

The Shelton Planning and Zoning Commission held a special meeting on Tuesday, May 31, 2016, Shelton Intermediate School Auditorium, 675 Constitution Boulevard North, at 7:00 p.m.

Commissioners Present:

Chairperson Ruth Parkins
Commissioner Virginia Harger
Commissioner Anthony Pogoda
Commissioner Thomas McGorty
Commissioner Elaine Matto
Commissioner Jim Tickey
Commissioner Frank Osak (Alternate – Not Sitting)
Commissioner Ned Miller (Alternate – Not Sitting)

Staff Present:

Richard Schultz, Planning & Zoning Administrator
Anthony Panico, Planning & Zoning Consultant
Helen Solotruk, Acting Recording Secretary
Patricia Gargiulo, Court Stenographer
Virginia Evanoski, Recording Secretary

Tapes (2), correspondence and attachments are on file in the City Town Clerk’s Office and the Planning & Zoning Office and on the City of Shelton website www.cityofshelton.org.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Parkins called the May 31st Special Meeting of the Shelton Planning & Zoning Commission to order at 7:05 p.m. with the Pledge of Allegiance and roll call of members present.

PUBLIC HEARING

APPLICATION #16-6, DOMINICK THOMAS FOR INITIAL DEVELOPMENT CONCEPT PLANS AND PDD ZONE CHANGE (MIX USE DEVELOPMENT), FOR BRIDGEPORT AVENUE (MAP 50, LOT 9), LIP AND R-1 DISTRICTS.

Chairman Parkins stated that the Public Hearing regarding Application #16-6 will also be continued on June 28, 2016. **ON A MOTION MADE BY COMMISSIONER POGODA, SECONDED BY COMMISSIONER HARGER, IT WAS VOTED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING.**

Chairman Parkins thanked everyone for attending tonight’s meeting and for being part of the planning and zoning process. She asked that anyone speaking to please only state new concerns that have not been heard yet due to the amount of citizens that have signed up to speak. Chairman Parkins reported that the Planning & Zoning Commission has compiled a list of concerns and questions that they have for the Applicant (on file in the Planning & Zoning Office and the Town Clerk’s Office).

At this time, Chairman Parkins asked Secretary Harger to read a letter of correspondence addressed to Richard Schultz, Planning & Zoning Administrator, from Robert Kulacz, City Engineer, stating concerns he has with Application #16-6 (on file in the Planning & Zoning Office and the Town Clerk’s Office). Secretary Harger read the letter dated May 26, 2016. This letter includes concerns in the following areas:

- Initial Site Development Plan

- Alternate Site Development Plan
- Traffic Impact Study

The following observations and comments are offered:

- The alternate development plan (Sheet 1 dated April 27, 2016), which shows a permanent cul-de-sac and only emergency vehicle access from Buddington Road should be the only site plan considered by the Commission.
- The original site plan (Sheet 2 dated March 22, 2016) should be rejected outright by the Commission.
- The developer is proposing that the main access road through the development be a public street.
- It is undesirable for the City to maintain the main access road through the development due to the extensive pavement marking and traffic island that will have to be maintained. The City will also inherit the responsibility to maintain the two (2) traffic signals proposed on the project access road.
- The runoff from this development flows to Wells Hollow Brook and into the Far Mill River. State owned culverts, under Bridgeport Avenue (Route 714), will convey the runoff from the project site to Wells Hollow Brook. The State will determine the extent of the culvert upgrades required on Route 714. The City will determine the need for the developer to upgrade the Beard Sawmill Road culvert that conveys Wells Hollow Brook under Beard Sawmill Road.
- No storm water management plan or summary of any kind has been submitted. The need for storm water detention and runoff quality enhancement is unknown at this time.
- No proposed sewage generation figures have been submitted. This project may have an adverse impact on the sewage collection system and may require upgrades to both the upper and lower Bridgeport Avenue Pump Stations, as well as, the downstream force mains and interceptors.
- Sewage generation figures will need to be submitted for review and for the evaluation of our sewage collection system capacities.
- A peer review of the development sewage generation figures, and the recommendation for any required capacity improvements downstream of the development, will need to be made by the WPCA consulting engineer.

Lastly, the traffic generated by this potential development, coupled with the current high peak hour traffic volumes on Bridgeport Avenue, Commerce Drive and Old Stratford Road, has the potential to create gridlock. That's why it is imperative for the future of the City, that a peer review of the Traffic Impact Study (TIS) is performed by the City. The City should select a well-seasoned and experienced consultant to perform the reviews of the TIS and also provide the following:

- Identify the most critical analysis periods - AM Peak Hour, PM Peak Hour, etc.
- Confirm that other nearby approved developments, within the study area, have been taken into consideration.
- Confirm the extent of the on-site and off-site improvements required to maintain the traffic flow at an acceptable level of service.
- Include findings and recommendations to help the Commission with their decision making.

Engineer Kulacz concluded his letter stating that his Office will be glad to assist in the preparation of a scope of services for a professional services agreement for the TIS peer review task. This letter was sent to the following City Departments:

- Richard Schultz, Planning & Zoning Administrator
- Paul DiMauro, Director of Public Works
- George Stachowicz, Superintendent of Highways & Bridges
- Thomas Sym, Sewer Administrator
- Captain Shawn Sequeira, Shelton Police Services
- Sergeant Mark Ptak, Traffic Division
- Sergeant Mark Siglinger, Traffic Division
- Michael Maglione, Public Safety and Emergency Management Director
- Neil Creem, ConnDOT District 3

As mentioned previously, Chairman Parkins asked if everyone in attendance had received a copy of the Planning & Zoning Commissioners concerns and questions which were handed out (On file in the Planning & Zoning Office and the City Town Clerk’s Office). Chairman Parkins stated that the following is a preliminary list of potential concerns and questions of the Commission:

TRAFFIC/INFRASTRUCTURE

1. The Commission has concerns regarding the traffic study conclusions, primarily traffic flows and proposed improvements needed between Exits 12 and 13 off of Route 8. If the Commission recommends a peer review of the overall traffic study, would the Applicant agree to funding this review at a cost not to exceed \$20,000.00?
2. It is assumed that the timing of the completion of such improvements will be addressed by the State Traffic Commission/Conn DOT, as a condition of the necessary traffic certificate. If not, an acceptable schedule must be provided and approved by the Commission and the City.
3. Has the proposal been submitted to the WPCA for review and action? The timing of any required off-site improvements will need to be addressed to the satisfaction of the Commission.

LAND USE AND MARKETING

1. The commercial/retail element of the land use plan is a significant component of the PDD proposal. Parcel B is intended to be occupied by “upscale” retail outlets. What assurances can you provide to the Commission that you will be successful in such marketing endeavors? Does the Applicant have prior experience working successfully with such “upscale” tenants on other similar developments? If so, who and where?
2. The Applicant has not provided adequate market analysis and data supporting the proposal for such “upscale” tenants/outlets at this location. Such information must be provided to the Commission to lend credibility to the “upscale” retail representation.
3. This is a sizable development proposal that will take several years to complete. The Applicant should provide a preliminary outline of the intended sequence of development of the various land use areas, with an approximate timetable, in years, regarding initiation and/or completion of the various components. Is the applicant agreeable to delaying the initiation of any residential building construction until there has been substantial construction progress with the first two sites, A and B, of non-residential development?

MULTI-FAMILY RESIDENTIAL COMPONENT

1. The nine story apartment building is in relatively close proximity to the ridge line and the Blue Dot Trail location. Can this building/land use be relocated to another area of the parcel, preferably at a lower elevation and further distance from the ridge line and Blue Dot Trail? To assist the Commission in its review and evaluation of this site, can the Applicant provide one or more cross-sections taken through the ridge line and proposed building as currently proposed and as may be relocated?
2. The Commission notes that the proposal for 450 dwelling units is extremely intense. Is the Applicant receptive to a significant reduction of the proposed density? As a result of its study of multi-family development, the Commission has found that the potential economic advantages to the City are closely related to apartment size, bedroom count and market quality of the units. Can the proposed unit mix be further modified to reduce total bedroom count? Can the Applicant provide more detailed marketing data to support the intended market and the proposed quality of the units?
3. Concerns have been expressed by the Commission and the public regarding the height of the nine story building and its proximity to the ridge line/Blue Dot Trail, as well as, its visual intrusion on the neighboring properties. Can this nine story structure be reduced in height to minimize this visual intrusion above the ridge line and tree line?

Chairman Parkins asked the Applicant to please address these questions and concerns and to report back to the Commission. At this time, Chairman Parkins asked if the Commissioners had anything that they would like to add.

Commissioner Tickey had two concerns that would fall under the Land Use category. First, he would like a more detailed plan regarding protections for both the Far Mill River and Wells Hollow Brook, including the run off areas that the City Engineer has cited. He would like assurances that negative impacts to those bodies of water and waterways would be mitigated in this development. Secondly, he would like to see further analysis regarding how many parking spaces are actually needed. There will be so much black top put over such pristine land.

Commissioner Osak discussed the fiscal analysis of this development and his concerns that it may not be as profitable to the City as people may think. He compared Avalon Huntington, Avalon Shelton and the Renaissance. Commissioner Osak also has concerns with the number of school aged children who will be living at this development and the cost to the City for each child.

Commissioner Harger would like to see something more concrete regarding “upscale” tenants/outlets that the Applicant has dealt with. She would like a list of developments, that the Applicant has been successful with, to see what type of tenants are currently there.

Chairman Parkins reported that SOS (Save Our Shelton) have hired an attorney who would like to address the Commission prior to opening the hearing to the public. The audience was agreeable.

Attorney Keith Ainsworth, 51 Elm Street, New Haven, CT, who was hired by SOS, addressed the Commission with the resident’s concerns. Attorney Ainsworth thanked the Commission for allowing him to speak first. Attorney Ainsworth discussed the PDD process and the standards that must be followed. Developers need to understand that they need to do something special to the property, and to give back to the community with something that isn’t offensive to neighbors and doesn’t create additional traffic. The current zoning of LIP is actually one of the City’s highest and best uses of this property, with low traffic and schools impact and a high tax base. When you mix residential with retail there is a high traffic use. A

PDD is a land use planning tool that takes special care to look at the land. Attorney Ainsworth stated that Conservation Agent, Theresa Gallagher, wrote an analysis dated March 22, 2016 discussing the natural resources that will be impacted due to this development and read parts of the analysis to the Commission (on file in the Planning & Zoning Office and the Town Clerk's Office). Attorney Ainsworth stated that the application does not fit this area. The residents of the potential nine story apartment building will have great views but they will be taking that away from the residents of Shelton. This area already has high traffic volume. Economic development can be done, but it must balance. Attorney Ainsworth stated that Mill Street is the City's first scenic road and with this development, this street will definitely be impaired. Further, in this development, the 20% open space set aside should be natural resource property, not just the areas the developer can't use. Attorney Ainsworth discussed the tax base that this development would create. He stated it is also about providing services, protecting the residential R-1 zone, reducing traffic and providing recreational opportunities for the residents, not destroying them. Balance is needed and should be in demand for this PDD. Attorney Ainsworth recommended denying this PDD and have the Applicant start over. They can do much better than what has been proposed.

At this time, Chairman Parkins opened up the public hearing.

David Simonetti – 16 Fraser Place

Mr. Simonetti told the Commission he is opposed to this application and zone change. He is concerned about the increased traffic, safety due to blasting and the high pressure gas line that runs through the area. He would rather have a LIP building than this project. He feels property values in the area would suffer. He asked the Commissioners to please review the plans, and do what is right for the residents and the City.

Lynn Todd Reid – 36 Wesley Drive

Ms. Reid thanked the Commission for their hard work. Ms. Reid stated she is in total opposition of the application. She is the Paugussett Trails Manager and an active member of the Trails Committee. This development does not belong in Shelton. This does not fit in this area and she considers it a blight. She repeated "SOS – Save Our Shelton". Shelton should be setting the bar for the other valley communities. This development would serve the City better if it were built in the downtown area.

Gary Hayduk – 318 Buddington Road

Mr. Hayduk stated that he has been a Shelton resident for 42 years and is totally opposed to this application.

Peter Squitieri – 27 Maggie Lane

Mr. Squitieri stated that he has lived in Shelton for 4 years and he loves it. He feels people will move out of Shelton if this application is approved. He believes there will be lost tax revenue and no one will buy a home in this area. He is also concerned that there will be a lot more litter along the streets in this area. He mentioned that there was an Iroquois Gas Line fire in Pennsylvania that occurred due to blasting. He is opposed to this application.

Nancy Shanabrough – 30 Cathy Drive

Ms. Shanabrough stated that this application is a monstrosity and does not fit the area. She stated that there are already too many unused building/spaces already built in this City. The area cannot handle all of the traffic. She is opposed to this application.

John Simonetti – 130 Mill Street

Mr. Simonetti thanked the Commission for their time and efforts. He was glad that the Commission addressed their questions and concerns to the Applicant and looks forward to the response. Mill Street is a scenic road and if this application is approved, it no longer will be. The scenic road designation will be removed.

Theresa Elinskas – 15 Buck Hill Road

Ms. Elinskas stated that she has lived in Shelton for 31 years and is opposed to Application #16-6.

Don Scarpetti – 361 Buddington Road

Mr. Scarpetti stated that he feels traffic is going to be a huge problem and the numbers are not truthful. This is the biggest proposed development in Fairfield County and it does not belong in Shelton. He is opposed to Application #16-6.

Sheryl Dutkanicz – 305 Soundview Avenue

Ms. Dutkanicz stated she is opposed to Application #16-6 and concurs with the issues addressed by fellow citizens.

Ron Pavlucik – 287 Eagles Landing

Mr. Pavlucik stated that he feels City Hall, the Commissioners and staff do a fantastic job running the City. He feels that this application is worthy of being reviewed and maybe modified a bit. He was in favor of the Renaissance when it was proposed to the City and that is successful. He trusts the Commission and staff to work with the developer to make a great project. This project will create jobs. He would like the apartment building to be higher with a revolving restaurant on top. He talked about the Split Rock project that was done 10 years ago. This project came out beautiful and it turned out to be very successful. He has complete faith in the Planning and Zoning Commission that they will do what is right for the City.

Greg Tetro – 281 Buddington Road

Mr. Tetro stated he has lived here many years and this application is not for Shelton. He knows that the Commissioners will make the right decision. He asked that everyone respect all speakers, whether they agree with them or not. Everyone is entitled to their own opinion.

Carol Pough – 54 Woodland Park

Ms. Pough stated that she has lived in Shelton for 12 years. She grew up in Norwalk and left there to come to Shelton because of its nature and beauty. This is the reason she bought her home. She is opposed to this application and will be moving out of Shelton if this is approved.

Jill DeLoma – 178 Buddington Road

Ms. DeLoma stated that at the last public hearing Attorney Thomas told everyone that there would be no public access to the development on Buddington Road. She was told by the Office of the State Traffic Administrator it will absolutely require public access. She feels that Buddington Road is a winding, narrow road and any increased traffic would be detrimental to the safety of the residents. The property is zoned R-1 and LIP and should remain that way.

Joyce DeLoma – 180 Buddington Road

Ms. DeLoma thanked the Commission for the opportunity to speak. She is opposed to the zone change. She is a 3rd generation resident and she will no longer have the quality of life that she is used to. She is concerned about excessive noise and pollution in her neighborhood. She also has many concerns about the traffic. She has well water and septic which she is very worried about with the amount of blasting that will need to be done. She would like to know who will be responsible if the blasting does damage to area homes? No development should have an impact on the lifestyle of the current residents. Develop the area with the current zones. Ms. DeLoma stated she has a zoning protest petition with signatures opposed to the zone change application of Shelter Ridge Association, LLC, which she would like to have recorded with the minutes of this meeting (on file in the Planning & Zoning Office and the Town Clerk's Office).

Bryan Graham – 342 Buddington Road

Mr. Graham stated he has lived in Shelton for a number of years and he is opposed to this project.

Regina Mongillo – 67 Great Oak Road

Ms. Mongillo stated that she is opposed to this zone change.

David & Linda Ramos – 6 Patriot Trail

Mrs. Ramos stated that she is opposed to the zone change and she does not believe it will add beauty to the area. They moved here from New York because of all of the nature here in Shelton. Mr. Ramos stated that the traffic will be out of control and he opposes this zone change.

Joseph Bienkowski – 403 Long Hill Avenue

Mr. Bienkowski stated he is a member of the Citizens Advisory Board and they have asked him to read this presentation this evening. The Citizens Advisory Board wishes to go on record as opposing the proposed zone change of over 120 acres located on Bridgeport Avenue. The scale and density of this project will essentially destroy over 120 acres of forest, wetlands and water courses. This small city will be completely dependent on the use of automobiles and delivery trucks, including tractor trailers. There are plans for 3,700 parking spaces, loading docks, entrances and exits which will result in a sea of asphalt. Bridgeport Avenue will become the new Boston Post Road. The Citizens Advisory Board urges you to stop the rampant overdevelopment of our community. The Citizens Advisory Board for Economic Development strongly opposed this project (on file in the Planning & Zoning Office and Town Clerk's Office).

Richard Widomski – 49 Christine Drive

Mr. Widomski stated that the six Commission members have the decision in their hands after the zone is in place and there is minimal participation from the general public. Mr. Widomski questioned whether the power lines and gas lines have been studied? What are the safe clearances and has there been any input from Eversource regarding this? Should this information be in place before an application for a zone change is submitted? He questioned the sewer/drainage systems. Who is responsible for future maintenance? Is the sewage treatment plant capable of handling this? PDD height size is at the discretion of the six Commissioners. Mr. Widomski read the transcript made available from the last meeting and has questions on Page 42, Lines 7 through 25. He would like someone to explain the LIP zone/PDD zone that was discussed. He would appreciate an answer when the Commissioners get a chance. He has many concerns with the traffic and emergency vehicles. He discussed State Traffic Statutes. The City cannot issue a building permit until the State of Connecticut comes down and approves the traffic plan.

Dr. Jeff Forte – 125 Nells Rock Road

Dr. Forte stated that he has been a resident and business owner in Shelton since 1987. He is strongly opposed to this zone change proposal. He feels it will have a city wide impact. The traffic from Shelter Ridge will cause serious quality of life issues for all citizens of this City. It is a certainty that future building projects will make it even worse along the Bridgeport Avenue corridor. That amount of traffic that will be near Exit 12 will eventually make Shelton an undesirable place to do business. The migration of companies out of Shelton is a real economic possibility. There are already so many vacant building around the City. There is no obligation to change zoning and by acting so does not expose the Commission to legal liability. An LIP at the site will be infinitely less impactful and more appropriate for this area. He is confident that the Commission will choose quality over quantity for this great City of Shelton.

John Santore – 49 William Street

Mr. Santore stated that he has lived in Shelton for 70 years and he is strongly opposed to this zone change.

Charlene Santore – 49 William Street

Ms. Santore stated that she has lived in Shelton for 30 years and she opposes the zone change.

Ken Huzi – 84 Walnut Avenue

Mr. Huzi stated that years ago developers wanted to be good neighbors. Not anymore. He is not impressed with this development and there is no reason to change this zone except for developer greed. People are leaving Norwalk, Stamford, New York and New Jersey to come to Shelton because of the beauty and nature, along with low taxes. Every Commissioner must listen to Commissioner Osak. He was one of the original architects of why our City is as successful as it is and the only one in the area, or even the country, that has economic development. The original Commissioners planned to develop the corridor as we see it now. With these developments, we are destroying what we have accomplished. Mr. Huzi opposes this PDD and want it left LIP.

Joseph Welsh – 11 Christmas Tree Hill Road

Mr. Welsh stated that he is the President of the Shelton Land Conservation Trust, a non-profit volunteer organization, which owns about 370 acres of land throughout the City. He brought maps of the parcels

they owned and circled them to show the Commissioners. Mr. Welsh stated that widening the road could lead to losing part of their property on Bridgeport Avenue. They are concerned what the impact of views would be from their property. They feel that it will degrade the value of the land in the area. Mr. Welsh stated he sent a letter to the Commission (on file in the Planning & Zoning Office and Town Clerk's Office) and reviewed some of the points. Mr. Welsh stated that the Shelton Land Conservation Trust requests you to deny the zone change proposal. They also request a more appropriate development plan that will complement the surrounding residential neighborhoods and restore the ridge line for the benefit of all citizens of Shelton.

Mario Ferrera – 182 Buddington Road

Mr. Ferrera stated that this development will be in his backyard about 90 feet away from his home. He is extremely against the zone change.

Denise Prior – 16 Sycamore Drive

Ms. Prior stated that she has been a City resident for 30 years. She originally moved here for the R-1 zone lifestyle. She does not feel that a 9 story hi-rise apartment building is appropriate for this area. It will not be a welcoming environment. There will be many accidents with the amount of traffic this project will generate. She is opposed to the zone change.

Jeff Prior – 16 Sycamore Drive

Mr. Prior stated that the Planning & Zoning Commission did a good job with their questions and concerns for the Applicant. Mr. Prior would like to know who is responsible for all the taxes that will be paid for things such as widening the road and the waste water treatment plant? The size of this PDD is unwarranted and he is opposed to a zone change.

Beth Cairone – 214 Buddington Road

Ms. Cairone stated that she is opposed to the zone change. Her property is very close to this proposed development and she feels that her property will be directly affected. Ms. Cairone stated that she has a 450 foot deep well on her property. What will happen if this is damaged due to blasting? Who will be responsible for repairing this? The only people that will benefit from this PDD are the developers. This is for their own financial gain. This project would forever change the scenic beauty of Mill Street. This project will also have a negative impact on the Far Mill River. The traffic on Bridgeport Avenue will be unbearable. The different zones were set up to have balance in the City and these need to remain intact.

George Friend – 2 Daybreak Lane

Mr. Friend stated that he has lived in Shelton for 23 years and opposes the zone change. His major concern is the traffic. There needs to be further traffic studies done, especially the Exit 12 and Exit 13 areas off Route 8. Traffic will be at a standstill at rush hour. He urges the Commission to deny this zone change.

Maureen Magner – 10 Grace Lane

Ms. Magner stated she has been a resident of Shelton for 30 years. She is completely opposed to the zone change. She feels it will destroy the environment in the area. This type of development should be

built in the downtown area. She asked the Commissioners to please make the right choice for our beautiful City. She thanked the Commissioners for all of their time and efforts.

Tom Harbinson – 15 Soundcrest Drive

Mr. Harbinson stated he is the Chairman of the Conservation Commission for the City of Shelton. He prepared and showed a PowerPoint presentation highlighting the negative impacts the development could have on wildlife, area trails and other natural resources. Mr. Harbinson suggested that the Applicant reconsider their proposal. He discussed the possibility of moving the apartment building closer to Bridgeport Avenue which would help to protect the ridge line and preserve the natural beauty of the City's green space. It would not tower over current homes. Mr. Harbinson stated that the Conservation Commission requests the Commission deny Application #16-6.

Nancy Steiner – 23 Partridge Lane

Ms. Steiner wants the zoning kept the way it is. She is completely opposed to the zone change. She stated a zone designation is a promise and homeowners expect the Commission to keep it. She requests that the Commission deny the zone change.

On a motion made by Commissioner Pogoda, seconded by Consultant Panico, it was unanimously voted to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Helen Solotruk
Planning & Zoning Acting Recording Secretary