PLANNING and ZONING COMMISSION
Monroe, Connecticut

MEETING MINUTES
November 5, 2015

Meeting: Planning and Zoning Commission
Regular Meeting – 7:00 p.m.
7 Fan Hill Road, Monroe, Connecticut

Present: Chairman Patrick O'Hara
Vice-Chairman Porter
Secretary Karen Martin
Commissioner Brian Quinn
Commissioner David Townson
Commissioner Jeremy Hayden (alternate)
Commissioner Cathleen Lindstrom (alternate)

Absent: Commissioner Jane Flader (alternate)

Also Present: William Agresta, Planning and Zoning Administrator
Scott Schatzlein, Land Use Group Director, Town Engineer
David McCollum, Recording Secretary

OPENING of MEETING:

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman O'Hara called the meeting to order at 7:01 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.

3. GENERAL PUBLIC PARTICIPATION

Joel Leneker, of 70 Huntingtown Road, commented about the lack of enforcement and removal of advertising signage in places like the Green in Stepney (holding a sign for a fall festival held in September in Warsaw Park, Ansonia, an out of town event two months ago that he pulled off the Stepney Green two days before this evening's meeting. He requested that signs similar to the sign he had removed be handled accordingly by the appropriate official on a monthly basis.

Mr. Leneker asked the Commission if the old Vitramont site, also known as 10 Main Street, was currently zoned for the storage and parking of school buses. Chairman O'Hara replied that the site was not zoned for that use. Mr. Leneker added that the buses had been using that site for parking for at least a year, and asked the Commission why that use was being allowed.

Chairman O'Hara stated that the Zoning Enforcement Officer has met with associated parties involved. The Commission had previously asked the respective parties to work towards compliance, adding that a text amendment to the Zoning Regulations, a subdivision to the Pepper Street Business Park, and maintaining contact with the respective parties have helped to move the site forward towards compliance. Mr. Leneker asked if the Board of Education was paying for the use of the site, and who had authorized the use of the site. Chairman O'Hara replied that there was a line item for public participation at the Board of Education and Town Council Meetings, and that he could also discuss the matter with the First Selectman. Mr. Leneker asked what the timeline would be for rectifying the illegal use of the site. Chairman O'Hara stated that he believed it would be rectified by 2016.

4. GENERAL APPOINTMENTS

None

5. PUBLIC HEARINGS:

RAA-2015-02, File #973E: Draft General Text Amendments

Chairman O'Hara read the rules for a Public Hearing, and Secretary Martin read the Notice for the Public Hearing. Planner Agresta listed Exhibits 1 through 8.

Chairman O'Hara noted that the Commission's regulations subcommittee has been working with the Regulations, and that recent work resulted in the creation of the age-restricted zoning recently adopted. He also added that the current proposed amendments had been discussed by the Commission, and that the Commission was looking for additional public input.

Planner Agresta noted the referrals made to the abutting regional planning agencies and municipalities, and the responses received. All responding agencies indicated that the "matter was of local concern with minimal regional impact." Town of Newtown recommended adoption. No other responses were received. Planner Agresta summarized the seven proposed zoning text amendments.

The 1st proposed zoning text amendment would allow septic systems on residential portions of bifurcated lots existing prior to October 1, 2013 (a bifurcated lot being one that is partially zoned for commercial use and partially zoned for residential use). Bifurcated lots created after that date would not be eligible. Planner Agresta reminded the Commission that they had previously received a list of lots that were currently bifurcated, as well as their related maps.

Chairman O'Hara explained the rationale for adopting the amendment was in part due to the Town's past zoning action of creating commercial zones by setting 200-foot and 400-foot deep distances back on properties along Route 25 and Route 111 without regard for the lot boundaries. The Town had a role in creating a number of the lots. Planner Agresta replied that the majority of the existing bifurcated lots flanked either Route 111 or Route 25 or were related to some extent to these roads.

The 2nd proposed zoning text amendment would allow exceptions in the setback yard areas for buried propane tanks and septic disposal systems. He added that rationale for this amendment is the fact that septic systems need to be placed based on suitable soil conditions as opposed to property lines, and that restrictions on the installation of these subsurface facilities could make potential site development of a lot more difficult. The provision also looks at how it relates to the landscape buffer requirements.

Commissioner Hayden arrived to the meeting at 7:18 p.m.

The 3rd proposed zoning text amendment would add “Junkyard” as a prohibited use throughout the Town.

The 4th proposed zoning text amendment would delete the definition for “Caliper” add definitions for “Diameter-at-Breast Height or DBH,” “Junk” and “Junkyard.”

The 5th proposed zoning text amendment would replace “Caliper” with “DBH” in regard to minimum sized trees.

The 6th proposed zoning text amendment pertains to changes affecting signs, clarifying the permit process and language relative to area variances associated therewith going forward and when replacing or altering existing signs.

The 7th proposed zoning text amendment would change the allowable sizes of freestanding signs. The amendment would also change the allowable maximum number of nameplates on a freestanding sign, as well as establish minimum and maximum character heights of sign lettering.

Chairman O'Hara opened the Hearing to public comment.

Phyllis Kansky, of 28 Brookside Drive, stated that she had attended a previous Commission meeting where she had asked if the Commission would consider sending out letters to residents with regards to the Hearing. She stated her unhappiness that the Commission had not taken her request into consideration. She added that she did not know of the evening's public hearing through any legal advertisement, and that she was not a subscriber to the Monroe Courier. She was concerned that there would be other residents that would be affected by the proposed regulation amendments, and that these residents would not have been given knowledge of the evening's hearing. She commented, in regard to the 1st proposed zoning text amendment, that regardless of what the Town had done in the past, there are many of these commercial properties that were purchased with the knowledge that they were questionable properties for development, but the abutting residential owners had the comfort that the abutting lands were also residentially zoned. She felt that residential properties should also be given a fair shake on the decision, and that commercial properties were not more important than the residents of Monroe.

Ron Prushko, of 536 Monroe Turnpike, also spoke against the 1st proposed zoning text amendment. He gave additional comment to the concern that residents who would be affected by the proposed amendments were not aware of them. He hypothetically asked how many residents subscribe to newspapers that were available in the area. He specifically addressed an abutting property to his own, at 528 Monroe Turnpike, and referred to the zone change that had been previously proposed and denied at that property. He argued that the proposed amendment would change that situation, and commented that the current owners of the property appealed the decision and lost in court, the Commission’s decision to deny that zone change was upheld. He was concerned that the proposed 1st proposed zoning text amendment would effectively reverse that decision.

During Mr. Prushko's commentary, Commissioner Quinn arrived at the meeting at 7:28 p.m.

Sheila Sportini, of 194 Cross Hill Road, spoke against the 1st proposed zoning text amendment. She asked how many of the 33 properties on the list of bifurcated lots that had been given to the Commission were developable. She commented that every parcel of land has its own character and history. She also asked how many of the bifurcated lots would provide an economic benefit, and if the owners of any of the aforementioned lots had previously sought for a zone change. She wanted to know if there was any information that indicated that this change was necessary. She was concerned that an undeveloped lot that abutted her property could be impacted by the proposed amendment, thus impacting her own property. She added that the undeveloped lot was surrounded on all sides, save one, by other residential properties. The property is surrounded by residential. She stated that the proposed amendment was based on what the Town had done during the seventies and eighties. She commented that the issues related to the undeveloped lot abutting her property had been created by private parties, not the Town, and that the Town did not have the right to try and make a clean slate for any property. Every case should be taken into account on an individual basis. She added that when the owners of the abutting undeveloped property brought an application for re-zoning to the Commission, Chairman O'Hara used the word "pre-conditioned" during the ruling. The Commission deliberated to deny the zone change. She referred to the previous court appeal where the Commission's decision was upheld, and how the proposed amendment would contradict that decision. She was concerned about the protections that she would have for property if the proposed amendment was approved.

Joel Leneker, of 70 Huntingtown Road, addressed the proposed zoning text amendment regarding prohibited uses. He did not believe that inclusion of medical marijuana dispensaries as a prohibited use was a good idea (editor note: this is the existing regulation, not part of the current proposed zoning text amendments).

Chairman O'Hara read a written comment received from David Bjorklund, asking that the Commission consider adding domestic water wells, underground structures for the management of storm water, and light poles to the list of permitted structures in the setback area.

With no further pubic comment, Chairman O'Hara turned to the Commission for their comment.

Secretary Martin stated her dissatisfaction, commenting that she would have like the applicable neighboring properties to have received a written notice. Chairman O'Hara replied that regarding notification, the Connecticut General Statutes state that when a municipal Commission amends its own Regulations, they have limited requirements for providing notification. He stated that the Commission had followed its own Regulations, which are in excess of the Connecticut General Statutes. He referred to previous conversations on the matter and added that the Commission follows one standard. If more standards are added, situations where notification standards are questioned can arise. Commissioner Lindstrom added that she was in support of Secretary Martin's comment.

SEP-2015-17, File #1568: 455 Main Street & 10 Hattertown Road – Proposed Convenience store and Gas Station with Canopy, Cumberland Farms *(reconvened from 10/15/15)*

Secretary Martin read the Notice of the Public Hearing. Planner Agresta listed Exhibits 24 through 31.

Chairman O'Hara asked Vice-Chairman Porter if he had listened to the recording of the previous hearing, which Vice-Chairman Porter affirmed. He reviewed which members of the Commission would be seated for the hearing.

Joseph P. Williams, Esq. a licensed attorney in the State of Connecticut of Shipman & Goodwin, LLP in New Haven, Connecticut, introduced himself to the Commission as a speaker on behalf of the application. He addressed the continuance of the hearing from the previous Commission meeting and the feedback that he had received from the Commission, Land Use Office Staff, and through public comment. He gave the Commission a short overview of items that Mark Grocki, Project Engineer with Vanasse Hangen Brustlin, Inc. in Wethersfield, Connecticut, would explain in further detail. He added that Mr. Grocki submitted a memo to the Commission summarizing a list of changes that had been made. The nine items which included canopy height, the dumpster enclosure, traffic issues related to queuing, longer hoses from the gas pumps, a pylon sign, the speakers at the pumps and audio advertisements, lighting fixtures, the bollards, and the driveway to Hattertown Road. He gave a brief overview of the aforementioned modifications to the Commission. Mr. Grocki explained the proposed project and plan changes.

Chairman O'Hara asked Mr. Grocki if he echoed Attorney William's statement regarding the traffic analysis, which Mr. Grocki affirmed. Mr. Grocki added that there was extensive discussion with Town Staff regarding the queuing analysis for the proposed southern intersection with Route 25. He said that modifications had been added to the proposed alternative lane striping pattern on Route 25, and that there would be a 50-foot pocket for a left-turn for vehicles traveling northbound along Route 25 to access the proposed site's southern driveway. He added that the left turn pocket queue for southbound traffic on Route 25 to access an existing gas station on the opposite side of the street would also be extended. He commented that the lane modifications would ultimately fall under the jurisdiction of the Connecticut Department of Transportation.

Chairman O'Hara asked Town Engineer Schatzlein if he had any disagreements with Attorney William's and Mr. Grocki's presentation regarding the traffic analysis and proposed lane alterations. Town Engineer Schatzlein replied that he had none and that it was agreed that additional discussion would be had with the State.

Commissioner Lindstrom commented that Mr. Grocki mentioned that the driveway on Hattertown Road was reconfigured to minimize the potential for vehicles to make a wrong-way left turn on a one-way street, and that the fueling trucks could not use that driveway but SU-30 vehicles (box trucks) could. She asked Mr. Grocki why would it would be necessary for such trucks to use that driveway if there were also exits out to Main Street. Mr. Grocki said that the everyday movements of drivers could not be controlled, even if the preferred ingress and egress to the proposed site would be along Main Street. He added that the additional access would provide convenience for both delivery vehicle drivers and passenger vehicle drivers.

Commissioner Lindstrom asked what was the material used for the proposed free-standing sign. Mr. Grocki replied that the base structure would be a steel pole shrouded in vinyl. Commissioner Lindstrom asked if this would have a plain appearance, which Mr. Grocki affirmed. Commissioner Lindstrom asked if the proposed site would have sidewalks, which Mr. Grocki affirmed.

Commissioner Lindstrom then read an excerpt from the Monroe Plan of Conservation and Development, which discussed implementing access management. She referred to a specific portion which reads: "set the minimum driveway spacing to require that access roads of two adjacent lots be shared." She referred to her comment at the previous Commission meeting with regards to this matter. She questioned reasoning for the proposed site not to have shared access to the abutting Clock Tower Plaza or Monroe Muffler sites.

Mr. Grocki replied that there were a number of physical constraints, and that if a shared access driveway to Monroe Muffler had been proposed, the shared access driveway would be too close to Main Street for it to be effective. He added that the most effective location for any shared access driveway would also be fairly close to the existing Monroe Muffler building. He added that a shared access driveway would negatively impact the proposed Low-Impact-Design storm water measures. He addressed the exploration of incorporating a shared access driveway to Clock Tower Plaza. He said that the elevation difference between the two sites and the grade of the access driveway that could be built between them would be too steep. He added that there would also be negative impacts to the proposed Low-Impact-Design storm water measures if an access driveway to that location had been proposed. The site constraints, the lot configuration, and the configuration of the adjoining lots were concluded by the applicants to not be practical for shared access.

Commissioner Quinn appreciated the widening of the access driveway at Hattertown Road. He asked if delivery vehicles accessing the proposed site from Hattertown would egress by the access driveway to Main Street, which Mr. Grocki affirmed. Commissioner Quinn asked if the issues regarding the inverse scenario had been solved, which Mr. Grocki also affirmed.

Commissioner Quinn asked if the access driveway to Hattertown Road would alleviate the traffic burden at the proposed driveway intersections along Main Street. Commissioner Quinn also asked if the flow or number of cars that would return to Main Street would be reduced, and if any studies concerning the traffic flow along Hattertown Road had been conducted. Charlie Baker, Traffic Engineer with Vanasse Hangen Brustlin stated that traffic projected only 4 to 5 vehicles per hour at the Hattertown Road entrance, and that would not be significant but rather a just a convenience.

Vice-Chairman Porter asked if the proposed site light fixtures would be dark sky compliant. Mr. Grocki replied that they would all be down-casting with shielding. Vice-Chairman Porter asked if the lights underneath the proposed canopy would be recessed so that only the face of the fixture would be visible. Mr. Grocki replied that the lights would be recessed.

Vice-Chairman Porter noted an error in labeling of a curb, which the applicant agreed to correct.

Vice-Chairman Porter asked if there was a detail for the bollard cover, to which Mr. Grocki replied there was one with the application materials, and commented that the bollards could be white or black as determined by the Commission.

Karen Martin asked if the proposed site would not have any outside storage, which Mr. Grocki affirmed.

Commissioner Townson asked if it was anticipated for customers to be mostly passer-by traffic or would Cumberland Farms be a "destination location," which Mr. Grocki affirmed passerby traffic. Commissioner Townson asked if it was safe to say that incrementally, additional traffic would not be introduced to the area. Mr. Grocki replied that 5 other approved projects in the area were also taken into consideration for additional traffic load, and that the proposed Cumberland Farms project would not have a significant impact on the existing or future traffic volumes.

Commissioner Townson asked if the project would eliminate the need for drivers to make a left-hand turn to access a gas station in the area, taking into account the existing gas station across the street. Mr. Grocki replied that there was the possibility for drivers not to wait for an opportunity to cross traffic and make a left turn to access the proposed site.

Commissioner Lindstrom asked for the applicant to comment on the correspondence between the applicants and the Connecticut Department of Transportation. Mr. Grocki replied that the State had not yet completed its review.

Chairman O'Hara discussed the lighting for the proposed signage.

Planner Agresta commented that there was still a state of disagreement over the proposed parking spaces. He reviewed the number and location of proposed parking spaces on the site with the Commission. He also commented on the proposed outdoor seating area, adding that the duration of time for which someone would make use of the proposed seating area would be much shorter than that of a conventional fast-food restaurant. He then reviewed the number of proposed parking spaces relative to the proposed uses of the site.

Planner Agresta added the applicant’s acknowledgment for the need for a Lot Consolidation.

Planner Agresta asked why the proposed air tower was set back so far, to which Mr. Grocki replied that the proposed condition would accommodate wheelchair access.

Chairman O'Hara and Planner Agresta reviewed the proposed parking calculations with Mr. Grocki.

Town Engineer Schatzlein stated that the bond recommendation was $30,000. He commented on his suggestions to the applicants regarding the proposed air tower access spaces.

Chairman O’Hara asked applicants if they were acceptable to Town Engineer Schatzlein's bond recommendation, which the applicants affirmed they were.

Chairman O'Hara then opened the hearing to public comment.

David Hornak, of 60 Hattertown Road, stated that he was against the proposed ingress and egress off of Hattertown Road. He commented that an application for a proposed Walgreen's store had included the same thing, and added that a Greater Bridgeport Transit bus uses that portion of Hattertown Road as a turnaround. He said that he did not understand the need to take vehicles off of Route 25 to access the proposed site, and added his concerns for tanker trucks using the proposed egress to access Hattertown Road. He was concerned that the proposed design of the Cumberland Farms site would not be executed in actuality. He commented that there were alternative locations along the Route 25 corridor for the Cumberland Farms station to be better located. He added that headlights would sweep across the residences opposite the proposed site when exiting the proposed site onto Hattertown Road at night.

Arlene Spoonfeather, of 83 Hattertown Road, spoke against the proposed application. She believed that the proposed site could be accessed by sharing an access with the abutting Clock Tower Plaza, and added that Hattertown Road could not bear any additional traffic.

Christopher McGinness, of 253 Stanley Road, spoke against the proposed site ingress and egress to and from Hattertown Road, and that the assessment of the vehicles per hour calculations along that section of Hattertown Road were illogical. He provided his comments on the proposed accessibility to and from the site, and how the proposed site would cause additional traffic impacts to the area roadways. He also commented that the proposed site should seek to have a shared access to and from Clock Tower Plaza.

Gregory Loehr, of 51 Hattertown Road, stated that he was a 32-year resident of the area neighborhood. He spoke against the proposed site ingress and egress to and from Hattertown Road.

Joel Leneker, of 70 Huntingtown Road, stated that he wanted the applicants to confirm the proposed 24-7 service . He was also against the proposed site ingress and egress to and from Hattertown Road, and commented on the existing traffic in the area. He also commented on the proposed parking arrangements related to the traffic pattern accessibility to the proposed site. He asked if there would be co-partnering at the proposed site. He asked why sidewalks had not been proposed along the Hattertown Road portion of the proposed site. He also asked what the back of the facility would look like. He asked if the applicants could comment on the time and days they used to conduct their traffic studies. He also asked how delivery trucks would access and exit the site for unloading purposes.

Christopher McGinness, of 253 Stanley Road, asked if the applicants could comment on hydro-geologic grading of the proposed site and the area.

Attorney Williams replied to the responses received made during Public Comment.

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

6. SITE PLAN REVIEW:

SDP-2015-05, File #117 440 Main Street – Building addition and handicap access, Thai Berry Kitchen *(to reconvene on 11/19/15)*

At the request and granting of a time extension through December 17, 2015 by the applicant, the matter was tabled to the December 3, 2015 meeting.

7. DELIBERATIONS AND DETERMINATIONS:

Permit Amendments / Modifications / Extensions
None

Bond Releases or Reductions
None

Meeting Minutes
10/01/15 – Tabled

Application Deliberations / Determinations

RAA-2015-02, File #973E: Draft General Text Amendments

The Commission's deliberated on each of the proposed zoning text amendments, with focused discussion on the bifurcated lots, noting in the end the respective merits of the proposal. Vice Chairman Porter noted that the intent of the sign regulations changes relative to existing signs was not intended to prevent the changing of tenant names on existing signs

Planner Agresta suggested a minor word change to clarify that aspect, which the Commission agreed would address the issue. Thereafter, the consensus of the Commission was to direct Staff to prepare a draft approval addressing all seven of the proposed zoning text amendments together for consideration at its next meeting.

SEP-2015-17, File #1568: 455 Main Street & 10 Hattertown Road – Proposed Convenience store and Gas Station with Canopy, Cumberland Farms *(reconvened from 10/15/15)*

The Commission deliberated on the contents of the application, noting that the applicant proposed revised lights and a revised canopy roof design as requested, adjusted the Hattertown Road entrance to direct traffic from turning left, offered either white or black decorative bollards, to which the Commission preferred white, and the Commission preferred the more simple less bulky freestanding sign supports as proposed by the applicant as Option 1. Thereafter, the consensus of the Commission was to direct Staff to prepare a draft approval addressing all seven of the proposed zoning text amendments together for consideration at its next meeting.

8. OTHER BUSINESS:

Regulations Review / Amendment Worksession
None

Correspondence / Other Received
Chairman O'Hara stated that respective correspondence received related to tonight's public hearings had been reviewed by the Commission members at that time.

9. COMMISSION REPORTS

Chairman's Report
None

Commissioner's Report
The Commission continued their discussion with Town Engineer Schatzlein and Planner Agresta regarding the request for spreadsheet information from Zoning Enforcement Officer Chapman and Town Counsel Fracassini.

Land Use Staff Reports
None

10. MEETING ADJOURNMENT

With no objections, Chairman O'Hara adjourned the meeting at 10:39 p.m.

Respectfully Submitted,
David McCollum, *Recording Secretary*