

SHELTON PLANNING AND ZONING COMMISSION MAY 27, 2009

The Shelton Planning and Zoning Commission held a special meeting on May 27, 2009 in the Shelton City Hall, Room 303 at 7:00 p.m., 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present:

Chairman Anthony Pogoda
Commissioner Virginia Harger
Commissioner Chris Jones
Commissioner Patrick Lapera
Commissioner Thomas McGorty
Commissioner Ruth Parkins
Commissioner Joe Sedlock
(alternate for Comm. Sylvester)

Staff Present:

Richard Schultz, Administrator
Anthony Panico, Consultant
Patricia Gargiulo, Court Stenographer
Karin Tuke, Recording Secretary

Tapes (2) and correspondence on file in the City/Town Clerk's Office and the Planning and Zoning Office. Attachments are not available on the website.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Pogoda began the meeting at 7:00 p.m. with the Pledge of Allegiance and a roll call. He indicated that Comm. Joe Sedlock would be the alternate for Comm. Sylvester for this meeting. He indicated that tonight's public hearing is a continuation from last Wednesday, May 20, 2009.

PUBLIC HEARING

APPLICATION #09-10, PETITION OF DOMINICK THOMAS ON BEHALF OF 714, LLC FOR INITIAL DEVELOPMENT CONCEPT PLAN APPROVAL AND PDD ZONE CHANGE (RETAIL SHOPPING CENTER) 405-407 BPT. AVE. (MAP 77, LOTS 26, 27, 28, 29 AND 30)

Chairman Pogoda indicated that he had letter from the Applicant's attorney addressed to Richard Schultz dated May 27, 2009 that he read into the record requesting a 35-day extension of the public hearing in order to address all issues. Chairman Pogoda stated that he would need a motion from the Commission to accept this 35-day extension. The date that this hearing will be continued to is Tuesday, June 30, 2009 in the Shelton City Hall at 7:00 p.m.

On a motion made by Ruth Parkins seconded by Virginia Harger, it was unanimously voted to accept a 35-day extension period for Application #09-10, Petition of Dominick Thomas on behalf of 714, LLC for Initial Development Concept Plan Approval and PDD Zone Change, 405-407 Bridgeport Avenue. The Public Hearing will remain open and continue on June 30, 2009.

Chairman Pogoda reviewed the public hearing procedures for all audience members.

Richard Schultz read several pieces of correspondence including letters from the Shelton Police Department, Fire Marshal, City Engineer, Shelton Resident Mr. R. Dognin, and Shelton Residents Daniel & Judith Macy.

Additionally, he read a statement from the Office of the Mayor indicating that the City of Shelton has not endorsed the disposition of Access Road to 714, LLC or anyone else.

***See attached letter dated May 26, 2009 from Sergeant Peter Zackowitz, Traffic Division, Shelton Police Department to Richard Schultz.**

***See attached letter dated May 27, 2009 from Fire Marshal, James Tortora to Richard Schultz.**

***See attached letter dated May 27, 2009 from City Engineer, Robert Kulacz to Richard Schultz.**

***See attached letter from Mr. Regis Dognan, 342 Long Hill Avenue, Shelton, CT to Richard Schultz.**

***See attached letter from Mr. & Mrs. D. Macy, 22 Red Fern Ridge, Shelton, CT to Richard Schultz.**

***See attached statement from the Office of the Mayor, Mark Lauretti dated May 27, 2009**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addresses the Commission representing the Applicant.

Atty. Thomas indicated that between this Public Hearing and the last Public Hearing, they are presenting four returned notices from the Certification of Mailings that have been returned as unclaimed. In the letter which the Commission just read, Atty. Thomas stated that this afternoon they just received the three reports read into the record from the City Engineer, the Police Dept. and Fire Marshal.

Atty. Thomas stated that the Public Hearing concept and especially in a project of this magnitude, they believe it is important to keep the public hearing open so that they can respond to these Staff reports, and so that the public can absorb the Staff reports and make their comments and they can do so in such a fashion as to communicate with members of the Planning & Zoning Commission. If they close the public hearing, they can only communicate through Staff and then it becomes difficult to appropriately address the issues raised.

Atty. Thomas indicated that he was not going to repeat his presentation; however, anyone from the Public who did not attend the last public hearing is free to request documents from him or to look at the proposed plans. He noticed that between the last hearing and this one, Comm. Parkins is present and is going to participate in any decisions by this Commission. He noted that Comm. Parkins has procured last week's public hearing audio tapes which she indicated that she will review.

Atty. Thomas stated that Stanley Gniadzowski from Realty Concepts, Inc. did get out of O'Hare Airport where he was detained last week making him unable to attend the last hearing. Mr. Gniadzowski will present the marketing and impact studies report. Many copies of that summary were passed out to many members of the public at last week's hearing. Atty. Thomas indicated that he will also call upon Engineer Jim Swift to address certain issues that he can answer tonight from the City Engineer's Report; however, they will thoroughly digest all the Staff reports and address any issues from them in detail at the third public hearing.

Atty. Thomas wanted to clear up something from a discussion at the last public hearing about the people at Viking Tool and Blanchette's that have to go across Bridgeport Avenue at the intersection of Access and Todd Roads. There was some issue about whether or not they could be given access to the traffic light, and they can. Atty. Thomas stated that this is being addressed as part of their due diligence which indicated that it is the Town's contention, and it has been for many years, to close that portion of Access Road. There are also issues with the State DOT with respect to Access Road.

Their initial proposal would have permitted the properties owned by his client near the Body Shop and PLR Industries, to access the traffic light. PLR Industries was offered a broader and more expansive easement over the property to access the light. Had that happened, the properties at Viking Tool and Blanchette's would have gladly been provided access to that light. However, the negotiations with PLR were not productive.

In the mid-90's when Mr. Shaungey subdivided these properties, he developed the two properties with a lot in the back and a spike strip. Mr. Swift drew around the area on the displayed site map to illustrate the location being discussed. Atty. Thomas continued that at that point, either Mr. Shaungey had bought a bad Oldsmobile or Cadillac from Crabtree or he was just very upset with them because he deeded it to DTM Concepts with the requirement that they not allow Crabtree Haas any access across their piece of property. Three or four years later, Mr. Shaungey must have gotten a better car or whatever, and sold this piece (which has a 25 foot strip) to Crabtree Haas. However, no one bothered to straighten out these issues. As a result of which, utilizing what was in the deed, certain demands were made on them in negotiations with PLR that they did not feel were acceptable. As a result, the project has been designed with the entrance in another location.

Atty. Thomas stated that this leads into Access Road. Some time ago when he was doing another PDD, an issue was raised about Wetlands. It was explained at that time that a developer had the right to go forward with Initial Concept Plans without getting Wetlands approval with the understanding that he's taking a risk when he goes in for the Final Site Development Plan. In this situation, very early on, before the purchase of the property, as a representative of the developer, he met with representatives in the City and to confirm what they have heard – that the City had asked its Engineering Dept. on its own to hire an entity such as the McGuire Group to design the closure of that portion of Access Road in front of Crabtree Haas & the Shelton Mitsubishi Dealership. It had been on the drawing board for a while. They are aware of Shelton's policy of LTDDI (Let The Developer Do It) and that is why there is no Constitution Boulevard. The City isn't going to build it; they are going to let a developer do it. Many road improvements, many intersection improvements have been done by developers. It was obvious to everyone that something was going to be developed on the Crabtree site, the entire site, the property to the rear, which is also Restricted Business District.

Atty. Thomas continued to say that after meeting with the representatives of the City and confirming that fact, everyone was under the assumption that the City was going to give up its right to use Access Road as a road, and that the dirt underneath it was owned by the State. Subsequent research determined that in 1948 the State, having condemned the property, deeded it to the City for nothing. There was no transaction – the City was not the purchaser of excess right of way. It was a road; it was deeded and a map was recorded.

Atty. Thomas indicated that then, as part and parcel of this application, they wrote a letter to the BOA requesting the discontinuance of Access Road. The BOA met, and they were present at the meeting. No one on the BOA raised an issue that they weren't going to do it or anything. The BOA then sent it to the Street Committee. In addition to sending it to the Street Committee, Alderman Finn had some questions; he was not on the Street Committee; however, he requested maps showing the traffic flow and the use of Access Road.

Atty. Thomas indicated that he met with him personally and delivered it. Alderman Finn did not say he endorsed the project or they were or weren't going to sell it – they weren't going to do anything with it. There has been some

assumption that the developer has assumed that the City is going to give it to them wrapped up with a ribbon and a bow. Atty. Thomas indicated that has never been the assumption, because quite frankly, Access Road and how it is handled, is a legal nightmare. Because of the fact, that the City must first address the fact that they got it for nothing from the State for a road. There is no law that addresses this specific issue, but the fact of the matter is that when the City is given excess right of way in accordance with State Statutes and State Regulations and given it for a public purpose, it has no authority to sell it. They have addressed this issue with the Street Committee. They have asked the Street Committee to meet with Corporation Counsel and they have said that they will participate in how that needs to be addressed. Now, if the City simply discontinues the road base, the question has to be answered - and he's not saying there is an answer. Is the City under any obligation to return the property to the State? Because it was the State who paid for it and if the City is no longer going to use it for a public purpose, do they have to do that? These are the issues that have to be addressed. Nobody on the Street Committee, nobody ever said that they are going to continue to use Access Road. So the developer has chosen to proceed with this showing how they would do it. If in fact, the City decided to keep Access Road the way it is, the developer would have to make a choice to redesign the project, have an entrance through Access Road again, or change to another project like a car dealership. It is the developer's risk at this point. They don't know whether or not the City is going to have to give it back to the State, or who is going to the improvements, or who is going to address it. The developer has chosen to take the risk and move forward; the developer is hopeful that in the conversations the City will take into account the traffic benefits and the money that is being saved with respect to that. But one of the various options that may be presented would be one in which the City, assuming the City is not going to make any claim to it, treats Access Road like excess right of way. The City has no regulation or ordinance dealing with excess right of way. The State does; the State's regulation's under statutes says that excess right of way is initially offered to the municipality for a public purpose. If it is given to the municipality for a public purpose then it does not affect the frontage. The property still has frontage but it's over a municipality. If the municipality does not want it than an opportunity exists for the abutter to buy it. There is no opportunity for it to be auctioned off to another person. That is the way he wanted to address the issues relating to Access Road. At this point he will call on Stanley Gniadzowski to give the marketing and impact study presentation.

Stanley Gniadzowski, Realty Concepts, Inc. addressed the Commission.

Mr. Gniadzowski apologized for not being here last week; the fault falls solely on the shoulders of United Airlines. He indicated that he is the President of Realty Concepts, Inc.; they are a real estate consulting and advisory firm located in Guilford, CT. His background is that he's an Adjunct Assistant Professor of Real Estate at Shacks School of Real Estate at NYU; a CCIM Instructor teaching investment analysis, taxation, demographics, and market analysis courses. He has lectured around the world and nationally, authored some papers and participated in books related to the topic. Beyond that and above that, he is first a practitioner in market research, market analysis, and financial analysis for real estate.

Mr. Gniadzowski indicated that at the request of the Applicant, he was asked to look at the subject property to determine if there was any impact on the surrounding residential property values and what impact, if at all, if any, there may or may not be relating to the development of the proposed subject property of a 125,000 square foot retail center. The report that he performed is not an appraisal, nor is it an appraisal for ? (inaudible word). This is a strict consulting report to determine development impact. Another analysis was performed

confidentially for the client and some excerpts of that report are included to support demand of the subject property.

He is aware that this is a zone change to a PDD zone from the current zone and the method of analysis was to do a site analysis, travel the area, and drive the area to look at the different complexes. He also reviewed other professional reports that were presented last week. Those reports are part of his report to use in conjunction with his report.

Mr. Gniazdowski indicated that one of the first things he was able to do was to determine what type of center this is; and the International Council of Shopping Centers has a number of definitions for shopping centers. He referenced Page 2 of his report, it's defined that this is a Neighborhood Center which is for convenience purposes. They range in square footage from 30,000 – 150,000 square feet; they range from about 3 to 15 acres. They have one, sometimes more than one type of anchor – typically, a supermarket-oriented store which occupies 30%-50% of the total space and has a 3-mile trade area. For this particular center, when he looked at it, because of the demographics of the area and because of the population density, he looked at a little bit smaller area.

Mr. Gniazdowski pointed out a report on the demographics summary from the State of Connecticut and also some demographics that he ran. He noted that they will always find some discrepancy in population figures because of the way different surveys do their estimates. However, they are pretty close in numbers as far as estimates go that were used within this report. He used the 2008 population figures of about 39,666 for the City of Shelton. The area that he looked at was based on census tract information which is a little less than a three mile radius – more like a two mile radius for the subject property. Initially, he wanted to determine if there was any demand for the subject property. The results are that there is more than sufficient demand to support a food store of about 6,200 square feet in the subject area. Also, he looked at what other demand there may be in the area for property types.

He referenced Page 17 of his report, with the Census tracks area delineated in blue to indicate that is what the information was gleaned from. When he ran the census track information he determined the leakage. He referenced Page 20 to show the graphical demand analysis which clearly delineates what he refers to as called leakage. Leakage are sales that are lost to other market areas. Anything to the right of the center line indicates that there are sales going somewhere else - either going out of town or to other trade areas into town. To the left indicates no demand – that there is people coming in, that is what they call surplus sales that are taking place. If he purchases something in Shelton tonight, that would be considered a displaced sale in Shelton but a leakage sale in his hometown. Grocery stores in particular, as anchors, can be the success or failure of a center. There is a pretty good percentage of demand from a grocery store. There's probably about 65% leakage going to other areas. So, the first thing that he was able to prove, is that there is demand for this type of use.

Mr. Gniazdowski stated that he then looked at the cost of development. He used the service called Marshall & Swift because it is recognized by most of the court systems. He took the square footage of the center, determined the cost to develop it and put in a land cost and site improvements; the total cost of the center at market is estimated to be about 12.2 million dollars. He then used this information to develop and compare the proposed center to the existing improvements that are on the site right now.

He posed the question of what if another car dealership came in and the three houses that were up on Buddington Road still existed. – How much tax revenue would they generate versus how much the proposed center would generate; then deducted the expenses due to the existing car dealership and the three

residential properties versus expenses that would be generated by the proposed center.

Mr. Gniazdowski stated that as part of his estimation he found out that the Shelton Budget had just passed leaving the mill rate the same. Knowing that, he looked up the cost to educate a child and he also put in some other tax revenue generation and looked at what would happen if they had approximately three school children for the three houses that were there. It would be approximately \$33,000 a year just to educate these school children. And then he looked at all the other town services excluding the school system and on a per capita basis there is about a 1,145 per capita to provide all the other town services which would include road maintenance, fire, police, social services, services needed by a residential development, etc.

He composed a matrix on Page 25 to compare the tax revenue. He took the estimated value of residences and the auto dealerships and had an estimated market value based on the market value that was on the field cards from the Assessor's Office. That gave him a value of about \$5.2 million; \$4.1 million is assessed value which would generate tax revenue for just the real property which would be about \$77,000 a year.

He then took the three residences and said each residence would have approximately two cars and came up with an estimated value of \$10K value per car which would generate another \$782 in tax revenue for personal property tax. So the total revenue that would be generated through the real property and personal property, and he verified that there was no personal property tax on the cars that were on the lot. It would generate about \$78,000 in taxes.

He took the three school aged children deducted the \$33,000 for the cost of education and then he deducted the general services of about \$11K so the total cost to the City was about \$44K almost \$45K with a net positive revenue to the City of Shelton with approximately \$33K. He then took the proposed \$125K development, took 70% of that and the real property generated from the new center based on his estimate that he has is about \$160K a year.

Mr. Gniazdowski stated that he looked at the personal property taxes because the stores have fixtures and equipment. He used an estimate of about \$3 a square foot in value for that depending upon the type of retailer (it is just an estimate). That would generate about another \$5K in personal property tax due to the personal property in the retail stores. They had about \$165K total revenue.

Retail centers have a propensity to have need for police services for shoplifters and things like that and also for emergency services. He threw in an estimate of about \$50K to the City of Shelton which gave him net tax revenue of \$115K a year. So it is clearly demonstrated that the proposed development would have a positive tax generation for the town of Shelton. No school children added a minimal impact to emergency services.

Therefore, the proposed development should have a positive fiscal impact on the City of Shelton with minimal impact on the demand for the City services in particular and no negative impact on the school system. An increase in property taxes could be favorably anticipated by the City of Shelton. Overall, the proposed retail project would fill a retail void and add an increased level of residential services and options to the City of Shelton. The new project will have a positive effect on the psychographics of Shelton. The most important thing is to maintain property values as proximity of retail services, healthcare, and recreation to residential properties. The closer they are there is a propensity or probability that those property values will be maintained or will go up. He did

not find any demonstrative negative impacts on single family residences or property values on the surrounding or the remote single family residences mainly because of the topography and that this is an existing retail site, having been a car dealership already. The retail center, he thinks, is a better use for the site than a car dealership. It should have no negative impact. It should have a positive impact on the properties in the area. Any possible physical negative impacts are mitigated by the topography and distance of positively impacted properties for the subject sites and obscured sight lines from the back. That demand does exist for the (inaudible?) of the size proposed by the developers and stands a reasonable degree of probability of success in today's market - even in the market that we are in today. Mr. Gniazdowski concluded his report and added that he'd be happy to answer any questions.

Chairman Pogoda asked if any of the Commissioners had any questions for Mr. Gniazdowski at this time. There were no questions. Atty. Thomas indicated that he would like to call on Jim Swift to address a couple of engineering issues and then their presentation will be complete.

James Swift, Licensed Professional Engineer and Landscape Architect addressed the Commission.

Mr. Swift stated that he wanted to deal with the City Engineer's letter and by extension the Traffic Authority and the Fire Marshal's letter. He indicated that a lot of the issues in the City Engineer's letter have been addressed by Atty. Thomas already.

Mr. Swift referenced item #4 in the City Engineer's letter regarding the portion of Access Road for the development that contains utilities. He showed the drawing and stated that the utilities are shown there, and they take advantage of some of those utilities, insofar as, in some instances, to extend them. His comment in regard to that is that utilities that exist in the existing right of ways or roadways is a fairly common thing. When they discontinued, there are utilities in them. It is very common that an easement is extended to the utility even if the land changes ownership. They have an easement to maintain those utilities. It is particularly common when getting into redevelopment areas such as downtown and areas like that, that the roadways are discontinued or roadways are moved outright in order to make room for some other development. It's the same thing, utilities remain and easements are granted.

On this property, the location of the utilities on Access Road across the frontage of the site - the water, the gas line - they will remain. There are no buildings proposed in those areas, and in some cases they are extended. When it comes to the overhead electric and power, those will be located in cooperation and in coordination with the appropriate utility company.

Mr. Swift indicated that the next item he wanted to address is the dead end of Access Road. This is something that is going to be dealt with substantially by the STC, and of course, the City also has an interest in that. He pointed out that in the dead end of Access Road, and when the City was moving to discontinue that intersection at Nells Rock Road - it was going to dead end in some manner. He'd like to suggest, and for the Commission's consideration, is that they are utilizing their access into the Body Shop. That is the primary access for all the properties back there. They would be happy to grant the City an easement for a hammerhead and bringing an extension into the site so that City and Emergency vehicles can turn around.

Mr. Swift referenced Item #6 referring to bio-filtration. Mr. Swift stated that the City Engineer is in error on this. The City Engineer states that it would be needed to be located where parking is now proposed; however, there are other ways it can be accommodated. They are aware of that, and it was a condition of

approval from Inland Wetlands. It is not a foregone conclusion that it has to be in the area where they are showing parking. There are also possibilities that they can reconfigure the parking. Therefore, that is an erroneous statement that says it needs to be in the parking lot; it is not true.

Mr. Swift referenced the proposed three-way stop for Nells Rock Road, and indicated that this is an issue of sight distances and Stop Signs. Clearly, they are going to conform to safe roadway design standards. He would like to leave that for the B&L Company, who are their traffic engineers. They are certainly going to let them know what needs to happen there when they get to the long road with the State Traffic Commission. A safe intersection will be provided at that location.

Mr. Swift referenced the comment made that the Applicant did not dedicate the right of way required to widen the easement. He showed the drawing that they presented to the BOA Street Committee and added that at this scale, it is difficult to see. He continued to say that they showed the Street Committee what portion of Access Road they were planning for abandonment. There is another green area shown on this drawing depicting the area that would be deeded back to the City. It is little bit clearer on their site plan, and it is reflected on the plans submitted, where they do show the proposed property lines from the widening of Nells Rock Road.

End of Tape 1A, 7:49 p.m.

Mr. Swift continued to comment on the next item, which states the developer did not detail the widening of the Platt Road intersection to create the new turning lane. He stated that they do show those turning lanes. Mr. Swift indicated that they are drawn to scale. Both lane configurations on Nells Rock Road and the lane configurations on Platt Road are drawn to scale. It is corrected when they prepare a more detailed plan that comes later; however, they are drawn to scale. They reviewed them, the traffic engineers at B&L directed him as to how they should be drawn on the plan. If the Commission can recall, when they dealt with the Planned Development District diagonally across the street from this, there was land dedicated to the City for road widening of Platt Road. They are taking advantage of that road widening; that is what they are using to increase the width of Platt Road at that intersection.

Mr. Swift addressed another comment from the City Engineer about the fire lane width at the rear of the building being deficient. He stated that this is also a comment from the Fire Marshal; and again, they will comply with all requirements for a safe fire lane for emergency vehicles all the way across the buildings. It is a foregone conclusion that they will comply with the Fire Marshal's requirements before they can go forth with the detailed design for this project.

Mr. Swift addressed the comment that the circulation plan for tractor trailer traffic is poor; he isn't sure how to respond to that. They have adequate width, they have paths, they have large radiuses both as trucks come into the site; a 40 foot radius. They can overlay the templates to show how semi-tractor trailers can make the various turns around the buildings. He showed on the site drawing that there is a very wide radius in the islands that have been designed to accommodate the movements of a semi-tractor trailer truck. He added that it certainly would not be any good to build a commercial building that can't have trucks come in. This works in the opposite direction as well. Some of these buildings have tractor trailers in both directions; it is a two way traffic pattern in the back of the buildings, and again, the traffic patterns were laid out with templates so that the tractor trailers could those maneuvers. Mr. Swift

commented that covers a lot of what the Fire Marshal and the Police Department had to say as well.

Atty. Thomas indicated that at the continuation of the public hearing, they are going to address those issues in detail from the traffic perspective. As they can see, this is just one example, with the comments made about the widening of Platt Road, this shows that someone – in Engineering or Police Department misinterpreted or misread the plans. Therefore, there are statements being made that it isn't being widened, when in fact, it is being widened. They want to make sure that when they address everything, that they address it clearly. And they want to address the traffic issues not in a situation where they are trying to read them tonight and answer them tonight. That is why they have requested a continuation.

Atty. Thomas stated that he located the section he was referring to on the Access Road issue, as to what it is. The real question is, and there is no answer to this question right now, how do they work this into the City's issue with Access Road? He referenced the Section 3-14D of the Connecticut General Statutes pertaining to the sale of excess state right of way. And once the value is determined, the municipality shall have the option to purchase the land. If the City does not want it, the abutter has the opportunity to purchase the land. The question becomes how do they deal with a situation where the property was condemned, paid for by the State and given to the City for nothing as a road? That is why they have met with the Street Committee, and they are having another meeting with them to discuss how they will address this issue. In the course of all his conversations, all the presentations, no one said they would not do this with respect to Access Road – and they have made no assumptions that Access Road will be given to them. They are taking the risk of presenting this proposal with Access Road a part of it because it has been the intention of the City, with respect to this portion of Access Road, to bring the property to Bridgeport Avenue. They will respond further at the next meeting and respond to any questions tonight also.

Chairman Pogoda indicated that they would begin with the list they had at the last public hearing for those individuals who would like to address the Commission.

George Ciacio, 20 Freedom Way, Shelton, CT addressed the Commission. Mr. Ciacio stated that he wanted to thank the P&Z Board for giving them the opportunity to speak for another night about their concerns regarding this project. After the meeting last week, he had an opportunity to sit down and read the brochure to get a little more information about the project. One of the things that really struck him was something that he read in the brochure that this shopping center was going to fill a void. Mr. Ciacio indicated that he'd like to know what void it is going to fill. They already have two supermarkets and anyone who shops at Wal-mart and sees what the renovating they are doing right now – there is going to be an extra supermarket right there. It is all going to be food. So now they have another supermarket about ¼ a mile up the road. They have drug stores, Dunkin Donuts, ice cream stores, all types of restaurants, and he noted that there is certainly no void for banks on Bridgeport Avenue.

Mr. Ciacio stated that he believes that the developer will give a store to anyone willing to pay the rent there. He doesn't think the developer is going to say they don't need a certain type of store because there is one like it up the block. This project is not going to fill a void.

Mr. Ciacio commented that another thing that bothers him with a development this large with a parking lot such as the one proposed is that there is so much chance for accidents in that parking lot.

He realizes that the 3- way Stop Sign has been discussed, but he thinks that is the worst thing to recommend with a project of this size, especially with the traffic up and down that road. They never looked at the fact that in the winter time, with the road going up from Bridgeport Avenue, if there is snow or ice on that road, if a car stops, it could roll back into the car behind it. This 3-way Stop sign is an option that should never have been presented.

Mr. Ciacio referenced the site map again to comment about the supposed buffer line. He asked how wide the buffer would be – 2 feet, 10 feet, 20 feet.

Chairman Pogoda reminded Mr. Ciacio that he should address the Commission; the Applicant is taking notes and will address that question.

Mr. Ciacio addressed the three houses that are there right now. How long will it be, even if this is not developed, how long are those houses going to remain there boarded up like that with all the weeds growing so high? He added that he feels badly for the neighbors across the street having to continually look at that. He added that it looks like a shanty town. Those houses have to be removed right now and that land needs to be mowed and taken care of – not just when it is ready to be rebuilt. Mr. Ciacio stated that by doing that, the developer is showing that he's a good neighbor even before this project is built.

Mr. Ciacio indicated that the last thing he wanted to say is, if this project is going to be approved, he strongly recommended that it be completely downgraded – there are too many shops here and too much traffic here. If they aren't willing to do that, he recommends that the project be rejected all together.

Atty. Marjorie Shamsky, 61 East Grand Avenue, New Haven, CT

addressed the Commission. Atty. Shamsky indicated that she was at the meeting tonight with Brian Miller, a member of the AICP (American Institute of Certified Planners) and they want to focus initially on something that got tremendously short-tripped on the first evening of the hearing by the Applicant. Atty. Shamsky referred to Shelton's criteria, under its regulation for Planned Development Districts.

Atty. Shamsky stated that there have been many discussions regarding the conceptual plan, as though it were a foregone conclusion that the PDD were eligible for acceptance. There are essentially two criteria that the Connecticut Supreme Court has recognized as a basis for approval of a PDD and that is consistency with a comprehensive plan and in accordance with the public health, safety, welfare and police power of the Commission. This application fails on all counts. She indicated that Mr. Brian Miller would discuss this in greater detail.

However, there are a couple of threshold issues. One is the Access Road; it is a very perplexing issue because Counsel represents that it is an unsettled issue and they know, indeed, that it is sitting at the Board of Selectmen. But there is a problem here and a legal issue; in the notice for these hearings this proposal is identified by "the site borders Access Road to the east." Well, it doesn't really border Access Road to the east – it consumes Access Road. So there are some deficiencies of notice here because the City of Shelton is not a co-Applicant notwithstanding that it is an owner of property that the development consumes. She asked why they are having these protracted hearings that consume the Commission's time and the time of the public to discuss a plan that may be subject to immediate redesign in the event that the road issue resolves in something other than the way it is conceived to be resolved by the Applicant –

by the audacity of including it in the development plan. This is premature; this is perhaps not ready for prime time. She stated that she wanted to quote something, then defer to Mr. Miller and come back with some closing observations. She quoted from a recent case in Connecticut referring to planned development " a planned development district is a zoning device designed to ensure flexibility and the ability to adjust the zoning map based upon the need and characteristics of a particular parcel; it permits imagination and creativity in the zoning process. It encourages a developer to work with the natural features of a site and to design with nature and in accordance with community interest."

Atty. Shamsky stated that on a site of this nature, it should not be necessary to remove 135,000 cubic yards of ledge and vegetation that buffers naturally the residential neighborhood to the west – but to design within that context. That is what a planned development does. It is not a basis for clearing land to create a scrawl-like generic development pad that is not distinguishable from any other development pad that they have moved away from as a society both in the interest of community character and ecological sensitivity. So with that, she introduced Mr. Miller.

Brian Miller, Turner Miller Group, 408 Highland Avenue, Cheshire, CT addressed the Commission. Mr. Miller indicated that he is a Planning Consultant, a partner with the firm Turner Miller Group. He stated that his qualifications were submitted in the back of his report. He stated that he has the honor and pleasure of serving as a planning consultant to various area communities, particularly the towns of Oxford, Beacon Falls, Middlebury, and Orange within this region. He fully understands and has been on the side that the Commissioners sit in the evaluation of different proposals. He was asked to review this application in accordance with accepted land use principles. Mr. Miller stated that, in particular, he was asked to look at three things. One is its conformance with the Plan of Conservation and Development, and that is in accordance with Section 8-38 of the State Statutes which requires any zoning to be evaluated as to its consistency with the Plan of Conservation and Development.

Mr. Miller added that when he does that, in some communities frankly, the POCD is a yellowing document that was done when his hair was dark. However, that is not the case in this community. As they all know - and Mr. Miller apologized in advance to the Commission because he will be presenting things that he thinks this Commission knows very well - but he thinks it is important to get it on the record.

Mr. Miller continued to state that this POCD was updated less than three years ago at a considerable expense to this City and at considerable involvement on behalf of the Commission and many residents. It is not a yellowing document. It is a document that is fresh; it reflects contemporary realities, and he is assuming that when he evaluates it, he is not evaluating something that he thinks it ought to be. He is using the plan as an articulation of what the City of Shelton has expressed in their desires of the future of its community. Also conforming to the Zoning Regulations, specifically Section 34.2, the purpose of the POCD, and he also looked at the current zoning for a Restricted Business District.

Mr. Miller stated that that in his evaluation of it he didn't assume that the RBD was just sort of placed there as a holding zone to be disregarded or changed. He actually felt again, that this is not something done years and years ago; it is something that was adopted in 2003, so it reflects some thinking in the not too distant past. And finally, in conformance with generally accepted land use planning practice in a contemporary economic and social environment.

Mr. Miller indicated that he was going to state his conclusions and then go back to talk about his analysis.

Mr. Miller stated that first; the application is not in conformance with the City of Shelton 2006 Plan of Conservation & Development. The application is not consistent with the intent as stated, within the City of Shelton Zoning Regulations for the PDD, that the proposed development would have negative impacts upon adjacent residential neighborhoods, and the proposed development, as articulated and presented in the application would result in the addition of another major retail center contributing to retail commercial sprawl along the Bridgeport Avenue corridor. It would detract from the corporate business environment along that corridor that this City has worked for decades to nurture – and nurtured rather successfully he added.

Mr. Miller indicated that he wanted to look at the neighborhood environment. He stated that this is in his report and he's not going into a lot of detail here on it. But it suffices to say, this area, although it has a retail presence obviously with Wal-mart and smaller centers, it is not yet the major retail center. By introducing this use here of approx. 130,000 square feet – this is another major retail use. Mr. Miller stated that this creates, instead having defined nodes of retail uses along Bridgeport Avenue, they are starting or continuing to have just smaller spots. What that does is create some additional demand for reuse of other properties for retail use. Mr. Miller indicated that the most obvious example here is, if this were developed, than there are a couple of properties just immediately south between this proposed property and the Wal-mart. Obviously, somebody at some point is going to want come in for retail uses. He would just suggest that this Commission would be very hard pressed to now deny additional retail uses in that one particular area. It does establish a precedent; it would certainly alter the character of this area. Whether it is positive or negative, he assumes the applicant will talk about it as a positive alteration in character. But that area of Bridgeport Avenue still has a very defined office and light industrial use categorization with more supporting retail uses. This would push it over into a much more retail use.

Going back to the POCD, Mr. Miller indicated that when he consults with other communities, he tries to find out what the community wants. Therefore, he looks at this plan for guidance. The essence of a POCD is the future land use plan which is a document that summarizes all the analysis and decisions that have occurred throughout the process. The future land use plan map within the POCD clearly identifies this property as Restricted Commercial, and it actually defines Restricted Commercial as "areas that have been developed commercial and are intended to continue at their present intensity or to be redeveloped with lower intensity retail personal service and office facilities due to their proximity to residential development." The proposed use for this site plan is for a high intensity retail use by traffic generation and by coverage. In looking at it, almost the entire site will be by necessity, devoted to either building or parking coverage. Mr. Miller stated that there is sensitivity, and it is located in close proximity to residential neighborhoods. They have heard testimony from residents, and he expects that they'll hear some more.

Mr. Miller stated that the process is important in updating a plan. They went through a process of public input in which prouds and sorries are identified and that was established to identify things to encourage and things to discourage. One of the things that was specifically mentioned to discourage was strip malls along Bridgeport Avenue. There are more technical terms for what is being shown but they can agree that this is a strip mall. This is one of the things that their Plan specifically, in the process, the people involved said, this is to be discouraged. He continued to state that strip development was identified as one of the action items on Page 4-2 of the POCD as one of the detracting man-made

elements of the quality of the community. Community structure was mapped on the plan; the map identified the area around the intersection of Bridgeport Avenue and Nells Rock Road/Platt Road as an Office Industrial Zone. The Plan includes a recommendation that says "limit general commercial activity in corporate, office and industrial areas (Page 4-11). These areas are identified as the Shelton Research Park, Shelton Industrial Park, and Bridgeport Avenue. The Plan also makes some specific recommendations – "the later corridor is Bridgeport Avenue contains significant strip commercial development that could detract from the community character of the ubiquitous corporate images and generate significant traffic while offering smaller economic benefits than office and industrial development." The Plan also states "ample regional shopping opportunities exist in neighboring communities of Bridgeport, Milford, Orange, Trumbull, and even Derby (he doesn't now why it says "even Derby," he doesn't know why everyone picks on Derby) minimizing the need for these uses along Bridgeport Avenue and River Road.

Mr. Miller indicated that the Economic Development Plan says "designate the subject property along with most of the surrounding properties within the Bridgeport Avenue corridor as Regional Corporate." This is defined within the Plan as "office, research, industrial and ancillary uses of a high-quality, high-rent oriented setting (Page 4-20). This recommendation does not include major retail centers. A recommendation on Page 4-22 is entitled "Remove Uncertainty from the Zoning Profit." The background information states, again he is quoting from the Plan, and again he apologizes for reading something that he knows the Commission is familiar with, "the Planned Development District has been repeatedly applied throughout Shelton with no guidance from the previous POCD and without warning to neighborhood property owners. PDD's have allowed developers to utilize an unrestricted mix of uses with little respect for the underlying or adjacent land uses resulting in commercial and high density residential uses encroaching on single family neighborhoods." Mr. Miller indicated that it goes on further to state "the intent of PDD's should be to create development that is superior to that of the underlying zone while remaining in harmony with the surrounding neighborhood and community as a whole." Specific recommendation with an economic development strategy is to limit PDD's to projects that produce superior development that is compatible with surrounding properties and overall community progress. It would not appear that this proposal is superior to the underlying zone, nor is it in harmony with the neighborhood and community as a whole.

Mr. Miller stated that the current property is zoned Restricted Business District, and in going back to the recommendation in the POCD about being in harmony with the underlying district, that the only retail uses permitted with this district is a term that was created specifically for this City and this zoning regulation – Restricted Retail that is only permitted by special exception. It has a specific definition which he summarized as moderate size, quality retail establishments where the type of business in the Commission's discretion generates moderate to low traffic volume and impact. It goes on to say that "no such establishment shall generate more than 5 vehicle trips per thousand square feet of floor area at peak hours. It goes on to say that it includes but is not limited to " furniture and appliances, bookstores, clothing and accessories, sporting goods stores, pharmacy, office supply/equipment, medical, appliances plumbing or other service/specialty stores. Grocery stores, discount-type store, department stores, large scale home improvement centers and similar large-scale activities are excluded."

Mr. Miller reiterated that their underlying zone specifically excludes supermarkets which are the major component of what is before the Commission. He would respectively suggest that he would doubt that this Commission or its predecessors would create this zone just as a holding zone waiting for something

better. Development can occur in this zone. There are lots of uses that are permitted even by site plan, or special exception. Whether they are consistent with the contemporary, challenging economic environment is certainly open to question, but zoning isn't supposed to respond to current economic conditions. Zoning is supposed to be long-term so that even the current economic conditions might not support office or industrial development at this site, that is not to say that it is going to be the case in 2 or 3, or 4 to 5 years – nobody really knows.

Mr. Miller commented that in going back to the zone and the five vehicle trips per 1000 square feet; he isn't a traffic engineer, so none of his testimony should be construed as that, but what he looked at is the traffic report that was submitted by BL, and he has every reason to believe it is entirely accurate. He stated that the traffic report shows, and he indicated that he may need to be corrected, a net peak hour generation of 1236 trips. He continued to state that in taking that 5 vehicle trips per 1000 square feet that is within the current requirement of the Restricted Business Zone would only result in 665 trips. The current traffic report shows a Saturday peak hour of over 1200 trips. The regulations would require of a maximum of 665 peak hour trips. The proposal actually almost doubles the peak hour traffic generation that is currently permitted in this Restricted Business District.

Mr. Miller stated that one of the other points is that in the Planned Development Districts there are purposes intended to guide the Commission in making certain decisions. The conditions as quoted "are to be consistent with the character of the town, harmonious design, unit, or stable character, beneficial and consistent with the character of the town, an accomplished and appropriate transition between dissimilar uses." He doesn't think it was intended to circumvent or say if they don't like it or if they want to build something that the current zone doesn't allow it, so they'll go into the Planned Development District. Most other communities don't do it that way. Mr. Miller indicated that he doesn't suspect that it is really the purpose of their intent either. The appropriate transition between dissimilar uses – clearly, this proposal does not accomplish that. There are dissimilar uses immediately to the west, and the proposed site plan shows that it is pushing the main uses back very close to the dissimilar uses on the west side of Buddington Road. The current aerial photograph shows that there are actually very nice buffers between the current uses and the residential uses, so he can't imagine that this PDD will help accomplish this transition between dissimilar uses. It's not beneficial to the character and the long range improvement of the neighborhood. They are establishing a new commercial zone.

One of the other criteria is the preservation of natural features of the site. They aren't suggesting that this is going to be a national park or anything, but there are actually some existing natural features. The quality of them he leaves to this Commission to make a judgment on.

Mr. Miller passed around a picture of the existing site. He indicated that he didn't trespass on the site; it was taken from Nells Rock Road. In the picture there are some natural features that will no longer exist if this site plan is approved. The other feature, in a picture taken from Buddington Road, is a small area – a little knoll? Rising above Buddington Road – he doesn't know what is living there – he isn't suggesting there are bald eagles, but something is living there. He isn't conveying to the Commission that it is an extreme natural environment but it is a natural feature of the site, and one of the intents of the PDD is that it preserves some of these natural features. He added that there are no natural features that would be preserved according to this site plan.

Mr. Miller commented about superior design. He recently attended a presentation in Middlebury by a man named Randall Aaron who discussed

superior design of retail strips. The discussion involved the way in which retail strips are done as they move on in this economy with different designs of retail strips with certain principles such as the creation of nodes, the placement of buildings closer to road frontage, the shielding of parking areas from view. He stated that he is the planning consultant for Orange, so he doesn't want to blast the Post Road too much, but they don't want to create a type of environment with the strip of stores with the parking lots in the front. It really creates a dysfunctional economic environment with this situation. He continued to discuss high quality building design which reflects certain New England vernacular, region softening and streetscape of courtyards, outdoor rooms, little plazas and ensuring the scale of the buildings are consistent.

Mr. Miller stated that he isn't suggesting that this could be accomplished all the time, but if the PDD is looking for superior design, then this is the opportunity to get it. He handed out some materials that he received at this seminar several weeks ago regarding superior design.

Mr. Miller spoke about the scale of the buildings and referenced the site drawings to explain that the proposed buildings would fill this entire site as to what they have there. The scale is way beyond what exists now and what is predominant through that neighborhood. Also, by approving this, and right now the Commission has the discretion through its Special Exception process to regulate the size, the scale and the traffic generation of retail uses in the Restricted Business Zone. That will be removed by the approval of this application.

Mr. Miller added that this puts in a major commercial use – ideally they like to locate on two arterials. There are no two arterials here; Nells Rock Road and Buddington Road are sort of serving as cross-town roads but they weren't designed for that. In fact, one of the things that traffic impact studies don't do is measure the quality of life impact – and this occurs all through Connecticut, not just Shelton, every town – they have these old farm roads that are curvy and old. Nobody remembers when they were built. Sometimes they get rebuilt, and sometimes they don't. They have bad sight lines and are over- trafficked. They don't measure the impact of what additional traffic is on a quality life. A traffic engineer uses standards to state that these roads can carry 2500 vehicle trips per day, or whatever number it is; however, that doesn't mean it should carry 2500 trips a day. In addition, on the traffic side of this, one of the reasons, looking at their POCD, that it wants to discourage this is because of the cumulative impact on Bridgeport Avenue. He doesn't want to bash on the Post Road, but it is a close example. The Post Road has actually become a dysfunctional retail environment. If anyone has ever tried to make a left turn into a shopping plaza on the Post Road, they know this is true – and making a left turn out is suicidal. But what they are finding on the Post Road is that it is becoming overdeveloped and now there are vacancies on the Post Road. It is becoming a dysfunctional retail environment.

Mr. Miller suggested that the concept of lining their major artery with retail development is not a sustainable policy, and he thinks their POCD reflects that. A traffic impact analysis reflects the background conditions and what this will do but it doesn't reflect the long-term potential development that might occur.

He talked about the character of residential uses and added a couple of more points. He indicated that Mr. Gniazdowski presented the fiscal impact analysis and he concluded that the proposed use would generate about \$80K more annually of what they are getting right now.

Mr. Miller stated that he looked at the 2009-2010 City Budget, and that \$80K would equal approximately 7/100th of 1 percent of their total budget. He doesn't minimize \$80K, but he suggests that when the Commission is making their

decision, that marginal increase in the city budget should be weighed against some of the potential negative impacts.

The other thing that Mr. Gniazdowski wasn't asked to do is determine what would be the fiscal impact of the development in accordance with the Restricted Business District.

Finally, Mr. Miller stated that he tries not to listen to the financial news very much because it is so depressing but he heard on the news before this meeting that General Motors will be Chapter 11 bankruptcy on Monday. This is incomprehensible to him because GM used to be one of the largest thriving companies in the US. He noted that Shelton has other automobile dealerships along Bridgeport Avenue and he hopes that they don't go out of business. But the Commission needs to expect the possibility of other vacant dealerships coming before them, and they need to consider the type of precedent they want to set; and if it is an automatic default to some sort of major retail use.

Mr. Miller concluded and thanked the Commission for the opportunity to make his presentation.

Chairman Pogoda called for a five minute recess before having the next speaker.

End of Tape 1B, 8:38 p.m. (5 minute break)

At 8:45 p.m. Chairman Pogoda reconvened the meeting and Atty. Marjorie Shamsky made some closing comments.

Atty. Shamsky indicated that she had not mentioned when she first spoke that among her clients were Anthony Celanto, Bud Zia, and George Hayden who represent a group of neighbors on Nells Rock Road and Buddington Road. Atty. Shamsky commented that the downside to a PDD, when not implemented properly is that it simply implements the vision of a developer. And as Mr. Miller just discussed, that is exactly what this proposal is doing. It is implementing, and trying to effectuate the vision of a developer in an opportunistic sort of way, and it is totally outside of the boundaries of what the Shelton POCD and Zoning Regulations dictate.

Atty. Shamsky stated that there were three strong indicators that she wants to emphasize to the Commission: the 2003 adoption of the Restricted Business District; the 2006 adoption of the POCD with all the salient elements discussed by Mr. Miller including the insurance of compatible economic development that this runs counter to; the irony or the fact of this proposal, that it seeks to introduce by PDD, uses that are otherwise prohibited in the underlying zone; the subversion of the use of PDD; and the invasion of long-standing land use regulatory rules that should not be permitted.

One of the primary mandates under the Connecticut General Statutes is to reduce congestion in the streets under Section 8-2 and this is a proposal that runs counter to that mandate. Last week, some of the citizens spoke about the blighted conditions. Some indicated that they were delighted and looked forward to the development that would ameliorate that blighted condition. But as a speaker this evening mentioned, that is not a reason to grant this application. There are independent obligations of ownership that should be demanded by the City of Shelton for these owners from perpetrating blight on the neighborhood, not by settling for an inappropriate development. Connecticut Law specifically states the optimum economic development goals of an owner are not an indicator of appropriate expectation.

She continued to say that a Commission does not have to, at any point, satisfy what a developer sees as being its preferred development options. The regulations and the law are the tools of their authority and their discretion is broad. After the 2006 POCD, when the PDD regulations were amended to try to undo the misuse of the PDD in the past, Section 34.1 under the Shelton Regulations describing the intent of the PDD - "it is to encourage and accommodate unique and desirable development consistent with long range orderly development of an area but is not accommodated by the established conventional zoning of that area, etc."

Atty. Shamsky stated that there has been no demonstration - there has been an argument by Counsel that this was a holding zone for something else to occur. There is nothing that dictates that this Commission is required to approve something now just because somebody asks for it. The broader mandate is indeed the long view; it is conformity with their regulations; the scripture of the law of the State that a PDD need to be in conformity with the comprehensive plan and found within their police power. They would urge that this Commission not be persuaded to abandon those principles and the goals which the City itself has adopted for itself.

Atty. Shamsky asked the Commission to please deny both the conceptual plan and the PDD request. If they were to discuss more than the impropriety of the PDD they would be asking questions -- about deliveries to the grocery store; the hours at which those would occur; their proximity to neighborhood residents; the beeping of backing up trucks; the idling of refrigerator trucks; the noise disturbances and the nuisance factors associated with this use in such close proximity to residents. Additionally, the lighting that would be necessary with this kind of use would be on longer into the dark hours than something that would begin at 9:00 a.m. and end at 5:00 p.m. or even 9:00 p.m. as the regulations state. There are many reasons in the conceptual plan to reject this proposal but the threshold question is the impropriety of the PDD, and they urge the Commission to deny the request.

Ingrid Waters, 761 Long Hill Crossroads, Shelton addressed the Commission. Mrs. Waters stated that she agreed with everything that the first speaker, Mr. George Ciacio said, and she will not, therefore, repeat everything he said. She wanted to comment on the traffic study, the parking and the garbage that would be generated from the proposed development.

Mrs. Waters stated that she is under the impression that a traffic study done in January is not factual. It should have been done in conjunction with the anticipated traffic coming from the United Recycling facility on Oliver Terrace.

Since both of these will be heavy traffic generators for at least 12 hours a day, she firmly believes that these two applications should be handled by a city planner. Obviously, Shelton doesn't have a City Planner to date. Therefore, it is high time to employ someone to oversee all new developments in order to avoid a collapse of the infrastructure at certain junctures. The traffic generated by this new strip mall which includes a large food store, plus the heavy truck traffic that will be generated by the expansion of the United Recycling facility, will increase an already busy intersection because additional traffic will be sent into Bridgeport Avenue and the neighboring roads.

Mrs. Waters commented that in all fairness, Mr. Blakeman and Mr. Joseph Saleme are not obligated to provide their two traffic studies in order to arrive or an actuary projection for this intersection because this is the job of a city planner, a neutral party who would be able to project precisely the impact of a strip mall and increase at the United Recycling facility.

Mrs. Waters indicated that she also questions if there is adequate parking for all these proposed stores, especially if one of them is a large grocery store. Her last issue is in regard to the litter that this development would generate. Shelton has a huge litter problem right now. Mrs. Waters indicated that she is a member of Shelton's Anti-Litter Committee. More food stores and more coffee shops are going to generate even more garbage. She thinks that the stores should be obligated to help out with the litter problem in Shelton. She thanked the Commission.

Chairman Pogoda indicated that he will be reading from tonight's new list of speakers. He stated that he sees the names of some individuals that spoke last week and he asked that these people please limit their time speaking so some others who haven't had a chance to speak could do so tonight.

John Babina, 9 Freedom Way, Shelton addressed the Commission. Mr. Babina wanted to make another point in regard to Buddington Road. He noticed that in two other developments on the road, both Buddington Park and Heritage Point, the road was widened, either directly or indirectly by the fact that they had to do things compared to what it is now – and those are not as grandiose a project as this one is.

Mr. Babina stated that he is not against developing this piece; his major concern was the lack of any information as to what they would do with Buddington Road. He measured Buddington Road at several points and it goes down to about 19 feet of actual pavement in some areas. At the end of the write-up which he provided to the Commissioners, he put a checklist of 7 or 8 key items that he believes they should check in evaluating this project. Mr. Babina stated that he hopes Buddington Road gets the same consideration, if not more, than the other two projects because if two fire engines need to pass each other or if the traffic is jammed on Buddington Road, a fire engine can't get through. He thanked the Commission.

Mark Wodonski, 55 Longmeadow Road, Shelton addressed the Commission. Mr. Wodonski indicated that this presentation is nothing more than a dog and pony show. This applicant is not interested in what the residents want, or need or what is good for this City. Once the applicant has his zone change, he can do whatever he wants without having to return for a public hearing. The applicant can, if he so desires, put up a high-rise building on this corner that will tower over the entire area. This spectacular show is nothing more than a used car salesman pitch for a zone change. The residents of Shelton have come before this Commission tonight and last week to speak against this project and zone change. They have even submitted a petition against a zone change. They have brought emotional reasons to deny this zone change, but more importantly, some have brought valid, legal reasons to deny this zone change. There is nowhere in State Statutes or local zoning regulations that require this Commission to approve a zone change based on traffic studies, marketing studies, wetlands impacts or even a spectacular presentation. However, there are statutes that require this Commission to set conditions necessary to protect the public health, safety, convenience and property values. These elements are legal ground to deny the zone change and/or the project.

Mr. Wodonski commented that the residents of Shelton have spoken about the negative impact of adding more pollutants to the air. Studies by numerous medical authorities have all warned about the rapid increase of childhood asthma, the rapid increase of adult asthma and the proliferation of other respiratory ailments as a result of more airborne pollutants. The adding of more car exhaust and, even worse, diesel truck emissions just exacerbates the problem. He won't even get into the water run-off that is beleaguered with pollutants from the parking lots which will include diesel lubricant, salt from

snowplows and the oils from the asphalt itself. He asked that they just keep in mind that this now polluted water flows through the Far Mill basin, the Housatonic River and eventually to Long Island Sound. The only way to safely remove these pollutants is to install a separator prior to the outflow. He asked if this Commission has had an environmental impact study conducted to determine the effects of the downstream waters. In such environmentally conscious times would it behoove this Commission or could it be a legal obligation to seek information from various environmental organizations as to this impact. After all, does Shelton want to be a good neighbor or does it want to be known as the Town that Killed Local Aquatic Life.

Mr. Wodonski continued to state that the applicant said that some type of underground holding will be installed to slow and reduce the outflow of water. He doesn't remember the exact person, but someone on the Applicant's team stated that they were going to have a larger inflow to these tanks than an outflow. What happens to the remaining water that went in? Does it disappear into the air? Once this tank is filled to its capacity, it is a moot point anyway. What goes in must come out.

Mr. Wodonski stated that the residents of Shelton, including himself, have spoken about the negative impacts on safety as the result of more motor vehicles. The addition of more vehicular traffic including trucks substantially increases the occurrence of accidents involving injury or death, including pedestrians. With the increase in bus traffic from surrounding towns, the pedestrian traffic increased too. Again, more chance for injury or death. The applicant has not even addressed the pedestrian issue on his plans. He doesn't see any plan for sidewalks being installed around the surrounding streets for pedestrian traffic, an improvement the applicant should be responsible for and not the taxpayer. The lack of oversight for pedestrian traffic is a total disregard for public safety by the applicant. This Commission is legally obligated to look out for the safety of the public.

Mr. Wodonski asked how the additional turn lanes would alleviate the traffic if the (inaudible?) are still one lane. Plainly, it doesn't. The residents of Shelton have provided evidence of their convenience being stripped away. One resident spoke about the difficulty in getting to an appointment on Bridgeport Avenue less than a mile from her home that took 20 minutes to get to. Adding more traffic to an already congested area is just going to add insult to injury. Travelling less than one mile and needing to allot 30 minutes for travel is not convenient. It would be quicker to walk but that can't be done safely as there are no sidewalks or pedestrian control signals either.

Mr. Wodonski commented that the property values surrounding this location are going to inevitably drop as a result of the added light pollution, airborne pollutants, added noise and added traffic. Who would want to buy a house or a condo and have to wait 15 minutes to get out of their driveway? This proposed zone change does nothing but hurt the neighboring property values and is only beneficial to the applicant.

In closing, Mr. Wodonski stated that this Commission has been provided with enough statutory reasons to deny this proposed zone change. He is sure that this applicant can come up with a project that is more befitting to the current zone designation. Mr. Wodonski indicated that this Commission has a legal obligation to the residents of Shelton in approving this zone change that totally disregards the statutory requirements.

Mr. Richard Wodonski, 29 Christine Drive, Shelton addressed the Commission. Mr. Wodonski commented that they haven't heard any concrete information regarding the proposal of what in fact will be built. Conceptual

drawings are entered into the record, incomplete site plans and a traffic study that he believes could be designed by many of the people here this evening. All anyone has to do is read the legal notice. The magic words in the legal notices are Initial Development Concept. This concept regardless of what the applicant, their attorney, their Professional Engineer, their Traffic Engineer present - based on this legal notice - this presentation is nothing more than a concept. It is only a theory or a belief held in the mind of the originators. If approved, and worse, if taken seriously, this Commission will be held hostage to the whims and fancies of the applicants. They have heard a history of Access Road from the applicant's attorney. The circumstances leading to the transfer and the ownership of property are of no importance. The fact of the matter is that Access Road is owned by the residents of City of Shelton.

Mr. Wodonski continued: After the Soundview Avenue or Perry Hill land transactions, he doesn't believe that the residents or taxpayers are open to the idea of continued, questionable, lack of prudent land transfers. It is time for this Commission to take on a leadership role. It is time to cleanse the system of those who blindly follow the whims of those who propose conceptual and whimsical land use ideas. The denial of this conceptual proposal could be a new beginning for the City of Shelton and its residents. It could be a beginning for the newly appointed and elected members of the Commission. The most recent members have an opportunity to break through the past and place the silver lining in the dark cloud of this Commission. Their actions in addressing the ideas presented by the applicant's representatives will set the tone for the future.

The applicant's Licensed Connecticut Professional Engineer has pointed out that existing zones at this site are a zoning mish-mash. Based on his belief, he asks that they compare the layout of Split Rock to the existing layout of the area in question. At Split Rock there are a number of buildings and businesses that range from restaurants and bars to a daycare center. The only difference he sees between what is described as a mish-mash and Split Rock is that Split Rock is a designated PDD. Other than that, they appear to be one in the same. He asked the Commission to investigate the original application for Split Rock, the public hearings and the background and see how the original application compares with the final project. It will also be interesting to see what road deed transfers had taken place at that site, and what procedures had taken place. Legally, it may not apply, but he believes that history repeats itself, and if nothing else, it could prove to be fruitful and educational.

The Traffic Engineer addressed the traffic as he sees it; perhaps the City should retain an independent study and not become trapped in a situation where the City's Licensed Professional Engineer is overridden by politically appointed public officials. The entire traffic situation should be addressed. There are a number of factors that should be entered into the equation - at the very least, the recycling plant and the Mas property. These are two projects that could have an enormous impact on the infrastructure and the area. One project, the recycling plant mentioned at the previous session, is a hidden project that appears to be a non-issue in the minds of state and city officials. His assumption is that the recycling project is passively supported and that impression is expressed by a lack action by a State Senator, a State Representative and City Officials. Based on the passive involvement, it appears there is hidden support to allow an increase in traffic flow.

As leaders of the community, he expects that they come forward and add their thoughts and expertise to the situations that beg for openness and planning. His hope is that they weigh in on these issues and the impact on the area.

Mr. Wodonski asked what good would take place on the directly affected living conditions and property values of the surrounding residential areas.

He referred to Falmouth Drive and other areas that abut a large track of land known as the Mas property. Not too long ago a proposal came forth to build high rise offices on that property. He believes that the high rise properties are known as the city trust structures. Then there was a proposal for multi-plex cinemas on that property. He is asking those who support or oppose the conceptual plan on the Crabtree site to investigate how the applicant's concepts and ideas could spread to or from the Mas property. What is the impact on the area when the total picture is viewed. What is the financial impact on the adjoining property owners and those in the surrounding area. The day may arise when those on Nells Rock Road, Falmouth Drive and those adjoining and near the Mas property will not have to travel to the former Crabtree site for shopping or high rise structures. They may have the ability to walk out their front door and do their shopping.

The P&Z should start acting like a P&Z Commission. In the not too distant past, as a Commission, perhaps due to a lack of vision, acted (inaudible) zone changes took the spotlight, Planned Development Districts were approved; thereby, keeping the public uninformed. Decisions were made and approvals were given in the Zoning Office away from the general public. The PDD brought with it a lack of transparency and the Commission acts in the manner similar to that of Zoners. The Commission could have very easily been considered a Zoning & Zoning (Z&Z) Commission. Denying this proposal and demanding more detailed planning will send a message that Shelton does indeed have a Planning & Zoning Commission.

Mr. Wodonski continued: The Nells Rock Road/Bridgeport Avenue/Access Road/Todd Road/Platt Road corner by nature of this location and area development is heavily traveled. The corner is impacted by much more than the applicant's thoughts as presented. As planners, they must take into consideration the additional traffic and truck traffic for the Recycling Plant, the unknowns for the potential development of the Mas property and the end of the Recession. To render a decision without additional information and planning may produce an unmanageable traffic situation in the near future. The existing topography will be altered and blasting will take place. What is the extent of the blasting? Is a rock quarry a possibility with its crushing machines, dust, noise, ground shaking and trucks? Will the approval of the PDD mask the blasting issue? Will all decisions be made in the shadows of privacy? They certainly don't want or need that type of decision making. This Commission and the public must have detailed information and blasting plans to safeguard the residents and the public. The information must be correct and precise. Future safety is dependent upon correct, up-to-date, precise information.

In fairness to the voters, the residents and the applicants for major zone changes, he believes that this Commission must support a zoning moratorium. The Recession affords the City the opportunity to study and gather information regarding not only the projects diverging at this intersection but also the downtown area and the entire City. A moratorium will possibly eliminate guessing and those decisions made without public participation. They will also provide opportunity for the air to clear and it presents an opportunity to know in advance what laws exist and needs to be done to comply with them. Also a moratorium satisfies the applicant's counsel suggesting that there is more time for information gathering and sharing.

The Commission should also rescind the 8-24 referrals that allow for sale and transfer of City land until the public is made aware of the reason for the City land transaction. A sharing of information is long overdue.

Mr. Wodonski addressed the Commissioners and stated that this conceptual application conjoined with other potential projects in the area with the added

traffic and pollution should be denied. Safety issues need to be addressed. There are unknowns not only with this initial concept but also with other projects that may take place now or in the future at this and other locations in the area. Many of these questions are begging for answers. Deny this application, put a moratorium in place and let us get on with the business with planning our future as well as the future of our children and grandchildren.

Anthony Celanto, 1 Country Walk, Shelton addressed the Commission.

Mr. Celanto indicated that he is one of the people who organized Protect Shelton as a group to put a halt to this disastrous plan. He thanked Atty. Shamsky and Planner Brian Miller for coming to help them out. He indicated that everything that he planned to say has pretty much been said. He only wants to say, that if he wanted to move to the Post Road in Milford, then he would have moved to the Post Road in Milford. This is a traffic nightmare. He doesn't know who sent in the letter saying there is no traffic because he had to sit through three lights off of Buddington Road onto Nells Rock Road to get here - and that is with an empty parking lot sitting there.

Mr. Celanto commented that the person who presented the marketing report left out a lot of key details such as Wal-mart are the number one users of plans like Husky that cost the taxpayers tons of money. They don't like to mention things like that. Mr. Celanto added that they seriously underestimated the amount of cops that are going to be needed for a place like this.

Mr. Celanto wanted to thank the applicant for what they did on Buddington Road, which he has to drive by to get to Country Walk everyday - they have nicely boarded up the places and they don't even bother to mow the lawn there. He commented that he can see that they really don't care - it's all about money, that's it. If they really looked into it, this place can be developed, it does not have to be developed into a size where they have to take down probably over 100 feet between Buddington Road and where that parking lot starts now. All this is going to do is cause traffic, cause problems, cause accidents. A gentleman mentioned that it was 19 feet wide on Buddington Road - that road is already dangerous - and if there are people coming down to go to the supermarket on top of it - he guarantees that the number of accidents will go up.

In addition, there already four supermarkets - everyone mentioned Stop & Shop, Shaw's & Wal-Mart. There is also one down in Huntington Center that a lot of people use and he guarantees that a town of 39,000 can't support a fifth major supermarket. They are going to be left with an empty shell as seen all over the State - all the way up to Waterbury where they have Price Choppers and Big Y's that are out of business - empty shells, empty parking lots. The blight that they have here will only be relocated at a different site.

Mr. Celanto agreed with the comments about the Post Road in Milford, the overdevelopment, the traffic, the empty shells. He came to Shelton to avoid that and he doesn't see the need for this other than to put money into somebody's pocket. He added that he knows from their petition and the amount of people sitting here tonight - he knows that a lot of people agree with him. They ask the Planning & Zoning Commission to agree with the City Engineer, the Chief of Police, the Fire Marshal and everyone that sent letters indicating that this proposal does not cut it. It definitely doesn't consider the people or anything else. He thanked the Commission for their time.

Mary Matthews, Woodland Park, Shelton addressed the Commission.

Ms. Matthews indicated that since everything has been said - this will be short. She stated that she has a few suggestions for that property. She suggested tearing down the building and putting up some trees, something green, some

picnic tables, or something for the children. There is too much stuff on Bridgeport Avenue as it is – too many restaurants, too many banks, grocery stores. She thanked the Commission.

Diana Welch, 12 Brock Terrace addressed the Commission. Ms. Welch stated that she opposes this zone change. She has been a life-long resident of Shelton and it kills her to see the way the developers are actually raping the City and the officials are allowing it. It breaks her heart – the traffic, the noise – living up on Long Hill Avenue – she can hear Bridgeport Avenue. She could hear it when the car dealership was there and they would announce things on their loudspeakers. She can't imagine what this base is going to be like with noise up there. She isn't even on Long Hill Avenue, she's off of it on Brock Terrace which is even further away and it's quite noisy between the traffic and the trucks from United Recycling at night.

Ms. Welch commented that when she takes her children to school, she goes up Nells Rock Road to the Intermediate School and the High School. When she came back from there the other day, she sat in traffic at that light and it was already backed up already to Buddington Road. She commented that she can't imagine how bad it will be with an additional light on Bridgeport Avenue, and the way the traffic will circulate through the development. There is only one way in and only one way out – to take a right. She added that that when people from the area shop, when they go in, they don't want to just go out the main entrance onto Bridgeport Avenue to sit at a light when they have to take a left to sit less than 500 feet away at another traffic light, and then take a left a go back up whenever they can't go up Nells Rock Road. People will probably try to go around and to circumvent the lights and go straight across into the bank which will cause accidents and it will be dangerous. It will be guaranteed because people will find a way to get around the traffic, because they always do. Right now on Bridgeport Avenue coming from Wal-Mart toward Center Street in Shelton, people are already taking shortcuts on Todd Road (which runs parallel to Bpt Ave) and taking a right on Platt Road and a left on Long Hill Avenue to cut through and go around the whole area. She can't imagine how many more people are going to try to do that.

Ms. Welch stated that area is right around where she lives; when she tries to leave Brock Terrace and take a right on Long Hill Avenue, cars are coming up from Sikorsky and Bridgeport Avenue and cutting through to go to Constitution Boulevard. She can't even take a right because traffic is backed up on this little country road at 25 mph. This is just going to cause more traffic.

Ms. Welch added that she doesn't even allow her children to walk in the area. There are no sidewalks around except on Long Hill Avenue. Her 15-year old wanted to go to a friend's house in Woodland Park and she couldn't let him go because she was concerned that there is no sidewalk. The traffic is horrendous; it is gridlocked and people are taking lefts and rights. She just doesn't want this to happen. It is sad because when she was younger, she would walk downtown or wherever, but with this increased traffic, she is afraid for her kid's safety and their lives.

Ms. Welch commented about the traffic report that was taken in January when most people don't go out as much; even at rush hour in January, people will stay later at work because its dark anyway. She asked why they don't look at traffic in the middle of the summer when kids are out of school and they are out all different times of the day and night – high school kids and college kids. They should do studies when people are out traveling more. She really thinks those figures are wrong and she thinks that if anyone did their own assessment of what the traffic is like – just imagine what it is like being a resident in that area and what you'd have to go through every day. It's really a nightmare.

Ms. Welch also stated that she has concerns about what the height of the buildings are going to be. She went to the P&Z office to look at those pictures of the proposed development. She realizes that they are going to be in a line, but because it is going to be cut out and there is going to be bedrock blown away – what will be behind it. The pictures show how beautiful it is going to look but it doesn't show that there is any major wall showing. It won't be all beautiful trees like that. She thinks that when they drive up there, they are going to see a wall in the back. She referenced the scale with a rendering of the car and the tree indicating it is 0 – 6 feet from the road up to the parking lot but it shows greenery behind the wall – so she questioned if there was going to be another wall there. Ms. Welch commented that they've made it look nice but she doesn't really think that it is going to look that rosy.

Ms. Welch concluded that Shelton is saturated and they need to stop. This is just one more development that is going to affect the quality of life for Shelton residents. She urged the Planning & Zoning Commission to please do its job and protect quality and safety of Shelton residents. She thanked the Commission.

Eric Fine, 11 Doe Place, Shelton addressed the Commission. Mr. Fine thanked the Commission and commented that he thought that one of country's former first ladies coined a phrase that really fits what the residents want to hear and that is "Just Say No." He wanted to be brief because most of what he was going to say has been discussed already tonight.

Mr. Fine wanted to bring up a couple issues and one of them was "filling a void" for the people in Shelton. He doesn't think that building another supermarket is filling a void. He hasn't read anything in the local newspapers from any of his neighbors dying because they couldn't make it to a supermarket. That void is something that has been created to sell a project here.

Mr. Fine wanted to comment on the Blakeman's and their development and being good neighbors. They have owned the property on Buddington Road for quite some time and everyone who travels that road daily has to look at three boarded up residences – the utilities have been cut - they are ready for demolition. If they going to demolish them, let's get it done so that the people across the street don't have to continue to look at it. Whatever the outcome of this project becomes, they can deal with the rest of it then. He has no problem with the development at this site but he thinks that it has to fall within the confines of the existing regulations that are in place. They knew when they bought the property exactly how that property was zoned and they are banking on the fact that this Commission is going to change that and allow them to do what they want – to maximize profits and not do what is best for the citizens of the City of Shelton. That is what the bottom line is here – dollars and cents.

Mr. Fine wanted to make a comment for the little guy. Another grocery store – let's think about the poor guy who is trying to scratch a living out up in Huntington Center. Most likely, this will put him out of business. That is something to think about – there is somebody that is already paying taxes to the City with a viable business in Huntington Center and this kind of a shopping center could impact him. Eighty thousand dollars in additional tax revenue for the City of Shelton will pay for less than one police officer or one teacher. When they figure out the overall personnel cost of an employee of the City of Shelton – it is less than one body.

Mr. Fine indicated that he has been a neighbor of the Blakeman's. He owns property on Doe Place; they own six acres on the end of his street and they had to put up with illegal dumping going on up there until they got the City involved to shut him down. Good neighbors – he questions that. They have a right to

develop this property under the regulations that are in place. Please keep it that way. Thank you.

Mike Nidoh, 57 Basking Brook Lane, Shelton addressed the

Commission. Mr. Nidoh indicated that his comments would be in two parts – one in generality, and one in details. He stated that there are so many properties up and down Bridgeport Avenue – the UI property has two sites and strip shopping centers have been approved up and down the line. There are numerous acres of currently vegetative land right now which are probably not part of the open space plan that could be developed. He isn't naïve enough to believe that the City will not develop these properties at some point in time - this site included. The question becomes one of good design and good development. This proposed development is looking at a variety of issues and it is not in keeping with the context of the town.

End of Tape 2A 9:40 p.m.

Mr. Nidoh commented that there is still a parking lot next to the sporting goods store in the rear which is not being discussed. The attorney for the developer spoke earlier about what the developer would do at his own additional cost. There is something else called impact fees – and it is the same thing – and they should take care of it. Shelton is not a bottom feeder. It is a place where development is being sought out by a variety of quality developments. He doesn't doubt that this developer thinks this is in the best interests from his point of view. When they take away the nice treatment of the façade, it is still just a concrete block. It is relatively inexpensive to build with a great return on the investment in terms of rental space.

Mr. Nidoh indicated that on the details, he didn't see any sidewalks at all being proposed by this development. Right now Nells Rock Road is a very narrow and windy street. He lives on Nells Rock Road and he sees joggers, people on bikes, kids on skateboards (and even teenagers walking up the middle of the road after midnight). The roadway itself cannot handle the access. The access point that is being described for this should not be allowed. Coming over the hill on Buddington Road, there is traffic right on top of you before you even know its there. If there is a turn in at that point, it will be used by trucks out of that site to get to the intersection of Bridgeport Avenue to access the highway. There can be signs up all over the place but nobody is going to enforce it.

Mr. Nidoh added that this is not the type of development that is needed here. This is going to be a draw for the neighborhood kids to come walking down here from Buddington Road, Nells Rock Road and Bridgeport Avenue to hang out.

Mr. Nidoh stated that he comes here tonight in hopes that the Commission rejects this proposal as designed. Again something will be built there. This Commission must demand a quality development from the developer – whoever it may be – Blakeman or somebody else. They are not a bottom feeder city here. They have people who want to develop here. If they are going to develop it, they have to do a good job. This Commission represents him as an elected body, and he's a taxpayer and they need to look at how the taxpayers of the City of Shelton feel about these projects. He thanked the Commission.

Joan Roy, 51 Country Place, Shelton, CT addressed the Commission.

Ms. Roy stated that most of what she wanted to say has been covered tonight. She wanted to say that she moved up to Shelton from Norwalk because Norwalk was so overdeveloped and there was no country life left. She moved up here for the trees and the greenery and it is being taken away from her. The more Bridgeport Avenue is developed, the less they have for their kids. That is what

eco-responsibility is about – it's about keeping the balance. Putting in all of these strip malls is not keeping the balance.

Ms. Roy commented that this property needs to be developed but this is way too big for the site and way too big for the neighborhood. She stated that she thinks that they should keep the zoning laws as they are.

Ludwig Spinelli, 14 Willard Road, Shelton addressed the Commission.

Mr. Spinelli indicated that he wanted to speak in opposition to this plan. They have already heard many reasons why they can deny this project that are right within the master plan of development. He doesn't need to repeat them because Mr. Miller did a great job in outlining that.

Mr. Spinelli wanted to remind them that there is a limited amount of land on Bridgeport Avenue. Many years ago he opposed the Wal-Mart. Now he sees that what they are developing is a mini-Route 1 Milford/Orange/West Haven (you don't even know what town you are in on that road). He noted that the Post Road is a four-lane road. This development is being done on Bridgeport Avenue which is a two-lane road. There are no arterial roads and it is very dangerous. The Commission has already heard about the negative impact it has. What they didn't hear is that this is actually going to cost the City of Shelton a lot of money. There is opportunity loss, where under current zoning, a commercial or an office structure could be put up which would generate a lot more money than the \$80K that they are hearing about. This \$80K is just not accurate in his opinion. The opportunity loss for office space and other items that would be 9-5 and less of a neighborhood burden (no weekends, less noise/light pollution, more environmentally friendly, more green) is an opportunity. Most of the shopping that this is going to become – let's face it, this is going to become a tipping point for this City and it's incumbent upon the Commission, if that is what they want to be known at, so be it. The voters will certainly be looking at that in November.

Mr. Spinelli reminded them that Chrysler and GM are in bankruptcy. There is going to be a lot of opportunity for development. They don't have to jump at every PDD that Atty. Thomas, who has done a great job of getting PDD's approved over the years, but that shouldn't be the first option. They have an existing Plan of Development, let's follow it, let's reject this, this makes very little sense. He really feels for the people who live along Buddington Road and the Nells Rock area because there is no doubt in his mind that the value of their homes is going to drop because of the negative impact of this.

Mr. Spinelli commented that 70% to 80% of the retail shopping in this country takes place between Nov. 1st and the end of the year. He asked how it is going to be going to Wal-mart or down Bridgeport Avenue then. And how will they deny further projects if they set a precedent with this approval. Mr. Spinelli indicated that they have enough fodder to deny this and he urged this Commission – the four Republicans and the two Democrats to unanimously deny this application.

Alderman Lynn S. Farrell, 25 Buddington Road, Shelton addressed the Commission. Alderman Farrell thanked the Commission for hearing her and everyone here tonight. Most of what she had wanted to say has already been stated. She commented that most of the reason they are here in this situation is because some 40 years ago the powers that be in Shelton created out of Bridgeport Avenue an area of development as an economic boost for the City. And because of that, something will go into this spot someday. But what they are interested in is maximization of benefits for the neighbors – the people who live in the neighborhoods – whether it someday be a business, an office building or whatever goes in there - it would be in the best interests of the people in the neighborhood who spoke here tonight especially Heritage Point, Country Place,

Country Walk, and everyone else that could get together someday and endorse some project that would not be intrusive upon their privacy.

Alderman Farrell asked that no matter what goes there or when it goes there that the Planning & Zoning Commission consider making that entire area where those three abandoned houses are now existing as the entire buffer and not allowing any cutting into those rocks or the natural environment that is there. She has seen different animals in there – the deer and other animals. The lady on English Lane in that area even saw a bobcat. She doesn't know if there area bobcats, or bald eagles as Mr. Miller suggested, but there are natural features in that area that should be preserved. In that way it may stop some of that noise from rising because that noise, and she knows about it from Wal-Mart is very imposing upon neighbors.

Alderman Farrell commented that if that loading dock is where it is planned to be for any of those stores in this project, or whatever project comes in the future, the noise will mushroom. The noise rises and goes up into English Lane, Buddington Road, Country Place, Country Walk, and all of the residential areas there. Alderman Farrell stated that she hopes that those homes will be torn down soon, the lawn mowed and the tree branches trimmed and taken away to clean up this site. She also requested that if anything goes in there, that the Commission work on some limitations to put into the approval of the project for the traffic hours and what goes in to be delivered. In 1994, when she spoke here about Wal-Mart, she talked to the Commission members and at that time they said one truck will go in and out of Wal-Mart on a daily basis and never after 11:00 p.m. and never before 7:00 a.m. Well, that never happened because even just two weeks ago, even with the noise ordinance in place, she had to call Wal-Mart at 4:00 a.m. because they were outside drilling at night because they are remodeling. Those types of situations should be considered by the Commission and she hopes they will take it into consideration no matter what goes in there. And someday something will go in there because of what their forefathers did. She thanked the Commission for listening.

Chairman Pogoda indicated that Alderman Farrell was the last speaker. He asked the Commission for a motion to adjourn. He stated that this public hearing will continue on June 30th at 7:00 p.m. in this Auditorium.

On a motion made by Patrick Lopera seconded by Virginia Harger, it was unanimously voted to adjourn at 9:50 p.m.

Respectfully submitted,

Karin Tuke

Recording Secretary, Planning & Zoning Commission