

**SHELTON PLANNING AND ZONING COMMISSION**

**APRIL 22, 2015**

The Shelton Planning and Zoning Commission held a Special Meeting on Wednesday, April 22, 2015 at 7:00 p.m. at Shelton City Hall, Auditorium, 54 Hill Street, Shelton, CT 06403.

Commissioners Present:

Chairperson Ruth Parkins  
Commissioner Nancy Dickal  
Commissioner Virginia Harger  
Commissioner Thomas McGorty  
Commissioner Ned Miller (alternate)  
Commissioner Anthony Pogoda  
Commissioner Jim Tickey

Staff Present:

Richard Schultz, P&Z Administrator  
Anthony Panico, P&Z Consultant (via Skype)  
Patricia Gargiulo, Court Stenographer  
Karin Tuke, Recording Secretary

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

Chair Parkins called the April 22<sup>nd</sup> Shelton Planning & Zoning Special Meeting to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members present. She indicated that P&Z Consultant, Tony Panico would be in attendance via Skype. She stated that tonight's meeting would be a public hearing, she reviewed the procedures for a public hearing and reviewed the directions for anyone wishing to address the Commission after the Applicant's presentation.

**APPLICATION #15-03, 223 CANAL GROUP, LLC FOR MODIFICATION OF PDD #60 INCLUDING INITIAL CONCEPT PLAN, STATEMENT OF USES AND STANDARDS AND FINAL SITE DEVELOPMENT PLAN APPROVAL (SITE C: 68 MULTI-FAMILY RESIDENTIAL UNITS), 223 CANAL STREET (MAP 129, LOT 18).**

Chair Parkins asked the P&Z Secretary, Virginia Harger to read the Call of the Hearing for Application #15-03 and any applicable correspondence.

Comm. Harger read the Call for Application #15-03 and three pieces of correspondence from the Shelton Fire Marshal, the Shelton Fire Chief and the City Engineer.

**\*See attached correspondence dated April 15, 2015 to Richard Schultz, P&Z Administrator from James Tortora, Fire Marshal.**

**\*See attached correspondence dated April 17, 2015 to Richard Schultz, P&Z Administrator from Fire Chief Jones.**

**\*See attached correspondence dated April 16, 2015 to Richard Schultz, P&Z Administrator from Robert Kulacz, City Engineer.**

**Mr. John Guedes, President and CEO, Primrose Companies addressed the Commission.** Mr. Guedes submitted the mailing receipts to the Commission and provided a history of the Canal Street site. He indicated that this was Site C, part of the Master Plan of Development that was adopted by this Commission some years back. The intent for Site C was originally to be developed with the Apex property, which is Site D; however, as they all know, when the development was reaching a time to proceed, they got hit by the financial crisis and everything came to halt. Since that time what has taken place is that their intent for Site C was to renovate the existing building and they did have approvals from this Commission to proceed with its renovation. He added that the construction plans are ready, he has filed for permits but the environment was not there for him to proceed. Mr. Guedes commented that a number of events concerning the extension of the road took place. The Army Corp. of Engineers did not allow for the filling of the canal; the original intent was to fill it and have the roadway shift over to the canal areas. Because of that, the City had to proceed with a different type of plan and that plan caused a number of post-takings throughout the various sites. He stated that in their case, it caused the taking of a minimum of 15 feet from the buildings that are alongside Canal Street. Apparently, the yard of the two buildings that they have – the main building and the white one-story brick building were the two primary buildings that were affected by the road widening and, as such, the problem would be to cut off 15 -30 feet of the buildings and to try to reconstruct would not be feasible.

Mr. Guedes stated that there have been various meetings that have taken place with the City and the decision was to just come up with a program to basically demolish all of the buildings and put up a new structure, a new building and basically, that is what they have here to present to the Commission this evening.

Chair Parkins requested that Mr. Guedes refresh the Commission's memory as to the location of Site C on the site map before putting that revised plan up.

Mr. Schultz clarified that it was on the Master Plan.

Mr. Guedes pointed out the location of Site C just north of the Avalon complex and the location of Site D. He added that they were the two initial PDD's that were approved by this Commission.

Chair Parkins thanked Mr. Guedes.

Mr. Guedes reiterated that those two PDD's were still active and for their part they are seeking a modification to that PDD, assuming that at some point Mr. Watts will be doing the same on his. He added that he believes there is an application for that purpose as well.

Mr. Guedes reiterated that for their purpose, their intent is to proceed with the program for Site C and in doing so asking for modification to the original PDD to construct a three-story, 3 ½ story masonry building, with parking underneath. The original plans submitted to them show the proposed development of 68 residential units which contain some three-bedrooms. He understands that there are some reservations about the three-bedrooms and they are prepared to submit plans that would eliminate the three-bedrooms and basically it's a plan with two-bedroom and one bedroom apartments. He believes that the count, and he referenced the Grade Level Map (page 2) and he explained the proposal for the modification to the plan (inaudible) ...He stated that Joe Pereira, Pereira Engineering, LLC would be distributing the Site C/D plans to the Commissioners.

Mr. Guedes indicated that they wound up with 68 apartments in which 21 would be one-bedroom and 27 would be two-bedroom. He added that would be put 106 parking spaces in to accommodate and it is roughly a 1.6:1 ratio on parking. He commented that he knows that there have been some proposals from the Fire Marshal and the City Engineer and he'll briefly go through those and then he'll turn the presentation over to Joe Pereira to explain in regard to the two items brought up the Engineer's letter and one was associated with the River Walk.

Mr. Guedes commented that the River Walk is something that is going to be built by the City and they will not dictate the width or the manner in which that will be built; it will be up to the engineer the City will hire and the scope that they'll propose. Mr. Guedes said that what they are prepared to do and what they are committed to do and did in the previous PDD, is to provide the easement necessary for the River Walk.

Mr. Guedes indicated that their engineer has depicted the River Walk on the plans and he added the 12 feet, which he believes is the same width behind Avalon, will be carried through onto the next property which will be the Watts property. As far as the gates and a comment

made during one of the committee meetings, it is not essential to have them and if they do have some kind of gates, they will work with the Fire Marshal to come up with a program that he's comfortable with, some breakaway format – he isn't sure exactly, but that is the only way they can approach it. He reiterated that if they do have gates then they will work with the Fire Marshal to come up with a program that would be acceptable to him.

Mr. Guedes commented about another item that was brought up concerning the – the City Engineer had approached him concerning an easement that would be needed for drainage. He referenced the City Engineer's letter where it is stated that it should be on the north side which would put it between his property and John Watts' property. He stated again that they will work with him.

Mr. Guedes stated that the commitment he made was that he'd provide an easement to the City but he believes that it is more appropriate to do it on the south side. His reasoning is that aside from the fact that they could provide an easement, they also have the existing Avalon easement that has been provided to the City which contained the ability for any type of vehicles. The easement already exists for access north of the Avalon complex for that complex and for Site C. They would work with the City Engineer to facilitate some kind of drainage easement in association with the existing easement which he believes would make it a better situation for future maintenance of any line that the City would be installing. Mr. Guedes restated that he believes that this is strictly for storm drainage and he's not sure if it's been decided how it can be structured but he indicated that the commitment is that they will work with the City to make sure that they have the easement that they need.

Mr. Guedes referenced the elevation drawings and stated that he would briefly go over them. He indicated that the proposed structures with the brick and the design were to keep in the concept of the old industrial buildings in Shelton. When he originally started this development, the intent was to try rehab and repaint some of the industrial structures but, obviously as they continue down the path, they've been demolishing and not reusing them. The only building there now that is earmarked for re-usage is the Spongex and so with this one here, he figured that if they are going to knock down a big industrial building, he wanted to put up another industrial-looking type structure with brick on the main façade. He indicated that the building is a T-shape so that on-street side the building size is congested. He went to the floor plans, the (inaudible) of the buildings were the areas where the three-bedroom units were being housed. If they go through those sheets they will find that on the first, second and third floors, those plans in front of you are now are representing the two-bedroom ... (inaudible)

Chair Parkins asked if he made them two bedroom with a den or just two-bedroom.

Mr. Guedes responded just two-bedroom. The other bedroom (inaudible) is enlarged and other bedroom ended up being a dining room.

Chair Parkins responded OK. She asked how many two-bedrooms with dens he has now.

Mr. Pereira responded that he didn't think there were any.

Chair Parkins responded that they were on the original plans. There were quite a few of them. She pointed out on the floor plans where it says two bedroom + den.

Mr. Guedes responded that it was meant to be a computer room and the space is available for it. He referenced the previous three-bedroom units and commented about the location of the previous third bedroom that was converted into a dining room.

Chair Parkins, Comm. Harger, and Comm. Pogoda reviewed the floor plans (comments inaudible)...

Chair Parkins asked what constitutes a bedroom – a closet and a window.

Mr. Guedes responded it is actually natural light and ventilation – that is what (inaudible)...it has to have an operable window and ventilation; otherwise, you cannot use it as a bedroom.

Comm. Dickal stated that she thought it also had to have a closet.

Chair Parkins responded that if they took the closets out of the den then it wouldn't be a bedroom.

Mr. Guedes stated that if the Commissioners don't have any questions for him, he'll turn this over to Joe Pereira to go through the engineering of this because he understands that there is a major change.

**Mr. Joe Pereira, Principle, Pereira Engineering, LLC and Connecticut licensed P.E., One Enterprise Drive, Shelton, CT addressed the Commission.** He provided the Commissioners with copies of the revised Site C/D plans. Mr. Pereira walked the Commissioners through the site plan and indicated that the existing site is located north of Avalon Bay and totals about 1.25 acres and it abuts the Housatonic River. The building itself is T-shaped with a total of 106

parking spaces located around the building and also underneath where there is a parking garage.

Chair Parkins asked if that was one level.

Mr. Pereira responded yes, one level, it slopes from Canal Street down toward the River.

Comm. Harger asked how much of an elevation change there was.

Mr. Pereira responded that it was about 8 feet. It was no more than 5% which is a nice slope to have for parking so it was a constant slope from front to back and the parking area is all curved in so that they don't have any run-off running directly into the Housatonic River. They have a total of 68 units. They are proposing two curb cuts to take them through the parking area and connect it so that it provides emergency vehicle access. He showed the location of the dumpster area on the north side of the property.

Mr. Pereira commented about the Grading and Utilities Plan and indicated that they have a constant slope from Canal Street down towards the back. The site development is served by all public utilities. They have gas, water, sanitary sewer and storm sewer. They will also be making improvements to the existing storm sewers on site. Currently, they have about two outfalls that discharge onto the Housatonic River and they aren't proposing to introduce any new outfalls. They are proposing to reuse the existing outfalls; they want to avoid any permitting issues with the DEEP. They are intercepting all of the storm water run-off as well as the roof drains. They are running it through storm water quality units before it is discharged onto the Housatonic River.

Mr. Pereira stated that the other thing they have is that every catch basin will have deep sumps in the 34.36.8 hooded outlets. The thinking there is that they will have local treatment of the storm water, then as it flows through the system before it is discharged, it would get treatment again through the hydrodynamic separators and then finally through a pre-formed scour hole which slows the water down before it is introduced to the Housatonic River and down the embankment.

Mr. Pereira indicated that the soil erosion controls are pretty standard and they are showing the temporary sediment traps, silt fence and explained that the whole site would be encapsulated and protected from any kind of erosion into the Housatonic River.

Mr. Pereira stated that he wanted to walk them through the plans and possibly hit on the correspondence to make sure that they've addressed them all. For engineering letter specifically, it refers to the design of the storm drainage curb brick pavers and sidewalk - "provide a storm sewer easement..." He indicated that John Guedes touched on that subject and right now Avalon has a 10 foot wide easement on its north side and their south side. Mr. Pereira reiterated that there was a 10 foot wide access and utilities easement in favor of the City of Shelton, so they could either add on to that or they could get another 10 feet for a total of 20 feet which would work out well. He stated that another option for the Engineering Dept. and Bob Kulacz could be to run in a new storm sewer pipe down that easement, if that works out design wise. He indicated that by adding on to that easement area with another easement then they just widen the options for what they may need there. He commented that yesterday there was a request by Bob Kulacz to send him their drawings and they have done that so it sounds like he said it in the design for this project. Mr. Pereira indicated that they will assist him in any way that he needs.

Mr. Pereira commented about the Fire Chief's letter in regard to the proposed concrete River Walk walkway 12 feet wide and he thinks John Guedes spoke to that. It really falls on the design of the River Walk itself so he isn't sure that they can really do much except accommodate it with an additional easement at this point. He offered to answer any questions.

Chair Parkins commented that she was having a hard time determining the location of the access to the underground parking is located on the plans.

Mr. Pereira responded that it was not ordinary and on the plan it is tough to follow. He explained the two curb cuts with one on either side. On the south side, he showed ...Mr. Schultz pointed out the location on the plan (comments inaudible)...

Mr. Guedes explained the outline of the building on the site plan, the T-format and pointed out the location of the parking area in the middle as actually being underneath the building, as well as another area that is on the sides of the building and it is open. He showed where it would ramp down and come into this other area. He referenced the elevation drawings and showed the location of Canal Street and explained that gradual existing gray-shaded area with no filling that is taking place. He explained that once you get the gable end, the "T" of the building, you are already below the first floor and you drive underneath it. On Canal Street, you would just see the floors and in the back of the building it is one story lower. So in the front of the building the first floor is level or slightly above Canal Street and in the back of the building, it is one story lower. He showed the graded area from Canal Street down to the River.

Chair Parkins asked if there was parking along there.

Mr. Guedes responded yes, but the parking itself, the grade of it is very gradual. Even though it is 8 feet, it is over long distance, almost 300 feet; it is a gradual slope so there is open parking. Some of the parking is underneath the building and some is open on the sides of the building.

Comm. Dickal asked about the total of 106 parking spaces and asked about the two-bedrooms having approximately two vehicles. She commented that with 68 apartments and two vehicles per apartment, because even a one-bedroom could have a couple move in, she asked if that wouldn't be a little short - by about 30 parking spaces.

Chair Parkins responded that it could also be one person living in the one bedroom.

Comm. Dickal commented it was possible but they should think that they could need that other space because it is congested down there already.

Mr. Guedes responded that most of the municipalities in surrounding areas – he didn't know of any other than Shelton that have a 2:1 ratio. Most of them are 1 ½ : 1 ratio on this type of development whether Trumbull, Bridgeport, or wherever – it is 1 ½ :1. He pointed out that as the author of the Master Plan of Development for Canal Street, he is always very concerned that in the end they get the right product and, obviously, when the Birmingham went in, it was the first project that went in and there were a number of programs that had been put together that just didn't come to fruition. He added that is the reason why they have some shortage of parking at the Birmingham. It wasn't that it was developed without the thought of parking.

Mr. Guedes recalled for those Commissioners who were on the Board back then, they were supposed to get 30 some spaces along the railroad tracks that never materialized because the City couldn't get cooperation from the Railroad so there were a number of reasons why it has taken place. The one thing that is going to happen, and as they know, the City has already received a commitment from the State that the Chromium Processing Building is going to come down and that will provide – and there are different preliminary layouts that he's done to see what they could achieve there – a combination of landscaping and parking. It will provide 60 parking spaces for that area which will relieve some of the congestion.

Mr. Guedes indicated that he knows that there are some comments being made about Avalon. Avalon's ratio is 1 ½ :1 and that is what they came in with. They have plenty of parking. Someone said that some of tenants aren't using the parking that they have. He added that they should be using the parking that they have. Most of the facilities that Avalon has built

have not exceeded the 1 ½ :1 ratio on the parking. He believes that when those discussions were going on and they sought a waiver for Avalon, he believes that there were some physical inspections done of some of their facilities to make sure this was the case. Some of these things weren't just developed without thought. It is his belief that as long as they have a 1 ½ :1 ratio with all of the developments, including the future developments to the north, that they will be fine with the parking. Obviously, as Downtown develops, consideration has to be given as to the other factors, the development of commercial properties and how they will accommodate the parking. He reiterated that at this stage, as the developments are occurring – Spongex and Rolfite – and the design stages – Chromium Processing is going to come down, it is going to be capped and there will be parking facilities there so some of this relief – relief is going to take place as time goes on.

Mr. Guedes stated that in the end, and not just for Shelton but for the Downtown area to see the development, is primary. He indicated that he started with this program back in 2006 and he's still at it, fighting and making sure that things are happening. Now Angelo Malisi is finally proceeding to get movement, the Mayor is talking about possibly building the New City Hall and these things weren't happening 8 years ago and these discussions weren't happening. Mr. Guedes stated that he was confident that the ratio of parking that they have is adequate. He indicated that he has a similar facility under construction on Boston Avenue on the Bridgeport/Stratford line with the same parking ratio. Joe Pereira is also the engineer there so he'll tell you it is the same ratio. They only have 40 apartments there but it is the same type of ratio. He thanked them for listening.

Chair Parkins commented to the point of the parking and as John Guedes alluded to before when he came in with the 3-bedrooms, she had expressed some concern about that. In regard to the bedrooms, Avalon came in with the 1 ½ and she did tours of their other facilities and asked people if they had parking issues and there seemed to be none. She added that one of the things going on with Avalon is that they charge for their parking spaces so if people can park on the street for free rather than paying a monthly fee for parking, then they are going to park on the street. She stated that it was up to Avalon to manage that and for the Police Dept. to manage any sort of illegal parking. If they are not supposed to be parked on Canal Street then they'll be towed and then they will learn. She stated that when John first came in with the gates, she personally thought the gates would help protect the parking for the people who live in that building rather than having the lot open to anyone who could just come in and park there that needs additional parking.

Chair Parkins indicated that she also thinks that if they eliminate the closets from any dens, it will lend itself to not being used as a bedroom.

Comm. Dickal commented that she can see right now that they have five units with a den and...

Chair Parkins responded that it is fine because people like that extra room.

Comm. Dickal agreed as long as it doesn't become an extra bedroom.

Chair Parkins commented yes, so she thinks that by eliminating the closet where those are located... In regard to Chief Jones' point about the fire access, she is sure that there are things that they can do with that gate. It was suggested about having it tied in somehow when the alarm goes off where the gates would automatically open. She added that she didn't know that was a concern but added that she is personally in favor of the use of the gates.

Comm. Dickal agreed.

Chair Parkins asked if Avalon didn't have the gates, a gated system built into their structure.

Mr. Pereira responded yes, and garage doors also are (inaudible)...He added that they could have those gates that fail open which means that when they lose power, the gates just pop open.

Comm. Dickal asked if there was some kind of a pass that the Police or Emergency personnel could use to get access in there quickly.

Mr. Pereira responded yes, he would imagine so.

Chair Parkins agreed, yes for the first responders. She is sure that there is a work-around for that.

Mr. Pereira commented that they could be break-away, smash through and not damage the vehicle. There are options there (inaudible)...

Comm. Harger asked about the entrance from the parking areas that are outside and if they would be around the front or walk underneath there and come in the back door (inaudible)...

Mr. Guedes responded that there are two access points. One is the front entrance both from Canal Street and from the parking garage side. There is another in the back, another elevator with entry up from the rear parking. Both ends are being covered.

Comm. Harger stated that she just wanted to make sure that she didn't miss something on the sides.

Mr. Guedes stated no, as they can see, in the back middle, there is an elevator...

Comm. Dickal asked if there were also stairwells.

Mr. Guedes responded that there are a total of three stairwells. It is covered; a building of this type could bank - like for the Birmingham, they banked the two elevators in the front so they have a long walk. In this location, they figured it would be more convenient to have one in the back and one in the front. He asked if there were any other questions.

Chair Parkins asked if this was still going to fit in with the total Master Plan of 500.

Mr. Guedes responded that the Master Plan was over 600 units which didn't include anything south of the bridge. This is north of the bridge and it will now bring it to 400 units and there are still 250 units to go.

Chair Parkins responded OK. She asked if she understood correctly that the outside is all brick.

Mr. Guedes responded that's correct except for the top gables. He added that at the front they can put relief angles and so forth but that becomes of a problem because it is up on stilts to try to get that height to support the brick.

Chair Parkins asked if there was any thought given to consistent window treatments.

Mr. Guedes responded that, as part of the construction budget, they now provide blinds on every project so they are just automatic now.

Chair Parkins asked if there was something in the lease agreement says that they can't be taken down; they can't put curtains up but can't take the blinds down.

Mr. Guedes responded that it is difficult at times but for the most part the blinds go in and generally once people have them they don't take them down. It is now pretty much standard after the Birmingham. For the Birmingham, the thought was that people didn't want anything on the windows because they wanted that natural, industrial loft type of thing but then people started hanging their underwear on there.

Chair Parkins agreed yes it looks pretty bad coming over that bridge.

Mr. Guedes stated that for every single project that they do, they automatically put in for the window treatments, the same way they do for the appliances. This building here is also being designed so that everything is Energy Star® and rated for equipment, insulation, etc. and they are doing that with all the buildings as well. They hire a Home Energy Rater who comes in and dictates how they build and what equipment they have to use and so forth, so everything now meets Energy Star®.

Chair Parkins asked if there was a washer/dryer in each unit.

Mr. Guedes responded yes, there are stacked units. There is a laundry unit in every single apartment.

Comm. Tickey asked about the entrance way and how someone would open the gate and if it would be a code or a pass.

Mr. Guedes responded that there are different systems and when issues got brought up such as this one with the Fire Marshal - it is a matter of working with them to determine the best type of system. They have remote control systems, no different than systems for your home, there are key pad systems, swipe card systems, remote control, programming the car (inaudible)...

Chair Parkins asked if the plan would be that each rental unit gets one space and then the rest are marked Visitor.

Mr. Guedes responded that one parking space designated and the rest are floating. As he said, they have 1.6 per apartment. There are a few additional spaces provided for guests but normally it is the same thing that everyone does – one per apartment assigned and the rest are floating. As he said, the key is for relief and that is going to be Chromium Process coming down. The issue is going to be how much value is placed on landscaping versus parking. The lot will accommodate about 80 parking spaces but if it is also meant to be a landscape feature with the gateway then they will lose parking to create more landscape which is probably the best factor because that will be the gateway to the rest of the project.

Chair Parkins stated that there is also the municipal lot right there a little (inaudible)...

Mr. Guedes responded that the other problem is that those details still have to be worked out. If it is a municipal lot then how...a program has to be worked out but he does know that it is going to be a parking lot. It's the need for that area but how they get to it is still to be determined.

Chair Parkins indicated that she was talking about the existing municipal lot.

Mr. Guedes responded OK, those are still available but he never counted it as a part of this program because those are just flowing.

Chair Parkins commented right, well for people who say that there is nowhere for their guests to park.

Mr. Guedes stated that he has noticed that some people that have parking spaces at the Birmingham will park on the street if they get a chance because it is easier.

Chair Parkins commented yes, it's convenient. She asked the Commissioners if there were any other questions for the Applicant. She asked Mr. Panico on Skype.

Mr. Panico asked how visitor parking is handled using the gates. He asked if they would have access to park on site or will all visitors have to park on the curb.

Mr. Guedes stated that he thinks that they can handle that in the final design stage. It will be a matter of where those gates are located. Possibly they can locate them four spaces down or something to allow for visitor spaces.

Mr. Panico responded that would make sense to allow vehicles that are up the street or waiting for the gates to open also.

Mr. Guedes indicated that he thinks the Chair's comment towards it was more of a concern of Once the River Walk gets going and so forth. They are going to have people who will just find a parking space no matter where it is and just park. The intent was about protecting the parking facilities from other people. He believes that is how the idea of these gates came into being. The question is if they have the gates, how do they accommodate visitors if they don't have access to the gates, how do they accommodate (inaudible), and how do they accommodate the Fire Department – these are all serious issues that will be addressed in the final design. His thought is that those gates will probably be four spaces in and that will allow for some visitors,

including the handicapped spaces which should be accessible to the visitors as well and those are always in the front. They will probably allow for at least six visitor parking spaces.

Mr. Panico asked about bulk storage or seasonal storage if someone has a bicycle or whatever. He asked if they would keep it in their apartment.

Mr. Guedes responded yes, and they are going to have to figure it out. They made some arrangements, the design calls for some space in the basement that cannot be habitable because of the flood elevation. They can use it for utilities and therefore, there may be a possibility for some bulk storage space to be utilized down there.

Mr. Panico indicated that those are the two concerns he has right now, but he hasn't really done a detailed study of the materials yet. He had some parking questions that have been discussed at length so they'll go from there.

Chair Parkins indicated that they would open this up to the public and asked people to direct their comments to the Commission and not to the Applicant.

**Gerald Romano, realtor and owner of Romano Real Estate, 38 Saugatuck Avenue, Westport, CT addressed the Commission.** Mr. Romano thanked the Commission for allowing him to speak. He stated that he represents John Watts as his realtor and he'll be making comments for him.

Mr. Romano stated that Mr. Watts has a concern that before anyone can get a Building Permit that there needs for some things to happen. Last week he met with Mayor Mark Lauretti and they had a discussion about Mr. Watts' property and what is going to happen with Mr. Guedes' property. He indicated that he received these site maps that he has right now from Rick Schultz that show the taking of land in order to complete the road to make the project work.

Chair Parkins asked if he was speaking about Mr. Watts' project or this Application.

Mr. Romano responded that he was talking about permits to get this project built.

Chair Parkins asked whose project.

Mr. Romano responded yes, Mr. Guedes' project.

Chair Parkins commented that the discussion tonight is on Guedes' property.

Mr. Romano responded yes, that is what he's referring to. He continued that in order for Mr. Guedes to get an approval to build his project, they have to have this road completed. It is in this plan that was given to him by the Planning & Zoning Department. They have to get land from Mr. Guedes, they have to get land from Phil White, and they have to get land from John Watts in order to complete the road to get any permits to build any kind of residential structures. He added that he met with Mr. Schultz who told him the same thing.

Mr. Romano commented that Also, as they know, Wooster Street is closed off. He read in the P&Z Department's (inaudible) it is closed off temporarily. In discussing this with the Mayor, he asked what is required to get permits and to get this thing rolling. The Mayor informed him that the Railroad has to have their tracks realigned. When he asked why the tracks had to be realigned, the Mayor told him that the person who built a garage down the street is in the line of sight of the Railroad and it is preventing...and it has to be paid for by the City of Shelton in order to get permits to do the road and move forward with any project on that street.

Mr. Romano commented that at the Birmingham it is called the Birmingham Group, LLC . They built 116 spaces and from what he understands from the Secretary of State, that company has been dissolved. He added that the Mayor also told him that they don't have to have a crossing over and they can leave it permanently shut. He asked him how they would do that because it means that they would have to have a turnaround and take more land from somebody else who isn't shown on this site plan.

Mr. Romano indicated that when he talked to Rick Schultz, Mr. Schultz said that he wasn't in favor of that because with 600 units on that road it is about 1200 cars daily with only one way in and one way out. Mr. Schultz wants another way out. Mr. Romano added that they also need another way for the fire trucks to come in and out and not just a one way.

Mr. Romano commented that the Mayor suggested that he talk to the DOT and he gave him a name and phone number. So he called up James Bedford at the DOT who was on vacation and he was given the name of Carl Adams who is the head of the Rail Administration. Mr. Adams told him that the people he needed to speak to about this were out of the office and he would call back next week but it is Wednesday now and Mr. Adams still hasn't called back.

Mr. Romano indicated that he called Matt Whitney, counsel for the Housatonic River Committee and he sent him an e-mail and spoke to him on the phone. He explained the whole situation to Atty. Whitney about his client on Canal Street and being unable to get permits, the

realignment, etc. He added that you can't build on Canal Street until all of these things are done. He read his e-mail to Atty. Whitney:

*Matt:*

*It was great speaking with you today. You were very informative. Please send me any and all pertaining to the Wooster Street closing and opening, traffic light and the reason for this line of sight, how it pertains to parking garage built on Canal Street, etc.*

*I'm told by the Mayor and P&Z Dept in order to build apartments and get a CO from the City the above things must be done or no crossing open and get a CO from the City and the DOT.*

Mr. Romano added that he told Atty. Whitney that he was representing an owner on Canal Street. Atty. Whitney replied back to him:

*Jerry:*

*I spoke with our General Counsel who handled this and has filled him in on all details of what took place. I've got all the information you'll need on this and I believe that our interests are aligned here. We would be happy to reopen the Wooster Street crossing but the track has to be realigned before we can do that and the City has yet to follow through on their agreement to fund it. The crossing has not been permanently closed. The deal between Connecticut DOT, the Railroad and the City is that the crossing will remain temporarily closed until the realignment is completed. The Engineering work mentioned was completed years ago by the Railroad. I will forward you the documentation as soon as I get the file.*

Mr. Romano asked how anybody could get a permit to build apartments – they are putting the cart ahead of the horse. He added that all of this has to be done and nothing is done – absolutely nothing. He said that if they want to give Mr. Guedes a permit – and he hopes he gets it - but then Mr. Watts and everybody else gets permits under the same circumstances. He added that he doesn't know how they are going to do that because there is no documentation that anyone is going to give up their land to make this road wider. He saw nothing on file saying that they were going to give up the property to make that road wider so how can he possibly come before the Commission and ask for a permit to build something when it isn't in place.

Chair Parkins commented that she's takes it that he's opposed to this project.

Mr. Romano responded that he wasn't opposed to the project.

Chair Parking commented OK.

Mr. Romano responded that he was opposed to it being out of sequence, OK.

Chair Parkins commented OK.

Mr. Romano indicated that he can't sell the property because nothing is being done.

Chair Parkins asked what property and if he meant this property.

Mr. Romano responded any property on that street because it is out of sequence and things have to be done and it has to be documented; the Mayor knows it, Mr. Schultz knows it.

Chair Parkins asked if he was an attorney.

Mr. Romano responded no, he was a realtor.

Chair Parkins responded OK, thanks.

Mr. Romano stated that if they can give permits when they have none of this done – he added that he doesn't know how they can give permits to anybody without this process being done.

Chair Parkins responded that they can approve PDD's. They don't give permits. The State controls permits. They control zoning, that's what they do; that is what they are charged with.

Mr. Romano stated that Zoning should make sure that they can drive on the road.

Chair Parkins responded that you can drive on the road.

Mr. Romano commented that you can't because the road isn't built. It stops at Avalon Bay.

Chair Parkins responded right.

Mr. Romano stated that from Avalon Bay forward, people have to give up property in order for them to build this to Code.

Chair Parkins responded that they are getting the easements that are required for that part of the road from the Applicant.

Mr. Romano stated that is only part of it; it has to go all the way up to Wooster Street, that is part of the phase.

Chair Parkins responded that this Applicant doesn't own all that land so he can't give them land that he doesn't own.

Mr. Romano commented no and asked where the fire truck was going to turn around. He commented that there is no room for a fire truck to turn around down there.

Chair Parkins indicated that was for the Fire Marshal, not them. They have letters from the Fire Marshal that (inaudible)...

Mr. Romano stated that she said to him that he can give permits to build...

Chair Parkins clarified that she did not say that they could give permits. She reiterated that she said they can give approval for PDD's. They can the process the zoning request. They do not issue permits.

Mr. Romano asked if they could give approval for apartments when you can't drive on the road. He asked if that was what she was telling him that they could give that approval. He asked if this gentleman could go and get a permit to build them.

Chair Parkins responded that she can't tell him if he can go and get a permit unless he satisfies the City Engineer in terms of what needs to be done on that road. She indicated that they are all compartmentalized and they all have their charge and this Commission's charge is to approve the use of the land – the zoning and then he would get ...

Mr. Romano responded that he won't get into Mr. Watts but they tried for a long time and they couldn't get anything.

Chair Parkins indicated that he would have to apply and satisfy the City Engineer before he could build anything. At least that is how she believes it is done.

Mr. Romano commented about satisfying the City Engineer and stated that he was holding the City Engineer's map and none of it has been done.

Chair Parkins responded that they have a letter here from the City Engineer. She added that she doesn't know if he was here when the Secretary read the correspondence that they received - all the correspondence that they received from the people that they consult with.

Mr. Schultz indicated that he gave John Watts a copy of it.

Mr. Romano stated that he was here and asked if they had sign-off from Phil White and (inaudible)...

Mr. Schultz responded that they received recommendations.

Chair Parkins indicated that they don't receive sign-offs from other land owners.

Mr. Romano stated that was a part of building a project in order to have the road built to Code. In order to have the road built to Code, you have to have the road and they don't have it; the City doesn't have it. You can use condemnation if you want but it will take years so nothing can happen.

Chair Parkins stated that all she can tell him is what their purview is here and that is what they are charged with.

Mr. Romano responded that this is unbelievable. He can't believe that they can approve a plan and (inaudible)...

Chair Parkins indicated that they already have a PDD approved on that entire site all the way down. There is a Planned Development District, #60, that is already approved by this Commission.

Mr. Romano responded OK, provided you get the land owners to give up some of their property that is the condition...(inaudible)

Chair Parkins stated yes, it is all predicated upon conditions – that is correct.

Mr. Romano commented that they don't have it. They don't have documentation that they gave up that property.

Chair Parkins responded that she wasn't giving anybody a Building Permit.

Mr. Romano commented that she just told him that she's giving him a zoning permit – if they vote on it, they'll give him a zoning permit.

Chair Parkins indicated that she doesn't know that he understands their process.

Mr. Romano asked if they were the Planning and Zoning Commission.

Chair Parkins responded yes, they are.

Mr. Romano stated that when they give someone the OK to build something, the next step is the Building Department.

Chair Parkins responded that they aren't going to get the Building Permit if the City Engineer doesn't agree with what is done and that is why they have consulted the City Engineer, the Fire Marshal and the Fire Chief.

Comm. McGorty stated that was their charter.

Comm. Dickal commented that they recommend to this Commission what needs to be done prior to (inaudible)...There is a sequence (inaudible)...until those things are (inaudible)

Mr. Romano responded that if they give them an agreement it is all moot until it happens. It means nothing.

Comm. McGorty stated yes, until everything is acceptable.

Chair Parkins stated that it is a process.

Comm. Dickal added that they give their recommendations of what needs to take place, be improved and then Applicant will work with the City Engineer, Fire Marshal, Police Department or whoever is necessary to get done.

Mr. Romano asked if they meant that they don't work as a whole body but they work as individuals.

Comm. McGorty responded that they do, they take their input and (inaudible)...

Chair Parkins stated that they are one piece of the puzzle and added that Inland Wetlands has their purview.

Mr. Romano commented that they don't share information with the other departments.

Comm. McGorty responded yes, actually they do.

Comm. Tickey explained that they ask the other departments for their recommendations and come to their public hearings and speak (inaudible)...

Mr. Romano stated that he didn't see that letter but asked if it says that you cannot build anything until this road is built on this plan.

Comm. McGorty responded that is for the Engineer to say.

Chair Parkins asked if he had a copy of the letter because she doesn't think he understands.

Mr. Guedes stood up to address the issue.

Mr. Romano responded no and asked if this was OK because it's the Applicant.

Chair Parkins stated it was OK because Mr. Guedes will speak to the Commission in an attempt to clarify this for you.

John Guedes stated that he thinks that, unfortunately, Mr. Romano is late into this and doesn't have the entire history. To refresh the history, indicated that he is the one that applied for the State Traffic Control Commission permits and he is the only one that has the intimate knowledge of what took place and what is going to take place and, unfortunately, Mr. Romano has the same information that isn't backed up by history. He indicated that in the same way that they got a Building Permit for Avalon without the road being completed is the same way that they are going to get permits for all of the others. The only restriction they have is that in order to open up Wooster Street, the crossing has to be installed, however...

Mr. Romano interjected that the tracks also have to be aligned.

Mr. Guedes responded that was none of their concern – it was between the City and the State. The only concern that they have is that as each development occurs, whether it is Site C or Site D or Site E all the way down the line, that a modification to the STC permit has to be filed. They

have to present facts and they will have to present how emergency vehicles will have to be turned around. He stated yes, the discussion is that a cul-de-sac will have to be built at the "T" of Wooster Street in order to accommodate that, if the situation the issues of the Railroad are prolonged. Mr. Guedes stated that the Mayor has had intimate conversations with the Commissioner and he was up there last week so he is dealing with it. At the meeting he had on Monday between himself, the Mayor, Jim Ryan and Paul DiMauro they discussed this issue of how this is going to happen and whether it was going to happen on Site C or Apex or any other site and how they can accommodate the development.

Mr. Guedes stated that, obviously, the Mayor is very frustrated with the whole process; he posted \$900K to accommodate the work so it isn't as if the City wasn't committed. When he went up there he indicated that he told the Commissioner to forfeit his bond, do the work themselves or whatever because they have to move this thing ahead. Mr. Guedes stated that it was an issue he wasn't going to get into and nobody else needs to get into. It is between the Mayor and the State. As far as this project and all of the other phases going to it is the responsibility that he assumed 8 years ago; he is the one that has kept the permit alive, he's the one that has filed for extensions and he's the one that stepped in when Avalon wanted to proceed and accommodated their needs to build, get Certificate of Occupancy and it is the same way it is going to go on down the line.

Chair Parkins asked if he was holding a State Traffic Commission Permit.

Mr. Guedes responded that's right (inaudible) the entire project.

Chair Parkins commented OK and asked if he modifies it each time.

Mr. Guedes responded yes, he modifies it every time a project gets built.

Chair Parkins responded OK.

Mr. Guedes stated that they went down that way is because they were never 100% sure that what was depicted on the Master Plan of Development was ever going to be built. They knew that there was going to be modifications like what is happening right now. He added that they don't know what is going to happen at Apex; if somebody comes along and decides that they want to do a large building or what have you, the facilities will be there for it or if they have to (inaudible) or whatever.

Chair Parkins asked if the STC will determine whether your project will (inaudible)...

Mr. Guedes responded every step of the way – they cannot develop anything. The next phase after this Commission approves this program, the next stage is that they will be filing modified plans with the STC along with a program to deal with emergency vehicles for the purpose of getting their approval. He added that nothing gets through without filing...it is not just this Commission, or the Fire Marshal, City Engineer and so forth, they have other parts of this that have to be included and one of those parts is the STC. Mr. Guedes concluded that he hopes that clarified it.

Chair Parkins thanked Mr. Guedes and commented that it clarified it. She added that she hopes it clarified it for Mr. Romano.

Mr. Romano responded no it didn't, absolutely not, no and commented that he didn't know how they can give an approval for something that is not even recorded as accepted or approved and property owners have written letters indicating that they are giving up their land in order to make this roadway go through. He asked how they were going to open up Wooster Street.

Chair Parkins reiterated that the State Traffic Commissioner and the Applicant who is building (inaudible)...

Mr. Romano responded that it was a part of making this thing work.

Chair Parkins stated that they could around in this circle for the next hour and half. She commented that they are losing ground here.

Mr. Romano commented that Mr. Schultz was the one who told him that he doesn't like the fact that Wooster Street is not open and won't approve it.

Chair Parkins asked if he had any other concerns.

Mr. Romano concluded his comments and thanked the Commission for letting him speak.

Chair Parkins called the next person signed up to address the Commission, Atty. Atwood.

**Atty. Timothy Atwood, 281 Canal Street, Shelton, CT addressed the Commission.** Atty. Atwood stated that he's been involved with the project since its inception and he represents Mr. Watts.

Atty. Atwood reiterated that they were involved in all of the initial drawings and all the initial plans. He stated that he was essentially going to limit his remarks to one concern which he believes bears directly upon this proposal. He clarified that neither he nor Mr. Watts have any objection to Mr. Guedes going forward with the development that he wants to do. Their objection is the parking.

Atty. Atwood said he would start by asking a couple of simple questions. He asked if there was anyone on the Commission who doesn't have two vehicles. He asked if anyone knows anyone who can afford these apartments who does not have two vehicles. He asked if anyone knows anyone who can afford the Avalon apartments who doesn't have two vehicles. He stated that he could ask the same question about the Birmingham development and yet despite the City of Shelton Regulations which quite reasonably reflect current parking and vehicle usage realities, each project to date north of the bridge has sought and received a waiver from this Commission waiving the parking requirements.

Atty. Atwood indicated that he wanted to ask another question and asked if any of them drive up and down Canal Street. Oddly enough, he does. He used to drive up and down Canal Street at least four times a day, every day. Since the Fire Marshal has basically closed down all buildings on the north of Canal Street, he doesn't. He only goes there one or two afternoons a week for a couple of hours because far be it for him to argue with the Fire Marshal.

Atty. Atwood commented that the reality is, and this is just a personal (inaudible), Canal Street has been developed and repaired at such a wonderful level that he personally lost three tires to the state of Canal Street in the last two years. If anyone would care to try and venture all the way to the north end where his office is, he suggests that they use a 4-wheel vehicle. The parking is the issue here. If you drive up and down Canal Street at any time of the day or night, vehicles are parked on both sides of Canal Street and in the entire beneath the bridge area as it comes to the exit and entrance to Bridge Street, going up to the bridge from Canal Street. It is entirely parked up and the area south of the Bridge where the old Spongex factory is parked up for at least a block.

Mr. Atwood stated that he actually did listen to the letters sent to the Commission and looked at the letter from the Fire Marshal. He believes that his letter is "all access must be deemed a fire lane and no parking allowed." It is sanguine at best to suggest that with police enforcement the cars will go away. The reality is that the cars have no place to go away. The Applicant mentioned that Chromium Process is going to be demolished but that is a good ¼ of a mile away. He asked if there was anyone on the Commission who parks their car ¼ of a mile from

their residence. It is not going to be solved and the current reality on Canal Street exists constantly and quite directly from this Commission's action within their authority and within their imminent control. The City of Shelton Regulations requires a 2:1 per residential unit parking ratio; they waived that for the Birmingham, they waived it for Avalon and they are now looking at an application that is asking them to waive it again. He asked why that was and commented that it is because the Applicant doesn't wish to consider a commercial deal to provide adequate parking within 100 yards of his development that would meet the Regulations.

Atty. Atwood commented that it was a coincidence that his client happens to own a parking lot right across the street. Let the Applicant negotiate with them, abide by the City's Regulations and try to alleviate some of the parking disaster that exists. He added that he wasn't literally throwing stones but whenever he drives up and down Canal Street, it throws stones at him. Try to alleviate some of the parking congestion that this Commission's actions have already generated.

Atty. Atwood stated that each time both Mr. Guedes and then Avalon comes in, they assure the Commission that this will be worked on and there won't be a problem or they have 30 parking spaces along the Railroad but they didn't.

Atty. Atwood addressed the issue of building 68 residential units and he noted that the Chairperson of the Commission inquired how many units were approved for the area-wide development and the answer was 600. He asked them to add up how many total units of that approval this Commission has granted approval for in the first three properties. He asked if this was an area-wide development intended to be fair and equitable to the property owners, then why is it that this Commission has already approved more than two-thirds of the total number of units on less than half of the total footage of the land. He stated that it was an interesting conundrum.

Atty. Atwood commented that he speaks and hopes as someone more rationally, the issues that really are within this Commission's authority. It is clear and he suggests to them that their lack of willingness to enforce the existing Shelton Regulations regarding parking has generated a daily and ongoing disaster. He suggests that the Fire Marshal approval of this proposal, subject to his concerns about the gate – and he shares Mr. Guedes' and Mr. Pereira's opinions about the gate can be solved – but the parking cannot be solved on the proposal that they have before them.

Atty. Atwood indicated that he wasn't against the proposal but he's suggesting that the rightful and proper exercise of their authority is to respond to the Applicant that he require sufficient parking to meet the Regulations just so they won't be on Step 3 of aggravating an already disastrous situation.

Atty. Atwood indicated that he also spoke to the Fire Marshal and the Fire Marshal and the Fire Chiefs are not at all happy about their access to Canal Street. He indicated that he has also spoken to the State Traffic Commission. The STC is committed to the idea that they will not allow residency certificates, Certificates of Occupancy for further properties on Canal Street until there is a second access to Canal Street. That second access has been closed off by, he guesses, not your employer, your master, the City of Shelton.

Chair Parkins asked Atty. Atwood to please wrap up.

Atty. Atwood stated that until the City does something about the access to Canal Street they cannot solve the parking problem; and, if they approve this application as submitted then they will just aggravate it. He concluded there's the answer and thanked the Commission.

Chair Parkins thanked Atty. Atwood and asked if there was anyone wishing to speak regarding this application.

**Richard Widomski, 49 Christine Drive, Shelton, CT addressed the Commission.** Mr. Widomski commented that last week he stumbled on the Legal Notice about this property being developed. He asked if this was the property right next to Avalon that abuts it.

Chair Parkins responded yes.

Mr. Widomski stated that he looked through the minutes of June 1, 2011 when they got approval for Avalon. At that time, most of what (inaudible) there were 30 parking spots that were supposed to be done by the City and another 30 parking spots that he mentioned were given to them to use from the City so there were 60 parking spaces off site; one on the other side of the tracks and one in the existing municipal lot – he thinks that was the deal. He said that he looked further on down (in the minutes) and started looking at the parking for Avalon. At that time it was mentioned by the Commission and Mr. Guedes, that the possibility exists that land zoned the way it is now, that parcel, there were going to be 40 shared parking places but there are three areas in the minutes that had three different answers.

Mr. Widomski said that one person said the possibility exists, another person said that they didn't talk about the 40 but then there are another 22 parking spaces that Avalon said that if they needed them, they would put in the parking. This parking abutted the property "C" which they are talking about now. The idea was that if Avalon needed parking, the drive up road that was going to be access to the retail that was originally planned, use that same road and take it south all the way to the River Walk so it would have been access to River Walk. He continued that also, that same easement that the City has or had and that Avalon was getting or has or had easement so they were also going to use that road to park their 17 or 22 spots (depending upon how you read into it, there were 17 spots with another 5 somewhere else). They also indicated that they were going to use road for additional parking of the 17, possibly 22. It also mentioned in the minutes that if the City wanted some type of parking to use the River Walk, that the City, anybody who wanted to use the River Walk, would be able to use that parking area because they figured that those 17 or 22 spots would not be used during the day as long as they weren't taken at night. They were talking about some additional 62 additional parking spaces for Avalon – 40 shared and the other 22, wherever they were going to be – 17 mentioned off of the road.

Mr. Widomski stated that his point was this; when he moved into town about 50 years ago he drove down Canal Street and thought that something had to done and something is getting done but already they've have problems. One problem is, and maybe it isn't Mr. Guedes problem but a City problem, because he doesn't have enough parking for the Birmingham or (inaudible) so that should have been taken care of by the City. He thinks that this agreement between the City and Mr. Guedes and that burden, he thinks, falls on the City. He doesn't know about Avalon and he has no idea if they really lacks the parking or if it's the parking fee, he doesn't know and he doesn't care, but what he doesn't want to see is them all of a sudden they come forward to that they need to put up a parking garage. The City needs a parking garage but then when you look into it, it's not the City that needs the parking garage, it is the people that live in the apartments there. So the burden was already shifted from the Birmingham to the City, so because they want to get the project going they cut a little slack, but to continuously do it doesn't make sense to him.

Mr. Widomski stated that they should make sure that, at least with this project, there is sufficient parking so at least they've got one done correctly. They've got two strikes and if they were playing baseball, at the next one they are out – gone. He indicated that was his point of view – see that it is done correctly and if they look at the minutes, give them access to those 22 spots or make some kind of arrangement, if they really need it.

As the experts and the ones who make up their minds and give the OK, the Commissioners should know, whether it will take them to go down there and take a look and see if there really is a parking problem or if it's that people don't want to park in the garage. They don't know and have to find that out. Whatever 1.6 works than it is fine but they should find out and not continue on this path. Back in 2011, they said this was going to be done. He agreed that there were a lot of problems there – the economy and other problems - and he understands that in this day and age they can't look out another five years but they can at least make sure that what they are putting in now is going to work and if they correct anything else while doing it than that's good. He reiterated that they should do it right. He thanked the Commission.

Chair Parkins thanked Mr. Widomski.

**Mr. John Watts, owner 235 Canal Street, Shelton, CT addressed the Commission.** Mr. Watts indicated that he owns 235 (adjacent to 223 for this Application), 273, 281 (last building on Canal Street) and two parking areas adjacent to both buildings on Canal Street and he wanted to speak against this Application.

Mr. Watts stated that Mr. Guedes is correct in saying that he started this in 2006 and approached him in 2006. Mr. Guedes told him "Wow, I've got a deal for you." He said he wanted to handle the building of Canal Street which had an operating agreement which expired without producing anything. By then Mr. Guedes bought 273 through one of his companies, Canal Street Associates, closed the deal with him making himself the making manager, and for 6 years he ignored the project.

Mr. Watts stated that he finally took Mr. Guedes to court and he got a strict foreclosure on the property. Mr. Guedes also bought 235 Canal Street from him which is next to the property that he's working on now but gave it back to him because he couldn't make the payments. Now Mr. Guedes is asking him to sell back 235 for this project that he's working on now. Mr. Watts said that he told him "no," he didn't want to do that and wants to keep the building for himself and his kids.

Mr. Watts stated that he has been put off being put in front of the Commission for Planning & Zoning for five months. In that five month period, he submitted all the plans, everything in conjunction with the original plans that they had for PDD #60. At the last moment when he was going to meet with the Commission for a public hearing, Mr. Jim Ryan called P&Z to ask that the application be put off.

Mr. Watts asked why because he had waited so long and he was told that they wanted to change the rules by which they are playing. Mr. Watts stated that “the rules by which they play” means that Mr. Guedes gets this project, gets an improper share of what was originally agreed to when he was given the project, therefore, reducing the plans for the property that is still down the street.

Mr. Watts said that he owns the rest of the property down the street except for Better Packaging who had to move out because they couldn’t get their trucks in and out of Canal Street. The trucks had to pull in and back up many feet back into the crowded street in front of Avalon and it caused them great problems. Better Packaging moved out and is in the process of evaluating whether it would be to their benefit to tear the building go on with their life. They can’t sell their property just as he can’t sell 235, 273 and 281, because the State Traffic Commission has put a moratorium on any further residential development along Canal Street until the issues before the Commission are resolved.

Mr. Watts stated that he doesn’t think that they fully understand what the problems with the parking are. He doesn’t know how that got by but the Avalon complex has 250 apartments and probably 500 cars not (inaudible). He stated that there was no place for their garbage. Avalon puts the three or four garbage containers every day out on the street and when the garbage truck comes it has to park in the middle of the street to get the garbage containers and take them away to the dump. Sometimes during that day after the truck comes, Avalon comes and moves the garbage containers back someplace in the building. Of course, the garbage company can’t get into the building because of height restrictions on the parking garage. It makes it difficult, absolutely difficult. Avalon does not give two parking spaces to its tenants. They give them one parking space and charge an additional fee for the other parking space. They have to pay for it; it is required by the City.

Mr. Watts stated that he has no concern about Mr. Guedes’ plan to build more units on 223. As he said before, he was approached by Mr. Guedes to sell him the property. As someone else just said, two strikes in baseball and the next one you are out, he added that he has to take his lumps and now he is faced with \$220,000 tax bill that was not covered by Mr. Guedes’ Canal Street Associates as promised. He added that he gave up to Mr. Guedes on interest only payments on 235. He subsequently came in with his crew and demolished the interior of the building so it is totally impossible to rent. He checked with the State Department of Transportation and they told him that he could get a Building Permit but he couldn’t get a Certificate of Occupancy from the State.

is under the same limitations as before. There is no way in this world...he's offered him free land and anything he could do to work with him to see if they can't get the road problem solved, but he always hits a dead end by saying that it was up to the Mayor to do whatever he was going to do. As far as the Railroad is concerned, he has been told by many people that was a dead issue; they aren't going to do anything to open up Wooster Street.

Mr. Watts indicated that he's suffered great damages waiting nine years and he thinks that he has been more than patient. He's tried to do everything (inaudible)...including giving Mr. Guedes the right for two buildings which he had to take him to court to get back for non-payment. If they allow this man to do what he says he is going to do on 223, he just doesn't think that is correct. The parking is an issue, the opening of the road is an issue that it affects him financially, completely. He has four people who would like to buy the property but they will not stand for me giving them a condition for interest free and no payments until they can get all of the permits that they need. It is (inaudible) for Mr. Guedes and the Commission to know that the building can't get CO's. They can get a Building Permit and he has a Building Permit coming to them on May 12<sup>th</sup> of this month doing exactly what was planned in 2006 with no changes, all the same, 23 apartments with more than two parking spaces per residential unit.

Mr. Watts commented that his problem was if he had to wait another 9 years until the City can do what they said they were going to do when they gave Mr. Guedes the permit to develop Canal Street. It is a fine area to develop, it looks good but something has to be done because it has cost him 9 years and he's tired of it and wants to stop. Mr. Watts stated that Mr. Guedes asked him to sell 235, money was mentioned but after being burned twice by Mr. Guedes (inaudible)...

Chair Parkins asked Mr. Watts to wrap up his comments because it is becoming a little bit repetitious.

Mr. Watts indicated that he was done.

Chair Parkins thanked Mr. Watts and asked if there was anyone else in the audience who wanted to speak. With no other comments, she asked Mr. Guedes to respond.

Mr. Guedes stated that he would make his comments quick and brief. He wanted to make two points. Regardless of whatever arrangements he and Mr. Watts have had in the past has nothing to do with this hearing, but he wanted to point out and wanted the Commission to keep in mind that when the Master Plan of Development was created the parking ratio was 1 ½ :1. The Regulations to make the Parking Regulations 2:1 came after the fact; they can look

at when the Regulations were changed but the Standard that was adopted by this Commission for the Shelton Riverfront Development was based upon 1 ½ :1 parking ratio. He wanted to clarify that.

Secondly, Mr. Guedes addressed the comment brought up concerning what Avalon was supposed to do or not do. Again to refresh the Commissioners who were sitting at that time, there was a discussion that was held and the discussion was about what would happen in the future if additional parking was needed. Avalon came up with a plan showing that if that ever was to happen that this could be done, but they never committed to do it. But this Commission wanted to see where, if it was necessary, where they could do it. The correction is, although it is correct, it was to be alongside Site C but it wasn't all the way down because of the jogs and so forth. They had presented a plan that showed 17 or 22 spaces but they never committed to build them. They always stayed with – that the parking they were providing which is the 1.45 or whatever the ratio had been – but for them it was more than adequate and that their business model showed that was what they needed. This Commission went along with it.

Mr. Guedes stated that he just wanted to make those two points. The issue, as he said, this Commission is not re-creating what has been done. They have adopted a Master Plan of Development. It was never stipulated that this was cast in stone. It was always understood that each site would be looked at individually by this Commission as the developments took place and this Commission would have the ultimate say as to what could or could not be done. If they are going to fix on parking and on the method that he has developed, this Master Plan of Development, then they certainly will have major problems with (inaudible) and the other sites. The reason being is that if the Master Plan called for those buildings to be rehabbed, and as they know, with all of these locations, there is no excess land. As a matter of fact, to develop (inaudible), he presented a parking garage on the Wooster Street lot but that parking garage was only a 1 ½ :1 ratio so all along. If they look at the Master Plan that they adopted, he isn't asking them to re-create it, but they will see that they adopted for this Master Plan of Development a 1 ½ :1 ratio on the parking. This is basically is what has been going on.

Mr. Guedes reiterated that he thinks the biggest problem that exists there now which keeps on being pointed at is the fact that, yes, there were 60 parking spaces that had been promised by the City – and he doesn't want to place blame – to accommodate the Birmingham because the Birmingham had limited land it could utilize for developing parking. Those spaces were never provided and that is the reason why they have the traffic issue down there. He commented that it has nothing to do with Avalon or this project or any other project that provides a 1 ½ :1 ratio; it has to do with the fact that the Birmingham, as it exists right now has only a 1.1 or 1.2

ratio per apartment. He stated that yes, there is a shortage of parking due to the Birmingham. He concluded his comments and thanked the Commission.

Chair Parkins thanked Mr. Guedes and commented that as Mr. Guedes just pointed out, there was a Conceptual Plan, PDD #60 that was approved and each parcel would come for approval based upon...so that is the case. She added that she knows a couple of the Commissioners weren't on the Commission at that time; that is how that original Concept Plan was presented.

Chair Parkins stated for the record that Mr. Watts alluded to the fact that he was asked to withdraw his application and added that they also asked Mr. Guedes to withdraw his application as well. Once the City Engineer finalized what was to be done with the road down there, then they were both invited to come back. Mr. Watts' application will be back on May 12<sup>th</sup> and Mr. Guedes was tonight.

Chair Parkins asked if there were any other questions or comments.

Comm. Tickey stated that there were a lot of things to discuss but no questions.

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

Mr. Panico responded that he didn't have any comments right now adding that there was a lot to digest here.

Chair Parkins asked where they stand, from the City perspective, as to what is needed.

Mr. Schultz responded the right-of-way issues, the easements, and he'll be distributing the revised plans that they received tonight to see if there are any additional comments, and he wants the Fire Chief to work with the Project Engineer on the gates because it is a big hang-up with them.

Chair Parkins commented that she didn't think it was a major hang-up.

Comm. McGorty agreed that it was workable.

Chair Parkins stated that she was wondering if there was a need to keep the public hearing open.

Mr. Schultz commented that it was the Commission's call.

Chair Parkins asked Mr. Panico if he felt there was any need to keep the hearing open.

Mr. Panico responded that he hadn't seen the revised drawings so it was difficult for him to say. He asked if there was any harm in keeping it open.

Chair Parkins responded that she'd rather keep it open and air on the side of caution.

Comm. Dickal stated that she wanted to keep it open.

Comm. Tickey agreed about keeping it open.

Chair Parkins stated that it is about 50/50 as to whether they need to keep it open but rather than miss an opportunity and (inaudible)...

Mr. Schultz stated that as the Chair indicated, Mr. Watts' application is coming back on May 12<sup>th</sup> to be accepted and there will be a public hearing on the fourth Wednesday in May. He asked if they wanted to put this on the agenda for the 12<sup>th</sup> before the next hearing.

Chair Parkins responded yes, there was no reason to keep it open past the 12<sup>th</sup>.

**On a motion made by Anthony Pogoda seconded by Nancy Dickal, it was unanimously voted to keep the public hearing open for Application #15-03 for 223 Canal Street, Site C.**

**ADJOURNMENT**

**On a motion made by Virginia Harger seconded by Jim Tickey, it was unanimously voted to adjourn at 8:50 p.m.**

Respectfully submitted,

Karin Tuke  
P&Z Recording Secretary