

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY NOVEMBER 21, 2017
CROMWELL TOWN HALL GYMNASIUM, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Jean Culicchio
TOWN CLERK

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Jeremy Floryan, Paul Cordone, Brian Dufresne, Ken Rozich, Nicholas Demetriades and David Fitzgerald (alternate) and Peter Keithan (alternate)

Absent: Kenneth Slade

Also Present: Director of Planning and Development Stuart Popper and Zoning Enforcement Office Bruce Driska and Town Attorney Kari Olson.

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:08 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

A motion to seat Alternate David Fitzgerald was made by Michael Cannata; Seconded by Ken Rozich. *All in favor; motion passed.*

4. Approval of Agenda

A motion to approve the agenda was made by Michael Cannata and Seconded by Ken Rozich. *All in favor; motion passed.*

5. Public Comments

There were no public comments at this time.

6. Development Compliance Officer Report

Mr. Driska presented his report. Nicholas Demetriades asked about the status of the Willowbrook Road project. Brian Dufresne asked what was the status of the project for the winter will they be working or will it be shut down. Chairman Kelly described the work taking place in front her house on Willowbrook Road. Mr. Popper said he would ask the Town Engineer to summarize the status of the project and have that information for the next meeting.

7. Town Planner Report

Mr. Popper summarized his report to the Economic Development Commission.

8. Public Hearing:

a. Application #17-22: Request for Site Plan Approval for Center Point Apartments (an Affordable Housing Application) at 186 Shunpike Road. JPG Partners, Inc. is the applicant and the Estate of Helen M. Ewald c/o Sybil C. Martin, Executrix, is the Owner.

Michael Cannata made a motion to re-open the public hearing; Seconded by Ken Rozich. *All in favor, motion passed.*

Attorney Carl Landolina of Fahey and Landolina in South Windsor, Connecticut, began his presentation by introducing Pat Snow and Andreas Hadji are the members of JPG Partners, LLC, (the Applicant) Chris Juliano, P.E. and L.S., of Juliano & Associates (the engineer) and Stephen R. Ulman of Alfred Benesch & Company of Glastonbury (the traffic engineer). Attorney Landolina asked Chris Juliano to address the Commission regarding the most recent changes to the plans.

Mr. Juliano summarized the changes that have been made to the onsite drawings based upon the latest revision. He said the reason for the revision was the November 14, 2017 letter from the Fire Marshall in which he requested a 26' wide fire lane along one side of each four-story building. Mr. Juliano said to accommodate this request, we revised the site driveway from 24' to 26' from Court Street to Shunpike Road. He noted that because of this change some minor revisions were made to the location of catch basins, light poles, sidewalks and landscaping. He also noted that it results in an increase in impervious area of approximately 1,525 square feet. Mr. Juliano said this increase in impervious surface has no negative impact upon the drainage system simply since there was additional capacity within the system.

He explained that a second set of drawings (3 sheets) has also been submitted. These drawings detail the proposed offsite improvements and pedestrian traffic safety. The first sheet is the applicant's proposed improvements to provide a turning lane at the intersection of Court Street and Shunpike Road. The applicant has also proposed a sidewalk along the southerly side of Court Street up to the existing pedestrian push button pedestal on Shunpike Road. The final part of this proposed plan incorporates the rebuilding of a portion of the existing sidewalk on Shunpike Road to comply with ADA requirements.

Mr. Juliano explained that the second sheet is an alternative plan based upon staff comments. As directed we moved the sidewalk to the north side of Court Street and proposed the relocation of the existing pedestrian pedestal. Similar to the first plan, a portion of the existing sidewalk along Shunpike Road would need to be rebuild for ADA compliance.

He said third and final plan was created based upon comments of our traffic engineer and a desire to reduce the cost of the offsite improvements due to the reconstruction of a portion of the existing sidewalk along the westerly side of Shunpike Road. In this scenario, the applicant would install Rectangular Rapid Flash Beacons (RRFB) devices at the projects Shunpike Road driveway entrance and across Shunpike Road as depicted on the plans.

RRFBs are user-actuated amber LEDs that supplement warning signs at unsignalized intersections or mid-block crosswalks. Additionally, the applicant would install additional sidewalk along Court Street and Shunpike Road to connect the sidewalks along the project's two frontages. This would allow pedestrians from outside the project limits to access the RRFB devices without having to walk through the project site.

Mr. Juliano closed by saying that whichever plan the Commission decides to make part of the approval, the final decision regarding the pedestrian crossing of Shunpike Road will be up to the Connecticut Department of Transportation.

The Commission members and Mr. Juliano discussed the proposed alternative locations for the sidewalks and the pros and cons of the each.

Attorney Landolina asked Stephen R. Ulman of Alfred Benesch & Company of Glastonbury (the traffic engineer) to address the Commission regarding the installation of the Rectangular Rapid Flash Beacons (RRFB) devices. Mr. Ulman said that the plans call for installing the Rectangular Rapid Flash Beacons (RRFB) devices at the projects Shunpike Road driveway entrance and across Shunpike Road as depicted on the plans.

Mr. Ulman explained how the RRFB's work and discussed current locations with RRFB's in operation in Connecticut today. The Commission members and Mr. Ulman discussed the pros and cons of the RRFB's and how those apply to the proposed location on Shunpike Road.

The Commission members and Mr. Juliano and Mr. Ulman discussed the addition of the proposed turning lane at the intersection of Court Street and Shunpike Road. Mr. Cannata asked about the stacking capacity of the turning lane. Mr. Ulman said there was room for four to five vehicles. Mr. Cannata asked if that was enough room and Mr. Ulman said yes.

Chairman Kelly opened the meeting up to those members of the public who wished to address the Commission regarding this application.

Mr. Peter Hanson, 100 Court Street, spoke against the project saying as a follow up to previous comments that I have made regarding the limits of the Commission's authority under Section 8-30G. He said he believes that the Special Permit standards of the Zoning Regulations do apply and he summarized the standards. Mr. Hanson criticized the RRFB design and said he was very concerned about the dangerous conditions the RRFB may create on Shunpike Road.

Tommy Hyatt, 98 Court Street, spoke against the project stating that he has concerns about the site plan and that there is not enough parking. He said the traffic plan and the reality that the development will cause motor vehicle injuries and fatalities. Mr. Hyatt continued noting that the developer has disregard for the law. He closed by saying that the project was not worth it not by a long shot.

Caroline Cannito 3 Black Haw Drive, spoke against the project saying she is a resident and

educator and former member of the PZC. She said that the application will have a negative impact on the safety of children in the area.

Gautum Anne of 5 Thomas Court, spoke against the project, saying that it was a flawed plan and not a good plan and asked the PZC to please deny it.

Dilys McIntyre, 104 Court Street, spoke against the project saying that the proposed four story building was out of character with the neighborhood. She said that we need to preserve the LB Zone District for commercial development for the neighborhood. Ms. McIntyre noted that the traffic in the area is getting worse and said the developer is taking advantage of Section 8-30g.

Ray Cioffi, 61 Court Street, spoke against the project saying said that the intent of the Affordable Housing Regulations were to battle exclusionary zoning regulations. He said there are no exclusionary zoning regulations here in Cromwell. Mr. Cioffi noted the issue Rocky Hill is facing with the number of multi-family units.

Rich Waters 84 South Street, spoke against the project quoting the philosophy of the Zoning Regulation, "to protect the public health, safety and welfare, to maintain and enhance community character and to improve the economic value of property and general welfare of residents". He said this application will do none of these and should be denied.

Keith Nargi of 4 Thomas Court, spoke against the project saying said that he was very concerned about the impact of Section 8 housing and the traffic on Shunpike Road.

Tim Gorton of 2 Thomas Court, spoke against the project saying said that he was very concerned about the traffic on Shunpike Road and Court Street and the issue of safety.

Tamberly Gorton of 2 Thomas Court, spoke against the project saying said that she was an educator and very concerned about the impact on the education in the town and the safety of children in the area and traffic on Shunpike Road and Court Street.

Beth Johnson of 65 Court Street, spoke against the project saying said that she was very concerned about the safety of children in the area given the traffic on Shunpike Road and Court Street.

Dilys McIntyre, 104 Court Street, spoke against the project saying that the fire house is very nearby on Geer Street and that the proposed development could have a negative impact on emergency vehicle access to and through the neighborhood.

Caroline Brunetto 62 Washington Road, spoke against the project saying that she rides her bicycle on Court Street and many others walk and ride on Court Street. She said many of those walking and riding are elderly what about their safety?

Al Waters 86 South Street, welcomed Mr. Driska to Cromwell. He spoke against the project saying he is very concerned about the building materials. He asked are they quality

materials and will they meet today's safety standards?

Mr. Peter Hanson, 100 Court Street, asked if there was a gas line in the area.
Mr. Chris Juliano said yes.

Chairman Kelly asked about the color of the buildings and the building materials and the roof. Mr. Pat Snow said the building will have light colored vinyl siding and light colored stucco and the roof will be black.

The Commission members and Mr. Juliano discussed access to the site during construction and the use of jersey barriers and their impact on emergency vehicle access.

Attorney Landolina addressed the Commission saying that there have been four public meetings and lots of back and forth. He summarized the review process and said according to our traffic engineer and to the peer review conducted by the town's traffic consultant there is no adverse impact to traffic. He said the application complies with all the requirements of Section 8-30g and the it is up to the PZC to decide based upon all the information submitted. Attorney Landolina stated that it is a good project for the town.

Michael Cannata asked if the two members of the applicant's LLC were present and Attorney Landolina said Pat Snow and Andreas Hadji are both present.

Chairman Kelly noted that the 10% goal of percentage of affordable housing in a community is not a law. Attorney Landolina agreed saying it is a goal and he noted that a community can apply for a moratorium after the 10% goal is reached.

Chris Cambareri noted that there is no exclusionary zoning in Cromwell.

Ray Cioffi, 61 Court Street, spoke against the project saying said there have been pedestrian accidents on Shunpike Road.

Mr. Popper noted that the Commission will have 65 days to make a decision once the public hearing is closed. He explained that if the Commission uses the whole 65 days to deliberate a decision would have to be made at the January 16, 2018 meeting.

Michael Cannata made a motion to close the public hearing; Seconded by Ken Rozich. *All in favor; motion passed.*

11. Commissioner's Comments:

Nicholas Demetriades said he would like the Town Attorney to discuss the issue of conflict of interest and when a Commissioner should recuse himself or herself. He noted that he was an abutting land owner and had concerns about a development and wondered what options he had.

Attorney Olson noted that the question of conflict of interest for Commission members was

covered by Sections 8-11 and 8-21 of the Connecticut General State Statutes. She discussed the ethics of a conflict of interest and asked whether you can render a fair decision when there is a perceived conflict of interest. The Commission members and Attorney Olson discussed what questions could be asked and what steps the Commission member could take. Attorney Olson reminded the Commission members the steps to take to make sure they are eligible to vote on the application. She noted that alternates can only vote if they were seated for all the meetings.

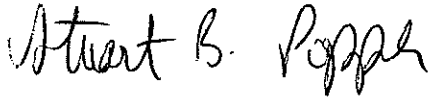
The Commission members discussed the update of the POCD and Chairman Kelly noted the need for Affordable Housing Plan.

12. Approval of Minutes:

a. November 9, 2017: A motion to accept the minutes as presented was made by Michael Cannata; Seconded by Ken Rozich. *All in favor; motion passed.*

13. Adjourn: A motion to adjourn was made by Michael Cannata; seconded by Ken Rozich. *All in favor; motion passed.* Meeting adjourned at 9:38 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Stuart B. Popper". The signature is written in a cursive, flowing style.

Stuart B. Popper
Acting Recording Clerk