

The Shelton Planning & Zoning Commission held a Special Meeting on April 25, 2006 at 7:00 P.M. in the Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT.

Members present: Chairman Alan Cribbins  
Comm. Virginia Harger  
Comm. Daniel Orazietti  
Comm. Jason Perillo (alternate)  
Comm. Leon Sylvester (arrived late)  
Comm. Karen Tomko-McGovern (arrived late)

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

Members absent: Comm. William Papale  
Comm. Anthony Pogoda

Tapes (3) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website.

Chairman Cribbins opened the meeting with the Pledge of Allegiance. He continued by explaining the Public Hearings procedures.

**PUBLIC HEARINGS:**

**APPLICATION # 06-14, DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATES INVESTORS, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: TWO RESTAURANTS AND ONE BANK DEVELOPMENT), 828 BRIDGEPORT AVENUE (MAP 18, LOT 19) IA-2 DISTRICT**

Comm. Orazietti read the call of the hearing and one additional piece of correspondence from the Fire Marshall.

**Attorney Dominick Thomas addressed the Commission and presented the mailing receipts.** He stated that this is for a Special Exception that prompted the hearing. He handed out photos showing the posted notice, a color-coded elevations sheet showing the three buildings and the traffic report summary.

This Special Exception is for two permitted uses within the IA-2 Zone that includes food and banking establishment. This is 5+ acres and has a buffer building on it. The existing building manufactures perfumes. The building has been occupied by several tenants including Chesseborough Ponds and Ragu, stated Attorney Thomas. The property has been on the market for a while with the current tenant estimating vacating the property by the end of this year.

As stated it is in the IA 2 Zone and is surrounded to the South by the Fairchild Mobile Home Park. It is across the street from a Commercial/Retail project that includes Ruby Tuesday's and a Bank. It is adjacent to the Armstrong Corporate Park.

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

Attorney Thomas stated that on this site, there is ample parking, more than ample parking. It is our intent basically, as you will see, to develop this site over the current impervious area. We will not use an area off to the side.

Drainage pattern is basically the same but there will be some upgrading. We have been before the Shelton WPCA and they are in the process of reviewing this. As part of that review, we have offered, and we are sure that they will accept, to make improvements to the sewer manholes across Bridgeport Avenue from our project, in order to make these manholes water tight reducing the storm water that now enters the storm system.

There are no wetlands issues on the site, stated Attorney Thomas.

There is a need for these services along Bridgeport Avenue both for the residents of Shelton and the business residents in the corporate area.

Patrick Rose has the plans and Manny (inaudible) will review the traffic issues. The property has a use on it and its already been developed. There are uses in the area that have all been well established, stated Attorney Thomas.

**Patrick Rose, from Rose Tiso & Co., addressed the Commission.** The project before you tonight consists of a manufacturing site fronting on Bridgeport Avenue. It is adjacent to the Fairchild Trailer Park and Armstrong Road. There are two existing driveways and both of those would be abandoned. We would relocate the main entrance. We would provide two lanes coming into the site and two lanes coming out of the site.

The circulation around the site shows that we have changed the drawings to reflect the 26 width Fire Lane that the Fire Marshall requested. We have provided parking all around the pad sites. There is parking in front of the restaurant and parking for the Bank. The Bank is (inaudible) square feet and contains three drive through lanes and a bypass lane for stacking.

There are two restaurants, this one is 7500 square feet and the second one is 5800 square feet. Both are intended to be National Chains and are upscale sit down restaurants, stated Patrick Tiso. The bank that is currently proposed is Commerce Bank.

The parking that is provided is well above what is required by State Regulations. We have provided 300 parking spaces on this site. That is dictated by the National Chains who will not even consider coming to a place unless they have adequate parking. They want between 110-140 parking spaces.

The bank will be a brick façade building with a glass front and tower. There will be an awning. The two restaurants here show the materials used will be the same brick that is being used on the bank. There is stone used on this restaurant and another type of stone used on this restaurant, stated Patrick Tiso.

The landscaping shown is street trees along Bridgeport Avenue, trees in the back of the site and islands around each of the buildings with trees.

Chairman Cribbins asked about trash containers? Patrick Tiso answered for the restaurants they will be housed within enclosures here and here. The banks trash is shredded and taken away.

Attorney Thomas stated with respect to the traffic report, if you look at the summary you will see that this won't have any impact on the current level. As you know the intersections on Bridgeport Avenue are highly traveled because of the 1500 to 1800 people coming into work and the residents of Shelton who will need the various services. We are proposing, in advance, on Trap Falls Road and Parrott Drive. If you look over here there are 3 lanes as Bridgeport Avenue intersects with Trap Falls Road in the Southerly direction. It is our intention to create, through talks with the DOT, a center turn lane. The center lane exists here and we will connect that all the way down to Parrott Drive. It will create a benefit for the other entrances that exists off of that in the Armstrong Park area. The center turn lane will come North and South. That is the significant traffic enhancement that we believe, for this area that exist at Parrott Drive.

We believe that we have addressed your concerns within your consideration of the Special Exception with in this Zone. The site will be a benefit service wise and aesthetically, stated Attorney Thomas.

**Comm. Sylvester arrived at 7:25 P.M.**

Chairman Cribbins questioned hours of operation? I believe that the bank will have normal banking hours probably 9 to 3 or 4 during three days a week, probably 8-12 on Saturdays, and probably two late nights to 5 or 6. The two restaurant chains that we are in discussions with at this time do not have breakfast service. They will be opening at 11, which is also a benefit enhancement to the traffic because they wouldn't be adding to the traffic at morning time peak, stated Attorney Thomas.

Comm. Perillo questioned Attorney Thomas regarding an assessment, (if he had done one); with regard to the tax impact to the City verses the current use with the introduction of retail here? Not really, answered Attorney Thomas. These are three buildings that will most likely generate a tax base some where in the range of (inaudible). That hardest thing to assess when there is manufacturing and you are going to retail is what an empty manufacturing building would be and what you could put inside that empty manufacturing building.

These are permitted through the Special Exception, questioned Comm. Perillo? Yes, stated Attorney Thomas. The Special Exceptions are permitted use through the Zones, he added. Provided the change is consistent with the Plan of Development stated Comm. Perillo. No, stated Attorney Thomas. The reason we have it as a Special Exception is the traffic, it is the issue, stated Chairman Cribbins. The burden is on the applicant to prove to us that the proposed use will not have traffic implications that will depreciate what is there today, he added. The traffic is one of the tenants of the Special Exceptions, is that right, Rick, questioned Comm. Perillo. I am always leery when you say the Plan of Development because you have already made an attempt by saying this is an IA-2 Zone and the Commission has the power to change the uses within the Zone, stated Attorney Thomas. When you focus on Special Exceptions your are focusing on Public Safety issues, Public Welfare including traffic. If you remove those then you force someone to do the zone change to the PDD.

Chairman Cribbins asked if there was anyone from the Public wishing to speak for or against this application.

**Irving Steiner, 23 Partridge Lane, Co-Founder of WER1, addressed the Commission.** I have to question and challenge some of Attorney Thomas's points on the application for 828 Bridgeport Avenue. First of all the sewage load on the present pump station 1 and 2 can't be determined at this point because they don't know the actual applicants or the occupants of the two restaurants. This is in question at the WPCA. They will have to determine exactly what this load will be. The Engineer at the WPCA could not use the existing model because it is a perfume operation and he could not come up with figures for WPCA to evaluate. I personally feel that another strip mall is (inaudible) in the area. We have an awful lot of restaurants and they could go more upscale and do a Trader Joes.

The traffic has no merit at this point. The perfume operation has very little traffic and how could the traffic be determined if the occupants have not been determined or the frequency of customers have not been determined. These questions were asked at the WPCA and no answers were given, stated Irving Steiner.

As far as I am concerned I think better use of the property could be maintained. The fact that the sewage load can't be determined and the fact that we currently have 2 pump stations that are seriously overloaded. They have not been upgraded yet and the target for that is unknown, those are serious concerns. Thank you for your time, stated Irving Steiner.

**George Brent, 2 Daybreak Lane, addressed the Commission.** I have a question I hope you can answer; the Attorney in his opening statement said there is a need for this type of development in this area? (inaudible)

**Richard Jager, 2 Coppel Lane, addressed the Commission.** I just want to convey that that the traffic report was just handed in now. I would like an opportunity to review that.

Richard Jager continued I would request that the hearing be kept opened so that the Commission and the public can review that. Obviously traffic is a concern to everyone and Bridgeport Avenue is very busy. The intersection down the hill has a D rating. I would like a chance to look at this traffic report. Thank you.

Attorney Thomas stated that our position is that they (the public) can communicate with the Staff. Chairman Cribbins stated that we shall make the report available to them. Chairman Cribbins stated we did just get this today and May 9<sup>th</sup>'s meeting is complicated so we might not get to this until May 23<sup>rd</sup>.

**Tom Harbinson, 15 Soundcrest Dr., addressed the Commission.** I travel that area a lot. I do my banking business at Chase down the road. All the tellers comment how difficult it is to exit their place of employment. I have a difficult time myself. I know that Staples had a diversion to only make a left turn. I have seen the restrictions for turning. I know that there are turning lanes and islands proposed for Split Rock. So I would like you to look closely at the traffic.

Attorney Thomas stated this is a practical study and a recent study done on Bridgeport Avenue shows the need for this. I mentioned this before that 1600-1800 people travel into and out of Shelton. They need services such lunch and dinner. You go to any of the restaurants in this area on Monday-Friday at supertime and you will see them all packed. No is begging for customers.

Marketing studies done for the two national chains look at these spots. There reports show a need, stated Attorney Thomas.

We presented the worse case scenario to WPCA based on the actual standards of the manufacturer at 6000 gallons per day generated by the current user. Based on the report of the Sewer Administrator, the manholes across the road are probably taking in 17000 gallons a day for storm water. Based on maximum input from standards used that is 1400 gallons per day. In order for us to be comfortable we will submit a remediation plan.

With regard to the traffic study, your worse case scenario, stated Attorney Thomas. With respect into and around this intersection, while this is a busy intersection, this proposal won't make the service any less than what it is now. The State recognizes that this is a busy intersection. One of the key problems in that area is the morning peak period. We ask you to review the traffic report. I want to remind the Commission at the Avalon Bay discussion that, if you do these traffic studies, when you did Avalon Bay this Commission had their own traffic study done and the one you had done was more favorable to the developer.

Comm. Perillo stated I have a question about the center turn lane. What is the learning curb on something like that? Do you see accidents on the early stages when you see vehicle a heading right toward vehicle b?

**Manny Silva, Rose Tiso & Co., addressed the Commission.** In this area these are being implemented more. We have double lefts when you swap lanes. Lordship Boulevard has had one for years. There was a request for a light at Parrott Drive that was denied by the State.

**End of Side 1A of 3A, tape 1 of 3 at 7:50 P.M.**

Manny Silva continued that Parrott Drive will have a dedicated left hand turn.

Attorney Thomas stated that you can never determine what the public will do. These left hand turns are more prevalent down South. When you don't have the turning lanes most of the accidents are rear-ending accidents. Those can be more dangerous, he added.

Comm. Perillo stated I have another question that is architectural and for my own benefit because I am not an architect so forgive my ignorance, maybe I will learn something.

You said that the brick for the bank and the brick for the far right restaurant were the same to provide consistency, which was good. Then you mentioned that the stone in the left restaurant and the stone on the right were different but that was good because that was providing diversity. So my question is what is it consistency or diversity?

The intention of the brick is to tie the two buildings on either side (inaudible) the brick here is for an accent, stated Patrick Tiso. We wanted to show this building different then this one to break up this. The stone is introduced to break that up, stated Comm. Perillo.

**Richard Jager, 2 Coppel Lane, addressed the Commission.** I didn't bring my letter to the WPCA. I have written two letters regarding the I & I. They have funds for that survey but that is not done yet. We are still waiting for the wet season for the I & I survey to be done. WPCA is guessing about the amount of what they will save. The last survey was done in 2004 and it didn't address what the wet day maximum would be. As far as traffic goes, the report was just handed in today and we need to look at that. Thank you.

**Carl Fleming, 3 Rushbrooke Lane, addressed the Commission.** I have lived here for about 4 years. I have driven all around the State and it took me about a month before I could understand Bridgeport Avenue. You can be going straight then go right if you wanted to go straight, then left if you wanted to go right. I am a good driver but it took me along time to figure out what was going on with Bridgeport Avenue.

**Irving Steiner, 23 Partridge Lane, addressed the Commission.** If we have all the traffic studies that I have experienced put up as adequate we would not have had much increase in traffic in Shelton. The studies done by developers generally favor the developer. We are in a situation that could never been considered possible if you just listened to the traffic studies.

**On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to continue the Public Hearing until May 23<sup>rd</sup>, 2006 on Application # 06-14.**

**APPLICATION # 06-26, DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATES FOR SDA OVERLAY, 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 8, LOTS 2, 3, 4) AND APPLICATION # 06-27, DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATES FOR PDD ZONE CHANGE (MULTI-FAMILY) 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4)**

Comm. Oraziatti read the call of the hearing. There were 4 pieces of correspondence, one from Nan Cohen, 56 Mill Street, one from the Fire Marshall, one from the City Engineer and one from Ron (inaudible).

**Attorney Dominick Thomas, addressed the Commission and presented a photo of the posted sign along with the notices of mailing and a Schedule A for the LIP Zone including the uses permitted on this property.** When you are hearing this you will be comparing this to what uses this Commission has zoned this property for. If the City decides to take the property as Open Space then that decision would be presented to this Board as an 8-24 Referral. This is something that is not a factor at the present time. I will make a comment on the letter suggesting that the City buy this, there are 2 houses and an out building on the property, certainly that is a concern that is not appropriate for today. There is property (a portion of the property) that was owned by Adelaide George. It was spilt up and eventually became Commerce Drive. It then became these three parcels with the two houses and an out building (garage, barn) that goes right up to the Far Mill River. The lawn goes right up to the edge of the Far Mill River, stated Attorney Thomas. Why am I saying this because the plans that were referred to and discussed by the Engineer have under gone some changes as we went through the process that you require, that are conceptual discussions with Inland & Wetlands.

As a result of that serious hard nose discussion we looked at and actually the plans presented today still have the 16 units but we have pushed them further away from the river. We also took the time to hire and do a wetlands impact study, an environmental study. I will submit that for the record. This is also on record at the Wetlands Comm., stated Attorney Thomas.

This property at one point, Old Mill Road ran through the property across the Far Mill River to what is now (inaudible). In the Far Mill River there appears to be bridge abutments. Old Mill Road is now the Right of Way used by these two properties, Blockbuster Video and the Bank.

As you can see by the Schedule A permitted uses that I given you, the existing two uses on the property, the two homes are non-conforming uses. While they can be renovated they can't in any way be expanded without a variance. For instance if the people who live there wanted to put a porch on they would have to be denied by this Commission and seek a variance. They are subject to the action of this Commission.

Given the permitted commercial growth that has gone up around this site and the corporate growth around this site along with the rezoning from Residential to LIP the value of single family residential has diminished.

Access to the property as I said is the right of way guaranteed by deed, stated Attorney Thomas. The right of way is access to Old Mill Road and there is access to Bridgeport Avenue by the intersection that is heavily traveled. The banking establishments uses that drive. The uses for this property are light industrial, manufacturing, and a laundry and dry cleaning operation.

One of the problems that you have with this site, which is zoned LIP, which is 2.5 acres, is that the topography slips down to the Far Mill. It is a narrow piece of property. You could put a laundry operation in there. The trucks could drive out and try to make the turn out to Bridgeport Avenue. You could put another banking establishment there. You could put an office building, you could put a woodworking or a painting shop, you could put a tire shop, a welding shop, or a machine shop. These are some of the permitted uses on the site, not single family residential.

Yet this site is a transitional site. You have to the North of this single family residents, to the Northeast you have a large undeveloped LIP portion owned by the Wells Family and to the South and South East you have retail, corporate, office, hotel and Split Rock. So it is clearly a transitional dwelling. The current site, the current uses are in no way protective of the Far Mill River. There is water discharge. They have they lawns that they fertilize that could run into the stream.

When you look at the uses, if you use the old property, the thought of a fee connector between the two parcels of the land trust property really is a dream. Our proposal is to take this property in its transitional stage and propose 16 luxury condos. We have after our discussions with Wetlands taken the initial proposal and flipped the condos. We have created an access on and off of Commerce Drive. It is further away then the accessing right of way exit, stated Attorney Thomas.

Any of the uses that I have given you could be low intensity traffic if there are only two people working. Many of the realistic uses that could be made on this property in the LIP zone would generate traffic including truck traffic. The traffic report that we submitted to you tonight, basically shows residential use of the condos generates 9 trips in the morning and 11 trips in the afternoons.

The big advantage to our site, based on comments from Wetlands, when they took a look at this they analyzed the site and looked at water quality issues. You have the buildings right up to the River but our proposal is to create a fee strip to the City along the Far Mill River with a walking path and we would engage in replanting of the bank of the River with appropriate plantings.

The applicant will take the path through the Land Trust property to the East up to Bridgeport Avenue and also take it through the Land Trust property to an area that we believe in the Commerce Drive reconstruction plan is being designated up Far Mill River. There by having access to park, to walk and to fish, stated Attorney Thomas. So we will be restoring the Far Mill to the way it should be. We are comparing this to LIP Schedule of uses, we are comparing this to a professional office with parking located on the site, a bank, laundry and dry cleaning, painting and woodworking, welding, printing and publishing establishments, printed material trucking business, those uses are permitted by your zoning regulations.

We believe that this is best suited for the transitional zone. To explain that technical aspects I will call on James Swift, stated Attorney Thomas.

**James Swift, Professional Engineer, addressed the Commission.** This map is a 500-foot radius map of the parcel. You see Commerce Drive at the lower portion of the map with our parcel in the center. This is Bridgeport Avenue on this side. There is dedicated Open Space when Commerce Drive was built which is now owned by the Land Trust. We have a couple of residence on the corner of Mill Street and Bridgeport Avenue. We have the Blockbuster Video store down hill. Everything on this side of Bridgeport Avenue is zoned LIP. The Blockbuster Video, the two homes, all the vacant land and the Land Trust Property is LIP. Across the street we have the Tetley Tea building and Mr. Scinto's building in this location.

Does that map show us how Commerce Drive will look in the future, questioned Chairman Cribbins? This particular map is Commerce Drive as it exists today. The map is based upon the first discussions.

The river is in this location of the property line, down the center of the River there is a pair of houses that access the site through a driveway access road that comes down to Bridgeport Avenue. That driveway comes up to the two houses in this location. There are existing trees down to the edge of the River. The houses are close to the River. The out building that we refer to is here. James Swift stated that the garage has an outdoor sink in it that runs to the River.

James Swift explained that the proposed development will have 16 dwelling units consisting of 4 buildings that will be accessed off of Commerce Drive. There will be an access drive down the hill with the garages on this side. This was changed when things were flipped and you can see the difference from the originals. These dwellings are off set from the street line. We intend to post a heavy buffer for the residents of the dwelling units and for the town itself.

This switch allows for a greater ability to make these attractive to the River. We have an opportunity to take those areas for driving up to the rivers edge. We do propose a pedestrian path that will pass through the Land Trust down to the River. We haven't shown any boundaries into the Conservation Land and we are open to fee strips.

This is the site plan and these are appropriate as they relate to the site. This drawing shows the site plan. One issue was with the Fire Marshall that shows the 24-foot wide lane coming down. The driveway comes along here and what we did with the units and driveways we wanted 18-20 feet between the garage and the driveway. There are enclosed garages and have included visitor parking in front of these units. We have also designated 8 visitor parking spaces. For emergency vehicle access we come in through a hammerhead entrance and it is designed to be large enough for a Fire Truck. The proximity that we have for Commerce Drive accommodates a Fire Truck.

The building coverage is 16.3%. The coverage is almost twice as much. The impervious coverage is at 36%. The allowed is 75% in the LIP. The LIP has many things as a matter or right. In regard to the River we need to present the PDD, stated James Swift.

**End of Side 1B of 3A, tape 1 of 3 at 8:35 P.M.**

James Swift stated that the elevations show that we have 20 feet from Commerce Drive down to the River. There will be a buffer along the road. These will be flat here into the driveway with a gentle slope coming in to the units about 3 feet coming up in this direction. It is a gentle slope. We will make a nice retaining wall. This area is a little high. The retaining wall will be 6-8 feet high. The wall will give you some separation from private to public space down here.

The water in the Far Mill River shows a three-stage water run-off system. We went to the State for the discharge practices. We will protect the river from hazards such as sand and snow. The system will balance the cold water. The discharge is very important to the situation. The water will be discharged over the (inaudible).

The storm water discharge by volume is always an issue. The storms that you get in the summer don't have any discharge into the River at all. We want to make sure that none of that gets to the River. At the height of the 100-year storm the discharge will be 11.8 per second above the existing. The reason why we didn't purpose any retention facilities is that there is over site use. A storm like last Sunday will make rain fall on our side with private concentration that lasts for about 10 minutes on this site. It will go down stream. That same storm will occur for miles up stream in the river. Our water will disappear but the water in the river will take 16 hours to come down to our site. The river is not flowing up and what happens is that our water will be gone but the other water will be there. It won't increase the Far Mill River flow. The storm water run off from our site will have no effect on the Far Mill River.

We would like to submit a storm water run-off mitigation report originally done for Wetlands. This Commission will find in informative as well. I would like to talk about the FEMA flood elevation on the site, which is the heavy purple line coming down in this area. This development is a non-factor when it comes to that FEMA flood line, stated James Swift. You could pull everything outside of that line and it wouldn't have any effect on it.

There is quiet a bit of pitch in the River and in this area the FEMA elevation is about 135. Our garage elevation is at 154. It is considerably above the FEMA flood elevation. As you come down river the elevation is 135 with the elevation for the lots here at 138. We are not quiet as high but still 3 feet. We will include the way the FEMA flood elevation flows. This is the area where the garage is. This FEMA elevation is loose in here and will accommodate that flood elevation. In relation to the River we make a good trade off for the existing conditions and what we are doing to enhance the River. We will take all the development that exists and mitigate it with plantings. We will treat all the run-off and last but not least we will have a public access that will connect Far Mill down to Bridgeport Avenue.

James Swift stated that we should verify that FEMA flood issues as they cut through the site. We have done that in the same manner that the Army Corps. Of Engineers would have done.

The 100-foot setback is a concern with the river but the comments of the City Engineer will be reviewed by and he will work closely with the Wetlands coordinator in regard to that issue.

The driveway to Commerce Drive is an interesting situation. We looked at the driveway on Commerce Drive and we looked at putting the driveway in at Bridgeport Avenue. I guess that I will leave that to the traffic Engineer. A lot of it comes down to common sense.

You will see the trips generated are somewhere about 11 trips during the week. That is compared to the light industrial that would be about 65 trips, stated James Swift.

What will happen is the trips from the residential will be more than likely be going in the opposite direction as the trips from the commercial. If this was LIP the trips will be coming toward this site. You would be adding traffic as it is coming toward this direction. We expect some of these owners to be following the peak during the week but the (inaudible).

There are intersections and this development would not change the level of service at any of them. It would not have any impact to that traffic.

Common sense will tell us that Bridgeport Avenue is not the best place to try to put more traffic, stated James Swift.

**Joseph Mingoello, Mingoello & Hayes, Architect, Huntington Street, Shelton, addressed the Commission.** This is a 4 unit condo complex. There are 2 units here, 2 units here grade change between these units. The grade change is also a façade change. The units are 25 foot wide and every 50 feet there is a break in façade both vertically and horizontally. We worked with the grades to enhance the façade.

As you drive from Commerce Drive you will access these units from the Far Mill River side. These units are set up, because of the typography these units are set up, as 2 unit buildings and a garage at the lowest elevation. There is vertical and horizontal separation so you enter the garage at this elevation. There is a stair on the exterior that gets you up half a level then you enter the foyer bringing you up the whole level. Or you can enter through the garage that will bring you into the upper level. All of this grade level, that we call the basement level. You come into the foyer with a living room and a nice deck, then you'll continue down the hallway to a powder room/storage room, there's a dining room that separates the living area and the kitchen area in the back. There is also a deck in the back. The important space because of the Far Mill River had to be the living room and master bedroom. We wanted decks with the views. There is a well-landscaped buffer.

Each unit is about 11000 square feet, the basement 1125, 1150 for the upper level, there are two bedrooms, the master bedroom with dressing room and bath, the second bedroom has a bath then you go up one more flight to a loft, stated Joseph Mingoello.

We had planned accessibility and space for the elevator. You can enter the elevator through the garage. So we can accommodate the different levels.

There is a vertical separation and this steps up so if you enter here it goes to grade then you get into the foyer, the deck, master bedroom and we try to use the heavy brick face. We tried to break the units up a bit. We have brick, we have stucco, and the asphalt shingled roofs. The loft is 900 square feet and could be used as an office.

Attorney Thomas stated when you look at the traffic report remember that it could replace most sleeping drugs. Traffic Engineers will say that there is no impact. What the reports do is analyze the level of service? So when they say there is no impact it is on the level of service. We believe, we realize what the impressions are, when you look at the site, when you look at what it is zone for, when you look at the transitional area, when you look at what is going up around it, when you look at what we have tried to address concerning the environmental issues and other issues, I believe with all its issues will be more friendly to the Far Mill River. It is friendlier than any of the other uses I presented to you, he added.

Chairman Cribbins asked if Attorney Thomas could give him some idea of what the cost range would be? Attorney Thomas answered that they would be in the \$500,000.00 per unit, give or take, price range.

Comm. Oraziotti questioned if there would be individual trash pick up? There will be individual pick up. The garages are where the cans will be stored.

Comm. Sylvester questioned the garages facing the River? The garages are on the bottom with the three levels above it, answered Joseph Mingolello. I would want the garages on the other side, stated Comm. Sylvester. We believed that would be better but Wetlands asked that we move them.

Wetlands had concern with the impact to the River and the 100-foot upland area. They required us to flip the buildings, stated Attorney Thomas. I fish in a beautiful area and it seems to be that River is used a lot for recreational activities, stated Comm. Sylvester.

They looked at the height of buildings being too close to the River. They stated that if you walking down this path you don't want to see this pavement. The big part of this was the Wetlands and the buffers, stated James Swift.

I took some pictures across the street and it is surprising how the vegetation on this side of the River breaks it up. You should see that before all the leaves come out, stated James Swift.

Comm. Harger asked about the space between the buildings? There is 16 feet between buildings, answered James Swift. There is enough room for maintenance.

**Joe Welch, President, Shelton Land Trust, addressed the Commission.**

Unfortunately we were not notified of the redesign plan and we spent a lot of time modifying what was presented. We were not consulted on any proposed trail. We saw it in the mapping. I saw the Commerce Drive mapping just yesterday. The Land Trust would like to vote on rather we should put a trail through there or not. You might not need a trail.

Chairman Cribbins asked if Joe Welch would like to take some time to look at the new proposal. I would like to do that but some of my thoughts haven't changed because it is still the 2.5-acre parcel. The units that are closest to the Land Trust Property what is the space between the corner of the building or the deck and Land Trust Property? That is 20 feet to the corner of the building and the deck is on the other side, answered Joseph Mingolello. We recommended on this map it is highlighted on the Northwest side and there is .3 slice on the South that is Land Trust Property. We were looking for a buffer to be about 20 feet away from Land Trust Property. We are all volunteers and when you put a structure 20 feet within our property it really has an impact on that property. There are 12.6 acres then City Open Space and another 8 acres of Land Trust Property. We figured if we could get a 75 feet buffer. We would want a substantial buffer incase a tree falls on someone's deck he doesn't call the Land Trust saying what are you going to do about it, stated Joe Welch.

We would like to see the boundaries line and once everything is surveyed we would give them signs to post. We would like to see a significant buffer and we believe the River is an asset.

This is our Land Trust Brochure, which will tell you what we are all about, stated Joe Welch. That should be exhibit, stated Attorney Thomas. We will stamp this one in as an Exhibit, stated Chairman Cribbins.

There are over 360 acres in the Shelton Land Trust properties now, added Joe Welch. What ever happens with land trust, the open space, the greenway, that's great but that is not what I am here for. I am here to protect our existing parcels.

**Gildore Pastore, Yutaka Trail, addressed the Commission.** I live on the Far Mill River and I will be impacted by this proposal. I went out over the weekend and took video of various constructions sites with storm drains along Bridgeport Avenue. What came down the River by my house after Sunday's storm were probably tires, probably about 200 dunkin donuts Styrofoam cups, trees, and commercial tires. I have been living there for about 20 years and for the last 5-6 years this is what I am seeing.

I took my hand and put it under the storm drain run-off at Split Rock and I wish you could see this video. I will submit a copy for the record. My fingers disappeared and the visibility is astronomical. I have it on the Video, stated Gildore Pastore.

If you have 2 acres with 2 houses on it that should be all that would be allowed to be built on that. This development is ridiculous and it should automatically be thrown out. You should deny it.

I brought in still pictures of the silk run-off at Split Rock and the construction site at Commerce Drive. The water goes from clear to muck, muddy water. These developments will impact this River, stated Gildore Pastore. This is an open invitation to come to my house.

**End of Side 2A of 3A, Tape 2 of 3 at 9:20 P.M.**

Gildore Pastore stated that there 8 trees that have eroded. This is because of the massive development going on. In this area keep it R1 and we would not have that problem

Mr. Swift stated that it takes 16 hours for that water to flow in the River downstream. His numbers are so far off. I will give you an example of how the water flows in the river it takes 2 hours for water from Huntington Center to reach my house. If you live North it might take 3 hours. So the water flow that this will create will add so much to the river it will become a threat for the people living downstream on the river.

Next time it rains you are welcome to take a look at the river. If you have one inch of rain it literally raises it 4 inches. Back 20 years ago one inch didn't matter. This is what is happened down stream. This should be denied and it is ridiculous that you even look at anything like this. The acres should have 2 nice houses on it. I will bring you that Video this week, stated Gildore Pastore.

**Tom LaTulipe, Toas St., addressed the Commission.** I like Shelton and I have lived here all my live. I can remember the Flood of 1955. There are some people who don't remember that. I saw houses going down the railroad tracks and I saw people floating in the river. It was devastating. With this past weekends storm I saw 5 inches of water. When they say this is the flood area, they don't know what the flood area is. If we get a large amount of water things of that nature it is devastating.

We have a great amount of water in the Far Mill River. Builders come in and put up buildings. They put their debris anywhere, even in the River.

Another thing that they bring up is the houses that are there now, I am sure that there was no zoning board at that time. People are concerned about Shelton and spending a lot of hours here. There are not getting paid for that.

I heard nothing mentioned about the accidents on that road. I know one in particular the car side swiped another car and if you looked you would wonder if anyone got out alive. That is just one accident. It is a dangerous road. In the morning, afternoon and evening they are going home and they will go as fast as they can. In the morning, they left a little late so they are rushing. On Bridgeport Avenue you don't where you should be turning left, the center lane (?), if you go out of Staples you can't turn left so there is another exit. How do you know where to be especially if there is snow on the road? You can make a right turn on red, which admits to me that there is a lot of traffic here. We will be voting on the Intermediate School and we are trying to curb the impact on the schools. No one mentioned the impact to the City services such as Police and Fire Department. I thank you for your time and I would strongly urge you to deny this.

**Irving Steiner, 23 Partridge Lane, addressed the Commission.** My information was based on research in the Inland Wetlands area and Conservation area, which therefore has been distorted and possibly a little incorrect due to the flip that occurred here. All the other Commissions have received not this configuration but the original configuration.

You have been done a disservice, stated Irving Steiner. They feel that this is what will happen. I know that the Conservation Comm. was not made aware of this entire action. They will delay an evaluation for the next meeting because there will be a public discussion here tonight. I would like to read what I had put together as a speech in regard to the original presentation. Would you like to review your speech with regard to the new information and hold off until May 23<sup>rd</sup>, 2006, asked Chairman Cribbins? I would like to just while it is fresh in mind, stated Irving Steiner. If it is not applicable now, stated Chairman Cribbins. It is applicable because I feel this Commission has been done a great disservice, stated Irving Steiner.

This application should be reviewed in light of the new regulations that this Commission will now implement where gradual changes in zoning will be considered to minimize the financial impact to neighbor's property and the environment.

It is obvious that the previous introduction of Blockbuster Video into the R1 area seriously undermined the financial value of the properties involved in these applications, stated Irving Steiner. They have further suffered from a long litany of problems beginning with blasting damaging wells and other residential structures located between Commerce Drive and Mill St.

Serious consideration should be given to this application, now this is based on previous research, P & Z must due diligence to buffer the impact to remaining R1 property and the Far Mill River Road. A development of non-residential nature would better suit the site and the neighborhood rather than 16 units condos proposed.

Remarks were made about the two buildings and the stress was on non-conforming. They have been there for years and they were there at the time of what was the population then. There were no laws regarding a cheater pipe by one house on the Far Mill River. It was unheard. They are out of conformance. So Mr. Swift says this is what people will do. Well yes we will have 16 units of this is what people will do, stated Irving Steiner.

The level of service that the traffic report states will not be generated, this is the word from Attorney Thomas. You can't lower the level of the service at Bridgeport Avenue intersection. It is in alphabetical order and there is no alphabetical letter for it. I feel it is deception. I feel that intersection is totally degenerated.

This application when put through a conceptual at Conservation Commission as Aspen Ridge bore a different address. It received a thumbs down. It was then put forth to the Wetlands as Application 06-08 as happens to be on your Schedule as Corum Hill Development. Apparently Wetlands uses the same numbering system. Wetlands didn't give the application high grades and suggested it might be denied without prejudice. This again was based on the original configuration. The City Engineer also didn't recommend approval because FEMA's flood plain was in question. The application before you know makes no mention of Aspen Ridge and has different addresses, application numbers and name. It is a difficult application to track.

Mr. Swift states that everyone has the right to develop his own property. Well I agree with Mr. Swift except when the development proposed impacts on the neighborhood and environment in a detrimental manner, stated Irving Steiner. I think that is a summary of what I researched and I got confused at what I call smoke and mirrors and what has occurred with the other Commissions who should be able to review the new configurations.

**Martha Pulson, 64 Sunset Drive, addressed the Commission.** I see we are talking about (inaudible). I am concerned about the ledge and blasting which will change the course of the river. Kindergarten children get dropped off in front of their homes, where will the school bus drop off these children? Exactly what will be done with the trees? Will the people on the left wave to all the people on the right? Change the zone to Open Space and let's keep the two houses that are there now.

**Richard Jager, PE, 2 Coppel Lane, addressed the Commission.** I am not too far from this site and bank at Chase so I visit the site frequently. The two residents are not adjacent to river that we saw in the plan, the garage is. The residents are farther from the river. I am against this development, I think that it is over development. It is too much and they didn't flip because it was safe. Wetlands thought of it and said it would be flooded. If you flip it would not flood so Wetlands forced them to flip it.

The City Engineer was against the original plan, I don't think he has seen this. You should continue the hearing to 5/23 and I agree with that.

It is unfortunate that it is light industrial now and only Blockbuster and the bank adhere to that. We have been threatened with this type of development before in Avalon. Wetlands was correct this will effect the river. It was a mistake to have made this LIP if you would make it R1 it would be great, stated Richard Jager.

**Edward McCurry, 14 Arden Lane, Vice-President of the Shelton Land Trust and I sit on the Shelton Conservation Commission.** The members of the Land Trust recused themselves from taking a vote on this application. Joe Welch stood before you stating that it wasn't his job to tell you rather it should or should not be built. Well he left that job up to me and it should not be built. The irony of it is that we would agree that to leave the residential use there is better than what is there now.

When the application was presented to Conservation they did show the proposed trail just to connect to the Land Trust as an easement. They didn't show the trail through the Land Trust Property. Mr. Scinto has contacted the Land Trust many times asking for better access to the River for his people. This application that allows foundations within 20 feet of the Land Trust Property is simply unacceptable and we won't allow it.

Wetlands has begun the process and we will have to play that card. The legality of the PDD process, no one mentioned this, that process which has served Shelton very well amazes me but the courts have ruled that this is not a proper procedure. This is in the Appellate Court and I believe they got it right that that doesn't have any guidelines.

Shelton's process is one of which that says bring us what you are proposing current zoning be damned if we like it we will allow it. That is not what the Statutes allow. We simply can't tolerate something of this density right adjacent to the Land Trust Property.

One question that was not answered is the height of the structures from the garage level? What is the setback of the paved portion of the access drive to the Land Trust Property? The bottom line is that this proposal is too dense and it would have been nice if they had come to the Shelton Land Trust to talk to us about what they were proposing, stated Edward McCurry. Right now the Land Trust is opposed to this application.

**Nancy Steiner, 23 Partridge Lane, addressed the Commission.** I didn't come with a speech prepared tonight. I came to listen and I think I listened very carefully. I for one take homage at always being threatened that if you don't give us this you might get a laundry, you might get a drive thru, you might get a printing shop and it goes on and on. I don't think that is the proper line to take and it doesn't endear anyone to anybody.

Describing these as luxury condos that will sell for half a million dollars. I am not sure anyone will want to live in a luxury condo that is located 50 feet from one of the busiest streets on one side and behind a Blockbuster. It is not a site for a luxury condo.

The last comment is that I heard the word hope, we would hope that the new owners would travel against the traffic. That is there hope it is not a real statement, stated Nancy Steiner. Another one was hopefully with the buffer these people won't hear the traffic behind them. I just don't think that this makes common sense for all the reasons everyone has stated. I personally am not for this. I am not in favor of a woodworking shop being there. People who live along that River have told you what is being done there we need to be proactive in protecting that resource. Thank you very much.

**Carolyn Fleming, 3 Rushbrooke Lane, addressed the Commission.** I am opposed to this because it is over development. You would do well to consider keeping this R1.

**George Brent, 2 Daybreak Lane, addressed the Commission.** I would like to know where the bus will stop? If they stop on Commerce Drive it will impact the traffic and the public safety of those children. If the bus will stop in that development that will change the bus schedule and impact the times that the children will be getting home.

**Tom Harbinson, 15 Soundcrest Drive, addressed the Commission, I am a member of the Conservation Commission.** The plans that you just received today. I have a hard time with some of the comments made. What exists are two non-conforming homes that can't be expanded. That is a low impact and the current use is not protected. I don't think it is appropriate to say what people will do or not. I thought it wasn't appropriate for people to cut trees along another River but apparently people do that. We should not say what may or may not happen.

Similarly you should not say that you could put a blacksmith shop there, you should say you could apply to put one there, stated Tom Harbinson. That situation would require an analysis of the traffic, egress and safety issues. That is a possibility that could be considered.

Several Aldermen asked the Conservation Comm. to investigate this property as Open Space. The Engineer gave us a conceptual and asked if that was on our Quality of Life List. I can't reveal that. That process though allows us to evaluate properties in the City that could be valuable as Open Space. That doesn't mean that it is not appropriate for trails.

I mentioned that I do my banking at Chase, the manager has said that there are a group of kayakers who wanted access to the River, stated Tom Harbinson.

I was emailed some video from the weekend storms and it was very shocking. Thank you for keeping the hearing opened and allowing us to review the new plans.

**Diane, Mill Street, addressed the Commission.** I urge you to deny this project. This land is far more suitable and valuable to all of us as Open Space. There was no reference made to the fact that Mill Street is a town designated Scenic Road and that will be greatly impacted by the 16 condos. I have seen the impact to the scenic roads when Long Hill Cross Roads was constructed.

The land at the South End of the River is far more than the Water Company property. I urge you to deny this because of the blasting and the effect that will have on the homes downstream. The views will be changed to be so that we will be looking into garages.

I would like to address the traffic issue. I find it impossible that the 16 cars and 8 visitors will generate 7 morning trips. I can't credit that. I imagine that these cars will generate 32 trips while everyone is leaving for work in the opposite direction of Bridgeport Avenue.

I am concerned with the run-off. I am interested in other neighbors with regard to what has been floating in the river. I found a gas tank, there has been coolers, and all sorts of bottles floating down stream.

The legality of the PDD is very much in question now and the designation with regard to the PDD. For all of these reasons I ask you to deny this application.

Attorney Thomas answered some of the questions. It is a tough situation to point out what your zoning is. I wasn't trying to threaten and no one should take it as a threat. I was trying to establish the record.

When you talk about buffers it is 25 feet with the factory 40 feet away.

P & Z COMM.

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We can put a farm wall in so that can establish the actual space, stated Attorney Thomas.

This corner has a pull up right on the State project. This is right on the line that allows public parking, stated James Swift.

**End of Side 2B of 3A, tape 2 of 3 at 10:05 P.M.**

Attorney Thomas continued that the children that will live here it may only be one in the age group of 0-5years old and one child in the age above that.

The height of the building is the 40 feet required.

With regard to the Wetlands, this conceptals are something that comes from exchanges back and forth.

If you change this to put 2 houses they would start by knocking down the old ones. Those houses then would be 35,000 square feet and probably generate 4 school children.

The traffic level can be an F, stated Attorney Thomas.

**On a motion made by Virginia Harger seconded by Daniel Orazietti it was unanimously voted to recess Applications # 06-26 and 06-27 until May 23<sup>rd</sup>, 2006.**

**Chairman Cribbins stated that the Old Business Applications # 05-64, 05-66, 06-08 and 06-20 will be taken up at a later date.**

**On a motion made by Daniel Orazietti seconded by Virginia Harger it was unanimously voted to adjourn at 10:10 P.M.**

Respectfully submitted by,

Diana Barry,  
Clerk