitting in for Comm. William Papale)
Comm. Anthony Pogoda
Comm. Leon Sylvester (arrived late)
Comm. Karen Tomko-McGovern (arrived late)

Staff present: Anthony Panico, Planning Consultant
Richard Schultz, Planning Administrator
Diana Barry, Clerk

Also in attendance was Mayor Mark Lauretti.

Also in attendance was a Court Stenographer for the Avalon Bay Projects.

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning & Zoning Office. The attachments are no available on the website.

Chairman Cribbins opened the meeting with the Pledge of Allegiance. He stated that we are a Commission of 8 members. Last week we fumbled and didn't make a quorum. My youngest son, his wife, gave birth to their son. I did call Rick and I thought we had it covered. There were a couple of late arrivals and unfortunately we just didn't make a quorum. This week though we have a quorum.

STAFF REPORT: EXTENSION OF CONSTITUTION BOULEVARD NORTH

Chairman Cribbins stated that this is why the Mayor is here.

Comm. Tomko-McGovern arrived at 7:10. P.M.

Mayor Lauretti stated that a couple of weeks ago I was here in front of the Commission addressing some economical opportunities that I thought the City might be able to take advantage of with the extension of Constitution Boulevard North. That is the section of Constitution Boulevard from Bridgeport Avenue to Route 108. We talked about the extension of that road and the applications that might or might not occur, stated Mayor Lauretti.

Over the past few weeks, and before that, Tony Panico, Rick Schultz and myself have worked pretty extensively to figure out the alignment of the extension of Constitution Boulevard North. Tony Panico will explain that to you in a few moments.

I had introduced this concept in front of the Board of Aldermen and I will be in front of them again Thursday asking for the authority to go forward making applications to the respective boards and commissions that are necessary to effect this change, stated Mayor Lauretti.

This is not a new concept it has been talked about for some 20 years. The City has worked hard to secure the easements and the property purchases and rights for Constitution Boulevard far beyond what is there today. I will have Tony Panico come up to explain to everyone what the configuration looks like.

Anthony Panico stated as the Mayor indicated this is not a new project to the Commission or the Staff. We have been working on this for years even when the Cititrust people had laid out a plan for the extension of Constitution Boulevard. It would come up through here and back up Route 108 to the White Hills. So this is a matter of trying to arrive at how was the best way to get the road in. The alignment for Cititrust which was almost what you see here. It came back here and they didn't want to build back here anyway, stated Anthony Panico.

Our concern was to deal with the grades beyond here. Grades are a critical point of how you lay that road out, stated Anthony Panico. If you take a straight grade here at 6%, which a lot of highway people like to build at, we would never get out of the ground with that road. We would have big cuts, 50, 60-foot cuts through rock at which point the road would be sitting in a ditch and you wouldn't be able to get to it. We worked to a compromise grade below 10%, we decided we would use 8%. That has been used in the other portions of Constitution Boulevard going back to Route 110 and we felt that could work here too. We came up with a layout that would give us points that we met grade. What you see is that geometry.

Since, the City is in possession of the Maz and they have title of much of this land down here there is only one piece of land that is necessary to establish that right of way. That is this piece here from here to here, Anthony Panico states as he points to a drawing on an easel. That would complete the necessary right of way to build the road from here to here. There is a little bit of right of way, we own this, we have a commitment for conveyance of this, we own that, and we have a commitment of this. We are in good shape for the right of way out to Route 108. As you know, we have already established it passed the new middle school and high school.

There is one property owner that we would need a sliver of right of way on Soundview. We have the piece that we acquired from Old Dairy Estates and the subdivision that Wells did and then we are back into our roads. We might need to get some slivers for the widening of the roads but by and large it is an easy right of way to put together.

It has always been a goal of this Commission to come up with as much economic development as we thought we could generate. As you know the typography is difficult. We came up with a scheme with some parcels that are reasonably developable and we did in fact put blocks on there so you could see a facility with a couple thousand feet on one floor, we could do that. We could maintain the building on virgin ground. We did find a piece here that could generate a 100,000 to 120,000 square foot building. Then there is an area in here that we didn't do but we felt that could generate another building, there is an area in here and there are a few private parcels that with this road in place could be provided access for development here, stated Anthony Panico.

It is important to note here that this is not all City owned, stated Mayor Lauretti. That a lot of this development that will be generated is privately owned. As you know by the map there is a transition from light industrial (office park) that blends into the landscape where you see residential. We did just approve a residential development with the intersection of Route 108, he added.

Maybe I should explain about the land uses for those who are not familiar with it, stated Anthony Panico. The yellow area is the single family detached on good pieces of land. When we get into these browns, the solid browns are on the edge of existing multi-family developments mainly the Sunwood Condos, L'Hermitage and the Greystone Condos. This area is the out grove for the condos and they are single family on very small lots. This is a cluster that was recently approved that is being constructed now that is single family on good size lots. The green is public land or semi-private lands that are a form of Open Space such as Highland Golf Club, the Germania Club, the old intermediate site and of course the largest one being what used to be called the Maz property.

We tried to find a reasonable site for Echo Hose to build a new facility, when and if they are ready. Originally we were tinkering with getting them up here but then it occurred to us they might be comfortable if we get them near to Bridgeport Avenue. There is a parcel in here that might be able to be adaptable to their needs.

The other thing we showed everything as blue dots but they don't necessarily mean, it means a form of economical development but doesn't have to mean industrial. There are blue dots here that could be a form of commercial type of development. There is typographical difficult land that can accommodate office development that could be done as residential and contribute to the tax base. There are forms of adult housing that could be contemplated up here to balance things, stated Anthony Panico.

I know the Mayor wants to talk about how to get this developed without a significant investment on the City's part and without having to do 100% of it. I know he has been exploring it with major private developers out there. The developers who will be interested will know that there are some uses that they can get into immediately to offset some of their costs. They don't want to spend 10 years to put together a big scale economic development proposal, stated Anthony Panico. So we have to be flexible in our land use approach and we have to devise the zoning controls to give you the flexibility to consider a variety of uses that would fit in with meeting the economic development opportunities.

Mayor Lauretti stated that we are all very aware of the outcry of development with regard to the R1 Zone. If you look at what the City has done with Constitution Boulevard South this is the continuation of the same types of development rather it is residential, commercial or office building.

It is important for the Commission to explain the buffer areas around the R1 Zones concerning the multi-family applications. We get caught up in the numbers with regard to density and for the right reasons but there are some contributing factors with the tax base. Property values have escalated in the past years particularly in Shelton residential has become a good contributor for a tax base and not a big burden to our City services.

What we are seeing is in over population and some of these things can be controlled by deed restrictions. The Commission can use different tools to pay close attention to a mix of development that can occur in and around the R1 Zones. If the development is done correctly without the intrusion of the road circulations with proper buffers in place it would lend itself to good planning for the City making it economically feasible to get this road built, stated Mayor Lauretti.

One of the things we have to be concerned about, and the Commission will be hearing more and more about it, Comm. Pogoda serves on it, is the Plan Update Committee who is aware of it, is that we have a dwindling supply of economic development land and wherever we can possibly open areas for economic development we need to keep that in mind. We are constantly trying to grow that reservoir of developable acreage for those purposes. The Mayor pointed out this area in here that can be developed without any intrusion into the established single-family residential developments, stated Anthony Panico. We have to give a lot of thought to the Bures property which is one of the last remaining large pieces of land.

The Mayor questioned Richard Schultz if that is about a 30-acre piece of land? Yes, answered Richard Schultz.

Absent this road that would have to be a single family residential development but with the availability of the road and utilities brought in to service the area you open up the possibility of doing some things in here that would contribute to the tax base and not burden the infrastructure of the Community. It would also be well insulated from the only adjacent single-family subdivision area, stated Anthony Panico.

I think that perhaps a subcommittee meeting with the Plan Update Committee to talk about this, stated Mayor Lauretti. I really think that we have to do a better job explaining the population growth in the City not only over the last 10 years but also over the last 30-40 years so people, some people have the notion that we are over developed. If you look at our population numbers we grew by 11,300 over a 33-year period. If anyone thinks that is over development I would urge them to take a closer look at that.

The concern for over development is generated by the fact that there are more cars on the road. If you look at the number of registered cars in Shelton the numbers are just the reverse from the population. To me that is a significant thing, he added. I think that with the creation and establishment, it would relieve some of the burden of the traffic in the residential areas. Just how much, I really think that needs a closer look. Some people think this will help with Huntington Center. I would beg to differ with that. I think it will have a positive impact but I certainly would not want to say that this road would solve that problem. Then again I could be wrong, stated Mayor Lauretti.

It would be a good thing, stated Chairman Cribbins. I think that you are exactly right, timing is perfect for us to include this in the Plan Update that is soon to be released in the first quarter of next year.

It falls into the work that we are doing with regard to rewriting our Plan District regulations to avoid bad things that can happen that have come about because of that New Haven Court Case. We are promising in our restructuring of the regulations that districts will be limited to where they can occur. They can occur in an preplanned area like downtown, Route 8 corridor, Huntington Center, the River Road area and we even mentioned the Maz property area including the extension of Constitution North, stated Anthony Panico.

I did mention last time we talked about the timing of some of these approvals, that some times sooner is better than later is important because there is a big need for some major corporate users. That would enhance the City's position. They (corporate users) don't sit around waiting for years for this thing to become a reality, stated Mayor Lauretti. When in fact it might not become a reality.

Another thing I wanted to caution the Commission on is that as you all know that well over a year ago there was a very large proposal that was made by a local developer who brought in someone from New Jersey not only for development of the Maz property but the Shelton Intermediate site. The people were emotional and very upset. I think rightfully so, stated Mayor Lauretti. By the same token it was a lot to digest at that time. We are grounded and we have more of sense of where we are going in terms of developing and Shelton is in a position to pick and choose the type of development we want, he added.

That previous proposal was very different and this is much more in line with what we need, stated Comm. Perillo. That was an intensive residential development, stated Anthony Panico. I did point out to the Commission that any major developer, if you gave them that type of density, could go for the road. I said that if the City wanted to create the road and sell those high-density sites for the cost of the road. This is not what this is about. We don't want to just create multi-family housing sites. We want to create economic value to grow (inaudible), stated Anthony Panico.

That was my point is that this is much more in line with where we need to go, stated Comm. Perillo. It is a harder project to do but is much more in line with where we want to go, stated Anthony Panico.

Even a high-density residential project done right in the right location has a positive impact on the Community and I don't think we should over look that, stated Mayor Lauretti. We should be looking at the different options that we have. One that comes to mind is Oronoque in Stratford. Look at the success of that over the last 30-40 years, that has not been a drain but more of a benefit.

I wouldn't go there, I would look at Sunwood and La'Hermitage, stated Anthony Panico. They don't burden the Community they pay handsomely with their taxes.

Our options should be left opened, investigate thoroughly because Shelton is a place where people want to be especially businesses, stated Mayor Lauretti.

I think it is great, stated Chairman Cribbins. I do believe that it will take some of the pressure of Huntington Center because the people in the White Hills will know it is a great vehicle to get right down to Route 8 and it will really help. It will siphon off any White Hills traffic wanting to go to Huntington Center and it will siphon off the branches of upper Huntington like Soundview stated Anthony Panico.

Comm. Daniel Oraziatti arrived at 7:30 P.M.

Comm. Tomko-McGovern questioned this goes up by Old Dairy? We are talking about the segment by the school for this proposal stated Mayor Lauretti. We are talking roughly the first half-mile, stated Anthony Panico. This is Cots Street and preliminary investigation shows we can make an at grade connection there. When Cititrust did this they were going to cut that off, he added.

Would you explore the SDA for us asked the Mayor of Anthony Panico. At the present time to accommodate the Cititrust proposal we had established an SDA for the Maz property. We talked about the general uses there without putting the fingers on it. The opportune way was to put it in an SDA and leave the under lying zone only. We planted the seeds for the uses and having done some planning. When we make decisions as to what can happen up here we might extend that to the Bures property. I don't see it happening beyond there, stated Anthony Panico.

There are single-family homes in that area and you know what exists here, that is the Shelton High School and Intermediate School. You have Independence Drive and up in the White Hills there are established R1 zones, stated Mayor Lauretti. This is open space here and here and you don't go beyond that point stated Anthony Panico.

Comm. Leon Sylvester arrived at 7:35 P.M.

What is the next step for us, asked Comm. Perillo? I would say that we would take this to the Plan Update Committee, answered Chairman Cribbins. I will coordinate that, stated Richard Schultz. We will set a meeting, like a work session, he added.

Comm. Tomko-McGovern stated where is the Intermediate on the board? That is the entire site in the green and adjacent is the back of Highlands Golf Course, stated Anthony Panico. I think that the steps after that would be to create the uses we want in the SDA stated Chairman Cribbins. This allows access growth to the Old Intermediate School. The opportunity is there, stated Anthony Panico. When growth happens here it is understood that road needs to be built, he added.

Where will that road go, asked Comm. Tomko-McGovern? It will go down to Route 8, stated Anthony Panico. Route 8 is a split interchange getting on and off Southbound at this location, get on Northbound at this location and off Northbound here. So part of the interchange is here and part of the interchange is here and where the growth is has concern with where it is best at night or morning, he added. When this gets built there will need to be improvements to handle that interchange issues.

The City has already secured the easement rights, some of this is State property some of it was sold, stated Mayor Lauretti. On Cots Street there could be one big right of way for road improvements, stated Anthony Panico.

Rick, if you will, set something up with PUAC and Chairman Osak so that we can review this with them, stated Chairman Cribbins. Yes, answered Richard Schultz.

8-24 REFERRAL: PROPOSAL TO SWAP LAND AT 10 CONSTITUTION BOULEVARD SOUTH

Richard Schultz stated that this is the lower portion of the property where SureSource is. The Commission has a pending application that is going to a Public Hearing. He read a letter from Attorney Dominick Thomas representing DiSanto Technology. They are located in Stamford now and are relocating to 10 Constitution Boulevard South. They will build a 30,000 square foot building with approximately 95 jobs with a significant amount of high tech machinery.

Access to 10 Constitution Boulevard is through a 50-foot access way through City of Shelton Open Space known as Ivy Brook Greenway that was established when the Laurel Heights property was divided. Anthony Panico pointed this out on a map on the table. Our surveys reveal that the Greenway encroaches upon the access and the access encroaches on the Greenway.

My client is proposing that a 15 foot strip along the southerly portion (down by Route 110) be deeded to the City in return of a 15 foot strip of Greenway along the Northerly portion for access from the City to my client. As a result the access way to DiSanto will be in line with the field conditions.

Accordingly this went to the Board of Aldermen and a 8-24 Referral was established, stated Richard Schultz. He then read the City Engineers report dated August 30, 2005. He recommends approval of this swap.

Anthony Panico stated what happened here was that there was a discrepancy between how the crossing was physically built as opposed to where the right of way was. It was not centered in the right of way, it was off to one side. They could stay in the right of way but what would happen they would create a larger disturbance in order to utilize the land they own in the right of way. That didn't make any sense, he added. It would be better just to reconfigure the right of way to match the physical condition not creating any further disturbance of the open space and wetland area on either side. It is a logical adjustment and a logical change.

Richard Schultz stated I wanted to note that this is the only adjustment along this area. Conservation has long fought for the establishment. That is minor adjustment, he added. The whole area is a protected corridor stated Anthony Panico. Chairman Cribbins then asked for a motion.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to report favorably on the 8-24 Referral: proposal to swap land at 10 Constitution Boulevard South.

APPLICATION # 05-47, ONE MOUNTAIN VIEW ASSOCIATES FOR TEMPORARY SPECIAL EXCEPTION (EARTH REMOVAL) 1 MOUNTAIN VIEW DRIVE (MAP 65, LOT 10) ACCEPT AND SCHEDULE PUBLIC HEARING

Richard Schultz stated that this is the former Wakelee property. He reviewed the schedule of other Public Hearings. The 4th Tuesday is September 27 and we have the two applications at 10 Constitution Boulevard South and the motor vehicle proposal on the River Road. I think we can do this on September 27 stated Chairman Cribbins.

On a motion made by Jason Perillo seconded by Anthony Pogoda it was unanimously voted to accept Application # 05-47 and schedule the Public Hearing for September 27, 2005.

APPLICATION # 05-48, CUMINOTTO, INC. FOR SITE PLAN APPROVAL (DATA CENTER) LOT 32, IVY BROOK ROAD, 90 SHELTON TECHNOLOGY CENTER (MAP 65, LOT 1) LIP DISTRICT – ACCEPT FOR REVIEW

On a motion made by Anthony Pogoda seconded by Daniel Oraziotti it was voted to accept for review Application # 05-48. Comm. Lapaera abstained from the vote as he has done with previous applications involving Cuminotto, Inc.

Anthony Panico stated that the Staff will make every effort to review this quickly because the applicant is on a tight time line.

APPLICATION # 05-49, VETERINARY PROPERTIES, LLC FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 50, 895 BRIDGEPORT AVENUE (MAP 8, LOT 17) ACCEPT, DISCUSSION AND ACTION

Richard Schultz stated that here is the approved signed off site plan. If you go to the last page you will see the architectural. The Architect, Joseph Mingolello is here to show some changes to the Commission. He is hoping that the changes will be acceptable so that you can take action tonight. This is the 24-hour Vet Clinic just South of Duchess and the Walk-In Clinic.

Is that what we approved, questioned Chairman Cribbins? Yes, that is what we approved, stated Richard Schultz.

The changes were put up on the easel and Joseph Mingolello addressed the Commission. There are a lot of reasons for the changes. We did have to do a lot of value engineering on this project. We started small doing some site work and the site work got to be extensive and expensive to the point we almost came to abandoning the project. We looked at the interior of the building and we wanted to build a shell with the first floor and part of the second floor.

Every aspect of this project was looked at for the value. On the exterior the way it effects the building from Bridgeport Avenue it was to be (inaudible) façade. I brought a model so everyone could understand it. The back was going to be stucco. So what we did was reduce the brick veneer and lower that down to a Wayne's coating and added clapboards that are more traditional. We have added a window on this gable end. The canopy is for the MRI and we want to have that done at the first Phase but we want the option of doing it at Phase 2.

Our property is against the wall with slope rights against this side of the property. We have taken this building and stuffed it into the hillside. This is the view that you will see from Bridgeport Avenue and we tried to jazz it up a bit, stated Joseph Mingolello.

How far back from Bridgeport Avenue are you, asked Comm. Sylvester? It is a good 100 feet, stated Joseph Mingolello. How high above Bridgeport Avenue are you, asked Comm. Lapaera? Up about 7-8 feet, stated Joseph Mingolello. The elevation in the front is 230 and 232 with the first floor at 243-stated Anthony Panico. About 8-9 feet.

Were there any modifications to any of the other 3 sides of the building, asked Chairman Cribbins? They will stay the same, it was just the front façade, answered Joseph Mingolello.

It is about 200 feet from the edge of the pavement of Bridgeport Avenue to the façade of the building, stated Anthony Panico. There is a significant shoulder area that is part of the right of way and a little bit of landscaping with the parking lot, he added.

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

Staff has spent a couple of technical session to try to work it up to a point that it would be an acceptable solution. With the first bite of the apple we were not too happy but we did get some further concessions and from my point I am satisfied with the final result, stated Anthony Panico.

Comm. Perillo questioned the changes to the façade in the front of the building, are there any changes you can make on the other sides? Quiet frankly, in all honestly, the front of the building is the only side I care about, stated Comm. Perillo.

We did take some of the brick and removed that carrying the Wayne's coatings around the side. We eliminated everything that was mechanical from this project because it got to be expensive, stated Joseph Mingoello. We will Phase the second floor and we will only build about 1/3 of that building the rest when the business prospers.

The tower is all brick, that will stay all brick questioned Comm. Pogoda? That will stay all brick answered Joseph Mingoello. We felt that was the major feature of the building and we didn't want to see that compromised, stated Anthony Panico.

They changed some of these rooflines but the brick coming here was changed to the waynes coating and the windows were changed, stated Anthony Panico.

What was the top questioned Comm. Sylvester? That was stucco, answered Joseph Mingoello. So you went from stucco to clapboard, questioned Comm. Sylvester? Yes, answered Joseph Mingoello. There is a significant savings there, questioned Comm. Sylvester? Oh yes, you are talking \$2.00 a square foot versus probably \$12.00 square foot, answered Joseph Mingoello. You add that up on all 4 sides of this sizeable building and that is a lot of money, he added.

We tried to keep this an attractive building, stated Joseph Mingoello. This is an attractive building, it is the nature of the material that you are using, stated Comm. Sylvester. What is around there, he asked? The medical walk-in clinic is there and that is metal and clapboard, stated Joseph Mingoello. That is the same type, he added. The parcel to the right is empty and something will happen there so you will see something that is consistent, stated Anthony Panico. That is attractive but I am trying to get the sense of what is there, stated Comm. Sylvester. Everyone seems to be upgrading, he added. This is a small building with clapboard and masonry is the way we are trying to push things, stated Anthony Panico. It is consistent with that, he added.

What is the square footage that we approved for you initially, asked Chairman Cribbins? 14,000 stated Joseph Mingoello. And now 14,00 it is the same, he added. We are a couple of square feet less.

Honestly, you hit the ball out of the park with the first plan, stated Comm. Perillo. I thought that was great and this is a little bit of a let down. I miss the brick, I liked that, I liked the offset on the original, and I think the symmetry is over kill.

The plan changed and as the program changed the architectural changes. When you get into the nuts and bolts as to how this work then you tweak the project, stated Joseph Mingoello.

The excavation cost really carried this out, questioned Comm. Sylvester? Yes, answered Joseph Mingoello. We are not done yet we still have a couple hundred thousands dollars, he added.

Comm. Tomko-McGovern can't vote on this stated Chairman Cribbins. Can I have a motion, he asked? You need a motion to accept and approve stated Richard Schultz. I will make that motion, stated Comm. Pogoda.

On a motion made by Anthony Pogoda seconded by Daniel Oraziatti it was voted to accept Application # 05-49 and to approve the changes to the site plan. Comm. Perillo opposed this and the vote then was 5 to 1.

APPLICATION # 05-39, DEKZON, INC. FOR DETAIL DEVELOPMENT PLAN APPROVAL AND PDD ADOPTION (IVY BROOK PROFESSIONAL PARK, PHASE I) IVY BROOK ROAD (MAP 79, LOT 1) DISCUSSION AND ACTION

Richard Schultz read the City Engineer's letter of approval. The Fire Marshall's letter is coming. Anthony Panico read from the attached drafted resolution. (see attached)

What we are saying with the ratio of parking is 5-7. If the parking doesn't do the job we might need to allocate more or reconsider the size of the building, stated Anthony Panico. You can ask the applicant to pave the 12 spaces.

We haven't received any negative information from other departments, stated Anthony Panico.

Is there any way to update that similar to what we said with the people of the asphalt plant, questioned Comm. Sylvester? We can put a date in there, stated Anthony Panico. I wanted the applicant to know if you don't go forward the Commission can go back to rezone the balance of the site, he added. When people change on this Commission they should be updated, stated Comm. Sylvester. I don't want this to proceed right a way because I am concerned with the parking, stated Anthony Panico. Comm. Sylvester stated can't you write something that will guide, the way you have it is fine, but put something in there that we need to have the impact of the first one and I was thinking about that because of the possible change in this Commission. I will put that in item # 8 with a date, stated Anthony Panico.

Comm. Pogoda questioned that the site is completely disturbed now, if they don't do anything for another 4 years are we leaving this in that disturbed way? No, stated Anthony Panico. What time do they have for that, asked Comm. Pogoda?

As part of this approval I want them to tell us in what condition they will leave this part of the site when this is finished, stated Anthony Panico. That will be immediately, stated Comm. Pogoda. Yes, stated Anthony Panico. The sediment erosion controls say it has to be settled, stated Richard Schultz.

I have a question clarification with regard to buffering, that 100 feet will all stay natural vegetation, the trees will be new, in addition to the woods, questioned Comm. Perillo? There will be some minor modification to the existing vegetation and in the event that more parking is needed the applicant will come in here to create an expansion projecting out for more parking and additional buffer in here, stated Anthony Panico. Staff feels comfortable with the vegetation. The reason I asked is if you go to Forest Parkway and Long Hill Avenue to see that situation, that is just wrong. These people look out there back doors to see a big building and I want to make sure that is not going to be the case here, stated Comm. Perillo.

On a motion made Leon Sylvester seconded by Anthony Pogoda it was voted to approve Application # 05-39. A roll call vote followed with all Commissioners voting I accept Comm. Lopera who abstained from the discussion and the vote.

AVALON BAY COMMUNITIES, INC. SHELTON 1

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 (public hearing closed on 7/21/05) discussion only
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) (public hearing closed on 7/21/05) discussion only
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) (public hearing closed on 7/21/05) discussion only

Chairman Cribbins stated before we start with these applications it is important to state for the record that there will be 6 Commissioners voting on this. As you know our regulations don't allow us to have discussion at the table from an alternate who is seated. We can only have discussion from 6 Commissioners, no more, he added. I know that Karen (Comm. Tomko-McGovern) attended the Public Hearing on these applications, however, if Comm. Sylvester, if you have reviewed.

Let me save you some words, I have reviewed, stated Comm. Sylvester, and with respect to Karen (Comm. Tomko-McGovern) that she sat through it, suffered through the Public Hearings, I haven't any problem with her, I haven't talked with her, but I feel it is proper and I can keep quiet. She sat there, either way, stated Comm. Sylvester.

Since Comm. Papale is not here we will seat Jason Perillo as the other member here, in his place, stated Chairman Cribbins.

The great thing about it is if Karen (Comm. Tomko-McGovern) if we will continue this through another one or more meetings, either one of us could sit having been, her having participated, me having been on vacation but catching up, stated Comm. Sylvester.

I had to offer you that, stated Chairman Cribbins. I understand that, stated Comm. Sylvester.

I did have discussions with individual Commissioners, stated Chairman Cribbins. I want to let you know that I will sit, stated Comm. Sylvester. You need to make a statement for the record, stated Anthony Panico. I did stated Comm. Sylvester. I stated that we are both capable of sitting. Rick (Richard Schultz) was nice enough to put the packages together for me, he added.

Procedurally we want to be very correct and proper with this particular application seeing as though it has to do with the Housing Opportunity District. We need to be very careful about how we prepare our, the proposal, the resolution that we create for this, stated Chairman Cribbins.

I know that in discussions I have had with Commissioners individually that, with the exception of Comm. Sylvester, I have spoken to other Commissioners about their feelings about this particular project. I believe that the majority of us feel the same way that this proposal is one that we should not support. As I have given Tony (Anthony Panico) some direction over the last 3-4 weeks as we started to look at the different material, what I asked him to do was to go through the 2 feet of material and data presented to us, to help the Board and help us gather the high points of the hearing that would support our decision not to support this particular (the three particular applications), stated Chairman Cribbins.

It isn't easy, you know, if you go back and say it is just one particular thing, by saying we shouldn't allow a Housing Opportunity District here because we have a vehicle within our regulations that would allow us to put something like that, therefore we should just turn this down on that basis, stated Chairman Cribbins.

Therefore all 3 of these stonewall but we need to be more specific, stated Chairman Cribbins.

We as a Commission turned down a previous proposal on this property. It was for 49 single family clustered development on that property. An it was upheld, it was appealed through the Court System and upheld. We as a Commission during our deliberations during that particular project stated 4 specific reasons why we didn't think it was good for a 49-unit development to go forward on that property, stated Chairman Cribbins.

The first one was the fear of over development on the site, the disturbances it would cause, and the impact it would have on the natural environment of the area and the nearby Cranberry Bog. During the discussion of that and the hearing that we had for Avalon Bay Communities there was an enormous amount of environmental data submitted.

One of the things that struck me particularly was that over the course of hearing all of that testimony about the environment was the effect it would have on our neighbors, stated Chairman Cribbins. Shelton has always tried to do the best that it can without being intrusive on our neighbors including Stratford, Monroe and Trumbull. We have always tried to be good neighbors to the other Communities and not allow something that we would do in our particular town to have a great effect on our neighbors.

We heard from a number of people who came to us to testify on the effects that an application such as this on the Cranberry Bog. We listened to a number of highly regarded people out in the Community, environmentalist including Doctor Steven Danzer, who is an environmental planner, we listened to different people from New Haven, we listened to a number of different environmentalist including Mr. Trautman who came to give a very detailed description of the reasons why and the effects that this application would have on the Community and the Cranberry Bog.

I think that for me, that is the primary thing, the environmental aspect, stated Chairman Cribbins.

Comm. Sylvester stated that then this goes back to my question. I just need to interrupt you for a minute. It seems to me, this no great revelation, as we have stated this before at this table, that the crux of this particular meeting, the call of the meeting, and the task we have ahead of us, is number one to decide rather the new district is needed in this Community. It is no great revelation, it has been stated before, if we decide as a Commission that a new district is not needed for, if it is appropriate, then the rest of it falls by the wayside because the rest of the application is under the approval under the new regulation.

That is the traditional zoning approach, stated Anthony Panico. What we have is not a traditional zoning approach. Why, asked Comm. Sylvester? It has been tendered as an affordable housing development, stated Anthony Panico. What I am seeing here is, this is why I wanted to ask the question to zero in here, stated Comm. Sylvester. I need to ask maybe this has been answered, I don't know, but we are going to establish the new district entitled the Housing Opportunity District, then amend the map by changing R1 to that district, and the second part of that is the same, stated Comm. Sylvester. So if you don't have, I don't care if it is Affordable Housing or not, if you don't have a new Housing Opportunity District, how can you amend your zoning regulations to accommodate the proposal, questioned Comm. Sylvester?

The Courts take a different approach position when dealing with Affordable Housing by Statue. Under a traditional zoning appeal you are 100% correct, stated Anthony Panico. If the first step along the way, the creation of the new zone fails, then everything else would fail with it. When you put that term Affordable in front of the application, you now have placed it in an entirely different classification. The Courts have said that when a municipality denies an Affordable Housing application the burden of proof is on the municipality to support the denial. There are very limited basis of which the Courts will recognize an appropriate denial of an Affordable Housing application, he added. Zoning is not one of them.

There is a second part of where I am coming from, stated Comm. Sylvester. It has more to do with what we base our entire work on. I think that the question that is on the record, I recall it being on the record, is that the question is asked to the Attorney as to why they were not applying under our traditional vehicle. The comment was because New Haven, I don't know that he said New Haven, but another district had found to be (inaudible), it would not stand up. So the question begs to be answered as to which is the appropriate way to come at this proposal. If you are saying to me as a Commissioner that you are not going to apply based on your regulations because I don't know if your regulations are appropriate. I think now is the time to find out if they are appropriate or not, added Comm. Sylvester.

The fact of the matter is that you can pursue an Affordable Housing Application with total disregard of the zoning in the municipality, stated Anthony Panico.

Lets go to the second parcel, stated Comm. Sylvester. The second parcel doesn't have affordable housing, stated Anthony Panico. The second parcel is based on the same thing, a change, stated Comm. Sylvester. We are only doing this one that is different, stated Chairman Cribbins. My question is why not take on the first question when it is over arching on both applications, stated Comm. Sylvester? Make a decision as to rather we want, I understand it as you have described it now that this particular proposal doesn't depend upon approval or not. Both proposals are tied together so if we decided initially that the request for a housing district is not appropriate, one goes away and we move forward on the second one, stated Comm. Sylvester.

Except we are dealing with what you are calling the second one first, stated Anthony Panico. Number one is the one we are dealing with, Avalon 1. I understand, stated Comm. Sylvester.

I have the answer to you question very quickly. The reasoning is this, one of the stipulations under the Affordable Housing Statues is that the Community should exhaust, through negotiations with the applicant, any possibility to, for lack of a better term, compromise on the proposal so as to make it acceptable within the guidelines of something that will not harm the environment and be capable of being supported in the Community, stated Anthony Panico.

So if you simply took an action to say for a variety of reasons we don't need the Housing Opportunity District and therefore everything else fails. They will take us to Court and the Courts will say, so fine you didn't like that, did you attempt to sit down to work out an appropriate zone with the applicant to make the project itself on its merits move forward, stated Anthony Panico.

So you are saying because we did, we encouraged, we asked the applicant why he didn't come in under our zoning regulations and he gave us his answer that the zoning regulations would not stand up under the scrutiny of an appeal, stated Comm. Sylvester. That is basically what he said. Yes, stated Anthony Panico. So do we leave it like that, questioned Comm. Sylvester? You have no alternative but to go to the next step. Decide the proposal before you not on the symmetric and details of the applications or the zoning procedures but on the assets and negatives of the application itself, he added.

You have to answer the question, stated Comm. Sylvester. We will, stated Chairman Cribbins. If we have to address yes or no to the new zoning vehicle application, what I am saying is why not do that first, stated Comm. Sylvester. What we did on the Staff level is say that you should address the entire situation and build in there what circumstances are in there that are so undesirable about the application to make it inappropriate to approve for affordable housing. That is what the Court will ask you, stated Anthony Panico. If you simply say that Building A and Building B is to close, the Courts will say did you explore the possibility of separating those two buildings. If that is the only issue but what we will create is the whole scenarios of what we find that are at issue with this proposal. The cumulative effect creates an adverse impact on the natural, environmental and ecological circumstances to the point that the negative impacts outweigh the need for affordable housing, stated Anthony Panico.

That is fine, I go along with that, stated Comm. Sylvester. You are still going to have answer as to rather, and none of that which you have just described is pertinent to rather you need a zoning vehicle or not, he added.

When Staff goes through to start to assembly the comments, concerns, findings etc., you will see that we have identified not only the concerns that we have about the project itself but we have identified concerns we have about the proposed zoning mechanism, etc., and what the zoning standards have yielded in the form of a physical plan of development that results in an overly intensive, over development of the property, stated Anthony Panico. I was unaware of that, stated Comm. Sylvester. So you can't, we just didn't attempt to sort it out unless we started with zoning because we knew that you would have to go beyond zoning to build your entire case, stated Anthony Panico. You are building to support that entire case and that hinges on only 2-3 major areas that you can hang your hat with a appropriate legal basis, a supportive legal basis, to deny.

At our last meeting because we didn't have a quorum we discussed informally some of these concerns. I had handwritten notes and since then I have started to formalize a little bit more, stated Anthony Panico.

Chairman Cribbins stated before we start Jason (Comm. Perillo) has had his hand up? Comm. Perillo stated that is 15 minutes of my life I am never going to get back. Comm. Orazietti stated that just for the record I need to clarify that I did miss a meeting and I have reviewed the minutes on the hearings from July 21, 2005.

Chairman Cribbins stated Tony (Anthony Panico) and I had a session as to how best to strategize our response this to this. Rather or not you could do it just as you stated but I don't think it will fly to get through the Court system. So to be better prepared you have to say what the reasons why you would want to turn down this over developed application.

The reason for denying an Affordable Housing application is not the lack of a zone. That is not an adequate reason for saying we don't the project to go. You have to address the public health, public safety and public welfare issues, stated Comm. Perillo. Things of that sort like the ecology and if you don't address those issues now the Court will come back with why didn't you work it within the PDD, why didn't you try to come up with a different zone that makes sense, why didn't you do all those things because if you don't address the practical assets and liabilities of the proposal as it is offered we are not doing ourselves justice, he added.

We will put findings in regarding the inadequacies of the approach that was selected and the fact that we have other ways to do it, stated Anthony Panico. We want to put the salient points that we think mitigated an application that is so far away from the ability to modify and approve so we didn't go down that route, he added. If the application was perfectly acceptable except that we didn't like the zoning mechanism and we denied it on that respect the Court would laugh at us.

Comm. Sylvester stated when someone puts something on the table that says that your zoning regulation won't stand up in Court over an important application such as this, I believe that has to be answered clearly and simply. To me that is important. I have no problem going this way and in my mind that needs to be responded to.

We will reflect upon the success we have had in using that mechanism to create a variety of development forms any one of which could be deemed Affordable Housing, stated Anthony Panico. We do residential development as PDD's of varying kinds and any of those residential forms could be an Affordable Housing Project. We don't draw that line our PDD is capable and if they want to argue that they don't have faith in the legal basis for those PDD's that is another story for another time, he added.

So can we just say that included in that, those 4 things that I was thinking I wanted included in that is the first thing I mentioned the over development on the site, the disturbances to the Cranberry Bog and all the environmental concerns, stated Chairman Cribbins.

The other three are the disturbance to the natural features of the site because they are going to go in there with great disturbances to the property to allow the buildings to be put on there. That will have a big impact to the existing neighbors that are there. They have well water and are on septic in that Daybreak area, stated Chairman Cribbins.

In the statement, our initially denial and it was addressed in the Judge's memo was that we hadn't gotten adequate biological information, stated Comm. Perillo. That is still the case.

Mr. Trautman's material was well put together and we should quote from that including the map, stated Chairman Cribbins. I really don't want to get into that because the jury is still out on that as to who is right stated Anthony Panico. We have dueling environmentalist, stated Chairman Cribbins, but to me.

You will see when we go through this there is a sketch shows a pool on the property but there might be a veneral pool on the property and the applicant is saying that there is no veneral pool on the property. That is not enough for me but I want to know conclusively that there is or is not. That might necessitate a third party expert, rather we provide it or we find in another way, shape or form, stated Anthony Panico.

The last two for me, are the density of the property with the height of the buildings and the effect of that on the neighbors. Also the traffic circulation, stated Chairman Cribbins. That is the one area that I have had to play down mainly because an incredible traffic study done by the applicant and the Commission did a separate traffic study. The two basically arrived at the same conclusion. With concerns about roadway widths in particular with regard to the intersection once the improvements are in place there will be no adverse impacts on the road system, stated Anthony Panico.

As the process goes, what we thought we would do, is let Tony (Anthony Panico) go through the draft that he has put together, then I would like to have Tony (Anthony Panico) visit Corporation Counsel. See if he finds that there are any weaknesses in there because he will have to defend it. That will be a benefit to us and then we'll put that in a package to be ready to move, he added.

I put some stuff in our findings and discussions that the Courts will not pay attention to but I felt that there was a story that we wanted to say. We said it publicly and we wanted to reiterate it again. I also know that we make this big issue that we have Affordable Housing in town. We all know that we have that in the downtown area, we have the mobile home parks and we have other areas in town.

The only issue is that they are not earmarked the way the Statutory language provides for. They are not guarantee or assisted units, stated Anthony Panico. They are not assisted financially so that they are not under contract to keep them that way. That argument has been put before Judges before that say that is all well and good but don't bring that argument to the Courts bring that argument to the legislature that prepare that Statue. If it is an improper Statue then the legislature should change it again look for the Courts to change it.

I went through all of the materials and argumentation from the applicants, the opponents and their experts to try to pull together along with the comments from the Commission the things that we want to summarize in a document that will part of the final decision. For the time being I have organized it in three sections that include some background facts about the application itself, then I have a middle section that goes into some of the discussion comments and concerns that is not finished, then I started listing some findings that were drawn from the concerns that you expressed. There are 12 findings that will be the basis on which you take your action, stated Anthony Panico. He then read from the attached proposal report. He also made comments regarding statements made in the report as needed.

There are 3 reasons so noted and Anthony Panico stated if you could proof any of the three things are reasons for denial then you should be o.k.

Chairman Cribbins stated lets talk about the sewer service a bit. There are two things that we don't even have today. One is the WPCA and one is Wetlands. Both are in the Courts and both are critical. We wouldn't approve anything on any project without those 2 things. From that standpoint we deny it because we don't have Wetlands and WPCA approval. We could do that. We are going one step further to say everyone should know including the public, he added.

It is important about the factual things that the applicant knows but if he will address the Wetlands and the sewers you will bring the issues with the other concerns including fire safety. Look at everything to say Mr. Applicant these are the issues of concern with your last project what are you going to do with that. You don't want to say this is no good then he fixes this and if you say then this is no good all you are doing is nickel and dimming him, stated Anthony Panico.

Anthony Panico finished reading his 12 findings stating that he probably has another 6-7 comments to go with regard to site plan issues. He continued by reading his specific findings.

The first finding is that the zone is a too high-density development.

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

Anthony Panico read from the rest of the 10 specific findings.

Chairman Cribbins this is a good start to where we are. I am fumbling over here and when I did my review I left a two-inch package at home with some comments that I was going to make. I want to be very descriptive of what I want to do. I will send them along to Tony (Anthony Panico).

The zoning issue is intertwined in there as you can see Leon (Comm. Sylvester), stated Anthony Panico.

Richard Schultz stated we received correspondence as of this date from the Fire Chief, John Millo (both of these copies have been faxed to the applicant), he then read the letter. It should be noted that the Fire Chief may have participated in a fire or was aware of one at the Trumbull Avalon that was a similar complex as to what is proposed here. There was a severe fire that caused them to loose a whole level. The Fire Chief will get documentation to that effect that he will pass on to us.

We also received a letter from the Fire Marshall dated August 23, 2005. He does state that all lanes will be considered fire lanes and that is important. The Fire Marshall agrees with the Fire Chief with regard to the turning radii.

I also spoke with the City Engineer who is working on his report to the Commission. He is focusing on two concerns, one of which is the sewer system design advising the Commission on what was submitted and the other concern is a retaining wall, a series of retaining wall that he is concerned with, stated Richard Schultz.

I do have one point to make just with what the Fire Chief said, when we looked at the plans there is a lot of parking in front of these buildings, stated Comm. Pogoda. If you go anywhere in town especially at the Stop & Shop, if you park somewhere you shouldn't the security guard is telling you to get out. That is one car that maybe blocking a fire lane. You have row after row of cars parked in front of these buildings, say someone is having a party, again not being a firemen, just having read what I did here, and talking to some people in the business, you are just asking for a disaster. If it was one car in the fire lane at Stop & Shop he tells you move that car. Here you have a line of cars around all the buildings and it is o.k., added Comm. Pogoda.

It was very interesting discussing fire safety, stated Anthony Panico. We don't deal with this so we don't necessarily think about it. The first thing they have to do is inspect the building before they even start fighting the fire they would have to go through each building putting a team of 2-3 people in each building. At least three people, stated Comm. Perillo. If you are dealing with 40-42 units you would have to have a crew for each unit to go through those. You are talking over 100 people. That is just to be sure that the unit has been vacated. They have to have the reach to get to the roof and they won't be able to fight the fire until they ventilate that building. It is almost impossible to fight the fire.

The public safety issues were almost played down here, stated Comm. Perillo. They're far more severe then they say. There are severe issues with fire safety, he added.

They come right back to zoning because that is an issue as to rather that is an appropriate density of development, stated Anthony Panico. If your goal is to put x amount of units on a limited site and there are areas that you can't use because they're impacted by wetlands then you get into larger scale buildings and the buildings are closer together. That is not a desirable circumstance especially when they are wood buildings. Yes, they are sprinklered but they only need a 1-hour rating, he added.

Are there further issues that we think, stated Chairman Cribbins? Just to mention the emergency medical issues, you mentioned the stairwells. I had looked at those, stated Comm. Perillo. They are about 3 feet wide, questioned Comm. Perillo? They are about 3.3-3.6 feet, stated Anthony Panico. To get some perspective on that a larger patient will be carried down the stairwell by 2 people at their head and 2 people at their feet. 4 rescuers. You have someone laid out flat on a board that is 2 feet wide itself with 2 people on the front and 2 people on the back part with a board that is 6 feet long down as many flights 4 to 5 in a stairwell that is 3.6 that is a dangerous situation, stated Comm. Perillo. I know that I mentioned this last week but the lack of elevators just blows me away, he added. There is nothing in the code that says that they have to put elevators in, stated Anthony Panico.

One of the things that they talked about at the hearings is that they wouldn't open these to Daybreak or Partridge Lane. They thought that would be a good thing because they were only going to come in and out of one entrance, stated Chairman Cribbins. To me as I was looking at this site you need to have those connections to make the traffic situation easier, lets say we develop this with 32-40, I would want those things and be able to use Daybreak.

I don't think that I would agree with that because you have an inconvenient intersection at the other end, stated Anthony Panico. You need that maybe for emergency access, he added. I don't think that should be put in there.

What intersection are you talking about, asked Comm. Sylvester? Anthony Panico answered at the other end at Daybreak intersects with the part of Old Stratford Road. You make a right and a hook back to Old Stratford Road. You heard the residents telling us how hard it is to get out of their street. To add more traffic over there they recognize that is not a good idea. If the street was to be extended as part of the subdivision, then I would argue on the other side. The only reason I would support that is the residents of Daybreak could get out onto another road. You don't want the residents of Daybreak going through the complex and vice versus.

I don't like the traffic circulation, stated Chairman Cribbins. The traffic overwhelms me even with the study, stated Comm. Sylvester. The amount of traffic and that both studies agreed when all of us who live see the impacts of the traffic on our Community. Just the number of people on the roads and the highways. We did talk about the number of cars going through Howe Avenue. We were talking about the impact with the Condos on the highways. There were two policemen trying to control traffic on that bridge, they were doing a wonderful job maintaining that traffic, stated Comm. Sylvester. That was because the bridge was closed, stated Comm. Pogoda. When one thing happens on Route 8 that is a different story, stated Comm. Sylvester. People immediately get off to find a solution around the problem.

I was glad that you put that in here but you put the ecological concerns and you get to see how close this is really to the Bog. It is a substantial natural resource stated Comm. Perillo. It is a relatively unique resource, stated Anthony Panico. When you look at the concept of the benefit to the project out weighing the ecological concerns, I would have to say not even close, stated Comm. Perillo. That is exactly the position we want to develop, stated Anthony Panico.

I don't know that in our resolution that we need to include some of those unique people that testified, stated Chairman Cribbins. At least to support because when the Judge reads our resolution I want him to be able to. Do you think that I should identify individuals, questioned Anthony Panico? On the applicants side I didn't identify his experts, stated Anthony Panico. Maybe talk to Corporation Counsel to see how best we can do, stated Chairman Cribbins. I did reference the ecological consultant but by their title and expertise I can site that testimony, stated Anthony Panico.

I think we need to integrate some of the information from the Court Case that we won on the Bog, stated Comm. Pogoda. The only difference is that it is a different zoning preference, stated Anthony Panico. Actually that helped me with the preparation of my own stuff, stated Comm. Perillo. You are still using the same stuff, it is a different proposal and a different zoning regulation but that information remains the same rather it is affordable housing or homes, stated Comm. Pogoda. I will take a look at it, stated Anthony Panico.

You have hit every major point, stated Chairman Cribbins. I think it is pertinent, if the Judge denied that proposal on some of those things, why can't we use some of that, stated Comm. Pogoda. I think the Judge felt that the applicant didn't prove his case, stated Anthony Panico.

Chairman Cribbins stated we will let Tony (Anthony Panico) do his thing and move on to the next one. We all know where we are going with this. We want you to write up something, he added. Rick (Richard Schultz) and I will prepare the draft and sit with Corporation Counsel to review it. We will circulate a copy for everyone to have in advance, stated Anthony Panico.

It is almost 9:45 P.M. so lets take 15 minutes to talk about the Avalon 2 proposal, stated Chairman Cribbins.

AVALON BAY COMMUNITIES, INC. SHELTON II

4. **Application # 05-17**, Joseph Williams on behalf of Avalon Bay Communities, Inc. to amend the Zoning Regulations by establishing a new District Entitled MFHD (multi-family housing district) and related standards (public hearing closed on 7/26/2005) discussion only
5. **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) (public hearing closed on 7/26/05) discussion only

I agree with Comm. Sylvester's assessment on the other proposal that here because it is not an affordable housing proposal if we deny the multi-family housing district, we are well within our rights to do that, it will be an easier thing that yes we denied that and the other Application # 05-18 will go down also, stated Chairman Cribbins. We probably should take the same approach. Anthony Panico stated once I find out what your most serious concerns are. If you decide that is not an appropriate zone and that isn't something you want in your regulations then the rezoning of the property fails, he added.

We never did get to the site plan, right Rick, asked Anthony Panico. The site plan was rejected because it was inappropriate to consider that then, answered Richard Schultz.

Again, we took a lot of testimony listening to both sides and we got a large amount of material and by polling the Commissioners we had, it will be unanimous again, we will request that you pull out the key points that we think to prepare us and prepare the resolution for denial to these two applications.

Comm. Sylvester do you want to sit in on Avalon 2, asked Chairman Cribbins? I was at that hearing, answered Comm. Sylvester. At both of them actually but I didn't make the July meetings, he added. As long as you have reviewed the information, stated Chairman Cribbins. We will go over who was seated and the other documentation from the hearings.

There is an environmental piece of this, stated Chairman Cribbins. Here we have another Community where there is Beaver Dam Lake and what we do on that site can have an effect on that Lake. Stratford residents, he added. We have a history there stated Comm. Sylvester. They presented that when we were doing the hotel, he added. We were able to address those issues with Homestead. I don't want to put anything in there but single family, stated Anthony Panico. I can put something in there with regard to the water.

How about the impact to the R1, questioned Comm. Sylvester? I can put something in there, stated Anthony Panico. With the project they wanted to remedy that by putting the project together without negatively impacting the R1, stated Comm. Sylvester. We will focus into the fact that there is no justification for the zone. Other multi-family developments have gone under the PDD's stated Anthony Panico.

The zone is LIP there asked Comm. Lapera? If you go down Bridgeport Avenue the LIP and the residential on the sides works well. I see no reason to take the LIP out when there own economist said that we will get less taxes from the housing then the office building, stated Comm. Lapera. Why would I do that take less taxes and change the zone, he added. I don't see any reason to change that LIP. There is no rational reason to do that.

This proposal also has the height of the building as a concern, stated Chairman Cribbins. It is intensive and I wonder the effect on the balance of that area. I don't think any of us want a building like that, stated Comm. Pogoda. You can soften that with the easement behind Homestead, stated Anthony Panico.

You have a full signalization on Huntington Street, stated Anthony Panico. There are many conversations all going on at the same time.

Richard Schultz went over who was in attendance when and who was not. Comm. Sylvester and Oraziatti both missed one meeting.

The minutes show an Attorney going over 14 points in opposition of this application. Diana Barry stated that it is Attorney Kelly. Page 273 shows that list of 14 points. It summarizes how I felt after I heard all the testimony at that hearing, stated Chairman Cribbins. Take a look at those.

Other than that are there any other concerns to provide to Tony with some direction, asked Chairman Cribbins? What do think that going forward, do you have enough for Avalon 1's, questioned Chairman Cribbins? Possibly, stated Anthony Panico. You tell us when you are ready, stated Chairman Cribbins. That includes the review from Corporation Counsel. Do it right and get his opinion, he added.

On a motion made by Patrick Lapera seconded by Anthony Pogoda it was unanimously voted to adjourn at 10:00 P.M.

Respectfully submitted by,

Diana Barry
Clerk