

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, NOVEMBER 15th, 2007
MINUTES**

FILED IN EAST LYME
Nov 19, 2007 AT 3:40 P M
S. A. Blais, atc
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on November 15, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Marc Salerno, Pamela Byrnes, Ed Gada, Norm Peck

ALSO PRESENT: David Greene, President David Greene Associates, Inc.
Chris Knisley, Partner KGI Properties
Jay Fisher, Director Konover Properties
David Yetton, Director KGI Properties
John Mancini, Partner, BL Companies CE
Michael Wang, Director, Arrowstreet
Attorney Theodore Harris, representing Gateway Dev. LLC
Joe Barry, Alternate
Robert Bulmer, Alternate
William Dwyer, Alternate
William Mulholland, Zoning Official

ABSENT: No One

The Pledge was observed.

1. Call to Order

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 7:33 PM.

Public Delegations

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

Bob Gadbois, 358 Boston Post Road said that he has been by the Ford dealership and that he has seen some four to five cars parked on the grass. He said that he thought that they were not supposed to be doing that due to the aquifer.

Mr. Mulholland said that he would like to comment on that. He said that he has spoken with the Ford people and their attorneys both yesterday and today regarding that issue and is now waiting to see what happens.

Regular Meeting

1. Request by Gateway Development of East Lyme LLC for a pre-application review of proposed GPDD regulation amendment (update)

Mr. Nickerson asked that Attorney Harris explain the procedure whereby the State allows them to hold this update and to participate in it in a workshop environment.

Attorney Harris said that this is a workshop, pre-application review as allowed by State Statute Public Act 03-184. It is an open discussion where nothing is binding on either party; it allows a discussion and inspection of the issues prior to actually entertaining an application. He said that they acknowledge that what is going on

this evening is non-binding. He then introduced Jay Fisher from Konover whom he said would give them and update on the previous presentation.

Jay Fisher, Director Konover Properties

Jay Fisher, Konover Properties laid out a visual of the Gateway area on a screen in a PowerPoint presentation. He said that since the last time that they were here that they had held four (4) nights of neighborhood meetings, a breakfast meetings of businesses and done presentations to the EDC and others. He recalled that the site has been dormant for many years and that the existing zoning under the GPDD is unable to respond to the current needs of the market and that the zoning difficulties of the site are exacerbated by the extraordinary site costs that are associated with it. To be able to carry those costs, they need to be able to assemble all the pieces of the property in the zone to do any lasting development of it. This is one of the last remaining areas of the Town for commercial development. The land is at an exit, fronts on a highway, has great visibility and does not require extensive travel on local roads to get into or out of it. The topography consists of the front 45-50 acres which is level/flat, great for retail development while the back area is steeper and has proximity to neighbors and is where they have proposed living units and recreation areas for that living component. From the neighborhood meetings he said that they have committed to those neighbors that a 900' heavily wooded and treed buffer would not be developed between Rosewood Estates and this property.

Ms. Byrnes asked if there would be public access to the open space.

Mr. Fisher and Mr. Mulholland said that is something that has not been discussed at this point and that it would be further down in the process.

Mr. Fisher continued that they had scaled down the original housing proposal to 225 apartments and 50 town homes for a total of 275 units (versus the original 400) and that all of the apartments would be market rate. In the Rutgers Study it is found that this type of housing does not generate a lot of children as it is catering to the person who either cannot afford or does not want home ownership. It also offers options for the elderly who are downsizing and or moving into the area to be near their children.

Mr. Nickerson asked about the old breakdown of 400 units versus this.

Mr. Fisher said that they had originally proposed 125 duplex single family units, 75 town homes and 200 apartments.

Ms. Carabelas asked about the 20 acre parcel that is not being developed at this time and that if things changed in the future, would they develop it.

Mr. Fisher said that in the sessions that they held that people have mentioned bio-tech and that there are no plans for it at this time.

Ms. Carabelas asked Mr. Mulholland if they would have to come back before them if they decide to do something with the area in the future.

Mr. Mulholland and Attorney Harris said that 'absolutely', they would have to come back before this Commission for approvals.

Mr. Fisher said that they were also asked about having residential over retail but that would mean that people would be competing for parking spaces and where they have structured parking in a dense urban area such as downtown Hartford they have parking garages which solves that problem. In this area, the space above the retail would be more conducive for offices.

Chris Knisley, Partner, KGI Properties explained the type of retail that might inhabit this area. He likened it to the Evergreen Walk stores that are anchored by an LL Bean and also have Pottery Barn, Barnes and Noble and other national retailers. He said that he would foresee a similar type of tenancy along the central drive of the retail boulevard.

Ms. Carabelas said that she has been to the Buckland area many times and that there is frequently a parking issue there where you would have to park behind or far away from the stores.

Michael Wang, Arrowstreet Architecture and design said that they are aware of that situation at Buckland and that they will make sure that it does not happen here. He then explained the mews and main street area showing some design examples of roofing and storefronts; outside dinging and open space areas with elevation changes showing interesting open space areas that people can enjoy. He noted that people said that they were concerned about the public green and the amount of detail that was put into it so the other open space for the boulevard was considered and re-worked for public area green space and the car-pedestrian conflict was alleviated at the end and made safer.

Mr. Salerno said that based on the examples of the buildings that were given that he has seen a lot of them in Florida and that they are all stamped concrete types and while they look nice they do not really make it at looking like they fit in with where they are. He asked how they plan on working around that.

Mr. Wang said that they would seek to integrate the different period styles of those that already exist within the Town to the styles that they would create.

Mr. Salerno asked if they would come up with a pattern book or how they would do this.

Attorney Harris said that the details would fall within the regulations and standards and that the pattern book could also come under the text amendment. He that the standards for architecture are detailed in the master plan stage.

Mr. Nickerson said that when they get the site plan that it is specific and that by that time they have also gone and shopped for the retail tenants and will have a better idea of those that they hope to secure.

Ms. Carabelas asked the size of the retail building area.

Mr. Fisher and Mr. Knisley said that it would be 140,000 sq. ft. and that the reason is that it does not allow a Wal-Mart to come in (they are 180,000 to 200,000 sq. ft.) but does allow them to talk to other large format tenants. He said that while they do not have anyone in mind right now; they did not foresee a home improvement or wholesale club type of store going in. He said that they would know this information at the site plan stage.

Ms. Byrnes asked if they include in their dealing with the retailers their 'branding' (for example: Best Buy who has the huge logo on the building) so that they would not have some glaring branding that would be obtrusive.

Mr. Knisley said that they do include that in their dealing and that they also work with different prototypes that the company has. He noted that Best Buy does not always have the huge logo on the building and does have other prototypes.

Mr. Mulholland added that this is also typically driven by the financial return of the location and store itself.

Mr. Wang agreed and noted that there are a variety of store fronts that can be done for the large format store.

Mr. Fisher explained the layout of the revised residential area and the green space areas. He said that they have also made sure that there were not a lot of curb cuts and that there would be sidewalks to get to the shops. It was also arranged so that you would not be looking at garages. The open space is football field in size and is likely to be maintained by the association although that has not been decided at this stage.

Mr. Wang showed examples of the housing – apartments, town homes and multi-family and said that the denser housing would be focused around the green.

John Mancini, Partner, BL Companies explained the location from the traffic viewpoint noting that the I-95 Study indicated that the Exit 74 interchange is one of the top projects. Here, they would be designing a new on/off ramp from property that they control and also a frontage road to channel the traffic off of the main road. He said that they are required by law to go to the STC and DOT with these changes for approval and that the approval is only obtained after any approval that they would need to get here first. He noted that they have had on-going meetings with DOT and that the improvements that they propose are being presented, and they are being funded by these developers and not DOT. This runs into the millions of dollars that the State will not have to pay for these betterments. He said that without the large format retailer that they do not have the resources to do these changes.

Mr. Fisher synopsised a list of the some of the benefits from this development:

- ◇ Changes to the on/off exit ramp and a frontage road to channel traffic – badly needed
- ◇ Turning lanes which will benefit the traffic flow in the entire area
- ◇ At least \$2.6M in tax revenue as stated by Klepper Smith
- ◇ Will satisfy a demand for market rate apartments in this area
- ◇ Open space
- ◇ New jobs in the area
- ◇ New shopping, entertainment, dining for local people and others

Mr. Nickerson said that market rate apartments do fulfill a need for those who cannot qualify for AH, don't want to own or want to downsize.

Mr. Fisher added that the neighborhood groups indicated that they were also looking for apartments for family members.

Mr. Mulholland asked if they were talking millions and millions of dollars with the roadwork.

Mr. Fisher said yes – millions.

Mr. Salerno asked about West Society and out towards that area where the road is literally dirt.

Mr. Fisher and Mr. Mulholland said that is under discussion.

Mr. Fisher said that when the ramps are done that they would have to be deeded to the State and that hopefully the State would give them the old area in return and that area could be put to some sort of municipal use.

Mr. Mulholland said that the Town would have to make a determination on that.

Attorney Harris passed out a copy of the Proposed Text Amendment – GPDD Master Development Plan language and went over the text changes that had been made noting that they are indicated in bold. (Copy attached at end of Minutes)

Mr. Fisher said that a lot of people have asked if they can do this project without the anchor store and the answer is No; because they need the foot traffic that is generated by the anchor to support the entire project. He also said that this area would be a good place for a kiosk for information about other areas of Town and how to get to them – such as the Boardwalk, Flanders Four Corners, Lee House, etc.

Mr. Peck asked if all the retailers would be tenants or if the space would be sold off.

Mr. Fisher and Mr. Knisley said that most would be tenants and that they would: build it – own it and - manage it.

Mr. Nickerson suggested that if they plan on coming forth with an application that they know what retailers are already present in this area and that they also consider the downtown and Flanders merchants.

Mr. Knisley said that they certainly would.

The Commission thanked Konover/KGI for their presentation and for all of the work that they have put into it. (Note: a short break was taken here)

2. Request of Gerwick-Mereen LLC for a waiver of Section 24.6-C "Sidewalks" for a property identified in the Application as 279 Boston Post Road, East Lyme, CT

Mr. Nickerson said that this has been postponed until their December meeting.

3. 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 is further identified as Lots 55 and 54 on the East Lyme Assessor's Map 31.1.

Mr. Nickerson asked Mr. Mulholland if everything was in order with the Conservation Commission so that they can make a decision on this application.

Mr. Mulholland said that Conservation has given their okay and that they are ready to go.

Mr. Nickerson called for discussion or a motion on this application.

Mr. Salerno said that this one is a big difference from the first application and that they have listened to what they have said and made it better. The loading area, parking, sidewalk to get to the parking spots and entrance and exit difference makes it much smoother.

Ms. Byrnes said that she agrees with Mr. Salerno's comments and that the 'S' thing to get out is re-configured. She said that the one thing that she is not really happy with is the building design and that while she does not agree that this is the best that they can do, with the traffic flow being improved and with what the business owner is trying to do to this center and improve it, she said that she would accept it for the betterment of the overall center.

Mr. Peck said that this has been beaten to death and that he would like to make a motion.

****MOTION (1)**

Mr. Peck moved to approve 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; and to grant a waiver of the sidewalk requirement on the east side of the entrance/exit way on Boston Post Road to the property line. The property is further identified as Lots 55 and 54 on the East Lyme Assessor's Map 31.1.

Ms. Byrnes seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson said that he has spoken with the Engineer regarding the back up at the light with a no turn right turn on red and that he was told that the STC can look at the timing of the light and try to help with the back-up.

4. Approval of Minutes – Public Hearing I and Regular Meeting of November 1, 2007

Mr. Nickerson called for discussion on, or corrections to the Public Hearing I Minutes of November 1, 2007.

****MOTION (2)**

Mr. Peck moved to approve the Public Hearing I Minutes of November 1, 2007 of the Commission as presented.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson called for discussion on, or corrections to the Regular Meeting Minutes of November 1, 2007.

Ms. Carabelas said that in the third paragraph on Page 3 that she thought that she had asked a question rather than made a statement. She asked that it be changed to read:

Ms. Carabelas *questioned if* they can deny this application because they want the area to be Open Space and – Attorney Zizka said under the 'flag' that they cannot deny someone the right to develop their land. However – they aren't doing that as he can put houses there as they have three-acre zoning. They can develop their land.

Mr. Salerno asked that in the sixth paragraph on Page 3 that in the next to the last line that the word 'promotional' be added so the last sentence will read:

And – the membrane septic system promotional informational video was downloaded from the internet and not appropriate testimony.

Mr. Peck asked that the entire seventh paragraph synopsis where he is speaking be replaced with his verbatim testimony – to read as follows:

Mr. Peck said that: *"After hearing both sides these are my conclusions:*

In regards to traffic: One means of egress is inconsistent with every other development in Town and unsafe; Steep and narrow roads can be somewhat improved but with significant limitation (currently parking is necessary on streets); One car every three seconds at peak time is just not appropriate nor safe in this neighborhood (2800 cars/day in this neighborhood?) and Entry onto Route 1 with 2800 cars in and out per day – there is going to be backups especially detrimental to the Golden Spur neighborhood where all facts gathered indicate to me that the cars at peak hours will be backed up well into the neighborhood.

Environment: This is a high risk area. At best, when all the safeguards, septic systems and run off systems are in place, they must be maintained, forever. If not, we will have real problems. I feel that a project of this size would make it impossible to save or preserve the river and the bay. Removing the natural habitat of migratory birds and eliminating the environment for the spawning of fish will have negative effects throughout Long Island Sound and its shorelines. When construction is complete, destruction will commence. There will not be enough good ground to filter the run-off from this high density. We have heard from so many qualified people on this subject, it is hard to deny this problem. Vernal pools, endangered species, shallow bedrock are a few more items that we cannot ignore.

Land has been designated as open space on the Plan of Development for decades. Although the most recent plan specifically designates only 40% of the subject property to be put aside for open space, previous plans simply recommend land in Oswegatchie Hills as a whole.

Septic Issue: My opinion is that we have not been given enough information to conclude anything. There does appear that information given to us has flows and appears biased in places. Between the high bedrock, wetlands, steep slopes, 1500 units with parking, roads, drainage systems, catch basins, streams, walking trails and all that is supposed to fit into the project, and all be maintained forever; it certainly causes serious concern.

In conclusion, this is the most inappropriate location for such a project that I can imagine. The problems with this in general, by far, out weigh the need for Affordable Housing at this location and I can think of no reasonable modifications that would make this approvable."

****MOTION (3)**

Ms. Byrnes moved to approve the Regular Meeting Minutes of November 1, 2007 of the Commission as amended.

Ms. Carabelas seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

5. 2008 Meeting Schedule Approval

Mr. Nickerson called for discussion or a motion on this.

****MOTION (4)**

Mr. Salerno moved to approve the 2008 Meeting Schedule of the Zoning Commission as presented.

Mr. Peck seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Ms. Byrnes

Note: Copy attached at end of Minutes.

Old Business

1. Stormwater

There was nothing new to report.

2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Norm Peck)

Mr. Nickerson said that they are working on this.

3. By-Laws Subcommittee (Mark Nickerson & Pamela Byrnes)

Mr. Nickerson called for discussion on this item.

Mr. Peck said that he would like further clarification regarding what the attorney has said regarding Commissioners speaking at other meetings.

Mr. Mulholland said that he will seek further clarity on that for them. He also noted that Attorney Foley is leaving the firm and will be writing legislation for the legislature in his new position.

4. Subcommittee – Adult Uses (Rosanna Carabelas)

Ms. Carabelas said that she has information that she will copy and present to them.

Mr. Mulholland said that he would see if Attorney Foley would still be able to give them a presentation on this in light of his new position.

Mr. Nickerson suggested that they form a subcommittee on signage as it has not been reviewed for some time.

Mr. Mulholland said that 1989 was the last time that it was done and that only two people showed up to give input.

Mr. Nickerson said that this is general and that he thought that it should be looked at in light of the newer projects such as the Gateway so that they can be pro-active with their sign reviews.

Mr. Mulholland agreed that they should be on top of this.

New Business

1. Any other business on the floor, if any, by the majority vote of the Commission.

There was none.

2. Zoning Official

Mr. Mulholland reported that they are working on the Irish Pub and that there have been no appeals and they expect to open for St. Patrick's Day. He also reported that Starbucks is pushing to open by the end of the year. He said that there are also other applications that will be coming in.

3. Comments from Ex-Officio

Ms. Hardy was not present and there was no report.

4. Comments from Zoning Commission liaison to Planning Commission

No one was present to comment.

5. Comments from Chairman

Mr. Nickerson said that he wanted to thank Ms. Byrnes and Mr. Barry for their service to the community and to this Commission. Their time, effort and consideration to community betterment are greatly appreciated.

Ms. Byrnes said that she would also like to thank everyone for the opportunity that this has been as she has learned a lot through this experience. She said that what strikes her most is how incredibly committed everyone is to this process and to the Town. She commended Mr. Mulholland for being an inspiration that holds the bar high. She commended the Commissioners who have left their party affiliation outside and who have come to work together on the applications be it that they may have agreed, disagreed, argued and maybe changed or not changed each others minds about something before them – but who have always put the Town first. She thanked everyone for their wonderful energy and said that she hopes to be back and in the meantime, she will think about them at around 9 - 9:30 PM when they are sitting here and she is relaxing with a good book!

6. Adjournment

****MOTION (5)**

Ms. Byrnes moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:58 PM.

Ms. Carabelas seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Proposed Zoning Text Amendment
Gateway Planned Development District
Master Development Plan

*Changes
are in bold*

11.A.9 Master Development Plan (MDP)

As an alternative to the traditional parcel by parcel development of the GPDD Gateway Planned Development District under the preceding provisions, the Commission may, subject to a public hearing in accordance with the procedures outlined in Section 25 of these Regulations, adopt a Master Development Plan (MDP) that modifies the zoning requirements of the District in accordance with the following standards.

11.A.9.1 Purpose

The purpose of the MDP process is to encourage the comprehensive planning and coordinated mixed-use development of multiple parcels within the District, promote creativity and superior design through flexible and context-sensitive development standards, support significant economic investment, reduce impacts associated with large-scale development, and provide protection to adjoining neighborhoods.

11.A.9.2 Effect

The adoption of an MDP shall modify the zoning requirements of the GPDD Gateway Planned Development District as specified by the MDP and except as provided in Section 11.A.9.2.1 and 11.A.9.2.2 shall allow for deviation from the typical requirements for use, bulk, and other development standards. Any provision of the East Lyme Zoning Regulations applicable to the property and not specifically superseded by adoption of the MDP shall continue in full force and effect.

11.A.9.2.1 Retail Use

To the extent that a MDP shall contain retail uses, such uses shall be subject to the following bulk limitations:

- (A) Not more than one (1) anchor store, containing no more than 140,000 square feet of net floor area, shall be allowed.
- (B) Not more than Five (5) junior anchor stores, typically ranging from 25,000 to 90,000 square feet shall be allowed, provided that no single store may exceed 90,000 square feet of net floor area, and not more than two (2) such stores may exceed 50,000 net floor area.
- (C) Notwithstanding Subsections (A) and (B) above, not less than twenty-five (25%) percent of all retail space in the MDP shall be contained in stores with less than 20,000 square feet of net floor area.

- ~~*~~ (D) In no event shall the total retail space within the portion for the district subject to the MDP exceed 425,000 square feet of net floor area.

Capped at this

*is so we have
cannot have
multiple
stores*

11.A.9.2.2 Residential Use

To the extent that a MDP shall contain residential uses on the west side of the Pattagansett River, such uses shall be subject to the following:

- ~~*~~ (1) **No single family detached unit shall be permitted.** *changed to this*
- (2) Such uses shall be designed and located to minimize the impact on surrounding areas by incorporating one or more of the following:
- (a) Buffers to adjoining residential uses.
 - (b) Locating the lower density uses in areas near existing residential uses.
 - (c) Providing open space and/or recreational areas.
 - (d) Providing architectural and/or lighting controls.
- ~~*~~ (3) **The total number of units shall not exceed 275.**

11.A.9.3 Eligibility

A MDP application must include at least 75% of the land within the GPDD Gateway Planned Development District. A MDP must provide for reasonable access and utility interconnections to any portion of the District not included within a proposed MDP. The uses and bulk contained in the MDP shall not be considered with respect to site plans for portions of the Zone outside the MDP.

11.A.9.4 Submission Requirements

An application for MDP adoption shall require public hearing in accordance with the procedures outlined in Section 25, and in lieu of a site plan as described in Section 24, shall include the following components:

- (a) Existing Conditions Survey prepared by a licensed surveyor showing:
 - (1) Existing topography with contours showing the general gradient of the site, existing structures, existing roads and rights-of-way, easements, major topographic features, inland wetlands, watercourses and flood plains.
 - (2) Land uses, zoning and approximate location of buildings and driveways within 100 feet of the site.
 - (3) A-2 boundary survey.
 - (4) Location map.
- (b) Conceptualized Layout Plan prepared by a licensed engineer, architect and/or landscape architect showing:
 - (1) General location and nature of proposed land uses.
 - (2) Proposed public and private rights-of-way, parking areas,

- easements, and public and private open space areas.
 - (3) Proposed building footprints, floor areas, and building heights.
 - (4) Proposed location of landscaping, buffering, and screening.
 - (5) Utility and highway improvements.
- (c) Development Standards for the proposed development provided in a narrative form including, but not limited to:
- (1) Permitted uses subject to Site Plan approval.
 - (2) Bulk and dimensional requirements.
 - (3) Parking and loading.
 - (4) Streets and sidewalks.
 - (5) Landscaping and screening.
 - (6) Lighting.
 - (7) Signage.
 - (8) Open space and conservation areas.
 - (9) Any other standards the Commission may reasonably require.
- (d) Architectural Standards for the proposed development provided in both narrative form and visual representations prepared by a licensed architect showing:
- (1) Architectural styles.
 - (2) Massing and scale.
 - (3) Materials and colors.
 - (4) Roof lines and profiles.
 - (5) Typical building facades and elevations.
- (e) Traffic Analysis prepared by a professional traffic engineer including:
- (1) A comprehensive traffic study detailing the impact of the proposed development.
 - (2) Improvement plan and the measures necessary to mitigate those impacts.

11.A.9.5 Approval Criteria

The adoption of a MDP shall require a public hearing in accordance with the procedures outlined in Section 25 of these Regulations. The Commission shall consider the following criteria in determining whether to adopt a proposed MDP:

- (1) Consistency with the Plan of Conservation and Development.
- (2) **Consistency with the goal of the GPDD Gateway Planned Development District to broaden the Town's tax base while providing a coordinated development calculated to maximize the potential of the district.** *broadered*
- (3) Consistency with the purpose of the alternative MDP process.
- (4) Consistency with the orderly development of the district in harmony with the surrounding land uses.

The Commission shall reserve the right and discretion to deny the adoption of any MDP that, in the opinion of the Commission, fails to meet one or more of the above-mentioned criteria.

11.A.9.6 Implementation

The implementation of the MDP shall be subject to Site Plan approval by the Commission pursuant to Section 24 of these Regulations. The Site Plan submission shall also contain the information required pursuant to Sections 11.A.8.1-11.A.8.4 and shall comply with the standards outlined in Section 11A.5 (Environmental Requirements). All applications for Site Plan approval under an adopted MDP shall conform to the modified Development and Architectural Standards of the MDP and substantially conform to the size and location of buildings and uses as shown on the Conceptualized Layout Plan. All applications for Site Plan approval shall illustrate the adherence the adopted MDP through plans, renderings, architectural elevations, and other materials. Any Site Plan Application that substantially conforms to an adopted MDP shall be approved by the Commission.

11.A.9.7 Phasing and Public Improvements

Implementation of an adopted MDP may be phased on the condition that all public infrastructure associated with each phase of the MDP shall be constructed prior to the issuance of Certificates of Occupancy for such phase or shall be bonded to the satisfaction of the Commission.

Peck

After hearing both sides
These are my conclusions

In regards to traffic

1. One means of egress is inconsistent with every other development in town + unsafe.
2. Steep + narrow roads can be somewhat improved but with significant limitation. Currently parking is necessary on streets.
3. 1 car every 3 seconds at peak time is just not appropriate nor safe in this neighborhood. (~~2800~~ 2800 cars/day) in this neighborhood?
4. Entrance onto Rt. 1 - with 2800 cars in and out per day there is going to be backups especially detrimental to the Golden Spur neighborhood where all facts gathered indicate to me that the cars at peak hours will be backed up well into the neighborhood.

Environmental

This is a high risk area. At best, when all the safeguards septic systems + rem off systems are in place, they must be maintained, forever. If not we will have real problems.

I feel that a project of this size would make it impossible to save or preserve the river + the bay.

Removing the natural habitat of migratory birds, and eliminating the environment for the spawning of fish will have negative effects throughout Long Island Sound and its shorelines.

Mr. Peck submitted - 3 pp. 11/15/07 FOR MR

(2)

When construction is complete, destruction will commence. There will not be enough good ground to filter the runoff from this high density.

We have heard from so many qualified people on this subject, it is hard to deny this problem.

Vernal pools, endangered species, shallow bedrock are a few more items that we cannot ignore

III Land has been designated as open space on the plan of development for decades.

Although the most recent plan specifically designates only 40% of the subject property to be put aside for open space, previous plans simply recommend Land in Oswegatchie Hills as a whole.

IV Septic Issue

My opinion is that we have not been given enough information to conclude anything. There does appear that information given to us has flaws and appears biased in places

Between the high bedrock, wetlands, steep slopes 1500 units with parking, roads, drainage systems, catch basins, streams, walking trails and all that is suppose to fit into the project, and all be maintained forever, it certainly causes serious concern.

3

In conclusion, this is the most inappropriate location for such a project that I can imagine.

The problems with this in general, by far, out way the need for affordable housing at this location, and I can think

of no reasonable ^{modifications} ~~adjustments~~ that would make this approvable.