

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, JANUARY 13, 2014, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl Kurtz, Chairman; Sean Stollo, Vice Chairman; Lelah Campo, S Woody Dawson, Edward Gaudio, John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco
Alternates: Jon Fischer, Diane Visconti; Absent: Leslie Marinaro
Staff: William Voelker, Town Planner; Town Attorney Alfred Smith (Murtha & Cullina)

I. CALL TO ORDER

Mr. Kurtz called the special meeting to order at 8:30 p.m.

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL

Mr. Stollo called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – Public Hearing 12/9/13 and Regular Meeting 12/9/13

MOTION by Mr. Stollo; seconded by Mr. Dawson.

MOVED that the minutes of the Public Hearing of 12/9/13 and Regular Meeting of 12/9/13 be approved subject to corrections, additions, deletions.

Correction – December 9, 2013 “Lentini and Todisco recused from application #1”

VOTE The corrected motion passed unanimously by those present.

VI. COMMUNICATIONS

1. Letter from Joseph B. Schwartz, Esq. dated 1/8/2014 RE: Response to Letter dated 12/5/14 regarding Consolidates Industries, Inc.

Town Planner Voelker advised that a copy of this letter was included in the Commissioner’s packets.

2. Memo from Attorneys Alfred E. Smith and Joseph B. Schwartz dated 1/8/2014 RE: Special Permit Application, Marbridge Retirement Center, Subject to Attorney-Client Privilege.

Attorney Alfred Smith, Murtha & Cullina, stated that, at the request of the Commission, he has provided a legal opinion on the Consolidated Industries equipment replacement plan. Based on representations made by Consolidated Industries as described in their letter, the legal opinion is that no zoning approval is necessary for replacement of the equipment.

Mr. Smith stated that Consolidated Industries operates as a non-conforming use with respect to the zoning regulations. The general rule is that this use cannot be expanded. Consolidated Industries is proposing to replace some of their existing equipment with new equipment and have asked whether this replacement constitutes expansion of the non-conforming use, which would require zoning approval. As Consolidated Industries represents their activities, they would be bringing in new equipment, phasing in the new equipment, while phasing out the old equipment. The phase-in would occur in a way such that there would be no addition to the number of hammers operating at any one time. Based on that and the laws of the State of Connecticut, the Town Attorney has concluded that if they proceed in the way they have stated, it would not represent expansion of the non-conforming use, and would not require zoning approval. Mr. Smith said these are specialty machines to be phased in, as they cannot all be replaced on day one. Consolidated Industries represents they will be operating as they currently operate.

Mr. Dawson asked if there is anything from the State representing what is being stated to back up the statements.

In response, Attorney Smith said there have been many cases before the Superior Court, and he cited them in his legal opinion. He can provide full copies of the cases to the Commission.

Based on the recommendation of the Town Attorney, Ms. Campo said the Commission would not be voting on this issue.

In the July 2013 letter in the file, Ms. Visconti noted it states the hammers will be running simultaneously.

Attorney Smith explained that the July 2013 statement is super ceded by the more recent letter from Consolidated Industries, which states machines will not be running simultaneously, and their plans have been revised.

Mr. Linder commented on there being a totally new plan from what was previously presented to the Commission.

Stating he was not familiar with the July presentation to the Commission, Attorney Smith said it sounds like it was originally proposed to operate the old and new machines at the same time. Based on recent communication, this does not appear to be the case. If Consolidated Industries were to revert to the old plan, Attorney Smith said the legal conclusion could be different. To be clear, Attorney Smith said if Consolidated abides by the conditions stated in the recent communication, the legal opinion is that no zoning approval will be needed.

Chairman Kurtz stated the fact that this is not a public hearing, and comments, questions, concerns must be submitted in written format and submitted to the Planning Department. They will be forwarded to the Town Attorney if required.

Mr. Voelker reported that the Planning Department did receive copies of a petition and a letter from interested parties, and they will be given to the Town Attorney for review and further guidance to the Commission. Any additional materials must be given to the Planning Department which will turn them over to the Town Attorney, who will then advise the Commission.

Regarding the equipment, Mr. Lentini said the legal opinion is replacement of the old with the new, and asked about a difference if the equipment is heavier or louder, and the impact on the community.

If there is a significant impact, Attorney Smith said that would be a relevant consideration.

For further clarification, Mr. Voelker said the owner of Consolidated Industries could provide additional information on the noise and vibration of the equipment.

Ms. Campo asked about the first meeting and application from Consolidated where there was public comment, and the application being withdrawn.

This application was withdrawn, and Chairman Kurtz said it was a different application, and everything is different at this time.

Attorney Smith clarified that an application is not necessary.

Ms. Campo said the Commission is now getting a legal opinion from its legal counsel, which the public can hear but cannot comment on. She asked whether an application would be coming from Consolidated, or are we hearing that no application is necessary.

Mr. Voelker said the item will be listed for discussion at the next Commission meeting. The Town Attorney will attend this meeting, provide guidance to the Commission, and Consolidated Industries will submit additional information on the noise and vibrations.

VI. UNFINISHED BUSINESS

(Mr. Lentini and Mr. Todisco were recused from application #1; Ms. Visconti and Mr. Fischer were the alternates)

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|---|---------------------|
| 1. Special Permit Application | PH 10/28/13 |
| <u>Marbridge Retirement Center</u> | PH 11/13/13 |
| 665 & 655 West Main Street | PH 11/25/13 |
| Assisted Living Convalescent Homes | PH 12/9/13 |
| And the Like. | MAD 02/12/14 |
| Sec. 30. Sch. A., Item 7.F | |

Attorney Smith briefed the Commission on the Marbridge application. He said the question has come up because this application involves a class of persons who are disabled, and who are provided special protection under the law. Attorney Smith said it is important that the Commission is aware of the nature of the special protection and needs to guard against a decision that improperly uses disability as the basis for its decision. There are state and federal statutes, fair housing statutes, Americans with Disabilities Act (ADA) which protect disabled persons from actions by government agencies, such as municipal zoning commissions, which attempt to discriminate against them. The law doesn't require the Commission to decide in any particular way...that decision is the Commission's based on the record before it. It is important for Commissioners to remember that because of these laws and protection awarded the disabled, there are additional grounds of appeals available beyond the usual ones in zoning matters. The Commission must be careful that any comments by the public or members of the Commission do not tend to be of a derogatory nature against the protected class, and would not be a basis for denial. Generalized anxiety about certain types of people being in the area because of this land use is not a basis for denial. The Commission must rely on the record, and consideration must be neutral with respect to the status of the disabled.

A case from a few years ago was cited by Attorney Smith, which involved a similar type of facility in which the application was denied. The Town was sued; claims of violation of the fair housing laws and ADA were stated; and the lawsuit was settled with granting of the approval for the application.

Ms. Campo noted that the memo was marked "confidential" due to attorney-client privilege and she assumes it is free from FOI Act, with some limits in discussion. She commented on the past application, the Commission being briefed on the settlement as she became a member, and it made an impression on her. She said the Commission can decide that the facility is too large to fit within the neighborhood, but not about the residents fitting into the neighborhood.

Attorney Smith said that was correct.

MOTION by Mr. Dawson; seconded by Mr. Stollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the application of Marbridge LLC to expand their existing assisted living facility, convalescent home and the like facility that is located at 655 & 665 West Main Street, and shown on plans entitled "Site Plan of 655 and 665 West Main Street, Cheshire, Connecticut, Prepared for Marbridge LLC, September 10, 2013, and revised through December 5, 2013, prepared by Fedus Engineering, LLC, 47 Water Street, Mystic CT.

1. Demonstrates that Marbridge Retirement Center cannot be reasonably Renovated or expanded without the proposed modifications of the standards Set forth in Section 30, Schedule A, Items 7a through 7d of the regulations As required by Section 30, Schedule A, Item 5, f.1 of the Cheshire Zoning Regulations,
2. The granting of these modifications will not unreasonably impact the general Health, safety and welfare of the community as required by Section 30, Schedule A, Item 7, f.1 of the Cheshire Zoning Regulations,
3. The proposed extension and alteration of this facility is in accord with Public convenience and welfare as required in Section 40.4 of the Cheshire Zoning Regulations,

And hereby approves this application.

This approval is conditioned upon compliance with comments from the Cheshire Fire Department dated December 9, 2013.

Discussion

Mr. Strollo wants another stipulation added to the motion regarding restriction of parking of trucks in the roadways. He said the neighbors commented on trucks parking in the roadway and this is a nuisance.

Mr. Dawson said if the facility buys wholesale there could be a tractor trailer coming in once a month. If the truck cannot get into the driveway it would have to park in the street to unload the truck. This is restricting business, and he is not sure the Commission can do this because this is a public road.

In the record, Mr. Strollo said there was testimony about the applicant bringing vehicles in and unloading on the property.

Chairman Kurtz said the question is whether this is enforceable by the Commission.

Mr. Voelker said this is a condition of approval under which the applicant must operate.

It was stated by Mr. Dawson that the applicant did state they could get deliveries by trucks onto the site.

Mr. Linder will be voting against this motion and he stated his reasons. He believes the project is too aggressive for the property as it is double the size of the current facility; consideration of the parking requirement is too aggressive; the facility will dominate the neighborhood on Jocelyn Lane side as well as the view by the residents. The expansion of the facility would have a negative impact on property values; where the property stands now it is a quaint facility and fits the neighborhood; the proposal does not fit into the neighborhood as it is too large; there could be a smaller expansion of about 30 units which would be a better fit. Parking is an issue, and the number of spaces is based on Section 31.1.3 which refers to convalescent homes, and one parking space for every living units, and this equates to 16 or 17 spaces. Mr. Linder read an excerpt from this section into the record. The applicant never described the facility as a convalescent home, but as an assisted living facility...which is different from a convalescent home. Mr. Linder believes the parking is not adequate even if it is in line with the regulations as there are not enough parking spots for an assisted living facility.

Going through the testimony, Mr. Strollo said the biggest thing for him is the footprint of the two dwellings, and this footprint has not increased, just the height. He looked at the building now, what it would look like when done over on a main road, Route 70. He feels for the neighbors as this is a different thing for the neighborhood. But, neighbors knew this facility was existing when they purchased their homes. The applicant has eliminated the front wall, increased sight lines for the neighborhood which adds to property value, and the existing road is dangerous. Mr. Strollo believes the applicant went above and beyond in this regard, and he will vote in favor of the application.

Stating she has given this application much thought, Ms. Campo explained that she lives across the street and sees the subject property. She considers the property to be part of the Route 70 neighborhood, along with the large church and Ball & Socket property. The Commission's single decision point is whether or not this is an appropriate use for the property given it is on West Main Street. Ms. Campo commented on this being one of the finest designs by an architect, and if built, residents will see no visual line of a 38,000 sq. ft. structure, and it will not be as overwhelming as a large box. With great sympathy and after having listened with care to all who testified it is Ms. Campo's decision to support the motion.

Mr. Gaudio stated he drives by the site on a daily basis, has heard much about the parking, number of spaces, and where the area will be jammed up. He has never encountered more than 4 cars in the parking lot for the 25 bed facility. He does not see a large increase in parking, and will support the motion.

This business has been there for a long time, and Mr. Dawson said the applicant was asked many questions, and is willing to do whatever it takes to please neighbors, has spoken to the neighbors, and is willing to fence the property. With an existing business it is hard to state that it cannot expand. Mr. Dawson expressed good luck to the

applicant who did a good job, did his homework along with the architect. He will support the motion.

Stipulation #4 – All deliveries are to be made from the parking area.

Ms. Visconti said she was voting for the first time as an alternate on a difficult application, has reviewed the application testimony, is comfortable to make the decision, and will vote in favor.

Stating this application was hard on everyone, Chairman Kurtz said the new building will be beautiful, and the owner did everything requested by the Commission and neighbors. He did a good job for the facility that will be in place. Over the years of its existence, Mr. Kurtz noted there has not been one complaint to the Police Department about this facility. He will support the motion.

VOTE The motion passed 8-1; Linder opposed.

2. **Special Permit Application**
Core Development LLC
589 South Main Street
13 Unit Planned Residential
Infill Development
APPLICATION WITHDRAWN
PH 10/29/13
PH 11/13/13
PH 12/9/13
PH 01/13/14
MAD 03/19/14

3. **Waiver request of Section 11.1 of the**
Subdivision Regulations
Karen A. Reims
27 East Ridge Court
Requesting waiver of Section 5.6 CUL-DE-SAC
STREET OR DEAD END STREET LIMITATIONS
Subsection 5.6.1
POSTPONED TO 1/27/14 MEETING
PH 12/9/13
PH 01/13/14
MAD 03/19/14

4. **Special Permit Application**
Karen A. Reims
27 East Ridge Court
Two dwelling units in one dwelling
POSTPONED TO 1/27/14 MEETING
PH 12/9/13
PH 01/13/14
MAD 03/19/14

- (Mr. Strollo was recused from applications #5 and #6; Ms. Visconti was the alternate)

5. **Earth Removal/Filling or regrading permit**
225 Blacks Road LLC
225 Blacks Road
PH 12/9/13
PH 01/13/14
MAD 03/19/14

MOTION by Mr. Dawson; seconded by Mr. Kardaras

MOVED that the Cheshire Planning and Zoning Commission finds that this application conforms to all requirements of the Cheshire Zoning Regulations as shown on plans entitled "Proposed Industrial Storage Facility, 225 Blacks Road, Cheshire CT" revised through January 3, 2014, and prepared by Milone and MacBroom, Inc. 99 Realty Drive, Cheshire CT, and hereby approves this application.

VOTE The motion passed unanimously by those present.

6. Site Plan Application
225 Blacks Road LLC
225 Blacks Road

PH 12/9/13
PH 01/13/14
MAD 03/19/14

Contractor's warehousing and storage building

MOTION by Mr. Dawson; seconded by Ms. Campo

MOVED that the Cheshire Planning and Zoning Commission finds that this application conforms to all requirements of the Cheshire Zoning Regulations as shown on plans entitled "Proposed Industrial Storage Facility, 225 Blacks Road, Cheshire CT" revised through January 3, 2014, and prepared by Milone and MacBroom, Inc. 99 Realty Drive, Cheshire CT, and hereby approves this application.

This approval is conditioned upon satisfaction of the remaining comments from the Engineering Department dated January 9, 2014, and satisfaction of comments from the Cheshire Fire Department dated December 6, 2013.

VOTE The motion passed unanimously by those present.

7. Site Plan Application
Whole Foods Market
400 East Johnson Avenue
Delivery Truck Queuing Area

MAD 01/28/14

Chris Holt, P.E. Milone and MacBroom represented the applicant. The property is located between I-691 and East Johnson Avenue, and the area for development is to the south side of the existing building. Whole Foods has had an issue with the number of trucks queuing on the entrance way, and there are many deliveries throughout the day. An aerial photograph of the site was displayed, with Mr. Holt pointing out the parking area for the trucks. The proposal is to develop truck queuing to the south side. Trucks coming into the site will check in with the guard booth, assigned a place to queue prior to going to the building. The parking area will be a paved surface with design features to mitigate any increase in storm water. Mr. Holt explained the storm water management plan, downward sloping from a northwestern to southeastern area into a rip-raff storm swale, out into the existing storm water basin. The area to be developed for the trucks is a grass field, with vegetation buffering which will be

maintained. The proposal will allow for queuing now done on the entrance road and East Johnson Avenue to be alleviated.

In response to a question about the number of truck parking spaces, Mr. Holt said there are 31 spaces, and he pointed them out on the plans.

Mr. Strollo asked about the distance between the center and top of the parking area.

According to Mr. Holt it is about 150 to 160 feet, top and bottom.

The issue of trucks backing into the spots or driving into them was raised by Mr. Strollo.

Mr. Holt explained the pattern for the trucks coming into the existing driveway, getting checked in, assigned a parking spacer, and they can pull straight into the space.

Mr. Voelker said all trucks will be facing out, towards the west.

With each truck assigned a number and queued in, Mr. Strollo asked if trucks will know to into this area and not around the entrance.

This will be a delivery system, and Mr. Holt said it will be for all trucks coming into the property, entering the site to the queuing area, and up to the building itself, load or unload, and exit the site. The perimeter of the area will be designated as "no parking" to allow for fire access.

Mr. Dawson believes this company is growing, but there were concerns about parking along the road to get into the site. With this plan this issue is alleviated.

According to Mr. Holt a truck can pull into the area, cannot park in the perimeter as this will be a no parking area, and used only for emergency access.

Mr. Lentini asked about concerns of diesel fuel.

This was a concern of the Engineering Department and Mr. Voelker said there will be information regarding fuel at the next meeting.

Regarding the diesel fuel, Mr. Holt said if there is leakage of a truck has a malfunction it will be noticed during check-in, and help is available through maintenance staff, or the truck will asked to be repaired.

Mr. Gaudio asked if these trucks are only Whole Food trucks.

Mr. Holt said they could be distributor trucks or Whole Food trucks. The guard will inspect trucks upon arrival to insure there is no issue with the vehicle. With regard to overnight parking, this will not take place.

Mr. Strollo asked if PZC could request a spill station.

This could be included as a stipulation and Mr. Voelker advised it has been done in the past.

The issue of a spill station will be discussed with the applicant and Mr. Holt reported that RWA has had discussions about the property. RWA has requirements and could add a spill station as a requirement. The guard person will be on site during high peak times, and additional staff can be designated as maintenance personnel.

The application was continued to 1/27/14.

8. Site Plan Application

MAD 02/11/14

Cheshire Route 10 LLC

**1953, 1973, 1989, 2037, and 2061 Highland Avenue
Dickerman Road and I-691**

**Final Development Plan for the Outlets at Cheshire
I-C S.D.D. and Interchange Special Development
Project.**

The Commission was told by Mr. Voelker that the architect for this application will be at the January 27th meeting. Jim Bubaris, Traffic Engineer, can also attend the next meeting. Christopher Weston, P.E. Weston and Samson, will review the storm management plans.

Attorney Anthony Fazzone represented the applicant. He said the process requires the applicant to go through a two step process. The first step was to get the property re-zoned into an I.S.D.D., and prepare and get approved a set of special regulations which apply only to this site. This has been done. The regulation does provide, after the first step and I.S.D.D., that the application come back to the PZC and get a final development plan approved. This plan is more detailed, has more engineering details and some will be presented at this meeting.

Attorney Fazzone have a brief history of the application. In July 2013 the applicant came before the Commission to get a modification of the previously approved special development plans. There was addition of some parcels, and some revisions to the original plans. At tonight's meeting the Commission will see how the final development plan conforms to what was in the special development plan. Mr. Fazzone noted that the staff report describes the process in great detail and accurately.

Darin Overton, P.E. Milone and MacBroom, gave a brief overview of the application. A few design elements are proposed on the site, starting with the retail portion. The Ten Mile River runs in a north and easterly fashion through the middle of the site, divides it into the east and west side, and is highlighted in blue on the plans. On the east side with Route 10 further to the east, it creates the frontage of the property where the retail

development will be located (brown) and parking is noted in gray color. There are two main access points off Route 10, off I-691 and north into the retail development off Route 10. Several improvements will be made on Route 10, with widening, signal improvements, lane reconfiguration, and all have been reviewed and meet Town standards.

The application is before the State DOT and is being reviewed, with some refinements from DOT.

On the western part of the development there was always proposed a hotel, fitness center and residential units. There was connection of the roadway from the eastern side over the proposed timber bridge out to Dickerman Road.

The most significant change between the special development plan and the plans before the Commission is the phasing in of the project. The buildings on the west side are not proposed in this final development plan, but are for future development. The west side proposal is a frame work around this. The roadway extending through the site from the timber bridge to Dickerman Road is included as part of phase #1. There is also pedestrian access over the great fill and stone arch culvert. There are improvements to Dickerman Road in phase #1; the pedestrian access trail wraps around the south side of what will be the future residential development; and comes out to Dickerman Road. The green area on the plans is the storm water improvements, flood plain compensation, and on the north side is the storm water management basin that is planned for future development of the residential along with hotel and fitness center. There is storm water runoff from the proposed roadway. The storm water management will be built in its entirety, will be oversized, and large enough to accommodate future improvements. It will be established and ready. Dickerman Road improvements are part of the phase #1 development.

For clarification, Mr. Overton stated that the residential, hotel and fitness center are part of phase #2 of the development. He also stated that the development plan being applied for now does not include these elements of the proposed project. Phase #1 is everything on the east side of the river, including Route 10 improvements. The bridge over the river and extension of the roadway out to Dickerman is part of phase #1, along with extension of the pedestrian trail from the retail over the great fill and out to Dickerman Road, along with the two green areas of storm water management. All brown buildings on the west side are part of a future phase and not being applied for at this time. Widening of Dickerman Road is part of the current proposal.

The sheet count for the plans has tripled, and there are additional details and refinements, layout and design of the walkways. There is overall refinement of grading, detail of spot elevations, refinement of utilities, storm water management design, geo-technical information for refinement of storm water management, overall approach is the same. Separate sheets show detailed rehabilitation of the stone arched culvert. Design of Dickerman Road shows it is consistent with Town standards for a road.

In summary, Mr. Overton stated that what is being presented is similar to what was approved as part of the special development plan. Everything proposed on the plans is consistent with the regulations adopted as part of the special development plans for the project.

Mr. Gaudio stated he really likes what is being presented, and it will be good for the Town. He has one problem with the project in that the 2005 project had fire and police protection in the area. There are 146 units in phase #2, and asked if they are all centrally alarmed for fire and police.

Mr. Overton replied that for the residential units there is the approved special development plan, but the applicant is not applying for the final development plan at this time.

According to Mr. Gaudio, fire protection is 4.5 miles away, and he would like to see some kind of fire protection in this area...either in phase #1 or #2 when the residential units are built. He has serious concerns about fire safety. Mr. Gaudio commented on the Hillside units being fully alarmed, and the fire department gets 55 calls a year from this housing area, which is near headquarters. The proposed development is 4.5 miles away, and response time will not be great. He asked about the possibility of putting in one small fire truck in the development area, until additional equipment could arrive at the site. Mr. Gaudio questioned how much thought is going into doing something like this.

At this time, Mr. Overton did not have an answer to this concern. He said the applicant is working with the fire department throughout the design of the project. As part of the project, water mains will be extended, and fire hydrants are on the plans. The plans have been reviewed with the fire department, width of bridges has been expanded, access through the site has been reviewed, and there is an emergency access in the southeast corner for the fire department.

Mr. Gaudio said he has a problem with the time involved for the fire department to get to the site in an emergency. He assumes the residential units will be centrally alarmed.

Mr. Overton said there will be sprinkler systems in the buildings coming off the water mains.

Louis Masciello, W. S. Development, addressed the Commission, stating there is no design submitted for the residential units. To build the units the applicant must come back to the PZC with another site plan process. What the fire department has reviewed is the 2005 submission from an overall zoning perspective, and they also reviewed the 2013 submission from an overall zoning perspective. Their effort was to consider whether a property of this size could be served, and the fire department is currently reviewing the site plan application as it relates to the details being raised. There will be no residential units until there is submission of a site plan to the PZC, with design, and

review and approval of the Commission. The fire department will also review design of the buildings, sprinkler systems, size of the units, building design.

It was stated by Mr. Gaudio that some type of fire protection/location should be considered for the site and the entire north end of Town.

This was considered by the fire department in the last round of review, and Mr. Masciello said there was no conclusion that a physical presence was needed. The fire department will consider fire protection when the final residential plans come in and are evaluated. At this time there are no fire department comments submitted related to the commercial phase of the development. The applicant has no objection to fire department presence at the site.

The Commission was informed by Mr. Masciello that at two W.S. properties there is police department presence which has not been fully used and it is not a large presence. There is no fire department presence on these sites.

Mr. Dawson said that in the beginning of the presentation there was fire and police protection mentioned. He said that the Town of Southington could respond faster than the Cheshire fire department. Mr. Dawson stated that the fire chief and fire marshal should attend a PZC meeting to discuss the fire protection issues, and staff coverage is needed to make decisions. The development could have a small area available for the police and fire departments more for communication processing etc.

The Commission was told by Mr. Masciello that W.S. is willing to have fire protection and fire department presence. This proposes an obligation to the municipality, and would take advantage if the operation is wise from a fiscal and performance measure. If there is a decision to physically locate equipment and personnel, there is willingness from W.S. Development to dedicate a room or locale to the Town. This means the municipality must build a structure, put equipment on site, have staff on site, and there is an ongoing cost to create this presence.

Mr. Dawson said the property and facilities will still be there, and later the Town might need fire and police location in the north end. We do not want to pass up the opportunity. For the record it is important to refer back when there is a commitment from the applicant which must be followed through.

Mr. Voelker commented on the active discussion the applicant has had with the fire and police departments, but neither has expressed interest in what is being discussed at this meeting. The fire department took a review of the layout; the police department is not looking to have a location, equipment or personnel on the site. There have been and will be more discussions with Chief Casner.

This is not the last opportunity for the Commission regarding these issues, and Mr. Masciello said if there is concern that the residential portion of the development is

where the concerns become more pressing, this is not the final time for final review of the entire property.

People are anxious to see this development happen and Mr. Dawson said many people are worried about the residential portion, and the lager anchor stores closing out. He endorses this project and tries to convince people to listen before saying no, and he gives people information.

Ms. Campo asked about the number of parking spaces being reduced, and how many there will be.

In that regard, Mr. Overton said the biggest reduction is due to phasing in of the project. The master plan has retail, hotel, residential and fitness center for the project. The total number of parking is not shown because the future phase is not in these plans. The retail reduction is 20 spaces, and much has to do with configuration of the retaining walls along the entrance drive and Route 10. The DOT has specific requirements for shoulders and grades along State roadways and this caused moving the retaining walls back into the site, different wall heights, and it was better to eliminate some of the walls.

Ms. Campo asked about the total square footage of the retail area being changed.

Mr. Overton said it has not changed.

Regarding the walkways, Ms. Campo asked what they will be made of, i.e. pavers, concrete, and if there is curbing.

The plan is for decorative paving patterns, but Mr. Overton said nothing is definite, and it could be concrete, granite or concrete curbing.

The issue of the signs was raised by Ms. Campo, who noted there are two 35 foot signs, and she asked about the 55 foot sign, and the location.

Mr. Overton replied that the sign location is on the site plans. The largest sign is in the southwest portion of the retail parking lot, a pylon type sign, along the street line. Entrance signs are proposed at Dickerman Road, as well as the northern entrance on Route 10 and main access off exit #3 ramp.

Ms. Campo asked about the signs being lit, and any dramatic change in the light from the signs.

These signs have internal illumination and Mr. Masciello said they are within regulations.

Ms. Campo commented on light pollution as an issue, and parking lot lights have to be full cut off, and said a 55 foot sign seems obtrusive. She asked about the equivalent of a full cut off parking light sign versus a sign that will be lit.

The Commission was told by Mr. Masciello that intensity of an internally illuminated sign is less than parking lot lights. He will provide the metrics on this to the Commission.

At this time, Mr. Voelker said there are no problems with the State.

Christopher Weston, P.E. Weston and Samson, informed the Commission that his firm conducted a peer review of the storm water management plan and traffic generation to confirm that what is stated in the application falls within the regulations. The firm found there is a very solid set of plans; the developer has done a good job; and there are two small items to be worked out and resolved with the engineering group. They will be resolved over the next few weeks, and they break down with details of structural components (retaining walls, testing of the infiltration system for one of the parking lots), and there will be information at the next meeting.

Mr. Voelker reported there is a final letter from Weston and Samson for the next meeting.

Chairman Kurtz wants to insure the two issues stated are satisfied.

A letter is in the packet from Mr. Bubaris on the traffic issues. Mr. Voelker said there will be a letter from Mr. Weston on the two storm water management issues. The architect will be present at the next meeting.

The application was tabled to 1/27/14.

VIII. NEW BUSINESS

IX. ADJOURNMENT

MOTION by Mr. Strollo; seconded by Ms. Campo.

MOVED to adjourn the special meeting at 10:13 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk