

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**AMENDED MEETING MINUTES
APRIL 9, 2015**

Meeting: Planning and Zoning Commission
Regular Meeting – April 7, 2015
7 Fan Hill Road, Town Hall, Council Chambers

Present: Chairman Patrick O’Hara
Vice Chairman William Porter
Secretary Karen Martin
Commissioner Brian Quinn
Commissioner Dave Townson
Commissioner Cathleen Lindstrom (alternate)
Commissioner Jane Flader (alternate)

Absent: Commissioner Pedro Villanueva (alternate)

Also Present: Will Agresta, Planning and Zoning Administrator
Scott Schatzlein, Land Use Group Director/Town Engineer
Amy Guerra, Recording Secretary
Marion Chamberlain Recording Secretary In-Training

OPENING of MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman O’Hara called the meeting to order at 7:05 p.m. and invited those in attendance to join in the Pledge of Allegiance.

2. ROLL CALL AND SEATING OF ALTERNATES (if required)

Commissioners were seated on a roll call. Commissioner Flader was seated.

3. GENERAL PUBLIC PARTICIPATION – None

4. GENERAL APPOINTMENTS

349 Elm Street – Permit – Accessory Apartments Separate from Existing Structures

Tracy Torres introduced herself and stated she resides at 349 Elm Street. She and her husband are looking into creating an in-law apartment above their detached barn. It is 2,400 square feet and quite large. She was advised by Mr. Agresta that it would be necessary to attach the barn and house in order to make the apartment contiguous with their current home living space. Ms. Torres explained this would be quite costly. Consultation with an architect indicated a cost of \$40,000 extra. Ms. Torres researched surrounding towns on their regulations and found they are the same as Monroe's. She is looking for a possible exemption to the code. She is already aware that there is no chance for a variance on this matter because a financial burden does not fall under the Planning and Zoning usage. She also has asked if there is a possibility to change the code or allow a variance in the case of non-incoming producing apartments.

Chairman O'Hara explained that the Commission does not have the ability to distinguish between the types of apartment. An accessory apartment is an accessory apartment. Right now the code says it is attached to a principal dwelling. Chairman O'Hara stated that what Ms. Torres is looking for is an amendment to the code. Possibly through your discussion with Mr. Agresta, you were advised that what you are looking to undertake is offering a text amendment to the code which can be done by application. Chairman O'Hara asked Ms. Torres to go back over the space she is working with.

Ms. Torres states the upstairs is where the apartment would be and it is about 1,000 square feet. She is aware of the 800 square foot living space limit and therefore the 200 square feet would be used for storage.

Chairman O'Hara voiced that he believes Ms. Torres is trying to get a sense of whether it is worth hiring an Attorney to write new code for the Town of Monroe and that you then submit an application. Ms. Torres is willing to do this.

The other Commission members gave their thoughts.

Commissioner Lindstrom did not have a big issue with this. Vice Chairman Porter reiterated that they were bound by the code and short of modifying the Regulations their hands are tied but would be open to reviewing a revision. However, it would have to be written carefully. Secretary Martin agreed but also stated whether age restrictions could be set. Worth exploring since this is an aging population and this issue may come more common place. Would not rule it out.

Chairman O'Hara – Clarified that Section 6.9 of the Regulations is where the concentration of what is being discussed is covered.

PUBLIC HEARINGS

5. SPECIAL EXCEPTIION PERMIT

SEP-2014-13, File 1549A – 462, 464, 466 & 470 Main Street Construction of a commercial building for retail & office use, JV462 Main Street LLC, 464 Main Street LLC, 466 Main Street LLC and 470 Main Street, LLC (*reconvened from 2/19/15*)

Chairman O'Hara – Noted that the rules of conducting a public hearing are still in effect. Attorney Rizzio we have a new member on the Commission who has been sworn in. David Townson. Commissioner Townson confirmed he was at the public hearing on February 19, 2015. Attorney Rizzio stated that he has no issue with Commissioner Townson participating.

Attorney Raymond Rizzio - Attorney for the Applicant. Summarized where they were. Most of the site planning is complete; a full traffic analysis has been completed. There have been some changes. The wetland drainage revisions were approved by the Inland Wetlands Commission on April 6, 2015. A copy of the approval is an exhibit in this matter. There was one condition. A letter was required from the applicant's environmental expert to indicate that the new drainage system will not have a negative effect on the subsurface water system and plantings in the wetland remediation area. A letter from William Kenny, the applicant's expert was provided and states there is no negative impact. This should satisfy the Inland Wetlands Commission requirement. Copies of plans and letter by Mr. Kenny were presented to the Commission. Planner Agresta requested noted the need for a sidewalk easement instrument which instrument was presented for review and approval. Another set of easements are required relating to the sight lines and drainage improvements both on the adjacent property owned by Mr. Keith Bunovsky. He owns the property to the north, all the way around the back. Attorney Rizzio stated he also represents Mr. Bunovsky. Mr. Bunovsky will co-operate with any easements needed. The DOT actually controls the traffic and when we go for the encroachment permit, needed easements will be required at that time as well. Mr. Bunovsky also fully supports the application. There have been some revised plans that have been submitted. There is no longer any office space on the second floor. The upstairs will be constructed but not habitable. Property is fully compliant with regard to setbacks, with regard to size and with regard to coverage. There is a little over 13,000 square feet of dry retail proposed. No restaurants. Do not wish anything that would have a large traffic generator. Do not have the septic capacity to support that kind of use. Commissioner Lindstrom sought clarification regarding the usage of the second floor. Attorney Rizzio indicated it was not to be used for anything other than maybe storage. It has been laid out in the plans that should this change; it must first go to the Commission for approval. Attorney Rizzio also stated that the Commission could make it a condition that it remains unfinished.

Kevin Solli, project traffic engineer indicated that he has become more involved with the project and has discussed the refinement of the drainage system with the Town Engineer and is helping with site layout and circulation issues. Some changes were made to the site plan. Architectural and signage information was discussed. Highlights incorporated since last hearing include: an enlarged landscape island for more plantings, directional change for loading and unloading capabilities for tenants in the driveway, modifications to lighting plan to satisfy the comments of the staff. Made certain there was adequate lighting at the intersection.

A number of modifications were made to the drainage system. Consolidated a lot of the water quality units which was brought back to the Inland Wetlands Commission last night. That summarizes the substantial site changes from the last time. Traffic was discussed at great length at the last hearing. They will comply with all the requirements of the Department of Transportation (DOT) for the encroachment permit as we would be required to do.

Signage – They will be wood signs with inlay letters. There will be soft lighting. Green background and golden accent and black trim around the whole sign. Will use 8” letters spread out and will agree with the proposed sign regulation. Golden letters, golden inlay. Site sign would have aluminum frame for posts, copper finished top and LED recessed lighting this sign would have 10” letters and 8” letters for center names. Commissioner Lindstrom – The sign near the street will have only the name of the shopping center? Yes. Lindstrom – Personally finds it difficult to read signs with gold letters. Don’t believe them to be very legible, so I just wish to call this to your attention. Attorney Rizzio – Center will be identified but no logos or signs. Will continue to maintain the colonial style. The tenants will maintain small signs under the overhang of their respective places of business. Believe this is an attractive addition to the commercial corridor.

Commissioner Flader was concerned about the open space but was satisfied with responses. Commissioner Lindstrom had traffic concerns not within the parking lot. Solli responded that Route 25 connects to I95 and Route 15 and feeds into I84 – confirmed there is a lot of traffic. Solli states their traffic studies provide site uses that are going to have the least impact and mitigate the impact. Study indicates that this can be accomplished. As stated at the last hearing, there are a number of uses that are permitted on this site under the regulations that would be from traffic generation intensity. The proposed dry retail usage is probably the least intensive of a use.

Commissioner Flader was unseated and Commissioner Quinn seated with his arrival at 7:49 pm.

Vice Chairman Porter, has site lighting been addressed? Solli, Yes. This does not take into effect the DOT lighting. Colonial type fixtures like the shopping center across the street will be provided. Secretary Martin asked about outside storage? Solli indicated there will be no garbage cans outside, just a central dumpster which will be in an enclosure, nothing in front of the building. Secretary Martin said no neon lights are permitted. Solli concurred. Secretary Martin asked no storage carts or ice machines? – Solli said none. Planner Agresta indicated that he was satisfied with the applicant’s latest responses to comments. Chairman O’Hara asked if the applicant could address the 13 comments from CTDOT and if any were problematic? Solli indicated that he just finished a response to them today and that none of the comments were problematic. Chairman O’Hara asked about item one, runoff going into the next parcel. The Town Engineer noted that the drainage has been revised and will flow better. Important to note that the pipe is undersized and the development of this property will not change this nor will the flow be increased by this development; therefore, the potential of flooding is still possible as it was in the past. Vice Chairman Porter asked if they have sufficient backup to accommodate? The Town Engineer indicated no but they are making it better by decreasing the runoff. Solli indicated that this was reflected in the analysis.

The Town Engineer reviewed the bond amount estimate as being \$35,000 and theirs was \$68,000 because they put the full amount for landscaping. Adjustments were made accordingly. There is no objection to the lower bond. Commissioner Lindstrom asked if there was a sidewalk issue? Solli indicated that the sidewalk would be on the subject property with a green strip between it and Route 25. There was an easement agreement presented. The sidewalk ends at the end of the property. The Town Engineer still has some issues with the sightline. If certain conditions are addressed he will be fine with it. Attorney Rizzio – Conditions beyond this, via the permit process is necessary. Solli – We will comply.

Audience Comments – Mr. Hossler – Wants the project to go through for several reasons. This will take a piece of property that has been messy for a long time and make it beautiful and include employment and help the tax base. No other public comments.

Closing Statement by Attorney Rizzio – Wishes to state the property complies and appreciates the Commissions help.

Polling the Commission and hearing no objections, Chairman O’Hara closed the public hearing.

SITE PLAN REVIEW

6. SITE DEVELOPMENT PLAN

SDP-2015-01, File #113 – 75 Main Street -Service car wash accessory building

William Carboni, applicant’s representative indicated that the original development was in around 1993. In 2001 Enterprise leased the northern part of the building and then a service car wash was approved for the washing of Enterprise’s rental cars only. Previously was a paved area. An accessory structure was installed (Planner Agresta noted that past approvals did not include a structure over the car washing area) over the car wash paved area. In 2013 the structure collapsed and was replaced with the existing metal structure, now seeking post installation approval. The Town Engineer raised an issue in regard to a drainage easement which was never recorded relating to drain line that runs in front of the building. He had a solution going forward that he spoke with the applicant about and they agree that a solution can be agreed upon. It was suggested a curb be modified so trucks have turning abilities at the loading space. Architectural designs have been viewed and it was agreed that a door could be placed on the structure opening as recommended by the Architectural Review Board, whose recommendations were included in the file exhibits. Plantings are proposed at the site. Specific type and size discussed. Vice Chairman Porter indicated that all discharges go into a holding tank? Carboni said correct, all controlled by DEEP approved facilities which were also updated by current registration. Secretary Martin was concerned about cars being sold from the site. Mr. Petrie - Operations Manager for Enterprise indicated that there was no intention to sell cars at the site. Secretary Martin asked about lighting?...the style of the fixtures? – Carboni indicated that there are no lights and there will be none. Mr. Petrie said there is a florescent light on the inside of the structure. Secretary Martin asked about signage? – Petrie said no signs are proposed. The car wash is strictly for the use of Enterprise rental cars.

Planner Agresta reiterated that they are here today to legitimize the situation which was not accomplished before; also substantiated that the area could use some vegetation. O'Hara asked if Enterprise was the owner of the building. Carboni said they were not, it is owned by the owners of the A&G Auto Parts store. Commissioner Quinn asked if Enterprise would be willing to plant three or four trees in the front? Mr. Petrie said he would have to see. Secretary Martin asked about the dumpster? – Mr. Petrie said there are a couple of dumpsters and not sure if a separate one is necessary for auto parts. Secretary Martin asked if they would consider an enclosure instead of plantings? Carboni said when this was originally done in 1993 and then revised in 2001, there were no requirements for dumpster enclosure. Today, the dumpsters are all in the setback space so we cannot create a structure in the setback area.

Bond – The Town Engineer noted a bond estimate in the amount of \$2,500. Carboni agrees with bond estimate.

Polling the Commission and hearing no objections, Chairman O'Hara noted the close of this portion of the project review.

DELIBERATIONS and DETERMINATIONS

7. PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS

SUB-2014-02, File #1254C – 65 Hammertown Road – Time Extension

MOTION: Porter – To grant a 90-day extension to satisfy the conditions of approval.
SECOND: Quinn
DISCUSSION: None
VOTE: 5-0-0 – Approve
Ayes: O'Hara, Quinn, Porter, Martin, Townson
Nays: None
Absent: None

8. BOND RELEASES OR REDUCTIONS – None

9. MEETING MINUTES

MEETING MINUTES 12/04/14

MOTION: Porter – To approve the minutes as set forth in the draft.
SECOND: Quinn
DISCUSSION: None
VOTE: 4-0-1 – Approve
Ayes: O'Hara, Porter (listened to tape), Martin, Quinn
Nays: None
Absent: Townson

MEETING MINUTES 01/08/15

MOTION: Quinn – To approve the minutes as set forth in the draft.
SECOND: Martin
DISCUSSION: None
VOTE: 3-0-2 – Approve
Ayes: O’Hara, Martin, Quinn
Nays: None
Absent: Porter, Townson

MEETING MINUTES 03/19/15

MOTION: Chairman O’Hara – To approve the minutes of the 03/19/2015 meeting.
SECOND: Commissioner Quinn
DISCUSSION: None
VOTE: 4-0-1 – Approve
Ayes: O’Hara, Porter, Martin, Quinn
Nays: None
Absent: Townson

10. APPLICATION DELIBERATIONS/DETERMINATION

SUB-2014-03, File #1255C – 36 Timothy Hill Road – Industrial 5 lot subdivision

Chairman O’Hara stated this item would be carried to the April 23, 2015 meeting.

SEP-2014-13, File #1549A – 462, 464, 466 & 470 Main Street

The Commission initiated deliberations which began with Commissioner Lindstrom requesting the staff to write a letter of approval. The Town Engineer reviewed items from his hearing comments which should be included as conditions to an approval. Chairman O’Hara then reviewed the overall plan presented at the public hearing noting that whatever they offered and said they would label it as should be noted as a condition of the approval. The ability to connect this piece to the piece next door is what appears to be their plan for the future as the other piece has the traffic light. It could be at that time that the second floor space may become habitable. Necessary to be as specific as possible though so there are no misunderstandings. Over all they have created a nice building, and needed easements spelled out. The consensus of the Commission was direction to staff to prepare a draft approval for consideration at a future meeting.

SDP-2015-01, File #113 – 75 Main Street

The Commission initiated deliberations which began with Chairman O’Hara asking for direction. The Commission agreed that an approval was appropriate. Plantings will be done as presented but with the adjustment of size. There will be no signs on the structure. They will do the curb line change as the Town Engineer requested. The bond will be at \$2,500. Landscaping is to be provided on the sides and in front of the accessory structure and the area by Crescent Drive is to be restored. Include a condition that there shall be no selling of cars. It would be a violation of the regulations anyway. Address drainage easement to satisfy Town Engineer. The consensus of the Commission was direction to staff to prepare a draft approval for consideration at a future meeting.

OTHER BUSINESS

11. REGULATIONS REVIEW/AMENDMENT WORK SESSION

Signs – There needs to be more subcommittee work on this (smaller verse larger). The sign proposed for 470 Main Street is liked. Throughout the Town it has been noticed that very few signs are regulation compliant. There needs to be a limit of both names and size. Discussion extended to private roads and how signage should be used appropriately there.

12. CORRESPONDENCE/OTHER RECEIVED –

- Statuary notification on cell tower
- Referral from the Town of Trumbull

13. COMMISSIONER’S REPORTS

- Chairman’s Report - None
- Commissioner’s Reports – None
- Land Use Staff Reports – A meeting on Monday – Regional Plan – Draft document of strategies and objectives

14. MEETING AJOURNMENT

With no objections, Chairman O’Hara adjourned the meeting at 9:47 pm.

Respectfully submitted,
Marion Chamberlain, Recording Secretary In-Training