



## Planning & Zoning Commission

### PUBLIC HEARING MINUTES

Monday, March 31, 2014

7:00 PM

Main Meeting Room

Oxford Town Hall

### CALL TO ORDER

**Chairman Carver** called the Public Hearing to order at 7:08 PM.

### ROLL CALL

**Present:** David Stocker, Pete Zbras, Harold Cosgrove, Arnie Jensen, Jeff Luff, Tanya Carver, Pat Cocciaarella and Todd Romagna.

**Also Present:** Administrative Secretary, Jessica Pennell, Town Engineer, Jim Galligan, Town Planner, Brian Miller, Anna Rycenga, ZEO and Court Stenographer Anne Sohon.

**Not Present:** Glen Persson and John Kerwin.

### PUBLIC HEARINGS:

- 1.) Z-14-001 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1) (Zoning Regulations Amendment- Proposed New Article 5B – Housing Opportunity Development District – HODD)
- 2.) Z-14-002 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1) (Zoning Map Amendment)
- 3.) Z-14-003 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1) (Application for Site Plan Approval)

**Chairman Carver** seated Alternate David Stocker in Commissioner Persson's absence.

**Commission Secretary Luff** read or referenced the following correspondence:

- Letter dated 3/18/2014 from the Greater Bridgeport Regional Council
- Letter received 3/24/2014 from Virginia Mason, Council of Governments of the Central Naugatuck Valley
- Response Letter dated 3/26/2014 from Manny Silva – Rose Tiso & Co.

**Christopher Smith, Attorney for the applicant**, stated that they have a written response to Brian Miller and Nafis & Young comments. He also questioned if the Commission retained the acoustical engineer.

**Anna Rycenga, ZEO** stated that the acoustical engineer has been retained, but that he has not yet presented her with his scope of work. She stated that when he does give her that information, she will pass it along to Chris Smith.

**Chris Smith** went over Town Planner, Brian Miller's questions and provided answers (*ATTACHMENT A*). He turned the podium over to Mr. Manny Silva.

**Commissioner Cosgrove** questioned at the last meeting, what is the distance that a child is going to have to walk to get to the bus stop. He also questioned provisions for a bicycle rack at the bus stop, and a basketball court, somewhere the children can play.

**Chris Smith** stated that they will ask the applicant if there are any objections to adding bicycle racks.

**Pete Zbras** questioned the hammerheads and if they have been corrected.

**Manny Silva, Engineer for the applicant**, referred to SP1, units 111 and 107 which are facing each other, they have two visitor spaces at the end of their driveway and essentially that also facilitates them from having to make a three point turn out, but this is not a hammerhead turnaround.

**Pete Zbras** questioned the distance from the street to the house.

**Manny Silva** answered that the distance is 20', so you could park a car in front of the garage.

**Chairman Carver** asked Manny to answer Commissioner Cosgrove's earlier question.

**Manny Silva** stated that the unit with the longest distance to the bus stop would be Unit 93, which would be approximately 1500'.

**David Stocker** questioned if there is a parking area at the bus stop shelter.

**Manny Silva** stated that there is a parallel parking pull off right near the bus shelter that will accommodate approximately 8 vehicles.

**Commissioner Cosgrove** stated that he did not think the design was very good; it does not have enough parking spaces for the parents to safely pick up their children.

**Chris Smith** stated that it is their position that having those 8 parking spaces provided is more than adequate to provide for a particular bus with a particular level of grade children.

**Manny Silva** stated that there were two letters that were issued by Nafis & Young, one dated 3/4/14 and on dated 3/26/14. He stated that the traffic impact study has been updated. He presented his responses to Nafis & Young's comments to the commission in writing (*ATTACHMENT B & ATTACHMENT C*).

**Chris Smith** stated that he wanted to refer to the EPA document which is an attachment to Manny Silva's document; it shows some comparisons of household mechanical devices and their decibel levels. He briefly went through the items in the document and their decibel levels.

**Chairman Carver** called for a 10 minute recess at 8:20 PM.

**Chairman Carver** called the meeting back to order at 8:31 PM.

**COMMISSION COMMENTS/QUESTIONS:**

**Commissioner Romagna** stated that he had a question about the hammerhead turnarounds. He stated that he wanted to clarify that the extended driveways that were discussed were 20', he questioned if that is accurate.

**Manny Silva** referred to Sheet SP-4, to answer Commissioner Romagna's question.

**Commissioner Romagna** stated that then the length of the extended driveway would then be 80'.

**Manny Silva** stated that is correct.

**Commissioner Romagna** questioned if that is 80-120 feet, is that cause for concern for emergency vehicles.

**Manny Silva** stated that it is not cause for concern; most residential homes have driveways this length.

**Commissioner Romagna** questioned the distance of Unit 93 again, suggesting that a more appropriate distance is 2,000'.

**Manny Silva** concurred that it is closer to 2,000' rather than the earlier stated 1500'.

**Commissioner Romagna** mentioned the traffic study from April 2013, therefore the traffic study accompanying this application does not take into consideration the 35% population increase.

**Manny Silva** stated no because the calculation made for the traffic study is by unit number, not by the bedroom count.

**Commissioner Romagna** commented that he doesn't understand why Mr. Silva feels that most of the residents will not have children.

**Manny Silva** stated that the reason is because essentially you have two kindergarten shifts in Oxford, and on; therefore with that rotation you really will not need more than 8 vehicles. He also stated that school district makes the children walk much further.

**Commissioner Romagna** questioned if this is based on anything other than Mr. Silva's opinion.

**Manny Silva** stated that they will put in more spaces if the community feels they are needed.

**PUBLIC COMMENTS/QUESTIONS:**

**Mike Riso, 111 Country Club Drive**, stated that Attorney Smith referred to the density issue that the current proposal is within the density of the original approved project. He stated that seems reasonable, but he wanted to reinforce that the original project was an age-restricted community which like Oxford Greens, has an average of 2 to 3 people living in every house. He stated that bringing it down to non-age restricted, that density would increase substantially. He commented that the amount of distance per acre would be more populated than under the existing approval. He also commented on the impact of the children on the schools and the affect this community would have on the budget. He stated that they cannot diminish the effect that this will have on our taxes as far as the amount of kids coming into the school systems. He noted Commissioner Cosgrove's concerns about the distance for the bus, and the fact that this is in an industrial area where businesses will be coming in as well as industrial vehicles, which may not be appropriate. He noted that one of the other reasons that were given about why they are changing this to a non-age restricted development is because of the market, while he read in a local paper that one of the reasons why these homes did not sell was because of the loudness of the airport.

**Johanna Tangredi, 115 Country Club Drive**, stated that the one thing that they are not concerned about is the study, they say that there is not strong evidence that that the power lines would not cause any kind of cancer and we all know that the studies today tell us one thing, and 20 years later when these little children get cancer or leukemia, we are all wondering why.

**Evelyn Kuhn, 624 Troon Court**, questioned if the school system can handle all the children that this project would bring to town.

**Chairman Carver** explained that this application is an 8-30g and the impact whether economic or educational cannot be considered relevant by the commission when making their decision.

**Mike Tangredi, 115 Country Club Drive**, stated that he is a retired chief electrician from One Police Plaza in Manhattan and he stated that the high voltage lines that go through the property start off at 115,000 volts and it is harmful.

**Town Engineer, Jim Galligan** stated that Mr. Silva that he mentioned, and had listed in his response that the intersection site distances meet the DOT guidelines, he asked Mr. Silva to state for the record the 85<sup>th</sup> percentile.

**Manny Silva** stated that the 85<sup>th</sup> percentile for speed was 39 mph.

**Town Engineer, Jim Galligan** noted for the Commission that what is known as the 85<sup>th</sup> percentile is an actual measurement of the vehicles speed, and the 85<sup>th</sup> percentile is what the DOT uses as a guideline for setting intersection site line distances. He referred to question #5, and asked Mr. Silva to bring up the diagram.

**Manny Silva** referred to figure 5-2 of the DOT Noise Study.

**Town Engineer, Jim Galligan** questioned what the single line represents.

**Manny Silva** stated that the single line represents the center line extension of the runway.

**Town Engineer, Jim Galligan** questioned the flight pattern width that is associated with that diagram.

**Manny Silva** stated that the flight pattern for the majority of the flights coming in from the south to the north on runway 36, there is an FAA document that shows an approach for this runway.

**Town Engineer, Jim Galligan** stated that the point he is trying to make is that there is a line that crosses the parcel, but there must be some type of flight width associated with that line.

**Manny Silva** referred to the Pilot's Guide to Oxford Airport and referred to the ILS or LOC RWY 36 (*ATTACHMENT E*).

Discussion ensued regarding the flight pattern width.

**Chris Smith** stated that they will see if they can get more information regarding the width.

**Town Engineer, Jim Galligan** questioned the high point of elevation on the parcel?

**Manny Silva** stated that the highest point on the site is 720 feet.

**Town Engineer, Jim Galligan** questioned the elevation height of the approach angle at the north end of the property.

**Manny Silva** stated that it is 5%.

**Brian Miller** stated that he is not familiar with the Traffic Engineer's Manual, but Manny made a statement that the traffic generation counts do not differentiate between a 1 bedroom unit and a 4 bedroom unit.

**Manny Silva** stated that is correct. He commented that when they restricted those units to 2 bedrooms, it was overly conservative.

Discussion ensued regarding traffic generation related to the number of bedrooms in the units.

**Brian Miller** stated that he believes, although not an expert, that more traffic would be associated to units with more bedrooms. He commented that when he put his memorandum of review together, just to be clear, there were three applications and he tried to be respectful of those three applications and put his comments for the zone amendment, the zone map change and then the site plan and he separated them out and there was some crossing of lines in the answers to his questions. He referred to question #3 regarding the amendment, and stated that there are no internal property lines in a common interest community. He questions Chris Smith if this only applies to the perimeter.

**Chris Smith** answered "correct".

**Brian Miller** questioned if the street line setbacks only apply to the perimeter streets, not the internal streets?

**Chris Smith** answered that it only applies to the outer perimeter.

**Brian Miller** stated that there will be garages.

**Chris Smith** answered "correct".

**Brian Miller** stated that he believes that Chris Smith stated that he does not mind if the regulations are amended, especially if it was something they were planning to do anyway.

**Chris Smith** answered "correct".

**Brian Miller** referred to his question #8 on page #8, and stated that if something happens and the site plan wants to be amended, for example someone wants to increase the density by 50%, the only review power that the Commission would have under the amendment would be to permit the modified site plan. He asked Chris Smith if this is correct.

**Chris Smith** stated that is correct, but it would have to be an 8-30g compliant modification.

**Brian Miller** stated that it could be an 8-30g modification that increases the density 50%. So even if they are buying into what your client is proposing, the Commission could get stuck with something with less discretion.

**Chris Smith** stated that he doesn't think the discretion would change, but if the Commission were to approve the application, you could certainly have that as a condition if you wanted to reduce it.

**Brian Miller** questioned if they wanted to tie the site plan into the approved amendment. He stated that right now he is asking questions, not coming up with answers. He stated that on Page 9, #10 he talked about separation distances, he commented that he does not think that 20' is too far and it was indicated that most of them are 20' apart, but there are 7 homes that have only a 15' separation. He stated that for #11, the applicant is only proposing 1.9 units per acre, even though the amendment said 3, the applicant might be happy with the 1.9.

**Chris Smith** stated that he made reference to the building code just to show that it was not a safety issue.

**Brian Miller** commented that is all he has for his questions at this time.

**Jim Galligan** stated that there seemed to be a discrepancy in the responses, Page 16, the response to #4 says that there are no 2 bedroom homes proposed. The response to #5 says "two and three bedrooms".

**Chris Smith** stated that it should state "three and four bedrooms".

**Anna Rycenga, ZEO** stated for the record that when she did go out with Commissioner Luff and Mr. Brooks, when they were walking the site, they entered in through Rolling Farms Road and as they entered in they went to the highest elevation that they could find and that was at the common area and while they were there, they were only there for a half an hour, she said there were about seven planes, single and multi engine aircraft that took off. She stated that she is not an acoustical engineer but based on her personal observance, those planes were loud and low. She commented that the frequency of the flights that came in during that time was surprising to her. She also commented that while they were at the school drop off shelter location, it was peak time, the amount of traffic that was on Jack's Hill Road, they decided that it wasn't ideal to place that noise meter in that location because the vehicle traffic was going to interrupt with the noise monitoring, so they decided to put the meter 50' back from Jack's Hill Road for a more accurate reading. She was also concerned based upon her personal observation of all that traffic that was on Jack's Hill Road. She stated that possibly there should be some improvements to the road to widen that section.

**Chairman Carver** clarified that the concern of the Commission is the health, safety and welfare of the residents and everyone in Oxford. She stated that Glendale was approved in 2004 for an age restricted community, they are coming in for family, they are talking about kids now, and the issues are more concerning. She stated for the record that she wanted to thank Ann Krane for the information on the power lines because she took an opportunity to read the information. She stated that on Page 27, the concern is for childhood leukemia and she believes the Commission has to consider that (*ATTACHMENT F*). She also referred to the question and answer on Page 31 (*ATTACHMENT G*). She commented that it is to note that there is significance between power lines and leukemia. She asked Attorney Smith to clarify what the distances are between the power lines and the closest home or area.

**Commissioner Cosgrove** stated that on the left hand side where the power lines are we need to know the distance between the power lines and all those houses. He commented that down by the cul-de-sac the houses that Pete was talking about that were behind the other houses that are on road, what is the distance between the roadway and their house? He stated that the lower one, it doesn't have a turnaround like all the others do.

**Commission Secretary Cocchiarella** referred to Units 117 and 121.

**Chairman Carver** stated that they should set the next Public Hearing date.

**Anna Rycenga, ZEO** stated that the applicant would need to grant an extension.

**Chris Smith** stated that they would grant the extension.

**Chairman Carver** reiterated for the record that Chris Smith has agreed to grant an extension.

**MOTION BY Chairman Carver** to continue the Public Hearing to *May 6, 2014 at 7:00 PM*. **Second by Commission Secretary Cocchiarella.**

**VOTE: All Ayes.**

**ADJOURNMENT**

**MOTION BY Commissioner Cosgrove to *adjourn* the Special Meeting at 9:01 PM.  
Second by Chairman Carver.  
VOTE: All Ayes.**

Respectfully submitted,

  
Jessica Pennell  
Administrative Secretary  
Planning & Zoning Commission

14 JUN -9 PM 1:53  
TOWN OF OXFORD, CT  
  
TOWN CLERK