

**Planning & Zoning Commission  
Monroe, Connecticut  
Thursday ~ May 24, 2012 ~ 7:00 PM  
Council Chambers**

**Regular Meeting  
MINUTES**

**Present:** Chairman Richard A. Zini, Jr.  
Vice-Chairman Patrick O'Hara  
Commissioner William Porter  
Secretary Karen Martin  
Commissioner Jane Flader (alternate)  
Commissioner Sean O'Rourke (alternate)  
Commissioner Cathleen Lindstrom (alternate)

**Absent:** Commissioner Brian Quinn

**Also Present:** Planning Administrator Dave Killeen  
Town Engineer/Land Use Group Director Scott Schatzlein

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairman Zini called the meeting to order at 7:04 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 vote. Chairman Zini announced that Commissioners O'Hara, Zini, Porter, Martin, and Lindstrom would be seated for this meeting.

**3. GENERAL PUBLIC PARTICIPATION – None**

**1. PUBLIC HEARINGS**

**A. SPECIAL EXCEPTION PERMIT**

- **12-4-SEP** 515 Fan Hill Road – construct storage building and associated site improvements (continued from 4/12/12)

Dave Killeen read a letter from Dave Bjorklund in regards to Special Exception Permit 12-4-SEP for 515 Fan Hill Road. The applicant withdrew his application.

- **12-5-SEP** 57 Pepper Street – completion of parking lot and site improvements

Dave Killeen read a letter from Larry Edwards, J. Edwards and Associates, LLC, which was a request to begin the hearing on June 21, 2012.

- **12-6-SEP** 535 Monroe Turnpike – change of use retail to yogurt shop

Vice Chairman O'Hara read the Notice of Public Hearing for applications 12-6-SEP and 12-3-SEP.

**Dave Sippin**, 234 Main Street, introduced himself. Mr. Sippin is the property owner for 111 Century Plaza, LLC. The applicant is proposing to open a Peachwave store, which is a self serve frozen yogurt shop. Mr. Sippin gave a briefing on the operation of the yogurt shop.

They are proposing that the facility will have a seating area for thirty one in a 550 square foot dining area. There will be two bathrooms in the shop. There are no changes being proposed to the site. The hours of operation for the busy season which is summer is Sunday through Thursday 12:00PM to 10:00PM and Friday and Saturday 12:00PM to 11:00PM. There would be some deduction in hours during the winter months.

The parking analysis shows that they are required to have 352 parking spaces and they have 359. The engineer, Dave Bjorklund, did a water use analysis and it was stated that there is ample water supply. This report was submitted to the Health Department.

Commissioner Porter stated for the record that the plan presented on the overhead projector was an old floor plan, and not the current one.

There will be no outside seating or storage. The trash will be in receptacles. The only signs will be the sign above the store and the new sign at the road which they submitted permits for. There will be no signs advertising outside the doors.

Scott and Dave went over their comments.

Dave read exhibits 1-7 into the record.

Mr. Sippin explains his reasoning for calculating their parking at one space per fifty square feet, which is because they assumed they were comparable to a full service restaurant. Dave Killeen pointed out that shared parking spaces between multiple businesses may help the parking calculations for this proposed use.

**Ron Bunovsky**, 76 Holly Place approached the podium. Mr. Bunovsky has concerns for the number of seating. He believes with the high turnover rate and the busy parking lot that it can be a real safety concern due to the attraction of children and families to a frozen yogurt shop. His

main concern is for the watershed in the area. Mr. Bunovsky thinks there should be a wetlands impact as well. He is also concerned for the septic and if it can hold this usage.

Chairman Zini closes the hearing.

- **12-3-SEP** 810 Main Street – retail specialty pharmacy and office space

**Fred D’Amico**, 9 Park Road Oxford, introduced himself. Mr. D’Amico represented Marzac Holdings of Main Street in Monroe. Mr. D’Amico gave a brief overview of the property. There was a residential home on the property that was demolished.

The proposed building is a total 4,800 square feet. The first floor is 3200 square feet and the second floor is 1600 square feet. This is a retail/specialty pharmacy. Mr. Roberge, the applicant, operates one on the southern side of Town on Main Street. There are about ten customers per hour so it is not high traffic. The retail portion would only be on the first floor. The second floor will be for office use or for storage. The number of parking spaces meets the requirement for the square footage.

The parking lot will be lit with free standing lights and there will be no lights on the building. The dumpster will be enclosed to the liking of the Commission and there is also landscaping that is proposed.

The main entrance will be on the easterly side of the building which is between the building and the parking area. The Main Street side will be an emergency exit. The pedestrian traffic will enter from the parking in the rear. There is a proposed five foot sidewalk on the property adjacent to the road. The Health Department approved the plan for the septic that was designed for the pharmacy use. Aquarion was also notified of this proposal.

**Gary Dewolf**, Gary Dewolf Architects, 319 Peck Street New Haven, introduced himself. Mr. Dewolf went over the architectural review of the building. There is an area in the corner that will be considered the shipping section which is for small truck items. They are still working on the interior setup. The outside of the building has a proposed modern interpretation of a shingle look with gables. There will be no entrance from the Main Street side, it will be landscaped. The Architectural Review Board is okay with the building and the colors of it.

Unrelated to this hearing Mike Roberge requested a non binding appointment with the Commission to discuss this use.

Dave Killeen read exhibits 1-8.

Commissioner Porter shows concern for the trees that are proposed in the landscape plan. He thinks it looks sparse on the street side. Commissioner Porter also believes that there should be some deciduous trees around the building. The applicant would be glad to add landscaping if the Commission would like.

**Mike Roberge**, 179 Main Street, introduced himself. Mr. Roberge stated that he spoke with the neighbors and there was concern for landscaping in the front of the building. It can be difficult to see the traffic on the road if there are trees that can be in the way of the vision of drivers. Chairman Zini feels that there can be some deciduous trees added because the building is about fifty to sixty feet off of the road so there is enough room to add more landscaping without impairing the vision of drivers. The applicant would be happy to add landscaping and trees where the Commission feels it should be added.

Vice Chairman O'Hara questions if the applicant would be willing to submit a Letter of Abandonment for the residential use, to which they replied yes.

There was discussion from the Commission regarding:

- The pick up door in the rear of the building.
- The parking and needing a new parking study for a change of use.
- Clarification with the change of architect.
- Hours of operation Monday through Friday 10:00AM to 6:00PM.
- 50/50 ratio between mail order and pick up of prescriptions.
- The connection of the sidewalk to the front of the building.
- Required buffer between residential and business uses.
- Arbor Vitae are not a good buffer. They need something a little bigger.
- The size of the lot is one acre and the size of the building as to what the applicant is currently in is about three times the size.
- Alternate light fixtures.
- The ideas for the office space on the second floor. This could be one office to be rented or it can be separated and rented as multiple offices.
- Designated signing for employee parking and customer parking.
- The material for the guiderail is wood

**Lois Spence**, 29 Partridge Drive approached the podium. Mrs. Spence questions what happens with the waste water from the cleaning of the equipment, and also if the pharmaceuticals from the equipment will be in the waste water. Mr. Roberge responded to Mrs. Spence. He explained how the instruments and equipment is cleaned and that there are minimal amounts of pharmaceuticals being washed in water and that the majority of it is wiped with towels and burned at an incinerator.

**Ron Bunovsky**, 76 Holly Place, approached the podium. Mr. Bunovsky has concerns for ground water and if the neighbors run off of well water then there should be concern for ground water contamination. This should be considered. He also agrees about the Arbor Vitae trees.

The regulations state that there needs to be a loading section for a building this size, but the Commission can waive this if they believe the use does not need it.

The bond was posted for \$14,000.00.  
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Dave Killeen suggests that a statement of the use in the file would be helpful as part of the approval. He requests that this be a stipulation of approval.

Scott Schatzlein went over Staff comments.

There is discussion on the possibility of ground contamination. Mr. Roberge stated that he has been at his current location for thirteen years and has yet to have a problem. He gets the well checked regularly. The closest well to the new location is seventy five feet.

Chairman Zini closes the hearing.

B. MUNICIPAL REFERRAL

- **211 Garder Road** – proposed driveway easement to 515 Fan Hill Road (pursuant to section 8-24 CGS)

This was withdrawn with application 12-4-SEP.

5. **REGULAR HEARINGS** – None

6. **REQUESTS FOR INTERPRETATIONS AND DETERMINATIONS**

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**BUSINESS MEETING**

7. **MINUTES**

For approval: April 26

**MOTION TO APPROVE MINUTES FOR 4/26/2012**

**MOTION:** (P. O'Hara)

To approve the meeting minutes of April 26, 2012

**SECOND:** (W. Porter)

**Discussion:** With edits to page 1.

**Motion passes 4** (Ayes: O'Hara, Zini, Lindstrom, Porter)

**Abstentions 1** (Martin)

## 8. APPLICATION DELIBERATIONS

### MOTION TO APPROVE APPLICATION 12-6-SEP

**MOTION:** (P. O'Hara)

To approve application 12-6-SEP 535 Monroe Turnpike – change of use retail to yogurt shop subject to conditions and reasons.

**SECOND:** (W. Porter)

**Discussion:** Conditions and reasons

**Motion Passes 5-0** (Ayes: O'Hara, Zini, Porter, Martin, Lindstrom)

#### **Conditions:**

1. No outside seating or storage of any kind
2. Seating is restricted to 31 seats

#### **Reasons for Approval:**

1. The applicant is consistent with the requirements of the DB-2 Zone.
2. The application conforms with policy recommendations of the Town's current Plan of Conservation and Development.
3. The proposal helps promote economic development in Monroe by filling an existing retail vacancy in a difficult economy.
4. The applicant has demonstrated that the proposed shared parking in the complex is sufficient to support this use.

### MOTION TO APPROVE APPLICATION 12-3-SEP

**MOTION:** (P. O'Hara)

To approve application 12-3-SEP 810 Main Street – retail specialty pharmacy and office space subject to conditions and reasons.

**SECOND:** (W. Porter)

**Discussion:** Conditions and reasons

**Motion passes 5-0** (Ayes: O'Hara, Zini, Porter, Martin, Lindstrom)

#### **Conditions:**

1. A landscaping plan must be submitted to the Commission for subsequent approval prior to pre construction meeting. (include confirmation that there are no sight line problems caused by the landscaping, consider a berm along the rear property line, planting beds along the front of the building opposite entrance with smaller trees at each corner, deciduous trees along the side yards, substantial buffers to residential property on north and east side, such as 5-6 ft Colorado spruce trees along rear line, hedge planting between parking lot and sidewalk.
2. Show on plan: sidewalk return from the frontage walk into the walk within the property; employee parking signs; details of composite material for dumpster enclosure.

3. Alternate lighting within the site is requested, but not mandatory. Work with the Town engineer on alternative poles and fixtures to provide an alternative that is more aesthetically pleasing, noting that the Commission would like to see the details prior to installation.
4. Submit letter confirming the intentions of the owner to abandon the pre-existing, non-conforming residential use for the property
5. The Commission requests that the Health District provide a letter of clarification regarding requirements for discharge of waste water from the washing of equipment used for pharmaceutical purposes, noting that all requirements of the Health District must be addressed prior to the issuance of a Building Permit.
6. Compliance with approval of the Architectural Review Board.
7. Submission of a description of the use to demonstrate zoning compliance in this district.

**Reasons for Approval:**

1. Consistent with Plan of Conservation and Development.
2. Use makes this property more conforming.
3. Promotes economic development along Route 25 and improves visual appeal.

**MOTION TO CHANGE THE ORDER OF AGENDA**

**MOTION:** (W. Porter)

To take the agenda out of order moving the item titled ‘Zoning Enforcement Review’ in front of the item titled ‘Section 8-24 Reviews’.

**SECOND:** (C. Lindstrom)

**Discussion:** None

**Motion passes 4** (Ayes: Zini, Martin, Lindstrom, Porter)

**Abstentions 1** (O’Hara)

Item 15 **ZONING ENFORCEMENT REVIEW**

Chairman Zini touched upon an issue with Thomas Beard and that he is illegally running a top soil factory on his property. Mr. Beard’s attorney is making demands to the Zoning Enforcement Officer that he bring immediate action on other illegal operations in Town that Attorney Dominic Thomas feels have similar violations.

Vice Chairman O’Hara recused himself.

Chairman Zini spoke with the Town’s attorneys about this situation and has drafted a letter that he wrote in return to Attorney Thomas’ demands. Chairman Zini read the letter looking for support and approval of the Commission.

**MOTION TO APPROVE LETTER AS READ**

**MOTION:** (J. Flader)

To approve the letter to Attorney Dominic Thomas as read.

**SECOND:** (W. Porter)  
**Discussion:** None  
**Motion passes 5-0** (Ayes: Zini, Martin, Flader, Porter, Lindstrom)

Chairman Zini will provide the letter to Dave Killeen to pass along to Town Counsel to be distributed to Attorney Dominic Thomas.

Vice Chairman O'Hara returned.

Dave Killeen gave a brief update on the Enforcement Summary in the absence of Zoning Enforcement Officer, Joe Chapman.

Dave informed the Commission that he and Scott Schatzlein have focused on six properties that have created difficulty for the Commission, because they are operating without C.O.s.

They were notified by letter of the Town's concern that they are operating without a C.O. and that they need to achieve compliance to obtain a C.O. If the violation was not regarding a C.O. then the owners of the properties were informed that they need to become compliant within their situation. Dave feels that they have already had positive responses. They were also informed of the citation process and that they can be fined daily for continued offenses.

The ZEO will be at the June 7 meeting to give the Commission a full update.

There was discussion from the Commission on the defiance of the property owners. It was stated that the Commission has tried to be very patient with the property owners and they continue not to comply.

## 9. **SECTION 8-24 REVIEWS**

- 1428 Monroe Turnpike, Marian Heights – Municipal Referral

The Municipal Referral is unanimously supported by the Commission. Chairman Zini asked the Commission to go over this until the next meeting.

There is some concern for the timeline for funding. The Commission wants to make sure that no one will come back to blame the Commission if they do not meet the deadline for the funding.

- 211 Garder Road – Municipal Referral

This Municipal Referral was withdrawn

Karen Martin excused herself for the evening.

## 10. **CONSTRUCTION APPROVAL/MODIFICATIONS**

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- 241 Roosevelt Drive – architectural modification

**Barry Unger**, 632 Main Street, introduced himself. Mr. Unger gave a brief history on the location. There was an approved application for a gas station at this location. The owner of the property passed away during the construction of the building and the construction ceased. The new applicant would like to have a Henny Penny convenience store with a gas station.

Commissioner Flader left for the evening.

Mr. Unger explains the differences from what was approved to the new proposed modifications. The new building will not have an upstairs. The dimensions of the first floor are the same from the old to the new. The footprint is the same but the square footage is reduced.

**MOTION TO APPROVE CONSTRUCTION MODIFICATIONS FOR 241 ROOSEVELT DRIVE**

**MOTION:** (P. O’Hara)

To approve the construction modification for 241 Roosevelt Drive with conditions.

**SECOND:** (W. Porter)

**Discussion:** If anything changes off of the building it must come back to the Commission as well as the signage or any site lighting issues.

**Motion passes 5-0 (Ayes: O’Hara, Zini, Porter, O’Rourke, Lindstrom)**

**Conditions:**

1. All site lighting is to be shielded.
2. There will be no changes to the approved site.
3. Plans for signage must come to the Planning and Zoning Commission.

**11. REGULATION REVISIONS**

- Work Plan and Schedule
- Status Reports

The contract is being negotiated with the consultant firm.

Dave Killeen has also had contact with some of the property owners in the L.O. District to solicit input that will come back to the Commission.

The contract with BFJ Planning should hopefully be released by Tuesday May 29, 2012.

**12. RESOLUTION REGARDING PEPPER STREET SOUTH/MAIN STREET INTERSECTION CHANGES**

Moved to the next meeting

**13. BOND RELEASES OR REDUCTIONS**

- 387 Main Street, Patriot Estates – bond release

The owner of this property was putting in a sub-division. He is no longer doing so therefore he has asked for his bond back. There is still some work that needs to be done to bring it back to looking presentable. Scott has suggested that the bond be partially released with the remainder to be held till the rest of the work is done. Scott suggested that \$202,000. Chairman Zini suggested that it be \$200,000 even and the Town will retain the \$32,000 remainder. The property owner would be completing the work to be done and if he fails to do so then the remaining \$32,000 will be kept by the Town to finish the work.

Vice Chairman O’Hara would like more trees to be added to the area that was disturbed. Scott goes over what he has suggested that the property owner does to the area. Including but not limited to:

- Paving a swail
- Installing a rigid lip for the level spreader
- As-built drawing
- A burm across the frontage that will be planted with grass
- Some deciduous trees in front of the burm
- Top soil and seed the whole area that is stone

**MOTION TO RELEASE BOND 387 MAIN STREET**

**MOTION: (R. Zini)**

To support Staff’s recommendation to reduce the bond from \$232,000 to \$32,000 releasing \$200,000 of the bond and requiring that all of the close out procedures and requirements of the Department be followed and that the aesthetic value and the safety and security issues that the Town Engineer listed on the engineering side be managed by the property owner with the understanding that if they default then the balance of the bond will be recalled and the Town will proceed with the closing of the property. The applicant must complete the required work within 60 days.

**SECOND: (W. Porter)**

**Discussion:** None

**Motion passes 4-1 (Ayes: Zini, Porter, O’Rourke, Lindstrom)**

**(No: O’Hara)**

**14. EXTENTIONS - None**

**15. ZONING ENFORCEMENT REVIEW**

Moved to before item 9.

**16. REPORTS FROM THE COMMISSION**

- Chairman's Report

June 12, 2012 will be the next CIFAP meeting where Administration will be giving a presentation on a master plan for the usage of Chalk Hill. In July there will be a requested joint meeting of Planning and Zoning, Town Council, Board of Finance, and First Selectman to discuss the future of Chalk Hill.

WPCA had an RFP out for a Preliminary Sewer Study Consultant. The RFP results are in and they are in discussion between the Department and the First Selectman's Office.

Chairman Zini attended a telecom meeting as well as a face to face meeting for Greater Bridgeport Regional Council during the month.

- Commissioner's Reports

Vice Chairman O'Hara explained to the Commission that he attended some recent Town meetings. One was a Town Council meeting and one a Chalk Hill Citizens Group Meeting. The attendees of the meeting as well as a member of Town Council were portraying the Planning and Zoning Commission wrongly. Vice Chairman O'Hara had concern that people are jumping to conclusions on the Chalk Hill issue with the Planning and Zoning Commission, when they have not read the regulations or spoke to Staff or the Commission about their issues with Chalk Hill.

Chairman Zini talked about CIFAP and what they are doing with Chalk Hill. CIFAP is looking for information from Administration on CIFAP so that things can get moving with it. There is some controversy about what is allowed and not in the school building due to the Zoning Regulations. Chairman Zini showed some concern for the businesses that are currently in Chalk Hill and the Zoning Regulations. The uses and future uses for the building should be proposed to the Commission.

There was discussion on the Study of Chalk Hill that was done in 2008, as well as a discussion on a study that was done in 2010.

Chairman Zini thinks that the Department Heads of the Town should get together and work on this together. It would be beneficial for the Town and the members of it.

Chairman Zini asks that the Commission be aware that they will be assembled as a full Commission in July to assist in the planning process.

**17. CORRESPONDENCE RECEIVED**

Dave Killeen received a request from an individual who is interested in pursuing a daycare in a DB-1 Zone. It was pointed out by the individual that there are other daycare centers in the zone. Dave, however, did not find in the regulations where it shows a daycare is a permitted use. He did find that “services” are a use and questioned whether or not the Commission believes a daycare would be a service. The Commission does believe that it is a service and the individual would have to come in for a Special Exception Permit.

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**FOR INFORMATION ONLY**

**18. PUBLIC HEARING SCHEDULE -**

- Hearings to be scheduled for 6/21/12 or later:
  - **12-1-RAA** 1585 Monroe Turnpike – proposed regulation amendment to section 117-1102 (permitted uses in a DB-2 District)

**19. PENDING MATTERS**

**20. ADJOURN**

Chairman Zini officially closed the administrative hearing.

**MOTION TO ADJOURN**

**MOTION:** (C. Lindstrom)

To adjourn the meeting at 11:18pm

**SECOND:** (W. Porter)

**Discussion:** None

**Motion passes 5-0. (Ayes: O’Hara, Zini, Porter, O’Rourke, Lindstrom)**

Respectfully submitted,

Amy Guerra  
Recording Clerk