

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM WEDNESDAY MARCH 1ST, 2016
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET**

RECEIVED FOR FILING
3-10-2016 at 9:48 AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

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TOWN CLERK

Present: Chairman Alice Kelly, Michael Cannata, Kenneth Slade, Brian Dufresne, Richard Waters, Paul Cordone, Jeremy Floryan, David Fitzgerald

Absent: Chris Cambareri and Kenneth Rozich

Also Present: Director of Planning and Development Stuart Popper and Town Council Liaison Edward Widders, Zoning Enforcement Officer Curtin, Town Manager Anthony Salvatore

1. Call to Order

The meeting was called to order by Chairman Kelly at 7:05 pm.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Chairman Kelly made a **motion** to seat David Fitzgerald as an alternate. Paul Cordone **seconded** the motion. *All were in favor; the motion passed.*

4. Approval of Agenda

Stuart Popper suggested an amendment to include Application # 1605 regarding a request for a re-subdivision at 192 Shunpike Road under "New Business." Mr. Popper asked that it be considered at the committee's second meeting in April.

Michael Cannata made a **motion** to accept the agenda as amended. Kenneth Slade **seconded** the motion. *All were in favor; the motion passed.*

5. Public Comments

No public comments at this time.

6. Development Compliance Officer Report:

In addition to the report included, Fred Curtin informed the committee that the business at 621 Main Street met with the Cromwell Police and, after modifications, were found to be in compliance of the ordinance. The two unregistered vans at 106 West Street are now gone. A cease and desist order was issued today for 16 Pond View Drive for allowing the keeping of a Commercial Vehicle and Commercial Trailer on their property. The camper on 81 Field Road has been removed. A Notice of Violation will be issued for the storage

units on 123 Evergreen Road. Mr. Curtin stated that he had not received any response yet from Frontier Communication.

In regards to the complaint from Cromwell Hills about the Cumberland Farms sign, Mr. Curtin is going to meet with a representative to work for a solution. A discussion ensued about the brightness of the sign.

Mr. Curtin reported that McDonald's will be starting modifications within the next two weeks.

David Fitzgerald asked about the utility boxes and whether it was a public safety issue. Mr. Curtin said that he would talk to police and then follow up with Frontier about the line of sight issue.

7. Town Planner Report:

Stuart Popper stated that he will have full report for next meeting.

8. New Business: New Applications:

- a. Section 8-24 Mandatory Referral - for the Town of Cromwell to purchase 60 and 61 River Road (see attached comment memo and maps).

Town Manager Anthony Salvatore spoke about CGS 8-24. Mr. Salvatore put an offer in with owners, they have accepted, and he is looking to move forward.

Stuart Popper reviewed the specifications of the lots. Mr. Salvatore stated that there were no buildings left on the property and, based on Phase I tests, there are no contaminants.

Richard Waters asked about the plans for the property. Anthony Salvatore responded that, while it was up to the Town Council, he was looking to introduce to the Redevelopment Agency and the Economic Development Commission the possibility of selling or leasing the west side. Mr. Salvatore reported that the east side could be used recreationally and has mooring capabilities, all of which is adjacent to a parking lot. Mr. Salvatore emphasized that this was a good opportunity that the town should consider. Richard Waters asked about the possibility of bringing a barge in there. Mr. Salvatore responded that it was the Town Council's decision to discuss and that it would come back to the Planning and Zoning Commission the future if that were the plan. Mr. Waters asked about the price of the property. Mr. Salvatore responded that both pieces cost \$250,000.

Chairman Kelly directed to Anthony Salvatore to the included map and asked about the indent in the yellow outline. Mr. Salvatore responded that it was an indentation of the river and that we would own the whole parcel.

Michael Cannata made a **motion** to issue a favorable 8-24 Mandatory Referral for the Town of Cromwell to purchase 60 and 61 River Road. Brian Dufresne **seconded** the motion. *All were in favor; the motion passed.*

- b. Section 8-24 Mandatory Referral - for the Town of Cromwell to sell a 1.93 acre parcel of land at the south end of Main Street identified as Parcel ID 00480800 (see attached comment memo and map).

Stuart Popper reviewed the parcel specifications. Anthony Salvatore reviewed the specifics of the deal, highlighting that the "Welcome to Cromwell" sign would remain and that there would be easements in place for the town to service the sign. Mr. Salvatore explained the benefits of this deal, including: cleaning up that end of town, putting the property back on the tax rolls, and assisting the taxpayers by expanding the old Citgo station.

Michael Cannata asked Stuart Popper about regulations and the size of building that can be built. Mr. Popper responded that because it is in the flood zone, they must compensate to balance cuts and fills to flood zone. It must comply with FEMA standards and any new buildings must fit within those requirements.

Michael Cannata asked Anthony Salvatore if the buyer understands the issues involved with developing the property. Mr. Popper responded that he had met with the buyers and stated that they do understand the limitations of the property. Mr. Cannata expressed concerns about those problems and whether this is the best option for the commission in regards to a future on-ramp.

Chairman Kelly asked about the easement. Mr. Salvatore responded that the sign and the ability to service the sign is included in the contract.

Brian Dufresne asked about selling price. Mr. Salvatore responded the price is \$5,000. In response to Mr. Waters' question, Mr. Salvatore stated that the location was considered town property and not state property.

Michael Cannata made a **motion** to issue a positive 8-24 Mandatory Referral for the Town of Cromwell to sell a 1.93 acre parcel of land at the south end of Main Street. Richard Waters **seconded** the motion. *All were in favor; the motion passed.*

Michael Cannata made **motion** to accept and schedule Application 1605 Re-subdivision at 192 Shunpike Road for the second meeting in April. Kenneth Slade seconded the motion. *All were in favor; the motion passed.*

9. Public Hearing:

Application #15-47: Request to amend the Zoning District from R-25 to PRD for the 8.75 acre site Parcel Identification Number #0033600 (also known as the Nike Site) at the end of Country Squire Drive. Belfonti Companies is the Applicant and Country Squire Site LLC is the Owner.

Michael Cannata made a **motion** to open the continued public hearing. Paul Cordone **seconded** the motion. *All were in favor; the motion passed.*

Attorney Diane Whitney, representing the applicant, spoke about the importance of the building 160 units on the development.

Jim Cassidy, representing the applicant, referenced past questions asked by commission, speaking about "buildable" acreage which is similar to Country Squire at 20 units per acre. Mr. Cassidy, using revised aerial site renderings, explained the final master plan which includes 7 proposed buildings ranging from 2-3 stories. Additional vegetation will be included that would provide buffering between units in Fox Meadows. Mr. Cassidy compared the buildings in the plan with those in Fox Meadows. Mr. Cassidy also explained the alternate master plan where the two buildings on the north and east boundary would be kept at 2 stories. In order to keep the number of units at 160, it would require an additional 10,000 square feet added to other buildings. Mr. Cassidy explained that while this alternate plan works, it is not aesthetically pleasing and would decrease the space for landscaping. but expressed that this plan works but it is not preferable. - north and east boundary to 2 units but to keep 160 units had to extend two other buildings. Mr. Cassidy then described the possible ideas for exterior designs, including siding, brick accents, and faux stone.

Mr. Cassidy responded to a comment about decreasing the number of units, stating that there are significant non typical development costs and it was necessary to keep the development at 160 units to be profitable. Mr. Cassidy described the non typical development costs, including: widening the road, possible signal improvements, contingency fees, connection to emergency access road, and connection to water main.

Mr. Cassidy explained that only Phase I testing had been done so far and that Phase II testing and remediation could cost more than \$600,000. Mr. Cassidy reported that this would equate to \$11,000 per unit of non typical off site costs and they therefore cannot decrease the number of units because it will be very difficult to deal with these costs. He reported that there would be no impact on the sewer system and there would be water improvements. He also explained that decreasing the number of units would not have a substantial impact on decreasing traffic. In order to make the project viable, it was important to stay with 160 units.

Mark Calabro read a letter from Belfonti Developers into the record concerning non-typical improvements, explaining that fewer units makes the project less likely to be viable.

Joseph Fazekas, 34 Geer Street, member of Cromwell's Economic Development Commission and Redevelopment Agency. Mr. Fazekas discusses the best use for the land, commenting that other possible uses for the land may not be preferable to this development. Mr. Fazekas expressed respect for the concerns of the community and explained that he works on lots of projects and this development offers luxury apartment living by choice, not Section 8 housing. Mr. Fazekas addressed concerns about density, stating that the proposed development would be less dense than Country Squire. He ended by explaining that this development would create many jobs for the town, including a full maintenance crew and office managers along with the use of local vendors.

Helen Barnaby, 21 Sunridge Lane, expressed concerns about issues with other luxury apartment developments, referring to the articles she passed out, in Wallingford and Portland. She explained that 1.5 parking spaces per unit is not feasible and that she was concerned that the new residents will use the parking lots in her development. She expressed concerns about the tax burden and the possibility for gang activity, as seen in developments in Middletown. She closed by stating that many members of Cromwell are against this development.

Eric Bennett, 16 Glenview Drive, stated that a majority of residents are in opposition to the proposed change. Referencing his 32 years of residency in Cromwell, he is against the idea of re-zoning the currently residential lot, stating that the site does not necessarily need to be developed at all. Mr. Bennett stated that he believes the applicant should have to prove no alternate possibilities for the zoning and they should have done more estimates. He expressed concerns about the accuracy of the cost comparison portrayals. He stated that the buildings would not be an enhancement to skyline. Mr. Bennett expressed concerns about the potential costs of remediation, increased burden on Cromwell services, and the possibility of having multiple families per unit. Mr. Bennett also expressed concerns about Cromwell residents' ability to appeal an undesirable decision.

Lilli Green, 51 Clubhouse Drive, stated that this development sounds too good to be true. She expressed concerns about the lack of elevators and a 40% rate of non rentals in apartment complexes in surrounding towns. She stated that if the existing complexes are not being filled that there was not a demand for this development. She expressed concerns about the future of the development if the applicant was unable to fill the luxury apartments. Ms. Green stated that the development would be on an embankment and even at two stories, the development would tower over the other complexes.

Mark Rodriguez, 103 Country Squire, expressed concerns about increased traffic at an already dangerous intersection. He asked about the possibility of using the emergency access road as a main road in the future. Mr. Rodriguez expressed concerns about the environmental impact in relation to the former missile silos, citing his past experience with Roosevelt Stadium in Jersey City and the lawsuits that occurred there.

Patricia Scully, 25 Woodsboro Circle, expressed concerns about diminished property values based on the proximity to the development. Ms. Scully believes that non-owner occupied units would lead to increased rates of crime. She expressed concerns about the increased costs of educating students in Cromwell schools, explaining that by her estimates there would be approximately 18 additional students requiring \$242,748 per year.

Chairman Kelly called for a recess at 8:25 pm.

Chairman Kelly called the meeting to return at 8:32 pm.

Patricia Scully continued after the recess and said that this project would cost the town even more in diminished property costs overall and is worried that the additional tax revenue will not offset the increased costs of services and decreased property values. She also questioned Cromwell's refusal to take the land from the federal government when offered to them years ago.

Gaia McDermott, 28 Valley Run Drive, reiterated concerns about the taxes, the future of the town, effects on Cromwell education, and wear and tear on the roads.

Danielle Rich, 17 Sun Ridge Lane, reiterated concerns about parking problems, privacy issues, environmental impact, diminishing property values, and loss of wildlife.

Timothy Collins, 103 Country Squire Drive, expressed concerns about the environmental impact of developing the land and releasing contaminants into the air where his family resides. He reiterated concern about the strain on town services. Mr. Collins explained that the currently family oriented community may be stripped away by adding more people and possibly undesirable people if prices need to be dropped one day for lack of occupancy.

Tom Sullivan, 45 Woodsboro Circle, cited the history of the Cromwell Hills development using it as a cautionary tale for this project, citing explicitly the increased police presence in the area. He stated that he believes renters will not take care of the property and the development may deteriorate. Mr. Sullivan referenced the previous debate about the gate at the entrance to Willowbrook Road. He ended with a description of the development location as a wildlife refuge that is home to many animals.

Sharon Cooper, 3 Woodbridge Lane, reiterated other claims and expressed concerns about construction. She explained that the blasting in the CVS area caused structural integrity problems for residents close by and that there is possibly no recourse for those people. She detailed the significant inconvenience that heavy trucks would cause in regards to traffic and noise, specifically referencing wild and domestic animals and the many residents in the area who work from home. Ms. Cooper stated that there are too many unknowns involved in going forward with this project.

Mike Nearing, 19 Sun Ridge Lane Fox Meadows, reiterates other concerns, emphasizing parking issues. Mr. Nearing stated he believes the emergency access road will be a magnet for children on motorized vehicles and the town could be liable if someone gets hurt up there. He also stated that the development would take away the main desirability of the area which is the proximity to the woods.

Maureen Sullivan, 13 Cedar Drive, expressed disagreement with developer claims about average density in units per acre of the surrounding area. She stated that Fox Meadows and Country Squire have much lower densities than described by the applicant. She stated that even widening the road will still be dangerous because there will be more people on the road, especially during inclement weather. She asked about the possibility of sidewalks to provide a safe option for the number of children who walk up that hill. Ms. Sullivan stated that the Cromwell zoning was done with purposeful intentions and should not be changed unless it is beneficial to the residents of Cromwell. She stated that this is not beneficial to the residents of Cromwell and would only enrich lives of the developers.

Barbara Slowikowska, 11 Sun Ridge Lane, reiterate previous claims and explained that as a resident of Cromwell for 20 years this development would dramatically change the experiences of its residents. She stated that the development would diminish her property values and she would lose money if she decided to sell to move somewhere that had the draw that her property previously had.

Sebastian Kacmarizy, 29 Sun Ridge Lane, reiterated concerns about the development being built on a hill, affecting the skyline. He stated that if less units were built on the development, the costs of road and signal improvements would not be necessary. In regards to cleaning up the site, he believes that it should be up to the federal government to clean it up. He expressed that there are a number of other possibilities that would be more beneficial to the town than this proposed development.

Cynthia Fiore, 27 Sun Ridge Lane, spoke to reiterate everyone's previously stated concerns.

Lilli Green, 51 Clubhouse Drive, spoke again stating that there would be decreased demand for rentals because GE and possibly Aetna leaving Connecticut. She stated that

other apartment complexes are being built in surrounding towns and that it may be wise to table this discussion for a year to wait and see what the economic situation is like in the future.

James Kaminski, owns a house on 36 Court Street and rents a place in Country Squire, expressed concerns about the safety of children walking on the road up to the development. He also spoke about the tax revenue of apartment versus condo development. Mr. Kaminski reiterated concerns about the burden on town services without the tax revenues to compensate.

Stuart Popper read several letters into the record from the following:

Ann Marie Perier, Country Squire II Homeowner's Association, reiterating concerns about the development regarding decreased property values.

Larry McHugh, Chamber of Commerce 393 Main Street Middletown, wrote in support of the development.

Monique Simon, 8 Glenview Drive, wrote regarding concerns about the effect of the development on the feel of the community.

Ken Paklos, 16 Britney Circle, wrote in support of the project, citing the environmental benefits of cleaning up the area, tax revenues, and job creation.

Beth Drake, 23 Sun Ridge Lane, wrote in opposition to the project, citing diminished property values and a lack of information about the future of the project. She also expressed concern about the proposed gated entrance to the emergency access road. Ms. Drake implored the commission to focus on the best interests of Cromwell's residents.

Diane Whitney, for the applicant, spoke to answer the concerns of the public. In regards to parking, she stated that the proposal was within town regulations. Ms. Whitney stated that if the zone change was approved, a traffic study will be done to address parking concerns. In response to numerous concerns, Ms. Whitney stated that construction will not begin immediately and there are a number of subsequent steps to take. Ms. Whitney discussed environmental concerns, stating that the property is currently contaminated and that leeching has most likely already happened. Phase I testing is not an extensive or intensive review and more tests need to be done to determine the extent of toxins in the soil. Remediation costs are likely to be extraordinarily high and would be impossible to remediate for single family use. Ms. Whitney stated that the applicant will fix environmental problems, for instance the current asbestos and toxins in the buildings. She stated that the location is not a wildlife refuge and it has been the site for arson, graffiti, drug activity, and more. Ms. Whitney stated that the Belfonti company will still own the property and will therefore maintain the property. She stated also that the tax

incremental value should cover the increases in student and service expenses. In summary, she reiterated that the development complied with all regulations, the town would receive a cleaned up site, gain emergency access, and a road that better fits the existing residents.

Brian Dufresne asked the applicant about sidewalks. Jim Cassidy responded that sidewalks would be included in the development.

Richard Waters expressed concerns about the possibility that the “Nike site” is considered a memorial to the first Cromwell resident to die in WWII. He also expressed concerns about the contaminants in the soil and about the possibility of the applicant backing out if there are too many contaminants. Mr. Waters reiterated concerns about the property being built on top of a hill and that the development will seem a lot higher than portrayed.

Jeremy Floryan asked if there will be any additional fencing around the proposed development. Jim Cassidy stated that the applicant would consider fencing if necessary. Jeremy Floryan asked about the realistic nature of the parking situation. Jim Cassidy reiterated that the proposal is in compliance with Cromwell regulation for 1.5 spaces per unit. Mr. Cassidy stated that they would look for additional parking areas if necessary and that there is no intention of having residents park in other developments.

Michael Cannata asked about the total number of units in Country Squire and Fox Meadows in Phase I, II, and III of the developments, which were 112 and 348 respectively. Michael Cannata then asked about water service to the emergency access road. Jim Cassidy responded yes and then spoke about the emergency access drive, stating that the gate should not be an issue as it was not an issue in the two other developments in town. He stated that the drive will not become a thorough fare.

Michael Cannata stated that he was on the Planning and Zoning commission back when the Evergreen development was commissioned and stated that it will not become a thorough fare and that the water connect is crucial. Mr. Cannata explained that this emergency access will be great for both of the other developments as well.

Stuart Popper asked about the proposed construction time frame. Jim Cassidy responded that it depends on the occupancy rate, referencing two other developments in Rocky Hill. Based on the remediation and the off-site improvements, if all goes smoothly, Jim Cassidy estimates that it will take a few years.

At Michael Cannata’s request, Stuart Popper reviewed the procedure for tonight’s vote and what would occur going forward. Stuart Popper explained that the vote this evening would only be approving the zone change and that it is not a license to begin construction immediately. If approved, the applicant would need to return to apply for a special permit. There would need to be several studies, including traffic and water studies, to

show that the plans would work for the town. Mr. Popper stated that all must be approved by the commission. If approved, the applicant would need to apply for building permits. Mr. Popper said that the vote this evening was only regarding the zone change and an initial concept proposal.

Michael Cannata added that several other projects have been approved in the past but the applicants chose not to go forward. Mr. Cannata also stated that single family homes on that hill would not be a good idea because there are 460 units adjacent to it and people would not want to build single family homes in that area.

Richard Waters, referencing a previous deal on Golf Club Road, stated that developers have chosen not to build because the Planning and Zoning Commission wanted them to construct a lower amount of units than the developer was amenable to and the deal did not go through. Mr. Waters reiterated his concern about the possibility of building on a memorial to a Cromwell veteran.

Kenneth Rozich responded that it is not a memorial that it is a private piece of land and has been taxed by the town as such.

Chairman Kelly called for a recess at 9:45 pm.

Chairman Kelly called the meeting back to order at 9:50 pm.

Stuart Popper reiterated that a favorable decision this evening would only approve a zone change and the initial concept plan.

Michael Cannata made a **motion** to close the public hearing. Richard Waters **seconded** the motion. *All were in favor; the motion passes.*

Kenneth Rozich expressed that while he was not a fan of the concept design, he was in favor of having the site cleaned up and reiterated that it would require deep pockets to do so. Mr. Rozich also discussed concerns about the current use of the property by kids for delinquent purposes and that the deteriorating buildings may injure someone.

Jeremy Floryan agreed with Mr. Rozich, stating that the site was very dangerous and that he is more concerned with leaving it the way that it is than developing it.

Michael Cannata discussed the significant benefits of the development, highlighting the water interconnect, an emergency access road, a safe and reconstructed Country Squire Drive, an improved intersection, more housing, and a clean up of an environmental nightmare. Mr. Cannata also argued that the “not in my backyard” defense is not a good enough reason to be against this project.

Paul Cordone stated that he understands the concerns of both sides and that he thoroughly listened to everyone who came to speak. Mr. Cordone stated that he is in favor of development there, but he is unsure about the development of apartment units.

Kenneth Slade responded to concerns that renters do not care about their rentals as much as owner-occupants and stated that that was not always the case in his vast array of experiences. Mr. Slade stated that he completely understands all concerns and that the benefits of the development outweigh the negatives.

David Fitzgerald spoke about the Evergreen development and how the people of Cromwell were initially against it but found that it did not affect the town as was expected. Mr. Fitzgerald stated that he understands the concerns regarding apartment units but that they are just like houses in Cromwell and that some neighbors may not care about their houses with the same result.

Chairman Kelly stated that this development is in her backyard and that she, and others, initially had problems with Fox Meadows coming in. Chairman Kelly stated that there is a significant history of the town opposing new developments. She said that property is terrible up there and she is in favor of getting the place cleaned up. She stated that there are too many benefits that outweigh the negatives.

Stuart Popper reiterated that a favorable decision this evening would only approve a zone change and the initial concept plan. Stuart Popper asked the commission to respond if they are voting in favor or against and to specify your opinion about the number of units and the heights of the buildings for the record.

Chairman Kelly asked if the commission was ready to vote. All were in favor.

Michael Cannata made a **motion** to approve to amend the Zoning District from R-25 to PRD for the 8.75 acre site Parcel Identification Number #0033600 (also known as the Nike Site) at the end of Country Squire Drive and to adopt master plan as required of the PRD District Section 8.9.J which depicts 7 buildings and a clubhouse on the site. The total number of units on the site is 160 units and that it includes 2 and 3 story buildings. Brian Dufresne **seconded** the motion.

Vote:

Michael Cannata voted **in favor** stating that it is in compliance with zoning regulations and wants the project to move forward.

Jeremy Floryan voted **in favor** stating that it is within regulations and seconds Michael Cannata's reasons.

Richard Waters voted to **oppose** the motion due to concerns about the health and safety of the people in the area. Mr. Waters recommends 2 story buildings with 100 units total. He stated that he wants to go with the will of the people.

Kenneth Rozich voted **in favor** stating that it is within regulations and the applicant has demonstrated as such.

Brian Dufresne voted **in favor** stating that it is in compliance with zoning regulations.

David Fitzgerald voted **in favor** stating that it is in compliance and that the site needs to be cleaned up.

Kenneth Slade voted **in favor** stating that it is in compliance and that it will bring more good than bad to the town.

Paul Cordone voted to **oppose** the motion stating that while it is in compliance, he is against the number of units proposed.

Chairman Kelly voted **in favor** stating that the proposal is in compliance and hopes to clean up the area.

Vote 7-2 in favor. Supermajority. Motion passes.

10. Approval of Minutes:

- A. January 5th, 2016
- B. January 19th, 2016
- C. January 31st, 2016
- D. February 2nd, 2016

Jeremy Floryan stated that in the meeting minutes on 1/31/16 and 2/2/16 his name was misspelled and wanted to correct it for the record.

Michael Cannata made a **motion** to approve the amended meeting minutes for 1/5/16, 1/19/16, 1/31/16, and 2/2/16. Kenneth Slade **seconded** the motion to approve the proposed minutes. *All were in favor; the motion passed.*

11. Commissioner's Comments

No Comments.

12. Adjourn

Michael Cannata made a motion to adjourn the meeting at 10:18 pm. Paul Cordone **seconded** the motion. *All were in favor; the motion passed.*

Respectfully Submitted,

Abby Marchinkoski

Abby Marchinkoski
Recording Clerk