

**SHELTON PLANNING & ZONING COMMISSION** **FEBRUARY 19, 2013**

The Shelton Planning & Zoning Commission held a special meeting on Tuesday, February 19, 2013 at Shelton City Hall, Room 303, 7:00 p.m., 54 Hill Street, Shelton, CT 06484.

COMMISSIONERS PRESENT: Chairperson Ruth Parkins  
Commissioner Nancy Dickal (alternate/departed 8:27 p.m.)  
Commissioner Joan Flannery  
Commissioner Virginia Harger  
Commissioner Elaine Matto  
Commissioner Thomas McGorty  
Commissioner Anthony Pogoda (via Skype/Conf. Phone)

STAFF PRESENT: Richard Schultz, P&Z Administrator  
Anthony Panico, P&Z Consultant (via Conference Phone/logged off at 8:33 p.m.)  
Karin Tuke, P&Z Recording Secretary

Tapes (1), correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website [www.cityofshelton.org](http://www.cityofshelton.org)

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

Chair Parkins called the Special P&Z Meeting to order at 7:04 p.m. with the Pledge of Allegiance and a roll call of members present. She clarified that Commissioner Tony Pogoda would be attending the meeting via Skype and the conference phone and to avoid confusion, he would be referred to as "Tony." Additionally P&Z Consultant, Tony Panico will be joining the meeting via conference phone and would be referred to as "A.J."

**OLD BUSINESS**

**APPLICATIONS FOR CERTIFICATE OF ZONING COMPLIANCE**

**SEPARATE #6529 – TONY DELLAMONICA, 5 WHITE STREET, SIGN**

Chair Parkins asked for a motion to table Separate #6529 because the applicant has requested that it be tabled because he is not ready.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table Separate #6529.**

**SEPARATE #6545 – REV. JACK WHITENOUR, 183 HOWE AVENUE, BUSINESS**

Mr. Schultz indicated that this was for the Trinity Lutheran Church at the corner of Howe Avenue. He recalled for the Commissioners who don't know the site well that there are two buildings there including the church itself and a detached building which has a child daycare and other church services. The detached building overall is 1200 square feet. They would like to put in a religious bookstore. It is a permitted use because it is subordinate to the church. It will consist of 600 square feet. They will have three employees there, hours of operation Monday through Friday, 9 a.m. to 5 p.m., and Sunday 8 a.m. to 2 p.m.

Chair Parkins asked about the daycare in the back and if it would interfere with the daycare at all.

Mr. Schultz responded yes, they have a daycare but this will not interfere – this is all going to work around that. He added that they have plenty of parking on the site. This is one of the few downtown sites that have good parking and they haven't had any issues with them. Staff recommends approval.

Chair Parkins asked if this was just for the business without a sign.

Mr. Schultz responded yes.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6545.**

**SEPARATE #6548 – DANIEL RODRIQUEZ, 725 BPT. AVENUE, BUSINESS/SIGN**

Mr. Schultz stated that pizza would be coming back to Woodside Plaza.

Chair Parkins responded that she didn't know it had left.

Comm. Harger asked if this was the one by the Laundromat.

Mr. Schultz responded yes, right on the corner. He indicated that it is 600 square feet and replaces Basil's Pizza. The hours are Monday through Thursday, 11 a.m. to 10 p.m., Friday and Saturday, 11 a.m. to 11 p.m., and Sunday, 12 p.m. to 9 p.m. Staff recommends approval. He showed the proposed signage and indicated that it was a channel sign consist with the rest of the Shopping Center.

Chair Parkins held the sign up for Comm. Pogoda on Skype and the other Commissioners.

Comm. Harger noted that it was similar to the Woodside Plaza.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve Separate #6548.**

**SEPARATE #6544 – BLAKEMAN CONSTRUCTION, 702 BPT. AVENUE, BUSINESS/SIGN**

Mr. Schultz indicated that Blakeman Construction would be moving to the adjacent building.

**Atty. Steven Bellis, representing Blakeman Construction, addressed the Commission.**

Atty. Bellis indicated that they currently have a sign that he gave the Commission some photos of. He showed the rendering of the sign "Photo shopped" to the location where they would like to have it. He clarified that currently, the sign was not really there. It is the same existing sign that is on the building now but it will be relocated from the left to the right.

Chair Parkins asked if that they will be lower down at the end now.

Atty. Steven Bellis responded yes, more to the left if you are facing it.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6544.**

**SEPARATE #6549 – ALLIANCE RESTAURANT GROUP, LLC, 872 BPT. AVENUE, BUSINESS/SIGN**

Mr. Schultz stated that this is the old Happy Family Restaurant in Shelton Square Shopping Center.

Comm. Harger commented that it was called something else up until just recently. It used to be Happy Family before that.

Mr. Schultz indicated that this was 3200 square foot restaurant area with six employees. The hours of operation would be Monday through Friday, 11 a.m. to 11 p.m., Saturday, 12 p.m. to 12 a.m. and Sunday, 12 p.m. to 9 p.m.

Chair Parkins asked if the signage conforms to the shopping center.

Mr. Schultz responded yes and stated that he brought up Happy Family Restaurant because they were the last hold-outs with the box sign there before they refurbished the entire shopping center with channel letters. This sign for Red Lotus is consistent with those channel letters. He added that the Applicant is here tonight and he welcomed them to town. Staff recommends approval.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6549.**

**SEPARATE #6546 – DIMITRI TOURNA, 917 BPT. AVENUE, BUSINESS**

Mr. Schultz stated that this is the application which required the use variance before the ZBA that he reported about a couple of months ago. The ZBA did grant the use variance to allow this use in an Office Park District (OPD). The applicant is here to explain his type of business and how it has a unique niche.

Chair Parkins asked Rick Schultz to refresh her memory about the hardship.

**Atty. Dimitri Tourna, representing Cross-Fit addressed the Commission.**

Comm. Harger asked Rick for clarification as to the location before the applicant began speaking.

Mr. Schultz indicated that it was on the right side of the building where Pediatric Care is located. He provided background information that the leased area is 6300 square feet and the building overall is 28,958 square feet. They have two employees and the hours of operation would be Monday through Friday and the Applicant will provide the hours and discuss the parking.

Atty. Dimitri Tourna, representing the Applicant, responded that the hardship that they had at the ZBA Hearing was that currently the building is located in an Office Park District (OPD). When the area was designated as an OPD back in 1998, the entire area consisted of 10 acres and there was a report conducted of the I-95 Corridor showing that this would eventually become an OPD. However, Avalon was put behind it, a hotel was put on one side of it, so effectively, they are now limited to three acres of land and they have been out-zoned of the OPD use and that is essentially their hardship.

Atty. Tourna stated that the use that they are applying for today is actually in conformity with the other uses that the facility currently holds which is more rehabilitation and childcare and things like that. The Cross Fit that will be going in there is physical training but also has a health component of rehabilitation. It wouldn't be expanded over the existing 6300 square feet. Cross Fit caters to a unique clientele and would have no open enrollment. He added that no one could just go in there, jump on a treadmill for 15 minutes and then leave. It is not high volume and they aren't looking to compete with Planet Fitness, The Edge or anyone else. Atty. Tourna stated that is a very slim clientele and the price is more expensive per month than any other chain gym. They will never be a high volume gym.

Chair Parkins asked if it was by appointment only.

Atty. Tourna responded yes, it is by appointment only and you would have to register for classes before you actually go.

Comm. Harger asked if you were referred there by a doctor.

Atty. Tourna responded that a potential member would come in for a diagnostic test, would be evaluated, and would then be referred to a specific class. He added that whereas, he could be a member of Cross-Fitness, it doesn't necessarily mean that he can go to any class that he wants.

Chair Parkins asked what type of classes were they offering – Zumba, spinning...

Atty. Tourna responded that Cross Fit is more about flipping tires, sledge hammers, running (in a closed area). It won't have 200 machines in it or treadmills.

Comm. Matto asked who goes. She added that they aren't really getting the picture of who goes there.

Chair Parkins added that it sounded like a membership gym to her for somebody that wants to flip tires...

**Atty. Ray Rizzio addressed the Commission representing the Applicant with Atty. Tourna.**

Atty. Rizzio stated that Cross Fit is a real specified, high quality, specific, specialized training. He added that no one would ever be left unattended or told to do 30 minutes on a treadmill. Cross Fit has classes that will do – and the whole key is to try and confuse the body, for example, 50 push-ups, 30 jumping jacks, pull-ups, running and then they build classes for each individual. Then they will put individuals in classes based upon what they can and can't achieve. It is a whole, kind of like, a specialized gym class.

Comm. Harger asked if it was strength training.

Atty. Rizzio responded yes, different types of strength training, cardio training – and the whole idea is a total body workout attended and supervised by a trainer. There is a fee but there's not an open enrollment so it is not like a typical gym. Atty. Rizzio explained that when you go to Fitness Edge or Planet Fitness, you would scan your card, go to a class or go on a treadmill or whatever you want. This is almost like – and why they think it is such a great complement to what is in the building - they have physical therapy...

Mr. Panico requested a sound check because he thought he got disconnected. Rick Schultz adjusted the speakers and volume.

Atty. Rizzio continued that they have a children's physical therapy, an early learning center and it is almost a quasi-medical use and it is more prevention than it is post treatment. It is to prevent people from having heart issues. They have stretching and things like that but it is not a Fitness Edge kind of thing. He added that it is an expensive thing. It is not going to be \$19/month.

Comm. Matto asked about the qualifications of these trainers and who would go – she asked if it would be for people that just want to be really physically fit.

Atty. Rizzio responded yes, advanced athletes. They have chiropractors, all sorts of people, advanced physical trainers. He reminded them that it was only 6000 square feet and they can't turn enough bodies in 6000 square feet at \$19/month. There is not a lot of machinery. There is a lot of individualized treatment and class treatment and it's all by appointment. There are no unaccompanied members running on treadmills or lifting weights.

Comm. Harger asked how many people they could accommodate at one time.

Atty. Rizzio responded that he thinks that the classes are no larger than 15 people at any time.

Comm. Harger asked how many classes they would have a day.

Atty. Rizzio responded that classes start as early as 5:30 a.m. and then they are busy until 9 a.m. There is a break with another wave around 11 a.m. and 12 p.m. Usually after 4:30 p.m. through about 9 p.m. they are busy again.

One of the Cross Fit partners (name inaudible) responded that class sizes range and it varies.

Comm. McGorty asked how many people at one time in total could be in there.

Comm. McGorty stated that it sounds like it is more niche-y and it's not like a Planet Fitness but, his concern is about the use, and they can call it what they want, but at the end of the day, it is a fitness facility but you pay more for it. He added that it would be like belonging to a private club versus a public club. He commented that he didn't care what they called it; he just wanted to know the use and how many people they would get in there.

Atty. Rizzio responded that he wasn't sure where something becomes physical therapy and something becomes fitness or where something becomes preventive medicine or becomes treatment.

Comm. McGorty asked if all the trainers were doctors.

Atty. Rizzio responded no, but they are, in effect, professional trainers.

Comm. McGorty responded that he thinks that Planet Fitness may argue that their people are trained and certified. He added that is not what is going to deem this as appropriate or not appropriate.

Atty. Rizzio commented that from a zoning perspective versus use, this was all zoned OPD and when this Commission, which has changed a lot since it had been zoned OPD, this was a 15 acre piece. The idea was that there would be some kind of an office park. This was actually an industrial building that has been used for printing and other uses but never just a straight office building. This Commission correctly zoned it thinking it was a large piece of land to develop an office park. Then the Commission, previous Commissions, adopted a PDD to permit Avalon. So now Avalon comes out and now, in effect, by doing the PDD on the largest piece that was undeveloped, there is no chance of getting an office park because there is only one building that will ever fit on that property and that is the building that was an industrial building.

Chair Parkins commented that as she recalls Avalon was not a Commission decision. It was a Court decision.

Atty. Rizzio responded that in any event, it was established as a PDD. He stated that he wanted to make it clear that Dr. Russo had nothing to do with that except to buy this building from a previous developer as part of his office and as an investment. He does all his billing there and he has a small radiology office there.

Atty. Rizzio referenced the neighboring buildings that are small industrial buildings, a hotel- so this property will never be an OPD. It will never be more than that 40,000 square foot, single tenant building industrially zoned until the Office Park designation came in the 1980's to try and get everything like the Towers on Corporate Drive. It isn't there.

Atty. Rizzio indicated that they had a choice of two things. He asked if they should go for a zone change and go back to Industrial or do they go for the waiver. He indicated that they had a very long hearing in front of the ZBA and obtained a use waiver based on the current uses and what they were surrounded by. It was clearly not zoned in accordance with its current use and the type of facility that they were doing, the size and the limitations that were put on it would not in any way endanger the quality of the zoning. He added that this is not like a retail facility would be.

Comm. Flannery asked if there was enough parking.

Atty. Rizzio responded yes and it is great because it is complementary parking. They have the children being dropped off for the early learning center which is a total drop-off. If you go there during the day and he has taken some pictures there from around 2:00 p.m. and it is vacant. Dr. Russo has a billing office there which is more machinery, files and everything else. The bulk of their traffic is pre-9a.m. and post 5 p.m. The use is very complementary with what the current uses are in the building. He stated that by 5 p.m. the place is empty.

Comm. McGorty asked if there wasn't another business in there. He recalled the rehabilitation center, Dr. Russo's office and to the left he commented that he thought there was another company in there.

Atty. Rizzio responded that the Fairfield County Medical Society is there and also a company called Cipher Lock. He indicated that Cipher Lock is a tech company that designs computer safety devices for anti-hacking. They do work for big companies like Hewlett Packard. It is big tech without a lot of people; it is all R&D which is consistent with the building.

Comm. McGorty stated that his concern is about the use. He asked how many square feet Cipher Lock had and what is the maximum. He indicated that Cipher Lock could all of a sudden start a booming business and have to bring a lot more R&D people in and new employees in. He

returned to his question about what the maximum number they could have at one time – in all their classes at once.

**Rob Posek, Partner in Cross Fit, addressed the Commission.** Mr. Posek responded that maybe 20 or 25 people would be in a class.

Chair Parkins asked how many classes they would have a one time.

Mr. Posek responded just one.

Comm. Harger stated OK, this is a specialized, up-scale personal training facility.

Atty. Rizzio thanked Comm. Harger and told her that he didn't think he could have said it any better.

Chair Parkins asked what the total number of parking spaces were at the whole facility.

**John LaBella, partner in Cross Fit addressed the Commission.** Mr. Labella responded that it was 110 spaces.

Comm. McGorty commented that he knows this facility and the building well. He asked Rick Schultz what they would need for parking there with what already exists there. He commented that if Cipher Lock were to get busier and they have the parking on the right side of the building and some around the back and left side by Avalon. He asked if it was based on the square footage.

Mr. Schultz responded that in this case, it's the clients, and the number of employees. Cross Fit will have two full time employees and 25 potential customers for a total of 27.

Atty. Rizzio commented that in a 6000 square foot space, if they took 4 spaces per 1000 square foot attributed to office/medical which is sometimes as high as 5, they are right in that range. So, they aren't outside the parameters and they could never fit the amount of people in there that they would need.

Mr. Schultz stated that the parking is there – it is shared and that is why the Commission uses their discretion.

Comm. McGorty commented that was his concern of the stress on the property and the parking.

Atty. Rizzio stated that as a nice thing and it's a weird way of giving the Commission some protections – they have nowhere to go. It has to work or the people can't park there. People can't bleed out onto the street, they can't park on the driveway up to the hotel and they can't park next door or on Bridgeport Avenue. So, one thing these guys had to be certain of was that they could park their people there. They kind of almost have a built in protection based upon their surroundings.

Atty. Rizzio stated that because of the uses that are there, parking is probably about 50% full throughout the day.

Chair Parkins indicated that they have had people park their cars at Wendy's and walk across Bridgeport Avenue to go to Wal-Mart so the "people won't park on Bpt. Avenue" isn't really (inaudible)...

Atty. Rizzio responded OK, he understands.

Chair Parkins added that if people have an appointment, they are going to do what they need to do to find parking.

Comm. McGorty stated that he has been over there many times and it is light but things can change.

Atty. Rizzio responded that is why these guys are here and why they chose this building because of the complementary uses, the amount of parking, the amount of parking consistent with the uses, and the amount of parking available that would have been used in any event by one of the other uses.

Chair Parkins asked if any of the other tenants attended the public hearing.

Atty. Rizzio responded that they had a public hearing, and they notified the other tenants. The tenants were happy about it because it is consistent with the uses and they don't compete with each other.

Chair Parkins asked if any of the tenants attended the public hearing.

Atty. Rizzio responded yes, Dr. Russo – well he owns the building and he is a tenant also.

Comm. Flannery asked how many parking spaces were on the site.

Mr. Schultz responded that there were 110 spaces and they will need 27 spaces for their maximum use.

Atty. Rizzio added that that maximum would be during the off hours. It makes sense in thinking what type of facility it is. They are going to get the bulk of the people before work or after work and maybe a handful of people at lunchtime.

Comm. Flannery asked about childcare because she thought she heard them mention that there would be child care on the premises.

Atty. Rizzio responded no, there is child care existing already – there is an early learning center.

Comm. Flannery commented OK, she thought he meant it would be a part of that business for mothers that go there.

Atty. Rizzio responded no babysitting. He added that they could put a condition of approval on that – there is no child care offered. This is not a family gym – he commented that it was a private, upscale personal training facility. He stated that this went through a significant debate with the ZBA and all of these questions were asked, they laid it all out and the ZBA made a couple of conditions of approval, if they have the copy that. Atty. Rizzio commented that this board can certainly reiterate it and they will request respectfully that they reiterate those conditions.

Chair Parkins read the conditions from the ZBA approval that the type of fitness use presented to the Board is limited to the Clientele with specific appointments and or scheduled classes and is not approved for an open enrollment type fitness center. The size of the fitness center is 6300 square feet.

Atty. Rizzio stated that they will respectfully request this Commission adopt this if they are so moved to accept the Certificate of Zoning Compliance adopted as a condition of this approval. \

Comm. Flannery stated that she would like to add that they offer no babysitting as another condition.

Atty. Rizzio stated OK, no child daycare.

Chair Parkins asked if Atty. Rizzio if he had said that there were no more than 2 employees at any one time.

Atty. Rizzio responded that there are two full time employees that are there. At the most, they will have 3 or 4 other people working there at the most.

Chair Parkins asked about a receptionist, office worker or someone – so it could be up to four.

Mr. Posek, Cross Fit partner responded no, usually not. It would just be two instructors.

Before requesting a motion, Chair Parkins verified that Comm. Pogoda was still logged in on Skype because the PC went into screensaver mode.

**On a motion made by Virginia Harger seconded by Elaine Matto, it was unanimously voted to approve Separate #6546 with the noted conditions of approval.**

**SEPARATE #6504 – THE ROCKFALL CO., LLC, 18 DOME DRIVE, IN-LAW**

Mr. Schultz stated that at the January 10<sup>th</sup> meeting, the Commission approved this addition at 18 Dome Drive for an in-law apartment. The Applicant is here because they would like to shift that addition to the rear of the home and he'll show them that change.

Comm. Harger asked if the layout was going to change.

Mr. Schultz responded yes. He added that if it is minor, by a couple of feet, than Staff can handle it but this is a major overhaul.

**Henry Radkin, The Rock Fall Company, 25 Columbus Avenue, Meriden, CT addressed the Commission.**

Chair Parkins moved the PC monitor to face the presentation so that Comm. Pogoda would have a visual of the renderings on the board.

Mr. Radkin reviewed the in-law apartment site plans for 18 Dome Drive that had been approved by the Commission on 1/10/13. He pointed out the location of the in-law addition located at the end of the existing house attached by a 6 or 7 foot attachment point. He reminded everyone of the previous floor plan and the pre-fab modular unit that is going to be put on as an addition here.

Comm. Harger asked to have the drawings brought closer to the table.

Mr. Radkin recalled that this rendering would be looking north. He pointed out the view looking west, east and south. He added that the only change that is happening is that the addition itself is pretty much staying the same. He showed another plan to show how they plan to take the addition element and slide it to the back of the house where it will meet an existing piece of the house. He showed the point where the addition piece would meet with the existing house.

Mr. Radkin stated that they still make all the setbacks and nothing has changed from that standpoint.

Chair Parkins asked if the common wall area still meets their regulations.

Mr. Radkin responded that actually, now there is more common wall – about 28 feet now versus 7 feet. It meets on two sides and, obviously, this is all gone before the Naugatuck Valley Health District. All the setbacks are good for the septic.

Mr. Radkin showed the amended drawing of the in-law apartment and added that it has basically just shifted to the back of the house so not much has changed. It is more behind the house and less visual from the front. The homeowners decided that they really wanted to see less of this. It is more of an impact to the house because they have to remove a small patio that is in the back and things of that nature. Mr. Radkin stated that basically, the homeowners are concerned about future resale of the house and the property value because they were taking a piece of the garage. Now they will be retaining the garage and this addition moves to the back and it won't be seen as much from the street.

Mr. Radkin showed photographs of the subject property and photos of some of the other neighbor's homes and other additions that have taken place in the neighborhood. This actually fits the regulation a little bit better than what they had approved at the last meeting. He thinks that overall this might make everyone a little bit happier. He asked if there were any questions.

With no questions, Chair Parkins asked for a motion for Separate #6504.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to approve Separate #6504.**

**SEPARATE #6543 – JOSE QULES III, 8 WESLEY DRIVE, IN-LAW**

Mr. Schultz indicated that this is a pre-existing in-law arrangement without the benefit of local Planning and Zoning approval. The Applicant is before the Commission; however, it is all existing. He indicated that he has photographs to show them as well as a floor plan.

Mr. Schultz asked the Applicant, Mr. Qules when this was established or if he knew when it was.

**Mr. Jose Qules III, 8 Wesley Drive, Shelton addressed the Commission.** Mr. Qules responded that the previous owner purchased the property in spring of 2010 and the in-law apartment, the work in question, was done in the summer of 2010. He indicated that he purchased this residence in December of 2010 so it was created before he bought it.

Mr. Schultz provided the Commissioners with information from the Assessor's Office.

Chair Parkins asked about when the appraisal was done on the property and if they detected that there was an in-law apartment on it and compare it to the existing records and raise a flag.

Mr. Qules responded that he would have to say no because that never came to his attention. He stated that the first time that he had any inkling, and he added that this was his first property purchase and if he knew then what he knows now he would have done some things differently, but during the walk-through the night before his closing was the first time he realized something was amiss. He showed up for the walk-through and he saw the previous owner actually closing the wall where the kitchen is. At that time, he was literally half-way packed to leave his other house, had a 6-month old baby and he really didn't think about the ramifications down the line. Mr. Qules stated that at that point he just said OK, things are clean, so let's just close this deal.

Chair Parkins asked if he was saying that he didn't know there was an in-law apartment there.

Mr. Qules responded yes, he knew there was an in-law apartment there. The reason why he purchased the property was because he was led to believe that there was a legal, lawful in-law apartment there. He added that was what brought them to purchase that property.

Comm. Harger asked for clarification about what he said about the previous owner closing up the wall.

Mr. Qules responded that apparently, as a condition – and again, he didn't want to speak about things he don't know, but he understands or learned after the fact that as a condition of the closing, the previous owner had to close it – he had done plumbing and electric...

Chair Parkins commented OK, than it probably didn't meet code.

Mr. Qules stated well, they had to close it up.

Chair Parkins commented that you would think an inspector would have picked up on it.

Comm. Matto agreed and added yes, or a realtor would...

Mr. Schultz commented yes, it is not 100% fail safe as they can see. He hears stories all the time because it eventually makes its way before this board.

Chair Parkins asked if this was a larger in-law than their regulations.

Mr. Schultz responded no, it complies. They have two means of ingress and egress so it will have a happy ending. It is just that the previous owner chose to ignore ...

Comm. Harger asked if the in-law has been used up until this point.

Mr. Qules responded yes, absolutely.

Comm. Harger asked if he was able to open it back up again.

Mr. Qules responded yes, he isn't a construction person but as he understands it, it was just a matter of going through the sheet rock and putting up the kitchen.

Mr. Schultz added that now they have to go next door to the Building Department and make this wrong into a right and he doesn't have a magic wand for that one.

Chair Parkins stated that they show a finished basement.

Mr. Schultz commented that a lot of people have that – it is just about how it is being used. A lot of people finish their basement but they don't take it to the next level.

Mr. Qules stated that in terms of the assessment it was assessed last year (inaudible)...

Chair Parkins asked if it was with the in law apartment.

Mr. Qules responded yes. In fact, he believes that he also included the sheet from downstairs and they will see that the assessment included three full bathrooms, as the third bathroom is downstairs so that was also included.

Chair Parkins stated that they appreciated his honesty anyway.

Mr. Qules commented that he wants to do things the right way. He indicated that the photograph that the Commissioners are looking at is looking from the outside into the subject in-law area. The door shown in the left photo is the door to enter the apartment.

Chair Parkins asked if it was up to code right now.

Mr. Qules responded yes, he believes it is.

Mr. Schultz stated that they are going to find out when they get the permit next door.

Chair Parkins commented to Mr. Qules that for his sake he'll want to make sure that it meets the code. They don't want a fire or anything like that. If it was done without permits, then there was no building inspection done on it when it was constructed.

Mr. Qules responded that for assurance he wants to make sure that everything is exactly as it needs to be. He has no problem with that and he doesn't want to be exposed like that.

Mr. Schultz stated that Staff recommends approval with the information provided.

**On a motion made by Virginia Harger seconded by Elaine Matto, it was unanimously voted to approve Separate 6543.**

**APPLICATION #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 (PUBLIC HEARING CLOSED ON 1/23/13)**

Chair Parkins clarified that Tony Panico was on line.

Mr. Panico stated that he was just touching on some of the facts about the application. It is for 262 units in an existing OPD and it is roughly a 13 ½ acre site with an interior parcel that has a 60 foot access way out to Bridgeport Avenue. He indicated that the property is bounded along the east side by the Route 8 Expressway, on the south side by the Mobile Home Park, on the

west site by a variety of commercial uses including the hotel, the Ramada Inn, the restaurant, fitness center, dialysis center, etc. and on the north side by the manufacturing office complex.

Mr. Panico indicated that they have a site that bounded on various sides by all types of different kinds of things. It is not predicated to any one particular use. When the P&Z Commission did their (inaudible) examination of the Route 8 Corridor, they did a parcel by parcel look at each of the undeveloped parcels or the undeveloped parcels, and where they could assign a reasonable land use category to it, they did, and where they weren't sure what direction it might be going in, the Commission decided to take a conservative approach and put it in the OPD. Over the years, one or more of those OPD's have been re-evaluated and considered for other types of uses, primarily through the PDD process.

Mr. Panico stated that what they have now, proposed for this site is the 262 unit development, originally consisting of eight buildings of 24 – 38 units each and it had parking for 405 cars of which 60 were in tandem laid out garage spaces. Also, there was a recreational complex including a clubhouse with a pool, etc.

Mr. Panico stated that at the last public hearing just before it was closed, the Applicants submitted a potential modification that would decrease the building count to seven buildings reducing the density to 252 units, modifying the layout somewhat and increasing the parking for a total of 422 spaces involving 350 (inaudible) spaces plus 72 tandem garages. The access to the site from Bridgeport Avenue through that 60 foot right-of-way has a two-lane divided entrance and exit condition. In the event of an emergency, they could press another lane into use for getting access and egress; however, despite that the Applicant is proposing an emergency access connection to the adjacent industrial parcel to the north that would provide another means of access and egress in an emergency.

Mr. Panico stated that the Clubhouse recreation area amenity package is a rather generous package. It is good sized clubhouse at about 4600 square feet, of which about 1100 square feet is set aside for the management offices and the balance of it is available for meeting rooms, fitness center, etc.

Mr. Panico indicated that stable wooded? corner of the site has a rather natural inland wetland area and the applicant attempted to do the best he could to preserve it and the area around it. They will have detention ponds that were created outside of the wetland area but the result is that the southerly, perhaps 20% to 25% of the site, is devoted to those types of open land uses.

Mr. Panico commented that he thinks that the modification that the Applicant has proposed is an improvement over their original plan and he thinks that it could stand some additional work besides. Obviously, getting rid of a building footprint did help tremendously in getting the site organized. Six of the buildings are consistent at 4-stories, 38 units per building with elevators. The one odd building is the 3-story with the walk-ups and that seems to have raised some concern with the Commissioners. He thinks that they need to discuss that.

Mr. Panico indicated that the location of the Clubhouse, kind of tucked off in the corner, he thinks warrants some re-examination possibly in an attempt to centralize that facility a little bit more. The land use of this particular parcel can be justified in a variety of ways. It could be commercial use although there is no visibility from Bridgeport Avenue. At one time the property owner proposed a hotel facility back there and the Commission worked with him at length to carry it down the road for approval, but then, from his understanding, the person wanting to do that, just disappeared. Mr. Panico indicated that the owner of the property has spent quite a few years attempting to market it unsuccessfully. He thinks that the Commission has to wrestle with the market situation and whether this is a reasonable utilization of the site. This utilization does seem to fit the site but the question is whether that is the use that the Commission wants to see there. He added that it seems to be the only use that has any marketability today and for the foreseeable future based upon the experiences that the property owner has had in the past 30 years attempting to market it.

Mr. Panico suggested opening this for discussion to see where they are going with this.

Chair Parkins agreed and thanked him for the background reminder of the project. She stated that as Tony said, she is going to open it up for discussion and see where it leads us in their direction to Staff for resolution or denial.

Comm. Flannery apologized for not be in attendance for the continuation of the public hearing on this. She was sorry she couldn't make it but Karin makes such amazing minutes that she feels as though she knows what took place.

Chair Parkins and A.J. chimed in about how good the meeting minutes were.

Comm. Flannery indicated that she wanted to make several comments about what she read in the minutes. She referenced Mr. Harbinson's comments about this is going to attract people from Norwalk or Stamford to rent there. She responded that is absolutely not going to happen. She added that she came from Stamford so that she could come to the country and have horses in her backyard. People in Stamford have a certain mindset of wanting to have activity and night life and there is no way this will attract people from the Stamford/Norwalk area to Shelton. Her own kids ran back to Stamford and New York City.

Mr. Panico responded that they shouldn't waste a lot of time being concerned about where the people that are going to occupy this are going to come from. They should spend more time trying to decide if this is the most appropriate use of the property. Whether the people that rent eventually come from Norwalk, Stamford or Branford or New London, it is really immaterial to their deliberations. He added that she can certainly disagree with his representation, but he doesn't think that she should let that bear heavily on her decision as to whether this is a good project or not.

Comm. Flannery stated that this goes back to her comment quoted in the Connecticut Post that "Echo-Boomers" want night life and they aren't going to find that in the middle of this corporate and industrial area. She commented that they need these apartments Downtown which brings her to her second point that she backs up 100% all of the comments made by Jason Perillo. She thanked Mr. Perillo, present in the audience, for his comments.

Comm. Flannery commented that Jason Perillo made so many good points such as "...the project will have severe, detrimental implications on what we are trying to do here in Shelton. 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." Comm. Flannery agreed with Rep. Perillo that they need to build up Downtown Shelton. They need the businesses and the apartments downtown.

Comm. Flannery commented that she grew up in downtown Stamford in the 1980's before Stamford was a happy place downtown. It was horrendous. It looked like Downtown Shelton does now and it took many years for Stamford to attract businesses, attract apartments in downtown Stamford so now Stamford is booming and beautiful – and that is how she wants Shelton's Downtown to be. You can't do that if you are going to have apartments on Bridgeport Avenue where there are no sidewalks for one thing...

Mr. Panico responded that Shelton Downtown will never be Stamford and he thinks that they all have to understand that.

Chair Parkins told Mr. Panico via conference phone that Comm. Flannery was just talking over his voice so he may as well let her finish.

Comm. Flannery commented that Atty. Thomas said he was laughed at years ago when he brought up the idea of having sidewalks on Bridgeport Avenue.

**End of Tape 1A, 8:07 p.m.**

The reason he was laughed at was because nobody saw anything residential being built on Bridgeport Avenue so there was no need for sidewalks because you would just drive your car up to the store or business or the office building you want to go to. She added that you don't walk

on Bridgeport Avenue that's why this is such a stupid, ridiculous project to put on Bridgeport Avenue. They don't need it there.

Chair Parkins stated that there happens to be two mobile home parks so she can't say there is no residential on Bridgeport Avenue. She just wants to clarify that there is residential on Bridgeport Avenue.

Comm. Flannery indicated that if they are going to attract all these more people there, then they need sidewalks.

Chair Parkins responded that she couldn't agree more.

Comm. Flannery added that she couldn't tell them how many times she has almost run over people by accident on Bridgeport Avenue.

Chair Parkins clarified that it is a State road and the State is the one that has got to put in the sidewalks.

Comm. Flannery stated that this is not appropriate.

Mr. Panico wanted to point something out to enlighten the Commission. He indicated that many years ago before Downtown got very far along, there was a marketing study that was commissioned by SEDC, he thinks it was but can't definitely recall if it was by SEDC, and the bottom line was, and it was reinforced by some planning amendments back then, that they foresaw a market for roughly 1200 units in the City of Shelton. They felt that 50% of that market could be handled by Downtown but that the other 50% had to be handled somewhere else in the City of Shelton. So, this is not necessarily inconsistent with that study. This is a portion of it – Downtown is moving along and they have Avalon under construction to open shortly. They did approve a plan downtown that had somewhere in the range of 500-600 units that were visualized; unfortunately, not too much has happened since then despite the fact that the Commission gave Detailed Site Plan Approval for the parcel next door to Avalon farther down toward the Locks.

Mr. Panico stated that over the last 2- 4 years there have been changes there as well. The original Applicant is no longer in the picture, the property owner is working with someone else on the portion that they approved and it looks like the new project is getting away from some of the residential that was contemplated to go in there. They are still working along with the people on the Spongex property and he doesn't see this being a threat to that project. Mr. Panico stated that he was surprised because he thought that if there was a perception of a threat to the Downtown property owners then perhaps they would have come to the public hearing and expressed that. However, they didn't seem to get any of that input.

Comm. McGorty agreed and added that he feels the same way.

Mr. Panico commented that the only input that they got was from Mr. Perillo. He is in agreement with some of the things that Jason said but others he thinks that he's stretching the case quite a bit. (inaudible)...it is up to the Commission to decide not me.

Comm. McGorty stated that his feeling is that they have the Avalon which is 250 units, they have the Birmingham, the Spongex building is coming and they need to support the mass amount of people that are going to be living down there. He added that means retail, restaurants, etc., it can't just be all apartments down there. There is going to be a lot of people downtown. They are opening the first phase of Avalon this month and Guedes was looking at Spongex and they just did the walk-through and there is another one with the Birmingham.

Comm. McGorty stated that they need to start attracting businesses to support the great amount of people that are going to be down there. It can't just be all apartments down there because that doesn't serve – it's just like Bridgeport Avenue when there have been negative comments made about different businesses there but the Longhorn, Chili's, etc. – those parking lots are full all of the time. Obviously, there was a demand, a need that is being serviced. They can't just have offices. They can't just have apartments. They need to service those people that come into the

community to live and spend their money and invest in that community. They can't just go elsewhere to get those services. They need to have those services inside the community to attract more people.

Comm. Flannery responded that they need to have the people downtown so that the businesses can grow downtown. They have to concentrate on that area – first.

Comm. McGorty stated that there is going to be a lot of people downtown.

Comm. Flannery reiterated that they have to concentrate on that first – before moving into Bridgeport Avenue. They have to get Downtown established.

Comm. Harger stated that Downtown has been trying to be established since her own father worked here in City Hall as the Assistant Director of Community Development – and that was under Mayor Eugene Hope.

Comm. Flannery asked if that was in the 1970's.

Comm. Harger responded that it had to be back in the 70's so that has been going on for years.

Comm. McGorty stated that first of all, this is not going to be a Stamford. OK, that is (inaudible)...It has nothing to do with Stamford.

Chair Parkins indicated that yes, let's take Stamford out of this equation. They are talking about Shelton. This is Shelton and Shelton will never be a Stamford.

Comm. Flannery asked why not.

Comm. McGorty commented that the Downtown is (inaudible)...

Chair Parkins responded that it will never be because they do not have the land area downtown for Shelton to be a Stamford.

Comm. McGorty added that this is a totally different community.

Chair Parkins commented that Shelton has a River, and they have their own attractions.

Comm. McGorty added that shortly they will have a lot of residential downtown. Now they need to get the services, the restaurants, retail and supporting services.

Comm. Flannery responded that she agrees.

Comm. McGorty commented that having just apartments is not going to do it. They are going to have a lot of people there shortly so he rejects the accusations.

Comm. Matto asked if she could weigh in with her comments.

Chair Parkins responded yes, absolutely.

Comm. Flannery added that she had more to say.

Comm. Matto indicated that about the piece in general, she buys the argument that it is a good use for that site versus a big box store or industrial which is unlikely to happen. She added that it makes sense to her because they aren't going to destroy the topography there. It seems like it would be a good fit, she thinks it is a good fit in the neighborhood. The housing is right against the mobile home community, the hotel and she can visualize it there.

Comm. Matto commented that people predict that there is a huge demand for apartments that is unmet. She added that she doesn't think any developer ever really does very well as a futurist. They try their best but it is a market. People make predictions and they hope this is the right

prediction for this project – maybe it is and maybe it isn't. Comm. Matto stated that she is guessing that the prices for downtown apartments would be considerably less than these.

Chair Parkins responded no, not considerably.

Comm. McGorty stated no, it is along the River there and it's going to be a desirable spot.

Comm. Matto responded OK, because they were saying about \$1600.

Comm. McGorty stated that he thought they were right in line - \$1400 to \$1900 on the (inaudible). He thinks they are in the same range with the Avalon.

Comm. Flannery commented that she thinks that they are all dreaming.

Comm. Matto responded well, they may be.

Comm. McGorty commented that they are in that business so he thinks that they have a pretty good idea. He thinks that if Avalon thought that this project was going to eat their lunch, they would have been at that public hearing and voiced their concern about it. They are investing a lot of money in the Downtown with that project. They aren't going to just do it blindly and he thinks they've done their diligence.

Comm. Harger stated that she thinks that one of the things they have to remember too is that, if this were to be approved, by the time a shovel gets put into the ground and this is built, Avalon will have been renting for a number of months.

Chair Parkins commented that they are waiting for a CO? right now for apartments.

Comm. McGorty added that Avalon is a fantastic product. They don't have any issue and they fill them up.

Comm. Matto stated that she had comments on a couple of other little details. She thinks that the parking is inadequate. She is not an expert on parking but it just seems like there could be two people in every unit even the smaller ones and they will all have cars. She thinks that Tony mentioned that maybe the one building without the elevators – she could see that going away.

Mr. Panico responded that with the parking, you also have to think about the needs of the Clubhouse are really over and above the residential needs of the building tenants because people and those tenants, if they go up to the Clubhouse, more than likely they are going to drive their car there.

Comm. Matto commented that the other commissioners have more experience with the parking on these projects than she does but she did ask someone about Crescent Village because they have four parking spaces per two-bedroom unit plus additional guest parking spaces across the drive. There is also a large amount of parking around their Clubhouse.

Chair Parkins responded that they were at 1.5.

Comm. Matto stated that it was something like 1.7.

Chair Parkins stated that 1.7 was including the garage space so for the 252 units, the reduction of the 10 units, they had 350 spaces for a 1.4 ratio. If they added on garages spaces, they would have 418 spaces for a 1.7 ratio. They typically don't count the garage space.

Comm. Harger stated that her whole reaction to the initial proposal was that she thought it was appropriate for the site; however, she thinks it is just a little bit too much. She thinks that it is too dense. She doesn't like the four-story concept. She added that she just thinks it is too many apartments for that space so that affects the parking ratio and other things.

Comm. Harger commented about the Clubhouse because of the fact that there are areas where people can have meetings and parties that bring visitors onto the site and they have to make sure that there is adequate parking for that.

Mr. Panico responded that it is always good to have in your layout somewhere for reservoir of parking that may only get used a half dozen times a year – Thanksgiving, Christmas, Super Bowl and things like that.

Comm. Matto asked if they could use those impervious pavers.

Mr. Panico stated that it is always nice to have them there so if they do perceive the need for somebody in one of those buildings to have a large party, they can tell their guests to park at the Clubhouse and walk over. He isn't one to put in a lot of extra parking in if the parking isn't really needed, but on the other hand he doesn't want to see them have a problem. So, he'd like to have enough flexibility to say, once things get going, that they really need another 40 or 50 spaces in order to anticipate a possible need in this location and it is time to put them in. But if they don't have that flexibility up front or those additional spaces are inappropriately located, they aren't going to do much for you. He commented that he knows the applicant talked about another 25 or so spaces up in back of Building #5 and #6 – that is fine but he's not sure from a distribution point of view if that is the best location for them.

Comm. Matto commented that makes sense. She indicated that she personally didn't have a problem with the four stories. She thinks that visually in that area it would work because there is that hotel right there. She doesn't know if they can do elevators without (inaudible)...

Comm. McGorty added that it is in the back – you're not seeing it from the road.

Comm. Harger responded yes, she knows but in looking at the elevation...

Comm. McGorty commented that they have to live with it if they decide to live there.

Comm. Matto added that it takes less of a footprint and they get more units in that way.

Mr. Panico stated that nobody is going to know that there are four story buildings back there unless they have a reason to be on the site. People from the mobile home park probably wouldn't be able to see the units if that intervening ? continues to be vegetated. The manufacturing on the other side doesn't particularly care and on the Bridgeport Avenue side it would really be the back end of all those businesses. The only person that is aware of the four story buildings are the people that live there and the people that go to visit there.

Comm. Harger commented that it just adds to the traffic going in and out of the complex and the overall headcount.

Comm. Flannery stated that it brought up a good point that if there is less of a footprint, they could have more trees. She commented that another problem with this site is all the fumes that these people are going to be breathing in 24/7 because the trees are knocked down. At least now, the mobile home park has the advantage of having all these trees to clear all the pollution. But now they are going to take down a lot more trees, put in these buildings and there will be a lot more pollution there and a lot more noise.

Chair Parkins asked where the pollution was coming from.

Comm. Flannery responded Route 8.

Chair Parkins stated that Route 8 is up high and this is down below. She asked if she thought the fumes were going to settle rather than rise.

Comm. Flannery responded that she gets it at her house and she is further away from Route 8 than these people.

Comm. Matto stated that she thinks that the site is going to be developed as something - and there is going to be traffic.

Comm. Flannery stated that she wouldn't want to live there – that close.

Mr. Panico commented that as far as the loss of natural vegetation and the possible impact on pollution, regardless of what development is put on that site, they are going to have that. If they put a significant office building in the middle of that site, they are going to need support parking so they're going to have to eventually grade and clear that entire area that is supposed to be used now to generate support parking.

Comm. Flannery responded that those people wouldn't be living there 24/7 though.

Mr. Panico stated that living there 24/7 isn't going to contribute to the pollution.

Comm. Flannery responded no, but you'd have to breathe that pollution in constantly all weekend long.

Chair Parkins asked Comm. Pogoda if he wanted to weigh in on this discussion.

Comm. Pogoda stated yes, there are a few things that he is still uncomfortable with. He is still uncomfortable with the density of the project. He knows that a lot had been said initially, and his main concern when the project first came to fruition was the limited parking. There were a lot of things answered today as far as opening up some more parking, possibly taking the Clubhouse and putting it in a more centralized area (inaudible)...

Chair Parkins interrupted to adjust the volume on Skype before continuing.

Comm. Pogoda continued to say that possibly changing the location of the Clubhouse, bringing it closer toward a centralized area – again, to give a little bit more parking. He commented that he still thinks that the density is too high, and that is and has always been, one of his concerns since the start. He still has a feeling about that parcel being used more for economic development than residential. Comm. Pogoda restated that he feels that – and he has heard the comments today about the Downtown area which he would like to see developed. And it is being developed although some things are going a little bit slower than what that had first envisioned when Mr. Guedes came to them initially for the whole project. Comm. Pogoda stated that it has taken, well it's probably been six years now, and they only thing they have is Avalon coming in. He knows that there have been discussions with Mr. Guedes on Spongex and another possible applicant on the Watts building that they took a tour of back in December. He asked if that was the building that had the fire.

Comm. McGorty responded yes, correct the Apex building.

Comm. Pogoda stated that those are really his feelings about that project right now. The only way that they are going to get more parking and not go toward the wetlands is by knocking down one more building. At least that is his feeling; he thought it was dense to begin with. He added that a lot has been discussed, as Mr. Panico said about the 15 years that the Applicant has been trying to get that parcel sold without any bites. He understands that. He thinks that at the time and throughout these 15 years, there were more viable places to put these buildings, but now as the available land for businesses and offices, but not regular offices, he knows that was discussed, but as Mr. Perillo mentioned a building like that can be used for R&D, possible medical offices. Again, he doesn't know if the Applicant has looked into that. He is assuming he has because he has been trying to peddle that piece of property. But he still thinks that the area around Bridgeport Avenue should be used more for economic development. He concluded that was what he had right now.

Comm. Flannery thanked Comm. Pogoda and added that she agreed with him 100%.

Mr. Panico stated that another thing that he thinks the Commission ought to keep in mind is the value of a development of this nature as a contributor to the economic base. He commented that yes, it is residential but it happens to be a former residential that has a positive impact on the

economic base just as an office building might or a manufacturing facility might. They are looking at a development that has a potential tax contribution of ½ million dollars a year in taxes and that is nothing to sneeze at. He thinks that they need to weigh that and they need to ask themselves if this project goes away and the property remains vacant waiting for the ideal development in some form of office use; if that doesn't happen for another 10 years, then they have 10 years of taxes that they've let get away hoping for the big question mark out in the future.

Mr. Panico stated that he doesn't think it is a highly valuable commercial site in the true sense of retail commercial. The only thing that could logically consider going back there would be a big box outlet like a Home Depot or a Lowe's or something of that nature. He asked if that was something that the Commission wants back there. He asked if they wanted a big box back there. He doesn't know.

Comm. McGorty stated that he thinks that there are also issues with the topography, Tony and the slope of the property.

Mr. Panico responded that they would have to do a lot more work to make a big box layout work, that is for sure, because if it's a big box all on one level; whereas individual buildings of this nature can be adjusted up or down by five or ten feet to more nearly conform to the topography. He stated that even worse than that, they have the concentrated traffic activity associated with big box operations.

Comm. Flannery commented that she thinks that if they have apartments there then they are going to have children living there. Children will be in the school system and right now she sees the Shelton schools as being at their max. Her daughter did her student teaching job there with 40 students to one classroom and that is way too many students. They don't need more children in Shelton.

Mr. Panico responded that it is her presumption that this is going to generate a lot of children. The facts don't seem to dictate that.

Comm. Matto commented that she thinks that makes sense – “the bird in the hand” argument that A.J. has presented in terms of the taxes. As far as traffic and parking, you can't do anything worse than a medical office building in her experience. A big box, although she loves Cosco, but she really doesn't want to have that.

Comm. McGorty stated that between Forest and Constitution there is going to be a lot going on up there. It isn't like there is any shortage, or a more desirable spot than this tucked in the back on a tough piece of property that has been sitting for 20 years.

Comm. Matto commented that she thinks that they have made good arguments. She added that she'd like to see the fire pit go away though.

Chair Parkins responded really.

Comm. Matto indicated that she knows that is getting into finer points but she doesn't think it is responsible to be trying to heat up the great outdoors.

Chair Parkins responded that for this, they are really seeking approval of the use rather the details. However, she does have a few comments that she has prepared as she went through the notes and public hearing minutes, etc. She read the following comments.

First, I think I can say that most, if not all commissioners have and will continue to consider downtown a high priority and therefore would not endeavor to allow a project that would derail those efforts.

Several marketing studies such as the one presented by this applicant have indicated that apartments are trending – they are a hot commodity desired by all ages. Seniors looking to eliminate the hassle of homeownership, young professionals who do not want the responsibility or want mobility; and those who do not have down payments or cannot qualify for a mortgage.

Whatever the case may be, they are the ones that should determine whether they want to live in a downtown setting, a corporate area, or a more rural area. I do not believe it is up to this commission to dictate that if you want to rent an apartment, you need to live downtown. Nor do we regulate competition. We base our decisions on our regulations and in cases such as this, what we deem to be appropriate uses for specific sites.

One must keep in mind that we are also not looking to permit 100% apartments downtown, but rather are seeking mixed use – shops, restaurants and other services that will support and be supported by residential units.

While I am appreciative of the time and hard work that went into the creation of the POCD, I consider it to be a plan, an advisory guide, not a rulebook and I believe it is a document that should be flexible to coincide with economic and market changes. If this project is approved, does it open the floodgates for residential all along Bridgeport Ave? NO! We are hopeful that an economic upswing will bring more office, light industrial and R&D to our community and there is still land available for that purpose.

This applicant submitted evidence via their marketing study that supports their proposal. During the public hearing process, no evidence was submitted to the contrary, nor did any current rental companies – such as Avalon, RD Scinto, or other developers who are looking to invest downtown, speak out against the proposal or indicate that the proposal would oversaturate the market.

This 13 acre particular parcel is set back, it is secluded and has no visibility from Bridgeport Avenue and thus it is understandable that it has been a hard property to market. We get requests all the time for signage, and bigger signage, and more gimmicks for businesses that do not have visibility from the road claiming their businesses suffer as a result.

Having said that, while I believe the project has merit based on the property location, the contribution it will have to the growth of City's economic tax base, and the provision of housing offered to our citizens and those who commute to Shelton, I have felt from the beginning that the project was too dense. The applicant has provided an alternate layout that has eliminated one building, allowed the reorientation of layout so as to protect some of the wetland area, and has reduced the number of units by 10 (262 to 252).

I strongly feel, and would propose as a condition of approval, that this project should be limited to no more than 225-230 units. This can be easily accomplished through the elimination of one of the buildings which could perhaps provide more courtyard, and more easily meet parking requirements without having to set aside future parking or have such a massive paved area in the layout.

Chair Parkins concluded that those were her comments.

Comm. Flannery stated that according to the POCD, she participated and went to all those meetings when they were making it up.

Chair Parkins responded that she did as well.

Comm. Flannery indicated that it took a lot of time and effort and now you are just throwing it out the window and she is very upset about it. If you want to change the POCD, wait another five years when the plan comes up again and is up for review and everybody can go to all the meetings and then change the zoning. She stated that she hates these PDD's because it is spot zoning.

Chair Parkins responded that it is not spot zoning.

Comm. Flannery stated that it totally is.

Chair Parkins responded that was her opinion, but it is not.

Comm. Flannery stated that any marketing firm can come up with any kind of conclusion that they want. It is just a bunch manipulating statistics and opinions and that is what her Statistics teacher taught her when she went to the University of Connecticut. Comm. Flannery stated that you can make any marketing research paper come out any way that you want. It is just how you manipulate the numbers.

Comm. Flannery indicated that the other thing she wanted to bring up was that Mr. Panico made an interesting comment that if they wait for it and it comes in 10 years – they aren't getting tax revenue. She stated that they are losing money because they are putting more children into the school system, using more fire protection and police protection. They're not getting any money from the taxes.

Comm. Matto asked why there would be more children here than downtown. She asked why that would be a different impact.

Comm. Flannery responded that she is just saying that you don't need these apartments. OK, they need the apartments downtown. They are already set aside. They are going to have children downtown too. She asked them to imagine the school buses going in and out of this development too.

Comm. Harger commented that they can't go in there – it is private.

Comm. Flannery asked if they were going to have the children waiting on Bridgeport Avenue to get their bus. She doesn't think so. She asked if they knew what kind of a mess that would be. She asked about the blizzard that they just had and what they would do with all the snow and clearing out for buses. The Shelton kids already lost a week of school.

Chair Parkins asked what that has to do with anything.

Comm. Flannery stated that they aren't going to be able to plow this development and get the children to school.

Chair Parkins responded that has nothing to do with children missing time from school. She asked her to please stay on top of this.

Comm. Flannery stated that it has to do with the no sidewalks and that is her point.

Comm. Matto commented that she expects that people will drive to their apartment like they drive everywhere else. She thinks it would be great if there were sidewalks, it would be lovely, but she doesn't see how that affects this particular project. Comm. Matto stated that she agreed with Chair Parkin's comments and that is what she wanted to say, but not as well.

Chair Parkins responded that Comm. Matto said it very well and she was just repeating what has already been said.

Comm. Matto stated that she thinks that they made their case in terms of this type of project for this piece of property versus other potential projects. She thinks it would be less traffic impact, less intensive use.

Comm. Harger indicated that if somebody thought this was such a good piece of property for some other kind of project, she thinks that they would have come along a long time ago.

Comm. Matto agreed and added that she thinks that the "bird in the hand" argument is sound because of the taxes that would be generated versus waiting for something else. She doesn't think the something else would be better actually.

Comm. Flannery asked why there had to be anything there.

Comm. Harger responded because a person has a right to develop their property.

Comm. Flannery stated that he has a right to develop it the way it was zoned. The other thing that Mr. Perillo brought up is that he wanted to see the Downtown revitalized because he was tired seeing the graffiti downtown. She asked if they want to see lower crime rates or if they wanted look out the window and see some guy drinking across the street. She added that she agrees with him 100%. She reiterated that she grew up in Stamford, when downtown Stamford looked like downtown Shelton, and she wants to see Shelton revitalized.

Chair Parkins responded as do we. She stated that there is no evidence that shows this apartment complex will derail downtown. There is no evidence whatsoever. Just because Mr. Perillo came in and said so, it does not make it a fact. It is his opinion. Everyone is entitled to their opinion.

Comm. Flannery commented that they are taking away possible clients.

Comm. McGorty responded that then Avalon would have been at the meeting arguing that fact and so would John Guedes with the Spongex project.

Comm. Flannery indicated that maybe they were sleeping.

Comm. Harger responded oh, please, she doesn't think so. They are pretty on top of things when it comes to their pocketbook.

Chair Parkins stated that it sounds like they have a consensus.

Comm. Flannery responded no, it is half and half.

Chair Parkins stated no it is not half and half. Right now it is 4 yes, 1 question and 1 opposition, obviously.

Mr. Panico stated that the only other comment he was going to make was that he hopes all of the commissioners took the time to go through the economic and marketing studies that were submitted because they do have a lot of good information in them. He is hearing things being expressed tonight that are not necessarily consistent with those technical reports so he doesn't know if it is just in the case of Joan and it's just her opinion or does she have some technical information that would counter the fiscal analysis that was done regarding the school children estimates, etc.

Chair Parkins responded that, again, if she did, the time to present it would have been at the public hearing.

Mr. Panico commented that he guessed that she could contribute it as a member of the Commission if she had something other than just her opinion. He doesn't know. It just seems rather strange to have the feeling that all of the taxes from this project are going to be consumed in educating school children because he really doesn't think that is going to be the case.

Comm. Flannery asked if it wasn't \$11,000 a year or \$12,000 a year just for one child.

Mr. Panico responded by asking Comm. Flannery if she took the time to read the analysis.

Comm. Flannery responded yes she did.

Mr. Panico stated that in other words, she disagrees with the numbers.

Comm. Flannery responded that is correct.

Chair Parkins indicated that this discussion could continue all night and she doesn't think that they are going to change Comm. Flannery's mind on this proposal so no amount of discussion is going to accomplish that. She stated that she thinks that they have four commissioners who are in favor, albeit they are concerned about the density and they could certainly set what they feel is the appropriate number of units to go in there as a condition of approval.

Mr. Panico commented that to follow through on Chair Parkin's numbers, she was looking at 225 to 230. He added that is approximately the number you'd get if you took out that three story building.

Chair Parkins responded that is what she was thinking.

Comm. McGorty added yes, he thinks it was like 28 units.

Chair Parkins stated yes, they would lose 28.

Mr. Panico commented that there was 24 units in that so 24 - and they had already dropped 10 so that's 34 - having it end up as 228. Mr. Panico stated that he would definitely favor the reduction coming about through the loss of a building rather than shrinking the size the buildings.

Chair Parkins agreed.

Mr. Panico indicated that he thinks that they would get a lot more flexibility in improving upon the layout, the parking distribution, etc. If they are going to go in that direction, his suggestion to the Applicant would be the removal of Building #7 and the relocation of the Clubhouse into that general area where Building #7 is now located. Additionally, taking Building #4 out of the middle, relocating it up to where the Clubhouse was - along the lines of what they had on their original proposal with a building up there. Building #7 was originally up in that area.

Chair Parkins commented that actually it is not that one. She thinks that ...she asked him to repeat that.

Mr. Panico indicated that if in fact they are going to strive to get down to a number that is around 225 - 230, that is the density that would result with the removal of Building #7.

Chair Parkins asked Rick to point out Building #7 on the site plan.

Mr. Panico stated that should have six buildings at 38 units each, all serviced by elevators, all four stories, and all with the few garages associated with them.

Comm. Flannery asked where the school buses would be.

Mr. Panico indicated that he would then consider taking the Clubhouse and relocating it over to the area where Building #7 is now located - sort of more in the center of the property.

Comm. Harger asked what he said about moving Building #4.

Mr. Panico responded that if they move the Clubhouse out of that area, Building #4 could possibly be located in the area where the Clubhouse was located.

Comm. McGorty commented that he thinks that they were looking to keep that Clubhouse there so that people could see it when they are coming in.

Comm. Harger added yes, that it was the rental office too.

Chair Parkins stated that again, those are the details that they'll have to work out.

Mr. Panico agreed and added that it is a matter of how they work out the geometry of their driveway system. He can visualize where the split in the road occurs a little bit further to the east and they would still be in the vicinity of where the Clubhouse is. There are a lot of ways to approach it and he doesn't want to pretend to pre-plan their project but that is a suggestion he would make to them.

Chair Parkins responded yes, and that is if they even accept the condition.

Mr. Panico stated that he would definitely not go into that area behind Building #6 to create more parking. He thinks it is counterproductive. Parking is inappropriately located and it begins to further erode into the green space that now creates a nice buffer. He thinks that the important thing is to get a consensus on the direction that they think they are going in and if this is something that the Applicant is OK with and can work with, then they can apply those principles to the site plan and come up with a layout that they can all live with.

Chair Parkins asked Comm. Pogoda how he would feel about that condition.

Comm. Pogoda responded that would be a start. The discussion on deleting that one building would be a start. Right now, he is still not going either way. He is taking all the comments into consideration. Again, he stated that is a start but he isn't committed either way right now.

Chair Parkins commented that she thinks that there are four of them that are in favor with those conditions. She thinks that they can direct Staff to take it from there.

Mr. Panico asked Chair Parkins if they wanted Staff to start putting together the material to support that type of a decision then.

Chair Parkins responded that in the years that she's been on this Commission, she doesn't know if they've given conditions where they aren't certain the Applicant will accept them or not. She asked if that was something that Staff does before doing this or do they just set their conditions and then let them agree to it.

Comm. Dickal departed at 8:27 p.m.

Mr. Panico stated that they have the proposal before you, certainly, if the Applicant says that they don't agree, you're not going to go back and change your mind. So it would seem to him that the proper avenue is to decide if that is what it takes to make this an approvable project, then that that is how you approve it. They approve it with those modifications. If the Applicant chooses to not go forward with it, that is his decision.

Chair Parkins responded OK, then she will direct Staff to move forward toward a favorable resolution that they will put to a vote.

Mr. Panico stated that he and Rick will start putting that material together. He asked about the time that they have on the calendar and if they need any extra time. He asked Rick when they have to have a decision out.

Mr. Schultz responded that they have 65 days from the close of the public hearing.

Chair Parkins commented that was January 23<sup>rd</sup>.

Mr. Panico stated that it was roughly until March 23<sup>rd</sup>. He stated OK, no later than the second meeting in March.

Chair Parkins indicated that their second meeting in March is March 27<sup>th</sup>.

Mr. Panico stated that they will start putting it together. If they need another couple of weeks, the Applicant will probably give it to them.

Comm. Matto asked if the Applicant will hear about this consensus decision before he goes through making up the resolution.

Chair Parkins stated that based on the consensus, he'll prepare a favorable resolution which will go to a roll call vote. The Applicant won't weigh in on it.

Mr. Schultz added that the Applicant will react to it.

Mr. Panico indicated that he's sure the Applicant will react. If that is something that they can't live with, more than likely, if he was them (inaudible)...

Comm. Matto asked if they would tell them ahead of time before going through all the paperwork.

Chair Parkins responded that they are here tonight.

Mr. Panico stated that they will have time to digest it. They aren't going to start writing this thing up tomorrow that's for sure.

Chair Parkins asked Mr. Panico if he would be logging off now.

Mr. Panico responded that if there is nothing else for him.

Comm. Harger commented that unless her counting is incorrect, the 65<sup>th</sup> day is March 29<sup>th</sup>, Good Friday.

Mr. Panico stated OK, then they are good until the meeting of March 27<sup>th</sup>. He stated that is the meeting he was going to try to work out to get there for anyway.

Mr. Panico logged off at 8:33 p.m.

Chair Parkins clarified that Comm. Pogoda was still online.

Comm. Pogoda confirmed that he was on line.

**APPLICATION #13-3, BISHOP GOLF, LLC FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD #30 (NEW USE: ALL STAR DRIVING SCHOOL), 784 RIVER ROAD (MAP 12, LOTS 37 AND 38): ACCEPT AND SCHEDULE PUBLIC HEARING**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to accept Application #13-3 and schedule a public hearing for Tuesday, March 12<sup>th</sup>.**

**APPLICATION #13-4, BISHOP MANAGEMENT OF SHELTON FOR MODIFICATION OF LIMITS OF PDD #73 AND DETAILED DEVELOPMENT PLANS (GRADING PLAN), 781-785 RIVER ROAD (MAP 12, LOTS 29 AND 43): ACCEPT AND SCHEDULE PUBLIC HEARING**

Mr. Schultz stated that this is the parcel that has been already been re-graded. They ran into a situation where they ran into soft fill and they have to put up a retaining wall. This requires a public hearing and the engineer explaining what they are going to do. The neighbor that is immediately adjacent is aware of this and will be attending the public hearing. All parties hope that this is the final solution.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to accept Application #13-4 and schedule a public hearing for Tuesday, March 12<sup>th</sup>.**

**APPLICATION #13-5, PETITION OF HAWKS RIDGE OF SHELTON, LLC FOR PDD ZONE CHANGE AND INITIAL DEVELOPMENT CONCEPT PLAN, (PHASE I: 60 SINGLE FAMILY DEVELOPMENT AND 80 UNIT MULTI-FAMILY DEVELOPMENT) LONG HILL CROSS ROAD AND BEARD SAWMILL ROAD (MAP 39, LOT 14 AND 17 AND MAP 51, LOT 7) LIP DISTRICT: ACCEPT AND SCHEDULE PUBLIC HEARING**

Mr. Schultz indicated that March 27<sup>th</sup> is the fourth Wednesday. He added that Mr. Panico is scheduled to be here.

During the vote to accept and schedule the public hearing for Application #13-5, Comm. Flannery voted in opposition.

Chair Parkins asked what she was opposing.

Comm. Flannery responded that she opposed accepting the application and having a public hearing. She commented that is another PDD that is not appropriate for that use.

Chair Parkins stated that the motion passes (5-1).

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was voted (5-1) to accept Application #13-5 and schedule a public hearing for Wednesday, March 27<sup>th</sup>. Comm. Flannery voted in opposition.**

### **PUBLIC PORTION**

Chair Parkins asked if there was anyone in the audience wishing to address the Commission on anything not on the agenda. There was no response.

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to close the Public Portion of the meeting.**

### **OTHER BUSINESS**

#### **APPROVAL OF MINUTES: 12/11/12, 1/10/13 AND 1/23/13**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the minutes of 12/11/13.**

Comm. Flannery asked that a correction be made to the 1/10/13 minutes to correct her address to Partridge Lane not Daybreak Lane.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve the minutes of 1/10/13 with the modification to the noted street address.**

**On a motion made by Virginia Harger seconded by Thomas McGorty, it was unanimously voted to table the minutes of 1/23/13.**

#### **CRANBERRY ESTATES: REQUEST FOR RELEASE OF SITE BOND AND SOIL AND EROSION CONTROL BOND FOR PHASE IV**

Mr. Schultz indicated that the project is completed. Phase IV is the final development stage of the project. He read the request from Cranberry Estates, LLC for the release of the Site Completion Bond in the amount \$22,500 and the Sediment and Erosion Control Bond in the amount of \$18,750 to insure the satisfactory completion of improvements associated with the site plan known as Cranberry Estates Phase IV.

Mr. Schultz indicated that the property was inspected by Staff and the entire site has been stabilized. It was inspected before the blizzard that they recently had. The entire pavement has been completed, curbing has been completed, and they are just finishing up the last four units. The units are all framed and they are doing inside work.

Mr. Schultz reported on the tree restoration, originally reported over a year ago, it has been satisfactorily been completed. The trees and evergreens have taken well. All of the shrubs have taken well because they were installed immediately and that was something that they appreciated. He stated that they were up there after the storm and as with most sites, the snow removal is quite difficult but they used their own equipment and there were enough areas for them to dump the snow. He commented that is the big dilemma in Connecticut where to dump

the snow. There were enough open spaces areas there to do that. They didn't have to leave the site to find a private piece of property for it. This is the final stage of it and Staff recommends approval.

Comm. Flannery asked if there were any more bonds.

Mr. Schultz responded no, that is it and then it will go to the Association.

Comm. Flannery asked if there was ever going to be a path going through there.

Mr. Schultz responded no.

Comm. Flannery asked if (inaudible)...

Mr. Schultz responded no, the BOA rejected that. He added that the BOA made it perfectly clear that they want this to be private property and all liability goes to the Association.

**On a motion made by Thomas McGorty seconded by Anthony Pogoda, it was voted (5-1) to approve the request for release of the Site Bond and the Soil and Erosion Control Bond for Cranberry Estates. Comm. Flannery voted in opposition.**

**SILVER OAKS ESTATES SUBDIVISION: REQUEST FOR RELEASE OF PERFORMANCE BOND**

Chair Parkins stated that they also have a request to table the Silver Oaks Estates Subdivision.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to table the request for release of the Performance Bond at Silver Oaks Estates Subdivision.**

**PAYMENT OF BILLS**

Chair Parkins requested a motion for the payment of bills.

Comm. Harger responded – if funds are available.

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to approve payment of bills, if funds are available.**

**STAFF REPORT**

Mr. Schultz requested to table the Staff report because a couple of big projects coming up including UI. He's meeting with the Chairman tomorrow and he wants to include a narrative regarding the landscaping. There are also some other issues coming up.

He reminded everyone that the next meeting would be on Wednesday, 2/27 for the child day care center at the corner of Platt Road and Long Hill Avenue.

**ADJOURNMENT**

**On a motion made by Thomas McGorty seconded by Virginia Harger, it was unanimously voted to adjourn the meeting at 8:42 p.m.**

Respectfully Submitted,

*Karin Tuke*  
P&Z Recording Secretary