

FILED IN EAST LYME P
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Z.A. Blain, ac
EAST LYME TOWN CLERK

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, June 21st, 2007
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on the Application of GPF Flanders Plaza LLC for a special permit for a fast food restaurant at property identified in the Application as 15 and 19 Chesterfield Road, Niantic, CT. Property further identified as Lots 55 and 54 on the East Lyme Assessor's Map 31.1, on June 21, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 7:34 PM.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada, Norm Peck, Marc Salerno, Bob Bulmer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official
William Dwyer, Alternate
Attorney Theodore Harris, Representing the Applicant
Kyle Roberts, Professional Engineer, CLA Engineers
William Vliet, P.E. Traffic Engineer, Vliet & O'Neill, LLC
David Basilone, Architect, John A. Matthews, AIA
Steve Frederick, McDonald's Area Construction Manager

ABSENT: Pamela Byrnes, Joe Barry, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada, Norm Peck, Marc Salerno, Bob Bulmer, Alternate

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

1. Application of GPF Flanders Plaza LLC for a special permit for a fast food restaurant at property identified in the Application as 15 and 19 Chesterfield Road, Niantic, CT. Property further identified as Lots 55 and 54 on the East Lyme Assessor's Map 31.1.

Chairman Nickerson noted that he had seated Bob Bulmer, Alternate at the table and that this hearing was continued from the May 23, 2007 public hearing.

Mr. Salerno said that he had gone over the record and is up to speed with this application.
Mr. Bulmer said that he was in the audience for the previous public hearing and that he is familiar with the record.

Ms. Carabelas stated that she has reviewed the information from the previous public hearing and is up to date.

Mr. Nickerson called for the applicant or their representative to continue the presentation of this application.

Attorney Theodore Harris, place of business 351 Main Street, Niantic said that there were a few things from the last public hearing that they had requested further information on and that those issues would be addressed this evening. The first that they had requested more information on was the traffic pattern and delivery sequence and times. He said that Bill Vliet, the Traffic Engineer for the project would present that information.

Bill Vliet, P.E. with Vliet & O'Neill, LLC, Manchester, CT Traffic Engineers said that as a licensed engineer in Connecticut that he finds that the circulation path proposed is a safe one. Regarding the delivery loading he said that he wants to make it clear that McDonald's has the sole discretion over the delivery activities as they own the delivery company and they dictate when the deliveries occur. The deliveries would be in the early hours so as to not be in conflict with the business. He also noted the concern over the traffic and the existence of the supermarket. He said that the two adjacent uses have peak hours that do not conflict and that are at different times from each other. For example: the supermarket has peak business after work while the McDonald's does not. Regarding the Commission's concern over the drive thru operation, he said that this traffic path is prevalent at other McDonald's and does work. He also noted that it is tucked into the site so that it is not visible from Rte. 161.

Mr. Nickerson asked which other McDonald's employ this drive-thru traffic path.

Mr. Vliet said that the McDonald's in Norwichtown, CT; East Greenwich, MA and Plymouth, MA to mention a few. He presented three site plans of other McDonald's that employ this drive-thru pattern. This was entered into the record as **Exhibit 2A**. (Night two of the public hearing, Exhibit A)

Mr. Nickerson said that some of the turns into the facilities do not seem to be easy.

Mr. Vliet said that he understands that however part of the issue here is that they are not starting with a clean slate; they are working with something already in existence.

Mr. Nickerson said that they have the opportunity here to make it better –

Mr. Vliet explained that Conn DOT has already cut them out of the left turns here and would like the entrance further from the intersection.

Mr. Salemo asked what the extra numbers would be going right now that there is no left turn.

Mr. Vliet said that the peak AM hour would have 34 more cars. He noted that this is an actual number based upon traffic. There are 96 cars coming out of the north side turning left and there is ample capacity to have the cars get out. The State looks at accident data and they found there were some when going left. He said that the highest rates/times are the AM and PM peak hours and Saturdays.

Mr. Salemo asked about the 3 PM hour when school gets out.

Mr. Vliet said that is probably when the traffic is building up to the peak hour but not the actual peak hour.

Mr. Bulmer said that with the right turn on red that there is not much opportunity there to get out.

Mr. Vliet said that the signalized capacity is still there for the traffic to get out.

Mr. Bulmer asked what the level of service there was now.

Mr. Vliet said that in the PM peak hour that it is level of service D at 79% capacity which means that the traffic will get through at one (1) red light and that this will be for every cycle.

Mr. Bulmer asked if the study was done considering the drug store also.

Mr. Vliet said yes, the study was done in comparison of before and after the drugstore.

Mr. Bulmer asked about the rumor of the State wanting to add lanes there.

Mr. Nickerson said that he also heard the same that the State wants to put in an extra travel lane.

Mr. Vliet said that it was under review and that he has not heard that one would be put in. He said that since they have had to present their report to the State for review that he would have been informed of the extra lane going in if it were to be in the near future. He submitted the traffic report for the record – dated February 9, 2007 by Vliet and O'Neill. This was entered into the record as **Exhibit 2B**.

Ms. Carabelas asked why the traffic studies are not done during the busiest time such as in the summer. She also asked if there would be any increase in traffic going to Rte. 161 from the McDonald's current location.

Mr. Vliet said yes and that the report has been submitted, reviewed and passed by the Conn DOT planning division.

Ms. Carabelas asked if they expect to generate more traffic when the McDonald's is moved.

Mr. Vliet said that has been considered and also noted that the Conn DOT numbers also take into consideration the seasonal growth factor.

Mr. Gada asked if the formula for raw data was gathered on February 9, 2007.

Mr. Vliet said that the February 9, 2007 was the date of the report however the data gathering was done during different seasons and that they use all available traffic data -- Conn DOT, Bob's traffic study; Mike's Famous traffic study; Darrow Pond's traffic study, etc.

Mr. Mulholland asked percentage wise what the percentage increase in traffic to Chesterfield Road over what is going there currently.

Mr. Vliet said that he had already given the numbers of 96 and 34 and that it equates to about 30% during the peak time.

Mr. Salerno asked how long it takes now to get out of the plaza to Rte. 161.

Mr. Vliet said that during the peak hour that it takes 30 seconds to one minute.

Mr. Bulmer said that when they turn left on Rte. 161 and head south that it sometimes gets backed up.
Mr. Vliet said that is part of the analysis.

Mr. Bulmer asked if there would be stop signs in the parking lot where the traffic crosses itself.

Mr. Vliet said yes there would be signs and that also STOP would be painted on the asphalt.

Mr. Nickerson asked about moving the entrance down.

Mr. Vliet noted that the Tri-Town owner had previously stated that it would then block his store. He added that they are working with the existing plaza and the elevations there.

Mr. Nickerson asked if it is determined through staff that the State will add the newest travel lane going north – would they have to start the traffic study over.

Mr. Vliet said that he thought he would know if it were going to happen. He said that they would revise the numbers as necessary.

Mr. Bulmer asked if the left turn is all built out.

Mr. Vliet said that they have around 160 vehicles going that way and of the traffic already going southbound there are 510 to 525 cars coming down in the peak hour now.

Attorney Harris said that the other question that was raised at the last public hearing was one of the architectural features of the building itself. He said that David Basilone, the Architect for the McDonald's buildings would present the changes to them.

David Basilone, Architect with John A. Matthews of Madison, CT said that at the last meeting that they had asked for views of the other two sides of the building – he presented those views for the Commission.

Mr. Mulholland asked the height of the retaining wall.

Kyle Roberts, CLA Engineers said that it is 6' to 8' high.

Mr. Basilone said that they could see that the cornices are continued around all four (4) sides of the building.

Mr. Nickerson asked if they could dress up the side facing the supermarket any as it appears very stark.

Mr. Mulholland asked about the overhang and extensions and how far they went out.

Mr. Basilone said that the overhang is 8 to 10 inches thick and only comes out a foot. He noted the new rendition with the paned windows and the flag pole.

Mr. Nickerson asked what the awnings are made of.

Mr. Basilone said that they are made of sheet metal.

Mr. Nickerson asked if they could put some of the windows in the back to mimic the front.

Mr. Gada asked what is on the other side of the back wall of the building.

Mr. Basilone said that there is walk-in freezer storage and other storage. The small window is for a new break room area for the employees.

Mr. Nickerson said that he would like it to look more like the front.

Steve Frederick, Area Construction Manager for McDonald's said that there is an order menu board there, plantings and not a blank wall.

Mr. Basilone noted the changes with the paned windows and the flag pole.

Mr. Bulmer asked about a gabled roof and if it wasn't mentioned at the previous meeting.

Mr. Basilone said that is not what McDonald's wants to do and that this roof does fit in with the area.

Mr. Bulmer said that it seems that everything in the area has a New England motif except for this building. He said that he does not think much of this design at all. He said that he checked out the McDonald's website and that there were a number of different things there.

Mr. Basilone said that he has photos of places in Clinton, CT showing that these style roofs do exist and do work with the rest of the buildings. He then submitted six (6) photos for the record which were entered as Exhibit 2C.

Mr. Nickerson said that Mr. Mulholland had asked for A, B and C style stores and asked if he had received them.

Mr. Mulholland said that he had not.

Ms. Carabelas asked about the retaining wall and what it would be made of.

Mr. Roberts of CLA Engineers said that it will have a weathered stone façade, grey in color. The type is specified on the plan.

Mr. Peck said that they might get some agreement if they had the brick all the way around the building. He said that he actually likes the new style of the building.

Mr. Basilone said that they have tried to incorporate the materials that would be used in the plaza itself and that they have also tried to be compatible with the CVS building.

Mr. Nickerson said that the CVS style building that is being used here and that is in Niantic is also being built elsewhere now.

Mr. Peck said that the awning on the north east corner will produce mildew and suggested eliminating it. Mr. Basilone said that it provides a roof for the drive-thru people.

Mr. Nickerson asked if they could be cloth awnings.

Attorney Harris said that the problem with cloth is that it looks dirty very quickly and not fresh and clean.

Mr. Mulholland asked if they would dress up the back of the building.

Attorney Harris and Mr. Frederick said that they would. He then submitted six (6) boards showing the various views of the new McDonald's building and one of the current building. These were entered into the record as Exhibit 2D.

Mr. Bulmer asked Attorney Harris about putting a peaked roof on McDonald's.

Attorney Harris said that they have discussed this at length with McDonald's and that it has to do with the corporate image and they have been prevailed upon to do the things presented tonight and that type of roof is not in their prototype. He cited the architectural zoning regulations which state that 'architecture should seek to create conformity through variety' and said the he feels that they have done so and have achieved a dramatic change that is in line with the theme of the area. He said that he does not feel that it is out of character.

Ed Navarro, Managing Partner of GPF Flanders LLC said that he wanted to share some thoughts with them and give them some background on this project. He said that in terms of traffic that he enjoys these projects because it means taking something old and tired and making it something fresh. Regarding traffic, he said that all kinds of people cut through the parking lot now. They are also parking for the High School which will have to be dealt with as that will have to be re-defined as they will not be able to be a parking lot for the High School. He said that they should also be aware of some of the financial aspects to this redevelopment project. It was actually started a couple of years ago. Regarding the peaked roof and McDonald's – they have nine (9) years left on their lease and the space that they are in today is by far better than where they are being moved to – and a tremendous financial incentive had to be presented to them to get them to move to be able to re-do the whole center. So – getting them from the beginning design to today's design took some time. He said that the peaked roof does not work for McDonald's.

Mr. Nickerson asked if CVS needs to be on the corner.

Mr. Navarro said yes.

Ms. Carabelas said that as far as she is concerned that she thinks that they are getting a nicer looking building.

Mr. Muoholland asked if it is typical for CVS to face its' competition.

Mr. Navarro said yes and explained that they will not take a less prominent spot than what their competition has. He continued that he wants to make sure that everyone understands that having the CVS and the long-term leases is what makes the whole plaza re-development viable and possible. If they were not going to do this then they would look to keep McDonald's for 40 years and then develop the other property. He said that they have worked on this for a good two (2) years now and that many changes have been made. They have had to deal with the existing buildings and the condition; get rid of the existing McDonald's and get a new attractive McDonald's; get a site makeover and bring more shoppers to the area with a nice CVS. It is all of this together that makes this whole project financially possible. They need this to be a vibrant, busy shopping center and this leaves them with a set of buildings that are architecturally compatible. The brick and grey will all be compatible on the buildings and work within the same color scheme thus tying it all together.

Mr. Nickerson thanked Mr. Navarro for his interest and energy in this project and in the Town and for the background information that he has provided them with.

Ms. Carabelas reminded them that this is an application for a special permit for a fast food restaurant and said that she has no problems with the building as it is because they are getting a much better building.

Attorney Harris summed up that this is an application for a special permit for a fast food restaurant even though they have given background on everything. He said that this does meet the architectural standards and that the State DOT is reviewing this and that the internal traffic situation is being made better.

Mr. Nickerson asked Mr. Vliet about the curb cut near Citizen's Bank and if it would be easier if it was moved to align with the bank and Rte. 1.

Mr. Vliet said no because it's Latimer Brook Commons.

Mr. Nickerson called for anyone from the public who wished to speak regarding this application.

Bob Gadbois, 358 Boston Post Road said that he travels a lot and that he lives up Boston Post Road and that he does not see any peak hours as there is traffic all the time. He said that he also agrees with Mr. Bulmer on the peaked roof and not a flat roof.

Mr. Nickerson asked if the Commission had any other questions –
Hearing none -

Mr. Nickerson called for a motion to continue this Public Hearing.

****MOTION (1)**

Mr. Salemo moved that this Public Hearing be closed.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this public hearing at 9:30 PM.

(A brief break was taken here)

Respectfully submitted,

Karen Zmitruk,
Recording Secretary