

SHELTON PLANNING & ZONING COMMISSION

JANUARY 23, 2013

The Shelton Planning and Zoning Commission held a special meeting on Wednesday, January 23, 2013 at the Shelton City Hall, Room #104, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

Commissioners Present: Chairperson Ruth Parkins
Commissioner Virginia Harger
Commissioner Anthony Pogoda (via Skype)
Commissioner Thomas McGorty
Commissioner Elaine Matto

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE & ROLL CALL

Chair Parkins called the Special P&Z Meeting to order at 7:01 p.m. with the Pledge of Allegiance and a roll call of members present. She stated that Comm. Pogoda would be joining the meeting via Skype and P&Z Consultant, Anthony Pogoda would be present via conference phone.

Chair Parkins reviewed the procedures of a public hearing for the audience members and stated that all comments should be directed to the Chair, not the applicants and all comments made should concern only the application being presented.

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 (continuation of public hearing from 11/29/12)

Chair Parkins began with a description of the public hearing for Application #12-21 continued from November 29, 2012 and asked the P&Z Secretary to read any new correspondence.

P&Z Secretary, Comm. Virginia Harger read additional correspondence from the Chairman of the Conservation Commission, Thomas Harbinson.

***See attached letter dated January 17, 2013 addressed to Richard Schultz, P&Z Administrator from Thomas Harbinson, Chairman, Shelton Conservation Commission.**

Atty. Dominick Thomas, Cohen & Thomas, 315 Main Street, Derby, CT addressed the Commission representing the Applicant, Talbot Partners LLC. Atty. Thomas stated that at the last meeting an issue was raised about the permission of the land owner. He pointed out that the PDD application does state, very clearly, that his client is the contract purchaser. Atty. Thomas indicated that he had stated for the record that under the contract, the property owner is obviously giving them the authority to apply for any land use applications.

To clarify the point, Atty. Thomas introduced and read into the record the original signed by Peter Francini, the trustee of the Saturno P. Francini Revocable Living Trust dated 12/27/00 as amended, acknowledges that in accordance with the terms and conditions of the purchase and sale agreement between the Trust and Talbot Partners dated June 12, 2012. The Trust, as the owner of the property located on Bridgeport Avenue and known as Assessor's Map 19, Parcel 56, Shelton, CT (inaudible) known as the premises has given permission to Talbot Partners dated June 12, 2012 to make all land use applications, including but not limited to, Shelton Planning & Zoning Commission, Inlands Wetlands Commission, and Water Pollution Control Authority as may be necessary for a Planned Development District on the premises to permit the development

of multi-family residential uses. He indicated that the document had been signed by Peter Francini, Trustee.

Atty. Thomas reviewed that at the prior public hearing they presented to the Commission a proposal for 262 upscale apartments. They produced a Marketing Study, a Fiscal Impact Study and they discussed issues relating to school children. They pointed out the fiscal impact of the proposal would generate approximately \$800K in gross taxes, and after extremely conservative deductions for public services and school children, the net amount was almost \$500K.

Atty. Thomas stated that they presented, and the Commission heard evidence that the project would be about \$30M - \$40M project creating numerous jobs. They discussed the issues of the school children and he pointed out that in the years that he has been doing these projects, people always say that there are going to be a lot of kids. He added that if they go back and look at all those projects, they won't find anything like that ever materialized. These projects do not generate a lot of children, if they do, they generate children in the 0 – 5 age group. He commented that they did take the conservative approach to it.

Atty. Thomas commented that they discussed other uses at the site. As part of the discussion that took place that day, he sat down with Peter Francini to discuss this site and the uses. He commented that he wanted to relay an interesting conversation to the Commission that he had with him. As they pointed out, this site could be looked at as the Conservation Commission does and say that they could put offices on this site. It says Office and Industrial. Atty. Thomas indicated that if they wait for Office and Industrial, he doesn't think their grandchildren or great grandchildren would ever see this site develop.

Atty. Thomas indicated that the site has been marketed for 30 years and Peter Francini says that he actually had plans for a motel on the site, which everyone put on in the 70's. He went to a hotel which never materialized. They were also approached a movie theater.

He recalled that the Francini and Vartegone(sp?) families owned basically everything on both sides of Bridgeport Avenue from here all the way up to the Stop & Shop property. They did a lot of development and they had plenty of contacts but they just could not get people – Atty. Thomas indicated that he asked Peter Francini why and he said he had written to Cosco, office developers and other big boxes but the site is not a level site. It requires a great amount of site work and there was no visibility from Bridgeport Avenue because it is in a hole. Therefore, anyone who wanted visibility said no.

Atty. Thomas indicated that offices would need site work. He asked why they would need to build offices anyway – even though the vacancy rate in Shelton is relatively low, there is still tremendous absorption ability. He added that they haven't gotten and won't get office along Bridgeport Avenue at this point. The people who are doing office development and who have bought offices in the area have even said that it won't happen.

Atty. Thomas commented that they aren't going to have Light Industrial either. He added that all the light industrial along Bridgeport Avenue has gone away. UI is not going to be light industrial when it comes back. There have been other buildings that have been light industrial and have been transformed into small shopping centers, storage facilities or other things. He reiterated that it is just not going to happen.

Atty. Thomas indicated that Peter Francini told him that was his same experience going through. The last thing he said was that it was just difficult dealing with this site. As pointed out to the Commission and as Mr. O'Leary, their engineer will address, by doing this residential development they are able to work with the changes in grade in this setting. They don't have to go in there and level. They will see what they have done in taking the Commissioner's comments to heart, looking at it even further and they've improved how to deal with the site.

Atty. Thomas stated that he has great respect for Mr. Harbinson and with respect to the Conservation Commission, the POCD in Zoning 101 is an advisory document. If it were not an advisory document then they wouldn't need the Planning & Zoning Commission. The POCD is supposed to be done decennially – or every ten years. It is not supposed to be something that is rock hard. It is supposed to be a vision. He commented that when he stood before this Commission in 1999 when this Commission was doing the Route 8 Corridor Update and proposing the Office Park District, it was obvious to him and he said that the purpose of the Office Park District is to create a relatively restrictive district that would make applicants along

Bridgeport Avenue come to this Commission for a PDD in order to do anything outside of the Office Park District which he believes, from memory, had 13 uses – 8 of which were major uses and 5 of which were accessory uses – a very limited zone. He commented that it worked and that is why they have what they have along Bridgeport Avenue. Atty. Thomas stated that the cycle began with what they all look up and see now as the office towers. The cycle went from there to a little tug-of-war between developers and commissioners that they need services for those people – the 20,000 people coming into work here – a city comes into work there every morning. They needed services there such as daycare centers, banks, shopping centers, food stores, clothing stores, a lot of restaurants and more banks. Strangely enough, during the recession, to a great extent the restaurants along Bridgeport Avenue survived better than anybody else. Two of the restaurants on Bridgeport Avenue are the highest grossing restaurants in the State of Connecticut for their chains.

Atty. Thomas stated that now the focus is, and he showed a photo of the area - they have residential uses in the area and they are very successful. He indicated that the Marketing Study showed them this enormous need and they aren't even going to barely satisfy the need that exists and will exist into the future for this type of proposal.

Atty. Thomas commented that with respect to the Conservation Commission, one of their main tasks is to seek out and preserve areas of Shelton, including along Bridgeport Avenue that maybe could be preserved. He added that in the minutes of their meeting, they noted that there is really no open space that relates to this area. They mentioned that it wasn't an open space consideration and said that it wasn't in the Plan of Conservation and Development but their job is to purchase open space - suggest purchasing it to the City, to this Commission through an 8-24 Referral that open space needs to be purchased. Atty. Thomas reiterated that they are never going to get Office there. The taxes are something like \$30K so in the next 10 years, when they consider the purchase of open space, he asked if they would rather have this property generating \$325K in taxes or somewhere between \$4-\$6M in taxes which may be able to be used to purchase a piece of property that has a very nice ridge line that needs to be preserved. He asked the Commission to keep that in mind when they are deciding the best use of this property.

Atty. Thomas noted that there were a lot of comments that the Commission made that they took to heart. They commented on the site work, they requested to see cross-sections, and Commissioners asked about amenities. Comm. Matto commented about the elevators and the make-up of the building (3-story vs. 4-story). There were other questions about the disposal of garbage and the density. He commented that they have done two things.

Atty. Thomas indicated that they took the original proposal and addressed some of those site comments into the original proposal. He distributed an 11 x 17, nine page hand-out to the Commissioners who were present including:

1. PDD Initial Concept Plan as Proposed with Changes
2. PDD Initial Concept Plan as Proposed – Grading
3. Blow Up of Buildings Area of PDD Initial Concept Plan as Proposed
4. PDD Revised Initial Concept Plan
5. PDD Revised Initial Concept Plan – Grading
6. Blow Up of Buildings Area of PDD Revised Initial Concept Plan as Proposed
7. Architectural and Floor Plan of Proposed Clubhouse
8. Front and Rear Elevations of Proposed Clubhouse
9. Left and Right Side Elevations of Proposed Clubhouse

Atty. Thomas reviewed the Table of Contents for the packet including the Initial Concept Plan the Revised Concept Plan and some architectural renderings. He added that the Commission will be getting a full presentation with full display boards from the architect, Timothy Wentz, who was not present at the last public hearing. Atty. Thomas commented that there were issues with the Clubhouse so they've incorporated the Clubhouse into this packet.

Atty. Thomas commented that he believes that the Commission will see that they have addressed everything, all the issues – but not only that, the developer here, after the first meeting, took a step back and took a look at the whole project. He was able to come up with a revised plan that he thinks the Commission will see even addresses the issue of keeping the site (inaudible) and stressing the issue that by using it they have created more green space and really, in effect, addressed conservation and green issues pretty well – much more so than an office building or industrial building or big box would be able to. He asked Pat O’Leary to ...

Chair Parkins asked for clarification if this packet was an alternate version or if it is a new version that they are proposing.

Atty. Thomas responded that the best way to present it in a public hearing involving a PDD is that it is an alternate version. If this Commission was to look at it, but he isn’t saying that they would, and choose the initial plan, they wouldn’t say not to. They aren’t withdrawing it. He added that in a Planned Development, legislatively, they have the ability to go either way. Atty. Thomas indicated that what they were doing here – whatever they settle on – that’s going to determine what their Statement of Uses and Standards is for density. However, the unique feature of the PDD is that they are giving them a picture and for this they are giving them two pictures to look at.

Chair Parkins stated that this would be an alternate that they are amenable to if the zone change is approved.

Atty. Thomas responded yes, exactly right. He introduced Patrick O’Leary.

Chair Parkins asked the Comm. Pogoda and Mr. Panico if they were hearing everything OK.

Mr. Panico commented that it was getting a little bit garbled.

Mr. Schultz adjusted a couple of the microphones and pulled the presentation board closer to the conference phone speaker to improve audibility.

Chair Parkins indicated that she wanted to make sure the audience could see the presentation clearly as well.

Patrick O’Leary, P.E. , VHB, 54 Tuttle Place, Middletown, CT addressed the Commission on behalf of the developer. Mr. O’Leary indicated that he was a principal with the office and a licensed Professional Engineer in the State of Connecticut. He asked his project engineer, to distribute some hand-outs that match the display boards he will be using to facilitate this. He thanked everyone for having them here and wished the Commissioners a Happy New Year.

Mr. O’Leary indicated that the plan that the Commissioners have in front of them is the exact same plan that they presented six weeks ago. As noted by Atty. Thomas, they listened to their comments and took them to heart with respect to this plan. They will have a presentation later from the architect regarding the Clubhouse which has been expanded. He referenced the black and white plans that were provided by Atty. Thomas, they have added a full ? amenity here.

Chair Parkins asked if they had it on the color version.

Mr. O’Leary responded that Chair Parkins was looking at the Concept Plan and not this one.

Chair Parkins commented, OK, they don’t have that one in color.

Mr. O’Leary responded that was correct.

Chair Parkins asked if it was in the original package.

Mr. O’Leary responded that would be coming up, it’s (inaudible)...It is a black and white page in Atty. Thomas’s hand-out.

There was some confusion about the renderings because some from the previous packet were in color and others just received were in black and white.

Chair Parkins found the correct rendering and asked about the differences.

Mr. O'Leary indicated that the black and white plans reflect the addition of the pool and the change in the Clubhouse. He pointed out on the black and white plans the new fence line because there was a request to replace the fence along the Mobile Home Park to provide safety between the Mobile Home Park and the new development. He showed where they placed guard rails along the perimeter of the straights? for protection of any vehicles coming down. He added that they also provided them with a fire hydrant.

Mr. O'Leary stated that they took those comments at face value but they sat down, they listened very carefully and asked what (inaudible)... They are trying to be responsible from a development standpoint and one of the main areas of interest for them was preserving, and conserving the natural resources that exist on the site.

Mr. O'Leary stated that in developing the original layout, their initial focus was preserving and conserving the wetland area. He showed the location of the wetland area on the site map. He commented that it was the one major resource that exists on the site and they wanted to accent the wetland, protect it, and try to restore it somewhat to its natural features. Mr. O'Leary stated that in listening to comments from the Commission, there was a strong sentiment in their opinion that there is a desire to try to preserve and conserve a little more. Based upon that, they sat down and tried to develop an alternate concept for it.

Mr. O'Leary showed a rendering of the alternate site. He compared it to the original rendering and commented that there was more green space in one of the areas of the site. They were able to accommodate that by omitting one building. They consolidated the site with the intent to preserve and conserve in that location and stay away from the wetland area. He commented that they added more green space and more buffer area between the Mobile Home Park and the proposed development by eliminating one building and changing the other buildings from three stories to four stories. He referenced the two color plans and counted the buildings on the one labeled Conceptual Layout Site Plan – he noted that there is one less building than on the previous layout.

Mr. O'Leary indicated that as a result of one less building, there was a unit reduction of ten units. He noted that the original proposal was for 262 units and it has gone down in the Conceptual Layout to 252 units. He pointed out a more expansive area associated with that reduction to be used for recreational purposes. He pointed out that at the Clubhouse they will see the pool, patio and additional recreational and more green space. In part, this addresses some of the comments from the Conservation Commission in trying to preserve and maintain green space.

Mr. O'Leary stated that this Concept Plan also addresses another item brought up by the Commissioners with respect to parking. Based on this layout here, they are able to change the parking ratios for the site. He indicated that now that they have 252 units, 350 surface parking spaces (just the parking spaces shown on the plan) and if they count just those parking spaces, it gives them a ratio of 1.4 spaces per unit. In addition to the surface parking seen here, the majority of these units have garages associated with them. If they add in the garage spaces in addition to the surface parking spaces that are shown, it brings their parking spaces to 418 and their parking ratio to 1.7 spaces per unit. This is a significant gain because in the preceding plan the total parking spaces including the garage as well as the surface parking – the parking ratio was 1.55. Mr. O'Leary indicated that they have managed to elevate that to 1.7 by virtue of reducing the number of units and providing additional parking, probably visitor parking behind the units. He showed the location for that parking adjacent to the wetlands.

Mr. O'Leary stated that this alternate plan allows them an opportunity to reserve or defer a parking area should the Commission desire to still provide some additional parking or have the option to provide it although it is not shown on the site plan. He referenced the area where they would be capable of and recommend for deferred parking. He explained that they would reserve the area for parking, it is suitable for it but recommend reserving it for parking but not necessarily developing it for parking at this time. They believe that the layout as shown with the 1.7 parking ratio is more than sufficient the demands within this community, particularly because there are a number of studios and one-bedroom apartments here.

Mr. O'Leary indicated that if the demand for some reason should be greater than what they have here, then they have the option to utilize the reserved area, the deferred parking area, and have it developed for parking purposes. From a responsible development standpoint, the basic intent is to avoid taking the trees down, interfering with the natural setting that they are trying to preserve

if it is not necessary just to reach a number. They can reserve the area and, when and if it is ever necessary, it can be mandated to be constructed at that time.

Mr. O'Leary stated that similarly there were questions regarding how they worked with the site. He showed some more profiles associated with the original layout that they presented last time; however, he thinks that he would prefer to try to ...

One of the Commissioners needed clarification as to which renderings Mr. O'Leary was referencing.

Mr. O'Leary clarified that there are two of those – one for the original layout and one for the conceptual layout for comparison purposes. He indicated that the Conceptual Layout is labeled on the top right corner.

Mr. O'Leary explained that the cross-sectional lines that they are going to be using for both of these – Line BB is running in an East/West direction through the site and Line AA is a cut through the other direction on this site. He displayed a board that reflected the Conceptual Layout which he just introduced. He showed another board below it that was the Original Layout presented at the first public hearing.

Mr. O'Leary noted that there was a significant difference between the two. They have eliminated one building which accounts for part of the major difference. He added that of greater importance, they did represent during the last meeting that they have tried to work with the topography. They had a discussion about having a big box on this site or other types of developments in which it would be imperative to come into the site and essentially level it straight across in that manner. He indicated that it would be the only way to facilitate a big box development or office developments and things of that nature.

Mr. O'Leary indicated that their goal here was to work within the context of the site and not to go in and scar the site, level it, take out the hills, etc. He pointed out a black line on the rendering that represented the existing topography, existing grade associated with the site, as they cut through the site in a North/South direction. He indicated that he noted at the last meeting that if they go from side to side on the site there is approximately about 100 feet differential in the elevations. He added that does not necessarily apply to where the buildings are.

Mr. O'Leary showed an area where they've shown the elevations at about 160 feet and about 230 feet on the far side of the site by the hotel. He stated that depending upon where you took this cross-section – if they slid it a little bit they could get it up to 100 foot differential as opposed to the 70 foot differential. But if you are looking at this and you see the way the existing grade comes across here, they are very close to matching the existing grade lines. He commented that they do have to balance the site and get some surfaces that are relatively level from roadways and building pads. So they do need to go in there and move some dirt around but they aren't making expansive cuts into the hillside up against the Mobile Home Park and wrap itself around for the hotel area.

Mr. O'Leary commented that similarly, closer to the Mobile Home Park, they can see the hillside there which they are maintaining as much as possible. He added that there would be very little cut into that, they have a little fill? building going into here and he showed another area that would be maintained. He indicated that they would be putting up a retaining wall to protect that area. He stated that they have tried to work with the topography within this area and that was one of the goals from the preserve standpoint. It is a unique site from a topography standpoint and the goal is not to go out and destroy a unique site but to work within the confines of that site.

Mr. O'Leary stated that he thought it was a much better layout alternative as compared to the original one and they hope that it meets many of the goals that the Commission laid out during the last meeting which included improving the parking and improving the amenities associated with the site. He indicated that they have incorporated the pool and more recreational area. They have managed to preserve and conserve more area on the hillside and provide a much better buffer with the Mobile Home Park than was there originally. Mr. O'Leary commented that they still will be providing the fence line along the top of the hill, the guard rail and things of that nature to protect the security of the Mobile Home Park from this development. Even though they have moved things away, the developer is still committed to protecting those areas with additional fencing and guard rail features.

Mr. O’Leary indicated that from their standpoint, they hope they’ve covered the site layout issues that were of the greatest concern to the Commission. They’ve made a significant improvement to the project with their input from the last meeting and what they’ve been able to do it with their assistance. He indicated that he wanted to turn the discussion over to the architect unless they have any specific questions.

Atty. Thomas asked Mr. O’Leary to discuss the area with the dumpsters.

Mr. O’Leary responded yes, he apologized for skipping over their concern about how trash and refuse removal would be handled on this site. He showed a location on the site map that they’ve selected, an area that is very close to the access road and limits its exposure to the units themselves. He showed that there are two dumpsters/trash compactors. He explained that they have two because they anticipate the need to maintain recycling capabilities; therefore, one compactor for recyclables and one compactor for non-recyclables. He noted that trucks entering the site have relatively easy access into both compactors. The trucks should be able to pick up the compactors and get directly out of the site without interfering with the residents of the site or any neighbors. The compactors are located as close to the adjacent commercial district and as far away from the other residences as they could get them for protection.

Mr. O’Leary stated that he doesn’t think that it will have any impact on the other facilities here because on this rendering, they are looking at the backside of the facilities where they have their trash compactors so it makes sense to maintain the service areas in the same zone. He asked if there were any other questions.

Atty. Thomas commented that before the architect comes up he would like to mention that on the parking issue, and he mentioned it last time, they believe that they have provided more than enough parking – based upon experience. This is experience that the developer has and they will also hear some comments from the architect who will inform them of the enormous amount of experience he has in doing these types of developments.

Atty. Thomas indicated that they have to keep in mind that if a parking problem occurs, contrary to most of these types of situations, it is going to be a developer problem because...Atty. Thomas provided the example of what he sees outside of his own office. If a problem were to develop on the “Texas Donut” (that’s what the Avalon design is called) at the Avalon across from his office – if there is a parking problem there then they are going to park on Canal Street because it is the only place they have to park. He continued that if there is a parking problem at this location, they are not going to be parking on Bridgeport Avenue because they are a good couple hundred yards from Bridgeport Avenue. Atty. Thomas stated that the parking problem is going to be internal so that is something the Commission needs to keep in mind. Even with that, they will see that they have achieved a parking ratio that is comparable to most sites. Secondly, they have areas designated for reserved parking.

Atty. Thomas stated that there had been a comment from Comm. Matto concerning elevators. By going to the Conceptual Plan they will have every building with elevators except for one. One building will be a three floor building and the rest will have elevators. The one without the elevators would be priced accordingly. On that note, if there are no more questions from Mr. O’Leary...

Chair Parkins indicated that she had a question for him but she would prefer to hold all the questions off until the end of the presentation.

Mr. O’Leary provided a quick perspective on the reserved parking in regard to the scope and scale because it isn’t shown on the plan. He explained that this reserve parking area contains approximately 25 space, so if they reserved a similar area over in another area of 25 pieces, it would in essence increase the parking ratio from 1.7 to 1.8. It would increase it by 1/10th of a percent. If they are in that area, 1.8 is a very high parking ratio for multi-family just to provide some perspective so that they won’t lose all that green space. They lose (inaudible)...

Mr. Timothy Wentz, Managing Principal of Gate 17 Architecture, 100 Chetland Drive, Malvern, Pennsylvania addressed the Commission. Mr. Wentz stated that he was a Registered Architect in the State of Connecticut and 28 other states. He pointed out that those trash compactors will be surrounded by a 7 foot high solid fence so they won’t be seen from the parking lots. Typically, they provide gates so the garbage truck will come in, open the gates, pull the compactor up onto its bed, take it off, dump it and come back.

Mr. Wentz commented that the other day he started the number of apartment units they've done in the past ten years as far south as Florida up into the Boston area and it has been about 10,000 apartments in about 10 years. Last year, they did 2,500 apartments principally in (inaudible) planning in the Connecticut area and also in the Maryland area.

Mr. Wentz stated that as Pat O'Leary said, they have two different buildings which include the 38-unit building which is an elevator building and the 24 -unit with is a three-story walk up. He explained that there are two reasons why you would live in a 24-unit building. First, they can offer less expensive rents to the tenants and secondly, it is a more intimate experience entering your unit because there is no corridor in the building and when you walk up to your floor, there are only four doors. It is more of a private situation and many people consider that to be an advantage. It has a tendency to be quieter than a corridor building.

Chair Parkins asked for clarification that the architectural renderings that he would be showing them are what had been submitted on October 9, 2012 ...so that (inaudible)...

Atty. Thomas responded yes, except for the last four pages with the Clubhouse – that is the only difference.

Chair Parkins commented OK, she indicated that Comm. Pogoda will be able to follow along knowing that what Mr. Wentz is talking about right now are the architectural renderings that were submitted in October so he should have that information.

Atty. Thomas responded yes, correct.

Mr. Wentz continued with an architectural rendering for the 24-unit building which is a three-story walk-up. He explained that in looking at this front elevation, he asked the Commissioners to pay attention to the fact that to keep the scale of the building down they provide multiple materials. They have lap siding that may be ? vinyl or hardy plank. They have shake siding, they have stone and they have large windows that are typically 3' x 5'6" or 3' x 6', the fenestration – a lot of double windows, sometimes they have triple windows. He stated that this gives a variety to the elevation of the building. they aren't looking at one single, flat elevation. The building has in's and out's. He pointed out where they take stone and raise it up in the center to add emphasis to the center of the building. He referenced the shake siding in one color and the lap siding is in another color. All the units have balconies. He asked them to pay attention to the roof line because you can see that they have broken up the roof too so that it doesn't look like one massive roof. It gives the scale of a townhouse more than it does apartment building.

Mr. Wentz showed another rendering of the building layout of the 24-unit building and explained that there is one staircase that serves four units and another staircase that serves four units. He explained that when he comes into this building and walks up to his floor, there are only four doors there so it provides a more intimate experience than looking down a long corridor that has 11 doors to it.

Mr. Wentz showed an architectural rendering of the 38-unit building, the 4-story building. He compared the architecture of this building to the 24-unit, 3-story building to show that they have made them compatible. They do the same architectural cues with the 38-unit building as they did with the 24-unit building. The surfaces of the building go in and out. The fenestration is tremendous with balconies on each unit. The materials are the same colors as the 24-unit building to give harmony. All the buildings will have their own identity but they will be harmonious with each other. Mr. Wentz commented that they do the same tricks with the roof line. Again, they keep down the massing of the buildings so that it has a more residential feel to it.

Mr. Wentz provided renderings of the back of the building and the side of the building. He pointed out that the materials and the breaking up of the materials remains the same so they aren't just "Holly wooding" the front of the building and making ugly sides and ugly rears. They are carrying the theme of the design all the way around the building. The back of the building has stone and the side of the building has stone. The materials remain the same if they have the shakes and the vinyl siding. In some cases they are doing AZEC® Trim Panels to break up the building and give it the scale.

Mr. Wentz pointed out the garage doors facing the parking lot. He indicated that they would be solid doors in different colors so that they don't have an expanse of white door after white door.

Mr. Wentz provided a layout of the floor plan for this building and pointed out where they have the 12 garages. He showed the large lobby area as you come in, the elevator and the units across the back. They are also providing storage lockers for every one of the units so that every unit which does not have a garage will have a storage locker. He added that this is a very important feature in today's market.

Mr. Wentz indicated that he wanted to move on to the amenities. He commented that he has done a lot of apartment projects and stated that generally the size of the clubhouse is related to the number of units that will be in any given project. He added that a typical project today is anywhere from 200 to 300 units. The typical clubhouse in these types of projects is somewhere around 3500 square feet. When he spoke to the Talbot Partners originally and they asked him how large the clubhouse should be he told them about 3500 square feet.

Mr. Wentz explained that the Talbot Partners said no, they wanted to make it bigger and they wanted it to be spectacular. He indicated that they developed 4,660 square foot clubhouse so this is much larger than the original one and it contains a lot of amenities.

Mr. Wentz showed a floor plan of the clubhouse and indicated that upon walking in the door you would see a very large cathedral ceiling community room. This is the essence of where people would hang out, have parties and things like that. There would be a large fireplace there and when you are standing in this clubhouse room, you'd be looking out onto the pool area.

Mr. Wentz showed that off of that room they would have a smaller, more intimate club room where they will have high tables and high chairs. He showed the location of a serving kitchen and explained that they put the kitchen there so that if there is a party on the pool deck it can be used to help serve that party on the pool deck. He showed where people could hang out in the smaller, intimate club room with the bar top counter or they could go into the larger clubroom.

Mr. Wentz explained that they would also have an indoor theater with state-of-the-art equipment. The room can be rented and people can have a lot of friends over to watch a Super Bowl game or a good movie. They also have in this area a fairly large workout area where they could have all the machines needed to service this population and also have a yoga area too.

Mr. Wentz indicated that the clubroom would also have a Business Center with computers, fax machine and printer. In this day and age, when you think that most people have their own laptops, it is surprising but these business centers are used a lot.

End of Tape 1A 7:45 p.m.

Mr. Wentz showed the location of the locker rooms which would serve the pool area and the workout room. Typically, what they do if someone wants to use the workout room after hours, they come in a different entrance, the remainder of the Clubhouse can be locked off, and they have access to the fitness center and the lockers. Therefore, this can function after hours when Staff is not present.

Mr. Wentz commented that he wanted to call attention to this whole amenity plan that they have done. He indicated that the pool deck is as good as anything that would be seen at a resort; it is over 5,000 square feet. He stated that on that pool deck they have a very large pool, pergolas and arbors on both sides, a hot tub area, an outdoor fireplace, and barbecue grills so that this can function as a summertime hangout, a party area, or a special function area. He showed that the pool area in combination with the Clubhouse is over 10,000 square feet of amenity. Mr. Wentz stated that they did not stop there though and he pointed out a walk way which would be provided leading to an additional hard scape in which they will put a fire pit.

Mr. Wentz indicated that these types of amenities are unprecedented in these types of apartments. He added that the client has really gone all out here to provide the best.

Mr. Wentz addressed the elevations of the Clubhouse in other renderings. He showed the front elevation and explained that they were trying to give an intimate feeling and residential scale for a large building. He reiterated that the Clubhouse was 4,660 square feet so it's a big building but if they look at the scale, it looks more residential in character. He showed the back of the

building where the pool area is located, they can see where the clubroom would be and there would be a lot of glass so when people are in the clubroom, they can enjoy the view out onto the pool deck.

Mr. Wentz presented a rendering of the side elevations of the clubhouse. He pointed out again that in the side elevation they kept the same materials going all the way around the building. On the side elevation, it has the stone, the shake siding and it has the lap siding. They are keeping the architecture consistent because when looking at the site plan, this building is the focal point as you come up the driveway. This building has the leasing center and the recreation center. Mr. Wentz asked if the Commission had any questions.

Comm. Matto asked what the pool dimensions would be.

Mr. Wentz responded that they haven't set a size for the pool yet.

Comm. Matto asked how they were fencing it.

Mr. Wentz responded that there will be a fence around this whole complex. There has to be by code.

Chair Parkins asked if the pool itself has to be fenced.

Mr. Wentz responded no, they can actually fence the entire area.

Atty. Thomas clarified that he means fence the entire Clubhouse amenity area.

Chair Parkins commented OK that was what she was asking and clarified that the whole complex wouldn't be fenced.

Mr. Wentz responded yes, the hard scaping.

Comm. Matto commented (inaudible)...

Chair Parkins asked Mr. Wentz if he was planning on leaving these architectural boards or if he would have print outs of them to provide for the Commission.

Atty. Thomas responded that these print outs are pages 7,8 and 9 of the packet. He added that if they want the boards, they can leave them.

Mr. Schultz stated that they usually hold on to the boards temporarily for the benefit of the public and when it is done the boards are given back.

Mr. Wentz responded great, he doesn't have to carry them. He asked if there were any other architectural questions.

Atty. Thomas added or any questions for the engineer.

Chair Parkins indicated that she had some additional questions if the presentations are finished. Regarding the traffic study, she is assuming that this will go to the State DOT but she knows that there was reference to the traffic pattern mostly being in the morning down to Commerce Drive and to Old Stratford Road. She commented that she is assuming, and if they don't she would like it to be brought to their attention, that the current left turn lane onto Commerce Drive lets about four cars through – if they are paying attention. If they aren't paying attention (texting or something...) then there are two or three cars that get through. She reiterated that this was for left turn onto Commerce to go up the hill – there is definitely a deficiency there with the timing. Chair Parkins added that it wasn't necessarily their issue but as they meet with DOT, they may want to bring it to their attention.

Mr. O'Leary responded that they did note that in the Traffic Study that there were hard deficiencies with the signal timing associated with both signalized intersections to the north. He stated that through minor timing adjustments in that areas, which are proposed as part of this project assuming that it is accepted, to make significant changes and improvements to the overall operations of both of those intersections. That would be just timing adjustments not redoing any lanes or (inaudible)...

Chair Parkins apologized that she didn't read the entire Traffic Study. She only read the previous meeting minutes today to refresh her memory. She commented that there had been a reference to the elevation relief for the initial plan so that they would not be looking at eight identical buildings. She indicated that she is thinking now, because they have eliminated one building and took away some of those apartments and made some of the three-stories into four stories – she asked if that eliminated some of that relief now. She added that it is kind of hard with the cross-reference that they've provided because there are no two buildings shown. She asked if it presented that scenario now in trying to open up...

Mr. O'Leary responded and referenced a drawing of the revised Conceptual and commented that with respect to the (inaudible) that they looked at so that they can see some elevation difference. The vertical scale is twice that of the horizontal scale because if they left the vertical scale normal all the buildings would only be that tall relative to the overall width. So they actually enlarged the height of the buildings so that they could get some perspective to it.

Mr. O'Leary stated that in working with the topography and because their goal is to try to maintain the thought of not scarring the earth out there. Their goal is to keep these base elevations so if they look at the cross-sections, and this one is going in the East/West direction across the site (Route 8 over to Bridgeport Avenue), you can see they have an elevation differential of probably about 8 feet between the tops of the buildings. In this case, they are looking at two Type 1 buildings, so these are the same building but they are getting elevation differential. He doesn't know that they would want a lot more than that because then they will end up with this thing sticking way above and it is going to look out of scale.

Mr. O'Leary explained that similarly on another rendering, they are closer to about 10 feet differential between the buildings and that is the type of perspective they are looking for. They didn't want things to be up and down across the site so they looked for a portion of the site where they could do the least amount of disturbance, maintain their grades up here and not have buildings up here on the hill that are looking down on the roof tops of the other buildings across the site. Mr. O'Leary stated that he thinks that they have maintained some elevation differential so that as viewed from a car driving in, it won't have the appearance of side-by-side apartments that are identical looking in a cookie cutter fashion. At the same token, they don't want to go in and scar up the entire earth so they are trying to find a nice balance.

Chair Parkins commented OK, they made a trade-off. She asked if there was going to be access with moving the buildings closer together – she asked if all of that open green space would that be accessible to the residents or would it just be trees. She indicated that she hadn't been back to that site.

Mr. O'Leary responded that it would be accessible but there are no hard recreation features that would be associated with it. It would be completely passive. As noted previously, they have a resource area in the wetlands that they are trying to preserve and expand upon by incorporating the storm drainage and the detention basins here. He added that they see this as an upland area.

Chair Parkins asked if there would be the potential to put some park benches or a walking path so that people could just take a walk or walk their dog or something.

Mr. O'Leary asked if she means maintaining a passive nature to it.

Chair Parkins responded yes.

Mr. O'Leary responded yes, as opposed to hard scapes or a playground or anything. Their goal is to...if they go with a walking path and some benches that will maintain the character of it so it can actually become an upland area.

Chair Parkins asked if it was possible to do those things.

Mr. O'Leary responded yes.

Comm. Harger asked if they were going to clear cut that area a little bit and put grass in or will it be left pretty natural.

Mr. O'Leary responded that their goal is to leave it as what it is as much as possible. Actually, they are trying to recreate wetlands and upland area for wildlife. They don't want the grasses out there. They actually want a forest with trees.

Comm. Harger asked if they were going to clean it up somewhat.

Mr. O'Leary responded yes, absolutely. They will clear out the underbrush and things of that nature.

Chair Parkins asked how the residents access the trash receptacle because you said that it was gated in and the trucks that come in have to open it. She asked if all the residents have to open the gate as well.

Mr. O'Leary responded that typically on these when you look at the gate structures, there will be an access gate for individuals going in - there would be another gate for individuals providing immediate access up to the receptacle itself. Usually, it has the sliding door on it so people would walk up to that area where they would put the trash in.

Comm. Harger asked how the trash would be able to move to the back of the dumpster then.

Mr. O'Leary responded that these are going to be compactor units. They haven't figured out whether these are going to be vertical compactors or horizontal compactors. In some cases they use verticals.

Mr. Wentz commented that he thinks that he can answer that question. He responded that most of the units today are horizontal. They are about the size of this conference table right here and they typically would be put into a fenced in area and the whole unit is actually picked up and hauled off site to be dumped. He explained that using a compactor cuts down on the number of trips to the site and that's to the benefit of the residences because they don't have the truck traffic that is coming through to pick up the trash. He continued that residents will typically take their trash bag and throw it in the trunk of their car on the way to work, drive around, throw it into the dumpster and drive out for work.

Mr. Wentz stated that it used to be that they had multiple trash containers all around the site but their clients are getting away from that today. They don't want that, they don't want the noise, they don't want the "beep, beep, beep" from trucks backing up. He added that residents don't seem to mind. They would much rather take it to a central facility that is easier to keep clean and maintain by management staff.

Atty. Thomas commented that he thinks Comm. Harger's question was about how the trash gets to the back of it in between truck trips. He asked how the tenant physically throws it in.

Mr. Wentz responded that the trash compactors have sensors in them and when they start to get full, there is a ram that pushes the trash to the front of the dumpster.

Comm. Harger commented OK, she is familiar with one at work which is a small square one - So it has internal mechanisms.

Mr. Wentz responded yes.

Comm. Matto asked about the dumpster that they have in back and if the trucks would have to make a U-turn around the parking area.

Mr. Wentz responded that their clients are putting in the compactor area. It doesn't really make a difference to the tenants where it is on the site because they are going to drive to it anyway. Typically, they are put in an area that is more towards the back of the site so that it is not as visible but still able to have the truck being able to come and pick it up. He added that obviously, it has to have sufficient access.

Mr. O'Leary commented that these are typically large trucks picking up the compactors. It is basically a single unit truck. They have 24 foot drive aisles around the site so if they chose, they could actually circulate around the site, back in and drive out. His personal expectation is that a truck will enter the site and he pointed out an area on the site plan would they would go over to, turn around, pick up trash, and then drive out as opposed to circulate around the site. It is very difficult to control truck drivers but these are single unit trucks and they can fully circulate around the site. As evidenced from a fire safety standpoint, these trucks are actually smaller than the fire trucks that are used in town and they have to make this accommodate fire safety apparatus all around the site.

Comm. Matto asked about the parking – she didn't know how many bedrooms they ended up with total – how many studios, one bedroom and two bedrooms but she is picturing two people to a unit with two cars.

Mr. Wentz responded that borrowing from his experience, the ratio, the sweet spot, seems to be around 1.7 cars per unit. There are some areas where they've had 2.2 and the developers have had a lot of complaints because they say that they are building empty spaces that will never be used. His clients are companies that manage 6,000 to 10,000 apartment units. They've got a lot of experience.

Chair Parkins commented that they can't (inaudible) with studios. Studios aren't always two people.

Atty. Thomas responded that one half of the units are studios and one-bedrooms.

Chair Parkins asked for clarification if he means that one half of the units are studios.

Atty. Thomas responded and clarified that one half of the units are studios and/or one-bedrooms. It should be understood that some of the one-bedrooms will have two people with two cars but some of the one-bedrooms will have one person with one car. The percentage of studios would be a greater percentage of one person and one car. That is usually the countdown.

Comm. Matto commented that she really has no experience with this so she is really asking. She thinks the other Commissioners and Rick know a lot more about it.

Atty. Thomas stated that the most common in Tim Wentz's experience, and he has a lot of experience, the most common multi-family ratio is 1.5 for a lot of units. The only question that some people ask about is how they address the issue of visitors. He stated that when you're not dealing with the three bedroom units, 1.5 is the most common.

Mr. Wentz stated that most municipalities, if they do have a parking ratio based upon bedrooms, the parking ratio is one car per bedroom.

Comm. Matto asked if they had a ratio.

Atty. Thomas responded no, they are (inaudible)...

Mr. Wentz commented that if they are 50% studios and one-bedrooms, then your ratio would be 1.5.

Mr. Schultz stated that right now, multi-family is 1.5 but this is a PDD and they could establish the right (inaudible)...

Atty. Thomas stated that they are going over the 1.5.

Comm. Matto commented that she could see how they are saying that a parking problem would be internal because clearly people aren't going to walk out onto Bridgeport Avenue.

Atty. Thomas stated that (inaudible)...

Chair Parkins stated that there is also additional parking that is going to be deferred.

Comm. Matto asked what the topography was of that reserved parking area.

Mr. O'Leary showed a site map to point out the portion of the hillside for reserved parking (inaudible...) He pointed out the portion again and indicated that it was hillside and it's on the incline. It would be a little higher than the elevation of this parking area so these would be kind of tiered. This parking area would probably be 5, 7, 12 feet lower (inaudible) and they would place the parking area over there. He reiterated that in lieu of placing a parking area there, he would highly recommend deferring it based upon the...he hates to see parking lots that are unused at the expense of trees and upland areas.

Chair Parkins commented that if this is approved, a lot of it gets worked out in the detailed designs.

Atty. Thomas stated that another point that he was just reminded of was that despite the fact that any developer would love to have 100%, the most successful apartment complexes have vacancy

rates of 3% - 5%. So, they aren't talking about it being full all the time. Especially in the studios, they might have a more transient – part of the population might work in the corporate area for two years and move. The bottom line is that if they are very successful, which they believe that they will be based upon the marketing, their goal will be at 95% full.

Chair Parkins asked what the status was of working with the neighboring properties for the emergency access.

Atty. Thomas responded that he has the agreement placed from that, as soon as the map is down, he'll put the agreement in. They indicated no issue at all with the emergency access. He has just has to cross the "T's" and dot the "I's" on the agreement.

Comm. Harger asked a question about the material handed out tonight, on Page 1 it shows the types of buildings. They have six Type 1 buildings (4-story) and one Type 2 building (3-story). She asked if the floor plan was the same on each floor.

Mr. Wentz responded yes.

Comm. Harger added that it says they have a Unit A studio, B, C & D are one-bedrooms, E&F are two bedrooms.

Mr. Wentz showed the plan of a floor on the typical 24-unit building. He stated that this building has one bedroom and two bedroom units but no studios.

Chair Parkins asked if this was the three-story building.

Mr. Wentz responded yes, this would have three floor building, walk up. Each floor is nearly identical with the only difference being that on the second and third floor, the one-bedroom becomes a one-bedroom den. They were able to tuck a den on top of the entrance to the staircase. So the second and third floors are identical and the only difference between the first and the second floor is the fact that they have a den.

Mr. Wentz showed the plan for a 38-unit building, the four story building and on the first floor they have the garages and they have five units in the front. They have a two-bedroom, a one-bedroom, a two-bedroom and a one-bedroom and a two-bedroom.

Chair Parkins asked if that presented the long hallway scenario that he presented earlier unlike the smaller with only four doors.

Mr. Wentz responded yes and the reason is that they have an elevator that they want to have service all of the units.

Chair Parkins asked if it would be five units per level.

Mr. O'Leary responded that it would be five units on the first floor.

Mr. Wentz explained the typical floor – in the back of the building – is where they have their studio units. So, this building has studios, one-bedrooms, one-dens and two-bedrooms. This floor plan is identical on the second floor, third floor and the fourth floor. He added that this front of the building was identical to the first floor because as a rule of thumb – and it is called "stacking units" and it is the most economical way to be able to run plumbing and electrical so you want each unit to be identical all the way up. Mr. Wentz indicated that in order to answer Comm. Harger's question, yes, the floor plates are identical for the buildings. The three story building is different than the 38-unit buildings.

Comm. Matto stated that she is familiar with the cost of elevators – not just the cost of installation but the ongoing operation and monthly fees. She commented that she still doesn't get it about a building without elevators. She knows that they have the experience as to whether or not they will be sellable units and that they will be a certain amount cheaper. Comm. Matto stated that she is a nurse so she thinks about accessibility a little bit more than others might. She thinks about the things that happen – people break their ankles and things happen.

Chair Parkins commented that it might be more appealing to people who like to use the stairs as opposed to...

Comm. Matto responded that she didn't know about that – they're going to have furniture and ...

Mr. Wentz responded that in all of the units that he has done probably 75% are three story walk-ups and these are market rate apartments. In a complex like this, the 24 unit building is going to attract a younger crowd – people that don't mind walking the stairs or who that think walking steps is healthy.

Mr. Wentz stated that surprisingly enough, the first floor always goes first because people want to have a barbecue grill out on their lawn. The third floor which is the walk-up goes second because people don't want to have anybody above them. The second floor goes third. The beauty of an elevator building is that it will attract an older crowd. They can provide elderly apartments because you can provide an enormous number of units that are accessible from an elevator. Mr. Wentz stated that the cost of an elevator is about \$100,000 for a four story building. He added that then you have the cost of building the corridors and there is an expense to light, heat and air condition those corridors. Therefore, it becomes a more expensive proposition and as such the rents would be higher.

Chair Parkins asked how the 4-stories rent out when you have an elevator – first floor, then top floor.

Mr. Wentz responded that he thinks it is the top floor that goes first and then the first floor, and then the middle floors.

Atty. Thomas stated that when they redesigned the proposal, they ended up with really less than 10% in three-story. He commented that it interesting that they are having a discussion about this because he comes into this building a lot (probably too many times) and in all the years, and there have been many that he has been doing P&Z, he has used the elevator once in this building and that was only because he had a lot of heavy stuff to carry. Atty. Thomas stated that he thinks it has become a tendency but (inaudible)...He added that he has also stayed on the third and fourth floor of B&B's and he has walked up the stairs. They would have preferred initially, in a perfect world, to have a better mix and have more of the three and the fours – but they have to look at the conserving of and getting economically to a point where they can do the project and preserve the site – so that is when they ended up with seven buildings now - but only one without an elevator.

Chair Parkins asked Comm. Pogoda if he had any questions.

Comm. Pogoda asked for clarification about the parking ratio of 1.5.

Atty. Thomas responded that under the new plan with the garages, the parking ratio is 1.7.

Comm. Pogoda commented OK, 1.7- if they count the garages which are tandem right?

Atty. Thomas responded correct.

Comm. Pogoda asked for clarification as to what the exact unit reduction was and if he had heard them say from 262 to 252.

Atty. Thomas responded that's correct.

Comm. Pogoda indicated that he heard everything regarding the trash compactor. He asked if the square footage had increased on the clubhouse.

Chair Parkins responded yes – it is now 4,660.

Comm. Pogoda asked what the percentage of that would be for the tenant's themselves out of that 4,660 square feet.

Chair Parkins asked the applicant approximately how much space would be used in the clubhouse for their leasing office.

Mr. Wentz responded about 1,100 square feet.

Chair Parkins repeated that the leasing office would be 1,100 square feet so there is still about 3,500 square feet for resident use.

Comm. Pogoda commented OK 3,500 out of the 4,600 – OK – so far he's with you and he's good on everything so far.

Chair Parkins asked if he had any other questions.

Comm. Pogoda responded no, he doesn't have anything else right now.

Chair Parkins asked Mr. Panico if he had any questions.

Mr. Panico responded that he was listening to the applicant make his presentation and he was wondering if all the units were going to be handicapped accessible. He is primarily concerned about the building without the elevator and the clubhouse area.

Mr. Wentz responded that yes, the Clubhouse will be handicapped accessible. The code requires on the 24-unit, 3-story walk-up building that the first floor has to be handicapped accessible, so that would be 8 units of the 24 units. Mr. Wentz stated that in the elevator buildings, all of the units are handicapped accessible.

Mr. Panico asked about the entryways.

Mr. Wentz responded no, that is in the units themselves.

Mr. Panico asked about the interior entryways into the buildings, into the lobby, etc.

Mr. Wentz responded that it also the units themselves have to be handicapped accessible.

Mr. Panico commented OK, right. He asked how one gets into and through area proper – do you go through the building or do they go directly from the outside.

Mr. O'Leary clarified that he means how do access the pool area (inaudible) it is gated...

Mr. Wentz responded that it would be through a key-fob.

Chair Parkins asked if you could access it through the gated area or do you have to come in through the clubhouse.

Mr. Wentz responded that it would have to be both.

Chair Parkins repeated for Mr. Panico – both so they will have a key fob that will get them into either the locked gated area or the clubhouse area.

Mr. Panico asked how you get to the pool area from the clubhouse.

Mr. Wentz responded that you walk outside and then there will be a fence that is off of the clubhouse that you then walk in through the fence into the pool area.

Mr. Panico commented OK, then you don't go directly from the clubhouse to the pool area.

Mr. Wentz responded no.

Mr. Panico asked if he means that you go out and then in.

Mr. Wentz responded yes.

Mr. Panico commented OK. He asked what type of activity they anticipate in the recreational area – that circular area at the end of the walkway.

Chair Parkins responded that is a fire pit.

Mr. Panico commented OK. He indicated that those were the only questions he had at the moment.

Chair Parkins asked if Comm. McGorty had any questions.

Mr. Panico stated that he did have one more question. He asked about something from early on in the presentation concerning the alternative plan. He said there was a discussion about an area being set aside as potential future parking spaces. He asked if that was a part of the existing parking plan or was he alluding to another area.

Chair Parkins responded that it was another area. The area where – on the conceptual layout... She asked him if he had a copy of the conceptual layout.

Mr. Panico responded that yes he did.

Chair Parkins indicated that it was the area right above the four trees that are on top of Building #?...

Comm. McGorty added that it was Building #5 – it would be to the right of that lot that is above Building #5.

Chair Parkins commented that no, it would be Building #6.

Comm. McGorty stated well, it could be. It is to the right of the lot by Building #5 ...behind Building #6 but to the right of Building #5.

Chair Parkins reiterated OK, it would be to the right of the parking lot behind Building #5 and/or on top of the area where Building #6 is.

Comm. McGorty added that it would be on a slight elevation coming (inaudible)...

Mr. Panico stated that was a rather steeply sloped area. He commented that if they are going to offer that for consideration for additional parking, it needs to be prepared up front; otherwise, they will never create it afterwards.

Chair Parkins clarified that this was the deferred parking if the Commission felt that the ratio wasn't sufficient.

Mr. Panico responded yes, correct. He asked if they had any estimate of how many additional spaces they might be able to create.

Comm. McGorty responded 25.

Mr. Panico asked if it was 25 – over and above what is shown on this plan.

Chair Parkins responded correct.

Comm. Pogoda asked Mr. Panico if he was saying that they should make plans for this at the present because of the topography it will be difficult to do it once the buildings are in place. Is that correct?

Mr. Panico responded yes, that is right. If they finish this development and it turns out that they need more parking, they aren't going to bring heavy equipment in to go back there and carve out parking on that slope area. He thinks that if they anticipate that it may be needed then it is going to need to be prepared.

Atty. Thomas asked Pat O'Leary, P.E. to address this issue.

Mr. O'Leary responded that if they look at the area on the site plan that they are considering for the deferred parking, when looking at the size of the space for the parking itself, that parking area is about 60 feet wide. Even though you are on a slope, this is not mass excavation like what they are originally talking about for the buildings to be put up in that area. Even if they have 10% slopes over a 60 foot wide area, you're only talking about a 6 foot differential in elevation across that small area. So they wouldn't be talking about that type of excavation where there would be 20 foot rock cuts.

Mr. Panico clarified that because he isn't watching this, he isn't sure, graphically, how they would propose to put that 25 car space parking lot in there. He asked if they didn't have a big, hefty side slope.

Mr. O'Leary responded correct, and that's why he's saying...

Mr. Panico asked if they were running it parallel to that service drive that runs to the detention pond.

Mr. O'Leary responded no, actually it would be essentially – you would go up to that service drive and take a right into that parking area. It would parallel to the retaining wall behind the Building #6.

Mr. Panico restated OK, parallel to the retaining wall behind Building #6.

Mr. O'Leary responded correct.

Mr. Panico asked Mr. O'Leary if he thought he didn't need to get into very much grading.

Mr. O'Leary responded that he thinks that he is looking at (inaudible)...

Mr. Panico commented that maybe if he could see him draw it up he could see it. Right now, from his eye, it looks like they have some pretty significant grading in there.

Atty. Thomas stated that given the fact that they are already providing 1.7, it is also something that can be addressed, he believes, in the final site development plans. If it is put in there - that the Commission wishes the possibility of a reserve parking - and once the final site development plans are done, they can address it more. He indicated that the goal Pat O'Leary has expressed is that they don't really want to go in there and cut down trees and then find out... based upon Tim Wentz, the architect's experience, they are at the parking level that meets ratios for developments of this size - especially with the number of studios. They would rather not go in and take down trees or do anything...

Mr. Panico stated that is predicated on including the four garage spaces that are in tandem with a regular space.

Atty. Thomas responded that those, as they said, are going to be dedicated and those are going to be, he believes (inaudible)... They will be primarily for the two bedroom units, and they are going to be dedicated so the person who has the garage space is going to have the space in front of it. He added that they talked about, when they discussed other tandem areas, it will be a marital situation - if the husband leaves and goes golfing and forgets to leave his car keys with his wife - he will have to deal with it and go to a marriage counselor.

Mr. Panico responded it's OK, the Commission will not (inaudible)... They have always looked at tandem-type spaces as being over and above minimum required parking so that's the approach they take with it.

Atty. Thomas commented that his point is that they can designate the reserved spaces and he thinks that they can address the issue more at the final site development plans just so that they can make every effort to try to preserve that area behind it.

Mr. Panico responded that if more parking is necessary, it can be provided.

Atty. Thomas responded yes.

Comm. Harger asked if they could discuss a little more about their plan for the landscaping - such as trees. She sees on the detail around the clubhouse they have several things noted, but in the drawing of the large parking area and through the complex...

Mr. O'Leary stated that they are only showing a scattering of landscaping right now. They understand that during detailed site plan portion of it that they are going to have to provide more. He commented that part of the problem in looking at a plan like this, if they start putting all kinds of colorful landscaping (inaudible) then there is less clarity to the overall plan itself.

Mr. O'Leary commented that relative to this parking area on the site plan, the reason that they have this expanded parking area - and actually this is from a comment at the last meeting from one of the Commissioners because there was concern relative to the clubhouse that there may be some functions that maybe ongoing there and there may not be sufficient parking to sustain the clubhouse itself. There was concern that people might be parking in other people's spaces and things like that. So when they were doing this revised layout, it was one of the things that they took into consideration. Mr. O'Leary indicated that they try to figure out how to get a slightly denser buffer of parking in this area which would be in part visitor parking. This would be clubhouse/visitor parking to some degree with the individual units serviced by the surface parking right around there.

Mr. Harger commented that it is just in that big parking area you would need to put in some kind of trees.

Mr. O'Leary responded that during the detail layout, if they give up two parking spots, they can get a fairly significant planter in there for a couple of shade trees or things of that nature over here on the ends (inaudible)...

Chair Parkins commented yes, it would break up some of that blacktop.

Mr. Panico stated that one element of the site plan that probably disturbs him more than anything else is directly in front of Building #6, they have an expanse of almost 200 feet of asphalt and (inaudible)...

Chair Parkins responded yes, that is what they were just discussing – maybe you couldn't hear him clearly.

Mr. Panico stated no, he did not pick up on that.

Chair Parkins indicated that they were just discussing that very same thing and he said there was a possibility of eliminating a couple of spaces that there could be shade trees or something put in there because you're right it is a vast expanse of black top.

Mr. O'Leary responded that as an alternate concept for that which may actually be better in this case would be to take the site itself and shift this building (#6) back (inaudible) and put a long linear island along the entire length of the lot to create more substantial landscape area than the islands themselves and even from a snow plowing perspective those islands in the center are in the (inaudible)...

Chair Parkins repeated his comments for Mr. Panico.

Mr. Panico responded that it may be necessary.

Chair Parkins stated yes, it is a little bit too much black top.

Mr. Panico indicated that his only other comment was that hopefully they kind find a little bit better way of isolating the trash area other than (inaudible). He added that it was going to be at a corner that everyone is driving by.

Mr. O'Leary commented that one element there, if they look at the plan, half of the compactor enclosures are enclosed by a retaining wall so what they would be looking at is some type of fencing or screening on this side. Of course, they have to keep the front open so this would essentially be the only side that they have to worry about.

Chair Parkins stated that it is technically backed into a recessed area so it would be gated in the front and only visible from the one side that the resident's would be accessing but she understands his comment . When you come in, it is probably the first thing that you see if you don't take an immediate left.

Mr. Panico responded exactly – those are the kind of details that they can wrestle with down the road.

Comm. Harger asked if the traffic pattern for this is both ways.

Mr. O'Leary responded that there is two-lane traffic throughout the site.

Chair Parkins asked if it was two-lane – except for the entrance. The entrance is split and separated with the boulevard.

Mr. O'Leary responded correct.

Chair Parkins asked Comm. Pogoda if he had any other comments.

Comm. Pogoda stated that he was good as of right now.

Comm. McGorty asked what the range in rent would be that they feel they'll command. He thinks it was mentioned last time but he can't find it.

Mike Bradley, Talbot Partners LLC, 63 Rockwell Road, Ridgefield, CT addressed the Commission. Mr. Bradley responded that they haven't perfected it yet but the anticipation is somewhere between \$1450 and \$1950 per month.

Chair Parkins asked if they had gone up because it had been \$1350 to \$1650 per month. She joked that the pool demands more money, obviously.

Mr. Bradley responded that they do a lot of price segmentation across the project. The four-story building backing up to the wetlands will come in at a premium, they hope, and the three story building will have some type of a discount because of the walk-up nature. He reiterated that they haven't perfected it yet but about \$1400 to \$1950. If they are fortunate enough to continue to discuss this project, and construction prices move, things are starting to inflate again but that is a general range. The other thing that they have is some work force housing. Typically they like to have a unit occupied by a police officer at subsidized rent or maybe a fire fighter at subsidized rent. It is something that they typically offer to communities.

Chair Parkins stated that if there are no other questions, she'll open this up to the public. There were no other questions or comments from the Commissioners. Chair Parkins told the audience members that she would go by the sign-in list and if there is anyone who hasn't signed up yet that would like to speak they can add their name to the list.

Irving Steiner, 23 Partridge Lane, Shelton addressed the Commission. Mr. Steiner indicated that he had one question. He pointed out an area on the site map and asked if it was single lane traffic. There was an island in the middle.

Chair Parkins responded yes.

Mr. Steiner stated that it appears, and knowing the traffic pattern here, that most of the traffic when they are leaving for work, if they are going to Fairfield or New Haven would be turning left.

Comm. McGorty asked if he means that they would be turning right.

Chair Parkins asked if he means right to turn on to Route 8. She commented that she doesn't think that they would be turning left to go to Fairfield. They would be turning right to get onto Route 8.

Comm. Harger stated that it would be much more effective to take two rights – take one right and go down to the bottom of the hill by Walgreen's and take another right to Route 8 rather than going up all the way up Bridgeport Avenue and picking up Route #8 by the (inaudible)...

End of tape 1B 8:33 p.m.

Mr. Steiner asked if they want to go to Fairfield wouldn't they go up to the next entrance.

Chair Parkins stated that if they wanted to go up to Stop & Shop they probably would but if they wanted to go to Route #8 they would just take a right turn and another right at Walgreen's because it is much closer and faster to go that way.

Mr. Steiner commented that he was just interested in that island there as being an obstruction if it is single lane. You could only make a right hand turn without a light. He asked if there was going to be a light there.

Chair Parkins responded that there is no light proposed but that is up to the State DOT.

Mr. Steiner stated OK that was his only concern.

Thomas Harbinson, 15 Soundcrest Drive, Shelton, CT and Chairman, Shelton Conservation Commission. Mr. Harbinson indicated that he wanted to make a comment as the Chairman of the Conservation Commission first. He referenced his letter which was read into the record tonight. He stated that the two items that they quoting directly from the POCD, and with due respect to Dominick, the Conservation Commission does a lot more than just buy open space although the Commission does have an 8-24 Referral on the agenda tonight for another one which he hopes they will voted favorably for it.

Mr. Harbinson stated that the Conservation Commission acts as the environmental consciousness of the community, if they want one generic mission statement. Two of the Conservation Commission members were on the Plan of Conservation and Development Committee that created the master planning document which is obviously a reference document for them but it is

a very important document for guiding the community in appropriate development. They are pretty well-versed on that document.

Mr. Harbinson commented that in regard to the application he will speak as a citizen and not the Conservation Chair. He is encouraged by the redo of the Conceptual Layout, the reorientation of the buildings that takes advantage of trying to protect some of the wetlands area and reduce the impervious surfaces and the associated impacts. He indicated that he did have a question because he was not at the previous public hearing; however, he did read the minutes. He didn't see anything mentioned about the lighting that would be used on this site and any kind of light pollution with the modern implements to reduce that.

Mr. Harbinson commented about the pedestrian access. He stated that one of the things with Conservation is that they try to look for opportunities for residents to access their open space areas. He added that just this past week, he was on a site walk at the Lord property which is just nearby here and where UI is looking at improving their infrastructure for the community. It is a Greenway corridor with the Far Mill River and they were talking about creating locations for people to access the River for fishing and so on because it is a stocked river. Mr. Harbinson commented that as he considered the people that would be residing in these apartments, he thought about how they would be able to easily access the Far Mill River and enjoy that when it is such a short distance. It seems that the only way is for them to get into their cars and drive the couple tenths of a mile to get there. While there is some sidewalk infrastructure within the development and it comes down along the boulevard entrance to Bridgeport Avenue, it then terminates. He commented that he knows that there will be DOT involvement with the traffic signalization but that is something that he thinks should be considered because as he reads the minutes from last month on page 13, he forgot who the speaker was but they said "if anyone wants to be adventurous and cross Bridgeport Avenue to reach the sidewalk on Commerce Drive..." He thinks this was in reference to the people who might walk to work at some of the tower areas.

Atty. Thomas indicated that he had said that.

Mr. Harbinson stated that he thinks that as this type of development is being considered in their typically commercial corridor, whether it is a Renaissance Tower or an Avalon Bay further down the road or this project, the pedestrian movement in that commercial corridor has to be considered. He asked how that can be accommodated.

Mr. Harbinson offered a personal example of that. He had a cousin from Toronto visiting the area and they had a family get together with too many to fit in the house so they stayed at the hotel, he thinks it was the Ramada – the one next to the Mobile Home Park. His cousin and her boyfriend wanted to go out to dinner that night, they saw a Ruby Tuesday's down the road and thought that they would walk. He indicated that they couldn't walk – you can't go from the hotel a tenth of mile down the street to go get a burger at Ruby Tuesday's. So, that is kind of awkward. He indicated that he would just leave it at that – the pedestrian movement and the infrastructure accomplish that.

Mr. Harbinson stated that it also leads to traffic signalization and as Mr. Steiner spoke previously - although he agreed about turning right and another right to get to Route 8 to go to Fairfield - there does not seem to be an ability for someone making a left turn to have a left turning lane because they are going to get hung up in traffic. They would be blocking people who just want to get out and make that simple right hand turn. He added that perhaps at the egress point for Bridgeport Avenue, the center boulevard could be eliminated so that they could have a left turning lane and a right turning lane to accomplish that vehicular movement.

Mr. Harbinson continued to discuss vehicular movement and pedestrian movement together on the Bridgeport Avenue corridor. He stated that he travels that area a lot with a business in Derby and living in Shelton. He is up and down that road with the banks and running errands and he has noticed a couple of things that are real world examples that should be thought of when they are considering applications like this.

Mr. Harbinson referenced the Chase Bank corner which was also a PDD. When it was originally developed, there was a bank that had its hours of use and then there was a video store which had complementary hours of use – predominantly in the afternoon and evening hours where it wouldn't conflict with the bank during the business day. As they know, that use has changed to

a retail environment so the use of that location is quite intense with the parking being at almost 100% capacity. It causes a lot of congestion in making the turns – for instance, if he is at the Chase Bank and he wants to get back to his office in Derby, he has to cut across basically four lanes of traffic right there on Commerce Drive and four lanes on Bridgeport Avenue to make a left. He commented that whatever vehicular improvements are recommended by the Commission or done in concert with the DOT, who obviously has the power over (inaudible) 817 Bridgeport Avenue there.

Mr. Harbinson indicated that they really have to think more cohesively beyond just this location. Specifically, that intense corner because they invested as a community with the pedestrian walkway going from the Tower, Commerce Drive down to the corner – and then it just stops. If you want to get from the Aspen Ridge development and go pick up something at the pharmacy, you have to get in your car to go the couple tenths of a mile.

Chair Parkins indicated that the difference is that one is a State road and one is a City road.

Mr. Harbinson responded yes, true but it is times like this when development occurs and improvements occur that they can improve together and work in concert together.

Mr. Harbinson commented about the parking and indicated that the parking ratios will be engineered appropriately but it is those unique days when there is an intensive use. He provided the example earlier with the Super Bowl Sunday party where you invite friends or a big party and all the parking spaces all fill up. He asked where you would park. It was mentioned that it would be an internal issue and that is something that the City has to deal with.

Mr. Harbinson gave an example from this past Thanksgiving when he encountered the problems that you would have thought were internal but grew to be external. Specifically, at the Wal-Mart area when they had their Black Friday sales. Their parking lot in the back, where they have spaces assigned according to the development square footage of that retail location were filled with about 24 containers of produce so that they eliminated parking spots. People were parking down at the Burger King and walking up Bridgeport Avenue where there is no lighting, no pedestrian sidewalks – it is just a hazard.

Chair Parkins clarified that he means Wendy's.

Mr. Harbinson responded yes, sorry, Wendy's but they were parked a distance away from the facility for that event – it was for a couple days. He reiterated that it was something to consider for that extra time when you need it. He indicated that he understands not wanting to build a lot of infrastructure parking spaces that will be used 1% of the time but it is that the 1% of the time when there is an accident that you have to be concerned about.

Mr. Harbinson stated that he forgot to mention something in regard to pedestrian movement. Another pedestrian conflict that he has seen recently that talks about infrastructure on Bridgeport Avenue – and he knows that it is maybe not specific to this application – but there is a pedestrian crossing now. He indicated that there are apparently pedestrian crossing signs by the Draft House and Curtiss-Ryan but there are no sidewalk markings. So if somebody is standing there, he asked if he should stop his car. He added that these are the kind of things that are occurring which he doesn't think are cohesively managed between the DOT, the development and the City. He stated that hopefully this is a point where they can see that happen.

Mr. Harbinson stated that he would conclude with one more thing about parking in general which is again from his own personal experience. He referenced that he had been with his family at Long Horn Restaurant during winter time period and because of the snow shelf deficiencies at that location, a lot of parking had been taken up by the snow. He indicated that they had to park at the hotel in the back just to get to the restaurant. He encouraged them to look at the site and in terms of engineering where snow would be deposited during those types of weather events.

Mr. Harbinson commented about the capacity or the hoped-for vacancy rate. It was mentioned in the November minutes that the Avalon apartment complex down the road is at 95% capacity. The Applicant's attorney mentioned that several of the restaurants in the corridor are the best revenue model in the state for their chains. It is obviously a very attractive corridor for development and he is excited that site investor's see that opportunity in the community but he is

concerned that this type of development is not the most appropriate and best use for this site for the City's purposes in terms of their interests. He concluded his comments.

Comm. Matto asked Mr. Harbinson if there was a green value having people live near their work versus the another possible development there such as a big box store which was mentioned. Light industrial was mentioned also but it was said it would not happen. She commented that idea appealed to her and she doesn't know if that is off base from his perspective.

Mr. Harbinson responded that he thinks what she is referring to is that maybe a couple of years ago it would have been thought of as quaint but he thinks that today it is seen as an attractive possibility in terms of living close, walk-ability from where you live and work.

Comm. Matto stated that she doesn't see walk-ability happening because he painted that picture very well about the problems with walking in that area. She asked if there aren't about 20,000 people commuting to Shelton everyday who might choose to live there versus coming in from Stamford and that has a slight green advantage.

Comm. McGorty responded (inaudible) the proximity of work and gas prices.

Mr. Harbinson commented that he recognizes that he is technically the last year of the Baby Boomers and they referenced earlier about this appealing more to Echo Boomers. The younger population is much more mobile in that they are working their way up the career path and don't want to invest in home ownership at a young age even if they can afford a down payment. A year from now they may get transferred to Texas or Oklahoma or wherever so they tend to not put down roots. So apartment type living is attractive to them and will likely be filled with full occupancy. But in terms of people that may now reside in Naugatuck area and would rather live in this area so that they have a shorter commute to a workplace in Shelton or Trumbull – he doesn't know the models. He's sure that the developers have those kinds of statistics that they are handed and look to this kind of thing as being attractive. He thinks it was referenced earlier that this was more to attract someone to come from a Norwalk or Stamford renting location up to Shelton rather than from the north.

Comm. Matto stated that she is just picturing one of those 20,000 people who come to town every day, there might be around 250 or so who would like to live closer.

Chair Parkins commented that it was hard to say where the tenants would come from.

Comm. Matto indicated that she was trying to make sense in the way that they are now thinking about (inaudible)...

Mr. Harbinson stated that as a community, they have made a significant investment in creating an attractive residential location in their downtown area so he would encourage them to look at that as well.

Chair Parkins thanked Tom Harbinson for his comments. She asked if there was anyone else in the audience wishing to speak.

Jason Perillo, CT State Representative (R-113) and Shelton Resident, 454 Coram Avenue, Shelton, CT addressed the Commission. Rep. Perillo indicated that he has not been on the P&Z Commission since right before he took his new position and this is actually the first time that he has testified before the P&Z Commission because he believes that he has very, very strong opinions on this project.

Rep. Perillo stated that he believes that this project will have severe, detrimental implications on what we are trying to do here in Shelton. He stated that he uses that word "we" very specifically because it is what the Planning & Zoning Commission together with the Mayor and the Board of Aldermen, himself, other members of the State Delegation and SEDC have been trying to do.

Rep. Perillo indicated that he had not been present at the last meeting but he had an opportunity to read the minutes and he read a lot of the concerns that the Commissioners had in terms of ambient noise, elevators, traffic, clubhouse size, parking, and green space. He commented that he has worked on the other side of this table and he has worked with applicants and he has worked with Dominick Thomas and he knows that Dominick is very good.

Rep. Perillo stated that what Dominick Thomas did is exactly what he thought he would do. He responded to the Commission's concerns, your detailed concerns. In fact he didn't just respond with his applicants, they blew it out of the water. They took your detailed concerns, for the most part, perhaps (inaudible) elevators and responded. They made some very nice improvements here to the physical picture - to the layout.

Rep. Perillo stated that he also knew that in doing that, Atty. Thomas would gloss over the 50,000 foot view or whether or not this is a good use for this site. In fact, he timed it and in one hour and 38 minutes the Applicant spent discussing this project, one hour, 36 minutes and 30 seconds were spent discussing the detailed concerns they had at the last meeting. One minute and 30 seconds was spent in talking about the POCD.

Rep. Perillo indicated that he didn't want to get into that detail because they just heard it from Tom Harbinson. He just wants to say this about the POCD – his name is on the document as is Comm. Harger's, Comm. Pogoda's - who was on the Committee that worked on the plan and is probably the resident expert in the room. For there to be such a significant departure from the POCD as they are seeing here – a massive departure – it can't just be good for the community. It has to be great. It can't even be great – it has to be perfect. They have to ask themselves if this is perfect. He asked if this was precisely, 110% exactly what the City of Shelton needs right now on Bridgeport Avenue. He asked again – is it? Maybe the Applicant will argue that it is. Rep. Perillo stated that he did not believe so.

Rep. Perillo commented that even the POCD isn't his biggest concern here. His biggest concern is the potential that this has to derail the wonderful efforts of this Commission, of the City leaders, of SEDC in developing, re-developing and re-creating our Downtown.

Rep. Perillo stated that one of the things that is interesting and he read it in the minutes was that the Applicant argued that the development of this project would not have a detrimental impact on the Downtown. In fact, the Applicant referred to what the marketing study discusses as demand drivers. He thinks that the exact words were “some people will desire to live Downtown and some people will desire to live on Route 8” based upon what demand drives them. He expected to see in that marketing study if certain people demand residential development would never choose to live Downtown and they would only choose here. That is what he expected to see – if this isn't going to have an impact on demand, then he would have expected to see that. Rep. Perillo indicated that when he read the marketing study, it doesn't list people who would only choose this application on Bridgeport Avenue and not choose Downtown. In fact, there were six different kinds of people – none of those descriptions would only choose Bridgeport Avenue – not one of the six. They would all be interested in either.

Rep. Perillo indicated that one of the arguments that he has heard from folks is maybe people that are a little bit older, seniors, the Baby Boomers might not be interested in Downtown because it would be more for young people. This would be for the Baby Boomers. Tonight the architect said that this is designed for young people and they don't need elevators. It is designed for young people. He asked – which is it? Is it designed for Baby Boomers or is it designed for Echo Boomers? He added that it depends which meeting you go to. It depends what the question is that is asked.

Rep. Perillo stated that at the end of the day, this is a very simple argument of supply and demand. They are creating a supply of residential units over on Bridgeport Avenue and Downtown Shelton. There is obviously a demand and he would agree with the Applicants that there is a demand for this type of residential unit but everything we've done as a City, all the time we've invested as a City has been to build that supply in Downtown to satisfy that demand in Downtown.

Rep. Perillo stated that projects like this and future residential projects on Bridgeport Avenue cut into that demand. In his opinion, it threatens to derail all of the progress they've made in rebuilding Downtown. It sets tremendous precedence for future projects that may come out on Bridgeport Avenue. Future projects like this – such a radical change from the Plan of Development. It has tremendous implications down the road.

Rep. Perillo indicated that those are his concerns. He stated that at the end of the day, and again, they have all worked on this together, if they want to see Downtown revitalized, if they are tired of seeing the graffiti, if they want to see lower crime rates, if you don't want to look out the

window and see some guy drinking across the street – then they can't support projects like this. Rep. Perillo stated that their focus right now needs to be Downtown. The argument used to be that Downtown is not ready and we can't hold things up on Bridgeport Avenue. He asked them to look around – Downtown is ready. It is ready. Avalon is going to be occupied in the spring. A project is going to come before them for the Spongex Building that is not only going to put residents down there, it is going to expand Center Street and improve circulation. He reiterated that is where their focus needs to be. It comes with residential development and this simply risks tremendous derailment of that effort.

Rep. Perillo stated that this may be a good project at some time in the future but what kind of message does approval send out to the individuals who would like to invest Downtown. He asked what kind of message it sends to somebody who wants to build a residential project Downtown when we've got our focus on Bridgeport Avenue. This may be a great idea someday but it is not a great idea now. He indicated that he says this not as somebody who is just casually concerned, he says this as somebody like you who has been working on this for years and years. He added that he believes in what they are doing Downtown and he just doesn't think that they can risk derailing it in the manner that he thinks that this would.

Chair Parkins thanked Rep. Perillo for his comments. She asked if there was anybody else in the audience who would like to speak in favor or against this proposal. There were no further public comments.

Atty. Thomas stated that to conclude he would address a couple of the points. To address Mr. Steiner and Mr. Harbinson he stated that the way this is drafted, he believes that this right-of-way is a 60 foot right-of-way. And just to comment to Pat O'Leary, the entrance onto Bridgeport Avenue is going to be two lanes. It doesn't show it there though.

Chair Parkins asked for clarification that as they leave the complex, there is going to be two lanes - one for going right and one for going left.

Atty. Thomas responded that there is enough room at the end. He doesn't know how much (inaudible)...In regard to the comments about parking and about snow. Obviously, this is an apartment complex and they have to comply with what they have in most apartment complexes. They have to make sure that those parking spaces are free. He's sure that it will be a concern. It is designed and engineered so that it can be plowed and cleared the best way possible.

Atty. Thomas stated that he was very interested in Tom Harbinson's comments about pedestrian access. If Mr. Harbinson wants to research old minutes, he can go back to 1999. Again, when they were doing the Route #8 Corridor Update; he was representing major landowners and discussing things that could be done with the Route #8 Corridor. He indicated that he sort of got laughed at because he had just been on a vacation to Stowe, Vermont and he thought it would be really nice to put a paved bike/pedestrian way all along Bridgeport Avenue - although they might be ugly – elevated pedestrian crossways. He added that he had seen them in other places. Atty. Thomas indicated that he got laughed at. Atty. Thomas told Mr. Harbinson that he was a little bit ahead of him on suggesting it. It is a good idea.

Chair Parkins agreed that it was a great idea.

Atty. Thomas stated that it was a good idea. It would be nice but you'd have to deal with the State and deal with everything...With respect to Jason's comments, he respects Jason's comments. Jason is set on the POCD. Atty. Thomas indicated that he attended some of the meetings of the POCD. One of the things that the planners said was that you've got to stop having one acre lots, more cluster and more green development. He remembers at that meeting he got yelled at, literally yelled at.

Atty. Thomas stated that POCD's are advisory documents and if you take the attitude that Jason took with this then you are going to have areas on Bridgeport Avenue that are never going to be developed. There was a discussion and he'll quote Mr. Panico when 828 Bridgeport Avenue was being developed. The discussion was at that point that maybe they should keep it light industrial and why don't they wait for office. Atty. Thomas reiterated that he doesn't know how to keep saying it – there is not going to be light industrial or office there. Mr. Panico made an interesting comment that "if you wait for it and it comes in ten years, you'll never make up the lost tax revenue. If the position of the town is that this piece of property, which has been marketed for

30 years, should be nothing then the town should fork over the money and buy it. He added that it has no function as open space.

Atty. Thomas stated that when the issue of Downtown was presented, they came in with a professional marketing study. Jason said it before you that it is going to impact Downtown. There is no basis for that. Their marketing study says that it is not. Atty. Thomas indicated that they have heard Tim Wentz talk about the number of apartments and the growing number of apartments that he has been developing throughout this corridor including the northeast. They have read the marketing study.

Atty. Thomas recalled that in 1970, Shelton was ahead of the curve with Frank Osak? and O? Severson with Tony Panico developed the PDD process ending up creating a corporate area against the screams of people who wanted to remain rural. In the 1990's after the corporate area was built up, he represented some developers and other attorneys and other developers had a discussion and it was an argument back and forth. "Why do you want to put restaurants? Why do you want to put stores? It will impact the Downtown." It will do this and it will do that. Atty. Thomas added that the people in the corporate area needed those services. They were built and there were more.

Atty. Thomas stated that in 2006, Jason stood up and asked why they needed more restaurants when they put in Long Horn and Chili's. He indicated that Long Horn and Chili's, at the height of the recession in 2008 and 2009 were filled. There was a need. Panera Bread and all the other restaurants were successful. They had more banks. "Why do we need more banks?" Because there are people here – and now there are residences.

Atty. Thomas asked that if Avalon thought that Downtown and Route 8 were in competition with each other then why are they in both places. He commented that they aren't dummies. The fact is that by doing this, the Commission isn't doing anything bad to Downtown. They are showing that Shelton is ahead of the curve as it usually is when it comes to planning. The issue, and he mentioned it before, and he is going to copy a comment that Comm. Matto said, there isn't a big issue about people wanting to live near where they work – because of gas prices and other issues. The fact is that having the apartments Downtown will be successful and having the apartments on Bridgeport Avenue will be successful. Atty. Thomas stated that what this is going to hurt as Shelton goes forward are those other towns that didn't think forward. As it says in that report, this is the new residential concept and Shelton remains ahead of the curve. It actually enhances the appeal-ability of your corporate offices.

Atty. Thomas stated that he had a phone call today - he repeated that there aren't going to be any new offices but they have offices on Bridgeport Avenue - and you have a proposal from somebody who came in and bought 6 Armstrong – they presented it to you. He talked to Rick Schultz about it because they are doing things to bring in types of tenants. He mentioned the issues to him and strangely enough the person he talked to had participated with the Francini's about doing something but he said the site wasn't doable. He said that they aren't going to have offices but they were working on their building and they are being successful. The other two buildings are 40% occupied.

Atty. Thomas indicated that the fact that there is Avalon, there is the Renaissance and hopefully this project will actually enhance the ability of those buildings to be able to market it to tenants and say "you know what, we have housing close by...we have affordable housing for your mid-level executives, your young executives, we have that..." He added that that is an enhancement. It is also an enhancement to say you are in an office building and there is short distance to go to work, a short distance to shop, a short distance to go for lunch, a short distance to have retail services that you need – that is an enhancement to address what is vacant. It is not a detriment. It is a benefit and it is being ahead of the curve.

Atty. Thomas commented that it is also not an objection to Downtown. That is Jason's opinion. He respects his opinion but it is not backed up by any fact. The fact is that Shelton has to stop thinking of it in terms of two areas. It is one long area and they complement each others. The people who live there will occasionally decide that they want to go down to Porky's for the wings or go down to Danny O's and have a beer with friends who are living in the Avalon Downtown. As he said, if Avalon thought there was true competition, they would not be building buildings down there to compete with their buildings up here.

Atty. Thomas indicated that he thinks that it is an enhancement. He added that he thinks the one who losing out all the time is Derby – where his office is. They are the ones that missed the boat – and they are the ones that have the train station, the bus stops and two highways in one location and they can't market it like Shelton can.

In conclusion, Atty. Thomas indicated that you have a project here that is a \$35M-\$40M construction project that is going to create hundreds of jobs in construction and it is going to provide housing that is needed – and they aren't going to make a dent in the need. Atty. Thomas indicated that the need is going to be sufficed here on Bridgeport Avenue and they are still going to have the need Downtown and they're going to have any even greater need Downtown. In Downtown, they need to address some traffic issues and they are being addressed. Here, you still have to address some traffic issues but they are less of an impact. Both can survive and both can benefit – they can survive side by side and benefit the town especially with the infrastructure, the jobs and the enormous amount of taxes which can then be taken and used to improve the infrastructure in both places. And maybe with the taxes and maybe with the help of the State, maybe they can someday get on a bike somewhere down by the River Walk and actually pedal all the way up Bridgeport Avenue, stop at the Far Mill River, walk down to the River and watch the fish (because he doesn't fish, he buys it at the supermarket). That would be the ideal goal.

Atty. Thomas indicated that this is an appropriate use of this property because all of the other uses would be much more damaging from a conservation and an environmental point of view. He thanked the Commission.

Chair Parkins commented that she thinks it is a excellent idea to have some sort of a safe way for that many residents be able to access the wonderful sidewalk that they put on there – she sees a lot of people utilize that. Unfortunately, once they get down to the intersection of Bridgeport Avenue – it's like what do I do now? You need to be beamed up to get across the street.

Atty. Thomas responded that it is high risk – he suggested bungee jumping to cross the street.

Chair Parkins commented that she liked the idea of the raised walkway. She says that when you go to Route 34 in New Haven and turn off onto Ella Grasso Boulevard they have that. She asked Atty. Thomas what the likelihood is, in his professional opinion and it is not part of this project, would be the likelihood of the State realizing that if they have a potential development like that to consider putting in that kind of infrastructure.

Atty. Thomas responded that there is good news and bad news with that. The good news is that Bridgeport Avenue is going to be Route #8 so the Bridgeport Avenue right-of-way is enormous in many locations. Unfortunately, the State has sold off portions of it. First of all there would have to be a study to determine what portion of the right-of-way could be attributed to a pedestrian access way. Atty. Thomas stated that he thinks he was in Chicago recently and they have those things to walk across the roadway. He doesn't know what the cost is, what the problems are, or what the engineering issues are but it is matter of the Town sitting down with the DOT and saying this is a good idea and here's the plan.

Comm. Matto commented that just a sidewalk and bike path would be huge undertaking and really beneficial.

Atty. Thomas reiterated he has actually stood up and said it. He thought it was wonderful up in Stowe, Vermont – they have a three mile thing but it wasn't on a heavily traveled road. He thinks it is doable but they have to get the DOT to do it and the DOT is going to say – well, if Shelton pays some of it. He added that maybe there are grants. He stated that he feels it is the way to get pedestrian access for the 20,000 people on one side of Bridgeport Avenue to the other side of Bridgeport Avenue. He recommended that they not do any lights and those kind of things that might cause a traffic nightmare because they actually cause a lot of the traffic nightmares in Downtown Shelton. When a person hits that button to cross Howe Avenue, it puts the two lights out of sequence and slows traffic. You couldn't do that on Bridgeport Avenue. But the possibility exists. Maybe Mr. Perillo is a legislator, maybe he'll get a grant. It could be a bike path/ pedestrian walkway all the way up would be fantastic.

Chair Parkins commented that just in general even if this project weren't permitted but just to have that sort of access on Bridgeport Avenue.

Atty. Thomas stated that a ½ million dollars in taxes would go a long way towards the contribution of the town toward something like this. Again, he added that in going back to the whole thing, in the POCD they can say that they want light industrial or office but they aren't going to get it – even you did, you'd have to level the site. Also, it would create more traffic problems and that is a big consideration.

Atty. Thomas indicated that it was difficult to say to someone who has been trying to market the land for 30 years to come back in 10 more years and maybe we'll think about you. The need is there and there is nothing to contradict it.

With no further public comments, Chair Parkins asked for a motion to close the public hearing.

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to close the public hearing for Application #12-21.

Chair Parkins indicated that there would be a five minute recess at 9:12 p.m.

End of Tape 2A 9:20 p.m.

The meeting resumed at 9:21 p.m.

OTHER BUSINESS

Chair Parkins indicated that they have a regular meeting scheduled for February 12th however, it has been brought to her attention that Tuesday, 2/12 is a holiday (Lincoln's Birthday) and City Hall will be closed. After consulting with Staff and the other Commissioners regarding their schedules, she rescheduled the meeting for the following day, Wednesday, February 13, 2013 at 7 p.m. No motion or vote was required for this action.

8-24 REFERRAL: ACQUISITION OF OPEN SPACE PROPERTY (DIKOVSKY PROPERTY: 13.1 ACRES), 27 OLD TOWNE ROAD AND PORTION OF 35 OLD TOWNE ROAD)

Mr. Schultz read a letter from the Mayor dated January 15th requesting an 8-24 Referral for the Basil Dikovsky property, 13.1 acres.

***See attached correspondence to Richard Schultz, P&Z Administrator from the Mayor's Office dated January 15, 2013.**

Mr. Schultz also read correspondence from the City Engineer endorsing the acquisition of this property for open space which is consistent with the Open Space Plan. He showed the commission a site map of the property and pointed out the proposed open space in the shaded area of the map.

***See attached letter to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer dated 1/17/13.**

Mr. Schultz stated that this is recommended in the Open Space Plan so it is consistent.

Chair Parkins asked for clarification as to the location of this property.

Mr. Schultz indicated that it is accessed off of Buddington Road. It's an old egg farm and they still have remains of that sign up there on the pole but it is located to the rear and it abuts the back portion of Huntington Road that has all that open space. The unimproved part of Lane Street, a paper street like Old King's Highway, is adjacent. He added that this was a planned acquisition after the Huntington Acres Open Space that Blakeman did for Wesley Drive.

Mr. Schultz stated that Comm. Pogoda was not aware of this but he knows the area well.

Comm. Pogoda asked for clarification if that area he was talking about was at the end of Lane Street with the gated area comes off of Huntington Woods.

Mr. Schultz responded that it was in the back; however, this property is accessed from Buddington Road where that egg sign is located which he's probably seen about 100 times.

Comm. Pogoda indicated yes OK that he knew the location he was talking about.

Mr. Schultz added that they get light use of the house.

Chair Parkins asked for a motion to vote favorably on this 8-24 Referral.

On a motion made by Thomas McGorty seconded by Virginia Harger it was unanimously voted to vote favorably for the 8-24 Referral for the acquisition of open space property (Dikovsky Property: 13.1 acres), 27 Old Towne Road and portion of 35 Old Towne Road.

ADJOURNMENT

On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Karin Tuke
P&Z Recording Secretary