

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, August 3, 2006
MINUTES**

Aug 7 2006 at *2* ^{AM} _{PM}
Esther B Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Continuation of the application of Theodore A. Harris for a Special Permit and Site Plan for a Regional Shopping Center at property identified in the application as 15 Industrial Park Road, Niantic, Connecticut. The property is further identified in the application as East Lyme Assessor's Map 26.1, Lot 2, on August 3, 2006 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Pamela Byrnes, Norm Peck,
Ed Gada, Mark Salerno, Joe Barry, Alternate, Bob Bulmer,
Alternate

ALSO PRESENT: William Mulholland, Zoning Official
Atty. Theodore A. Harris, Applicant
Bob Kaufman, Business Owner
Kyle Haubert, Engineer
Russell Sargent, Architect
William A. Vliet, Professional Engineer

ABSENT: Rosanna Carabelas

PANEL: Mark Nickerson, Chairman, Ed Gada, Pamela Byrnes,
Norm Peck, Mark Salerno, Bob Bulmer, Alternate

Pledge of Allegiance

The Pledge was observed.

Public Delegations (NONE)

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

Public Hearing I

1. Continuation of the Application of Theodore A. Harris for a Special Permit and Site Plan for a Regional Shopping Center at property identified in the application as 15 Industrial Park Road, Niantic, Connecticut.

Mr. Nickerson read the following correspondence into the record:

- Memo to the East Lyme Zoning Commission from Mr. Mulholland dated July 13, 2006 RE: Special Permit and Site Plan Application – Regional Shopping Center- 15 Industrial Park Road, Niantic, CT
- Letter to Mr. Nickerson from Mr. Harris dated August 1, 2006.
- Letter to Mr. Nickerson from Mr. Harris dated July 13, 2006.

Mr. Nickerson noted that the legal ad was published correctly in the newspaper.

Mr. Nickerson asked Mr. Harris to make his presentation.

Mr. Harris submitted copies of signs to Mr. Nickerson, (labeled **Exhibit 1**).

Mr. Harris submitted revised plans dated 7/5/2006, (labeled **Exhibit 2**).

Mr. Harris stated that the location is in an Aquifer Protection Zone, that no hazardous materials will be used or stored on this site. Two storage tanks will be removed, and there will be no contamination.

Mr. Harris explained what made "Bob's" a regional, one stop shopping store, containing furnishings for the entire home, making Bob's a regional draw.

Mr. Harris submitted pictures of existing Bob's locations, (labeled **Exhibit 3**).

Mr. Harris stated that there is also a second area, 6000 sq. ft. which may be used for a regional outlet, containing other items necessary to furnish a home, (for example, lighting, carpeting).

Mr. Kaufman stated where his stores are currently located, and that he expects to close the Norwich and New London stores if his plan is approved. He stated that traffic will not be a problem, and that his exposure to East Lyme will draw people from other towns and areas. Mr. Kaufman explained how his stores are sectioned into different areas.

Mr. Mulholland inquired about Mr. Kaufman's business model, and what level would this store be.

Mr. Kaufman stated that merchandising is not done by store location. His presentation would be more upscale than his other stores.

Mr. Nickerson inquired about entertainment in the store.

Mr. Kaufman stated that there would be a video game room for children. No other entertainment.

Mr. Nickerson inquired if there would be a lunch counter in the store.

Mr. Kaufman stated that there would be cookies, penny candy, coffee, ice cream, pretzels, and lemonade.

Mr. Bulmer inquired as to whether there was a traffic study done.

Mr. Harris stated that it was not required, but there was a traffic study done, which will be discussed later.

Mr. Salerno inquired as to the number of deliveries coming into the location.

Mr. Kaufman stated that there are no deliveries out of the local stores, all deliveries are made from their Taftville warehouse. Truck traffic would really be non existent.

Ms. Byrnes inquired as to whether there would be a presentation regarding the outside design of the building, and how many people will they employ.

Mr. Kaufman stated that there will be a presentation, and he expects to employ between 40-60 people. The volume will warrant the number of employees.

Mr. Mulholland inquired as to whether they ever have outdoor events/displays or celebrations.

Mr. Kaufman stated "no". They do not run sales.

Mr. Mulholland inquired as to whether there are any plans to close the Taftville warehouse, expressing concern over the truck traffic issue.

Mr. Kaufman stated that he still plans to use the Taftville location; the only items that would be sold from this store would be possible floor samples, and accessories, not items where a truck would be necessary.

Mr. Harris addressed the warehouse aspect. This building would be used as retail floor space, not warehousing.

Mr. Harris explained the term "regional". He explained how important the region location is: easy access, low impact on traffic. He discussed the land, the zoning of the land, and the building. Mr. Harris stated how the two existing buildings would be renovated, inside and outside. Mr. Harris discussed the parking area. Mr. Harris discussed the vegetation and discussed the drainage at this site. The drainage has been upgraded to the current DEP standards and regulations.

Mr. Mulholland stated that the information from the town engineer was not in the packets this evening, but were in the master file.

Mr. Harris discussed the issue of the intersection and traffic at the intersection. Mr. Harris stated that they would be willing to improve the intersection by realigning the road, in accordance with the plan that will be submitted shortly, at the cost of the applicant.

Mr. Harris discussed the sidewalk issue, as stated in his letter read earlier today. Mr. Harris stated that the sidewalk costs are not fair to the applicant.

Mr. Haubert submitted Bob's Discount Furniture Proposed Building Renovations, 8/3/06 (labeled **Exhibit 4**).

Mr. Haubert explained that he was the site engineer for this project; he is employed at CLA Engineers in Norwich, Connecticut. He explained the site location, approximately 5.9 acres. He explained the change in use of the buildings to furniture stores, retail stores, 112 parking spaces. Mr. Haubert explained how they will change the parking lot area.

Mr. Nickerson inquired as to whether he was speaking about the dark shaded area on the sketch.

Mr. Haubert said yes. Mr. Haubert explained the entrance and exits. He discussed the drainage patterns, which will basically remain the same as they currently are. Mr. Haubert referred to the "Herb Chambers property".

Mr. Nickerson asked Mr. Haubert to explain the Herb Chambers property.

Mr. Haubert stated where exactly this property is. Mr. Haubert then went into more detail regarding the drainage system. He stated that it is in DEP regulations.

Mr. Nickerson inquired as to the Aquifer Protection laws. These laws will be changing.

Mr. Haubert is vaguely familiar with this. Mr. Haubert explained the water basin, grass drainage swales, and the gravel parking area.

Mr. Nickerson inquired about the new Aquifer laws coming out; he was concerned about the swales and the open land with oil coming through.

Mr. Haubert stated that there is pretreatment before it enters the grass swales.

Mr. Nickerson stated that the town is very concerned with Aquifer. Mr. Nickerson will look into this further.

Mr. Haubert discussed the water, sewer, a new water line, a new gas line. The underground storage tanks and fueling areas will be removed and disposed of properly.

Mr. Nickerson inquired if they would be using the tanks.

Mr. Haubert stated that they will all be removed.

Mr. Gada inquired as to what the tanks were holding.

Mr. Haubert believed they were holding fuel.

Ms. Byrnes stated that the water quality/ Aquifer are important.

Mr. Mulholland asked Mr. Harris if they required any waivers regarding Section 24.6 E3 of the site regulations.

Mr. Harris stated that they have provided evergreens on the site in compliance with the regulations. Mr. Harris also discussed the vegetation.

Mr. Nickerson inquired as to whether there was a landscape plan.

Mr. Haubert stated that there is a landscape plan.

Mr. Mulholland inquired as to whether there would be a need for some new planting, with the anticipated road being moved. Will trees be removed?

Mr. Haubert stated that the majority of the trees would remain with the new design.

Mr. Nickerson inquired as to the site plan showing the current driveway, not the way it will look in the future.

Mr. Haubert stated yes.

Mr. Harris submitted a copy of Plan and Profile Industrial Park Road Realignment, (labeled **Exhibit 5**). Dated 3/9/05.

Mr. Nickerson inquired as to the second building, retail stores. He believed we were discussing a Bob's store.

Mr. Harris explained that they had hoped to get a group of smaller retail stores to provide complimentary retail items.

Mr. Nickerson inquired if this was Bob zoned.

Mr. Harris stated that the master lease was by Bob, and that Bob would have to sub lease. A carpet or lighting store, for example.

Ms. Byrnes inquired as to a single retailer.

Mr. Harris stated one, possibly two.

Mr. Nickerson inquired as to the alley way, and the entrance to the store.

Mr. Harris asked to wait until the architect goes through this plan. Mr. Harris discussed the drainage and the swales and the pretreatment plan.

Mr. Salerno inquired as to what would be the process, if this plan were approved, if a retail store did come in.

Mr. Mulholland stated that a proposed business would make an agreement with the town through proper ordinances.

Mr. Nickerson called for a 5 minute recess.

Mr. Sargent, an architect in Mystic showed slides which consisted of plans for the building. Slides consisted of the existing building, floor plans, the entrance, store fronts, showrooms, service area, café, small arcade, sales office, restrooms, staff room, and the retail area. Mr. Sargent explained how the space would be used, and how the building would be changed.

Mr. Sargent discussed the gables, the sign for the store, windows and the clapboard.

Ms. Byrnes inquired as to if this was the 6000 foot building.

Mr. Sargent said yes, and showed photos at different angles.

Mr. Nickerson inquired as to whether there will still be a fence between the buildings.

Mr. Sargent said yes. Mr. Sargent explained that the parking demand is not significant at any one time.

Ms. Byrnes inquired as to the entrance of the building, is there an entrance in the back parking lot.

Mr. Sargent stated no. He pointed out the walkway and the parking area.

Ms. Byrnes inquired as to which was considered the front and back lots.

Mr. Sargent pointed out the entrances.

Mr. Mulholland stated that he has met with Mr. Sargent several times, they discussed what to do with this building, renovating the whole building would be extremely costly.

Mr. Nickerson inquired if the shed would still be metal.

Mr. Sargent stated yes, and it would be painted.

There was a brief discussion with the panel and Mr. Sargent regarding materials and styles, designs.

Mr. Peck inquired as to whether they would keep the building the way it was when there were previous owners. Was that considered?

Mr. Mulholland stated that there was a lot of discussion as to what to do with the building.

Mr. Mulholland also stated that the sign approval is yet to be determined.

Mr. Sargent showed more slides/photos and gave different options for the appearance of the building.

Mr. Vliet, Professional Engineer, Manchester, Connecticut, submitted his original Traffic Impact Statement, dated 6/21/06, (labeled **Exhibit 6**).

Peak hours for Bob's: 6:30-8:30 pm week days, Saturdays and Sundays.

Mr. Vliet stated how he outlined his Traffic Impact Statement.

Mr. Bulmer expressed concern over the traffic with the Middle School on Industrial Road, as well as trucks coming in.

Mr. Vliet does not anticipate any more traffic by the Middle School than is currently there. Bob's would not even be open in the morning when school begins.

Mr. Gada asked Mr. Kaufman his hours of operation.

Mr. Kaufman stated 10:00-9:30 Monday through Saturday, 11:00-6:00 on Sundays.

Mr. Bulmer stated that he did not see any numbers listed for the a.m. hours on the Traffic Impact Statement.

Mr. Mulholland asked Mr. Vliet to describe "peak hour".

Mr. Vliet described how peak hours are determined.

Mr. Nickerson asked if a traffic study was required for this application.

Mr. Mulholland said no, that is was suggested.

Mr. Gada inquired as to whether or not the smaller retail business would be in association with Bob's or different.

Mr. Kaufman stated that it would be compatible to his company.

Mr. Nickerson called for anyone from the public who would like to speak in favor of the application.

Michael Schwartz, Owner, 15 Industrial Park Road- stated that he is the land owner of 15 Industrial Park Road. He supports this application, which he feels will have no impact on the environment or traffic.

Mr. Schwartz feels Bob's would be a win-win situation for East Lyme. Mr. Schwartz also stated that the tanks will be removed properly. Mr. Schwartz feels that Bob is a good corporate citizen, committed to this project.

Bob Jones, 5 Applewood Common- stated he is familiar with Bob's stores. It is nice and clean. Our town needs something like this. It will not be a traffic problem. Mr. Jones likes the new entrance way. Feels it needs a new façade.

Mr. Nickerson called for anyone to speak in opposition of the application. There were none.

Mr. Nickerson called for anyone to speak in neutral position.

Karen Bassett, 1 Amberly Lane, Niantic-stated that she is concerned about the water problem. She would like everyone safe and cause no pollution. She wanted to be sure that Aquifer would be used properly.

Mr. Jones spoke again about the drainage, there would be three drainage systems going in. This is very good for us.

Mr. Nickerson called for questions by the Commission.

Mr. Bulmer asked Mr. Mulholland the definition of Regional Shopping Center. Mr. Bulmer read "typical" definitions of Regional Shopping Center.

Mr. Mulholland stated that there are a variety of definitions.

Mr. Nickerson inquired if the applicant or tenant has to apply for a special permit.

Mr. Mulholland stated that this application is for a special permit and a site plan. We don't pick and choose which retailers go in.

Mr. Harris stated that they have no problem coming back to the Commission for tenant approval.

Mr. Mulholland stated that they may not have the power to do that.

Mr. Salerno inquired as to what the process would be.

Mr. Mulholland stated that there is a town ordinance to register with his office. Ask for a statement of use.

Mr. Salerno inquired as to if this application could be accepted with not allowing the retailer, having him come back to amend.

Mr. Mulholland stated that Mr. Harris is willing to come back. This application needs to be approved as a Regional Shopping Center.

Mr. Nickerson inquired if this application could be approved as a furniture/accessory, not retail.

Mr. Mulholland agreed.

Mr. Bulmer inquired how a Regional Shopping Center impacts the land. Can this land be filled with other buildings and lease them out?

Mr. Mulholland stated that they are basing their approval based on retail center based on the parking area on the site plan. He explained that the approval is for any retail activity.

Mr. Nickerson inquired about the signs, do they need counter approval.

Mr. Mulholland stated that there is a sign package in his office.

Mr. Nickerson inquired about looking at the signage package.

Mr. Mulholland would be happy to share this packet, but would like the panel to know that they are not approving this.

Mr. Sargent displayed photos of signs, gave details on size and color, just letters, no pictures.

Mr. Harris submitted Bob's Discount Furniture Outreach Program, (labeled **Exhibit 7**).

This outlines the various charities that Bob's Furniture is involved in.

Mr. Nickerson inquired if there was a plan for the second building to be joined to the first building.

Mr. Harris stated that there is no plan to do that.

Mr. Nickerson asked the audience by a show of hands, on the design of the building. Those in favor of Disney type design: none. The design as presented this evening: 12 in favor. Those in favor of keeping as is: none.

*Ms. Rosanne Hardy, Ex-officio to the Commission arrived at the meeting at 9:25 pm.

****MOTION (1)**

Mr. Salerno moved that this Public Hearing be closed.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Public Hearing adjourned.

Respectfully submitted,


Ann Dreger

Recording Secretary

Kelly Services, Inc.