

**EAST LYME ZONING COMMISSION
SPECIAL MEETING
Thursday, SEPTEMBER 20th, 2007
MINUTES**

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Sept 25 20 07 at 1:15 AM PM
Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Special Meeting on September 20, 2007 at Town Hall, 108 Pennsylvania Ave., Niantic, CT.

PRESENT: Mark Nickerson, Chairman, Marc Salerno, Norm Peck, Robert Bulmer, Alternate

ALSO PRESENT: Attorney Theodore Harris, with GPF, Flanders LLC
Ed Navarro, Managing Partner of GPF Flanders LLC,
Bill Vliet, Traffic Engineer
Bill Fitzpatrick, Tri-Town Market
Kyle Haubert, CLA Engineers
Bob DeLuca, CLA Engineers
William Mulholland, Zoning Official

ABSENT: Rosanna Carabelas, Secretary, Pamela Byrnes, Ed Gada, Joe Barry, Alternate, William Dwyer, Alternate

PANEL: Mark Nickerson, Chairman, Marc Salerno, Norm Peck, Robert Bulmer, Alternate

Chairman Nickerson called this Special Meeting of the East Lyme Zoning Commission to order at 6:05 PM.

Pledge of Allegiance

The Pledge was observed.

Special Meeting

1. **A workshop for purposes of conducting a pre-application review of potential Special Permit Application of GPF Flanders Plaza LLC for a fast food restaurant at property identified at 15 and 19 Chesterfield Road, Niantic, CT. Property further identified as Lots 55 and 54 on the East Lyme Assessor's Map 31.1.**
 - A. **Brief Introduction by applicant**
 - B. **Discussion by Commission**
 - C. **Discussion with Commission and Applicant**

Mr. Nickerson explained the purpose of holding this special meeting noting that they had asked Town Counsel to weigh in on this and were told that this pre-application workshop can be held. He also noted those Commissioners who were present and seated. He asked Attorney Harris to go over how this came about and why they were there.

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 suggested that Ed Navarro, Managing Partner of GPF Flanders give them an overview and that the people present introduce themselves.

Ed Navarro, GPF Managing partner gave them an evolution of the different things that they had looked at in order to get to where they were now. He explained that they took down the building on the property that the McDonald's would relocate to and put up fencing. They wanted the area to be self-contained so that it would not spill over into the rest of the property. He noted that they learned that with a fast food restaurant that the staff prepares the food in the front for pick-up in the back. He explained the plans that they had reviewed and entertained and the one that they had liked the best but held back on as the drive-through faced Chesterfield Road. He presented two different positions of the McDonald's on the site. The second view with the least amount of direct building facing Chesterfield Road worked the best and allowed for the best drive through.

The Commissioners indicated that they would like to see the plans with the CVS also in them. Mr. Mulholland noted that they do not have any jurisdiction over the CVS and suggested that they not place too much emphasis on it.

Mr. Navarro said that McDonald's has no objection to either drive-through that they reviewed. Mr. Mulholland said that they would need a variance to get the drive through on Chesterfield Road as the regulations have been changed.

Mr. Nickerson said that it looked like it would have a lot of exposure but that it could be screened. Mr. Navarro said that it drops down from the street and that the other exposed portion could be addressed with landscaping.

Mr. Bulmer asked if there were enough parking spaces. Mr. Mulholland said that they need 10 and that they have more than that.

Mr. Vliet said that he thought that he had heard it said that they were trying to alleviate as much conflict with cars, trucks and people. Mr. Navarro said that it is tough to discuss objections as McDonald's is not objecting and the old McDonald's site has worked well for over 30 years now.

Mr. Mulholland said that this is technically a stand alone curb cut and that they are not looking to have another curb cut onto Route 161.

Mr. Bulmer said that they do have things that work – this works for McDonald's and aesthetically. He said that after their last meeting on the former application for this project that he spent seven (7) hours going over the plans trying to find a way to fix the issues that had been discussed regarding traffic and the drive-through and after those seven (7) hours he came up with near what they have here and are looking at now!

Mr. Nickerson asked why the CVS is not a part of this discussion. Mr. Mulholland said that it is because they (the application) pre-dated the regulation change.

Mr. Bulmer asked Mr. Navarro if the McDonald's will move. Mr. Navarro said that they have agreed to –

Mr. Salerno said that he is concerned about the bank and shops on the other corner and that he thinks that they are short-changing the parking on that end and that it is also tight for people to have to back out into the traffic path.

Mr. Vliet said that if people want to go to a store that they find a spot and walk and that the truth everywhere is that not everybody can park in the front.

Mr. Mulholland concurred with that and said that while people may like to park in front the reality is that everyone cannot.

Mr. Navarro said that what he has found is that they have plenty of parking and that the trend for these types of shopping places today is to add more green space.

Mr. Nickerson noted what Mr. Salerno had said about backing from a parking spot into traffic. Mr. Vliet said that has already been changed and that they snatched a spot for green space from the narrowest end.

Mr. Navarro said that he thought that was not a part of the public hearing.

Mr. Mulholland and Mr. Vliet noted that the State Traffic Commission reviews traffic patterns and can over rule if they find an issue. They also review traffic onto the State roads that surround this shopping center.

Mr. Navarro said that when it comes to safety that they have made a lot of improvements.

Mr. Salerno asked about the architecture of the McDonald's building and if they have made any progress on it and the roof line.

Mr. Navarro said that the situation is this – they had to spend a half million to buy the neighboring site; they put another half million into the site work and it will cost a good \$800,000 to build the store – all to get \$36,000/year in rent from McDonald's – and – McDonald's is bending as far as they are going to bend and they will not put a gable roof on the building.

Mr. Bulmer asked why not.

Mr. Navarro said that they are an extremely rigid group; they have nine (9) years left on their lease and they have been massaged a bit but they will not put a gable roof on the building and they really do not care if this thing blows up – they do fine where they are.

Mr. Salerno said that he does not like driving around almost twice to use the drive through –

Mr. Vliet said that Mr. Salerno is giving his personal opinion and the fact is that this is not an unusual drive through. He asked that they give him a concrete traffic problem and then they will work on it.

Mr. Peck said that he does not think that they would want to see the side of the building facing the front.

Mr. Nickerson agreed.

Mr. Peck said that he is of the opinion that all of these people have spent many hours on this, to come up with the best possible plan.

Mr. Nickerson said that maybe if they showed the plan with the plantings in place so that they can get a feel for how it would look.

Mr. Mulholland said that at the time of the public hearing that they would have a landscape rendering.

Attorney Harris said that they will make it an exhibit.

Mr. Nickerson mentioned the left turn out onto Chesterfield Road and the traffic from Flanders Fish and the High School.

Mr. Navarro said that they are eliminating the left hand turn and that they have a CVS which is generating maybe only 30 cars per hour.

Mr. Vliet said that it works the best during mid-afternoon and that the State has asked for No Left Turns during the peak PM hour. The State has also optimized the timing on the signal. The left hand turn issue will be decided by the State based on a large number of things that are still under review.

Mr. Salerno mentioned Waterford and the light at the High School there and suggested that one could be installed here at the High School.

Mr. Vliet said that the State has to deal with that and that they will work with what they hear from the State.

Mr. Navarro said that he agreed with Mr. Vliet and added that he would hope that over time that the State might put a light there as it would be to his advantage for his customers. On another issue, he noted that the Town would get an additional \$75,000 more in taxes from this project.

Mr. Vliet asked that they keep the traffic concerns in perspective and noted the Brooks across the street as an example. He said that he purposely sat there during peak time to see what type of traffic problems there were and that the Brooks really does not impact it greatly and neither would the CVS.

Mr. Mulholland said that he tended to agree and that the CVS here in Niantic rarely fills its parking spots but always has business.

Mr. Navarro asked them if the answer here is to leave the shopping center run down.

Mr. Nickerson said no.

Mr. Vliet said that he had noted their concern over the State designing some other lane out on Route 161 and that he had researched all of the State projects up and down the area and that all that he found was that if Route 11 goes in that the traffic would decrease in this area.

Mr. DeLuca said that even if Mr. Navarro would pay for the light on 161 that it is the State who makes the ultimate decision if one will be put there.

Mr. Mulholland noted that they should remember that they cannot make the light a condition of approval. Mr. Bulmer said that they seem to be in agreement on the type of application that might be forthcoming. Mr. Navarro said that he will bring a cleaned up plan and added that he thought that the Attorney's letter had said that the traffic within the parking lot could not be considered – he asked them if they are going to do whatever they want anyways even knowing that the State will not give them a permit if they do not find the traffic to be safe.

Mr. Bulmer noted that the exit is the State's control because it is a State road and that they should ask the State to review it and study it.

Mr. Vliet said that he has to submit his traffic findings to the State as well for their review.

Mr. Peck said that if a light was put there that it could perhaps cause more of a back up instead of helping.

Mr. Nickerson said that he appreciates the input that they have been given and that drawing two (2) would be the positioning of the McDonald's that they would like to see.

Mr. Navarro asked if it is on the right track.

Mr. Nickerson said that it was.

Mr. Bulmer asked to see all four sides of the McDonald's building with the planting renderings in the future.

Mr. Nickerson thanked everyone for coming and for their input.

Adjournment

****MOTION (1)**

Mr. Peck moved to adjourn this Special Meeting of the East Lyme Zoning Commission at 7:20 PM.

Mr. Salerno seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary



Conceptual Site Plan: Proposed McDonald's (Overall Plan)

CLA Engineers, Inc. CIVIL - STRUCTURAL - SURVEYING 117 Main Street, Norwich, Connecticut (860) 884-1815, Fax (860) 884-9199	
Services: Chesterfield Road (Route 161) East Lyme, Connecticut	Project No.: CL-040
Flanders Plaza Proposed Expansion	
Conceptual Site Plan (Overall Plan)	
Drawing No.: 2	

Attachment - Special meeting - Zoning 9/20/07