

Zoning Commission Special Public Hearing

June 29, 2016

The Zoning Commission held a Special Public Hearing on Wednesday, June 29, 2016 at Stratford Town Hall, Main Street, Stratford, CT per notice duly posted.

Members Present: L. Pepin, Chairman D. Fuller, M. Juliano, S. Farrington-Posner, G. Forrester sitting for S. Philips

Also Present: Jay Habansky, Planning & Zoning Administrator

Members Absent: S. Philips

Alternates: G. Forester

Call to Order: Chairman Fuller called the Public Hearing to order at 7:30 p.m.

Public Hearing

795 James Farm Road – Petition of 500 North Avenue, LLC to amend the Zoning Regulations by creating a new Section 28 entitled “Julia Ridge Housing Opportunity Development Zone” in an RS-1 District –

798 James Farm Road – Petition of 500 North Avenue, LLC to changes the zone of a portion of the property, as shown on the site plan dated June 10, 2015, completed by Rose Tiso & Company from as RS-1 District to the proposed Julia Ridge Housing Opportunity Development Zone –

795 James Farm Road – Petition of 500 North Avenue, LLC for the approval of a site plan under the proposed Section 28 of the Zoning Regulations in order to construct a seventy-two (72) unit affordable housing development pursuant to Section 8-30g of the State Statues, on a property located in an RS-1 District -

Continuing from the June 28th Public Hearing, Attorney Kubic submitted:

- Letters from neighbors in opposition
- Original verified pleading dated May 28th

Lieutenant from the Stratford Police Departments’ Traffic Division reviewed plans and is concerned about the traffic impact the driveway will have on the surrounding streets. He discussed road closure effecting emergency vehicles. Mr. Juliano suggested having police at construction site.

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Director of the EMS for the Town of Stratford reiterated the Lieutenants' concerns about the one entrance driveway plan for access to the facility. He discussed grade of driveway and response time for emergency vehicles.

Retired Judge of Probate, P. Kurmay, feels the applicant does not meet the requirement standards for an 8-30g application. Attorney Bellis objected to his legal advice to the Commission.

Attorney Kubic discussed bankruptcy case, Judge Radcliffs' ruling, noted Attorney Bellis was not approved by the bankruptcy court, all abutters not notified and noted there is no information on who signed the site plan application. He reiterated that this application is not complete. He submitted into record:

- Case #14-31094 of the Bankruptcy Court
- Evidence of conversation between Judge Radcliff and Attorney Bellis
- Video of the May 28th and June 20th hearing

He continued discussing exhibits entered from the June 28th Public Hearing noting that he had contacted Eversource.

Mr. Ezyk, 570 James Farm Road, continued testimony from the June 28th Public Hearing, discussing location of sewer lines noting that sewer installation will disrupt traffic for a long period of time. He referred to the "Environmental Planning Services Report" submitted by Attorney Bellis and SP-2 applicant's drawings in reference to the gallery. He entered into record:

- Hydraulic excavator specifications
- Article from the Connecticut Postdated 4/17/2016

Attorney Bellis questioned if he had ever designed a sewer system, represented a developer or builder on a construction project, testified as an engineer in any other town, designed or constructed a gravity block wall and that it is his professional opinion that this wall cannot be built from the high side. Mr. Ezyk answered in the affirmative to questions and noted it is his professional opinion that it is extremely likely wall will collapse if constructed from high side.

S. Danzer, Steven Danzer Associates, Soil Scientist, referred to Attorney Kubic's memo of April 13th noting this application should be sent to the Inland Wetlands Commission for review. He referred to 3.24 of the Zoning Regulations, discussed possibility of box turtles on site and noted he feels the erosion control plan is inadequate. He submitted into record:

- Inland Wetland & Watercourses Regulations

Attorney Bellis noted Judge Radcliff felt this project would not have any impact on wetlands.

Attorney Kubic submitted:

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- 831 signatures in opposition
- Bird and animal habitats
- 7 additional letters in opposition
- Zoeller Specifications

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He referred to previously entered exhibits 23-28 and discussed visibility of units from road.

Recess – 9:28 p.m.

Resume – 9:37 p.m.

Attorney K. Kelly, representing the Town of Stratford, referred to the May 31st verified pleading entered into record and letters from the DEEP on March 24th in reference to the box turtles on site. He noted, for record, report from M. McCarthy suggesting application was insufficient, Health Department noting insufficient garbage containment and Town Engineer who does not feel there is sufficient details and the offset driveway is a safety concern. He also discussed need for application to go to Inland Wetland Commission and a need to do a storm water calculation because of the close proximity of the galleries to the wall. Approval from the WPCA and Aquarium Water Company is necessary.

Deputy Chief Godfrey, Stratford Fire Department, discussed fire apparatus dealing with the driveway and the 20' drop. The length and width of trucks would also pose a problem navigating premises.

Attorney Kelly discussed flaws in site plan of this application – 1) wrong acreage 2) only notifying property owners abutting four (4) acres 3) No A2 survey 4) Not sent to Inland Wetland Commission. He feels this is an incomplete application and should be denied.

T. Pietras, Soil Scientist, submitted into record:

- Resume
- Replies on March 16th, April 23rd, and May 28th to applicants site plans

He discussed lack of information on the site plan, size and operation of the sediment basin and design of the system. He feels the applicant should provide information for a 50 and 100 year storm. He noted that in the case of failure of the retaining wall 36,000 cu yds. of fill would go in the direction of the wetlands.

Attorney Bellis questioned if a larger catch basin would be a greater safeguard to the wetlands. Attorney Bellis questioned if adding more galleries would be sufficient.

Attorney Kelly discussed the negative impact on wetlands in the scenario of failure of the retaining wall, traffic impact, flawed storm water system and 12% grade.

T. Casey, STV Inc., distributed and reviewed "Traffic Impact Study of Julia Ridge by STV Inc." He suggested traffic report should be done again and analysis should be done during the construction phase.

Attorney Kelly submitted letters from Town residents:

- J. Delaney Jr.
- J. Dinihanian
- J. Jacopian

He discussed the amount of affordable housing in Stratford under 8-30g and median income of the Town of Stratford. In conclusion, this affordable housing application should be denied:

- 1) Does not meet necessary health and safety concerns
- 2) Commission must decide whether public interest clearly outweighs the need for affordable housing
- 3) Public interest cannot be protected by this affordable housing application

He noted that Success Village and Stoneybrook were taken off affordable housing roles in 2006 and discussed remedies to bring them back into compliance with 8-30g.

M. Silva, Engineer, Rose-Tiso and Company, addressed comments and alternatives. Submitted into record:

- Reply to comments by STV Mr. Silva
- Versa-Lok literature
- Drawing of Reinforced Retaining Wall
- Reply to Comments by Fire Department

He also transcribed and demonstrated degrees converted into percentages – 5 degrees=8.75% and 8 degrees=14%

M. Klein, Soil Scientist, referred to Mr. Danzers' report and testimony on box turtles at site and submitted letter from DEEP dated June 17th.

Traffic Study Consultant stands by his traffic counts, trip generation, intersection offset and traffic volume previously submitted.

In conclusion, Attorney Bellis voiced his disapproval of Councilwoman Manus who gave her opinion at the June 20th Public Hearing. He feels what she did is totally illegal.

He noted that the Commission must show more than a possibility of harm and more than traffic to be a safety concern. Also discussed 8-30g which supersedes all zoning standards. He submitted into record bankruptcy court document authorizing Pellegrino Law Firm to be

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counsel in this application. He referred to the previously entered "Amended Application to Amend Zoning Regulations" and entered into record:

- Property survey for 795 James Farm Road
- Phase I Archaeological Reconnaissance Survey
- ACS Architectural Consulting Services report
- UCONN letter dated 6/24 2016

He also noted if this application is referred to Inland Wetland Commission he will go back to Judge Radcliff. He is willing to work with this Commission on any conditions set forth.

For the record, Mr. Farrington-Posner addressed attorney's noting he cannot control what someone comes to the podium to say but he wants them to be assured that he will not be bias and is not beholding to anyone.

Debra Coenen, 690 Peters Lane, submitted letter in opposition to the project.

Mr. Forrester made a motion to close the Public Hearing at 11:37 p.m. The motion was seconded by Mr. Farrington-Posner. The motion carried unanimously.

Respectively Submitted,

Gail DeCilio

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