

SHELTON PLANNING & ZONING COMMISSION      NOVEMBER 29, 2012

The Shelton Planning and Zoning Commission held a special meeting on Thursday, November 29, 2012 at the Shelton City Hall, Auditorium, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present:            Chairperson Ruth Parkins  
   Commissioner Virginia Harger  
   Commissioner Anthony Pogoda  
   Commissioner Thomas McGorty  
   Commissioner Joan Flannery  
   Commissioner Elaine Matto  
   Commissioner Nancy Dickal (alternate)

Staff Present:                         Richard Schultz, P&Z Administrator  
   Anthony Panico, Consultant (via teleconference)  
   Patricia Garguilo, Court Stenographer  
   Karin Tuke, Recording Secretary

Tapes (2), correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org)

**CALL TO ORDER/PLEDGE OF ALLEGIANCE & ROLL CALL**

Chair Parkins called the Special Meeting/Public Hearing to order at 7 p.m. with the Pledge of Allegiance and a roll call of members present. She noted that P&Z Consultant, Tony Panico would be communicating via conference phone tonight. It was verified that he could hear properly. She reviewed the procedures of a public hearing and requested that anyone wishing to speak at this public hearing sign in, direct their questions to the Commission and limit any of their comments to this application on the table.

Chair Parkins requested that the P&Z Secretary read the Call of the Hearing for Application #12-21 and any applicable correspondence.

**PUBLIC HEARING**

**APPLICATION #12-21, PETITION OF TALBOT PARTNERS, LLC FOR PDD ZONE CHANGE (INITIAL DEVELOPMENT CONCEPT PLAN: 262 UNIT APARTMENT DEVELOPMENT), 740 BRIDGEPORT AVENUE (MAP 19, LOT 56), OP DISTRICT**

P&Z Secretary, Commissioner Virginia Harger read the Call of the Hearing for Application #12-21 and three pieces of correspondence.

**\*See attached correspondence to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal dated November 21, 2012.**

Comm. Harger noted that the Fire Marshal's reference to the property at 785 Bridgeport Avenue is not the same address indicated on the Public Notice for this application which is 740 Bridgeport Avenue.

**\*See attached correspondence dated Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer dated November 8, 2012.**

**\*See attached e-mail correspondence to Richard Schultz from Mark S. Widomski dated November 29, 2013.**

After Comm. Harger began reading Mr. Widomski's e-mail and the comments were unrelated to Application #12-21, Chair Parkins clarified that only the portions of the correspondence specific to this application were required to be read into the record.

Chair Parkins indicated that at the beginning of the public hearing she failed to mention that she, Comm. Parkins was also present; thereby, making it six voting P&Z Commission members present for this public hearing. She asked the Applicant to begin their presentation.

**Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission on behalf of the Applicant, Talbot Partners, LLC for this proposal application for a Planned Development District (PDD).** Atty. Thomas submitted the notices, the photograph of the sign posting and a list of property owners to the Commission.

Atty. Thomas indicated that they would be receiving quite a few exhibits tonight but he first wanted to orient them as to what they would be talking about. He distributed an 11 x 17 photograph to the Commissioners showing them an aerial view of the area which points out the residential developments in the general area. He briefly explained a history of the site and commented that he didn't think that they needed that much of it. As they are aware, this site is behind the Bertucci restaurant and Planet Fitness buildings. It is part of the properties that were purchased and developed by the Francini & Vartigone (?) families which contributed to the development on both sides of Bridgeport Avenue from about Trap Falls Road and beyond either way.

Atty. Thomas stated that the properties, at some point in the past were split, and obviously Bertucci's and Planet Fitness were erected in the front. The access to it, as stated in the (inaudible) and by the City Engineer is via a 60 foot right-of-way which is presently used, partially for the access to the restaurant and to the gym. The property has been marketed for years and it has some limitations. It tends to fall away towards Route 8, it has really no visibility to Bridgeport Avenue and any development on the site would require site work.

Atty. Thomas indicated that with respect to the site, the engineer, Patrick O'Leary, will address this issue more fully, but the site is best developed when certain things can be put at certain levels rather than flattening the whole site. He thinks that this will be an important consideration for the Commission as they listen to their proposal. The current proposal is for 262 units, a

mixture of studios, one-bedrooms and two-bedrooms. They will have the breakdown in further exhibits.

Atty. Thomas stated that the aerial map provided shows them that what has happened on the Bridgeport Avenue corridor from approximately 30 years ago to the present. In the development of what is probably the State – and he has been around and attended many P&Z Commission meetings and seminars – this is probably one of the most desirable mixed use areas. It has evolved over the years from the Class A office to the retail to the services and now to residential. As they can see from the aerial photograph, they have several cluster and multi-family residential uses spread throughout this very desirable area of Shelton. Atty. Thomas indicated that what they have done in this area has made it very desirable for the development to continue.

Atty. Thomas clarified why they should continue in the residential and indicated that they will see when the marketing study is distributed, that there is a tremendous need for this type of housing at various levels. Shelton seems to have recognized that with what they have along the Downtown area and with what exists on Bridgeport Avenue. His understanding is that the Avalon development on Bridgeport Avenue is 95%+ rented and it is a very successful project and very desirable. When they combine the Class A office and the services provided, it means that this area becomes a desirable place to live. On this proposal they are going to hear from Michael Bradley, Principal from Talbot Partners who will talk about the Applicant and will discuss the marketing study.

Atty. Thomas indicated that he has seen many marketing studies and this one is very enlightening. In reading it, before they jump to a conclusion possibly that this is just a marketing study done for the applicant, he explained that there has been at least three articles in last 60 days in local newspapers concerning the need for what is “alternative means of housing.” This means that the desire or this perceived need for the building of one-family homes has been supplanted very much by the desire for both the Boomers and the Echo Boomers to be in apartments. In addition to that, the Partnership for Strong Community and other State agencies, have identified the fact, including the Valley Chamber in conjunction with TEAM several years ago, that there is a tremendous need for rental housing – in addition to what is already here. They will see from their marketing study that it is a need that they are going to fill. Their project is not going to fulfill it but it is going to be a step towards it.

Atty. Thomas stated that they will also see that its fiscal impact is very beneficial to the town. It will be very beneficial in a way, when they consider the fact of what the taxes are on this site right now – approximately \$30,000 – and the fact that in this area, despite the fact that it is zoned OPD and despite the fact that in the future land use it is designated as Light Industrial/Office, they have not gotten nor do they have any proposals for Office or Light Industrial along Bridgeport Avenue. The light industrial buildings along Bridgeport Avenue have disappeared and they are being replaced by others. They have substantial light industrial space in areas that are much more desirable – whether it is along South Constitution Boulevard, Forest Parkway, or Controls Drive. With respect to office space, and they have heard him say this before, the major office complex on Bridgeport Avenue is Armstrong Park. Just recently, and thankfully, somebody has expressed an interest – but still there is a greater vacancy rate there than there is in the Corporate Area where there is much less of a vacancy rate.

Atty. Thomas indicated that he thinks that this use has been shown by other residential areas as appropriate under the Plan of Conservation and Development (POCD) – whether they consider modifying it or not – but it certainly is appropriate under the Comprehensive Plan which is their Zoning Regulations and their map because it fits in with what exists there right now and completes the cycle of an appropriate mixed use area.

Atty. Thomas indicated that they will also hear from Patrick O’Leary from VHB/Vanassee Hangen Brustlin, Inc. who will discuss the site, traffic issues, and landscape issues. He will also address the architectural issues. He stated that it was their understanding that when they changed the public hearing from Wednesday to Thursday (tonight), they lost their architect due to a conflict. The architect is from Pennsylvania. They have one smaller set of architectural plans to pass out to the Commissioners but the architect has all of the display boards. He added that it was also his understanding that this Public Hearing would be continued to a second public hearing. If that is the case, Mr. Wence, the architect can be present but Patrick O’Leary can address some of the architectural issues tonight.

Atty. Thomas stated that he would conclude the presentation with his discussion of the Fiscal Impact Study. If the Commission decides to continue this public hearing, he brought a letter for the extension of time to complete it within 35 days. It would give them an extension of time through the end of January 2013 to conclude the public hearing. He introduced Michael Bradley, the Principal, to explain to them who Talbot Partners is and why they are doing this project.

Chair Parkins asked about the renderings that they do not have the boards for and if it was recently presented to them.

Atty. Thomas responded yes, it is what was presented to them. If they all have a copy of it, it will make it easier for them.

**Michael Bradley, 63 Rockwell Road, Ridgefield, CT addressed the Commission.** Mr. Bradley stated that Talbot Partners, LLC was formed for the sole purpose of this project by two partners that have a combined 60 years experience in the real estate business – Bill Griffin and himself. He added that Bill Griffin is a long time Valley resident, member of this community and a great builder. He stated that they have developed – combined – several thousand units of both attached and detached residential housing, several thousand square feet of commercial development, and they really believe that Shelton is a special place that has created a multi-faceted and amenity-rich housing community that is desirable, rare and enviable.

Mr. Bradley clarified why they believe this and why they are willing to take risks associated with this product type in Shelton. He commented that nationally, and more specifically Fairfield and New Haven counties have some of the lowest vacancy rates in history. Fairfield County is at 5% and New Haven County is at 3%. Shelton is wonderfully approximate to both of these locations. And provide a relief from that demand for lower Fairfield Country and New Haven County, while benefitting Shelton fiscally. The balance of the retail and office users along Bridgeport Avenue will benefit greatly from having amenity-rich housing adjacent.

Mr. Bradley indicated that despite the general wisdom of single-family housing being better, Fairfield County is at an all time low in the number of permits issues. This year they are

shooting for about 925 permits. Without any economic growth, organic growth in Fairfield County is 2,000 to 3,000 household formations. There are simply not enough houses being created for the number of households that are being formed. Obviously, they all live here and they know what the cost of living is in new homes, particularly in lower Fairfield County. It is incredibly expensive. Mortgage financing has not recovered and is not readily available and it lends itself to the desire, and sometimes the need, to simply rent for a period of time.

Mr. Bradley indicated that “Echo Boom” or the children of the Baby Boomers – many are doubled up and living with their parents, living with roommates and they are ready for their own homes. Highly amenitized, quality Class A apartments are a good opportunity for these people who live and work in this community to domicile.

Mr. Bradley stated that Baby Boomers – plenty of folks want to remain in Shelton without the upkeep and headache of the single-family home and split time between Shelton and somewhere else in this country. They are seeing European home ownership rates creeping into the U.S. Across Europe there is about a 25% home ownership rate. The U.S. has historically been about 62%. It peaked at 67% and it is down to about 65% and dropping rapidly. Again, people like mobility, affordability, access to mortgage financing, etc.

Mr. Bradley discussed the issue of high quality of life. Shelton has created this phenomenon because it is a wonderful place to live with a high quality of life, well-located in the Valley, well located on Route 8, well-located to transportation centers, has a wonderful office complex up the hill that employs many people and has been very successful. The ability for the City to provide multi-faceted, amenity-rich housing is enviable and rare.

Mr. Bradley touched upon the Riverstone Residential Group documentation – he commented that Talbot Partners is the applicant but the market study they have provided was prepared by a company called Riverstone Residential Group. Riverstone is a manager of approximately 20,000 apartment units nationally, mostly on the East Coast from Stamford, north of Boston and down into Florida. He added that, as an objective third party, they also really believe in this project and are willing to put their name on a marketing study that speaks to purely data-driven statistics about phenomenon of multi-family housing and what is going on in Fairfield County.

Atty. Thomas stated for the record that he passed out and introduced into the record, the Riverstone Study that was done. In the study, and what they asked Riverstone to do was to analyze Shelton as a whole and not just this project. He added that there are some differences, for instance, he can see the rapid development and near completion of the Avalon project. They are starting to brick the side that his office is on in Derby. They are moving fast and as they can see from the study, they try to address both of those issues. They discuss “demand drivers” for both – some people will desire to live Downtown and some people will desire to live on Route 8. There will be a mixture.

Normally, as part of this marketing – this isn’t marketing but he wanted to discuss an e-mail that he recently received. In the interest of full disclosure, Atty. Thomas, he explained that the individual that sent an e-mail to him is a client that he has done some work for named Sally DeSousa, the wife of cardiologist, Dr. Tony DeSousa. He added that out of the blue he received an email, the first e-mail asked when the hearing for this application would be held which read

“My mom is interested in the apartments that he is involved with on Bridgeport Avenue. I wanted to go to the Zoning Meeting but I forgot. Any news if it is going to be approved?”

He responded to her email saying that “Sally, the hearing is tomorrow (Thursday) night. Give me a call and he’ll fill you in with the details and he’d appreciate you coming.”

Sally DeSousa replied “What time is the meeting? Is it at Shelton Town Hall? My mother has already moved herself in. She is 83 years old and she wants something nice and new.”

Atty. Thomas replied to her email that “it would be at 7:30 p.m. in the Shelton City Hall Auditorium and he’ll make sure that her mother meets my client.”

Sally DeSousa responded back “My mother is in Atlanta and if I don’t come at least you’ll know that you’ll have one elderly lady who is very excited to move in there and hope that you get approved.”

Atty. Thomas restated that for full disclosure, this is a client but he submitted it for the record.

Atty. Thomas made the point and added that he wanted to make this on the marketing study, when in 2004 he was before the Commission with Roseland, a project that was not approved, for apartments up in the Corporate area and Mr. Scinto was before the Commission with what is now the Renaissance – both of them, as they went through Zoning – his phone rang off of the hook from Shelton residents, especially older Shelton residents, who wanted to go into the apartments. What they have seen since that time is that, from what he understands, the Renaissance apartments are rented fully. Avalon is rented almost fully – fully means about 90%+. With the Riverstone Study, the important thing is about it, when it points out the various issues – homeownership costs, etc.

Atty. Thomas commented that the other fact is that it is a very mobile work environment. The people that work up in the corporate area, the younger people, the Echo Boomers have to be prepared to say “yes” to their boss when they are told to go to the Chicago Office. They have found that these type of people are looking for apartments. He hopes the Commissioners will take the time to read the study. He thinks it is a very beneficial marketing study done by Riverstone, a very impressive entity. Atty. Thomas introduced Patrick O’Leary, the engineer from VBH to discuss the site. He distributed a packet of various 11 x 17 color renderings of the site.

**Patrick O’Leary, P.E. and Office Manager, VHB, 54 Tuttle Place, Middletown, CT**

**addressed the Commission.** Mr. O’Leary indicated that he had additional design members from the team with him should the Commission have specific questions that he can’t address. He asked the Chairperson to facilitate his presentation from the renderings on the easel and that he would like to discuss the existing conditions as they are now, the proposed development plan as well as the final landscape plan followed by traffic before returning the discussion to Atty. Thomas.

Chairperson Parkins indicated that would be fine.

Mr. O'Leary added that he would be covering the architectural plan as well. He indicated that they have already discussed the location of the site three times tonight so he won't go over the site location itself. On the site rendering, he pointed out the site juxtaposition to the Marriot Hotel, Bertucci's, Planet Fitness, the Mobile Home Park, and light industrial surrounding the site with Connecticut Route #8 off to the easterly side.

Mr. O'Leary indicated that the site itself is approximately 13 acres – 12.85 acres serviced by a right-of-way alongside Planet Fitness out to Bridgeport Avenue. It is an interesting site that has a significant amount of topography with about 100 feet of elevation relief across this site starting out the southwesterly corner and moving to the northeasterly side. He indicated that there are two wetland bodies. He showed the location of one very significant wetland body to the southeast side along with a smaller drainage feature that is not actually located on the property but adjacent to the property.

Mr. O'Leary stated that when they look at sites like this, particularly with respect to the zone change, in its current condition, Zone OPD, you could have office in here. It might sustain about 160,000 – 200,000 square feet of office space and a development of that nature would fully utilize the site and truly scar the landscape. To develop something of that nature, they would have to significantly take out the ledge from this area here, likely have significant impacts on the wetlands over here and from an environmental perspective, it would be much more onerous than what they are proposing.

Mr. O'Leary commented that in addition, Bridgeport Avenue is a fairly well-trafficked road with about 15,000 vehicles for average daily traffic. An office park of that nature would generate about 300 trips in the peak hour as opposed to a residential development being proposed here which would generate about 175-180 trips in the peak hour. Therefore, the commercial use for office would significantly impact the traffic much more than the proposed residential development. Similarly, if they looked at it for other commercial purposes, possibly retail, in keeping with some of the character along Bridgeport Avenue, a person could suggest using this site for a big box retailer, supermarket or a Target, something of that nature.

Mr. O'Leary indicated that once again, the layout required to satisfy a major retailer using this site would significantly scar the site. He added that you simply cannot work with 100 feet of elevation relief across the site in doing a shopping center, retail project of that nature, as well as having an impact on the wetlands. He stated that with respect to looking at just the traffic for a big box retailer, if they thought of something that was 120,000 to 150,000 square feet which would be something like a Target or maybe a COSCO, BJ's or something of that nature, a typical retailer of that size would generate around 900 trips during the peak hour as compared to the office which was 300 -350 trips as compared to the Residential build which might generate about 175 – 180 trips.

Mr. O'Leary commented that it would make a lot of sense for the use here from a residential standpoint. He pointed out that the site was adjacent to the Mobile Home Park, has facilities out front such as restaurants, a gym and is consistent with the character of trying to create some type of mixed-use, regionalized location here.

Mr. O'Leary referenced the map of the proposed development in the context of the setting surrounding it. He restated the location of the light industrial, Mobile Home Park, Marriot, Bertucci's and Planet Fitness. He showed the access coming off of Bridgeport Avenue where they are proposing to provide a boulevard along the area to try to create an entrance that both accents the residences proposed as well as trying to make a statement along Bridgeport Avenue from an aesthetic standpoint.

Mr. O'Leary indicated that on the site itself they are proposing eight buildings – four residential units and one clubhouse at the entry of the site. He showed that as you traverse around the site, they will have full (inaudible) activity, quasi-figure 8 in nature so that if there is any problem on any of the roadways or otherwise within the units themselves, there will always be provided complete circulation throughout the site. He added that they are providing one emergency access that will come out to the lower drive. The developer has been in touch with the adjacent owners here and is in the process of working on an agreement to provide this emergency access here. It will be a locked access with a lock box for Fire Department, Police and other safety vehicles. It will only be used for emergency purposes.

Mr. O'Leary indicated that on the site itself they are proposing 262 units with a clubhouse. There will be 345 parking spaces, surface parking outside of the units themselves with an additional 60 units, 60 parking spaces within garages for the respective units. In total that will be 405 parking spaces for 262 units. It is approximately a 1.5 parking spaces per unit ratio which they believe is sufficient considering the fact that there are a number of studios and one-bedroom units – about 132, if he remembers correctly.

Mr. O'Leary stated that in looking at the site, they paid particular attention to the site from an environmental standpoint. Environmental resources are limited in all communities and they tried to pay particular attention and work closely with the developer. He pointed out the location of a nice natural resource of wetlands on the site. He explained that it was very well vegetated and it was a natural habitat for a number of wetland species. He added that part of this area was filled with wetlands years and years ago, not within recent times, and it is one of their goals in looking at this site to try to promote retaining and conserving a large area back here from the wetland area and enhancing it by virtue of restoring the hydrology to it.

They have done this by taking the storm water from the site, run it through a closed series of pipes, and catch basins which is ultimately discharged into a storm water basin here which will, with time, provide additional hydrology into the wetlands located here. Mr. O'Leary commented that they have not been before the Wetlands Commission at this point because it is not required as part of this Initial Development Concept Plan. He added that they have met with them though and they are very pleased with their attempts at this point at preserving the natural resources on the site.

Mr. O'Leary showed another plan and indicated that it was a potential landscaping layout for the site. They are concentrating a great deal of landscaping along the boulevard, the entrance into the site, and in and around the Clubhouse. They know that they have neighbors here and understand their needs for privacy and screening. They will be providing a dense buffer along here to separate the two properties and provide privacy as appropriate. He stated that they have a number of green areas shown here. The Developer plans to incorporate additional recreational

features into the site, be it a swimming pool at this location. It hasn't been decided upon at this time. It will obviously be a part of any final plan of development should the zone change and the initial concept plan be approved.

Mr. O'Leary discussed the traffic for the site and along Bridgeport Avenue. He indicated that they performed a traffic study which is incorporated into a portion of the Executive Summary which has been provided. The study area for the site is relative to Bridgeport Avenue. They specifically studied the Site Drive, Shopping Center Drive to the north and Commerce Drive and Old Stratford Road further north. Under the existing conditions, the Level of Service associated with Commerce Drive varies from A to C for the Shopping Center Drive under varying midday morning peaks and evening peaks, the Commerce Drive and Old Stratford intersection to the north operates at Level of Service B to E. At evening peak it operates at Level of Service E which is still sustainable and operable but obviously not ideal. Level of Service A would be the ideal condition. Under the existing conditions, if they have no build and if this is not built and they are projecting into the future, the 2015 no-build scenario without this project, the Levels of Service associated with Shopping Center Drive would remain in varying B,C conditions. If they look at the intersection of Commerce Drive and Old Stratford Road intersection it would actually, ultimately move over to a failure condition, Level of Service F.

Mr. O'Leary indicated that the proposed project here is going to add about 177 trips in the peak hour. He believes that is the A.M. Peak when those trips would be proposed. It will have very little impact on the signalized intersection at Commerce Drive and Old Stratford Road. They have looked at the signalized intersection itself and they do believe that even with the addition of this traffic in the future condition, they would be able to mitigate that signal through signal timing improvements so that the Level of Service at this intersection would stay at Level of Service E even with the addition of the 177 peak hour trips associated with this project.

Mr. O'Leary referenced some of the comments he had already made regarding some of the traffic that could be associated with alternate uses here. It would add higher levels of traffic from commercial uses and have greater impacts both at the Shopping Center Drive as well as the Commerce Drive and Old Stratford Road. For the project itself, they are not proposing signalization here. They are proposing offsite improvement which would be widening of the road here and providing a dedicated Left Hand Turn Lane into the site. Normal traffic flows leaving here in the A.M. – 70% of the traffic will be heading to Commerce Drive/Old Stratford Road and 30% in the southerly direction.

**End of Tape 1A 7:50 p.m.**

The critical traffic path and pattern is truly to the north here with cars leaving in the morning and returning in the afternoon. The reason that they are proposing the dedicated Left Hand Turn Lane will be to provide adequate stacking for cars making a left hand turn into the development without having an adverse impact on Bridgeport Avenue itself. This development will require, what is formally referred to as an STC Certificate from the Office of Safety and Traffic (OSTA) and they will be meeting with them once the project moves from the conceptual portion to the final design. They will have to receive a certificate through their agency and they will be the ultimate approving authority of any offsite plans that are necessary for this.

Mr. O'Leary commented that knowing that there are two signal lights immediately to the north of here, he wanted to take a look at alternate uses here to develop this site. If they are looking at an Office use for the area which has A.M. and P.M. peaks, a signalized intersection would likely be required; they are fairly confident of that. It would absolutely be a requirement for a retail use here when you start introducing 800 or 900 vehicles during the peak hour. There is very limited distance between this drive location and the adjacent signal so, once again, from a traffic perspective, they think this would be a very good use here. It doesn't add as significantly as the commercial uses would be. They can have very safe conditions both for vehicles exiting the site with the majority of the traffic moving north as well as the return trip.

Mr. O'Leary indicated that he would be discussing the architecture a little bit.

Atty. Thomas requested that Mr. O'Leary discuss a little bit about the site topography in relation to the Mobile Home Park.

Mr. O'Leary pointed out the location of the Mobile Home Park on the site map to the south of the site. He stated that it was the highest area of the site and the elevation is around 260 – 270. They were looking to try to create the greatest buffer as possible with respect to the Mobile Home Park so that people living on the periphery of the park would have the least amount of impact from the building. If they look at the main body and the massing of the building, they've moved it away from the mobile homes over here and kept it closer over here to the industrial side trying to create buffer via the wetland preservation here. He pointed out the location of one building in that area which is about 100 feet off the property line, plus or minus. They will have to cut some of the ledge out there and they will be dropping this elevation down to fit the road but there will be a topographical relief from any noise or other perspective. He showed where it will separate the Mobile Home Park from the development. They anticipate that the impacts of this development on the Mobile Home Park to be minimal and they will continue working toward that level both from a landscaping standpoint in trying to utilize the topography of the site to their advantage.

Mr. O'Leary stated that a nice thing about the development as they are looking at it here as opposed to a big box development that would scar the site or an office park, is that these smaller units are roughly 10,000 – 12,000 square feet. As they look at a footprint here, they have a great deal of flexibility because of their smaller size as compared to the larger boxes to play with the topography here. They don't have the same constraints with large parking areas from ADA safety standpoint and otherwise, they are able to have a great deal of elevation relief between the buildings here. It is nice from an aesthetic standpoint. It isn't going to just be flat, cookie cutter buildings placed there all looking the same. It will have different buildings and in addition to that with the landscaping, they are able to provide elevation relief, so as they look across the site they aren't looking at a set of eight buildings that are all identical to each other. They will be at different elevations and they are going to have different size and configuration.

Mr. O'Leary apologized for not having larger scale boards of the architectural drawings. He believes the Commissioners have these drawings as part of their package. He indicated that two types of units were being proposed for the site. They are similar in nature when they look at them from an aesthetic standpoint. He stated that they have a four-story type building and a three-story type building. He indicated that the architects worked very hard in trying to keep

these in character to a number of, what are perceived to be the nicer developments, along the road. If they look at the elevations, they will see that they are actually using shingled roofs; they are not flat roofs. He pointed out the gabled architecture across here. On the rooflines themselves, they will see the elevation relief that is provided so that you don't have these straight lines – they are broken up. They are not looking at flat surfaces. He indicated that the materials will be asphalt shingles, vinyl clad siding and in looking around the base at the features that provide elevation relief in the horizontal coming out of the building, these are all done in stone. So, this is not the typical apartment building that is just vinyl clad from top to bottom with a flat roof. The developer has gone out of his way to try to provide a set of residences that will be aesthetically appealing. When they combine this with the green landscape around the site, and the other recreational features that aren't being proposed at this point, they think this will be a very desirable neighborhood for people.

Mr. O'Leary stated that each of the units that are being shown here – all 262 units will have balconies where people will be able to sit outside to look over the wetland area or the recreational areas. He added that of the 262 units, about 25%, which would be about 65 units, will have garages where one car can be parked safely. With that he requested to turn the discussion to Atty. Thomas.

Atty. Thomas thanked Mr. O'Leary and indicated that he wanted to address the issue of the Fiscal Impact Study. He distributed the Fiscal Impact Study prepared by VHB and in anticipation of certain questions that often come up, a two-page document from the Partnership For Strong Communities with information on Page 1. The second page is a portion of something that was presented to this P&Z Commission in 2004 during a presentation of multi-family apartments at that time.

Atty. Thomas indicated that the Fiscal Impact Study is an analysis done to show you the fiscal impact of this development and how it is going to impact it and what the tax benefits are. As he stated to you, for all landscape (?) the taxes are approximately \$30,000 per year. Before getting into the details of it, he wanted to stress to them that the Fiscal Impact Study – all fiscal impact studies – are done in the most conservative fashion. The best way to point that out to you is to explain that it assumes that 100% of all the residents come from outside of Shelton and, in that way, it assumes that there will be a population growth. It doesn't assume or make assumptions that there will be a certain number of, for instance, a number of young people living at home right now, who are going to move into the apartments and who get jobs in the corporate area. They already live here but it doesn't make that assumption because it wants to be as conservative as possible.

Atty. Thomas stated that it also takes the most conservative numbers with respect to school children and he wants to address that. He's been doing this for a long time, standing before Commissions, and he has been asked over and over again, the same thing as in 2004 – that there is going to be too many school children. The only thing that people never do is, after a multi-family housing project is criticized somewhere and they say it is going to impact their school system – they never go back to it five years later. He asked them to go back to it five years later, stand outside in the 2<sup>nd</sup> or 3<sup>rd</sup> week in September and see how many school buses pull up. They will find that they don't. Statistic after statistic and study after study show that there aren't that

many children in apartments until you get apartments that are three-bedroom – and there might be some.

Atty. Thomas referenced the second page of the 2-page hand-out which is what they did in 2004. He indicated that his client was Roseland Properties. At the time, they were before this Commission with a proposal for 186 apartments, a possible second phase of 90 apartments, and Mr. Scinto was proposing 205. He stated that what they did is – Roseland did an analysis. They are a very large multi-family developer throughout the East Coast. They did an analysis of all of their apartments – the total number of apartments – 2,859. Of those apartments, 1254 were non-three bedroom units. Based upon the number of children that they actually had, they created fractions showing that, despite the fact that neither of these projects being proposed had any three bedroom units. He reiterated that this was back in 2004. If you had all of the units of almost 500, they would have had 17 or 18 school children based on the numbers that were already in there. He added that what they found and what they testified to at the time was that the majority of children in these situations are in the 0-5 age group. When people choose to live in apartments and choose to have a child that is where most of the children are – in the 0-5 year age ground.

Atty. Thomas referenced the first page from the Partnership for Strong Communities in Connecticut which has done a study showing that it is obviously not apartments, multi-family, that generates the school children. It is obviously single-family detached, three-bedroom, four-bedroom or five-bedroom; the McMansions, the regular subdivisions, etc. He added that if there are any school children - that is where they are going to be generated.

Atty. Thomas stated that in the Fiscal Impact Study that was done, they will see that they allow – they talked about municipal service costs and education costs. He said that he would not go over it and read it in detail but he commented that it is interesting the way that they analyze the municipal service cost. They take an appropriate number and assume that there is an impact upon the municipal services. They assume the most conservative numbers with respect to that. With respect to school children, they are going to assume, despite the fact that it is unlikely, the numbers 18 – 32 school children. He indicated that was the chart on Page 4 of the Fiscal Impact Study. They made a very good point – because one of the points that the Partnership for Strong Communities has made about apartments is that when people talk about school children there are certain costs that are there no matter how many school children there are. Many towns, Shelton included, are under capacity at the present time. So they aren't talking about constructing new buildings or anything of that nature. They aren't creating a situation, as they would, perhaps, for a very small town, that would require capital improvements.

Atty. Thomas indicated that assuming that, and what they did here, reference Footnote #3 “Revenue estimate provided by the Project developer.” He added that they didn't just pluck that number out of the air. This was based upon consultation with others who looked at the assessment, the cost, and assessments of similar apartments are. The gross assessment for both the buildings, land and the vehicular property (taxable personal property) was \$856,075. From that, they have to deduct the service cost that they have allocated to it plus the potential school costs in the most conservative numbers. In looking at it from that perspective, they are talking about \$430,000 in taxes generated for the City on the project that has private roads, and private garbage pick-up. It is currently taxed at about \$32,000 - \$33,000. It is going to go from that to

\$430,000. He added that it would be \$400,000 more in taxes on a project that is going to have minimal impact on the school system and a project therefore, that is going to be from that perspective, very positive for the economic development of the City. He stated that, he has said this before and it bears repeating, the mixed used aspect of Bridgeport Avenue and the residential on Bridgeport Avenue enhances the corporate area. 00:51:22 Atty. Thomas indicated that he wasn't going to say that everybody moving in here is going to be from the corporate area but it certainly makes it easier in marketing office space to be able to say they have available upscale apartment units nearby because many people are concerned about their transportation costs. This is a location that is going to allow those people that are marketing their office space or light industrial space, to say to people who may not be able to afford buying a house, there is very good affordable housing within a one or two-mile drive to work. If anyone wants to be adventurous and cross Bridgeport Avenue, they could actually even walk to work because there is a sidewalk on Commerce Drive.

Atty. Thomas concluded their presentation with the exception of a more elaborate presentation on the architecture and floor plans to be presented by the architect who was unable to attend tonight. He noted that the Commission does have copies of his presentation. He indicated that they will try to answer any questions that they have on the architecture. He thanked the Commission.

Comm. Harger asked a question from Page 8 of the Traffic Study regarding the average speed of the vehicle shown on Table 2: Vehicle Speed Data. She indicated that it says average speed of 34 - Northbound and 39- Southbound on Bridgeport Avenue. She knows that the road is posted at 40 mph and the average speed is 34 mph – 39 mph but...she indicated that she would attempt to challenge that. She asked what time of day this study was done.

Atty. Thomas asked Patrick O'Leary to address that.

Patrick O'Leary, VHB, responded that he completely understood her reason for challenging it. He agreed that if she looks at midday traffic going through there, he doesn't think that would be consistent with the speed data. But the speed data is consistent with the peak traffic times that they are looking at where they have the maximum traffic feed in the morning. It is the highest congested times out there and to that end you get the lowest speed in the traffic. He added that it was using consistent data throughout the course of the report. If it was of interest to the Commission for them to find out the average speeds during midday, for example, he would expect those speeds during midday to be in the 50's and they would be exceeding the speed limits of that time.

Comm. Flannery commented that maybe it was more like 5 mph or 10 mph – she added that she is up and down that road all of the time and she is crawling.

Chair Parkins asked about the marketing study which was provided by Riverstone. She asked if a management company had been selected or are they going to manage this project from the rental perspective.

Michael Bradley, Talbot Partners LLC, responded that they have not selected a manager yet.

Chair Parkins responded OK, then they have just strictly supplied the marketing study but they have not been designated as the rental company.

Mr. Bradley responded yes, that is correct and there is a chance that you do it internally as the owner but they have not selected a manager.

Chair Parkins commented that she believes it was him who mentioned that this is a highly amenitized, affordable housing unit that is very desirable. She asked what amenities, other than the Clubhouse, were being offered.

Mr. Bradley responded that the Clubhouse would be the primary amenity. It would have a business center, a gathering room, a pool which will ultimately be shown on the site plan, and a fitness center. The apartments themselves are what they refer to as highly amenitized because in all likelihood they will have granite countertops, stainless steel appliances and again, they will be Class A apartments.

Chair Parkins asked if he could define the word “affordable” a little more.

Mr. Bradley responded “affordable” vis à vis sort of the balance of Fairfield County. He thinks that Shelton has the ability to offer rents because of the availability of land that are at some levels of discount to lower Fairfield County while still being accessible to lower Fairfield County and the employment centers down there. He added \$1.65 a foot per month, so for a 1,000 square foot unit which would be a large two-bedroom unit, you’d be paying about \$1,600/month.

Chair Parkins asked if he meant at this facility.

Mr. Bradley responded yes – and again, affordable vis à vis homeownership as well - versus a 20% down payment. He added that Shelton’s average home price this year is about \$360,000; so, a 20% down payment on \$360,000 plus a mortgage – that is sort of the “affordable” reference. He added that “not affordable” meaning subsidized or low income.

Chair Parkins responded that she guesses it depends upon the kind of job these young adults have that would allow them to afford a \$1,600/month apartment.

Atty. Thomas responded that the numbers that he gave them are on the second page of the Riverstone contrasting it. He commented that many of these young people, and certainly the older people could afford it, but many of these younger people can afford it. He added that in this day and age, what they cannot afford is \$72,000 that they would have to put down for a house. It creates a situation where – TIME magazine has written about it and others have written about it – it is the flow away from home ownership for a couple of reasons. He added that this was for two reasons. The first was a quote from a woman interviewed for the NPR study on Denver, Colorado where all the condo projects were lying fallow and were being turned into apartment projects. Her comment on the NPR show was very simple. She likes it and enjoys it there. She was a former owner of a single family home or a condo. Her point was that “when the furnace breaks, she doesn’t have to call the repairman.” He indicated that was one reason.

Atty. Thomas stated that the second thing is mobility. The fact is that there is a tremendous amount of mobility in the workforce that has to be able to move. Five years ago, you could

move. When you were told to move, you could put your house on the market and they were selling – literally, sometimes, the next day or in just a few weeks. You didn't have to worry about it. He commented that now there are companies that are very reluctant to buy the houses – they don't want to do that anymore. You are more preferable, more mobile when you don't have to worry about selling or renting out a house because you're going to get stuck with it. When you are told to pick up and leave, and told that the promotion is contingent upon moving to Chicago, Philadelphia, or Denver...than fine, you can work it out with the landlord to be able to rent it. In a successful project, they (inaudible)...So those are all of the issues that come into the issue of "affordability."

Mr. Bradley added that the other thing, with respect to demand, are the trends. In 1960, 44% of all households were married couples with children; today it is 20%. He commented that 86% of household growth between now and 2040 will be in homes without children in the rental community. Fairfield County has a 71% home ownership rate, nationally it is 66% trending to 63%. He would even argue that Fairfield County has even a greater demand ultimately for apartment houses because of lack of supply and lack of affordability.

Comm. Matto commented that she thinks when they came in here initially with the brief overview of this project it was described that quite a few of the buildings would not have elevators.

Atty. Thomas asked if she was referring to the time they came in for an informal consideration.

Comm. Matto responded yes.

Atty. Thomas stated that in the informal consideration there was ...

Mr. Bradley commented that he thinks it was about half and half – certainly, with respect to the topography, once they got to the topography a little more and green space and parking - that elevators became a little bit more necessary in a few more buildings.

Comm. Matto stated that personally, she would just say that they need elevators, if they have more than one floor.

Mr. Bradley stated that five of the eight buildings do have elevators.

Comm. Matto commented that she doesn't know how they would maintain the value of those apartments without elevators because people bring in groceries, they have furniture to move, they break their ankles... She added that they were discussing elderly people wanting to move there so it just doesn't make sense to her.

Mr. Bradley responded that he understood.

Chair Parkins asked if the garages were only available to the first floor tenants.

Mr. Bradley responded yes, the garages will be for the first floor duplexes. The garages will have internal stairs to the first floor unit.

Chair Parkins clarified that the first floor unit is not a duplex, it is just one level. She asked about laundry and if it would be inside each apartment.

Mr. Bradley responded yes, all internal and the reason that every unit has a balcony is because the hot water heaters are kept outside on the balcony in a closet so in case there is ever a leak, it is always external to the unit. There is never a penetration to the unit above or below.

Chair Parkins asked for clarification as to the size of the clubhouse.

Mr. Bradley responded that it would be approximately 3,000 square feet.

Chair Parkins asked approximately how many people it would hold.

Mr. Bradley responded that they haven't gotten into the specific design of the group rooms but he wouldn't anticipate room for no more than 25-30 people. So, it would be for small gatherings of tenants that wanted to watch the Super bowl or a movie.

Chair Parkins stated that out of 262 units, they are going to have a Clubhouse that holds 25 people.

Mr. Bradley responded 25 people – in the group room not in the entire space – there is also going to be a gym, and a business center. Of course, the building would hold more than that at one time but just with respect to any concern over parties or group gatherings it would be only ... (inaudible).

Chair Parkins asked about the Business Center and if he was talking about a rental (inaudible)...

Mr. Bradley responded that it would be just a couple kiosk computer areas for someone who didn't have a PC in their home – there would be a computer and a fax machine. That is all it would be when he says Business Center. It is only for the residents.

Chair Parkins asked if there was a proposed area for the rental, and is there an on-site...

Mr. Bradley responded yes, there will be on-site manager, on-site leasing agents, correct. The Clubhouse will be the office, the manager, the leasing agents, and when he says Business Center, that is just another amenity for the project, a gathering area with a fireplace, a community room for entertaining in an area bigger than an apartment.

Chair Parkins asked how much was going to be available for tenant use out of the 3,000 square feet.

Mr. Bradley responded that they haven't programmed it specifically but for the next meeting they will do that – at their request. He would assume 50%-60% would be used for the tenants and the balance would be for management.

Comm. McGorty stated that he walked this property and there is a considerable amount of ambient noise back there between Route 8 and the commercial buildings on both sides. He asked if consideration had been given to how to minimize that and what the potential impact that could be to the project and to the future tenants.

Mr. Bradley responded that they see this often and the good news is that the building materials used now are better. The tempered glass is better. You are always going to have noise close to Route 8 and there is not a whole lot you can do about that. Again, with technology and new building materials it will be dampened as much as it can but from an apartment standpoint proximity really matters and some people will trade that ambient noise for easy access to Route 8. He added that yes, they are conscious of it and the windows will be double-insulated. The exterior of the buildings will be heavily insulated against noise and they have thought about it.

Chair Parkins asked how trash is handled.

Mr. Bradley responded that trash would be internal. At this point, they were planning to have one area where trash would be because it makes for ease of pick-up and less circulation of heavy trucks, wear and tear on the project, and disturbance to other tenants. They had a preliminary meeting and there was some reaction to that, so they would certainly consider more than one trash area but right now they are planning to have one trash area.

Chair Parkins asked if that would be for the whole complex.

Mr. Bradley responded yes, for the whole complex. He added that they truly believe, because it will be a Class A project, it will be up to management to make sure that somebody doesn't leave a trash bag outside their door for a couple of days because they are too lazy to walk to the dumpster.

Comm. Harger asked about the layout where the inland/wetland area is located, he shows an open pond.

Patrick O'Leary, VHB responded by showing the wetland area south and clarified that the two areas shown are collector basins for the storm water. He showed where they are going to put the storm water in here and they are going to release it at a fairly low rate back into the wetland areas to try to restore the hydraulic to what it once was. These will drain over a relatively short period of time, probably on the order of 24 – 48 hours after peak storm events. These areas will not constantly be holding water.

Comm. Harger asked what kind of material would line that – would it be earth or cement...

Mr. O'Leary responded that it would not be cement. They are looking to do as much wetland replication as possible in this area to try to restore some of the lost wetlands that were in there. They are not filling in wetlands but there were wetlands filled down here years ago, so the borders of the basins in these areas will be planted with blueberry bushes, natural area wetland plants, so that they can try to enlarge and restore this overall wetland area.

Comm. Harger commented that she was thinking about children that may be in Mobile Home Park that might go exploring – kids in that complex. She added that she went up to Armstrong Park one day to check out about some parking and she came across a couple of kids that identified themselves as being from the Mobile Home Park. So, they certainly don't keep within the confines of the Mobile Home Park. She is a little bit concerned about security.

Mr. O'Leary responded that quite often around these areas, depending upon the final configuration, they are submitting a drainage report. In these final configurations, if the slopes that exceed at the elevation relief of 4 – 5 feet, they traditionally provide fencing around the pond and then try to screen the fencing while maintaining the wetland characteristics. If they are shallow ponds, less than 3 feet, for example, standing on the bank down into it, in those cases, they don't provide the fencing but once they get to the 4-5 feet range, they enclose it with fencing and then screen the fencing so that it isn't seen.

Comm. Harger commented OK, she was concerned about somebody falling in and (inaudible)...

Chair Parkins commented that even though it might be explained in the traffic report, she asked why Old Stratford Road would move to a Level F with no build out (inaudible)...

Mr. O'Leary responded that under normal conditions there is growth that occurs here in Shelton. Depending upon what the DOT wants to use on their roads, but say at a rate of 2% per year, over the next three years at that normal growth rate, it would add 6% more traffic to the road network and it happens to be that point at which, if they add the 6% of traffic to the road network –with 15,000 per day, 900 trucks per day that would be added to the network on the normal growth, that is just at the point where Old Stratford and Commerce hit that point and go from Level of Service D to F. So, even under a no-build condition, they still have ambient growth here in the area. They have other projects that are being proposed in the immediate area to the north of here. Those were counted in, but obviously, over the next 2 – 3 years, it is a very desirable community and growth will continue to occur and more traffic will end up out here on the road.

Comm. Flannery asked if they estimate that 480 people would be living here according to this chart. She added that they said that there would only be 180 trips during peak hours. She asked why all 480 people be going in and out during the peak hours.

Mr. O'Leary responded that there are couple of things that happen. First of all, that is the peak hour, so residents do not all leave simultaneously when they leave their apartments here. Everybody doesn't show up at the door at 8 o'clock, head for the car and try to get out at the exact same time. He explained that there will be a spread over that peak hour where people leaving for work, depending upon how far away it is, they may leave at 5 a.m. Some people leave at 6 a.m., some at 7 a.m. or 8 a.m. or 9 a.m. if it is in the vicinity. So when you are looking at all those people going out, there is a 4 or 5 hour period where people are exiting to go to work. During the highest volume hour out of that 4-5 hour stretch, there would be 180 of those people going out.

Comm. Flannery asked about them having 400 parking spaces for 480 people.

Mr. O'Leary responded that they have 262 units and a number of them are studios and one-bedrooms. In anticipation of that, they are using a ratio of 1.5 parking spaces per unit. They have an alternate plan, a conceptual plan that emulates this as an additional 40 -45 parking spaces. They are trying to find a balance from an environmental constraint standpoint with the parking - the more parking they put out there, the more paving there is, the less green space there is. They are trying to conserve green space where at all possible to keep this living area

aesthetically pleasing, respect and be responsible from a development standpoint with respect to the environment. If the Commission would prefer to see some more parking, it is always at the expense of adding some more pavement. They are using 1.5 and they thought it was a good balance but they are certainly willing to work with the Commission on that number.

Comm. Matto stated that the alternate idea is less units. They don't have to go in that particular direction of more paving and more parking. They could have less units.

Mr. Bradley stated that in regard to the parking, they would expect, as with most successful apartment complexes, to never crest 95% occupancy. It is just very hard to get higher than that because of the number of units and the turnover. So in any instance, they are going to have 13 - 15 units which is a reduction in gross parking.

Atty. Thomas commented that when they talk about the reduction of units, there are the economies of scale. The entities that come before them are not non-profit entities. They have to make a profit and have the appropriate economy of scale. Certainly, they are willing to discuss issues related to that and the other thing about parking is – and they hear it from him all the time – there is much too much black pavement out there. In this project, the one thing that they have to keep in mind, the parking issue is an internal problem. This isn't a project that sits right on Bridgeport Avenue where there could be spill over. This is a situation where any parking problem that is created interior-wise would be the problem of the management and thereby reduce the desirability of their product. But if there is a desire to add more spaces, he would certainly suggest that those spaces be added via deferred parking so that they can remain green and go forward. They would address those concerns as it gets to the next...he is assuming that they are keeping the public hearing open. He asked if that was correct.

Comm. Matto asked what he meant by “deferred” and if he meant that they won't put them in until there is a problem or something.

Atty. Thomas responded that they would put in the base which they would need for the asphalt, loam it and seed it, so it is green, but it is there, if it is needed. It is something that is being used very much in a lot of areas, especially in retail developments where they end off with what he calls “Black Friday to Christmas Day Parking Only.” In other words, you have these vast areas of black asphalt that sit out there and maybe there are cars there from Black Friday through Christmas and that's when those spaces are used. But other than that, those spaces aren't used so many projects, retail projects, are going to this deferred parking. They are using that or they are taking areas, not paving them but putting some sort of process down that is pervious. In this kind of thing, they want to keep as much green as possible.

Comm. Harger indicated that she had a question about the parking. she commented that she knows that they have five buildings that are four stories and each have 12 parking spaces and 60 spaces are inside garages. She asked if they could point out where the other 345 parking spaces are located outside.

Mr. O'Leary referenced the proposed site plan, the site entrance and going counter clockwise all along the perimeter he showed the location of the parking spaces. He pointed out the location of all the proposed space and indicated that there would be 24 foot drive aisles maintained per the

Fire Marshal and traditional design guidelines and 18 foot long parking stalls which are 9 feet wide.

Comm. Harger asked if they were all side by side parking and not parallel.

Mr. O'Leary responded yes, all side by side parking.

Comm. Flannery indicated that she would like to bring up something about the paper distributed regarding the schools.

Atty. Thomas asked if she meant the Partnership for Strong Communities.

Comm. Flannery noted that it was from 2006 and she added that she believes it is outdated already. She commented that she is a Baby Boomer, her kids are now in their 30's and they are having kids. The Echo Boomers are all starting to have kids now. She indicated that her son lives in a one-bedroom apartment and has two kids and that is what he can afford now. She reiterated that she really thinks that this study is outdated. Comm. Flannery responded to Atty. Thomas' comment that the Shelton schools are under capacity, she indicated that she had a problem with that because her daughter was a student teacher in the Shelton Public Schools two years ago and there were 40 kids in a classroom. There is no maximum in Shelton as to how many kids you can have in a classroom. She stated that she is a teacher in Stamford and they have maximums with her Union. They have restrictions – there can only be 25 in elementary and 30 in the high school. They have no restrictions here in Shelton so she does not believe his statement that Shelton schools are under capacity right now because she has seen it firsthand. There are too many kids in the classroom.

Atty. Thomas responded that if David Fink were standing here before you, from a Partnership for Strong Communities, he would tell you that it is outdated in that there is actually, throughout the State, the school enrollment is decreasing in many areas.

Comm. Flannery commented that in another five years it is going to increase.

Atty. Thomas responded that's not what - there are studies out there but with respect to the issue of capacity. He indicated that he was not talking about school class size. In talking about capacity, they mean the physical plant of your school system and the administrative and other structures within the school system that are there no matter how many students you have. He shouldn't say no matter how many students you have but within that range of students – if they look at the Fiscal Impact Study – he thinks it points out the fact that you can't take, it's facetious - and people often do it, they will say "the cost per student" in a certain town is \$12,000. Well, there are certain things within that cost, which stay there no matter how many students you have. There are certain fixed costs but they try address it but the issue of capacity is not class sizes. He commented that his late wife was a teacher and a guidance counselor and they often got into discussions about class sizes because both of them went to St. Mary's at a time when class sizes weren't as much of an issue because the nuns were tougher than Marine gunnery sergeants. Today, there is a different philosophy with smaller class sizes and different teaching methods. However, that is not the issue of physical plant and it isn't an issue of capacity – that is a problem for a discussion with the Board of Education or somebody else.

The point is that regardless of all these other arguments, they took, in the Fiscal Impact Study and allocated \$200,000 toward the school. They took a conservative number and if you take that number down and cut it in half which it probably would be, then you're talking about \$600,000 in net taxes but they took the more conservative figure.

Comm. Flannery commented about the balconies outside for every apartment. She said she started laughing when she heard that but they are going to be sitting outside and breathing in the exhaust from all the cars on Route #8. She added that they aren't going to be enjoying those balconies at all.

Atty. Thomas responded that Route #8 is there – if you are along there, he doesn't think that it is that odiferous but there is also a tremendous buffer and a tremendous elevation change between Route #8 and the project.

Chair Parkins asked if there was any plan for generators. She asked how they would handle that – they've had two storms within the past year that have knocked out power in this area for quite some time.

Mr. Bradley responded yes, he understands. In all likelihood, the office would be under generator power and the clubhouse for emergency access but not the residential units.

Chair Parkins asked if the Clubhouse, which holds 25 residents, would be open for 262 units...(inaudible)

Mr. Bradley responded it would be open for business and (inaudible)...They can't sleep there. There aren't facilities for slumber but it would likely be under generator power but not the residential units.

Chair Parkins asked what they would do with those people. Emergency lighting is only go to last about 12 hours at the most for the hallways.

Mr. Bradley responded that just like projects in New York – those people would have to vacate and go to family, friends or hotels. It's that simple. Life safety would not provide that they stay in those units.

**Tape 2 8:40 p.m.**

Chair Parkins asked if they can force them to do so.

Mr. Bradley responded yes.

Comm. Flannery commented that she wanted to return to the discussion about the Echo Boomers. She indicated that she has a lot of experience with Echo Boomers, they are a big part of her life. She mentioned their Riverstone report which referenced Stamford and the studies done in Stamford and added that she was from Stamford and was presently a teacher in Stamford. She has a lot of friends in Stamford including Echo Boomers in Stamford that love it there because there is a night life in Stamford. She commented that they don't like Shelton because there is no night life in Shelton. Comm. Flannery indicated that these apartments are not going to attract the Echo Boomers at all.

Mr. Bradley responded that he wasn't sure if that was a question but the rental rates in Stamford are more than double what they are in Shelton. So, to points made earlier about what affordability is - while he would like to live near nightlife or live in Manhattan, some people simply can't afford that.

Comm. Flannery commented that they pay \$1,600 – it's the same price down in Stamford.

Mr. Bradley responded that he's sure there are some units that rent for \$1,600 down in Stamford but he thinks that on the average the affordability is greater in Northern Fairfield County than Southern Fairfield County. He didn't refer to Stamford earlier.

Comm. Flannery responded yes, he did.

Atty. Thomas noted that they just pointed out that they were from Stamford – not that they were doing studies in Stamford.

Mr. Bradley added that Riverstone actually has some management contracts in Stamford though.

Comm. Flannery commented yes, that is what she was saying. She asked if they would have written documentation from the WPCA indicating that the sewers can handle this.

Atty. Thomas responded yes, they have already approached the WPCA. That is not a problem but certainly that is something that would be presented to the Commission before the final site development plans. Obviously, conceptually moving it is not a problem, it has been done before with other projects. If it is a moving situation, which he thinks it is, it has been done before and as the City Engineer stated, certain profiles would have to be provided but there is no point getting the exact approval right now because they don't know until they do the final development plans exactly where they have to relocate it. But, yes, they would certainly have it before shovels went into the ground.

Comm. Flannery commented that she was also a little bit confused and asked if they were saying that these were luxury apartments or affordable apartments.

Atty. Thomas responded that they are upscale apartments that, as it says in the Riverstone study, will be – you know, the term “affordable” has taken on new meaning or different meaning. They are apartments that they believe Echo Boomers or others that want to stay in Shelton or others that want to move into Shelton, that will be affordable for them. When you do the comparison, for people working not just in Shelton Corporate Towers but they would be desirable for people working in Merritt 7, people working in Stamford or in New York. They believe it is a very desirable product for them so that is why it is referred to as upscale. When they say “luxury,” he doesn't think they'll have Jacuzzi's.

Mr. Bradley added that they would be Class A apartments akin to Avalon or the best garden style apartments you can provide. The difference between Shelton and a place like Stamford or Manhattan is that the construction costs are a little bit lower and land costs are a little bit lower so you can provide an equivalent product at a lower price. They don't have to build structured parking, you don't have to build garages, you don't have to build 110 stories mid-rise construction which adds to costs, which adds to the costs to rent so it would be a high quality

product at a lower price relative to other parts of the county and relative to home buying, that's all.

Comm. Harger commented about the topography of the land and asked if there was a slope that goes down for 100 feet change in elevation. She was wondering what kind of perspective they could see of how these would all fit in because they don't have a rendering of elevations. She asked if they would always be looking down on somebody else's roof as they get closer to Route #8.

Mr. O'Leary responded that he understood and indicated that for the next public hearing they would bring a couple of cross-sections, cut through the site showing different views of the building. They will give some consideration to the rendering; however, the problem is that they way that this site is laid out, if you think about a rendering, it is going to be very limited in your view. When you render a site from any of these views, the cross sections may be of more value in slicing through the site and taking a look at what you will see through that way. They will be happy to provide a rendering if she thinks that would help.

Comm. Harger commented that she was up in an area behind the Marriot and Bertucci's and she stood there. She used to work at Richardson-Vicks, so she drove around that area and she's familiar with that area so she knows that it was recessed down. She is just trying to get a handle on how the buildings would lay out.

Mr. O'Leary responded that he would take two or three slices, maybe four slices through the site in varying directions, incrementally going through and draw a section showing the buildings and how they will relate to each other.

Comm. Harger responded OK that would be good.

Atty. Thomas provided the letter to the Chair requesting the extension to complete this public hearing.

Chair Parkins accepted the letter and indicated that it would grant the extension time for completion of the public hearing through to January 31, 2013. She informed him that it will probably be held on January 23<sup>rd</sup>. She requested a motion to request this extension.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept the extension letter from the Applicant for Application #12-21 through the end of January 2013.**

Comm. Flannery commented that they said that right now this property is generating \$30,000 in taxes and it would increase to \$430,000. She asked how much of that \$430,000 would be spent for sewers, schools, etc...

Atty. Thomas responded that the \$430,000 is a net figure. The taxes that would be generated by this is approximately \$850,000 in the Fiscal Impact Study. That is based upon the valuation of these buildings plus the personal property that would be in the – it is a very conservative estimate on the personal property. He added that they aren't going to go in there and assume that everybody is going to have a BMW but they go in and assume that everyone has a reasonably

priced car. They look at that and it comes out to a gross value of about \$850,000. From that they netted out – he indicated that this can all be found on Page 4: The Combined Net Fiscal Impact of the Fiscal Impact Study – it gives the annual municipal service costs allocated of \$142,703; the approximate annual school costs of \$283,668 and then they subtract that from the \$856,075 to get a net fiscal impact annually to the City of \$429,704.

Comm. Flannery indicated that she sees it but this is the Office Park District so if an office building went up there and they had computers or medical equipment, etc...there would be a lot more tax income.

Atty. Thomas responded not in a million years – not in a million years would you have that. He stated that was for a couple of reasons – number one, first of all, an office building is going to have an enormous amount of greater impact upon the services because of the enormous amount of traffic. Secondly, one of the biggest fallacies about offices – a building is a building. these buildings are probably going to be valued greater than a 150,000 square foot office building – and that would cost a lot more to build.

Atty. Thomas indicated that in the 1980's when they didn't have smart phones and laptops or anything like that, they had computers that cost \$4,000- \$5,000 called workstations. Today, that workstation can be picked up for about \$399, put a flat screen monitor on it for another \$125 – that valuation enormously drives down the personal property. He would venture to say, like in 2004, and he knows that Comm. Flannery wasn't on the Board then, in 2004, a fiscal impact study was presented to this Board for the 186 apartments being proposed by Roseland Properties comparing it to a 140,000 square foot office building and the taxes were literally identical at that point. In fact, on that site, they have a 140,000 square foot office building and the taxes are roughly identical to what it would have been for the apartments with all the cars because with an office building, you don't tax the cars. He thinks that in the long run, at the very best, a 150,000 square foot office building may approach the number but definitely not exceed it.

Atty. Thomas added that the real personal property stuff is - and he recalled doing the proposal for DeSanto Technology. He described it as a very modest looking building but inside that building are major machines that make artificial joints. He added that would be where the taxes really come out when you are talking about light industrial – not computers anymore. Actually, many people take the computers home with them now – the laptops.

Chair Parkins asked Mr. Panico if he had heard everything being discussed.

Mr. Panico responded that he has heard most of it.

Chair Parkins asked if he had any questions.

Mr. Panico commented that there were references to the Fiscal Impact Study and he hasn't seen that yet. He commented that he would like to look at it and asked if it was something that was submitted tonight.

Chair Parkins responded yes, they'll get him a copy of it.

Mr. Panico stated that he has been listening and it is pretty much all of the stuff that they talked about in pre-submission reviews. All in all, he doesn't have anything right off of the top of his head, but he might have something for the next hearing.

Chair Parkins responded OK, the hearing will continue on January 23<sup>rd</sup>.

Atty. Thomas asked if that hearing would be here or in Mr. Panico's place in Florida.

Mr. Panico stated that he was listening to the discussion regarding the alternative tax impacts on the City. He thinks that it also might be wise to think about the marketing side of that. They have a proposal before them today that will in 4 or 5 years - will start paying taxes. There are no offers for development on the horizon and by the time one does materialize, gets developed and put into the ground, there is going to be a 5 or 6 year period where there will be no taxes from the property and that is a big tax loss that takes a long time to recoup as well. He added that they should not lose sight of that.

Chair Parkins responded yes, a bird in the hand.

Mr. Panico asked if he understood correctly about the relative elevations - he asked if the applicant is going to give them a couple of cross sections through the property.

Chair Parkins responded yes.

Mr. Panico stated OK, he would like to see how the developed part of the property lies in relation to the Route #8 expressway in particular.

Chair Parkins responded OK that is noted.

Mr. Panico commented that the Applicant made some references to an alternative plan. He asked if that was in relation to providing more parking.

Chair Parkins responded yes.

Mr. Panico indicated that he hadn't seen that and he would like to see it.

Chair Parkins responded that they haven't presented that, it was just mentioned.

Mr. Panico asked if that comment also holds true for the reference made to a swimming pool because his plan does not show a swimming pool.

Chair Parkins responded no, nor does what they are showing here. Quite frankly, one of her concerns is that for an amenity-rich, at least in her opinion, an amenity-rich complex would have more to offer the residents in terms of staying on site such as a tennis court, a pool or certainly, a bigger clubhouse. She added that it would be her opinion that they could afford to lose 25 or 30 units to make it a little bit more amenity-rich because she thinks that the young people today are less materialistic in terms of granite countertops and more looking for recreation.

Mr. Panico indicated that he totally agrees with that and that might cause the clubhouse location to shift a little bit but those are things that they can talk about further once the hearing gets concluded.

Chair Parkins responded yes, correct, that is more the detailed development rather than the zone change.

Mr. Panico agreed that's correct and added that was all he had right now. He asked if there additional information offered with respect to their negotiations with the Mobile Home Park adjacent that will allow them to reduce the size of that wall by doing some grading.

Chair Parkins responded no, there was no discussion on that at all.

Mr. Panico commented that was all he had.

With no further comments from the Commissioners, Chair Parkins opened up the discussion to the public.

**Jeffrey Doolan, owner Fairchild Mobile Home Park, 804 Bridgeport Avenue, Shelton addressed the Commission.** Mr. Doolan commented that as far as the request for the zone change, he was neutral. It was up to the Commission to decide what was best for Shelton. Mr. Doolan indicated that his concerns were the drop in elevation between their property and his property. Before any significant construction gets started, he would like to see a significant fence between his property and theirs - a very strong permanent fence. At the end of Spruce Drive and Hemlock Drive, he would like have a guard rail to prevent any cars from going over the edge. He would like more details about the retaining wall at the bottom. They said that they would provide him with more details. The way that he reads the plans, his elevation is about 240 and their elevation is about 210, so that is a 30 foot drop. He just wants to make sure that there is a wall strong enough to prevent his property from being adversely effected. Mr. Doolan stated that he would also like them to provide him with an additional fire hydrant close to his property line that he could use it towards the rear, preferably closer to Ward Drive. He discussed these points with the Developer and they were very favorable.

Chair Parkins asked about the fire hydrant, and if it would be for his use or for the Fire Department to use in the event of an emergency.

Mr. Doolan responded for the Fire Department to use in the event of an emergency.

**Richard Widomski, resident of Shelton addressed the Commission.** Mr. Widomski stated that he had some information that he wanted to present to the Board this evening; however, he's waiting for some additional information from the Applicant. Some of his information at this point might not be as factual as it could be based upon the time he had to prepare it so he would like to address the Board at the public portion of the next meeting.

Chair Parkins asked if there was anyone else from the public that would like to speak for or against this proposal. There were no other public comments. She asked for a motion to keep the public hearing open and a motion to adjourn.

**On a motion made by Anthony Pogoda seconded by Thomas McGorty, it was unanimously voted to keep the public hearing open for Application #12-21 until Wednesday, January 23, 2013 at 7 p.m. in the City Hall Auditorium.**

**ADJOURNMENT**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to adjourn at 8:57 p.m.**

Respectfully Submitted,

*Karin Tuke*  
P&Z Recording Secretary