

Historical Zoning Summary for Bloomfield ZBA Approval

12/22/25

Windsor Crossing at 10 East Wintonbury Avenue, Bloomfield, CT

Background:

The Windsor Crossing development was approved under the now-defunct Garden Apartment Regulations (GA) Zoning District (**Exhibit A – GA Regulations**), which Regulations were adopted on July 10, 1969. The District permitted multifamily residential development at a maximum density of 8 units per acre and required the provision of on-site recreation space. The site of the existing Development was rezoned from R-15 to the GA District on April 23, 1970 (**Exhibit B- Minutes**). The GA Zone was later repealed on April 13, 1972 and the property subsequently reverted back to the R-15 Zone (**Exhibit C- Minutes**). The current Application to construct 7 additional units is consistent with the GA Regulations in effect when this Development was approved on September 14, 1972 (**Exhibit D-Minutes and Letter from Town Manager Clifford Vermilya dated 12/20/1972**).

1. Original Approval under GA Zoning (1969–1970):

Unit Count: The initial Application for this Development by Layne Equities Corp, was filed to approve its proposal for 118 units on 14.81 acres, consisting of 68 one-bedroom, 40 two-bedroom, and 10 three-bedroom duplex units (**Exhibit E- Application and Map**).

Conformity with GA Regulations: The proposed density was compliant with the GA Zoning standard of 8 units/acre (14.81 acres × 8 = 118.5 units allowed).

Recreation Facilities: The plan included active recreation areas (tennis court, basketball court, tot lots), as required under the GA Zoning Regulations.

2. Garden Apartment Zone Repeal (April 13, 1972):

Repeal Action: The Town Plan & Zoning Commission voted unanimously to repeal the GA (Garden Apartment) District through deletion of Section 214 from the Zoning Regulations.

Grandfathering Provision: The repeal of the GA Zone explicitly preserved the rights of projects with existing approvals or pending applications at the time of repeal, stating:

“...Section 214 is hereby repealed, provided, however, that this section shall remain in effect with reference to any Garden Apartment zone... which application has been received on or before the effective date of this amendment.”

This clause maintained regulatory continuity for Windsor Crossing and affirms its vested rights under the former GA Zone (**See Exhibit C above**).

3. Site Plan Adjustments & Construction History:

Reduction Discussion (September 14, 1972): Meeting minutes note the voluntary elimination of 5 units following discussions with Staff, which was approved in the final site plan approval.

Specifically, in connection with public safety vehicles, the minutes say, *“Mr. Brown noted that the turning radius for vehicles had been reduced in the area where the five units were eliminated”*.

The change appears to have been made for circulation concerns related to fire trucks and not for any GA Regulatory prohibition.

Confusion: The Minutes discuss the removal of 5 Units which would have reduced the total Unit count to 113 Units. Apparently 111 Units were built which still exist today.

Existing Development Potential: Today, only 111 units have been constructed. The site area (14.09 acres as per the final approved plan) remains capable of supporting up to 118 units under the original GA Zone density limit.

4. Zoning Context for Approved GA Zone Development of Windsor Crossing:

Nonconforming Use Status: Under the current R-15 zoning, multifamily residential use is no longer permitted. Windsor Crossing operates as a legal nonconforming use, having been approved pursuant to the GA Zoning District.

Completion of Approval: The proposed construction of 7 additional units should be viewed as a completion of the original proposed Site Plan for 118 units. The proposed 7 additional units do not currently interfere with the accessibility of fire trucks.

No Evidence of Rescission or Density Cap: There is no documentation indicating that the reduction to 111 units was intended to permanently cap the development or rescind the right to build all 118 units. The 1972 discussion of the reduction of five units was a voluntary gesture made by the then Applicant. As noted in Section 2 hereinabove:

“Section 214 is hereby repealed, provided, however, that this section shall remain in effect with reference to any Garden Apartment zone... which application has been received on or before the effective date of this amendment.”

5. Conclusion As to the Approved Garden Apartment Zone for Windsor Crossing:

Based on the documentation referenced herein, and Attached Exhibits, the original GA Regulations allowed the Windsor Crossing Garden Apartment development to have 118 units. The GA Regulation was specifically grandfathered in its repeal for purposes of evaluating and implementing its intent and purpose as it relates to this development at Windsor Crossing in Bloomfield CT.

Only 111 units were built, and no official action limited, or revised the approved Unit count. The decision to reduce the number of Units was voluntary after considering staff comments. The repeal of the GA District included grandfathering protections for Windsor Crossing. The proposed 7 units fall within the original GA District permitted unit density requirements.

Therefore, the ZBA may reasonably approve a Variance based upon Hardship for one or more of the following reasons:

- A. Finding that construction of the 7 remaining units as proposed by the Applicant in the Proposed Current Site Plan, constitutes the lawful build-out of the Original Application and then existing GA Regulations;**
- B. Finding that the construction of the 7 remaining units as proposed in the Current Site Plan Proposal, is a Hardship created by the Town's Repeal of the Garden Apartments Regulation in 1972. Such Hardship was created by the Town's repeal of the GA Regulation and was not caused by the Owner: and/or**
- C. Finding that the addition of 7 Units as proposed, is not an expansion of a Nonconforming Use but rather a permitted right recognized in law.**

The addition of 7 units permitted under the then existing GA District Regulations, are all internal to the existing Garden Apartment Development now known as Windsor Crossing, and pose no negative impact to the surrounding residential neighborhoods and churches, some of which religious institutions are proposing apartment developments on their own adjacent properties.

Respectfully Submitted,



Attorney David A. Baram

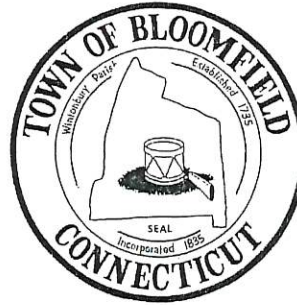
1 Regency Drive, Suite 310 Bloomfield, CT 06002

Exhibit A

C. Williams

BLOOMFIELD

C O N N E C T I C U T



TOWN PLAN *and* ZONING COMMISSION

ZONING REGULATIONS *and* SUBDIVISION REGULATIONS

Revised to July 1, 1968

9-1-70

Section 214. G. A. Zone - Garden Apartments

(Adopted July 10, 1969)

effective 9/30/69

Garden Apartment Zones may be designated on the Zoning Map or established by petition. In order to maintain the general density requirements of the Plan of Development, the zone may be established only in districts zoned for R-10, R-15, or R-20 Residential Uses. Garden Apartments are declared to be of such specialized character as to require special requirements and detailed review.

The following regulations and procedures shall apply:

- A. Permitted Uses: The only uses permitted are Garden Apartments which shall be defined as not less than four living units in a building of not more than two stories or in a group of such buildings, and uses accessory to such apartments.
- B. An application to develop land in an existing Garden Apartment zone or to create and develop such a zone must be submitted to the Commission in a manner required for a change of zone. All documents, plans, drawings and expert testimony to be presented by the applicant at any required public hearing must be submitted to the Building Inspector's office at least 14 days prior to such hearing. The following documents shall be required:

- 1) Site plan showing location and size of property, location of buildings, facilities, parking and restricted areas; number of dwelling units proposed and all necessary statistical data to show that the requirements of the regulations have been carried out.
- 2) Engineering plan showing all drainage and utility proposals with existing and proposed contours at intervals of at least two feet.
- 3) Landscaping plan.
- 4) Floor plan of proposed apartments showing square feet of dwelling area within each room.
- 5) Illustrations, elevations, and renderings of the proposed buildings and project area sufficient to show clearly what is proposed.

- 6) Floor plan of any recreation buildings plus location plan of all recreation facilities.

C. Where no zone change is required, or following action on the zone change, if a petition for zone change has been submitted, the Commission may grant preliminary approval, final approval, disapprove or approve with modifications the proposed development plan. The Commission must take separate action to act upon change of zones and the development plan, but any required public hearings may be conducted simultaneously.

D. Prerequisite to Commission Approval or Disapproval of Development Plan.

In considering the proposed project or use the Commission shall be guided by the following:

- 1) The need for the proposed use in the proposed location.
- 2) The existing and future character of the neighborhood in which the use is to be located.
- 3) The location of main and accessory buildings in relation to one another.
- 4) The height and bulk of buildings in relation to other structures in the vicinity.
- 5) Traffic circulation within the site, amount, location and access to parking, traffic load or possible circulation problems on existing streets.
- 6) Availability of water to the site and adequate disposal of sewage and storm water.
- 7) Location and type of display signs and lighting, loading zones and landscaping.
- 8) Safeguards to protect adjacent property and the neighborhood in general from detriment.
- 9) Existing residential density of the neighborhood.

ZONING REGULATIONS

- E. An applicant may elect to apply for "preliminary approval" of the development plan as opposed to final approval, in which case all required drawings, illustrations, and plans may be submitted in a preliminary form. Such drawings must be of sufficient detail to measure for fulfillment of requirements and to clearly present to the Commission and/ or public hearing the proposals for which the preliminary approval is requested.
- F. The following requirements shall be met by the applicant:
- 1) No site shall be approved unless it is on or within 300 feet of an arterial or major collector as defined by the Plan of Development, and unless it is or may be readily connected to the Metropolitan District water and sewers.
 - 2) Site area - The minimum site area shall be seven (7) acres and no more than eight (8) dwelling units may be approved for each one acre of site area. No more than 160 dwelling units will be permitted at any site, which is a lot of record at the effective date of this regulation.
 - 3) Maximum building height - thirty-five feet.
 - 4) Space between buildings - fifty feet minimum.
 - 5) Required yards - (Entire site)
 - Front - 50 feet
 - Side - 50 feet
 - Rear - 50 feet
 - 6) Minimum site width - 200 feet.
 - 7) All interior streets must be constructed in accordance with the Town of Bloomfield Highway Specifications for Subdivisions.
 - 8) Recreation facilities, open spaces and facilities suitable for active and passive recreation shall be provided to serve the project and shall be so designed and specified that a performance bond may be drawn. They shall be protected from

- 9) Parking - $2\frac{1}{2}$ spaces shall be provided for each dwelling unit. Specifications for parking layout shall be in accordance with Town of Bloomfield parking specifications available at the office of the Town Engineer.
- 10) Main interior walks shall be of sufficient width and construction to serve emergency vehicles and apparatus.
- 11) All dwelling units shall contain at least the following amount of floor area:

Minimum apartment size	750 square feet
For 1 bedroom apartment	900 square feet
For 2 bedroom apartment	1200 square feet
For 3 bedroom apartment	1500 square feet

All measurements shall be inside dimensions for computing floor area, only the space within the dwelling unit used exclusively for living purposes shall be considered. Common laundries, halls, closets and vestibules are expressly excluded from this computation.

- 12) Buffer strips - Each property line, except street line, shall be paralleled by a buffer strip at least 15 feet wide, planted with a mixture of evergreen and deciduous plants and trees, which shall be maintained in order so as to protect adjacent property and the neighborhood in general from detriment. Such strips may be included within the required yards.
- 13) All utilities must be underground. (Electric and telephone)

- G. The Commission may vary the requirements for spacing between buildings and building height when it determines that such variation will enhance the design of the project and give equal or better light, air and privacy.
- H. To defray the expense of processing applications, a fee of \$250.00 will be required at the time of original application and an additional \$5.00 per dwelling unit at the time of final approval.

ZONING REGULATIONS

I. Following final approval of any site plan, building permits shall be issued for all buildings within one year, or the approval is void. The Commission, for good cause, may extend this time restriction by one additional year.

J. A bond must be posted for all site development work and auxiliary facilities; sewer, parking areas, landscaping and planting, recreation facilities all must be bonded.

Exhibit B

345

April 23, 1970

A meeting was held by the Town Plan & Zoning Commission on the above date at the Town Hall at 7:00 P.M., with the following present:

Theodore Epstein, Chairman
Lee Hopkins, Secretary
Edward Sorant
Robert Cagenello
Samuel DuBosar
Richard Walters

Clifford Vermilya, Town Manager
Dennis Brown, Consultant
Barry Berson, Town Engineer
Dean Caudill, Building Inspector
Peter Marsele, Town Assessor
Peter Zawalich, Highway Supt.
Richard Goodman, Town Attorney
Jesse Branche, Engineering Dept.

Alternates: Carl Shuster, (seated but)
Edward Bushka* (not voting)

The minutes of April 9 were approved as submitted.

* Edward Sorant submitted a written proxy designating Edward Bushka to serve as his alternate with regard to any discussion or consideration of the Prospect Park garden apartment application.

PROSPECT
PARK APT.
APPLICATION

The staff reviewed with the Commission the Prospect Park application. Mr. Brown pointed out that although a portion of the property is within the HELCO right of way, this area is shown on the plan as open green space, and this he did not feel would be a detriment. He noted that the site plan as presently presented shows two separate circulation systems, one from Prospect Street, and one from Park Avenue. He also pointed out that the rights of way and street widths are not adequate. He noted that consideration should be given to the protection to be afforded to the three single family residences on Prospect Street which are surrounded by the project, as well as to other properties on Prospect Street.

Mr. Berson advised that the developers have indicated to the Redevelopment Agency that they would be willing to pay the construction costs of an access road to Park Avenue through redevelopment property. He noted some possible drainage questions with regard to the storm drainage from the site.

The staff discussed with the Commission location of a proposed sanitary sewer trunk line to serve a portion of the North Industrial Park, and specifically land owned by General Cigar Corp. who propose a large facility in this area; and requested the Commission's approval of the proposed location.

NO. IND. PA
TRUNK SEWER
LOCATION
APPROVED

Mr. Berson stated that the Town would construct this trunk line in cooperation with the MDC and when completed the line would be turned over to the MDC. Approximately 15% of the construction cost will be borne by General Cigar, and the balance by the Town. However, revenue from this industrial area would more than cover the cost to the Town for the bond issue for this project.

Mr. Marsele pointed out that there will be no assessments against any property owners in the area through which the trunk line will run, unless they tap into the line within 10 years.

Motion was made by R. Cagenello, seconded by S. DuBosar and unanimously carried that the Commission approve the proposed location of the trunk line sanitary sewer to serve the north industrial park, as shown on map entitled "Beeman's Brook Trunk Sewer, West Branch Extension, Woodland Avenue and Newberry Road, Bloomfield, Conn."

The Commission reviewed the ZBA agenda for April 28; there was no comment on the items to be heard.

ZBA AGENDA

The meeting recessed at 8:00 P.M. in order to hold the public hearings scheduled for that time, and reconvened at 11:00 P.M. following the hearings.

TOWN PLAN & ZONING
COMMISSION
TOWN OF BLOOMFIELD

Notice is hereby given that the Town Plan & Zoning Commission of the Town of Bloomfield held a meeting on March 12, 1970, to consider the application of Layne Equities Corp. of Bridgeport, Connecticut, for zone boundary change from R-15 to G.A. (Garden Apartment) Zone on April 23, 1970, rendered its decision as follows:

The Commission voted to grant, effective May 7, 1970, the application of Layne Equities Corp. for zone boundary change from R-15 to G.A. Zone, for the following reason: The Commission is of the opinion that the location is well suited for the proposed use, in accordance with Section 214 of the Bloomfield Zoning Regulations:

Subject property is bounded as described as follows:

Beginning at a point in the northern street line of East Wintonbury Avenue, said point being the southeasterly corner of land now or formerly of Joseph J. Gozzo and Stanley Barall, said point also being the southwesterly corner of land now or formerly of Joseph Alvarez, et al. Thence north 4 degrees-56' east along land of said Gozzo and Barall a distance of 239.50 feet to a point; thence north degree-32' west along land of said Gozzo and Barall a distance of 553.10 feet to a point; thence north 72 degrees-00' east along land now or formerly of Joseph Cicero a distance of 154.40 feet to a point; thence south 62 degrees-09' east along land of said Cicero, a distance of 77.17 feet to a point; thence south degrees-33' east along land now formerly of Lucy V. Misseri, a distance of 650.04 feet to a point; thence south degrees-39' west along land of said Misseri, a distance of 90.00 feet to a point; thence north 68 degrees-21' west along land now or formerly of Rosal Machak, a distance of 144.76 feet to a point; thence south 21 degrees-39' west along land of said Machak, a distance of 105 feet to a point; said point being the northerly street line of East Wintonbury Avenue. Thence north 1 degrees-21' west along the northern street line of East Wintonbury Avenue, a distance of 144.76 feet to a point; then north 21 degrees-39'-00" east along land now or formerly of Henry A. Christ, et al, a distance of 178.23 feet to a point; thence south 84 degrees-31'-39" west along land of said Christ, a distance of 145.61 feet to a point; thence southerly along other land of said Christ and curve to the right whose radius is 129 feet, a distance of 87.55 feet to a point; thence southerly along other land of said Christ and a curve to the left whose radius is 25 feet, a distance of 39.27 feet to a point to a northerly street line East Wintonbury Avenue; thence north degrees-21' west along the northern street line of East Wintonbury Avenue, a distance of 100 feet to a point at land now or formerly of Polly Devine and Minna Millrod; thence northerly along land of said Devine and Millrod, a curve to the left whose radius is 25 feet, a distance of 39.27 feet to a point; then continuing northerly along other land said Devine and Millrod and a curve to the left whose radius is 139.21 feet, a distance of 65.88 feet to a point; then north 5 degrees-28'-00" west along other land of said Devine and Millrod, a distance of 80.39 feet to a point; then north 68 degrees-21'-00" west along other land of said Devine and Millrod, a distance of 77.58 feet to a point; then south 21 degrees-39'-00" west along other land of said Devine and Millrod, a distance of 140 feet to a point in the northerly street line of East Wintonbury Avenue; thence north 68 degrees-21' west along a northerly street line of East Wintonbury Avenue, a distance of 167.76 feet to a point; thence continuing along the northerly street line of East Wintonbury Avenue and a curve to the left whose radius is 524.06 feet, a distance of 111 feet to the point of beginning.

Said parcel of land contains 14.8 acres more or less.

Dated at Bloomfield, Connecticut, this 24th day of April 1970.

THEODORE EPSTEIN
Chairman
LEE HOPKINS
Secretary

April 23, 1970

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LAYNE
EQUITIES
APT. APP.

The Commission reviewed the Layne Equities application for zone change to G.A. Zone on East Wintonbury Avenue.

ZONE CHANGE
GRANTED
R-15 to GA

The Town Engineer was of the opinion that the drainage can be worked out for this site, although he would reserve comment on easements which might be necessary on adjoining properties. He noted, however, that a 20 foot one way street is proposed, and questioned the safety aspects of this.

Dennis Brown pointed out that the Neighborhood Analysis Study includes a proposal to straighten this portion of East Wintonbury Avenue, which would result in very little traffic immediately in front of the site. He recommended elimination of the driveway to East Wintonbury Avenue from a parking area, and revision of the circulation system within the site to conform with safety requirements. He also recommended a 30 foot pavement with two way traffic flow.

The Commission discussed in detail traffic and circulation considerations in the general area, as well as within the site.

Motion was made by R. Cagenello, seconded by L. Hopkins and unanimously carried to grant, effective May 7, 1970, the application of Layne Equities Corp. for zone boundary change from R-15 to G.A. (Garden Apartment) Zone, for the following reason: The Commission is of the opinion that the location is well suited for the proposed use, in accordance with Section 214 of the Bloomfield Zoning Regulations.

Subject property is bounded and described as follows:

Beginning at a point in the northerly street line of East Wintonbury Avenue said point being the southeasterly corner of land now or formerly of Joseph A. Gozzo and Stanley Barall, said point also being southwesterly corner of land now or formerly of Joseph Alvarez, et al. Thence north 4 degrees-56' east along land of said Gozzo and Barall a distance of 229.50 feet to a point; thence north 1 degree-32' west along land of said Gozzo and Barall a distance of 563.10 feet to a point; thence north 72 degrees-00' east along land now or formerly of Joseph Cicero a distance of 154.40 feet to a point; thence south 62 degrees-09' east along land of said Cicero, a distance of 727.17 feet to a point; thence south 7 degrees-33' east along land now or formerly of Lucy V. Misseri, a distance of 630.04 feet to a point; thence south 21 degrees-39' west along land of said Misseri, a distance of 90.00 feet to a point; thence north 68 degrees-21' west along land now or formerly of Rosalie Machak, a distance of 144.76 feet to a point; thence south 21 degrees-39' west along land of said Machak, a distance of 105 feet to a point; said point being in the northerly street line of East Wintonbury Avenue. Thence north 68 degrees-21' west along the northerly street line of East Wintonbury Avenue, a distance of 144.76 feet to a point; thence north 21 degrees-39'-00" east along land now or formerly of Henry A. Christ, et al, a distance of 178.23 feet to a point; thence south 84 degrees-31'-39" west along land of said Christ, a distance of 146.81 feet to a point; thence southerly along other land of said Christ and a curve to the right whose radius is 189.21 feet, a distance of 89.55 feet to a point; thence southerly along other land of said Christ and a curve to the left whose radius is 25 feet, a distance of 39.27 feet to a point to a northerly street line of East Wintonbury Avenue; thence north 68 degrees-21' west along the northerly street line of East Wintonbury Avenue, a distance of 100 feet to a point at land now or formerly of Polly Devine and Minna Millrod; thence northerly along land of said Devine and Millrod, a curve to the left whose radius is 25 feet, a distance of 39.27 feet to a point; thence continuing northerly along other land of said Devine and Millrod and a curve to the left whose radius is 139.21 feet, a distance of 65.88 feet to a point; thence north 5 degrees-28'-00" west along other land of said Devine and Millrod, a distance of 80.39 feet to a point; thence north 68 degrees-21'-00" west along other land of said Devine and Millrod, a distance of 77.58 feet to a point; thence south 21 degrees-39'-00" west along other land of said Devine and Millrod, a distance of 160 feet to a point in the northerly street line of East Wintonbury Avenue; thence north 68 degrees-21' west along a northerly street line of East Wintonbury Avenue, a distance of 169.76 feet to a point; thence continuing along the

Exhibit C

April 13, 1972

A meeting was held by the Town Plan & Zoning Commission on the above date at 7:30 P.M. at the Town Hall, with the following present:

Theodore Epstein, Chairman	Dennis Brown, Consultant
Edward Sorant, Secretary	Barry Berson, Town Engineer
Samuel DuBosar	Richard Goodman, Town Attorney
Lee Hopkins	Dean Caudill, Building Inspector
Harald Nome	*
Carl Shuster (late)	

Alternates: Edmund Curran, Mansfield Tilley

Chairman appointed Mr. Nome to sit in lieu of Mr. Walters who was absent, * and Mr. Curran for Mr. Shuster who arrived shortly after the meeting began.

Chairman noted that due to illness, Attorney Buck could not be present to discuss the request of Conn. Lambda House Corp. to permit dormitories in R-40 zones, and therefore this item was tabled until April 27.

DISCUSSION
OF DORMI-
TORIES
TAELED

Applications were received from Seymour Rothstein and Arthur Wilson for change of zone from I-1 and RB-20 to P-3 and for change from I-1 and RB-20 to R-15 of property located on the northerly side of Cottage Grove Road (Arrow-Hart property). Public hearings were scheduled for May 11, 1972 at 8:30 and 8:31 P.M. respectively to consider these applications.

ROTHSTEIN,
WILSON
ZONE
CHANGE
APPS. -
COTTAGE
GROVE RD.

Letter was received from the Charles Schnier Development Co. requesting an opportunity to discuss with the Commission a proposed Planned Unit Development for property located between Woodland Avenue and Tunxis Avenue. The Town Attorney disqualified himself from participation in this matter due to conflict of interest. The Commission agreed to meet with Schnier representatives on May 11 at 7:30 P.M.

PUD
DISCUSSION,
SCHNIER
MAY 11

Letter was received from Acme Pump Co., 185 Newberry Road, requesting that a portion of Newberry Road be renamed in order to eliminate confusion.

NEWBERRY
RD. -REQUEST
TO CHANGE
NAME

Mr. Berson explained that a portion of Newberry Road was condemned by the United States government because of the Kaman facilities in this area. Therefore, there are actually two portions of Newberry Road in existence at the present time.

The Town Attorney was requested to study the legal requirements for changing a street name and report at the next meeting. The Town Engineer was requested to compile a list of property owners affected on this street for the next meeting, at which time the Commission will discuss this matter further and determine whether a public hearing should be held on this proposal.

The meeting recessed at 8:00 P.M. in order to hold public hearings scheduled for that time, and reconvened at 9:20 P.M. following the hearings.

* Also present at this time were: Richard Walters and Town Manager Clifford Vermilya.

The Commission discussed the zone change application of Milton Levine for property on the west side of Bloomfield Avenue. Chairman noted that action on this application was previously tabled pending completion of the Comprehensive Plan, and that at a subsequent planning session

LEVINE
ZONE
CHG.
GRANTED,
BLOOMFIELD
AVENUE

April 13, 1972

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the Commission had discussed future zoning for this particular area, and certain conclusions were reached in this respect. The Town Attorney was of the opinion that these conclusions could properly be included in consideration of this application.

The Commission discussed with the Town Attorney procedure for acting on zone change applications. It was generally agreed that in the future the Commission should vote on the application - not on a specific motion, although if amendments were included, it would be necessary to use a motion format.

Following discussion, the application of Milton Levine for change of zone from R-20 to P.O. Zone for the premises described below was approved on a roll call vote, to become effective upon the date of publication.

Roll call: S. DuBosar - aye	C. Shuster - aye
T. Epstein - abstained	E. Sorant - abstained
L. Hopkins - aye	R. Walters - aye

Description of property: Those certain pieces or parcels of land situated in the Town of Bloomfield, County of Hartford and State of Connecticut, known as Parcels Nos. 1 and 2 on a map entitled "Property of Samuel N. Tychsen & Harold Bidwell, Bloomfield Ave., Bloomfield, Conn. Scale 1" = 40' Oct. 13, 1964, surveyed by Close, Jensen & Miller Civil Engineers & Surveyors", and being the same premises conveyed to Bloomfield Avenue Realty Corporation made by the following deeds: (1) Warranty deed from Harold F. Bidwell et al dated October 15, 1964 and recorded in Vol. 98 at page 413 of the Bloomfield Land Records; (2) Warranty deed from Sam N. Tychsen dated October 15, 1964 and recorded in the Bloomfield Land Records in Vol. 98 at page 410; (3) by quit-claim deed from Harold F. Bidwell dated October 15, 1964 and recorded in the Bloomfield Land Records in Vol. 103 at page 694.

Reasons for said approval are as follows: In the opinion of the Commission, the proposed use represents the highest and best use of the property, would not be detrimental to the area, is consistent with the existing and probable future character of the neighborhood, and is consistent with the "Commercial Study" prepared in 1964.

The Commission discussed the proposed amendment to the Zoning Regulations to add Section 307 regarding yard requirements in I-3, B-3 and P.O. Zones. Following discussion, action on this proposed amendment was tabled, and the Town Attorney was requested to clarify the language in order to encompass development of adjoining sites, giving the Commission the authority to vary the yard requirements in specific circumstances.

PROPOSED
AMEND.
SEC. 307

The Commission discussed the proposed amendment to delete Section 214 - Garden Apartment Zone - from the Zoning Regulations. It was generally agreed that a maximum ratio should be determined of apartment units to single family dwellings, and that luxury apartments have reached a desirable maximum at the present time.

SEC. 214 -
G.A. ZONE
REGS.
REPEALED
Z-8

It was noted that if the Garden Apartment regulations were repealed, housing for the elderly would still be permitted in B-3 Zones.

Following discussion, motion was made by C. Shuster and seconded by E. Sorant that "Section 214 of the Bloomfield Zoning Regulations - G. A. Zone - Garden Apartments - is hereby repealed provided, however, that this Section 214 will remain in effect for any Garden Apart-

ment zone existing on the date of this section's repeal and will remain in effect with reference to any application for a Garden Apartment zone and/or Garden Apartment site plan approval which application has been received on or before the effective date of this amendment."

Following further discussion, the motion was unanimously carried, to become effective upon the date of publication.

Motion was made by S. DuEosar, seconded by L. Hopkins and unanimously carried to correct the minutes of March 23 as follows: page 2, paragraph 4 to read as follows: "Following a lengthy discussion, motion was made by S. DuEosar and seconded by L. Hopkins to approve the application of Howard Werner for change of zone from R-20 to G.A. Zone for premises known as 210 Woodland Avenue. The motion was defeated on a roll call vote, and the application therefore denied." The minutes of March 23 were then approved as corrected.

MINUTES
CORRECTED
MARCH 23

RE:
WERNER

It was noted that appeals have been taken on the denial of both the Werner and Korzenik zone change applications.

APPEALS-
WERNER,
KORZENIK

Atty. Goodman advised that a memorandum was received from Carl Shuster following the March 23 meeting, outlining his reasons for voting to deny the Werner application. It was agreed to include this memorandum dated March 28, 1972 in the minutes of this meeting.

WERNER
DENIAL

"MEMORANDUM RE: Werner Garden Apartment application, East side Woodland Avenue, Bloomfield

The Werner application was denied by an even, three-three vote of the Planning Commission on an affirmative motion. DuEosar and Sorant voted with me, Sorant apparently feeling that to grant one application would open the flood gates to more garden apartments on Woodland Avenue, and DuEosar apparently feeling that the single family character of the neighborhood would be changed if garden apartments were to be allowed.

My vote against was based upon the following:

1. The purpose of garden apartments from a planning standpoint is to buffer between high density, high traffic commercial areas and low density, single family areas. The garden apartment zone allows eight units to an acre, while R-20 single family zones would allow approximately two families to an acre. The planning purpose of garden apartments is to "step down" from the high activity commercial area to the low activity single family residential area. On Woodland Avenue, the garden apartments would serve no such purpose, since there are no surrounding high activity areas to be buffered.

2. Our garden apartment regulations make "need for the proposed use at the proposed location" a factor in determining whether or not a zone change should be granted. While it is not clear what "need" is intended to include, it is my feeling that "need" for luxury garden apartments at the present time has not been proven, since the real housing need in the greater Hartford area in general and Bloomfield in particular is for middle income and lower income housing, and because the existing new garden apartment complexes are renting very slowly which would tend to indicate a closing market for luxury apartments in Bloomfield.

(continued)

September 14, 1972

A meeting was held by the Town Plan & Zoning Commission on the above date at 7:30 P.M. at the Town Hall, with the following present:

Theodore Epstein, Chairman	Clifford Vermilya, Town Manager
Edward Sorant, Secretary	Robert Milvae, Asst. Town Manager
Richard Walters	Dean Caudill, Building Inspector
Samuel DuBosar	Barry Berson, Town Engineer
Carl Shuster	Richard Goodman, Town Attorney
Lee Hopkins	Dennis Brown, Consultant

Alternates: Harald Nome, Edmund Curran

Letter was received from Atty. Jerry Wagner, requesting an opportunity to discuss informally with the Commission proposed plans of Culbro Realty and Development Corporation for development of a large tract of land which is located partially in Bloomfield and partially in Windsor.

CULBRO
DEVELOPMENT
PLANS -
OCT. 2 MTG.

Atty. Morgan Kline, who is also involved in this plan, discussed this request briefly with the Commission, indicating that the proposal would include concepts which are not presently permitted under the zoning regulations of either town, and in as much as both Bloomfield and Windsor are in the process of revising their zoning regulations, they would like to have an opportunity to make a presentation to the Town Plan & Zoning Commissions of each town in the near future.

A special meeting was scheduled for Monday, October 2 at 7:30 PM to discuss this proposal on an informal basis.

Application was received from First Hartford Realty Corporation for change of zone from B-2 to B-3 for property located at Blue Hills and Wintonbury Avenues. Chairman Epstein, Mr. Curran, and Atty. Goodman disqualified themselves from discussion of this application. Acting Chairman Sorant appointed Mr. Nome to sit in lieu of Mr. Epstein.

FIRST HTFD.
REALTY
ZONE CHANGE
APP.

Atty. Milton Sorokin requested that a hearing not be scheduled prior to late October, in as much as he is awaiting information from the State Highway Department which is pertinent to this application.

Mr. Walters suggested that Acting Town Attorney Frank D'Ercole be consulted prior to scheduling a public hearing. The Commission agreed to request Atty. D'Ercole to attend the next meeting, at which time a public hearing will be scheduled.

Atty. Harold Keith, representing Charles Schnier, presented a preliminary subdivision plan entitled "Longview Farms", Block 20, Property of Richard D. Bronson, Woodland Avenue. This tract contains 124.40 acres on which 213 lots are proposed.

SCHNIER
SUBDIV.
LONGVIEW
FARMS,
WOODLAND
AVENUE

The Commission discussed whether or not a public hearing should be held concerning this application, in view of the large number of lots involved.

Atty. Keith requested that the Commission consider granting final subdivision approval to Section I of this subdivision which consists of lots 1 through 5, all fronting on Woodland Avenue, and then consider Section II, which would be an open space subdivision consisting of the remaining 208 lots, separately.

After discussion by the Commission, it was determined that to consider this plan in two sections would not constitute a resubdivision.

It was agreed to hear the merits of the application for Section I prior to deciding whether a public hearing should be held on this portion.

Atty. Keith outlined the developer's plans for Section I, stating that the houses to be constructed would contain 1200 to 1500 square feet and would be in the \$36,000 to \$40,000 price range. He stated that water and sanitary sewers are available to the site.

Mr. DuBosar raised questions concerning drainage, particularly in relation to the property shown as Section II.

Atty. Keith agreed that the map of Section II would be submitted as an exhibit to further explain the application for Section I.

Mr. Vermilya presented the staff report on Section I. He pointed out that the land to the rear of these lots is part of a drainage easement to the State of Connecticut in connection with the flood control reservoir. He stated that it would appear that no specific drainage installation would be required for Section I. However, future development of the area to the rear would cause additional ponding of water which would require additional drainage installations, possibly on the five lots in question.

Mr. Vermilya stated that the staff would not recommend installation of sidewalks for the five lots involved, but development of the larger tract would require sidewalks on Woodland Avenue, including these five lots.

Mr. Nome raised questions concerning traffic on Woodland Avenue and the potential danger of additional driveways entering on Woodland Avenue.

Mr. Vermilya stated that the staff did not feel that the amount of traffic from five lots would have a substantial effect on the traffic on Woodland Avenue.

In response to a question from Mr. Curran, Mr. Vermilya stated that complete watershed drainage flow analyses would be required for the entire development of 213 lots.

It was generally agreed that the drainage considerations could be included in the bonding requirements for Section II.

Atty. Keith stated that the developer would be willing to install sidewalks for Section I, if so requested by the Commission.

Mr. Nome commented on snow and water accumulation which occurs during the winter months along this section of Woodland Avenue.

Following discussion, motion was made by E. Sorant, seconded by L. Hopkins and carried to table action on Section I until a later meeting, in order to provide the Commissioners with an opportunity to visit the site prior to acting on this application.

It was agreed that no public hearing would be held on Section I.

It was voted to hold a public hearing on Section II on October 12 at 8:00 P.M.

Atty. Stanley Barall presented a final site plan for the garden apartment project of Harold Rothstein on East Wintonbury Avenue. Chairman Epstein, Mr. DuBosar and Mr. Shuster disqualified themselves from discussion of this application. Acting Chairman Sorant appointed Mr. Nome and Mr. Curran to sit in lieu of Mr. Epstein and Mr. DuBosar.

ROTHSTEIN
APT. PLAN-
FINAL SITE
PLAN
APPROVED

Mr. Milvae noted that the plan submitted is a revision of the plan which received preliminary approval, and stated that the Commission should decide whether a second public hearing is necessary.

Atty. Barall presented an overlay showing the preliminary plan was approved and the changes which have been made on the final. The final plan showed a reduction of 5 two bedroom apartments to correction of the property line which resulted in a reduction from 14.8 acres to 14.09 acres.

Atty. Goodman recommended that a corrected property description be published, in order to clearly establish that it was the intention zone only the parcel owned by the applicant.

It was agreed by the Commission that the changes in the plan are sufficient to require another public hearing.

Atty. Barall presented a detailed planting schedule and recreation as required in the preliminary approval. The recreation plan includes one tennis court, one basketball court and four tot lots. He noted the placement of equipment within these tot lots has been discussed with the Recreation Director, Harold Barenz, and will be completed to satisfaction. The proposed tennis court would be for the use of residents of the apartments only.

Mr. Berson and Atty. Barall discussed storm drainage for this indicating that an easement has been granted by Mr. Cicero, owner of the property to the north, so that the water will be piped to the natural water course within the Cicero property. Mr. Berson recommended that the outfall of this pipe be rip-rapped in an appropriate manner.

There was discussion of the effect of this drainage on downstream properties. The Town Engineer and Consultant were of the opinion that this would not have an appreciable effect.

Mr. Hopkins noted that the buildings are not 50 feet apart as required. Mr. Brown pointed out that the preliminary plan was approved with variance from the regulations.

Mr. Milvae advised that the staff has reviewed this plan. He stated the recreation plan has been approved by the Recreation Director. Screening of the recreation area was discussed by the staff, and their recommendation that it not be screened.

Mr. Brown noted that the turning radius for vehicles had been increased in the area where the five units were eliminated.

Motion was made by R. Walters and seconded by L. Hopkins to give final approval to site plan entitled "East Wintonbury Hills", project of Harold Rothstein, garden apartments to be located on East Wintonbury Avenue, subject to rip-rap and/or dredging and shaping a outfall of the storm drainage pipe, to the satisfaction of the Engineering Department. The detailed plan for the tot lots is incorporated in final site plan approval.

LEGAL NOTICE
TOWN OF BLOOMFIELD
TOWN PLAN & ZONING COMMISSION
Notice is hereby given that the Town Plan & Zoning Commission of the Town of Bloomfield, on April 23, 1972, granted a change of zone from R-15 to G. A. (Garden Apartments) zone to a property owned by Layne Equillas Corp. Said change of zone was to be effective May 7, 1972, and legal notice of the change of zone was published in the Thursday, April 20, 1972 edition of The Hartford Times. Notice is hereby given that the legal description of the property as published in The Hartford Times was erroneous, and that the correct description of the premises changed to G. A. zone (which premises are now owned by Harold Rothstein) is as follows:

All that certain parcel of land situated on the northerly side of East Wintonbury Avenue, Route 178, in the Town of Bloomfield, County of Hartford, State of Connecticut, being bounded and described as follows:

Beginning at a point on the northerly highway line of East Wintonbury Avenue at the southeasterly corner of the land herein described, said point is also the southwesterly corner of land now or formerly of Rosalia Machak, thence N75 degree 00'11"W along the northerly highway line of East Wintonbury Avenue, a distance of 127.87 feet to a point of land now or formerly of Henry A. Christ et al, thence N14 degree 59'49"E along land of said Christ, a distance of 178.23 feet to a point, thence S77 degree 52'49"W along land of said Christ, a distance of 146.24 feet to a point; thence southerly along other land of said Christ in a curve to the right, whose radius is 189.21 feet, a distance of 89.35 feet to a point, thence, continuing southerly and easterly still along land of said Christ in a curve to the left whose radius is 25.00 feet a distance of 39.27 feet to a point on the northerly highway line of East Wintonbury Avenue; thence N13 degree 00'11"W along the northerly highway line of East Wintonbury Avenue, a distance of 100.00 feet, to a point of land now or formerly of Polly and Milford Devine; thence, easterly and northerly along a curve to the left whose radius is 25.00 feet a distance of 39.27 feet to a point; thence continuing northerly along a curve to the left, whose radius is 137.21 feet, a distance of 65.88 feet to a point; thence N12 degree 07'11"W a distance of 80.39 feet to a point; thence N75 degree 00'11"W a distance of 77.50 feet to a point; thence S14 degree 54'49"W a distance of 160.00 feet to a point in the northerly highway line of East Wintonbury Avenue; the last five courses all being along land now or formerly of Polly and Milford Devine; thence N75 degree 00'11"W along the northerly highway line of East Wintonbury Avenue, a distance of 169.47 feet to a point; thence westerly along the northerly highway line of East Wintonbury Avenue in a curve to the left whose radius is 524.06 feet, a distance of 111.16 feet to a point of land now or formerly of Joseph A. Gozzo and Stanley A. Barall; said point is the southwesterly corner of the land herein described; thence N00 degree 48'06"W along land of said Gozzo and Barall, a distance of 127.87 feet to a point, said point marking the beginning of a fence; thence N02 degree 37'32"W, a distance of 99.18 feet to a point; thence N01 degree 02'22"E, a distance of 99.54 feet to a point; thence N00 degree 37'24"W, a distance of 99.66 feet to a point; thence N02 degree 58'15"E, a distance of 63.44 feet to a point; thence N02 degree 49'35"W, a distance of 101.23 feet to a point; thence N03 degree

PRESBYTERIAN
FIRST
8:00 p.m. VOICE AND INSTRUMENTS OF MUSIC FOR ORGAN.
8:00 p.m. DEDICATION RECITAL
Nursery Care Provided During
9:30 a.m. Church School & Adult Education
IS GOD!
THE BUILDER OF EVERYTHING
Mediation by Mr. Emmet
Rededication of Sanctuary
10:30 a.m. Communion Service and Fireside Circle
8:30 a.m. Informal Communion
A. Donald Emmet - Paul Cameron

In discussing the motion, questions were raised concerning screening of the existing homes on East Wintonbury Avenue. The staff felt that the proposed plantings would provide adequate screening to these homes.

Atty. Barall noted that there are also some trees in existence on these properties, and that the existing homes are a considerable distance from the property line.

Following discussion, the motion was carried with four affirmative votes and one abstention by Mr. Sorant.

Chairman Epstein advised that the Town Council has requested that the Commission designate a representative to the five-member Elderly Housing Task Force to be appointed by the Council.

REP. TO
ELDERLY
HOUSING
TASK
FORCE

Mr. Edmund Curran was designated by the Commission to serve in this capacity.

Notice was received from the State Department of Transportation of a hearing to be held in West Hartford on October 5, 1972 concerning that portion of proposed I-291 which would be located in West Hartford.

I-291

Chairman noted receipt of various correspondence and notices.

The minutes of July 27 were approved as submitted.

Mr. Brown stated that a complete draft of the Comprehensive Plan will be furnished to the Commission at the next meeting.

COMP.
PLAN

Town Manager Vermilya commented briefly on the current plans of the Mall developers with regard to the trees located on the Lagan property. He stated that they will attempt to save some of these trees, but this would result in the loss of some parking spaces, and would require a modification to the site plan.

WINTONBURY
MALL

Mr. Nome stated that he had been advised by Recreation Director Barenz that two of these trees are not healthy, and the two remaining trees have been damaged to some extent by the present parking area, and to develop additional parking around them might kill them.

Atty. Goodman advised of a request to permit a snack bar in connection with the P.O. zone at 711 Cottage Grove Road. He noted that the P.O. regulations permit accessory uses to serve the principal use.

P.O. ZONE,
SNACK BAR

It was agreed that if the proposed facility is clearly accessory to the principal use, it may be permitted.

The meeting adjourned at 10:45 P.M.

Attest: *Edward Sorant*



September 14, 1972

Atty. Stanley Barall presented a final site plan for the garden apartment project of Harold Rothstein on East Wintonbury Avenue. Chairman Epstein, Mr. DuBosar and Mr. Shuster disqualified themselves from discussion of this application. Acting Chairman Sorant appointed Nome and Mr. Curran to sit in lieu of Mr. Epstein and Mr. DuBosar.

Mr. Milvae noted that the plan submitted is a revision of the plan which received preliminary approval, and stated that the Commission should decide whether a second public hearing is necessary.

Atty. Barall presented an overlay showing the preliminary plan which was approved and the changes which have been made on the final plan. The final plan showed a reduction of 5 two bedroom apartments due to correction of the property line which resulted in a reduction in area from 14.8 acres to 14.09 acres.

Atty. Goodman recommended that a corrected property description be published, in order to clearly establish that it was the intention to zone only the parcel owned by the applicant.

It was agreed by the Commission that the changes in the plan are not sufficient to require another public hearing.

Atty. Barall presented a detailed planting schedule and recreation plan as required in the preliminary approval. The recreation plan includes one tennis court, one basketball court and four tot lots. He noted that the placement of equipment within these tot lots has been discussed with the Recreation Director, Harold Barenz, and will be completed to his satisfaction. The proposed tennis court would be for the use of the residents of the apartments only.

Mr. Berson and Atty. Barall discussed storm drainage for this site, indicating that an easement has been granted by Mr. Cicero, owner of the property to the north, so that the water will be piped to the natural water course within the Cicero property. Mr. Berson recommended that the outfall of this pipe be rip-rapped in an appropriate manner.

There was discussion of the effect of this drainage on downstream properties. The Town Engineer and Consultant were of the opinion that this would not have an appreciable effect.

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Mr. Milvae advised that the staff has reviewed this plan. He stated that the recreation plan has been approved by the Recreation Director. Screening of the recreation area was discussed by the staff, and it was their recommendation that it not be screened.

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point, the last five courses all being along land now or formerly of Joseph Cicero and run along a fence as it now stands; thence $S14^{\circ}12'11''E$ along land now or formerly of Lucy V. Misseri, a distance of 630.04 feet to a point; thence $S14^{\circ}59'49''W$ along land now or formerly of Lucy V. Misseri, a distance of 90.00 feet to a point at land now or formerly of Rosalie Machak; thence $N75^{\circ}00'11''W$ along land of said Machak, a distance of 144.75 feet to a point; thence $S14^{\circ}59'49''W$ along land of said Machak, a distance of 105.00 feet to the point of beginning.

Said parcel of land contains 14.089 acres and is more fully shown on a map entitled, "Boundary Survey Property of Harold Rothstein East Wintonbury Avenue Bloomfield, Connecticut Date: 8-7-72 Scale: 1"=40' Morton S. Fine & Associate Bloomfield, Connecticut Mervyn F. Strauss, L.S. Rev. 9-5-72."

Exhibit D2

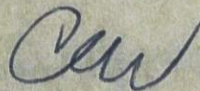
December 20, 1972

TO WHOM IT MAY CONCERN:

Subject: East Wintonbury Hills Apartment Complex
HUD Project No: 017-44201-LDP

This is to certify that the 111-unit apartment complex situated on the Northerly Side of East Wintonbury Avenue, Route 178, in the Town of Bloomfield received approval by The Town of Bloomfield, Town Plan and Zoning Commission on September 14, 1972, as appears on Bloomfield Engineering Department Map No. 255, a copy of which is on file in the office of the Town Clerk, entitled "Boundary Map, Property of Harold Rothstein, East Wintonbury Avenue, Bloomfield, Connecticut, 8-7-72, Scale 1"=40', revised 12-7-72, Morton S. Fine & Associates, 711 Cottage Grove Road, Bloomfield, Connecticut", and does not violate any of the planning and zoning regulations of the Town of Bloomfield.

Sincerely yours,



Clifford R. Vermilya
Town Manager

CRV/ajw

Exhibit E₁

TOWN OF BLOOMFIELD

Application to Develop Within
A Garden Apartment Zone

INSTRUCTIONS TO APPLICANT: This application must be completed in full. No application will be accepted for consideration until all information requested herein is obtained and all exhibits required are submitted in the amount specified. All exhibits shall be assembled and submitted with three (3) copies of this form to the Office of the Town Engineer.

Name of Apartment Project _____
Name of Applicant LAVIE EQUITIES CORP.
Address P.O. BOX 6575, Bridgewater, Conn. Phone 374-9544
Location of Project (Give brief description and Engineering Dept. block number)
Northerly side of East Wintonbury Avenue, East of Blue Hills
Avenue, Engineering Dept. block number 2.
Land area of proposed development: 44.81 No. of apt. units applied for 418
acre

APPLICANT'S REQUEST: Application is hereby made to the Town Plan and Zoning Commission of the Town of Bloomfield, Conn. for permission to develop a tract of land within the Town of Bloomfield located as hereinbefore stated. The applicant represents that to the best of his knowledge and belief, the information herein and on any and all exhibits is true and correct.

EXISTING CONDITIONS:

- Applicant currently is: Owner () ; Owner's Agent () ; Contract Purchaser (x) ; Option Holder ()
- Name of landowner, if not applicant Paulina Sullivan et als
- Name of Engineer Mort Fine Assoc.
- Name of Land Surveyor Mort Fine Assoc.
- Name of Architect VanSumerdy & Voigold
- Any adjoining land in same ownership? Yes (x) No () If yes, acreage 1 +
- Any protective covenants recorded for subject land? Yes () No (x)
- Any protective covenants recorded for adjoining lands? Yes () No (x)
- Any subdivision plot recorded for subject land? Yes (x) No ()
If yes, give map number 604
- Any rights reserved? Yes () No (x)

Exhibit E2