PLANNING and ZONING COMMISSION
Monroe, Connecticut

MEETING MINUTES
July 21, 2016

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

Meetings are Video and Audio Recorded

Present: Chairman Patrick O'Hara
Vice Chairman William Porter
Secretary Jeremy Hayden
Commissioner David Townson
Commissioner Paul Lisi (alternate)
Commissioner Cathleen Lindstrom (alternate)

Absent: Commissioner Leon Ambrosey
Commissioner Michael O'Reilly (alternate)

Also Present: William Agresta, *Planning and Zoning Administrator*
Scott Schatzlein, P.E. *Land Use Group Director, Town Engineer*
Rebecca Wood, *Recording Secretary*

OPENING of MEETING

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE
Chairman O'Hara called the meeting to order at 7:00 p.m., and invited those in attendance to join in the Pledge of Allegiance.

2. ROLL CALL & SEATING OF ALTERNATES (if required)
Commissioners were seated on a roll call.

3. GENERAL PUBLIC PARTICIPATION PERIOD
None

4. GENERAL APPOINTMENTS
None

PUBLIC HEARINGS

5. SONE BOUNDARY CHANGE

ZCA-2016-01, File #1006D 754 Main Street (Assessor Map 95, Lot 51)
Petition Application of Stone Farm LLC (applicant) for a Zone Boundary Change of approximately 22.59 acres presently classified Residential and Farming District 1 (RF-1) to Industrial District 1 (I-1). Seven Fifty Four Main Street LLC (Owner).

The public hearing notice was read and exhibits listed for the record.

For the record, the applicant submitted copes of certified mailing receipts and returned green cards. Kevin Solli, Professional Engineer, representing the applicant, presented the proposal through a visual presentation. In attendance for the applicant also included Steve Singlak, applicant and Attorney Amy E. Souchuns, of Hurwitz, Sagarin, Slossberg, & Knuff, LLC.

Mr. Solli summarized the existing conditions of the site, the existing building, its wetland site challenges, and current zoning to include very little frontage on Route 25, very little direct traffic exposure due to a 850 feet deep driveway. Mr. Solli summarized the operations of the proposed end user, Stone Farm LLC business and light manufacturing in reclaimed stone for outdoor living. He also described the nature of adjacent properties and their requisite zones to include TLC Nursery, multi-family residential to the south (Northbrook condominiums), industrial land to the north, and office uses in Bradford Green across Main Street.

Mr. Solli discussed why the proposed zone change from RF-1 to I-1 would not have a negative impact change on the surrounding properties:

- Proximity of this property to the closest Northbrook dwelling to the south is 740 feet away whereas there are numerous other industrial properties and structures that are shorter in distance to Northbrook properties than this, including Route 25 (680 feet), Pepper Street (360 feet), Buffalo Bills restaurant (430 feet), Bradford Green (640 feet).
- The property to the south, owned by TLC Nursery, is a very active business operation, much closer to Northbrook, even though it is zoned as Residential.
- The site is surrounded Aquarion Water Company lands, creating a substantial buffer zone between Northbrook and the site.

Mr. Solli stated further that in analyzing and researching this property and some of the past approvals it has received prior to submitting applications to the Planning & Zoning Commission as well as the Inland Wetlands Commission for its potential use, another factor for consideration is that it was granted a Major Traffic Generator Certificate from the Department of Transportation (CTDOT) allowing 322 trips in the am peak hours and 222 trips in the pm peak hours without requiring any additional permits from CTDOT. The number of actual trips under this application would be 26 trips in the am peak hours and 25 trips in the pm peak hours with the intended use, which would be a considerable reduction that could result in the CTDOT rescinding this Certificate based on the reduction in traffic under this proposed application.

Based on the limited developable area, considerable wetlands, limited visibility from Route 25, limited ability for septic and infrastructure expansion, this site does not lend itself to the usual uses that you would find in the Commercial or Business Districts which have continually presented a challenge in marketing the property, the applicant believes that a change to an Industrial District would be its highest and best use for the Town of Monroe's Plan of Conservation and Development by creating a viable, vibrant, and active business that contributes to the tax base from one that is undeveloped and vacant.

Commissioner O'Reilly inquired as to whether a new owner of the property would need to again apply for this Major Traffic Generator Certificate once rescinded. Mr. Solli stated that they would.

Commissioner Lindstrom inquired whether residents at Northbrook would be able to see and hear activity at this business once the seasons had changed and the leaves were off the trees; if the traffic light at Bradford Drive would service this business and the current driveway; if Aquarion Water Company would be able to develop the property that it owns which is currently a buffer for this site; why would Walmart find its lack of Route 25 visibility acceptable, yet other retailers or an office building would not; and what other business could move into this site if this particular business decides to move, noting that the Plan of

Conservation and Development (POCD) is encouraging the amount of Commercial space in this area, and discouraging more Industrial zoning. Mr. Solli responded that he had not viewed this site from the Northbrook complex when leaves were off the trees and could not comment; that the traffic light at the Bradford Green would not service this site as they were not across from each other nor does the site; he could not perceive of Aquarion Water Company developing its property with the amount of wetlands on it; Walmart was not concerned about visibility from Route 25 as it was such a massive retailer and structure as its brand/draw would identify its location, in addition Walmart is located on 16 acres with a building size of 165,000 square feet, and over 700 parking spaces whereas this proposed building is only 20,000 square feet with approximately 98 parking spaces out front without the draw of a retailer such as Walmart. A retailer requires the visibility from pass-by traffic in order to survive and thrive, and an office building would require the infrastructure needed for septic generation, which this site could not provide (less than 2,000 gallons/day), in addition, there are quite a few office vacancies in Bradford Green as well as other buildings currently in town. The majority of the lands along Route 25 immediately north include B-2 zoning, as well as I-3, I-2, and some I-1 zoning. Given the size of the property and its proximity to other Industrial parcels, he did not perceive that there would be any spot or fragmented zoning. The POCD is looking to see underutilized and vacant businesses find their highest and best use; with a potential use for this property and additional challenges created by the limited frontage for this site, it would once again become a viable addition to the town.

Commissioner Porter restated Commissioner Lindstrom's question, if this parcel were to be changed to an I-1 District, what would be some potential uses for this piece of property beyond the intended use of the applicant? Mr. Solli read the uses allowed in the Industrial District as well as the Special Exception Uses. Commissioner Porter added, how does the capacity of the existing septic system, and how does the constraints that are on this site due to the wetlands, affect potential development on this property? Mr. Solli responded that the current septic system has the capacity for about 1,800 gallons/day, the majority of this site has already been disturbed and the amount of land that has been set aside for potential septic area is very limited. In addition, any septic system that exceeds 2,000 gallons/day has to receive approval not only by the local Health Department but also the State Department of Health, and anything larger than that, would also require the approval of the Department of Energy and Environmental Protection (DEEP). Given the current wetlands, the site could not be used for any large scale septic system as it would not satisfy the permits from the DEEP.

Commissioner Lindstrom inquired if there was a reserve septic system on this site in the case that the current system fails, and needed clarification as to why the current septic system was a constraint. Mr. Solli stated that this site is approved for septic usage under the current regulations.

Commissioner Townson inquired how reclassifying this site would benefit its neighbors. Mr. Solli responded that the largest benefit would come from removing the vacancy and the opportunity for vagrancy, considering that this section of highway heading north on Route 25 does not have as much pedestrian traffic, as well as numerous vacancies, and this business addition would generate interest from architects, homeowners, builders, and others.

Commissioner Lindstrom asked for clarification as to why the choice was made to change the zone from residential to industrial rather than from residential to business. Mr. Solli explained that the light manufacturing portion of the business did not accommodate well into the business zone but fit more closely with the Industrial zone.

Chairman O'Hara asked Mr. Solli and Town Engineer Schatzlein to verify based on current mapping, all areas on this site that would support development both now and in the future for all Industrial, Business, and/or LOR zone changes. Chairman O'Hara inquired if there was any knowledge regarding procedure that Aquarion Water Company would have to work through if they were to sell or develop their lands. Planner Agresta stated that there would be other mitigating factors associated with that change.

Mr. Solli stated that the applicant had performed 45-foot flatbed truck turning movement trials to assess the geometry and simulate the turning radius. They learned that there would be no impact from truck turning and only require minor changes that can be accomplished on this site. Planner Agresta stated that it should be known if any such improvements, minor or otherwise, including adequate sight lines, could be accomplished in the existing right-of-way or not, consequently why would the Commission change the zoning if not. Mr. Solli stated that he would provide Planner Agresta with substantiation of the required turning radius prior to the closing of the hearing.

Chairman O'Hara requested that the Commission compare the regulation performance standards between all the levels of zoning in Industrial, Business, and LOR in hours of operation, permitted noise levels, vibration, air pollution, hazardous waste, etc.

Commissioner O'Reilly inquired about the differences in elevation between the site (410 feet) to the Northbrook condominium complex (430f feet) which Mr. Solli qualified.

Planner Agresta stated that some of the references from the POCD cites in support of the proposed industrial zone (i.e., pedestrian, shopper-friendly retail) were not applicable to an Industrial District.

Commissioner O'Hara opened up the meeting to public comment:

Bryan Atherton, Atherton Associates, 702 Bridgeport Avenue, Shelton, CT, Certified Commercial Investment Member and Property Broker, spoke in favor of the change of zoning to industrial, and attested to the problematic location of the site, and added that the applicant would be an ideal and clean user. He added that there is no current Commercial or LOR demand in that location with over 20% vacancy and over 10 years of office space available.

John Kimball, 1428 Monroe Turnpike, voiced his support for the zone change to Industrial from Residential Farming, and not to Commercial or LOR based on a clearer understanding of the site challenges and surrounding properties shown in the aerial view presentation tonight, and believed that whatever Industrial use entered that site, would not have a negative impact on the surrounding area but rather be a huge benefit.

Attorney Philip Pires, Cohen and Wolf, on behalf of Northbrook Condominium Association submitted a Memorandum in Opposition to the application.

The Planning and Zoning Commission took a five minute recess at 8:15 pm to read the submitted Memorandum in Opposition to the application as provided by Attorney Pires. On returning at 8:22 pm, Attorney Pires voiced the following:

- The POCD suggests limiting additional Industrial land in the Town. The surrounding parcels are primarily residential and business, with very little Industrial use on Route 25.
- When the Town of Monroe performed its POCD study in 2010, it did not designate this property or any of the surrounding properties for Industrial use which it could have done. Rather, the POCD stated that Industrial use should only occur in a district identified as Industrial at present or for the future, or where there had been a study performed by the Town designating an area for Industrial expansion.
- Zoning Section 4.3.1 limits Industrial use or only expands Industrial use if several standards are met, which have not been met.
- Changing this site to Industrial will change the character of the area allowing for a higher density than you would find in a Residential or Business zone with increased building height, lot coverage, and story size of the permitted structures.

- The fact that a more Industrial use may be more financially lucrative does not justify granting a zone change and is not consistent with the Town's Plan for zoning in this area. if the Town had wanted this parcel and surrounding parcels in this area to be Industrial, they would have made those changes at the time of the POCD.
- Following that logic in your decision making, will you then turn the remaining vacant properties on Route 25 into Industrial zoned parcels as in your decision, you are not approving one tenant but rather a use for this property.

Northbrook Condominium Association is united in opposition to this zoning change.

Margaret Lee, President of the Board of Directors for Northbrook Condominium Association, 26 Overlook Drive, voiced the following opposition:

- Northbrook objects to the rezoning to Industrial as it will severely impact the quality of life of the fourteen unit owners who live within 500 feet of the tract under consideration.
- If this property is approved, should any of the adjacent properties, specifically TLC Nursery, ever go on the market, the likelihood would be far greater to additional requests to Industrial.
- Any further Industrial zoning would impact another 18 units on Tanglewood Circle (within 100 feet of TLC), and degrade the property values for all of the residents.
- In walking the property line behind the units near to this proposed change site, it is close enough to see the spire as well as other areas when leaves are off the trees, and will bring significant airborne pollution, noise, and dirt to any of these homes. In addition, the loading and unloading of stone will create even more noise pollution for many residences.
- Currently, Stone Farm in Newtown has concrete pallets right next to wetlands, much like the wetlands on this site. So environmentally, we believe that the leeching of materials into the wetlands would be detrimental.
- The impact of 45-foot tractor trailers, entering, exiting, loading and unloading, would be detrimental to both Route 25 as well as the residences.
- Questioned with all the available Industrial land in Monroe, why forcing a change with this parcel?

In closing, Ms. Lee provided copies of emails from Northbrook residents as well as her notes.

Chairman O'Hara asked if there were any more public comments, to which there was none, closing public comment. Mr. Solli requested an adjournment so they could respond to Northbrook's Memorandum. Chairman O'Hara questioned Mr. Solli asking if this parcel were to be changed into an I-1, would future parcels, such as TLC be more easily rezoned to an I-1 parcel, and if there was a difference in frontage on Route 25 between this proposed parcel and TLC, and whether the road frontage issue was one of the reasons he was pursuing this zone change. Mr. Solli responded that he believed the Commission would view each application on its own merits, and that this parcel was unique with considerable wetlands and undevelopable property, and is surrounded by watershed lands that are also unable to be developed. Mr. Solli stated that there was a substantial difference in frontage between the two parcels, and it was the main reason behind the zone change.

The Chairman adjourned the public hearing to the August 4, 2016 meeting pending additional information from the applicant responding to the Northbrook Memorandum.

6. SPECIAL EXCEPTION PERMIT

SEP-2015-15-A1, File #1566A **500 Pepper Street (Assessor Map 94, Lot 15)**
Permit Approval Amendment Modification application from Duane Carrubba – Maybrook Properties, LLC (owner/applicant) seeking changes to recently approved SEP-2015-15 consisting of reductions in the building footprint, gross floor area, and total amount of impervious surfaces; substituting and underground stormwater detention system with a surface stormwater detention system; and related changes to parking, loading, and landscaping improvements. The property consists of approximately 7.16 acres located within an Industrial District 2 (I-2).

This application is carried over to August 4, 2016.

SEP-2016-16, File #1576A **232, 234 & 236 Main Street (Assessor Map 18, Lot 42)**
Application of 234 Main Street, LLC – Bernard Sippin (applicant/owner) proposing changes in use of existing buildings, associated site and parking related improvements, connection to public water supply, installation of roof-mounted solar panels, lot line revision with abutting 200 Main Street property, site restoration activities and establishment of a Conservation Easement over a portion of the rear of the property. This property consists of approximately 5.22 acres.

The public hearing notice was read and exhibits listed for the record.

The applicant's attorney submitted and discussed a prior court case involving pre-existing conditions when seeking a permit as it may relate to the present application in that Staff comments relating to anything other than the current Special Exception Permit aspects were grandfathered, and not open for current discussion, and secondly, in preparation of the Conservation Easement for the applicant, he stated that in his proposed draft that the modification of the proposed Conservation Easement would be subject to the approval of the Inland Wetlands Commission and Planning and Zoning Commission to the extent required by law. One of his observations was that there was no authorization within the Zoning Regulations for the Planning and Zoning Commission or Inland Wetlands Commission to require a Conservation Easement.

Planner Agresta interjected that the items addressed by staff were not preexisting nonconformities as there is a standing Special Exception Permit and site plan on file these things are not on those thus were instituted absent required approvals. Planner Agresta also noted that the Conservation Easement also was from the prior approval and the applicant and town never followed up on its implementation till now.

Mr. Dave Bjorklund, President of Bjorklund Associates, and Registered Professional Engineer in the State of Connecticut, introduced the application and property:

- 234 Main Street is the building visible from Route 25; it houses Sippin Energy headquarters, a martial arts studio, and an automotive business (Greco).
- 236 Main Street includes four units but was originally approved as cold warehouse only under a Special Exception Permit in 1997. One of the units is currently used by a landscape business which would like to expand use. Over time, since 1997, offices and sanitary facilities were added to the building along with an accompanying septic system. The applicant is seeking approval from the Commission for continued use of this building with the office and warehouse/business functions.

- 232 Main Street is partially used by Sippin Energy as well as a sign company. We are requesting the approval to install solar panels on the south facing roof whose underground cables would feed to the 234 Main Street building where they would be distributed to the power grid. In addition, this building has had septic added since 1997.
- There is a wetland buffer and substantial old growth tree buffer between the site and the residential properties on Old Newtown Road.
- One of the site's septic systems is currently located on the abutting 200 Main Street property; a lot line revision is proposed to address this. Septic reserve for all of the site's septic systems is proposed within the proposed Conservation Easement area.
- The Health Department has requested that all of the properties connect to the public water supply in Route 25 with abandonment of the existing well.
- Raised islands in the parking area are not compatible with the fuel truck movement. Curb stops were previously permitted and they see no reason to remove them. Parking on the north side of the building has been in existence for 35 years and the Sippin family would like to maintain it.
- While a grading plan was requested, no grading is proposed. The site drainage was upgraded in the past when Sippin Energy adopted a DEEP spill protection plan.
- No lighting will be altered, so no lighting plan is proposed.
- The DOT is replacing a bridge which is south of the driveway, so until that work is completed by the DOT, no plan will be provided for front work, and the parking spaces in the front of the property are leased by the State of CT, so the State of CT has a great deal of latitude as to what will be done.
- The application to the Inland Wetlands Commission was approved with modifications.

Chairman O'Hara discussed and reviewed staff review items identifying what the applicant would need to and has agreed to do. The Town Engineer also identified that this application was not only for solar panel installation but also for wetland site remediation which also requires the approval of the Planning and Zoning Commission. Commissioner Hayden voiced concern regarding requested information that the Commission was not receiving from the applicant. Chairman O'Hara inquired whether the Commission had to accept the Conservation Easement. Chairman O'Hara also indicated he would like to see bollards at the doors for protection, and would like clear delineation for acceptable storage areas which comply with zoning standards.

The Chairman opened the public meeting for general comment. There were no public comments. Polling the Commission and hearing no objections, the public hearing was adjourned to the August 18k 2106 meeting pending receipt of additional information addressing the outstanding comments.

7. <u>SITE PLAN REVIEW</u>

None

The Commission took a 5-minute recess.

DELIBERATIONS and DETERMINATIONS

8. PERMIT AMENDMENTS / MODIFICATIONS

10-06-S-A1, File #1441A– 230 Roosevelt Drive (Route 34)

OWNER: **Fifth Realty LLC**
APPLICANT: **Marina's Pizza & Trattoria, Marina DeCarli**
MOTION: **Porter** – To approve Permit Amendment application 10-06-S-A1 to authorize an existing approved restaurant use to provide expanded customer service consisting of onsite sales and consumption of beer and wine, subject to verification of appropriate State of Connecticut licensing.
SECOND: **Hayden**
VOTE: **5-0-0 – Approved**
Ayes O'Hara, Porter, Hayden, Townson, Lindstrom
Nays None
Abstain None

SEP-2015-03, File #1554A– 288 Monroe Turnpike (Route 111)

OWNER: **KAY2J LLC, Denise L. Brown**
APPLICANT: **Goddard School**
MOTION: **Porter** – To permit the requested change in the construction detail for approved concrete curbing from form and pour to extruded concrete curbing.
SECOND: **Hayden**
VOTE: **5-0-0 – Approved**
Ayes O'Hara, Porter, Hayden, Townson, Lindstrom
Nays None
Abstain None

SEP-2016-01, File #1570A– 35 Cambridge Drive

OWNER: **Kalboys, LLC**
APPLICANT: **Mondial Automotive, Showky Kaldawy**
MOTION: **Porter** – To modify the conditions of approval as set forth in the Resolution of Approval (SEP-2016-01) dated April 7, 2016 to permit the holding of a preconstruction meeting and to permit site preparation activity prior to the otherwise required issuance of a Building Permit, for a period not to exceed a maximum of forty-five (45) days prior to obtaining a Building Permit, with all other conditions and requirements remaining in full force and effect.
SECOND: **Hayden**
VOTE: **4-1-0 – Approved**
Ayes O'Hara, Porter, Hayden, Townson
Nays Lindstrom
Abstain None

9. EXTENSIONS

5-07-S-A1, File #1457A – 241 Roosevelt Drive (Route 34)

OWNER **Hendel's Monroe Inc.**
APPLICANT **Hendel's Monroe Inc., John Hendel**
MOTION **Porter** – To grant a 90 day extension to meet Conditions of Approval.
SECOND **Hayden**
VOTE: **5-0-0 – Approved**
Ayes O'Hara, porter, Hayden, Townson, Lindstrom
Nays None
Abstain None

SEP-2014-13, File #1549A – 462, 464, 466, 470 Main Street (Route 25)

OWNER **JV462 Main Street LLC**
APPLICANT **JV462 Main Street LLC, John Chaves**
MOTION **Porter** – To grant a 90 day extension to meet Conditions of Approval.
SECOND **Hayden**
VOTE: **5-0-0 – Approved**
Ayes O'Hara, porter, Hayden, Townson, Lindstrom
Nays None
Abstain None

13-12-S, File #1532A – 10 (formerly 2) Victoria Drive

OWNER **Kimball Development LLC**
APPLICANT **Kimball Land Holdings LLC, c/o Kimball Group LLC**
MOTION **Porter** – To grant a 90 day extension to meet Conditions of Approval.
SECOND **Hayden**
VOTE: **5-0-0 – Approved**
Ayes O'Hara, porter, Hayden, Townson, Lindstrom
Nays None
Abstain None

10. Bond Releases or Reductions

None

11. MEETING MINUTES

July 7, 2016 Minutes

MOTION: **Porter** – To approve the meeting minutes for July 7, 2016 as drafted.
SECOND: **Hayden**
VOTE: **5-0-0 – Approved**
Ayes O'Hara, Porter, Hayden, Townson, Lindstrom
Nays None
Abstain None

12. APPLICATION DELIBERATIONS/DETERMINATIONS

SUB-2016-01, File #1258C– 716 Wheeler Road

OWNER: **Gary N. and Heidi S. Howden**
APPLICANT: **Gary N. and Heidi S. Howden**
MOTION: **Porter** – To approve application SUB-2016-01 as set forth in Draft Approval Resolution dated July 21, 2016, as amended, granting a 2-lot residential resubdivision.
SECOND: **Hayden**
VOTE: **4-0-1 – Approved**
Ayes O'Hara, Porter, Hayden, Townson
Nays None
Absent Ambrosey

RAA-2016-04, File #979E– Gasoline Stations LOR District

MOTION: **Porter** – To approve Zoning Text Amendment Petition RAA-2016-04 as set forth in the Draft Approval Resolution dated July 21, 2016.
SECOND: **Hayden**
VOTE: **4-0-1 – Approved**
Ayes O'Hara, Porter, Hayden, Townson
Nays None
Absent Ambrosey

OTHER BUSINESS

13. REGULATIONS REVIEW / AMENDMENT WORKSESSION

Chairman O'Hara asked for the Commission's input regarding sizing and format of wall signage and shared photographs of varying signs throughout the Town. The Commission members will view signage at varying sizes by site, and discuss their findings at the August 4, 2016 meeting.

14. CORRESPONDENCE / OTHER RECEIVED

None

15. COMMISSION REPORTS

Chairman's Report

None

Commissioner's Report

None

Land Use Staff Report

None

16. MEETING ADJOURNMENT

Polling the Commission and hearing no objections, Chairman O'Hara adjourned the meeting at 11:08 pm.

Respectfully Submitted,
Rebecca Wood, *Recording Secretary*