

**EAST LYME ZONING COMMISSION
PUBLIC HEARING II
Wednesday, MAY 23, 2007
MINUTES**

FILED IN EAST LYME
May 25, 2007 AT 2:20 P
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Zablaw, ATC
EAST LYME TOWN CLERK

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 May 23, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the continued Public Hearing and called it to order at 7:55 PM after the previously scheduled Public Hearing.

PRESENT: Mark Nickerson, Chairman, Pamela Byrnes, Ed Gada, Norm Peck,
Bob Bulmer, Alternate, William Dwyer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official
Attorney Theodore Harris, Representing the Applicant
Bob Laduca, 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: Rosanna Carabelas, Secretary, Marc Salerno, Joe Barry, Alternate

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

Public Hearing II

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 this was continued from the March 15, 2007 public hearing.

Mr. Mulholland said that the sign had been posted and that the legal ad was re-run in the New London Day on 5/10/07 and 5/20/07.

Mr. Nickerson called for the applicant or their representative to present this application.

Attorney Theodore Harris, place of business 351 Main Street, Niantic said that this is an application to move the McDonald's fast food restaurant a short distance down Rte. 161 from where it is now to allow for a CVS to occupy that area in that shopping center. He presented the following exhibits for the record:

Exhibit 1 – picture showing the sign posted at the site

Exhibit 2 – Conservation permit dated 3/5/07

Exhibit 3 – Record Plan revised through 5/3/07

Attorney Harris said that this application is solely for the McDonald's move and that this move is a critical first step in the renovation of this shopping center as it is tired and worn down. He explained the center today and where the McDonald's would be moving to which is where the old parcel center was. The parcel center will be demolished and the McDonald's would go on that site and be connected with the current Tri-Town shopping center eliminating a separate curb cut to Rte. 161 for the McDonald's.

Mr. Mulholland asked if the site where the parcel center is would be excavated and lowered to the shopping center level.

Attorney Harris said that it would be and noted that it would go along with the shopping center upgrade. He said that McDonald's has nine (9) years on it's lease and that it took some doing to get them to agree to move so that the shopping center could be upgraded. They have also made many changes and revisions on the traffic circulation flow and the drive-thru. Also, McDonald's has a corporate prototype but has allowed for changes to fit in with this shopping center while still maintaining the corporate prototype. He said that the center is subject to an STC permit and that Mr. Vliet, the Traffic Engineer feels that they can satisfy the State on this. He said that Bob Laduca from CLA Engineers is the professional engineer for this site and will explain the drainage improvements that have been made in this renovation.

Bob Laduca, Professional Engineer, CLA Engineers said that this site is comprised of two (2) parcels of 19 acres and 7 acres and that they want to marry the two sites. Everything located beyond the buildings in the rear is wetlands which is about two acres. This site has shopping and offices on it. The issues that they had to deal with included: Lowering the site and joining it to the shopping center so that they have one access instead of two; a row of parking along the entrance was unsafe and undesirable and has been eliminated so that people no longer have to back into the driving area; the location of the drive-thru area –

Mr. Mulholland noted to the Commission that they are not obligated to meet the new drive-thru regulations as they were not in place at the time of the filing of this application.

Mr. Laduca noted the same and said that the drive-thru will be located on the north side of the McDonald's building and that there is also a retaining wall on that side. He continued that other issues that they had to deal with regarding this site were: the loading and parking at Tri-Town foods was difficult so they created a loading dock for parallel loading to the store and the parking in the front was pushed forward about five (5) feet for pedestrians to be able to walk without being in traffic; pedestrian access – as part of the application they have new sidewalks along Rte. 161, internally and on the side; as the area is in the aquifer protection district they worked on the drainage design as the oil/water separators that were installed were done about 20 years ago –

Mr. Nickerson asked if they have been maintained.

Mr. Deluca said that he does not know for sure, however, 95% of the site it impervious and they need to treat the flow and a detention pond was not an option so what they ended up doing was an underground detention system that will store the storm water and meter it out at a certain rate. The oil/water separator will take particles out of the water.

Mr. Bulmer asked about the number of parking spaces in the old plan versus the new plan and how many are dedicated.

Mr. Deluca said that 218 spaces are required and that they are providing 275 spaces.

Attorney Harris said that there are more than enough parking spaces. He then introduced Bill Vliet to explain the traffic flow.

Bill Vliet, P.E. with Vliet & O'Neill, LLC, Traffic Engineers noted the circulation and placement of the McDonald's. He said that the STC has had this under review since February 2007 and that they will not act until all of it is in order. The first set of comments regarded the traffic and they were concerned that Darrow Pond and this were all on the same page – which they are. The State next wants to formalize the 'No left turns between 3:30 PM and 6:30 PM onto Rte. 1'. He then explained the traffic pattern for the McDonald's drive-thru stating that the intent was for no drive-thru spill back to the road. They looked at many designs but tried to keep it simple and to have more stacking room than necessary and to not back up cars into the shopping plaza. He pointed this out on the plan.

Mr. Nickerson said that he found it confusing.

Mr. Mulholland asked if there was a way to put in the concrete devices to let you know that you have traveled the wrong way.

Mr. Vliet said that the design has to keep any potential impact to Rte. 161 from happening.

Mr. Peck asked how they would get from Chesterfield Road to the drive-thru.
Mr. Vliet said that there is only one entry point for the shopping plaza and to the McDonald's.

Mr. Bulmer asked if there is a by-pass lane near the drive-thru window area.
Mr. Vliet and Mr. Laduca said that there is about 16' there and that a car could get by if they had to.
Mr. Mulholland noted that the regulations do not require a by-pass lane.

Mr. Nickerson said that there are a lot of truck deliveries and asked how that would back up the access and travel in the parking lot.
Mr. Laduca said that he spoke with Tri-Town and that 85% of the time the deliveries are in the AM hours just as McDonald's are. He added that the Town Engineer has reviewed these plans and approved them.

Mr. Peck said that with reference to the drive-thru that it seems that someone could cut in from the side.
Mr. Vliet said that it will be properly signed but, as with other things, he could not promise that no one will try to do something that they should not be doing.

Mr. Nickerson said that they are creating a new parking pattern throughout the parking lot and asked if there is a better way to angle the spots near the bank as the spots are almost having patrons back into exiting traffic. He suggested that this is the time to work together to fix all of this during the remodel.
Mr. Vliet said that they may be off course on some of this –
Attorney Harris said that they should not be discussing the CVS and explained that in the parking area that there are new green spaces and areas that jog so that hopefully people will be forced to slow down and not race through the parking area. The green areas will have bushes, grass and trees. He then introduced David Basilone, the Architect for the McDonald's buildings.

David Basilone, Architect with John A. Matthews of Madison, CT said that they were to take a look at this project and see what they could do. He said that their firm works for McDonald's and also for companies such as Stop & Shop and that the stores have what they call 'criteria buildings'. He presented a design of what they came up with to keep in style with the CVS and the retail buildings that are being remodeled. He said that they tried to harmonize while maintaining the corporate essentials.

Mr. Nickerson asked about a peaked roof and what could be done about putting one on the sample building they were being shown.
Mr. Basilone said that they could only deviate so far from the McDonald's criteria building.

Mr. Mulholland asked Mr. Basilone who he thought might be out of step here, as the Town is part of a New England community and the architecture and styles have been working towards that goal.
Mr. Basilone said that they did put a large cornice on the top which is a traditional New England element.

Attorney Harris said that if they look at a small New England Town that they will see a variety of roof treatments and not necessarily all Cape Cod style.

Mr. Nickerson said that it is very cold looking and asked if there is something else to soften the building up – paned windows perhaps? He said that as it stands that he does not see it fitting in at Flanders Four Corners.

Mr. Peck said that they are looking only at one corner of the building and asked if there were drawings showing the view of each of the four sides.
Attorney Harris said that they could get them for the Commission.

Ms. Bymes said that she does think that they have done a great job improving upon what was originally there and what they were originally given to start with.

Mr. Mulholland asked how many design types McDonald's uses nationally and asked Attorney Harris to get this information for them. He added that CVS and Brooks had flat style roofs and that now they all have the New England peak style roofs.

Attorney Harris said that they have made many changes and that they would look to see if they could do more.

Mr. Nickerson said that it looks like a converted garage to him and that he would like to see it softened up a bit.

Attorney Harris said that they would take it under advisement and work on it.

Mr. Basilone explained the facelift for the retail shopping center, noting the building over the dormers for a shadow line to make them look better than dormers just sitting on a roof. He said that they were trying to unify it at the arcade level and that decorative light posts will be put up that match the Brooks across the street.

Ms. Byrnes asked if the siding would be gray to match the CVS and the McDonald's.

Mr. Basilone said yes.

Attorney Harris noted that some of these upgrades have been started.

Mr. Nickerson said that he would like the architecture and the traffic looked at again and noted the deliveries and asked what would happen if the trucks were late getting there and had to unload during peak shopping hours.

Attorney Harris and Mr. Vliet said that the traffic flow is designed to slow down the traffic from racing through and also truck deliveries.

Mr. Vliet said to Mr. Nickerson that while what he is saying is good, that he is trying to design for the minority whereas traffic designers design for the majority. Here, they have tried to design the traffic flow having learned from the issues with the Starbuck's site. Also, they would not put the McDonald's building in another part of the parking lot because it would then obliterate the Tri-Town food store from public view.

Mr. Gada said to Attorney Harris that he wanted to present a scenario – regarding McDonald's 18 wheeler deliveries – is there a rule in place that if they are backed up due to an accident on a highway and are late – do they call ahead to the McDonald's to see if they should deliver or to let them know.

Steve Frederick, Area Construction Manager for McDonald's said that if a truck gets delayed and it is around lunch hour then they will go sit elsewhere as lunch is the busiest time and not a time for deliveries. They would then come back at 2PM or so. They would not allow them to be there at lunch time and the deliveries are such that they do not run out of items.

Mr. Gada thanked Mr. Frederick for clearing up this issue.

Mr. Bulmer asked if there is room to get around the truck when it is off-loading.

Mr. Deluca said yes – there is 24' there.

Mr. Frederick added that they would put cones and crates in the parking spaces where the deliveries are taking place so that the cars would not go there.

Mr. Mulholland asked how long it takes to off-load and if it is done by hand, dolly or what.

Mr. Frederick said that it is done by hand and that it takes an hour or an hour and a half at most. Buns are a different delivery and get off loaded in about 10-15 minutes.

Ms. Byrnes asked about the rotary style of drive-thru.

Mr. Frederick said that they have a variety of styles but this is one of the best flows as the traffic is all going the same way and it works the best.

Mr. Nickerson called for anyone from the public who wished to comment on this application –

Joe Kwasniewski, 67 Walnut Hill Road said that the application says GPF Flanders Plaza LLC for a special permit and asked if all of the people who spoke represent them – he asked that they ask for him. He also said that he goes to the IGA store and that there is a wire fence there across from the school – he said that there are enough eating places in East Lyme and asked why they need another one across from the school and the buses.

Mr. Nickerson asked Attorney Harris about the people representing GPF Flanders Plaza LLC. Attorney Harris said that everyone who spoke this evening spoke on behalf of GPF Flanders. Ed Navarro of GPF is with the partnership.

Rick Sharr, President of Tri-Town Foods said that he understands their concerns but thinks that the overall concept of the redevelopment of the plaza is a good thing. He explained that he signed a lease some 5 to 6 years ago and then got a call from the then First Selectman saying that he might want to reconsider as there would be some new development in that part of the Town (Stop & Shop). But, he had signed the lease and it was too late and he had spent over \$2M on that supermarket remodeling it inside from the previous tenant. The first two years of business were great, even with the Big Y coming to Waterford. Then came the Stop & Shop and it has been tough going. He said that he will say that the previous plaza owner would not do anything but Ed Navarro, the new owner has been a breath of fresh air and knows that the plaza needs revitalization. He said that even though CVS and McDonald's crossover on some 'grab n' go' items that he looks at it as something where they can all co-exist together. Regarding the McDonald's traffic, position and style – he said that he was not happy with the first set of plans as they would have blocked his store and the same goes for the peaked roofs – they will block his store from public view. He said that it has to work for everyone in the plaza in order for this to be a successful project.

Mr. Nickerson said that he was concerned that the parking now gets farther away from the front of the Tri-Town store and asked Mr. Sharr if he was concerned with this.

Mr. Sharr said that while he is not extremely overjoyed with losing some of the parking in the front of the store that he has been trying to look at what is better and he feels that it is better to get the CVS and the McDonald's moved than to worry about the parking.

Attorney Harris said that they would work on the items that had been mentioned and discussed and would come back with some other ideas for them.

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)**

Ms. Byrnes moved that this Public Hearing be continued.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson adjourned this public hearing at 9:40 PM and continued it to the next available meeting date to be determined by Mr. Mulholland.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary