SHELTON PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, January 29, 2020
Shelton City Hall Auditorium
54 Hill Street, Shelton, CT 06484

PZC Commissioners Present: Virginia Harger, Chairman
Anthony Pogoda, Vice-Chairman (via telephone)
Jimmy Tickey
Charles Kelly
Mark Widomski
Peter Laskos, Alternate
John Uysal, Alternate (sat in for Comm. Matto)

PZC Commissioners Excused: Elaine Matto, Secretary

Also Present: Kenneth Nappi, Provisional Planning and
Zoning Administrator
Anthony Panico, Consultant (via telephone)
Alexander Rossetti, PZC Assistant
Josh O'Neill, PZC Assistant
Sarah Vournazos, Recording Secretary

Tapes, correspondences, and attachments are on file in the City/Town Clerk’s office and the Planning and Zoning office. Minutes are on the City of Shelton website: www.cityofshelton.org.

I. Call to Order
Comm. Harger called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance
All those who were present rose and recited the Pledge of Allegiance.

III. Roll Call
Comm. Harger identified members present.

IV. New Business

A. Application #20-06, PDD #89, R.D. Scinto and Jim Swift at 20 Waterview Drive for clearing, grading, and site preparation approval of the Initial Concept Development Plans approved in July of 2017, #17-02. Review, discuss and possible action.

Mr. Jim Swift, the Professional Engineer, identified himself on behalf of the applicant and he indicated that the site at 20 Waterview Drive is a light industrial zone. He then stated that “the tenant would like to be in sooner rather than later.” He also noted they have prepared a grading plan, a soil and erosion plan and that they would like to start
clearing the site to prepare the building for their proposed tenant.

Mr. Robert D. Scinto, a commercial real estate developer, identified himself on behalf of the applicant and said, "we've started to cut trees, to move some topsoil around, and have put up all the fencing." He indicated that they are going to reduce the footprint size from 120,000 sf. to 75,000 sf. and are "going to try to stay with the same grading plan basically." He further stated, "once I can get the lease signed with them, then I'll be back to revise this final approval. So, it'll be less building, less height and less square footage."

Motion made by Comm. Tickey, seconded by Comm. Widomski, to approve the clearing, grading and site preparation for Appl. #20-06. On a voice vote, the PZC voted unanimously to approve the motion.

V. Public Hearing
Commissioner Harger advised copies of the Agenda were on the podium, how the public who wished to comment on the proposals being presented will be called to the podium, and read the guidelines for the public hearing.

Commissioner Harger indicated they are reversing the agenda order and that Attorney Thomas is going to present (B) Application #20-03 before (A) Application #19-21.

B. Initiation of Application #20-03, PDD #91, Fountain Square LLC., and Dominick Thomas, at 801 Bridgeport Avenue, applying for a Major Modification to the Modified Initial Concept Development Plans and to amend the Statement of Uses and Standards. The scope of the Site Plan Modifications is to replace the proposed bank building with a daycare center, reduce pad size of Restaurant #3 to add a drive-thru, and increase the space of Retail #1 by 4,000 sf. The SOUS modification is to include the use of a daycare facility. Review, discuss and possible action.

Attorney Thomas: Attorney Dominick Thomas, 215 Main Street, Derby, Connecticut, representing the applicant. Since this is a public hearing, the first thing I will do is submit a photograph of the sign and the notices. I will explain why the notices are so thick. We sent out the notice of the public hearing informing the people that there was an attachment of the Amended Statement of Uses and Standards, along with a copy of the site plan and then we realized it didn't get attached to the notices. So, we resent the notices by certified mail with the attachments so that everybody who got a notice had the Amended Statement of Uses and Standards and the site plan.

I don't think you need too much of a history on Fountain Square. At this point, just to bring you up to date a little bit, there's constant phone calls and stuff and we should be coming before you for final approval of signs in accordance with the meeting that we had with your sign committee. Chick-fil-A is getting ready to commence as is Panera, and the hotel. We've ironed out some issues with them and we're ready to go. Mission BBQ and Jersey Mike's are in and we have other tenants lined up including the jewelry store, possibly a shoe store and a couple of restaurants in retail one and we have
leases and LOIs.

One of the things that I will point out to you is that there's been a delay, a substantial delay, as a result of the inability since most of the tenants would like electricity. There is an inability to work out with UI and that interface. It's been a difficult to work out with UI where they want their easements to go. And just this past week after three or four months of working with them, we have a plan that now needs to be put onto the map and then I need to work on getting an easement stuff that's been a little bit of a holdup.

We just concluded lengthy discussions with the hotel, Scinto and his representatives about the easement for the interconnection and the conveyance of the property. What I have before you tonight, an amendment, a very brief amendment. You should all have a copy of it to the Statement of Uses and Standards, which just adds the additional use of childcare center in accordance with the state of Connecticut definition of childcare center. And we wish to amend the initial concept development plans to include the childcare building, the reduction of restaurant three, which is a 5,000 plus square feet. I believe a little over somewhere over 2,000 square feet to about 2,400 square feet with a drive through for a DQ Grill and Chill, which is a tenant that is in the process of signing the lease.

I do want to make a couple of points. We do have Dominic, the real estate individual handling the tenants and he can answer any questions. But I had the individual who wished to be here tonight or was hoping to be here tonight, was unable to attend. So, I've got some statistics from him on the DQ Grill and Chill asking him about it. And, basically, he gave me a breakdown of their business. He said that their hours are from 11:00 a.m. to 10:00 p.m. They're mainly lunch and dinner obviously. Of their breakdown, the drive-thru only counts for about 30% of their business, of the total business that they have. The 70% of it basically, or more, is inside and it's comprised of majority of ice cream and ice cream cakes. But they do have other menus obviously that you'll see when they call me for you for a certificate for a business and zoning compliance during the deal. But I did ask them what percentage of their business is their drive-thru business.

In addition to that, we are asking for 4,000 square feet to be added to retail one. The main reason for this, in addition to the number of tenants that they've had, is because we're in serious discussions with the tenant who is requesting somewhere between eight to 10,000 square feet in the middle, taking it up. So, that would accommodate the other tenants. Obviously, this is initial concept plans and the final site plans will follow. The Statement of Uses and Standards amendment, I will point out to you, we obviously defined it as in accordance with the statute. I did not put parking into it for the childcare center because the paragraph in the existing Statement of Uses and Standards says that if there's a use not covered by the Statement of Uses and Standards, you go to your own parking regulation and we can accommodate easily the parking regulation. I did an estimate using 200 students and 40 employees which requires 80 parking spaces and we can easily accommodate that within what we have. And, I understand talking to the people at the Goddard School and John Whitco, the architect, who will be
part of the presentation tonight, anticipate really somewhere below the 200 and I think they’ve got employees somewhere in the 30’s. So, we’ve over compensated the parking with respect to that. So, with that, I’m going to call upon Pat Rose to go over the site plans.

Mr. Nappi: And Attorney Thomas, there’s a net difference in the drive-thru compared to the first statement. You eliminated one in the bank.

Attorney Thomas: With respect to the existence of drive-thru, I’m sorry, I should have mentioned that the bank is being eliminated. So, there is no bank drive-thru. That’s the building that was at the end and the original site plan, that building is being replaced with the child care center. And then the restaurant, which I think was around 5,600 square feet, is being reduced and Pat will explain that to you.

Comm. Widomski: So, you don’t anticipate getting a bank coming in there at all?

Attorney Thomas: Not in the form that it was in there for. There is always a possibility as banks have done with respect to the office building that it could be part of that, banks are shrinking.

Comm. Widomski: My concern is, you know, we’ve limited to the number of the drive-thru you can have on a property. If we start giving out a drive-thru to your restaurants, you’re not going to be able to give a drive-thru to the bank.

Attorney Thomas: Actually, the drive-thru is in the amendment, the last amendment to the Statement of Uses and Standards, the first amendment allows the drive-thru at the discretion of the commission based on each time coming in.

Comm. Widomski: When we tried to limit that, when we first agreed, I think limited it to four back when we did the original.

Attorney Thomas: No, when you did the original one, you’re limited to one. And then we came in with Panera Bread and there was a change in the thing which said that based on the tenant, you would look at it on a case by case basis as we came before you. That was the first amendment to The Statement of Uses and Standards which I believe was in a phase final set development plans phase one or two. When you get that I can pull it up for you.

Comm. Kelly: How many do we have right now, Attorney Thomas?

Attorney Thomas: Right now, you have Chick-fil-A and Panera.

Comm. Kelly: Two.

Attorney Thomas: That’s it.
Comm. Widomski: And Dairy queen makes three.

Mr. Rose: Pat Rose, Architect of Rose Tiso & Co. LLC, Fairfield, Connecticut, representing Fountain Square. What we're presenting tonight as to just what's been changed on the site plan is in this corner of the site, the North East corner and we have taken the bank building, which was here and that's become the childcare facility. We placed play yards on these two sides and then the restaurant that you see, which was in this location, has been reduced in size to a 2,600 square feet footprint with a drive-thru in this location. We've been able to isolate the childcare facility to some degree and as for parking so, it's not on the complete loop. It's adjacent to it, but a lot of the parking is off of the loop, so it's a little more convenient.

The next item that we're changing and requesting to change is this piece right here. It's a 50 by 80 size addition, 4,000 square feet, that'll be added onto retail number one because they've been able to get some larger tenants in the middle of the building, a restaurant, that they're proposing on the end. This would allow that restaurant that happened in here with the patio at the end, like there was previously, it was a patio at the end of the retail one. Those are the major changes that are happening within the site plan.

Comm. Harger: Mr. Rose, I have a question about the DQ. Are they planning any outdoor patios, tables?

Mr. Rose: No.

Comm. Harger: Okay. I'm not familiar with the Goddard school. Do they do pre-k or nursery?

Attorney Thomas: Honestly, what we did to get in here because the tenants we wanted, so, this is the concept plan where I have had discussions with them. I'm sure they can answer your question. We do want to be able to answer your questions if you want him to do it now or you want me to wait until...

Comm. Harger: Well, the thing that came to my mind is when it comes time for any of the children to be dropped off, the parents will need to understand, they have to pull into parking space and not pull up in front.

Mr. Rose: There's not a drop off. That's why there's not and they have to go into a parking space. The ages for the Goddard School are six weeks up to five years.

Comm. Harger: Okay.

Comm. Widomski: Did you say something about a restaurant and that 4,000 square feet is for a restaurant?

Mr. Rose: Yeah, that's the proposal and that's for a restaurant.
Attorney Thomas: No, actually we haven't come to you. But the lease has been signed. They're finalizing their interior because when they come in for you, they are having a mezzanine, they're a focal restaurant from another community. They're coming in with a different name and brand, a very popular longtime restaurant and they are targeted for the end cap of that building. And, that's why this has relocated because all of a sudden, the attendance coming in and wanting somewhere around 8,000 to 10,000 square feet in the middle.

Comm. Widomski: Maybe my memory is getting a little fuzzy with everything. But did we discuss a restaurant at that location? Previously?

Mr. Rose: We didn't bring one in but at the end of this building was a potential patio.


Mr. Rossetti: Mr. Rose, I have a question about the DQ. How many vehicles can queue in drive-thru at one time?

Mr. Rose: Between six and seven in there.

Comm. Tickey: Can you talk about the play area around the preschool and is there a wall there?

Mr. Rose: What you've got in this location are play areas. There is a fence that runs all the way around that wall because actually the grade dropped away from it. That fence goes all the way around to protect people. There's also a fence that runs down this side. It allows the doors open to allow people to get to the play area.

Comm. Harger: So, it's self-contained?

Mr. Rose: Yes, it's self-contained. Security is very important.

Comm. Tickey: Just looking at this layout and we've seen other developments that look good on paper but then when it gets built, they're really tight. And so, thinking about the Carolyn's question of benchies, I like the ice cream shop and downtown, but I know people who love Dairy Queen's and they'd be very popular if this is approved. People like to sit somewhere. They like to hang out. I'm just thinking about, I'm trying to think through how the path, that piece of the parking lot, could be with Dairy Queen there. They're queuing the amount of parking, but then where people go, it just could be very tight. And again, we've seen proposals where it looks like it's going to work, but then we get complaints after and then it's an enforcement issue about zooming out to the streets or clouding up other drive-thru. So, it's just something to think about and also for Dairy Queen to think about where they expect customers to go.

Attorney Thomas: I addressed that with the individual and he pointed out to me that they have only 30%. He said if you look, we have 60 seats inside that are DQ's, especially
those that are located in shopping centers, in commercial plazas like this. He said the majority of the people sit inside. There was no mention or no discussion and their floor plan did not include and I don't think there's any room for patio without shrinking their building. He said, the majority of their stuff is inside and as we go through the PowerPoint, there is the floor planning so we could show you the floor plan but it seats 60.

Comm. Tickey: I'll look at the book. I just want to just finish that point by saying that Comm. Pagoda and I worked hard on the seating and the pocket park around the coffee shop. The Commission was nice to support that because we thought that people, you know, get a cup of coffee during the summer and that it's actually nice to have some grass and to be able to kind of hang out. I imagine that would be the case with a Dairy Queen where people are going to want to go outside if it's nice weather. I know it's tight over there. I'm just saying the reality of people might wanting to be outside during the summer. So, just something that I'm thinking about as I'm seeing it laid out.

Comm. Widomski: Pat, how many parking spots are in front of the Goddard school and in front of the Dairy Queen at the little area over there?

Mr. Rose: This whole area here?

Comm. Widomski: Yeah. And the reason I'm asking is if you're talking up to 200 students at that school. It's a lot of cars coming in and out.

Attorney Thomas: That is what I did when I was computing the parking requirements. I estimated 200 individuals here. I don't think they're anywhere near 200.

Comm. Widomski: What's the potential they can have in that building?

Mr. Rose: The use calculations on here show about 160.

Comm. Widomski: 160, okay. And we have enough parking because at 5:00 p.m. when parents come pick up their kids, they're going to obviously have to park in a parking spot. And going to be competing with DQ to try and get those premium spots there.

Mr. Rose: Yeah. And you have...

Comm. Widomski: Do we have enough there to accommodate pretty much everybody?

Mr. Rose: Yes, yes. And there, there's plenty of parking for those three uses that are in that large parking lot.

Comm. Widomski: Standard size parking spot?

Mr. Rose: All nine by 18 parking spots.
Comm. Widomski: Good luck getting the mom SUV’s in there.

Mr. Rose: We did a phasing plan. Had a phasing plan initially and got a second shot at it. It shows phase four being the fountain and this phase five. Now we're calling it where we have the preschool and the DQ. And then this portion here would be phase five. That's contained at phase one of the retail one. The last remaining phase will be this office building next to a hotel out of school.

Mr. Whitco: Good evening. John Whitco, Architect, with an office on 58 Prospect Street in Milford. We designed the prototypical Goddard School. I brought today the floor plans that would show the classrooms of 10,205 square feet, 156 students, 11 classrooms and one multi-function room, which is at the end top right. I can run through the plans, but basically, it's a single story. From six weeks to five years. The roof plan is on the left. We designed the center section. And then the other plan had the net numbers if you're just in the students per classroom the front elevation, which is what you'll see driving into the site. It has this one entrance for the moms and the kids that's secure and other elevations. That's fine to decide the color.

Yeah, that's the side elevation showing the doors out to the secured fence area that leads to the playgrounds. There're architectural features which be highlighted. There're cortices, lights and all great quality, our prototype, meeting our requirements. That's a general overview. I can answer questions but I'm not sure for full presentation at last at this point. But just to give you a sense of what the building is like.

Attorney Thomas: We need to come back for final site development plans. We wanted you to give you an idea what the building looked like and what the materials are. And I do have, before we got to the DQ, we do have an individual from the Goddard School who could come up and answer your questions.

Comm. Harger: I have a question as to the number of staff would be here.

Ms. Murray: Hi, I am Kim Murray from Ridgefield and I own the Goddard school in Monroe. What was the question?

Comm. Harger: How many staff do you have?

Ms. Murray: We have about 30 full time at our current location and this building is pretty similar.

Comm. Harger: And do the all 30 in the building at the same time?

Ms. Murray: No, they're a staggered schedule. Same with the drop-offs. So, you're not going to have all family members parked at the same time. Usually drop off is between 7:00 a.m. and 9:00 a.m. They come in, they drop the kid, they leave. Same with pickup, starts at 3:00 p.m. and then we close at 6:00 p.m. So, all the staff schedules are staggered.
Comm. Harger: What's the most can number of staff that you would have at any time? Ten, twenty?

Ms. Murray: No, I would say more than that. So, there's usually two teachers in each classroom at a time. So, there's about 24.

Comm. Harger: Okay. My question has to do with their parking requirements and what has been taken into consideration? The number of spaces that is.

Ms. Murray: I believe it has. Goddard's pretty strict about how much, you know, as a franchise they have a lot of standards. So, they're pretty strict about the number of parking spaces that we have to have, all the safety regulations for the parents to drop off and pick up. We have at our current location about 50 spaces and it's more than enough. We never have any issues. The parents generally use the same six spots out front.

Comm. Harger: Where you are now though, is it in a situation like this in the shopping center?

Ms. Murray: We're standalone building with our own lot.

Comm. Harger: Alright. So, the thing is we have a lot of movement going on, potential people going into patronize other parts of that particular area. So that's my concern is to whether or not there are enough parking spaces to accommodate the staff that would be there during the day.

Comm. Widomski: You said about 24 or 25 full time staffers?

Ms. Murray: Yeah, about that. And then we have some part-time people, students that work the later hours or first thing in the morning.

Comm. Widomski: How many would that be?

Ms. Murray: So, we have total of 37 employees right now. But we have some people that work later.

Comm. Harger: Is that the same that you anticipate for this location?

Ms. Murray: Yes. Pretty much the exact same licensing capacity.

Comm. Widomski: Is the age group staggered?

Ms. Murray: Yeah, so there's usually like two classrooms for every age group.

Comm. Widomski: I meant the drop offs.
Ms. Murray: Oh, the drop offs? No. So it's really about parent's work schedules and where they have to get to. So, in general, anyone that's commuting, drop off at 7:00 a.m. Then you also have stay at home moms at two half days, which ends at 1:00 p.m. That's a popular program. So, there would be several students picked up at 1:00 p.m. They can't come in until 9:00 a.m. though. Then depending on where the parents are coming from, pickup times, anytime between 3:00 p.m. and 6:00 p.m.

Comm. Harger: Okay. Is there some plan to have the parking continue up into the Scinto property? No. Wasn't that thrown out there at one point?

Attorney Thomas: No, that was on, that was different level, upper level connection at the hotel. What you're referring to is nine spaces from Three Enterprise. It was discovered over the property onto Fountain Square's property. So, at that point there was a discussion with Mr. Scinto about the lending easement agreement. We finally just did it where he has a parking easement on Fountain Square's property to accommodate those spaces and then to have the interconnection.

Comm. Harger: I thought there had been some kind of discussion at some point that if any of the employees up in the towers or in that neck of the woods had used the Goddard School and they could go through the parking lot and go Parrott Drive.

Attorney Thomas: They could, if somebody was using the Goddard School. We have the access point. They have. They don't have to drive out, drive around and drive through. They can go in through the hotel and they have to come around. There were those who were on two different levels.

Comm. Widomski: So, you didn't have to go through the, I'm just trying to get bearings here. So, in order to go from the Scinto towers, you'd have to come through the parking garage, down into the lower parking lot and come into the hotel and then down it.

Attorney Thomas: Actually, if you're talking about from Three Enterprise. The two towers on the top. I think you would have to go up the left entrance for Three Enterprise.

Comm. Widomski: I know you can go from the top where the towers are down to the bottom through OSG through our garage. Then you can come out to park and see, right.

Mr. Rose: That was the whole idea for that to get transportation.

Comm. Widomski: Where's the dumpsters for these two places?

Mr. Rose: Dumpsters. The shared dumpster enclosures are in here. One for DQ, one for Goddard school.

Comm. Widomski: One dumpster going to be enough for both?

Mr. Rose: There are two separate and they're next to each other.
Comm. Widomski: But one dumpster per facility is enough. Because I've seen a lot of dumpsters lately overflowing.

Mr. Rose: The size is large enough. The parking. They had expose 50 spaces in a row or in a similar building. We have allocated about 80 spaces which happened in this location where the 80 spaces are. So, I mean we have enough spaces what we're doing in this location for these restaurants, this restaurant and this preschool.

Comm. Harger: On paper, it's just that the DQ with the drive-thru.

Mr. Rose: As you heard her say, it says people are coming in and going continuously and have different start times, different pickup times.

Comm. Harger: You have x number right away that you've tried to take away from staff.

Attorney Thomas: The parking computation in your regs is one per staff. And when I computed the parking, I used 240 more than so that equates the 80 spaces. We have over parked it based on that because we didn't know exactly the numbers at that time. But for doing the parking chart, I didn't put a specific, I didn't lower it or anything. I used the parking regulations in the zoning regulations because that's what the Statement of Uses and Standards calls for. If you remember, a lot of these sites it was found out, the extra parking that they really, the parking rates are geared for shared parking. So, I don't think shared parking applies necessarily to the daycare, but it potentially could, because theoretically someone could decide to have lunch, pick up the child at 1:00 p.m., they could walk around on a night, stay with the carriage, go over there, pick it up. They're not going to drive from one place to the other. Not necessarily the same with retail, but for the daycare, we use the exact regulations we shared parking situations.

Comm. Harger: I'm glad you clarified that and you went through your computation because that's the first we're hearing about that.

Comm. Widomski: I mean like Comm. Harger said and I think Comm. Tickey said, yeah it looks great on paper. So did the Big Y Plaza and so did the Plaza with a spotted, painted, pony. Whatever it is, it's a disaster with traffic. I don't want to see that happening here so that that's my concern. I know you're going to say you have all the parking in the world and I agree with you, you have a ton of parking. I mean people could walk across the parking lot. I agree with that. But my concern is just the increased traffic flow of a daycare center, which is just a much larger traffic generator than we had anticipated at the original conceptual plans.

Attorney Thomas: I'm not going to comment on Spotted Horse because I didn't do that. I'll be very frank with you. The Marketplace has plenty of parking.

Comm. Widomski: I'm not talking about the parking; I'm talking about traffic flow. That's my concern here.
**Attorney Thomas:** The only area, and I think people sense that the area that's really an issue is those people that aren't conscientious when they drive down in front of Big Y and see the sign that says stop for pedestrians in the crosswalk.

**Comm. Widomski:** How does this, you did that big ginormous traffic study.

**Attorney Thomas:** Yeah.

**Comm. Widomski:** At the beginning of this whole thing. How does this impact the traffic study that you did out in the other? I mean, I know we didn't count for it.

**Attorney Thomas:** These uses, remember this is a concept plan. So, once you approve them, these uses and the extra square footage will have to be interchanged. I don't anticipate any issues with respect to it because remember, we are, I don't think, I mean, I don't think that childcare center is a big as a traffic generator, you know, I mean, there's the way the traffic flow in and out, but we're also reducing the size of a restaurant.

**Comm. Widomski:** I understand what you're saying, but I mean if you're looking at 156 students that are going to be coming in, 30 staff members that are going to be coming in at the highest peak traffic times and going home at the highest peak traffic trends, how is that going to affect the number of trips in and out of that plaza? It's going to affect it somehow. So, you're going to have an impact. How is that impacted traffic study that you presented us a long time ago?

**Mr. Sullivan:** Dave Sullivan of Milone & MacBroom. I'll be quite honest; I haven't done the analysis yet and Dominick's right. We will need to revisit all of this at the State Traffic Commission. As I'm sitting here listening, what I think, in general, these uses are fairly compatible. The retail for example, those peaks are typically on Saturday. Whereas the daycare peaks would be in the morning, mid-day and window as you get to the evening typically peak during the week. So, I don't have the raw numbers, but I think they're compatible in terms of patterns fitting into the center overall. The restaurant clearly is going to be reduction because it's about half the size. So, we do have a little bit more retail. We do have a new use which is compatible and then to offset to some extent the increase in retail. You will have the decrease in the restroom. Now we'll have to quantify all this, but again, in the scheme of the entire shopping center and the mitigation has been put in place, I'm quite confident that we won't be looking at additional litigation or anything like that. So, but we will have to go through the exercise of going through the office of state trafficking administration.

**Comm. Widomski:** Yeah, I'd love to see it. And something addended to the traffic study you did with all the changes that we've done in here since the beginning of the conceptual plan.

**Attorney Thomas:** Before we come in with final site plan approval, we will have the traffic update, the traffic report update. That's what we're going to do. But we need to
come in first and initial concept plan approved, then we will come in with the traffic study, which is you have the right to require that. And we anticipated and we will be providing it when we come in with the final site approval because we have other tenants that we’re looking at right now and they may impact traffic one way or the or the other and reducing that. So, we need to keep up with that because you need to constantly, uh, if there’s any changes in the numbers then you need to go back to those, to report those.

Comm. Widomski: Well, we have a change in numbers. Before I agree to anything, I would love to see those numbers because I know we go to final site plan and all that. But I can’t make any determination without all the information.

Attorney Thomas: I don’t believe that traffic, at this point we’re still having to do the traffic. We’re not, I mean, you’ve heard the report from the expert. I don’t think there’s any contradiction to the fact that he doesn’t anticipate the fact that there’s going to be any major concern. We still need to file it. Let me go forward. But you’re asking then for people to do traffic studies before you even approve changes in the concept plan.

Comm. Harger: I think it would be prudent to have the numbers looked at and something like this issue because we need to make sure that we don’t end up with bottlenecks as we have in other parts of town.

Comm. Widomski: You’re putting the cart before the horse. You’re asking for something without having all the information presented us. I can’t make a determination if this is going to have any impact and say, yeah, go ahead. Within then we find out later on we have a problem. I wanted the raw numbers beforehand. There’s already enough traffic on Bridgeport out. We’re adding a potentially 156 cars to that Bridgeport Avenue.

Attorney Thomas: No, you’re not.

Comm. Widomski: Alright, so it was 150 students. Well, I’ll give you half. You’re changing the numbers of what you originally presented us on a concept plan and to OSHA, every time everything we’ve added here has added cars. Yes, you’ve taken away some square footage to a restaurant, but you’ve added square footage. You’ve added what I think is going to be a traffic generator. I would like to see the numbers to say, yeah, it’s okay. I don’t want, you know, I don’t think it will. I want something firm, I don’t know about the rest of the commission, but that’s what I want.

Mr. Sullivan: Well, the attorney can give you something firmer, I guess. I think if it’s safe to say we have induction in the restaurant or the increase in the retail, we’re somewhere in the wash category. So, really what we’re talking about is the daycare. So, you have 30 employees or 25 that are coming, let’s say for the morning peak hour. It would be arriving before the typical peaks that you would see on Bridgeport Avenue and which is much lower in the morning. As for the students, they arrive over an extended period of time. So, if they’re coming in a three-hour period, perhaps you have 50 parents over the course of the hours, 6:00 a.m. to 7:00 a.m., 7:00 a.m., 8:00 a.m., 9:00 a.m., something
like that. Any afternoon when the peaking is heaviest. For example, um, on Bridgeport Avenue there may be 50 or 75% more traffic. When you have the new traffic, as you heard, there’s, there’s part-time students which are gone 1:00 p.m., 1:00 p.m. to 2:00 p.m., you have some of the remaining full-time students, they start leaving 3:00 p.m. all the way through 6:00 p.m.

So, trying to put a little perspective in it. You know, you’re again looking at sub 50 vehicle trips and the replacement would be a similar use might be a small retail store. Something like that where you would have 50 trips in an hour, something of that nature. Again, I’m at a little bit of a loss because I know you’re looking for the hard numbers that I just don’t have today.

Comm. Widomski: You don’t have to get them today, but I mean next time we meet.

Attorney Thomas: We will be presenting the final site development plans. There’re many times when people come in with new tenants and new things to modify the plans and it honestly, I mean I don’t think this is anything unusual. You’ve heard the statements of the traffic engineer that the impact is going to be very little and compared to it and you will quantify it and you can make it a conditional upon whatever you gave appropriate at that time. But I mean I’m being very honest with you, I have tenants. That’s why we came in here with an initial concept plan by the way, because as soon as possible, as soon as the UI stuff is resolved, I need to get working on getting tenants in there and I don’t think it’s a, honestly, I think based on what you had before you being addressed, the issue of traffic probably even more so than we normally would have.

Comm. Tickey: Attorney Thomas, speaking of the tenants, is it the applicant’s intention to still have a restaurant next to the Panera?

Attorney Thomas: Actually, it may or may not. I don’t want to commit with tenants. There’s somebody who was looking at that. It wasn’t a restaurant.

Comm. Tickey: My concern is less about the traffic because with a retail and a bank and now it’s something different, it’s less about the traffic and more about just how that’s laid out. And the congestion that could be if you get a, we don’t know what that is and it’s in the same quadrant of the site. So, if it’s something that is very popular to people, there’s very little parking lots right around that restaurant. It’s labeled as restaurant right next to the Panera. So, my point is when we take this piecemeal and then when we come and look at this next proposal before us for whatever applicant is going to want to go into what’s labeled as a restaurant for 3,500 square feet, I am less concerned about the traffic actually. This is going to be so crammed for people to get around that a daycare, a Dairy Queen, a Panera, and then some other 3,500 square foot store.

Attorney Thomas: First of all, the tenants coming in with parking demands and they’re not stupid. They want to make sure they have sufficient parking. They’re required high end parking at high amounts. It wouldn’t go there. I understand. Maybe you’re being affected by something that I wasn’t involved in where people are constantly complaining
about the traffic flow. I don't think that's the issue here. I think we have plenty of parking and plenty of internal flow. But if the situation is now going to be that we're not going to make changes until we see all the tenants, then you just put developers grinding to a halt because the developers have been paid for the work they're doing and they pay for it by getting tenants.

And when tenants come in, as Mr. Scinto said to you tonight in his presentation, they have a timeframe for when they want open. So, in order for them, the economics of it to work, you've got to come in. And the fact is that you have the ability, if someone comes in that's going to overtax that, that there isn't enough parking in accordance with the standards that you have in the area because of the other uses, then you have the right to say in the final site development plans that doesn't fit there, but you don't even have to worry about that because if there isn't enough parking, the tenant's not going to want to go there.

Comm. Tickey: Well, I would just think since this is a major modification that with a major modification you would get revised counts for traffic and revised models of what we received from when this first came before us. With a major modification, there would be some additional paperwork that you wouldn't need to recreate the wheel, but since it was given to us months before to modify that information to reflect what you're now modifying tonight. We're not making the process more burdensome but some accompanying information with this would be appropriate.

Comm. Harger: Haven't you had a computer-generated video that showed different parts of the shopping center and I know that it's been a while now. But you take the view from the vehicle of somebody's driving into the shopping center?

Attorney Thomas: Yes.

Comm. Harger: How difficult is that to modify to show these particular buildings? Because I think that's the thing to be comfortable with this space and being able to visualize going in up the driveway and here's the narrow brick building and back over there is DQ now and over there is the Goddard School and seeing how much space you have and how much traffic flow.

Attorney Thomas: Those things are very expensive.

Mr. Nappi: Will your plan support any reserved parking?

Attorney Thomas: We are over parked, we have 611 required, 661 provided on the site. I don't know what else to say. I mean I thought it was if what I'm hearing is you want this kept open so we then embarked upon a traffic study before you act on it. I suppose it could do an updated letter for you on it but again, we do need to come in with final site development plans.

Comm. Harger: Let me just ask, does Comm. Pogoda have any comments, questions,
concerns and after that, Mr. Panico?

Comm. Pogoda: Yes, I do have comments and concerns. I have many of the concerns that Comm. Widomski and Comm. Tickey were talking about, the traffic circulation with the clock rate, which is major. We still do not know what kind of restaurant is going into that slot next to Panera Bread. I'm concerned about the traffic flow around that area or are there going to be designated slots for the teachers up at Goddard School away from the building? So, the people that are around the parents that are dropping off the kids will have sufficient parking, dropping them off because sometimes it takes five minutes. By the time you get him in, maybe speak to a teacher in the morning and they don't just come and drop off the kids. They're not high school kids that they just drop off. Parents drop off, they come park over there winter time maybe a little bit longer.

I am concerned about the traffic circulation in that area. We're also creating a 4,000 square feet addition on the other end. It may not be in that quadrant, but you're adding another 4,000 square feet into it. It looks like, hopefully, it's going to be a very successful shopping center, but it's also going to be traffic at times, I think. What we had expected, as Comm. Widomski had stated, he wanted to see an upgraded traffic study and I would also want to see that. Comm. Tickey also brought up the idea of a restaurant at Dairy Queen. As mentioned, we asked for a seating area where the coffee shop was going to be on the outside. I think there should be something done. I personally would like to see some seating area out there, so anybody wants to sit on the outside or Sunday or whatever else they want to get it. I think there should be something fitted to that area whatever way they wanted to do it. Those are basically my comments for right now.

Attorney Thomas: I can address that. I've never honestly been in a situation where the commission has asked for a patio, but I'm certainly willing to go back and say the commission wants you to have a patio. I mean, they may not want to have that. They may not want people to go outside with their stuff. They might not want to do that. But I certainly will raise it with them and since we do have to come back in with final site development plans. A successful center has traffic.

Comm. Harger: Comm. Pogoda, did you have another comment?

Comm. Pogoda: Well, it may not really have to be a patio. I know Comm. Tickey said possibly some benches or something where if they want to come out and sit down on the outside, just a bench. I mean you're trying to make this, as stated originally by the applicant, that they'd like to make this like a park, a park setting generally have some benches around it. You know, areas where you're having to take out maybe some of these restaurants may make your burger you want to take out. I don't know what type of restaurant is going to be next to the Dairy Queen supposedly, but you may want just take out that, let me bring it up so I can sit on a bench over the next day will fall or spring morning a wherever. Here's some areas for people to sit down on the outside.

Comm. Tickey: I agree. I don't, I wasn't proposing a full patio, but just benches where
the signs are where you see just benches for people to sit.

**Attorney Thomas:** Again, we’re in here for concept plan approval. We haven’t gotten, you know what I mean? The reason we went in fast is because we have some requirements for the tenants. I mean I’m going to be very frank; this is nothing anywhere near like CX Plaza and I know you’re being affected by CX Plaza but this isn’t it. This has a very good traffic flow throughout. If there is heavy traffic flow throughout, what that means is, it’s a successful plaza. The plazas that don’t have a lot of traffic flow throughout our not successful plazas, but we have plenty of flow throughout. Plenty of entrances, exits and really not a situation where you take a look at the DQ drive-thru, it’s not going to block anything. That is if you take a look at the Panera drive-thru, both of which are low impact drive-thru, they’re not blocking anything and the way a Chick-fil-A is located, it’s not going to be blocking anything either and it has a double lane drive-thru. We took into account all of those issues.

**Comm. Harger:** We just want to make sure there are not any blockages. This is a whole different layout than what came before the Commission years ago when Shelton Square was put in and you basically have one – two big buildings connected there and a huge parking lot with a lot of different travel lines. The point is, it’s a whole different way of approaching it that we have to become comfortable with and that’s what we’re striving to do, is to become comfortable so that now, so that later on, we don’t have any issues.

**Attorney Thomas:** And that’s why we provided the parking plan show you that we’re providing what the parking is.

**Comm. Harger:** Mr. Panico, did you have any comments?

**Mr. Panico:** Most of my questions have been addressed. I’m looking for more detail on that building and I wanted to verify that all of the students get dropped off and picked up are escorted to the building, correct?

**Mr. Rose:** That’s correct.

**Mr. Panico:** So, that means every parent has to park and parking is important. I want to make sure we have enough parking around the entry to handle it. Other than that, the concerns about traffic generation and available parking answered would be something good to have.

**Comm. Harger:** Okay, thank you Mr. Panico.

**Comm. Uysal:** I do have a comment to make. I do think this looks good on paper. I would also want to echo sentiments that we do need more details before we could go on. Especially with the addition of the Goddard School and the DQ and the driveway at DQ, I would like to see more details regarding this.

**Mr. Rose:** This is the initial concept plan. There will be details of each one of those
domains, very detail, but we're trying to get to that next step.


Comm. Pogoda: I have a question. Is there going to be a dumpster provided for the Goddard School?

Attorney Thomas: Yes. They're two dumpsters, one for the Goddard school, one for a DQ. They're right next to each other on the plan. I'm assuming you were sent the plans Comm. Pogoda?

Comm. Pogoda: I have the plan. I have the plan right in front of me. I just, are you talking about those two squares in front of the restaurant number three?

Attorney Thomas: Yes, right behind restaurant number three.

Comm. Pogoda: Restaurant three. Okay. So, in other words they have to walk it over from the school to the dumpsters.

Attorney Thomas: Correct.

Mr. Panico: It's only about 50 ft.

Comm. Pogoda: 50 ft. in the winter time with snow and ice.

Mr. Panico: I assume that in the winter time, the sidewalk will be kept clear and there is a sidewalk directly to the dumpster, so.

Comm. Pogoda: I'm assuming they don't generate a lot of garbage, maybe a considerable amount. Okay. It's just a thought that I had. Again, just to reiterate, if we were thinking about voting on this tonight, I'm not comfortable because I don't have enough information.

Comm. Harger: No, I don't think we're at that point.

Comm. Kelly: I think we're getting a little out of whack because we're looking at the whole project and you know, the distance between is not a great distance and it looks very massive at this point. As far as the daycare center is concerned, bringing the children going in and picking up and dropping off. That's very small. That's very minor. I'd be more concerned on the parking spots for the people with, you know, the workers within it. But I don't, I don't see a problem with it. I'm sorry.

Attorney Thomas: Well, I mean, if I can make a suggestion. If Mr. Sullivan can do a traffic letter before you, then you need to keep the public hearing open. Keep it open to your next regular meeting and just conclude at that point. I'm being very frank, we came in quickly because we need to accommodate tenants and you know, that's it. But if you
want to, then I would suggest you keep it open until your next regular meeting. Is the next meeting February 11th?


Comm. Laskos: What you heard here tonight, it's not just about parking spots, but flow. What you have is a dead end going in right in front of the Goddard School. If you reorient the two dumpsters and add in an exit at the other end of that parking lot, that would flow through because what you’re hearing is that the flow doesn't work.

Mr. Rose: I beg to differ about the flow. The flow is designed specifically this way to give the Goddard School those drop-off spaces where they're not going to be interfered with other cars passing by and putting those kids, moms and dads in a traffic aisle. That's why I brought it around the corner and created those 10, 12 spaces there specifically for that.

Comm. Harger: As long as we don't have a bottleneck.

Mr. Rose: The problem would be if they came into an aisle and then people are trying to pull in when cars are passing by. It gets more difficult. Putting specific parking spaces for drop offs, which would be marked, creates a space, a safe space for those people coming in. They're only pulling in next to another parent. That's probably wrong.

Comm. Widomski: I've got two questions about dumpster closures. How will they get to the dumpster? Is that going to be a two-sided gate so you can get it from both sides? Are they going to have to walk across the grass?

Mr. Rose: It's going to be accessed by the machine coming down but they're going to have a gate on one side, four a different wing entrance and the other side for another one.

Comm. Widomski: Okay. And then going back to what I said about the traffic study, I think needs to be updated with everything that's been going on. I think that should incorporate not only my opinion, but the other Commissioner's opinions. I would like to see how the new traffic study would be with the 4,000 square feet added and everything else that we've added in there.

Comm. Widomski: I just think we need something updated. I know I would feel a lot more comfortable with that information before I can go any further.

Attorney Thomas: By that time, hopefully will be the final site development plans instead of initial concept. Let's speed this along. Again, my suggestion is that we'll come back in with the updated traffic letter.

Comm. Widomski: I want some raw data with that too.
**Attorney Thomas:** We're not going to do a full traffic report study. It's already been done. It just needs to be updated.

**Comm. Harger:** Attorney Thomas, Mr. Rose, is there anything else on this particular proposal?

**Attorney Thomas:** The only thing I was going to show you was the floor plan. And that was the only other thing.

**Mr. Rose:** This is the prototypical of Dairy Queen as one side fireplace kind of stones that have metal panels along the top. They're going to be changing awning colors. They have all their awnings to match the other awnings within the center saying they have black trim on the top. The floor plan and main entrance is here. Order area and pick up area here. We've got 60 seats in here. Kitchen rack, wash, refrigerator and storage. That's the beverage station. It's fairly straight forward but there's a decent number of seats.

**Comm. Widomski:** Pat, can you go back one slide please? One more. I'm going to take it that those are menus.

**Mr. Rose:** Yes.

**Comm. Widomski:** Okay. Are the colors going to be close to matching the remainder of the plaza? I don't want this thing to stand out where the space station can see it.

**Mr. Rose:** This is a beige color that is fairly similar to the rest of the colors and this orange is their orange.

**Comm. Widomski:** Pat, I drive all over the state and the guys keep saying that's their colors. They're not going to change it. I went by the Walgreens just the other day that was done up in Danbury and right by stew Leonard's, beautiful buildings. All wood covered. It's not the typical Walmart or Walgreens looking thing.

**Attorney Thomas:** Again, we're here for initial concept plans. We will have discussions and I already had a discussion with them about the awnings and I said, your awnings are going to be more than likely black because that matches. In fact, the question he asked me was what color on the AAA awnings. And I said, black. said. So those conversations we have, we do have.

**Comm. Widomski:** That's good though.

**Attorney Thomas:** Yeah.

**Comm. Widomski:** We're getting there.

**Comm. Harger:** Anything else you'd like to review with us? Any further questions,
comments, concerns from the Commission? Is there a motion to keep the public hearing open?

Comm. Widomski: Do we want to see if the public wants to comment now and hold the public hearing open and they can comment on anything?

Comm. Harger: I think it would be more efficient to leave it open so that we can get the updated traffic report. And we just got all this information tonight.

Comm. Widomski: Okay, cause there's people out here that may not be able to make it the next meeting.

Mr. Nappi: There is a sign-up sheet.

Comm. Harger: I believe it was the last meeting we had discussed to leave the public hearing open and the public will be allowed to speak on any new information that came in. But the comments have to be limited to any new information that has come in. We're not going to go back and rehash things about Mission BBQ or the hotel or the office building. Anything that's on the major modification. Anybody else from the public want to sign-up? The first person is Gregory Tetro.

Mr. Tetro: Gregory Tetro, 281 Buddington Road. I agree with the comments of Attorney Thomas and Mr. Tickey about the traffic. OSTA is going to take care of it, whether they have to take care of it right now or they have to take care of it and it really doesn't matter to me. I think that internal traffic is the bigger issue. I look at the road coming up the hill and then I see where the two roads separate, you know, these two oval circle combinations with two roads going off on angles and without seeing left, right, which way you're going. I mean, I almost feel like I'm in a Chevy Chase movie where they're saying Big Ben Parliament because you don't know where all those roads turn and go to. It gets a little confusing.

I've had a few blizzards in my day, so I've been to a few Dairy Queens. I've been there at night after a softball game or a football game or when all the kids, you know, you could have 25 kids and you could have two teams. You'd have 25 30 kids and all the parents at the Dairy Queen. Great for Dairy Queen. But where you are going to put those kids right now it looks like in the parking lot and when you look at that parking lot for the Dairy Queen area, it looks like it has an in and out. So, you're going to have traffic driving all the way through. It's not a dead-end.

My big concern is when we went through the initial fight over Fountain Square, there were nine buildings. There was going to be a CVS, there was going to be a bank, there's going to be a lot of things. And we had it reduced down to seven and it was a big victory because there was more open space. When I look at the number of pads, I see nine buildings and I hear the word restaurants. I don't consider the Dairy Queen Grill and Chill a restaurant. I don't consider a Jersey Mike's really a restaurant. I'm okay with the drive-thru because you reduced the sign.
My concern in the Dairy Queen drive-thru is it's going right through where? Near the dumpster pads. Where do you go? You're coming out back into traffic, but dumpster openings on either side. Those would seem to work properly unless all you're doing is filling a dumpster from the Dairy Queen side and picking it from the Goddard School.

My concern also, is we have another development coming up that we're going to talk about next. And I know that R.D. Scinto approved a daycare center. I heard in that time between then and now that another daycare went through. And now you have the Goddard School heard great things about it. I have a lot of friends who sent their kids there. But when we're building all these rental units and every time, I hear the Commissioners talking or I hear the attorneys talking, you're not going to see a lot of kids here anymore. Why are we putting in so many daycares if we don't want kids in Shelton? I mean are we going to really be able to fill them up with that and why did we allow it to go back to nine buildings? We didn't make that fight for any reason, but to see more open space and here we are back the nine buildings, not a lot of high quality from what I see.

I hear a jewelry store, there's a lot of different styles of jewelry store that we hoped would be good. We'd like it to be successful, but I don't know why we even have inceptual drawings, why don't we say that we have this plot of land, we're going to put up 350,000 square feet of something in that space and then we'll actually put it in one piece at a time when we find a tenant, because we're not getting into where we're not making any, any progress, we're not making any improvement. We're starting out fighting for something that we never got. I don't understand how it got to where it got to now, to what I see today. Thank you very much.

Comm: Harger: Thank you, Mr. Tetro. Next, we have Jan Girard.

Ms. Girard: 11 L Hermitage Drive. I don't have a problem with the idea of a daycare center. I don't mind Dairy Queen, but we're talking a lot about parking spaces and traffic, which is all very important. But we've left out people. What about people? You, you have this incredible opportunity here. You have a daycare center and a Dairy Queen right next to each other. There's no way to walk from one to the other. So, you as a mother, I'm loading my kids up. I've got to do my seats. I'm like, you know, getting in and out of the car, I've got to drive all the way around. It be so nice as it just as a person, if I could just walk to Dairy Queen without having to get my kids across a bunch of traffic.

We never seem to plan for pedestrians, time for cars, which we need to, but if you're going to have all these restaurants and you've got all these kids and these moms and dads, it's ideal to be able to pop, get your kids out and take them to a restaurant. Since we're doing the planning and development, let's think about pedestrians. Let's think about how they can get from A to B. So many of these centers that we're putting in right now, you have to get back into your car just to go to go to the next building, doesn't make any sense. Especially when you have children. You don't want to get in and out of the car all the time. When you could just walk there. Oftentimes we have a grass patch
between various centers and as a dip down and up and you can't actually walk across the grass to get to the other center. You have to drive all the way around. So that's my comment about this. In terms of its planning. You're going think about people and let's have pedestrians, which was kind of the original concept. You're going to have open spaces. We're going to have walkways from one area to the other. So, you can't just park your car and just do around trip, you know, walk there. It's better for everybody to walk anyway. So that's my comment.

Comm: Harger: Thank you, Ms. Girard. Next is John Venables.

Mr. Venables: I own the building and the business at 50 Parrott Drive. I definitely appreciate what the Commission is considering with regard to parking because I do think, being somewhat involved, I agree with some of the other developments have been, let's just say a challenge. Even Big Y and the restaurant down at the end, you have all of the other buildings and all of the speed bumps and what worries me about this is the load on 50 Parrott Drive. It looks like no matter how many businesses you have and how many customers, if you want to take a left turn onto Bridgeport Avenue, you have to go onto Parrott Drive. Unless I'm reading this wrong, it looks like that other road is a right turn only.

Every day at lunch and at 5:00 p.m., you can't imagine how many cars are backing up on 50 Parrott Drive. So, if you have a daycare for something that's, you know, got a lot of people that are going to arrive to pick up the children and then leave. You already have a lot of businesses on 50 Parrott Drive that are coming down. And because of the cut through from the Sciento development, we get a lot of traffic on 50 Parrott Drive that you wouldn't even imagine should be. It looks like it's a cul-de-sac in reality, it doesn't work that way. It's crazy. We did a speed limit sign on that street, but that's for another time. They're coming through the development and down 50 Parrott Drive so, it backs up and you know, right now I know you're going to put a light in, but right now you can't take a left there.

You just wait forever at rush hour times either in the morning or when work is letting out, you know, between 4:00 p.m. and 6:00 p.m. essentially. And I worry that the daycare is going to be adding to. So, I really appreciate that the Commission take a hard look at that. And I also appreciate the woman's comment above about some walking. I can tell you if there's places to go for lunch right now, the people on 50 Parrott Drive can walk to the Sciento towers for lunch, but there's no sidewalks. You're walking literally on the street and there's people that are blasting through there and it's dangerous. In fact, Bob has been really good allowing our people that come from where we are in the factory. We walked through the cul-de-sac; we actually walk around the building to avoid the street because the street is so dangerous around the building.

So anyway, just a thought about, I mean, I wasn't coming up here to comment on sidewalks, but I think it's an excellent point that there should be some walking paths. If our people would love to go down there and, I don't know if there's a Jersey Mike's or whatever's going in, but that would be fantastic. It would be very busy. If it's walking,
that would be great. They have to drive and even more of a flow traffic and a parking problem because they're in there buying a sandwich or whatever. Those are my comments.

**Comm. Harger:** Thank you, Mr. Venables. Next is John Anglace.

**Mr. Anglace:** John Anglace, 676 Long Hill Avenue. I don't know. I'm trying to understand what's going on. I thought if I was sitting up there, I'd be totally confused. I won't be able to make a decision. I get the impression, I'm not sure you know. I thought when I saw this originally, wow, everybody was excited. We were going to get this. We're going to get that. Imagine, Chick-Fil-A and all these other wonderful, it's good. It's, it's a quality site. It's a good location. There's a lot of positive things, no question about it, but how are you guys going to make a decision when they keep changing their minds? We want to do this; we want to do that. This is only beginning. We'll get you this before that. You've got to have the plans and I think that's what you're saying you don't have, you got to know what you, what you're acting on.

You can't just act on potential or possibilities and you can't keep changing. Every week they say, well, we want a site change. We'll change the site. But I'm scratching my head saying, how the heck can you make a decision? And it's not fair, but here's the part that drives me crazy. And the reason that I think it's a good idea that you let the public speak tonight, as this is developing and unfolding, the public must be part of it. Must be part of it. They've got to tell you what they see. Just like you're asking the developer what you see, the public has to be involved to let you know that there are other things that you should be looking at. And I think that was a good decision for them to speak tonight and to let them speak again when you get further along with this. I don't think this site, I don't think that the daycare fits. I just don't think it fits at all. It is not a site to bring a bunch of kids in when you've got all kinds of commercial establishments and traffic flow, that's all over the lot and you try to tell them what it's going to be like. I just don't think it fits.

I agree with the request of more work in the traffic flow and the pedestrian flow that that's important. And again, the lack of a clear site use and you know, clearly the decision for you to, this is what I'm acting on. Yeah. This was the acting on this week and thinking about this week, next week you change it. So, how does that impact the public? Here's what I'm sitting over there and I'm saying, all I see is what's on that screen. I don't have the documents that you have to need and neither do the people in the room. I don't have all those documents that they submitted. Oh yes. I could go upstairs and I can look at them, I'm in a position, I could do that because I'm available throughout the day. But those people don't have it. They come in here and the disadvantage, so when you're showing a picture of the screen and you do all that, you're whoever at laser guided thing and you're talking about this and talking about that. It's tough for the public to understand the following. Especially when you're talking about, we don't set the site like, where was Parrott Drive, where was Bridgeport Avenue, who you're referring to buildings but not setting the scope of where they are and what they are. And I'm not that for with the site I need that. Maybe you guys don't, but I do. And if the rest of the public is like me, they do.
So, I mean it could be more involved and perhaps understand some of these things and some of the concepts that are being put forward, if we understood it better. But otherwise, like I said there thinking there's going to be a charter school here. That's what I thought I heard in the beginning. I'm hard of hearing. Maybe I heard the wrong thing. Maybe it was something else, but that's what I thought and it took me awhile before I realized that it wasn't a charter school, it was a daycare. I want to reinforce the comment that was made by Comm. Widomsiki. I'm sure he was very happy to hear somebody talking about the pedestrian flow and sidewalks. But I think you made the right decision. Let the public speak, keep it open and let them speak again. Thank you.

Comm. Harger: Thank you, Mr. Anglace. Attorney Thomas, do you want to respond to any of the comments?

Attorney Thomas: At the beginning, a request was made that we put in internal sidewalks. The site is loaded with internal sidewalks because of that. At the beginning we proposed the sidewalk along Bridgeport Avenue. The Commission asked for a sidewalk up Parrott Drive to the entrance. We put that in. The Commission asks that the sidewalk be prepped in case there was ever a sidewalk at Woodside Plaza. The site of this prepped case, the sidewalk goes in, the internal sidewalks go around the fountains, come down from the hotel, provide for sidewalk access. The reason the traffic is directed out to Parrott Drive and its right turn only on Bridgeport Avenue is because of the very beginning, OSTA, your traffic authority and everybody in the world that spoke said that they needed a traffic light at Parrott Drive.

I understand that people, this has been a long process. We have had four final site development plans approved. I understand Alderman Anglace has embedded all the plans. He's not going to understand it, but all these plans are approved. So, I think with the comments, I can honestly stand up here and say already done. We've already done the sidewalks inside. If you look at the plan carefully, there's the sidewalk that can take you from the daycare over, behind the dumpsters I believe, to a crosswalk. There are crosswalks that go in front of the drive-thru into another sidewalk, so we've addressed those issues.

I think the only issue that I think needs to be addressed, if the Commission feels comfortable with an updated traffic letter, we'll be glad to provide it. We asked you to keep it open to your next regular meeting. As soon as we get these approvals, we need to move with in with final site development plans. But I think we've addressed everything.

As far as things changing, things change. That's what happens in the commercial world. Somebody down the road took away the pharmacy. We got a restaurant in its place. Sometimes tenants change because of time. Sometimes tenants have timeframes and when the landlord can't comply, that goes somewhere else. The goal is to keep the tenant in Shelton and the goal is to bring in tenants in Shelton. As far as the number of daycares, if there were too many daycares, they wouldn't be built. But people stand up before you all the time and tell you that there are 25,000 people that come into Shelton.
to work every day. You have Sikorsky signing a long-term lease. You have numerous other things. You've had all this presented before you. So, believe me, there's a need for this daycare. There'll be a need for more daycares. There's a need for this hotel and there would be a need for another. So, we'll be glad to address traffic on the 11th.

Comm. Widomski: Can I ask you a question?

Attorney Thomas: Yes.

Comm. Widomski: I was the advocate behind the sidewalks. Everybody knows that I did ask for a sidewalk on Parrott Drive. What are the chances since we have a gentleman here tonight that says his tenants would love to have a sidewalk down from his property, what are the chances?

Attorney Thomas: You're asking me for a sidewalk, the rest of the way to our site. No relationship to our site, but Alderman Anglace on Thursday night can easily approve a sidewalk up.

Comm. Widomski: I remember you standing here, two years ago, whenever it was, and you specifically said if we want infrastructure upgrades, now is the time to do it and have them build it for us.

Attorney Thomas: And we did substantial upgrades along Bridgeport Avenue and Parrott Drive. We had that discussion about that. But you can have a sidewalk along Parrott Drive and the Board of Aldermen can approve it.

Comm. Widomski: I'm asking you to do it.

Attorney Thomas: No, the answer is no. The answer is no.

Comm. Widomski: Okay. Dominick, when you ask, what's the worst that can happen? If I don't ask, you don't have an answer.

Comm. Harger: Anything else, Attorney Thomas?

Attorney Thomas: No.

Comm. Kelly: Would it be feasible, the last concept approved to show that with this one a layover?

Comm. Harger: You want a side by side comparison?

Comm. Kelly: Yeah, I mean that would maybe solve a lot of problems that we're having. I think conceptually we're not seeing it. We're not seeing the sidewalks with it because I know what Comm. Widomski is saying. But I know at one time we talked about sidewalk going up, but there were also internal sidewalks within the complex.
Attorney Thomas: Correct.

Comm. Kelly: I know they're still there, but they're down. They don't show here. You know what I'm saying? And conceptually I don't think we can see that.

Attorney Thomas: Yeah. I think part of it is because you see them a lot better when we come in for final site development plans.

Comm. Kelly: I know you have the initial one, can't you show that in comparison to what we have here?

Attorney Thomas: Okay. I think what I was trying to say is if you look at the phase one final site development plans, phase two, phase three which are smaller is that they show the sidewalk.

Comm. Kelly: Yes, they do. And they showed the fountains and they show everything. But these don't show.

Mr. Rose: But obviously when we do the detail development plan, we can have a comparison of phase four that was presented.

Comm. Kelly: Because you know, we're talking about parking, we're talking about, you know, walking and whatnot. The distance between is not great. And here it looks massive.

Mr. Rose: Correct. You're seeing the whole site.

Comm: Kelly: Yeah, exactly.

Comm. Harger: That's one other reason why I asked about that. Just to be able to grasp visually with the changes.

Attorney Thomas: Not only is it expensive, but it's a long time because then you've got to computer generate it.

Comm. Harger: Okay. Anything else? Is there a motion then to the public hearing open on this particular application?

Motion made by Comm. Widomski, seconded by Comm. Tickey, to keep the public hearing open upon receipt of the traffic study and for the public to be able to comment on the new information presented for Appl. #20-03. On a voice vote, the PZC voted unanimously to approve the motion.
A. Continuation of Application #19-21, Dominick Thomas for SEP Shelton, LLC., AA Shelton LLC., AA Shelton Investor LLC., 710 Bridgeport Avenue petition for a zone change to a Planned Development District. Development of 340 market-rate and affordable units with parking, offices, light industry, and warehousing uses also present on site. Review, Discuss and possible action.

**Attorney Thomas:** Attorney Dominick Thomas, 215 Main Street, Derby, Connecticut, representing the applicant. Pat Rose is passing out certain attachments that I'm going to refer to tonight in the initial part of the presentation is going to be address some of the comments that were made last time and to very briefly address the documentation that we received today from the attorneys for the Mark continuing to oppose, that we received at 3:30 p.m. today.

**Comm. Harger:** Attorney Thomas, just to recap this, we had public hearings on this that commenced on September 25th and on October 23rd. So, this is the next one after October 23rd.

**Mr. Nappi:** We've supplied Mr. Panico and Comm. Pogoda with the handouts for tonight.

**Attorney Thomas:** Those set of handouts were done this afternoon. The main set of plans, the revised plans were obviously filed with the Commission. I think in original set of those plans may have been sent down to Mr. Panico. And my apologies for that. Well anyway, I do want to very briefly address, like I said, we didn't get a chance to really reviewed thoroughly the statements from the Mark. Obviously, I'm familiar. They sent in a memorandum in opposition and a lengthy report from a realtor indicating, that Shelton doesn't have a demand for apartments except of course for the Mark. I do want to commend them because normally I have gone to projects where entities like a supermarket want to oppose another supermarket. So, they go and hire people, so to speak, neighbors to try to oppose it. The Mark has been upfront about it and it's very simple.

Obviously, the Mark doesn't want any competition and so they want to be able to continue to raise rents. So, that's their bottom line and trying to oppose it. What's very interesting is what they've done is they've cherry picked from the POCD in an it effort to try to convince the Commission that if you focus on the comments that were made last time, which I will address, they focused on downtown that would allow them to avoid any competition and continue to raise rents. I mean I don't know how else to put it and I know you've had people stand up here and tell you that there's competition between Bridgeport Avenue and downtown Shelton. There is no competition and I don't think you can find any proof.

If I wanted to go downtown and I wanted an apartment with a pool and a clubhouse, I can't get it. Not that every apartment on Bridgeport Avenue has the amenities of the Mark, the Renaissance or what we're proposing. But the fact of the matter is that the rent structure and the structure of the rents of the downtown, which have been very
successful, are somewhat different. And as explained to you in the lengthy report by Stan the marketability of both is very different. Apartment demand is amenity driven and that doesn’t mean that everybody wants the amenities, it means that some people do and some people don’t and amenities substantially affect the price.

I think this Commission experienced it in a negative way. When you approved Avalon downtown with its parking garage and found out that Avalon charges extra for parking so people chose not to park inside. That’s basically the apartment demand 101, what the what they’re going to offer and that is why with every application since that point you have addressed the issue and you have said, is the parking included with the rent? Parking is an amenity. With the rents, for instance, at the Mark, they are substantially higher than downtown and if you recall, I know it was months ago, Stan’s market analyst’s and fiscal analysis. He pointed out something that was very interesting, which was that what’s driving the market demand, also in addition to younger people is boomers. And I think I may have mentioned it back then because it was something talked about in Shelton.

You have individuals like, for instance, Joe Benanto, a Shelton legend and his wife decided to sell their house in Shelton and go into the Mark. So, the demand is there on Bridgeport Avenue for that type of amenity driven apartment. The demand is also downtown and that’s proven by the fact that you have a Bridge Street Commons who apparently fully rented and they came before you and you approve 90 apartments because he bought other property. Developers are usually pretty savvy people who aren’t going to go into building something unless they believe they can rent it.

Now there’s also differences between downtown and Bridgeport Avenue in the walkability. In downtown who have different certain services available. And while Comm. Widomski keeps pushing for sidewalks and some developers are putting in sidewalks and maybe you’ll have more sidewalks, which Bridgeport Avenue is not quite as walkable as downtown.

So, there’s two different appeals in two different levels and there is no proof, no empirical evidence, none whatsoever that there is competition between the two. What’s interesting is apparently the Mark agrees with that because in my brief survey of their objection, what they’re saying is focused on downtown, even though they have apartments, they’re not worried about apartments downtown because why? Because they’re not in competition. And again, I go back to the fact of what was stated about amenities and whether or not downtown you could still find an apartment with a pool and a clubhouse. You can’t.

Mr. Nappi: Attorney Thomas, just the correct, there is a pool, there is a clubhouse and it’s located downtown.

Attorney Thomas: And where is that?

Mr. Nappi: Avalon.
Attorney Thomas: Correct. There is one in Avalon, which by the way, showing that there is a demand was just sold. And from my understand, the substantial amount per Katie, but that's the only place. And in fact, there was no other large portion of land in which multiple apartments. One interesting point I want to Avalon and I will address it is Avalon is 270 apartments. So, it has economies of scale to be able to do it in order to achieve those economies of scale downtown. The only other part parcel of land in the downtown other than knocking down substantial portions of building, which would of course be out of balance and that would be the park.

But has this Commission addressed the issue of comparisons of the two? And I handed you even though you, were a part of it the 2017 update, which is referred to in the objections by the Mark, your plan of conservation and development update. I handed it to you so you could follow along and some of the comments that I made. First of all, I think one of the important things is on page five in which it talks about the fact that Shelton continues to reflect the demands of the marketplace as well as the needs of current residents and the need for economic development. It talks about getting you a balanced growth community. Now it does have some statistics following on housing and what's going on now.

Again, this is 2017 so it addresses it more in the early teens, but I think what is very significant for you to look at is what's on pages seven and eight of your updated POCD. In pages seven and eight have you updated POCD under page 8 under economic development analysis, the Commission recognized as it states in here that more recently, however, the concept has been expanded, the concept of economic development, to include some forms of residential development such as age restricted housing, assisted living facilities, high density residential apartments with limits on bedroom counts and upscaled dwelling units, catering to the older affluent residential. That's a recognition of what is going on.

The fact is these larger apartment complexes and even the smaller apartment complexes are economic development generators and that they in fact provide taxes in a positive fashion to the town. The other thing to look at is certificates of occupancy on page seven. And that's interesting for a couple of reasons. As you go down here, you'll notice it includes Avalon, it includes smaller places like Vista Apartments, it includes the Mark 2017 and includes the rest of the Mark and Bridge Street Commons. It includes a canal, river lofts, River Breeze, Water's Edge, Brookview and in other words, it gets to what they're projecting going forward. And as you're looking going forward, it looks like it projects as you see there, not off which it hasn't been built. Phoenix, and Hawk's Ridge. So, it's talking about multifamily units, even though the portion of it is single family and there's multifamily right now. But then they go on to 20, 21, 22, 23, 24, 25 and 26 and they're just projecting it 120 multifamily units going forward. Um, and you have to look at that in perspective with the fact of the reports that you've received on the amount of employment, the amount of people that are coming into town, the amount of the people that apparently need housing. And the fact that the matter is that this commission in its POCD update that's recognized that type of luxury housing as a form of economic development.
Also, when it looked at, it looked forward from five, six years for actually for 10 years beyond this, to look at what is the trend actively predicting what the trend is. Now, here's one thing that you need to really recognize and another big difference between downtown and the projects of larger scale. In the fall you approve two projects. You approved more than two, but you approved the old Carol site and you approved the balance of Bridge Street Commons. In both cases, construction has already started. The time from approval to start and most downtown sites is measured in weeks or months depending on the contract and the accessibility to the property. The only parcels remaining in downtown for development of apartments are situations in which a parcel is bought and the building on it knocked down. There are very few parcels left. I mean there's the Bryant body site which has been proposed for a few that there are very few empty parcels, but even with a building knocked down the condition of the land downtown allows you to begin construction within a short period of time. Assuming that A, you have the contract in place and B, you have your financing in place. Those are the key elements. Not competition, not anything else. It's whether you have your financing.

You take a project like 710 Bridgeport Avenue, which we have before you, and that fits more into the projections down the road. The ones that you approved in the fall in no way are in competition with 710 Bridgeport Avenue. It would probably have an 18 month to two-year timeframe because of the amount of site work as would most major projects on most of the properties at Bridgeport Avenue if you were approving a lot. Now there are some that can be done quicker, but because most of them would require a substantial board approval process, having to go to DOT because the smaller ones don't reach the threshold, you have a completely different timeframe of it.

Now, the Commission on page nine, the Commission then recognized and addressed a lot of the downtown and it talked about the success of the downtown units. There is nothing in the POCO whatsoever that indicates that Bridgeport Avenue and downtown are in competition with each other. And so, it's a very thoroughly research project and they get saying, not they, you didn't say that as the Commission. Why? Because there is no proof of that. There is no, they are two completely different levels and I think that needs to be recognized when you're going through this analysis of what can happen. And looking at this project, you shouldn't be looking at this project and saying no to it because it's an apartment project on Bridgeport Avenue and we're never ever, ever, ever for I don't know how many more years going to approve an apartment project on Bridgeport Avenue again.

There's a demand for it. The Mark is filled, the Renaissance is filled, whereas you've approved other ones. The risks in an apartment project is not on the city, on the Commission. The risk in whether or not you go forward in an apartment project is on the developer who has to go out and get the financing and go forward for it. And that's what is important. And you look at the amenities. I heard something very interesting and I addressed this with a developer in downtown who shall remain nameless, and I asked him this question. If the city put in a parking garage, would you, and in conjunction with that parking the garage, did what other communities have done, other cities have done, which is abolished their downtown parking requirements and tell the developers, we'll
take care of the parking. You take that parking garage that you're going to build on your site and you turn it into apartments because we want more people. Would you give up your parking and go to the town and say, I want more apartments? And the response was made because he said, the only amenity that we have is to provide the person with parking. So, it does allow me, if there's onsite parking, it allows me to charge a higher rent, but I may not do it for all the apartments I want to have mixed. And so was it a very interesting point, but it's an example a little bit of what the differences between what you're dealing with on Bridgeport Avenue and the type of apartments that haven't built in or proposed before you and the type of apartments that are downtown.

Now, the other big issue, was before you in a statement that was made by one of your Commissioners who's not here tonight to a developer and the downtown department was asked can you do affordable? And the response from that downtown developer was, no, we can't because the size of the developments that we're doing downtown prevent us from having the economies of scale to be able to commit to even three or four affordable units. And I'm not the money person so I'm not going to challenge the thought.

You have before you a proposal. As you'll see in a minute that we've reduced the 272 units with 10% voluntary affordable. If your position is that we are no longer going to consider apartments on Bridgeport Avenue, it happened in any fashion. And we are going to agree with what the downtown developers say. Then your position is we're not interested in affordable workforce apartments. We're not interested in developers doing it even though there is those with economies of scale are voluntary to do it. And in fact, because they come before you with PDDs, you can demand it.

And I'll tell you one thing that's changed since I can probably one of the three or four people that know this happened. When the Mark was first put before you, the offer was made for a voluntary, uh, affordable workforce housing, some of it dedicated to fire police and teachers of the city of Shelton. I don't want to say rejected; I want to say discourage at that point. No need to do it. Now this is back in 2011, 2012. Now you have my client before you saying I want to do 10% affordable. I have the economies of scale to do that, to generate 27 units. And one of the things that I gave you is a report that was in the paper today or yesterday, within the last couple of days from Governor Lamont was quoting governor Lamont that they're going to start cracking down on some of the towns, and I'm not saying the target Shelton, but it may not be, but they are going to do something that is done in other states, which is, unless you can buy in to some sort of a regional approach to affordable housing, we're going to begin to cut out a number. You're not going to get your road money. You're not going to get a lot of things because you've got to buy into this and we need to resolve the situation.

There are no more bigger projects in downtown. There's nothing, there's no land. If you're about to do that and you're going to take that approach, then you're saying now we don't want any more affordable housing unless you come in and you force us with 8-30 G in other words, that's the only thing we're going to listen to projects that are coming in with voluntary affordable on Bridgeport Avenue and I think that's a wrong
approach to it.

Now, in addition to that, what are the other benefits on Bridgeport Avenue and I came across within the last month or two months, the article that I gave you from the New York times, which was very interesting in that and addressed what they call suburban office parks. One of the things they're talking about the suburban office parks that are failures. We have a suburban office park that is pretty successful. What still hasn't vacancy rate and Bob Scinto will tell you all the time, one of the benefits is the lower taxes in Shelton and he can attract people because of the lower taxes. He can also attract people because there's amenities around it. When you read the article in the New York Times amended to your reading, it also tells you that these office parks are rejuvenating themselves by providing all sorts of services around them, including residential, including the ability of having alternative means of housing within the areas of the office parks within the ability, not that people are going to walk. We would hope that we put in more sidewalks, but I think it's an extreme benefit.

One brief comment about a comment that was made here and just as a caution comment, somebody who stood before you and said, if you approve the apartments on Bridgeport Avenue, the entire downtown is going turn into low income housing. Speaker Not correct, it's nowhere near correct. But I would be cautioning you not to make any statements like that or adhere to any statements like that. Because in the community where people the federal government decided it was going to do a far housing investigation because it appeared there was some sort of discrimination intent against low income housing. We're not talking about low income housing. We're talking about workforce and affordable housing be offered to you as part of an upscale apartment complex.

If you look at the POCD, I think it's something that you can consider. And I don't think there's any basis at all for the purpose of saying that we're going to deny it only because we're trying to protect downtown, when in fact you have an enormous amount of approvals, substantial construction going on in downtown and others waiting to construct. And the reason they, whether they do or don't is usually relied upon whether or not they have the financing, whether or not they have the wherewithal.

Now on this site you will be, we will be showing you what changes we made. And one of the changes is we do it from five buildings to four buildings. This is a very unusual proposal. And I, when I say unusual proposal, I'm not talking about just for Shelton, I'm talking about for this general area. So, think about apartment projects that you've seen within the Fairfield County or new Haven County. Can you think of anyone which is going on and existing operating office, Industrial R and D site? I can't think of one.

What you see in trouble is Trumbull is putting it into the Mall. That's not what we're talking about here. We're talking about one of your major businesses in Shelton. PerkinElmer is the major tenant here and it is a very well respected, very well considered business with a national international reputation. They are on the site; they have their office manufacturing warehouse on the site along with a couple of other
tenants. We have been working, my clients have been working with PerkinElmer over
the past few months to arrive at a plan that merges the desires of the landlord and the
desires of the tenant and enhances the site for both my client's project and for the
tenant. We have just today finished a memorandum of understanding that addresses
many issues with respect to the site. Some of which are related to the plans, some of
which are now.

What we have, uh, done what we will be doing for the site, which is a site that dates
back to the 70s is improved the utilities. Perkin Elmer's had issues with the water, with
other utilities. They will all be upgraded; they will have now closer parking with four
charging stations. There'll be enhancements to the green area is used by the
employees and landscaping, extra landscaping as was discussed with them. I'm not
going to sit here and tell you it's going to make it easier for them to attract employees,
but I assume if they're interviewing somebody that they really want and that person
realizes two or three years from now that they'd be able to live in an apartment and
literally walk to work. It might enhance the office because again, and I asked you to go
out and look at offices and office space rental are enhanced by having as many
services around them, including residential. The Renaissance is a benefit to the office
space and industrial and The Mark is a benefit to the offices, the office space and
industrial. The apartments going up on Hawks Ridge are a benefit. The attached units
are a benefit. The single-family homes are a benefit because they are all residential
uses surrounding it.

So, PerkinElmer will present you a blasting plan that they want to be required as part of
the approval if you chose to approve this. It is similar to those of you that were around in
split rock and those who are around with The Mark. It's a similar blasting plan that is
required to protect PerkinElmer and its businesses. The plan is truly the plan that we
have to come up with a collaborative effort in this situation to address it. But the
uniqueness of it is what we have done, is take a property that was the Phillips medical
property in the 1970s with extremely excess parking and a parking lot for instance,
behind Benchmark that has cracks and grass growing through it cause it's never used
and repurpose that into a residential amenity for the area and for the site.

We are not, as was said by a member of the Board of Aldermen last time, removing
office park space industrial space. We are not, as the Mark is trying to claim tongue in
cheek with its request that you please keep away competition so they could raise rents.
We are not removing economic development property. We are putting in economic
development property.

And so, we have also submitted a traffic letter with this proposal revising our traffic plan.
I mean addressing the reduction which is obviously reduces it and a revised Statement
of Uses and Standards. And with that I will, if I can get the computer to work because if
it and the projector are not on the same wavelength, I will have Pat Rose go through the
revised site plan.

Comm. Harger: Attorney Thomas, before you go any farther, at what point are you
going to directly discuss any items in the October 23rd letter?

**Attorney Thomas:** We actually responded to their traffic letter. We responded to their traffic letter and then they filed another one today with their objections and they addressed their own marketing. Their marketing position is completely wrong. Again, I can't address it in detail. We addressed the parking and the traffic. We did.

**Comm. Harger:** Item two and it talks about the maximum total impervious lot coverage.

**Attorney Thomas:** That's been fixed. That's been rectified in the plan.

**Comm. Harger:** Is it in your Statement of Uses and Standards? Still reading 75% on page three.

**Attorney Thomas:** Then you got the wrong copy of what I submitted that the Statement of Uses and Standards for impervious coverage. Then the wrong copy must have been sent over. The front page of the map is the zone chart and the zone chart has the correct number of 65%.

**Comm. Harger:** Is this just a typo? On table one, under Land Use says multifamily housing mid-rise 340 units and the ins and outs are 25, 75, 75, 45 is that just a typo? Should that be 272?

**Mr. Sullivan:** Yes.

**Comm. Harger:** Okay, and are the ins and outs still the same?

**Mr. Sullivan:** Those are correct for the 272

**Comm. Harger:** Okay. Alright, go ahead.

**Mr. Rose:** Pat Rose, Rose Tiso & Co. LLC, Fairfield, Connecticut, representing the applicant. You see before you the planning that was presented last time at the way from last time, so familiarize yourself with it. That would add one, two, three or five apartment buildings and the main access off of Bridgeport Avenue here. Secondary access for this facility is here and the access in these parking lots here are where these building additional parking on both sides. The parking lot to the rear.

On the revised plan is where we have gone to four buildings, eliminated a building in this location. We have kept that green space that's here by the office building and enlarged the parking area that's replacing this lower parking here at this location. We have created a sidewalk. It connects these two buildings down here, crosses the street back all the way around here and this is where we have moved our clubhouse and pool into this location, what it used to be over. It's been moved across the street. Makes this much simpler. Getting to and from these two buildings.
What else we have done is as part of this realignment for the sidewalk, we've made some minor changes to the islands in this parking lot so that we're actually increasing the width of this aisle a little bit. Here's the sidewalk crossing. We revise on the islands, so we have a minimum drive aisle for the trucks and the cars we have. We have removed the building that was this location, created this parking lot cut down to the grade. But we've been able to maintain this novel rock here. These buildings are the same as they were before, 68 units, four stories above a partially buried parking level about 49 cars.

This shows the remainder of that sidewalk coming down to the new location of the clubhouse, pool and first building here. This corner is green space. This is the color site plan for the comparable where we show the two buildings in the lower parking lot, club house, pool, new parking in this location. All of this existing drive aisle for the drop off for the office. It's a sidewalk that connects this down to that main entrance. Then the sidewalk that connects residential down to the clubhouse.

Comm. Harger: Can you sum up on that new parking area? Can you point out that sidewalk? But you still have to cross from one Island to another?

Mr. Rose: Correct. So, you're going to be crossing aisles all the way around.

Comm. Harger: And that's going to be proposing to have that separated totally from the two buildings that are down close to Bridgeport Avenue.

Mr. Rose: Dedicated solely to the residents.

Comm. Widomski: How far is the distance between the park?

Mr. Rose: The range is about 120 ft to about 70 ft or so. There's the slope. You're actually starting from the back of these parking spaces down to the residential, the first residential floor.

Comm. Widomski: Rock cuts in there I take it.

Mr. Rose: Some places there are rock cuts. Not in this building necessarily as much.

Comm. Harger: Mr. Rose, have you prepared elevations?

Mr. Rose: We have grading plans of all three buildings. The buildings we proposed previously showed the elevations and they have not changed. Not changed. The building is fairly interesting in and out, a flat building.

Comm. Widomski: So, it's more of a five-story building.

Mr. Rose: On one side it's five stories. On the other side is four stories
Comm. Harger: That illustration that is in the bottom corner, is that pretty standard as to what the angle of the slope looks like?

Mr. Rose: Yes.

Comm. Widomski: On the five stories side. What's the total height?

Mr. Rose: 63, 64 ft from the top. We've provided grading plans. The drainage calculations have all been submitted to the city and the city engineer has not commented as of yet.

Comm. Harger: any comments or any questions?

Comm. Tickey: I know there are buses that go up and report out. Is there a bus stop in front of this particular site that we know of?

Attorney Thomas: According to Perkin Elmer, yes there is.

Comm. Tickey: And there's no bus Depot there. There's no bench or anything.

Attorney Thomas: As far as I know that's the way they go. I mean I know that years ago there was a big push and then a big push back.

Mr. Rossetti: Our staff is currently engaged. As of today, we had a multiple hour-long discussion about shelters up and down Bridgeport Avenue and downtown. We're doing research with transportation.

Comm. Tickey: I'm glad to hear that.

Mr. Rossetti: So, that is all a hot topic that our office is currently working on.

Attorney Thomas: A part of history, when Tom went in, came in after a Walmart. They wanted a large bus stop on the other side. I think there is a bus shelter on the Walmart side there and there was all of a sudden, some pushback from people in town. I think that part of the problem, this is way back when they were afraid of graffiti and other things with respect to this. But I think they're great.

Comm. Kelly: I have a question about the traffic flow, is it the same as we had before? Basically? Where we showed a weekday morning per hour a hundred?

Mr. Sullivan: it's about 20% less.

Comm. Kelly: What do we do with the traffic of the existing Perkin Elmer? Looking at it, the back-parking lot, there's approximately 320 cars there and within the front parking lot it's around 75, so, you know you're talking over 400 cars. So how do they get in and out?
Mr. Sullivan: Well, were part of the, what we could call the background conditions, which is the, whether this was built or not, that traffic is there.

Comm. Kelly: Well that’s true, but you’re adding to that though. You’re adding, it’s 272 apartments. And I know there’s one car, but there’s two-bedroom apartments too. And they probably don’t go in and out at the same time. But I don’t know, it just seems a little sparse talking about.

Mr. Sullivan: Well, we did it include Perkin Elmer traffic, Sc, when we did our analysis, the Perkin Elmer traffic is there. We sat at the driveway, I’ll personally with the sub consultant sits there and counts them coming in and out. So, they’re part of the analysis that we did.

Comm. Kelly: Do they cut through Split Rock too?

Mr. Sullivan: Yes, and those were counted. We counted the Split Rock.

Comm. Kelly: Supposedly the developer of Split Rock closes that off.

Mr. Sullivan: First of all, this is all part of the same Office of State Traffic Administration certificate. So, the Split Rock, Perkin Elmer and eventually this development, should it be approved, would all be part of the same certificate. So, if Split Rock wanted to change their access in any way they would have to go back to the state.

Comm. Kelly: If they changed their access, but they would change their access from another parcel of land going through their property.

Mr. Sullivan: But they’re part of it. Their connection to Perkin Elmer is part of their improvement.

Comm. Widomski: If Split Rock decides, hey, you know what, we don’t want that traffic coming through our parking lot anymore because it’s too much. If they can put a barricade up. Why can’t they?

Mr. Sullivan: Because it’s part of their certificate. So, they’d have to go back to the State Traffic Commission because that interconnection is part of their approval. So, if they were to take that interconnection away, they would have to go back and demonstrate that is not adversely affecting traffic elsewhere.

Attorney Thomas: And their entrance from the light is over 710.

Comm. Kelly: They have another entrance and exit.

Comm. Widomski: Well, yes and no. Yes and no.

Attorney Thomas: I can tell you this, it is a virtual impossibility and that would have to
occur between OSTA and the interconnection with the two properties as we’re required because remember these were a single property at one point.

Comm. Kelly: Dominick, I’m just saying, you know, if it’s a one shift area and there’s the cars up there, you’re going to have those cars coming in and out at the same time. Am I correct? Just like with Sikorsky.

Mr. Sullivan: One hundred is what the new traffic would be.

Comm. Widomski: You’re only saying there are 100 cars added?

Mr. Sullivan: During the peak hour.

Comm. Widomski: I do some quick math here and I’m going to go one and a half cars per unit. That’s 408 cars.

Mr. Sullivan: Just like we were talking about with the daycare, the 156 students don’t come there at once. Same thing with residential. Everybody doesn’t look at their watch and leave at 7:05 p.m., because they want to be somewhere at 7:30 p.m. So, these statistics take that into account. So, residential, particularly multifamily is one of the most reliable statistical resources we have. There’re hundreds of studies on multifamily and that’s how the number of trips is determined.

Comm. Widomski: I just don’t see adding 408 cars doesn’t affect the traffic on Bridgeport Avenue.

Mr. Sullivan: Those are parking spaces, not necessarily cars.

Comm. Widomski: Well, alright. At the minimum you have 272 cars and you have 272 apartments. I’m giving you one and a half cars per unit. So, I come up with 408. I understand what you’re saying. I know you love to throw out the numbers. If we wanted to believe the numbers, Bridgeport Ave would not be as jam packed as it is. And Hillary Clinton would be President today. So, as much as you want to throw me stats and all that, I don’t believe them because time and time again, you have to not use yourself. Everybody comes up here and throw out these stats about Bridgeport Avenue. Oh, it’s only going to add this much. It’s not going to have an impact. It’s garbage. I’m sorry. I don’t know if you live here or not. We do. We deal with it every day and God forbid there’s an accident up on Route 8 it’s even worse and God forbid and need infinite wisdom of our government they put in tolls; it’s going to make it worse. So, to sit back and tell us that it doesn’t impact anything, it’s just not true. Your numbers sound great. Just like we said before, it looks great on paper. The reality is not there.

Mr. Sullivan: With all due respect, we don’t come in. We do a lot of studies here and we don’t come in and say no impact, no impact and no impact. We identify the impacts and we mitigate the impacts. So, we have been responsible for designing many of the traffic signals and many of the ones that we haven’t designed have worked great and are not
the problems that were Bridgeport Avenue. We've identified impacts here and made some recommendations on the couple of intersections that are not being revised as part of Fountain Square. Fountain square is revised doing one new signal and revising three signals. In this study here, there's two more signals that we're recommending that were necessary for Fountain Square that we're suggesting kind of changes. So, we are identifying them, we see them and mitigate them, mitigating them as we see fit.

Now I'm not just throwing numbers around, we have to rely on statistics. We've done the follow up studies on residential. We've done follow up studies on schools. We've done follow up studies on retail. We've checked statistics that we use. We have a comfort level. When I say there's a hundred trips, if there's 110, does that make me wrong? No. What we're doing is taking what is a statistical reliable estimate. If I was to say there's 400 parking spaces and there's going to be 400 cars, that would be malpractice for me because that's just not true. What's going to happen from these 272 units and many towns require us to do follow up studies and we do those and we are within the reasonableness of the estimates we made. So, I don't know how else to explain how we doing what we do. And I know it's hard for people particularly the public to believe me and it's not fun not being believed all the time, but we are using reliable methods, identifying impacts and mitigating them to the best of our knowledge.

Comm. Harger: Mr. Sullivan, your trip count does include all the situations that you've identified and whatever means you're going to take to mitigate. This is what the bottom line is.

Mr. Sullivan: Correct.

Comm. Harger: Mr. Panico, do you have a comment? Were you trying to say something before?

Mr. Panico: No.

Comm. Harger: Okay. Comm. Pogoda, do you have any comments?

Comm. Pogoda: Not at this time, thank you.

Comm. Tickey: I have a question for someone that can speak on behalf of Perkin Elmer. This is a critical piece to the site. I would just be interested to hear from Perkin Elmer that they are committed to staying in this exact location if this proposal is to go forward and their commitment to Shelton.

Comm. Harger: Comm. Tickey, I'm thinking we do have, the second person that signed up is someone that is on behalf of Perkin Elmer. I don't know if these would be appropriate person.

Attorney Thomas: I do want to mention for the record, that the American Institute
and Integrity of Development versus the town Planning and Zoning Commission at the town of Fairfield, which is a court case I presented to you, which I know was very difficult for some to understand what it says. It's a traffic engineer case and it says that there's a traffic engineer giving them statements. You can't just say, I totally disbelieve them. You've got to go out and find a comparable engineer to oppose, and I only quoted this a hundred times the project that was very controversial, which became cranberry something or other. Cranberry Ridge? It was initially denied and Commissioner Perriello stood up and informed the audience and I wasn't involved. I wasn't the lawyer. He said, by the way, we get an independent traffic study with O'Neil, we're still going to deny it. The independent traffic study by O'Neil was more favorable to the developer than developers own stuff, which is usually what you will find.

Comm. Harger: We only have two people that have signed up from the public, and I like to get them in. The first, now I'll call the order.

Mr. Klein: Thank you, Madam chair. For the record, Jay Klein of Carmody law on behalf of 740 Bridgeport Avenue. Also with us tonight we have Mr. Peter Bazeli, he's a principal with a real estate consultant firm Weitzman. They're our national firm and do a lot of work here in Connecticut. We prepared and I've hard copies with me. We send an electronic copy to staff earlier, a pretty thorough review both from the plan of conservation's perspective of this development and whether it's consistent or inconsistent with the POCD. And then Mr. Bazeli prepared a fairly comprehensive market analysis of the proposal as well. And in light of the late hour, we would request that we could present these findings to you at your next meeting since this hearing will in fact be continued. What I'd like to do is I can give you hard copies of those materials today so you can read them between now and the next meeting and we can use that to set the table for our comments. We defer the rest of this time to other members of the public.

Comm. Harger: That would be fine. And you can give those to staff. Next attorney Joe Joseph hammer.

Attorney Hammer: Thank you Joseph Hammer, a lawyer on behalf of Perkin Elmer. Before I forget, I would like to give you blasting protocol or blasting conditions that attorney Thomas mentioned a moment ago. I've got a dozen copies here.

As you know, Perkin Elmer's a major tenant in the building. The applicants are the owners as well as the landlord of Perkin Elmer. As Mr. Thomas mentioned, there have been extensive meetings and discussions between the parties and basically Perkin Elmer and the applicants that are agreed on certain modifications to the plan which are on the revised plans that you've gotten. And they've also agreed on some other items that are not on the plans or not necessarily within the scope of what a zoning is looking at. But all of those modifications and agreed upon terms are intended to minimize impacts on Perkin Elmer's operations and its use of the property both during construction as well as if the development is approved after the construction of the development and during its operation. As attorney Thomas has mentioned, we finished
today a document set forth the understanding of the parties and that is in the process of actually being signed very shortly in the next couple of days.

I handed you again the blasting protocol or proposed blasting conditions that Attorney Thomas mentioned. My understanding is very similar conditions were imposed by the Commission, I think both on the Mark development as well as Split Rock in order to avoid impacts to the Perkin Elmer site and the Perkin Elmer operations. If the Commission does decide to approve this application, we would ask that you would impose those conditions as conditions of approval on your action. And beyond that I would just say based on the applicant’s agreement on the modifications to the plan on those other non-planned items, including the blasting conditions, and you know, based on their following all those items, Perkin Elmer does not oppose the application.

Comm. Harger: Thank you. Mr. Hammer. And the last person that signed up is Mr. Anglace.

Mr. Anglace: John Anglace, 676 Long Hill Avenue, Alderman of the third ward, President of the Board of Aldermen. Those are all the only titles now. The remarks that were attributable to an Alderman, I'm not lying. I just want to get off the record of saying that, and the issue here is not affordable housing, nor is it the condominiums or apartments, the number, et cetera, et cetera. The issue here is simple. What I think you have been doing for many years is to achieve a balance of growth. Maybe somebody some people don’t understand that but I understand it. They see balance growth as a commitment that this city has made to the people who have invested their money, come into our town, invested big money in developing along Bridgeport Avenue. And we’ve committed to them that we will achieve a balance growth. We will provide them with the services that they need to ensure their success. That’s a good strategy and it’s worked for more than 20 years.

Now, we’ve maxed out, we’ve reached that balance. We’ve reached that optimum balance where we’ve provided those services. They need restaurants. Did you provide them with restaurants? We got plenty of restaurants. They needed hotels. We’ve got plenty of hotels. They needed condominiums. We got plenty of condominiums. They needed apartments. We have plenty of apartments. But the time has come to just say no. Now you can say no for a good reason, for a bad reason or no reason. And that’s, strictly the way I understand it. And I think we have reached the maximum growth; we’ve reached our optimum balance. We’ve provided good services and, and what you’re looking at, and I'm looking at what we're hearing is this isn't the end, this is just the beginning. There's more coming in from Parrott Drive. You’ve approved already up at Cranberry Ridge, another group of apartments. We’ve got more than we need. End of story. Just say no! Thank you.

Comm. Harger: Thank you, Mr. Anglace. (applause) Attorney Thomas, do you want to make any comments or do you want to pick it up? Comm. Tickey, was your question answered?
Comm. Tickey: I don't think so, but if the attorney could just state that they're, you know, committed to staying at this, this particular site, pending approval of this project. Thank you.

Attorney Hamer: My understanding is they are under; I believe they relatively long-term lease. And again, as I indicated earlier, we appreciate all the landlord applicants working with us to try to address our concerns and based on what they've agreed to do, we don't oppose the application.

Attorney Thomas: I don't think he or I know whether or not there is any confidentially provisions and financial restrictions or not. But if we can provide you with the information, we will. A long-term lease is not five years in this business, number one. Number two. The only other thing I want to mention is part of these improvements, there are improvements that are being done to the utilities and everything gets served Perkin Elmer because they have this site. So, there are improvements that are related to that too and everything like that. But we will certainly try to answer the question.

Comm. Harger: Can I have a motion to leave the public hearing open?

Motion made by Comm. Widomski, seconded by Comm. Kelly, to keep the public hearing open restricted to new information presented for Appl. #19-21. On a voice vote, the PZC voted unanimously to approve the motion.

Comm. Harger: Our last item on the agenda. Mr. Nappi, how complicated is Application #1926?

Mr. Nappi: For tonight or another date, Madam Chairman?

Comm. Harger: No, just the overall aspect of this particular public hearing.

Mr. Nappi: Well, I don't know.

Comm. Widomski: Are you signing up?

C. Initiation of Application #19-26. The City of Shelton, at 248-230 Howe Avenue, petitions for a three lot Zone Change from CB-2 to R-3 incorporating an area of .45 acres. This intent of this Zone Change is to bring the existing multi-family units into further compliance with the Shelton Planning and Zoning Regulations and increase the likelihood of future development to align with the Plan of Conservation and Development. Review, Discuss and possible action.
Comm. Harger: Would members of the audience having a side conversation, please take it into the hall?

Mr. Panico: Has anyone given an explanation for all of what we're proposing here?

Comm. Harger: No, not this evening.

Mr. Panico: There are three parcels of land near the Route 8 Expressway. The center parcel is vacant and is owned by the city and two residential parcels, one on each side. It might be better to get rid of that CB-2 zone and extend it to Howe Avenue. [inaudible] So, I identified three or four points. There are uses that are not compatible with a residential area. If you go back and look at the plan of development, it suggests we extend it. If I had to make a recommendation to the Commission, I would strongly recommend that the R-3 zone be extended all the way to Howe Avenue.

Comm. Harger: Okay. Anything else, Mr. Panico?

Mr. Panico: No, I think that pretty much covers it.

Comm. Harger: Alright. Any questions, comments, concerns from the Commission or if there's no other questions, comments or concerns, I'll let Ken open it up to the public.

Mr. Lantowski: Kevin Lantowski, Shelton. I'm gathering my thoughts because I didn't have a whole lot of time to review it. It seems like the city is choosing to redesign or redesignate these three pieces of property, partly because they control one of the three and maybe looking to move that piece. One of the other pieces, that I'm representing, tonight, the 248, 250. So, by changing that to help all the city, they're one parcel might be affected and others negatively. And it does seem like it is congruent. Those not maybe with the block going up the steep hill or avenue, it is a horizontally along however it falls in line with as the way it had been designated for years. The city owned this property, the middle parcel for decades and is they're going to sell it that maybe they should allow the possible future owners to control or request zoning changes. And you have two other owners that own property in the existing zone have done so for other reasons.

Comm. Harger: So that I correctly understand it, we have apartment house and empty lot and another apartment house. Is that what it is?

Mr. Lantowski: It's being represented as a four family though it's multilevel being represented as a four family that appears. I don't know if that's true.

Comm. Harger: Is there another single-family home and then, then you come to the corner? No, it's just those three. Okay. And you own one of those two? Is that what you're saying?

Mr. Lantowski: I'm representing one.
Comm. Harger: You don't personally own but you are representing some the owner of one of those two pieces?

Mr. Lantowski: Correct.

Comm. Harger: Okay. So, I think Mr. Panico's recommendation is that that particular empty lot that the city acquired after, I guess there was a fire and it was taken over by the city for tax purposes, they hadn't paid taxes. Was that correct, Mr. Nappi?

Mr. Nappi: Yes, I believe so.

Comm. Harger: So, you're saying is that was in private ownership. Present zoning would permit a private owner to come in and put something up that is allowed under the CB-2 zone. That to potential use would not be compatible with the two residential properties on either side. So that was the thought process of the city came to us with requests for it to be rezoned and it'd be a continuous zone that would be compatible all the way down. Is that about sum it up?

Comm. Widomski: It's compatible with the top side of Coram, but the rest of Howe Ave is all CB. The next block and done the two houses down to Carol's Home Improvement, which is now a PDD.

Comm. Harger: They're saying this is CB-2 and take this section and make it R-3. If that empty lot gets sold, you don't have somebody coming in and putting a use for it. Mr. Panico, remind me. We did something a similar zone change, last year or so, down at the Boys Club property, I seem to recall.

Mr. Panico: What did you say?

Comm. Harger: Let me get closer. What I was saying was just remind me, did we do something similar a year ago at the other end of Howe Avenue down by the Boys Club to change the zone?

Mr. Panico: Yes. However, in that case, I think there were two different commercial and we expanded the zone to cover the entire property. In this case, you have two independent properties each in two zones. If the city sold the property, a person can come in and put in a use very incompatible to the residential. It also says, we don't want residential development out of that. I think that's not the case. I think the time now is to recognize it. You have two established residential developments on the two different lots on either side of this parcel. So, and why not just take all three of them in residential zone that recognizes the residential use.

Comm. Widomski: I'm kind of torn. I understand that what we're trying to accomplish, but at the same token, we have one of the owners or one of the representatives of an owner here, but we don't know what the other owner's thinking either.
Mr. Nappi: We've noticed them, tried to contact them and I understand that they are out of the country.

Comm. Pogoda: Is he saying the person he's speaking for wanting to keep that property CB-2? Is that my understanding?

Mr. Panico: My question would be if they wanted to put a storage unit there.

Comm. Pogoda: Our job is to protect the two plots of land that are residences from something as Mr. Panico said that can possibly be completely out of character between the two. Why would they want to keep that a CB-2 zone?

Mr. Rossetti: As Kevin, the representative for the homeowner said, um, they have some ideas in the works as to potential and further development for one of the houses there, um, which are in alignment with CB-2 zoning. Is that my correct understanding?

Mr. Panico: They're preexisting, non-conforming.

Mr. Rossetti: I understand that. Mr. Panico, I think Kevin, if you can please speak up, your intent was to change the use of the property with one of the homes on it to something that is aligned with CB-2 zoning. Is that correct?

Mr. Lantowski: That is a possibility. And if you look at the existing parcel to be sold. Again, I got less than 10 days' notice on it and I'm not sure when the sign was put up on the property. What is the minimum frontage for CB-2? I believe it's 80 feet off the top of my head.

Mr. Rossetti: So, then the minimum lot frontage in the zoning regulations is 80 feet.

Mr. Lantowski: What are the existing frontages of say that parcel that we're talking about that you're protecting me from being sold with the piece that the city owns?

Mr. Rossetti: I don't know off the top of my head; I would have to double check on that.

Mr. Lantowski: So, I believe that the city's property right now is trying to be sold. sell is So, if it's in the CB-2 zone, could that parcel then, since it doesn't apply the road to the frontage, would that parcel unto itself be able to have your set, auto repair shop?

Mr. Rossetti: Absolutely.

Mr. Panico: The property is there and the lines have been established.

Mr. Lantowski: So, it would be able to be developed as the CB-2.

Mr. Panico: Yes, it is a lot that's eligible to be developed.
Mr. Lantowski: Right, so that therefore like the property that we patrol and represent would also share that same, right?

Mr. Panico: That's correct.

Mr. Lantowski: And you're going to try to take that away from me tonight just so you can sell your piece?

Comm. Harger: I would feel a lot better if I even had something in writing authorizing you to speak on behalf of the property owner.

Mr. Lantowski: Who did you notice when you're saying that you sent out notices to the property ownership group?

Mr. Rossetti: We verify the property owner is with the assessor's office. We send it to every property owner within 200 feet of the parcel.

Mr. Nappi: That's where they were set. That entity that's listed on the assessment.

Mr. Lantowski: Right. And it was sent to me because I represent that. What's it, the concordance legal papers. I'm just saying that I was noticed because I am the property owner. It is owned by Stap LLC.

Comm. Harger: How is that spelled?

Mr. Lantowski: S T A P LLC. I represent Stap LLC, adjacent to Route 8.

Comm. Widomski: An LLC doesn't have to list the owner, just the representative.

Mr. Panico: 248 and 250?

Mr. Lantowski: 260 is the one that's on the corner. So, the one I represent is the 248 and 250, the six-family that's up against the highway. The property that I represent that's up against the highway is most definitely six. The other unit, whether it's two or four, I don't know that it's four, you're saying it's four and I don't own that. I'm not going to say it's more because I don't believe it is.

Comm. Harger: Is your position that if we do the zone change, that it's taking away a kind of economic development on this LLC's behalf?

Mr. Lantowski: Correct. And the ownership changed less than a year ago and things maybe in the works here now and you're starting to take those away.

Comm. Harger: It's not so much taking them away, it's sort of confirming the appropriate kind of projects that would be suitable for those three months. It's residential and you have an empty lot in your residential and we're trying to provide protection, more to
make it stay residential.

Mr. Lantowski: Right. So, all the little children that are in that house that can like go over their next-door neighbor yards just up the highway or they can go onto like the state road of 110.

Comm. Harger: I don’t see what that has to do with anything, Kevin.

Mr. Lantowski: So, when you’re talking about the residential neighborhood, it’s not a residential neighborhood. There’re two non-conforming residential properties that are there. Doesn’t mean that that’s what we want to keep there. Or that’s what there, when you have a highway, a cliff in the backyard and no one besides the Route 8 Highway. One of our probably most traveled highways.

Mr. Nappi: And they’ve been residential I would say for about 80 years.

Mr. Panico: It probably has the highest and best use right now in terms of economic value.

Comm. Widomski: I understand what he’s saying. I mean if he’s the representative and they’re going to be submitting something else under the CB-2. He might be able to bring in something that’s going to fit more conforming to that lot and take out the residential portion of it. I’m just surmising, guessing, you know, throwing things out there to understand what he’s trying to do.

Mr. Nappi: What type of, I just don’t know what consideration you’re giving for that development of the CB-2. Purchased it within the year with considerations that you may want to change it. I just, I don’t know what you want to try to put on that front.

Mr. Lantowski: Well, there’s you know, there’s a number of things that are listed in the CB-2, and then if another piece of property came on the market, then I can put two pieces together and then you might have even a larger opportunity.

Comm. Widomski: He’s the closet to Route 8.

Mr. Nappi: The city is on one side and the state is on another.

Comm. Tickey: What initiated this?

Mr. Nappi: The foreclosure of the property and the sale of the property and the likelihood to make it one zone, for future development. They originally took the property 20 years.

Comm. Harger: Comm. Pogoda, do you have any comments?

Comm. Pogoda: Yeah. My comment is as I stated before, I think it’s not knowing what
basically what AJ said about what can possibly go there. I know if I was living in that house, the one that's I guess going North and that's the one, you know, the one that's not being represented or whatever else by the other gentleman. Uh, I sure wouldn't be happy about that along a repair facility or whatever. It doesn't sound to be logical in a residential neighborhood. I'm still under the opinion that it should all be made R-3.

**Mr. Panico:** I don't think you want to see a potential eyesore there. You also don't want to see something that's going to generate a lot of activity on or off the site in an area that's already impacted by the streets.

**Comm. Tickey:** The housing development has been moving towards it and fast forward 10 years. I mean there could be other development, there could be a scenario where someone gets all the land that comes through with an PDD or something. I mean, we've seen it happen.

**Comm. Harger:** If the R3 happens, someone who acquires that property can come back to the Commission and ask for a zone change.

**Comm. Tickey:** Because it is a very visible site.

**Comm. Widomski:** What made the city all of a sudden now asked for a 24 referral recently? What precipitated it as we've been holding onto it for 20 years. What's changed now that wasn't, we say, hey, let's sell this piece of property.

**Comm. Pogoda:** I don't think we're asking for a 24 referral.

**Comm. Widomski:** My question is, why all of the sudden are we selling this property?

**Mr. Nappi:** I don't know, I'm not the decision maker.

**Comm. Widomski:** I see both sides.

**Mr. Panico:** It's a potential liability to the city in terms of land use. It's been controlled because the city owns the property. If the city chooses to sell the property, then you no longer have that control. Whatever it is only applies to the property owner. If you leave it as is, then that means it is a CB-2 zone.

**Comm. Harger:** Right. So, we have to decide what's the best possible use for that parcel.

**Comm. Widomski:** Could we change just that parcel to an R3 if that's what the city wants to do, and leave the other two hanging out there?

**Mr. Panico:** I would not suggest that you pick that gentleman's parcel all by itself.

**Comm. Widomski:** So in the future, if the interests that Mr. Lantowski represents wants
to do something in the line of a CB-2, he could come back and come back and ask for a zone change or he can go PDD route.

**Mr. Panico:** It would have to justify it. Yes. I think based on everything we know today, it sort of vindicates you to say it should be taken out of the commercial zone and put in a residential zone, in case residential zone is R3 in that seems my proposal is a logical one to encompass the entire block.

**Comm. Tickey:** I just, I think maybe the reason why some Commissioners are going through the motions as I am, is that I thought we did an overlay of downtown, so, I thought maybe we would have captured everything. So, maybe this is just a reminder. We can just take another look and see if there's other parcels that were in downtown that maybe, that weren't affected by the overlay action that we did whenever that was now, a year or two ago. If there's other pieces that may be, you know, we should take up just so that we can do it. Taking a full look of downtown, rather than piece by piece.

**Comm. Harger:** Mr. Panico, do you know, are there particular parcels downtown which may end up being in the same situation where the zoning has to be changed, off the top of your head?

**Mr. Panico:** I don't know of any that are as crucial as this one. But certainly, we can examine it. We've talked about changing some other zones along out on the other side of the center. We have to really look carefully at this. Now since we have the development that's underway over at Carroll's, maybe we should look carefully at the rest of it from there to Route 8. We do have the established gas station across from there.

**Comm. Tickey:** So, I think at our downtown Subcommittee meeting, we should take a look and just see what that overlay we did, other areas and we can get ahead of these pieces of land that are apparently crucial.

**Comm. Pogoda:** I think this is what the Subcommittee should get itself involved in.

**Comm. Widomski:** Do we want to table this then?

**Comm. Pogoda:** I think we have to do something with this now.

**Comm. Harger:** Is there a reason to hold up this particular zone change? Is there a reason why this particular zone change for these three lots need to be held up knowing that a future landowner can come back and petition us for a zone change?

**Comm. Widomski:** Well, we have time on our side because right now the city owns the property. It's not a rush, right? We're not up against a cliff or we're not getting get pushed off if we don't do anything tonight.

**Mr. Nappi:** We're in the deliberations rather than public hearings.
Comm. Widomski: Well, you can keep it open, I guess.

Mr. Panico: I don't know what benefit there is to keeping it open. You probably heard everything you needed to hear from the public.

Comm. Harger: So, we can close the public hearing and add a future meeting to discuss it more detail.

Mr. Panico: That would be the logical thing to do.

Motion made by Comm. Widomski, seconded by Comm. Uysal, to close the public hearing for Appl. #19-26. On a voice vote, the PZC voted unanimously to approve the motion.

VI. Adjournment
Motion made by Comm. Widomski, seconded by Comm. Kelly, to adjourn at 10:50 p.m. On a voice vote, the PZC unanimously voted to approve the motion.

Respectfully submitted,

Sarah Vournazos,
Recording Secretary