

The Shelton Planning & Zoning Comm. held a Special Meeting on May 23, 2006 in the Shelton City Hall Auditorium, 54 Hill Street, Shelton, CT.

The following members were present:

Chairman Alan Cribbins
Comm. Anthony Pogoda
Comm. Virginia Harger
Comm. Leon Sylvester
Comm. David Oraziatti
Comm. Karen Tomko-McGovern
Comm. Jason Perillo

Staff present were:

Richard Schultz, Planning Administrator
Anthony Panico, Planning Consultant
Maryanne DeTullio, Secretary

Members absent:

Comm. William Papale

Tapes 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 at 7:05 p.m.

PUBLIC HEARINGS

APPLICATION # 06-14 DOMINICK THOMAS ON BEHALF OF CROWN POINT REAL ESTATE 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 (HEARING CONTINUED FROM 4/25/06)

Attorney Thomas stated that the public hearing was continued for discussion on the traffic and they can answer any questions or if the public would like to comment they would like to rebut at the conclusion of the public comments. Chm. Cribbins stated the hearing was continued to allow the public time to look over the information presented and make comments. Daniel Oraziatti read the call of the hearing and stated that there were no correspondence.

Atty. Chris Smith, Shipman and Goodman, representing Armstrong Park Associates and Armstrong Park Developers stated that they are opposed to the application. He presented an Opposition Packet regarding this application. They are the owners of a high-end office park immediately adjacent to the subject property. They feel that this project fails to satisfy the standards required for special exception approval and it is too intense and inconsistent with current and proposed plan of conservation and development. It will adversely impact the operation of Armstrong Park and underlying property values.

He also stated that other experts will testify tonight on this application. He stated that Armstrong Park was contacted about the possibility of having the driveways connect with Armstrong Park property and the applicant's property. That is not something that Armstrong Park can be under the present leasehold provisions with current tenants. He stated that this matter involves a project that is subject to special exception review and approval. The property is approximately 4.87 acres in the IA-2 zone. That zone permits a number of uses as well as prohibiting a number of uses. Each use that is permitted is subject to either a certificate of zoning compliance with minimal standards of review, a site plan with greater standards of review or a special exception review and approval, which has greater standards of review. The Commission has the discretion to approve or deny based upon the standards set forth in the regulations including whether the project is too intense for the neighborhood, consistent with the plan of conservation and development and whether a proposed use will have an adverse impact on other existing uses. He stated that they have real issues with this type of development on Bridgeport Avenue.

Paul DiMauro, Fusco Management stated that this office park was built in 1958 and is comprised of three buildings. He stated these plans show three buildings but there is a section that could be developed in the future but no one knows what that will be. He stated that this will definitely hurt the values of their properties and put them in an unfair advantage with other office parks in the City.

The area will not be attractive. He stated that they are also concerned with increased traffic in the area, which could result in security issues.

Tom Pajolek stated that he leases office buildings and this development could have a lasting effect on their office park. There are security concerns for their tenants with increased traffic from this development. It would be a detriment to the leasing of their buildings.

Brian Miller, Eastern Land Use Analysis presented a Planning Analysis of this application. He stated that he reviewed the application and the IA-2 zone is oriented toward regulated economic activity. He stated he also looked at the effect of the proposed use on the plan of conservation and development. He stated that the strength of the economy of Shelton is with corporate and office development. He felt that this will have adverse impacts on adjacent properties. He stated that he reviewed the 1992 plan as well as the 2006 draft plan, which has not been adopted but reviewed and subject to public discussion. He stated that the plan states that corporate office development has a greater possible fiscal impact to the community that which is being proposed. He also stated that this is not consistent with the criteria for special exception.

Atty. Chris Smith stated they have concluded that it will have an adverse impact on their office park. This is a high-end corporate office park and they have never opposed any application before. This is a very intense use with two restaurants and a bank on one property. He asked that the application be denied, as it is inconsistent with standards for special exception.

Margaret Deskin, 26 Hubbell Lane stated that there is a lack of restaurants in Shelton and this would be well received by the people of Shelton. She stated that Bridgeport Avenue is a commercial district with easy access and not really a woody setting. She was in favor of the application.

Bonnie Tuskowski, 1 Shelter Rock Road stated that there is a need for more restaurants in Shelton. She stated that she does not see the adverse impacts to the office park and felt that the commercial area should be kept on Bridgeport Avenue. She was in favor of the application.

Albert Kondash, 18 Keron Drive stated that he was in favor of the application. He felt that the details of the buildings will enhance the area and will create taxes with minimal impact on City services.

Jeffrey Doolan, 804 Bridgeport Avenue representing the mobile home community stated that they have concerns that there will be increased traffic on Bridgeport Avenue, which will affect their residents. He stated that they are also concerned about setbacks, noise and light and the board should consider the residents' rights.

Gregory Fracassini, 338 Commerce Drive on behalf of North American Wireless stated that they support the development. He stated that the proposed traffic improvements will also help the traffic in the area.

Gail Coleman, 37 Hubbell Lane stated that she endorses the application. She stated that she does not want to have to travel to a restaurant and there is a need for more restaurants in Shelton. She felt that the development will be aesthetically pleasing.

Dan Watkins, 718 Spoon Hill Road stated that he is speaking on behalf of his mother and father-in-law and they support the application. There is a need for restaurants and this will strengthen the tax base. It is a well-designed proposal.

Carl Sylvester, 241 Meadow Street stated that there is a need for restaurants and well there might be an increase in traffic it is easily accessible and would attract business from other towns. He was in favor of the application.

Rich Jager, 2 Coppel Lane stated that he lives around the corner from the development and it is too intense for the area. He stated that impervious area will be greatly increased.

He also stated that the Route 8 corridor update plan shows this area for manufacturing. He stated that there will be an increase in traffic and there are safety issues. He is opposed to the application.

Irving Steiner, 23 Partridge Lane stated that he is opposed to the application. He stated that we do not know which restaurants are going in there and also questioned the hours of operation for the bank that were quoted at the first hearing.

Andre Czaplinski, 11 Perch Road stated that he is favor of the application as it will add to the tax base and it is needed in Shelton.

Chris Panik, 19 Megan Lane (Maiden Lane) stated that there is already a development on this property and the Commission needs to look thoroughly at this application.

Atty. Dominick Thomas stated that the hours of operation for the bank that he quoted were used by the traffic engineer when the study was done. The traffic report indicates that this will be an appropriate use. He stated that a letter dated 4/13/06 was sent to Armstrong Park advising them of the project. He stated he also communicated with them to see if there could be an interior connection. At this point he found out that they were going to oppose this application. He also stated that Robert Scinto has indicated that he has no problem with the application and presented a petition signed by employees in one of the Scinto Towers supporting this application. He also submitted a letter from Star Commercial Real Estate stated (stating) that this development will be a beautifully landscaped site with single story high-end construction.

He also stated that the individuals in the building at this time are moving and the building will be vacant if this project does not go forward. He presented copies of the Assessor's map showing the various uses of the properties in this area. This is a mixed-use area not just an office area.

He stated that with a special exception application the Commission acts in its administrative capacity. The property owner can put the property to use in accordance with the considerations of that special exception. The discretion as a Commission is to review the evidence, not the opinion, and look at whether it supports those considerations. He stated that the cases that support that are many that the opposing counsel were involved with. In looking at the plan of development and the Route 8 corridor plan and that is an area which is committed to light manufacturing, offices, dining, etc. He brought up a case where opposing counsel represented an applicant for a similar type development.

He stated that this is two separate parcels and on it presently is 50,000 sq. ft. metal building metal with masonry roof. The proposed project will be three architecturally high-end buildings totaling approximately 18,000 s.f. He stated that the Commission has approved applications for other restaurants, banks, retail use and other commercial uses in this area on some smaller sites.

He stated that there will be improvements made to Route 8, which will enhance the traffic conditions. These will also enhance the office park and the entire area. This project will increase the tax base. The WPCA has approved this, which will also bring improvements to the sewer system. Additional landscaping will be done as necessary. He stated that they can assure that the lighting will be away from the mobile homes. He stated that this is a permitted use subject to conditions, which have been met. He stated that the impervious area will actually be 4% less than what it is now.

Atty. Thomas stated that whatever goes on the rear portion will be controlled by this Commission. He stated that they have complied with all considerations.

On a motion made by Anthony Pogoda seconded by Jason Perillo it was unanimously voted to close the Public Hearing on Application # 06-14.

APPLICATION # 06-26 DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATE FOR SDA OVERLAY, 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4) (HEARING CONTINUED FROM 4/25/06) AND APPLICATION # 06-27 DOMINICK THOMAS ON BEHALF OF LAVA REAL ESTATE FOR PDD ZONE CHANGE (MULTI-FAMILY) 667 BRIDGEPORT AVENUE AND TWO ADJACENT PARCELS (MAP 38, LOTS 2, 3, 4) (HEARING CONTINUED FROM 4/25/06)

Daniel Oraziatti read the call of the meeting for both applications and a letter dated 5/15/06 from the Conservation Comm., which stated that they had serious reservations regarding this proposal. They felt that it is too dense and too close to the Far Mill River.

Chm. Cribbins stated that the hearing was kept open because the site map we were shown was slightly different-it had condominiums flip flopped to the other side so we wanted the people to get the understanding of that. Also the traffic study was given out and the members wanted time to review that as well as the environmental report.

Atty. Dominick Thomas stated that this property is zoned LIP and it has two (two) older homes on it. There will be a fence strip along the River. He stated that they met with the Land Trust and had a site walk with them. They have modified the proposal but they were not happy with the modifications. This is a very low impact use. They have moved the buffer, added more landscaping and plantings and increased the buffering.

Dave Sullivan, Barkham (Barkan) & Mess who prepared the traffic report was present. Mr. Panico stated that in the report it indicates that the current posted speed limit is 25 mph and with the reconstruction will that be the posted (posed) speed. Mr. Sullivan stated that he did not think that they will change the posted speed limit. He stated that there will be some grading and alignment improvements.

Jeff Shamus who prepared the impact assessment and mitigation report was presented. He stated that they will be utilizing the existing driveway and limit the disturbance. They will be taking areas along the Far Mill River and restoring the riparian buffers. There will be a walking path connecting to Land Trust property.

Jim Swift stated that they have reduced the number of units from 16 to 12 and flopped the building. He stated that the City Engineer's letter refers to the flood plain and that letter was written when the buildings were adjacent to the flood plain. The units have been flipped and there is no longer any construction. He also had some concerns about emergency access and this plan addresses that in giving a 26' width across the front of the units. They will increase the planting buffer and also create a fence line along the open space. They also propose to plant an evergreen hedge to help in blocking the lighting. The plan also delineates an open space fee area.

Comm. Oraziatti asked about a drop off area for school children. Mr. Swift replied that the area on Commerce Drive has been designated as a drop off area and there is the possibility of adding an island so that the bus could pull off the road. Comm. Harger asked about sight lines and safety issues. Mr. Sullivan stated that the sight lines are greater than the posted speed and there should be no problems. Comm. Sylvester stated that when the hearing was started there were different plans than what is not (now?) being presented.

Tom Harbinson, Conservation Commission stated that the letter written by them was dated 4/15/06 and since the comments from the Land Trust the plans have been changed. They would like to review the new drawings and comment on those.

Gil Pastore asked if the units were still the same size. He also presented a book of photographs showing what is happening to Far Mill River. He stated that the impacts to the River from construction sites is substantial and there is a lot of silt going into the River.

He also stated that there is a lot of garbage along the River and the area is being overdeveloped which brings a lot silt and garbage into the River. He felt that the project should be denied because it is too dense for the site.

Joe Welsh, Land Trust stated that they previously expressed objections to the project. He stated that if all their conditions were met they could endorse the project but if not incorporated entirely they would be opposed. He stated that he feels that it is too intense and recommended removing Units 1, 2, and 3 and adding a turnaround at the westerly end.

Ed McCherry felt that the Commission should look at the conditions suggested by the Land Trust as they are reasonable and the number of units should be further reduced.

Comm. Harger stated that she did not understand why the project had to be flipped. She felt that the driveway is too close to the River. Atty. Thomas stated that Inland Wetlands was concerned about upland review area.

Rick Jager read a letter expressing his concerns with the project and felt it was too dense and also too close to the River.

Irving Steiner stated that he reviewed the traffic report and this area has had five "F" ratings. There are a lot of problems in this area and this is too dense.

On a motion made by Karen Tomko-McGovern seconded by Anthony Pogoda it was unanimously voted to close the public hearing on Application # 06-26 and Application # 06-27.

APPLICATION # 06-23 DOMINICK THOMAS ON BEHALF OF EXIT 13 CROSSROAD LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD # 50 (SPLASH CARWASH) 376 BRIDGEPORT AVENUE (MAP 77, LOT 19)

Chm. Cribbins read a letter from Atty. Dominick Thomas requesting that the hearing be continued to the June 17, 2006 meeting.

OLD BUSINESS

APPLICATION # 05-64 MDC INVESTMENT PROPERTY-XI, LLC FOR SPECIAL EXCEPTION APPROVAL (HIGH TRAFFIC GENERATOR: OFFICE BUILDINGS AND PARKING) ONE WATERVIEW DRIVE (MAP 65, LOTS 26 AND 26 (?)) LIP DISTRICT (PUBLIC HEARING CLOSED ON 1/10/06) DISCUSSION AND ACTION

Mr. Panico read the staff report, which recommended favorable approval. Comm. Pogoda asked about the adjacent five-acre parcel and Mr. Panico stated that it is predicated on the 120,000 square foot building.

On a motion made by Anthony Pogoda seconded by Virginia Harger it was favorably voted to approve Application # 05-64. A roll call vote followed with all participating Commissioners voting I to approve with Comm. Sylvester voting in opposition.

NEW BUSINESS

APPLICATION # 06-30 R.D. SCINTO, INC. FOR SPECIAL EXCEPTION (HIGH TRAFFIC GENERATOR) LIGHT INDUSTRIAL BUILDING, 71 LONG HILL CROSS ROAD (MAP 51, LOT 7) LIP DISTRICT – ACCEPT AND SCHEDULE PUBLIC HEARING

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to accept and schedule for Public Hearing on June 27, 2006 Application # 06-30.

APPLICATION # 06-31 PEOPLE'S BANK FOR MINOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 2 (RE-CONSTRUCTION OF FREE STANDING BANK/PARKING MODIFICATION) 898 BRIDGEPORT AVENUE (MAP 9, LOT 14) – ACCEPT FOR REVIEW

On a motion made by Virginia Harger seconded by Jason Perillo it was unanimously voted to accept Application # 06-31.

APPLICATION # 06-32 GOLF CENTER OF CONNECTICUT FOR MAJOR MODIFICATION OF DETAILED DEVELOPMENT PLANS FOR PDD # 30 (BOWLING ALLEY AND INTERIOR/EXTERIOR ALTERATIONS) 784 RIVER ROAD (MAP 12, LOTS 37 AND 38) – ACCEPT AND SCHEDULE FOR PUBLIC HEARING

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to accept and schedule for public hearing on June 27, 2006 Application # 06-32.

APPLICATION # 06-33 R.D. SCINTO INC FOR SITE PLAN APPROVAL (LIGHT INDUSTRIAL BUILDING) 71 LONG HILL CROSS ROAD (MAP 51, LOT 7) LIP DISTRICT – ACCEPT FOR REVIEW

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to accept Application # 06-33.

OTHER BUSINESS
CONSTITUTION BOULEVARD EXTENSION – STAFF REPORT

Chm. Cribbins stated that he is directing staff to start working on Bridgeport Avenue to Route 108 so that we can get an understanding of that particular area. What would the road look like, what are the opportunities and what pieces of property are involved. To start to lay the groundwork of what could possible be put there?

On a motion made by Jason Perillo seconded by Virginia Harger it was unanimously voted to adjourn the meeting at 10:35 P.M.

Respectfully submitted,

Maryanne DeTullio

These minutes were submitted to the City/Town Clerk's Office on May 31, 2006 at 11:48 A.M. These are being submitted for website update and posting.