

PUBLIC HEARING III Thursday, MAY 7th, 2009
EAST LYME ZONING COMMISSION
MINUTES

The East Lyme Zoning Commission held a Public Hearing on the Application of AHEPA 250 INC to amend Section 25.5 of the Zoning Regulations; Section 25.5 Table of Minimum Controls for Specific Special Permit uses. AHEPA 250 INC proposes to modify the density requirements for Section 202 Housing for the Elderly Multi-Family/Multi Story by reducing the lot area requirement from 4000 square feet to 2500 square feet for each efficiency unit and from 6000 square feet to 4000 square feet for each two-bedroom unit. Chairman Nickerson opened the Public Hearing and called it to order at 9:05 PM after the previously scheduled Public Hearings.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada, Marc Salerno, Steve Carpenteri, Norm Peck

ALSO PRESENT: William Dwyer, Alternate
George and Terry Mitchell, Applicants
William Mulholland, Zoning Official

ABSENT: Bob Bulmer, Alternate, Gregory Massad, Alternate

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada, Marc Salerno, Steve Carpenteri, Norm Peck

Pledge of Allegiance

The Pledge was previously observed.

Public Hearing I

1. Application of AHEPA 250 INC to amend Section 25.5 of the Zoning Regulations; Section 25.5 Table of Minimum Controls for Specific Special Permit uses. AHEPA 250 INC proposes to modify the density requirements for Section 202 Housing for the Elderly Multi-Family/Multi Story by reducing the lot area requirement from 4000 square feet to 2500 square feet for each efficiency unit and from 6000 square feet to 4000 square feet for each two-bedroom unit.

Chairman Nickerson noted that the Legal Ad for this application had run in The Day on April 24, 2009 and May 4, 2009. He then asked Rosanna Carabelas, Secretary to read the correspondence into the record.

Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 5/7/09 to EL Zoning Commission from William Mulholland, Zoning Official - Re: Application of AHEPA 250 INC seeking to modify the density aspect of the regulations – noting that the Commission should carefully consider the proposal and whether the proposal to increase the density is appropriate.
 - ◆ Letter dated 4/22/09 to Mark Nickerson, Chairman, EL Zoning Commission, from Gary Goeschel, Director of Planning – Re: Referral of AHEPA 250 INC to amend Section 25.5 of the Zoning Regulations – noting that the Planning Commission found the application INCONSISTENT with the Plan of Conservation and Development
 - ◆ Letter dated 4/24/09 to Rosanna Carabelas, Secretary, EL Zoning Commission, from SECCOG Regional Planning – Re: Referral – Application of AHEPA 250 INC to allow increased density for housing for the elderly – finding that the Committee determined that the proposed text could have adverse inter-municipal impact based on the final location of a project as it relates to potential traffic impacts due to increased density and the possibility of inconsistent residential density in an abutting municipality.
 - ◆ Email dated 4/21/09 from Marcy Balint, Sr. Coastal Planner, CT DEP OSLIP to Bill Mulholland, ZEO – Re: Zone Change referral to amend Section 25.2 to increase the allowed densities - finding that the proposal would potentially affect other SU areas within the coastal boundary and advising following the stormwater and low impact development fact sheets.
- Mr. Mulholland noted that the Engineering department has been using the stormwater manual since 2004 in reviewing applications.

Mr. Nickerson then called for the applicant or their representative to make their presentation.

George Mitchell said that he was speaking for AHEPA. He said that they have 10 acres of land that currently has two buildings on it – one 54 unit building and one 50 unit building and that they are proposing the addition of a 52 unit building. He said this is a HUD project, funded by the Government and that they have \$8M to build this third building and they need to increase the density to be able to do it. They have been looking at other sites in Colchester and the northern end of Town but they own this site outright which would negate having to use some of the funding for land purchase. He said that they think that the Town is happy with the project that is there.

Mr. Carpenteri asked how many units the property can accommodate as it stands now.

Mr. Mitchell said that it can accommodate a little over 100 units.

Mr. Carpenteri asked if he was saying that they are now maxed out under the current regulations.

Mr. Mitchell said yes and added that there never really was any density to the site and that it was all set by them for what they needed to fit there. Each time they added, they would have to come to change the density and all else would remain the same – such as height, etc. He said that it is a low-intensity use given the type of people who live there. They utilize Town services, such as Meals on Wheels, transportation, etc. and do not have a proliferation of vehicles.

Mr. Nickerson asked if this is the only area that this can go in.

Mr. Mulholland said that it would have to be SU; Special Permit.

Mr. Peck said that it is an application for a regulation change and that it does not have a specified site attached to it.

Mr. Mitchell said that there are other issues with HUD 202 and that the site would have to have public transportation, and municipal water & sewer, etc. so the area becomes limited.

Mr. Nickerson asked Mr. Mulholland if they could take a 10 acre block of land and apply for SU use.

Mr. Mulholland said that could be done.

Mr. Mitchell said that there are other criteria as HUD limits how much they can spend on land acquisition and here they own the land outright.

Ms. Carabelas asked if this property has public water & sewer.

Mr. Mitchell said yes.

Ms. Carabelas asked if they have been to the Water & Sewer Commission yet.

Mr. Mulholland said that if this were acted upon favorably then they would go before Water & Sewer and others for review.

Mr. Nickerson noted that OLISP, SECCOG and the Planning Commission found the application to be adverse; inconsistent with the POCD.

Mr. Mitchell said that the last time around a traffic light was put in at the corner of Roxbury Road to regulate the traffic.

Mr. Peck said that he is thinking of quite a few tracks of land that could suit this and that in looking towards the future that there are numerous areas that would suit this.

Mr. Mitchell said that there is a long waiting list of people who would like to get into these places. This would be the fifth or sixth building in the area and they are looking for more sites.

Mr. Nickerson said that they are discussion the intensity of use change.

Mr. Mitchell said that the State gave them this land many years ago and has embraced this project and they would like to keep it in this area.

Mr. Nickerson explained the protocol for public comment and called for those from the public who wished to speak in favor of the application.

Demetrious Tasoulas from Waterford said that he served as the Chairman of the AHEPA project and that this would be the fifth project; the third on this site; and it is special use for the elderly. There is 100% occupancy at the current site and a huge waiting list of people who would like to get in. He said that he feels strongly that the property is suited for another 52 units and that it would also take the burden of Affordable Housing

off of the Town.

Bill Brubaker, 35 West Main Street said that he has been inside the elderly housing and that he also has helped someone to get into it who had no place to go. It has been wonderful for this person as it has elevators, social time and programs and this had made this person a whole different person since being there. He encouraged them to make this work as we have a lot of elderly in our Town. He said that he supports AHEPA and all that they do.

Terry Mitchell, 17 Mitchell Drive said that he is the President of AHEPA 250 INC and that it is not only Affordable Housing but subsidized housing. He said that he thinks that there is a \$30,000 maximum income limit for single people and \$34,000 maximum income limit for a couple and that the formula also subtracts their expenses and then they pay based on the remaining figure. He added that even though they are not for profit that they do pay taxes. He said that he hopes that they would see fit to pass this.

Mr. Nickerson called for those who wished to speak in opposition to the application.

Kerry Janus, 22 Park Place said that if they are going to make a decision that affects Town budgets such as the Commission on Aging and TVCCA and they have already cut these budgets; that they consider that approving this would mean that 52 more people would be utilizing the Town services that have been cut.

Robert Van Cour, 107 S. Beechwood said that he does not dispute what AHEPA does or is but what they are seeking here is a density zone change that affects other developers of HUD projects and all areas within the Town. He asked if AHEPA could appeal for a ZBA variance of just this project. He also suggested that since they got this property from the State and that a lot of State land abuts it; that they ask the State for more property to add to what they have so that they will not have to request a change for higher density.

Elaine Koziatek, 56 White Birch Circle said that she is opposed to the density zone change and finds that it is apparent that the agencies who know these things have also advised against it. She said that in deference to Mr. Mitchell that there is a traffic issue there. And – there is frequently cars parked over the grass and it becomes even worse on the weekends. She said that Mr. Mitchell also has said that “we” made it fit what “we” wanted and needed (regarding the density changes) – but Mr. Mitchell does not have an environmental degree – so how would he know? She said that if this is granted that they will be back again for more.

Mr. Mitchell said that Section 25.5 is very specific and narrow and that he does not know of any other organization that fits that regulation for Section 202 Housing for the Elderly.

Terry Mitchell said that he agrees that there is a parking problem on Roxbury Road as people come from other areas and park on their lawns.

Mr. Nickerson asked if their testimony is that when people park to visit at AHEPA that there is enough parking within the site.

Terry Mitchell said yes and added that it is not the people who are coming to visit that are parking on the lawns but people from across the street that do not have enough parking in their yards. He said that he has complained about it many times.

Mr. Nickerson asked Ms. Koziatek if it was on weekends and mornings that she noticed the extra cars. Ms. Koziatek said that as she recalled that it is on holidays and weekends.

Demetrious Tasoulas of Waterford said that he is very particular about any destruction of lawns or obstructing lines of site and that they have very low usage of their parking area within the project as most of the people do not drive or have cars.

Robert Van Cour, 107 S. Beechwood said that it does appear that houses across the street are using the AHEPA area to park cars. He added that he does disagree with Mr. Mitchell regarding his statement that it is only AHEPA that can meet that zone because it is very narrow in its definitions – Mr. Mitchell cannot account for anyone coming down the road and wanting the same thing.

Mr. Nickerson said that in the regulation that it does specify HUD by the Federal Housing Act of 1959.

Mr. Nickerson then asked if there were any other comments –

Hearing none –

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

Mr. Nickerson called for a motion to close this public hearing.

****MOTION (1)**

Mr. Salerno moved that this Public Hearing be closed.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 10:00 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary