

**PLANNING and ZONING COMMISSION
Monroe, Connecticut
MEETING MINUTES
August 20, 2020**

REMOTE ELECTRONIC PUBLIC MEETING VIA GO TO MEETING

Via computer, tablet or smartphone at this link: <https://global.gotomeeting.com/join/650027205>
Via phone at: United States: +1 (224) 501-3412 – Access Code: 650-027-205

Meeting: Planning and Zoning Commission **Meeting was Video and Audio Recorded**
Regular Meeting
7 Fan Hill Road, Monroe, Connecticut

Present: Michael O'Reilly, *Vice Chairman*
Bruno Maini, *Secretary*
Ryan Condon, *Commissioner*
Leon Ambrosey, *Commissioner*
Robert Westlund, *Alternate*
Ronald Schneider, *Alternate*

Absent: Domenic Paniccia, *Alternate*
Vacant Member Seat, Chairman

Also Present: Rick Schultz, *Town Planner*
William Agresta, *Planning and Zoning Administrator*
Barbara Schellenberg, *Special Land Use Counsel*
Georgia Contois, *Meeting Moderator*
Sarah Stroud, *Recording Secretary*

OPENING of MEETING

1. **CALL TO ORDER**
Acting Chairman O'Reilly called the meeting to order at 7:05 p.m. and reviewed the procedures and directions for the virtual meeting.
2. **ROLL CALL & SEATING OF ALTERNATES** (if required)
Commissioners were seated on roll call with Alternate Westlund being seated.
3. **ORGANIZATIONAL & ADMINISTRATIVE MATTERS**
Special Election of Commission Officers

MOTION: MAINI – To nominate and elect Michael O'Reilly as Chairman.

SECOND: CONDON

VOTE: 5-0 – Approved – Motion Passed

Ayes O'Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

MOTION: CONDON – To nominate and elect Bruno Maini as Vice Chairman.

SECOND: AMBROSEY

VOTE: 5-0 – Approved – Motion Passed

Ayes O’Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

MOTION: MAINI – To nominate and elect Ryan Condon as Secretary.

SECOND: AMBROSEY

VOTE: 5-0 – Approved – Motion Passed

Ayes O’Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

4. GENERAL PUBLIC PARTICIPATION PERIOD

None

5. EXECUTIVE SESSION

MOTION: MAINI – To enter executive session to discuss pending litigation with Special Counsel Schellenberg, inviting Town Planner Schulz, Planning and Zoning Administrator Agresta and GoToMeeting moderator Contois.

SECOND: CONDON

VOTE: 5-0 – Approved – Motion Passed

Ayes O’Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

MOTION: MAINI – To leave executive session and return to regular meeting.

SECOND: WESTLUND

VOTE: 5-0 – Approved – Motion Passed

Ayes O’Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

The Commission resumed the regular meeting at 7:52 pm.

6. GENERAL APPOINTMENT

- **1428 & 1432 Monroe Turnpike – Jill and John Kimball**
Discussion of Proposed Lot Line Adjustment – Rear Lot Zoning Definition

John and Jill Kimball were present on behalf of themselves. Mr. Kimball reviewed the access to and the property lines of the site for the Commission. He noted that after talking to some interested buyers they are proposing moving a lot line to consolidate the lands of and surrounding the “castle property.” They propose to leave the other land, the driveway, and the access to the cottage on the lot of the “cottage property,” as opposed to the current property lines that require an access easement. He noted that because a new lot is not being created and the moving of a lot line works within the zoning regulations that the Land Use Staff could sign off on this proposal, but the Land Use Staff wanted the Commission’s ruling on whether this property fell under the definition of a rear lot, which would not allow this change.

Commissioner Ambrosey read the zoning regulation and asked if this is considered a rear lot according to the regulation. Mr. Kimball stated he did not believe that it fell under that definition. He noted the building has existed since 1935 and they are just trying to clean up the lot lines for future use. He said they comply with the minimum square and other lot width aspects at the front of the lot, even though other parts are narrower. Planner Agresta noted this appointment is to decide if this property meets the description of a rear lot. Chairman O’Reilly stated he does not believe this is a rear lot, and asked the Commission for any objections. There were no objections.

PUBLIC HEARINGS

Chairman O'Reilly reviewed the instructions for public hearings.

7. 54 Jockey Hollow Road – RF-1 District

- **CGS §8-24 Municipal Referral from Town Council**
- **SEP-2019-12, File #1620A**

Special Exception Permit / Site Development Plan Application for improvements to Monroe Volunteer Emergency Medical Services consisting of renovations and expansion of existing building and parking. The southeast corner addition will consist of new training classroom and southwest addition to be a day room and staff offices with the additions being approximately 1,900sf and 2,000sf respectively. Town of Monroe (owner/applicant).

Commissioners Condon and Westlund recused themselves at 8:06 pm and left the virtual meeting. Commissioner Schneider was seated. Planner Agresta listed the added file exhibits.

Brian Humes of Humes Architects was present on behalf of the applicant. Mr. Humes reviewed the application for the Commission. He noted this project is to improve the working conditions for the Monroe EMS staff. Mr. Humes shared a land transfer map on a shared screen for review by the Commission. He explained there are 1.4 acres of land that will be transferred from the abutting school property to maintain the proposed lot coverage of this project into compliance with the regulations.

Mr. Humes advised there will be no change to the curb cuts of the property, apparatuses and vehicles will continue to enter and exit the same way as they currently do. Mr. Humes noted all updated drainage calculations have been submitted. Mr. Humes reviewed the proposed parking spaces that will serve the staffing and the addition of the training room. He noted the lot was reduced from 64 proposed spaces to 52. He advised this helps reduce the impact to the existing woods and impact to the abutting properties, which was a concern voiced by owners of the abutting properties. He advised that EMS believes this is a solution to the parking concerns without needing to have street parking, which is not a viable option in this area. He explained that the increased parking will not increase the current staffing. This increase to the parking lot is just to serve the current needs of EMS. On a shared screen, Mr. Humes reviewed the change to the demolition plans noting the trees that are no longer planned to be removed because of the reduction in proposed parking spaces. Mr. Humes reviewed the proposed cedar privacy screen for the Commission. Mr. Humes clarified that the existing holding tank and the existing septic tank on the property are planned to be replaced. He advised these plans have been reviewed and approved by the Health Department. The planting plan was reviewed on a shared screen for the Commission by Mr. Humes. He highlighted the screening plants that are planned to help buffer the site from the neighbors. Mr. Humes noted the issue that was raised by one of the abutting property owners concerning the lot coverage at the school property that will be transferring 1.4 acres to the EMS property has been rectified by changing the zone of the school to an RF2 zone. Mr. Humes displayed the erosion control plan on a shared screen for the Commission to review.

Public Comments:

- Don Smith of Monroe EMS was present to speak in favor of the application. He noted that EMS has tried to always be good neighbors. He believes this revised application answers a lot of the concerns of the abutting properties. He noted that EMS has outgrown this building in its current state, and improved conditions are needed for the volunteers.

Mr. Humes requested the public hearing be closed, and asked that a determination be made tonight if possible. Upon polling of the Commission and hearing no objections, Chairman O'Reilly closed the public hearing.

Commissioners Condon and Westlund rejoined the meeting at 8:33 pm, unseating Commissioner Schneider.

8. RAA-2020-02, File #1009E – Proposed B-1/MU District

Zoning Regulations Text Amendment Petition to create a new B-1 / MU Mixed Use District (new §5.2.5 and §5.2.6 identifying principal and accessory permitted uses of new district) and associated regulations (new §5.2.7 through §5.2.23: Lot Area and Bulk Requirements; Setbacks; Height; Coverage; Coverage Exemptions; Building Area; Floor Area; Residential Unit Sizes; Residential Density; Handicap Accessibility; Site Amenities; Architectural Design; Signs; Off-Street Parking and Loading; landscaping, Screening and Buffer Areas; Utilities; and Change of Use) pertaining to said new District. No corresponding Zone Map Change is proposed or included. Petitioner: 7192 Main Street, LLC

Postponed at the request of the applicant petitioner to the September 3, 2020 meeting.

9. SEP-2020-01, File #1621A – 390 Monroe Turnpike – B-2 District

Special Exception Permit / Site Development Plan Application for improvements to existing McDonald's Restaurant consisting of a complete façade demolition with new façade design replacement and alteration of drive-through to provide two (2) separate drive-through access lanes each with menu boards, as well as related site and parking modifications. McDonald's Real Estate Company (owner/applicant).

Postponed at the request of the applicant petitioner to the September 17, 2020 meeting.

PERMIT AMENDMENT MODIFICATIONS

10. 494 Main Street - 10-8-S-A1, File # 1475A

Permit Amendment Modification: Proposed "Change of Use" involving expansion of existing Monroe Social Restaurant into adjacent vacant retail unit measuring approximately 1,496 GFA, expanding the restaurant from an existing approximately 1,776 GFA to 3,272 GFA, and proposed "off-street shared parking reduction" per Zoning §6.1.10 – seeking a full 30% reduction based on different peak hour usage.

Planner Agresta listed the file exhibits.

Frank Lunati, property owner presented and reviewed the property for the Commission, noting that Monroe Social Restaurant currently wants to expand into a vacant retail space resulting in a change of use and increased parking requirement. Mr. Lunati noted they seek also a parking waiver to allow a reduction as permitted of 30% to address the additional parking required since the site includes multiple tenants with different peak usage times, so parking is generally available.

Commissioner Maini expressed concern about the 30% reduction noting this would be a third less than the required parking. He advised that the current circumstances may allow this to work, but if a different business moved into the property then this reduction may no longer be viable. Planner Agresta noted this is only a reduction of 14 spaces. Planner Agresta noted that the Commission could like it has done in the past condition the waiver with the stipulation of the approval should another night time use proposed or other changes occur in usage then the center would need to come back to the Commission for approval, therefore, the parking spaces could be required at that time if necessary.

Commissioner Ambrose asked if an analysis was completed of the peak hours and turned into the town. Mr. Lunati said no. He noted that some of the businesses close earlier than their advertised hours. Commissioner Ambrose advised he believes the Commission should have an official analysis to review. Planner Schultz suggested that information is being compiled for the Commission to review and should be provided but perhaps could be conditional.

DELIBERATIONS and DETERMINATIONS

11. PENDING MEETING MINUTES

Minutes – July 16, 2020

MOTION: WESTLUND – To approve the meeting minutes of July 16, 2020, as drafted.

SECOND: MAINI

VOTE: 5-0 – Approved – Motion Passed

Ayes O’Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

12. DELIBERATIONS ON PENDING ITEMS

ZCA-2020-01, File #1014D

MOTION: WESTLUND – To approve Zone Boundary Change ZCA-2020-01, File #1014D changing approximately 27.79 acres consisting of a portion of property located at 345 (also referenced as 365 and 375) Fan Hill Road, Assessor Map 96, Lot 16, from a classification of Residential and Farming District 1 (RF-1) to Residential and Farming District 2 (RF-2), thus matching the other portion of the parcel currently classified RF-2. Said rezoning excepts approximately 1.4127 acres which will remain classified RF-1, as set forth in the Approval Resolution dated August 6, 2020 and amended to August 20, 2020. Property Owner: Town of Monroe

SECOND: AMBROSEY

VOTE: 4-0 – Approved – Motion Passed

Ayes O’Reilly, Ambrosey, Westlund, Schneider

Nays None

54 Jockey Hollow Road – CGS 8-24 Municipal Referral and SEP-2019-12, File #1620A

The Commission directed Staff to prepare a draft approval for the application and referral.

494 Main Street – 10-8-S-A1

Commissioner Condon said he was in favor of approving the parking reduction and application. Commissioner Maini said he is in favor provided there is a stipulation to review if the business or hours should change. Commissioner Ambrosey said he was also in favor as long as the peak hours and business hours information is submitted to confirm and verify same. Commissioner Westlund said he was in favor as well.

MOTION: CONDON – To approve Special Exception Permit / Site Development Plan Approval Amendment Modification application 10-8-S-A1, File #1475A for a “Change in Use” involving expansion of an existing Restaurant by absorption of an adjacent vacant retail store resulting in a total restaurant gross floor area of 3,272 square feet and 30% reduction of parking by 14 spaces per Zoning §6.1.10 based on shared use of different parking peak demands among all site tenant uses, subject to conditions and final plans endorsement. Applicant: Constantin Crama; Property Owner: 494 Main St Holdings LLC, Frank Lunati Member

SECOND: WESTLUND

VOTE: 5-0 – Approved – Motion Passed

Ayes O’Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

13. TIME EXTENSIONS

Time Extension – EFP-2019-03, File #104E – 4 and 7189 Main Street

Chairman O'Reilly reviewed the time extension request letter received from the applicant. Commissioner Ambrosey noted for the Commission that there is an existing violation on this site.

MOTION: WESTLUND – To grant time extension to September 9, 2020 to comply with submission of Final Site Plans for approval endorsement. Applicant/Property Owner: 7192 Main St LLC and 7182 Main St LLC

SECOND: MAINI

VOTE: 5-0 – Approved – Motion Passed

Ayes O'Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

14. BOND RELEASE

Bond Release – SEP-2016-12, File #1582A – 154 Enterprise Drive – I-2 District

Chairman O'Reilly reviewed the letter requesting the bond release for the Commission. He noted the bond release report recommended releasing the bond in full.

MOTION: WESTLUND – To grant release of standing \$10,000.00 Surety Bond. Applicant/Property Owner: 154-164 Enterprise LLC

SECOND: MAINI

VOTE: 5-0 – Approved – Motion Passed

Ayes O'Reilly, Maini, Condon, Ambrosey, Westlund

Nays None

OTHER BUSINESS

15. REGULATIONS REVIEW/AMENDMENT WORK SESSION

▪ **Discussion of Potential B-1 to B-2 District Rezoning of Main Street Parcels North of Judd Road**

Planner Agresta reviewed the potential rezoning parcels along Main Street. He displayed a lot map of the area on a shared screen for the Commission to review the current zoning and the proposed zone changes. Planner Agresta reviewed the associated text amendment for the Commission. Commissioner Ambrosey advised he is in favor of the zone change being moved forward to a public hearing. Chairman O'Reilly polled the Commission on moving the zone change to a public hearing. The Commission was in favor of holding a public hearing for the proposed zone change. Planner Agresta asked the Commission for guidance on contacting the property owners specific to the zone change parcels prior to the public hearing noticing. The Commission agreed and directed Staff to contact them with a letter explaining the rezoning and that a hearing will be held.

▪ **Discussion of Potential Mixed Use Regulations**

Planner Schultz shared a chronological overview of the introduction of mixed use zoning in the Town. He noted that the Regulations Subcommittee has been working on this since September 2019.

Planner Agresta summarized and noted that the draft shared on the screen and sent earlier to the Commissioners was only a preliminary draft and it still was a work in progress. Planner Schultz reviewed the maximum number of units that could be built in various parts of town based on current conditions.

Planner Agresta walked the Commission through the preliminary draft section by section. Planner Agresta noted that the Committee's focus was for apartments above commercial in existing and new buildings.

Commissioner Westlund asked if a housing needs study had been completed. Planner Agresta noted this has not been completed. Commissioner Westlund asked what the fiscal impact to the educational system would be under this mixed use proposal. Planner Agresta explained that multiple studies have been completed by various sources that show two and fewer bedroom apartments don't really cause a fiscal impact to the education system, but that changes when three or more bedroom apartments are allowed. He noted that this is why the two bedroom apartment was decided as the maximum unit size by the Committee. Planner Agresta stressed the difference of moderate income units verses low income units. Planner Agresta noted that a traffic study that is geared towards this use has not been completed but there was a transportation study done for part of Main Street and Monroe Turnpike which projected commercial growth of a long period and recommended road changes to mitigate existing and future traffic impacts, which would be applicable here.

Commissioner Schneider asked how this will benefit Monroe. Chairman O'Reilly explained that there are a lot of vacant developments in town. This could encourage the owners to fix up their properties which could, in turn, attract new businesses. Commissioner Condon said that this would bring in new residents, which aids economic development. He also noted that if the town does not have adequate affordable housing as required by law by 2022 then it could be built in a less controllable and desirable way than this proposal.

Staff was directed to refine the draft with the Regulations Subcommittee.

16. CORRESPONDENCE / OTHER RECEIVED

- New Application – SDP-2020-01, File #139 – 64 Cambridge Drive and 4 Independence Drive – I-2 District
- Intervention Verified Pleading – SDP-2020-01, File #139 – 64 Cambridge Drive and 4 Independence Drive
- New Application – SEP-2020-01, File #1621A – 390 Monroe Turnpike McDonalds – B-1 District
- New Application – SEP-2020-02, File #1622A – 556 Pepper Street – I-2 District

17. COMMISSION REPORTS

- Chairman's Report – None.
- Commissioner's Reports – None.
- Land Use Staff Reports – None.

18. MEETING ADJORNMENT

Upon polling the Commission and hearing no objections, Acting Chairman O'Reilly adjourned the meeting at 10:20 pm.



TOWN OF MONROE
PLANNING and ZONING COMMISSION

7 Fan Hill Road
Monroe, CT 06468
Phone: 203-452-2812
www.monroect.org

ZONE BOUNDARY CHANGE APPROVAL

27.79 acres zoned RF-1 to RF-2

345 FAN HILL ROAD

345, 365 and 375 Fan Hill Road – Assessor Map 96, Lot 16

OWNER

TOWN OF MONROE

	Date of Approval	August 20, 2020
	Date Final Plans to be Signed and Recorded by	November 20, 2020
	Expiration (if not Recorded)*	November 20, 2020

WHEREAS, the Monroe Planning and Zoning Commission (hereinafter “Commission”) is considering a Zone Boundary Change affecting approximately 27.79 acres of property owned by the Town of Monroe located at 345 (also referenced as 365 and 375) Fan Hill Road, Assessor Map 96, Lot 16; and

WHEREAS, the zoning classification for the existing property is presently bifurcated between Residential and Farming District 1 (RF-1) and Residential and Farming District 2 (RF-2) designations. The proposal seeks to eliminate the present bifurcation by rezoning the RF-1 portion of the subject property (except approximately 1.4127 acres separately planned for conveyance and merger with the abutting Town of Monroe EMS property located at 54 Jockey Hollow Road, which will remain zoned RF-1 District) to RF-2 District; and

WHEREAS, The subject property consisting of approximately 42.91 acres in total contains existing Fawn Hollow Elementary School, Jockey Hollow Middle School and the former Chalk Hill School as a single common parcel;

WHEREAS, the proposed Zone Boundary Change is shown and detailed in the following materials:

- Application ZCA-2020-01, File #1014D;
- Project Narrative, 06/09/20;
- Zone Change Description, Lewis Associates, 06/10/20;
- Zone Boundary Change Map, Lewis Associates, 05/21/20, revised 06/04/20;
- ZC-1 – 500 Foot Abutter Radius Map, Town of Monroe, 06/01/20; and

K:\Planning and Zoning\Applications_PZC\Decisions\2020

ADOPTED August 20, 2020

WHEREAS, in the course of its review, the Commission has noted the following:

- The subject property consisting of approximately 42.91 acres is located at 345 (also 365 and 375) Fan Hill Road and is presently zoned partially Residential and Farming District 1 (RF-1) and partially Residential and Farming District 2 (RF-2);
- The subject property includes Fawn Hollow Elementary School, Jockey Hollow Middle School and the former Chalk Hill School;
- Portions of the subject property consist of regulated wetlands, associated 100-foot upland review area and 100-year floodplain, which resources will remain unaffected by the zone change;
- The subject property is not within 500 feet of a town boundary nor subject to an existing Conservation Easement or other environmental deed restriction;
- Properties surrounding the subject property to the north and northwest are presently zoned RF-2 District, are substantially undeveloped, forested Town open space lands, and consists of larger parcels;
- Properties surrounding the subject property to the south and southwest are presently zoned RF-1 District and are substantially developed with single-family residences on primarily one-acre lots;
- Existing subject property development includes school/town buildings, off-street parking, playground areas and recreational fields. The perimeter of the property consists of forested land with much of the rear property abutting Town of Monroe Open Space lands. No school related development is planned or proposed in relation to the proposed rezoning;
- The Zone Boundary Change proposes to change the zoning classification for a portion of the property consisting of approximately 27.79 acres from RF-1 to RF-2, matching the other portion of the parcel presently zoned RF-2;
- The Zone Boundary Change seeks to eliminate the present bifurcation by rezoning the RF-1 portion of the subject property (except approximately 1.4127 acres planned for conveyance and merger with the abutting Town of Monroe EMS property located at 54 Jockey Hollow Road) to RF-2. The RF-2 classification is the more restrictive of the two zones; and

WHEREAS, pursuant to Connecticut General Statutes §8-7d and §9.2.4 of the Monroe Zoning Regulations, the Commission has considered the proposed Zone Boundary Change at a duly noticed public hearing (the hearing notice was duly published in Voices on July 8, 2020 and in the Connecticut Post on July 6 and 16, 2020), which hearing was opened and closed on July 16, 2020; and

WHEREAS, written notice of the Public Hearing pertaining to the proposed Zone Boundary Change was sent to abutting property owners within 500 feet of the subject property, as evidenced by certified mail receipts (and subsequent returned “green” cards);

NOW THEREFORE BE IT RESOLVED, consistent with Connecticut General Statutes §8-3 and the Monroe Zoning Regulations, the Commission, at a Regular Meeting held on **August 20, 2020**, upon motion by **ROBERT WESTLUND** and seconded by **LEON AMBROSEY**, following deliberations conducted on **July 16, 2020 and August 20, 2020**, voted **FOUR (4)** in favor and **NONE (0)** in opposition to **APPROVE** the above referenced **Zone Boundary Change**, as follows:

<i>Vote:</i>	MICHAEL O'REILLY	AYE
	LEON AMBROSEY	AYE
	ROBERT WESTLUND (seated)	AYE
	RONALD SCHNEIDER (seated)	AYE

For the Commission:

Michael O'Reilly, Chairman

BE IT FURTHER RESOLVED, the Commission relies on the following reasons in approving the Zone Boundary Change set forth herein:

- The rezoning will not change the permitted uses otherwise allowed on the subject property, nor will it change or diminish the property's street frontage or lot access. The rezoning will not alter or increase traffic to or serving the subject property, nor will it adversely impact neighboring properties (if anything the more restrictive zoning classification will benefit surrounding property values);
- The rezoning is consistent with other portions of the property and other land holdings abutting the property also owned by the Town. A substantial portion of the area surrounding the subject property, particularly the larger sized land parcels to the north and northwest are presently zoned RF-2. A number of these abutting parcels are Town open space, including Mine Lanes Nature Park adjoining to the rear. Thus, rezoning of the larger school parcel (as compared to other smaller presently zoned area RF-1 District parcels to the south and southeast) to the more restrictive RF-2 District classification is a positive, more protective change to the neighboring properties;
- The rezoning will not create or result in any nonconforming zoning condition for the subject property, but rather will eliminate its existing undesirous zoning classification bifurcation. In addition, a zoning classification of RF-2 provides for slightly greater side and rear yard setbacks (both increase from 25 feet to 30 feet) and a lower permitted redevelopment single-family unit density (from 1- acre minimum lot area to a minimum lot area of 2-acres);
- Elimination of the bifurcated parcel condition: (1) is consistent with the goals and recommendations of the Plan of Conservation and Development; (2) is in furtherance of Zoning §1.9.3 with the elimination of potential conflicting standards upon a single parcel; (3) eliminates the existing zoning nonconforming site coverage condition of the subject property; (4) is consistent with policy recommendations of the Planning and Zoning Commission seeking to unify applicable zoning of individual parcels and eliminate nonconforming conditions. As such, the rezoning to an RF-2 District classification across the school campus property is a positive change to the benefit of the property and surrounding neighborhood; and

BE IT FURTHER RESOLVED, the Commission hereby authorizes the publishing of a Notice of Decision consistent with the requirements set forth in Connecticut General Statutes §8-3(d); and

BE IT FURTHER RESOLVED, this approval shall not become effective until a final Zone Boundary Change Map endorsed by the Commission Chair along with an endorsed copy of this approval Resolution are recorded in the Monroe Land Records, and copies thereof showing all markings of recording are filed in the office of the Planning and Zoning Department as required below according to the time period provided; and

BE IT FURTHER RESOLVED, the final Zone Boundary Change Map shall not be authorized to be recorded in the Monroe Land Records until its approval has been endorsed thereon by the Commission Chair (any recording or filing of same without such endorsement shall be null and void); and

BE IT FURTHER RESOLVED, within **NINETY (90) DAYS (Expiration of November 20, 2020)** of this approval, the following shall be completed or this approval shall become null and void without further notice, unless an extension is granted by the Commission:

1. The Zone Boundary Change Map (full size 24"x 36" signed and sealed) shall be revised as follows:
 - a. The Map shall include a revision date of August 7, 2020 or later.

- b. The Map shall include the following prominent note:

Reference is hereby made to Town of Monroe Planning and Zoning File #1014D, ZCA-2020-01 as approved by the Monroe Planning and Zoning Commission on August 20, 2020.

2. Upon acceptance of the Map revised per above, the following shall be completed in the following order:

- a. **ONE (1)** fixed line mylar original of the final Zone Boundary Change Map shall be provided for endorsement by the Commission Chair.
- b. The endorsed mylar original will be released along with an original of this approval Resolution, also endorsed by the Commission Chair, for recording both on the Monroe Land Records.

BE IT FURTHER RESOLVED, the Zone Boundary Change approved herein shall become effective on the date same is recorded on Monroe Land Records but no sooner than the date of publication of the Notice of Decision as authorized above; and

BE IT FURTHER RESOLVED, the Commission hereby authorizes the Planning and Zoning Department to revise the official Zoning Map of the Town of Monroe, to change the affected area to Residential and Farming District 2 (RF-2), upon the completion of recording as required herein above.



TOWN OF MONROE
PLANNING and ZONING COMMISSION

7 Fan Hill Road
Monroe, CT 06468
Phone: 203-452-2812
www.monroect.org

SPECIAL EXCEPTION PERMIT / SITE DEVELOPMENT PLAN
PERMIT AMENDMENT MODIFICATION APPROVAL
10-8-S-A1 – File #1475A

494 MAIN STREET
Assessor Map 45, Lot 20-A – Business District 1 (B-1)

OWNER / APPLICANT
494 Main St Holdings LLC

Date of Standing Approval	January 22, 2009
Date of This Amended Approval	August 20, 2020
Amendment Approval Expiration*	November 20, 2020

** If conditions of approval are not completed accordingly*

WHEREAS, the Monroe Planning and Zoning Commission (hereinafter “Commission”) has received an application from Monroe Social Restaurant, Constantin Crama (applicant) and 494 Main St Holdings LLC, Frank Lunati, Member (owner) seeking Permit Amendment Modification Approval of a previously granted and standing Special Exception Permit / Site Development Plan Approval (10-8-3, File #1475A, approved on January 22, 2009); and

WHEREAS, the proposal seeks the following:

- A “Change of Use” involving expansion of the existing Monroe Social Restaurant into adjacent vacant retail unit measuring approximately 1,496 GFA, expanding the restaurant from an existing approximately 1,776 GFA to 3,272 GFA;
- An “Off-Street Shared Parking Reduction” per Zoning §6.1.10, seeking a maximum thirty (30%) percent reduction based on different peak hour usage; and

WHEREAS, the proposed action is detailed in the following application materials:

- Application 10-8-S-A1 - Special Exception Permit / Site Development Plan Permit Amendment Modification;
- Parking Plan Sketch; and

K:\Planning and Zoning\Applications_PZC\Decisions\2020

ADOPTED August 20, 2020

**SPECIAL EXCEPTION PERMIT / SITE DEVELOPMENT PLAN PERMIT AMENDMENT MODIFICATION APPROVAL
10-8-S-A1 – File #1475A, 494 Main Street**

WHEREAS, due to the proposed change in use from retail (currently vacant) to restaurant use, the amount of required off-street parking will increase (expanding the floor area of the restaurant use causes a net higher number of minimum off-street parking spaces required); and

WHEREAS, under existing use conditions, the number of parking spaces on site is less than otherwise required by nine (9) parking spaces, which is an existing nonconforming condition; and

WHEREAS, with the granting of the requested full shared parking reduction there would be no net change to the existing number of site parking spaces or existing nonconforming parking short fall, thus such nonconformity would not be changed or increased;

NOW THEREFORE BE IT RESOLVED, the Commission, in accordance with §8.1 and §7.1 of the Zoning Regulations hereby finds, upon motion by **RYAN CONDON** and seconded by **ROBERT WESTLUND**, following deliberations conducted on **August 20, 2020**, voted **FIVE (5)** in favor and **NONE (0)** in opposition to **APPROVE Special Exception Permit / Site Development Plan Permit Amendment Modification Application 10-8-S-A1, File #1475A**, subject to the modifications and requirements as set forth below, as follows:

<i>Vote:</i>	MICHAEL O'REILLY	AYE	<i>For the Commission:</i> <hr/> <i>Michael O'Reilly, Chair</i>
	BRUNO MAINI	AYE	
	RYAN CONDON	AYE	
	LEON AMBROSEY	AYE	
	ROBERT WESTLUND	AYE	

BE IT FURTHER RESOLVED, this Permit Amendment Modification Approval includes the granting of the requested thirty (30%) percent parking reduction for shared use based on varied peak demand usage by the retail center tenants, subject to the conditions below; and

BE IT FURTHER RESOLVED, this Permit Amendment Modification Approval and the conditions below shall be in addition to those of the original 10-8-S, File #1475A approval; and

BE IT FURTHER RESOLVED, this Permit Amendment Modification Approval is specific solely to that detailed herein; and

BE IT FURTHER RESOLVED, the Commission hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in CGS §8-3(d); and

BE IT FURTHER RESOLVED, as set forth above, this Permit Amendment Modification approval shall be subject to the following modifications and requirements:

MODIFICATIONS AND REQUIREMENTS OF PERMIT AMENDMENT MODIFICATION APPROVAL

Prior to the effectiveness of this Permit Amendment Modification Approval or issuance of a Zoning Permit (Zoning Certificate of Zoning Compliance) of Building Permit for the change of use of retail to restaurant, the following shall be completed in a timely manner and in the order that follows:

1. **Site Plan** – Provide a Site Plan for endorsement by the Commission Chairman which addresses the following:
 - Remove the sketch parking lot on the hillside as this is not approved.
 - Delineate the current parking space as recently stripped at the site.

**SPECIAL EXCEPTION PERMIT / SITE DEVELOPMENT PLAN PERMIT AMENDMENT MODIFICATION APPROVAL
10-8-S-A1 – File #1475A, 494 Main Street**

- Add the attached Existing and Proposed Off-Street Parking Calculation Tables.
- Add the following Table after completing the Table by detailing all individual tenants (including that of the vacant north building based on limitation of a new tenant restricted to operating with a varied peak hour demand for site parking as that of the restaurant), noting each tenant’s days/hours of operation, and identification of their peak hours affecting parking demand at the site.

TENANT HOURS OF OPERATION AND PEAK OFF-STREET PARKING DEMAND		
TENANT	DAYS / HOURS OF OPERATION	PEAK HOURS
<i>South Building</i>		
State Farm Insurance		
Franks Barber		
J.J. Nails		
Vape Store		
Monroe Social Restaurant		
<i>North Building</i>		
Vacant Retail		
<p><i>The reduction in parking granted by the Planning and Zoning pursuant to Permit Amendment Modification Approval 10-8-S-A1, File #1475A is based on the continued varied peak hour operations of the restaurant and the other site tenant uses in both the South and North Buildings, and the shared use of all parking spaces onsite. Any changes resulting in non-varied peak hour usage or intensification of any site use resulting in conflicts in parking demand shall require the further review and approval of the Monroe Planning and Zoning Commission for the continuation and veracity of the granted shared parking reduction.</i></p>		

2. **Recording of Amendment Approval Resolution** – This Permit Amendment Modification Approval Resolution shall be recorded on the Monroe Land Records. The applicant shall be responsible for collecting the original signed copy from the Planning and Zoning Department and recording same on the Land Records, as well as providing a copy of said recording to the Planning and Zoning Department.
3. **Zoning and Building Permits** – No Zoning or Building Permit relating to this Permit Amendment Modification Approval shall be authorized or issued until the recording as set forth in **Condition 2** above has been completed, and copies thereof as recorded have been provided to the Planning and Zoning Department. Consistent with CGS §8-3c(b) and Zoning §7.4.1A and §8.1.6(A), this Permit Amendment Modification Approval shall be effective for the purpose of obtaining Zoning and Building Permits upon the recording of this Resolution as signed by the Commission Chair in the Monroe Land Records as set forth herein. The vacant retail space to be changed to expanded restaurant use shall be permitted upon obtaining a Permanent Certificate of Zoning Compliance and Certificate of Occupancy/Use consistent with this Resolution, provided continual zoning, building, health and fire safety code compliance are maintained.
4. **Prior Conditions** – All other prior conditions, time periods, bonds and requirements of the previous Planning and Zoning Approval, and any amendments subsequent thereto, shall remain unchanged and in full force and effect.
5. **Changes** – Any additions or changes to the approved land uses, site activities, occupants, occupancy, tenancy, the Site Plans, the site and site improvements, systems or facilities thereon, shall require prior review and authorized approval and permit.

6. **Changes in Peak Parking Demand Usage and Hours of Operation** – The Off-Street Shared Parking Reduction granted herein shall remain effective to the extent the stated existing days/hours of operation and varied peak demand for parking at the site remains substantially unchanged. The continued validity of the reduction in parking is based on the continued varied peak hour operations of the restaurant and the other site tenant uses in both the South and North Buildings, and the shared use of all parking spaces onsite. Any changes resulting in non-varied peak hour usage or intensification of any site use resulting in conflicts in parking demand shall require the further review and approval of the Monroe Planning and Zoning Commission for the continuation and veracity of the granted shared parking reduction.
7. **Approval Compliance**. Failure to maintain compliance with any specified requirement of this Permit Amendment Modification Approval, or standing approval, shall constitute a violation of the terms of said approvals and a violation of the Zoning Regulations enforceable and subject to any and all remedies prescribed by applicable State and local laws, including but not limited to the ordered suspension of the use of the premises in full or part until such time as the failure or noncompliance has been satisfactorily resolved, and/or the revocation of said approvals or the revocation of any issued Zoning or Building Permits or Certificate of Zoning Compliance or Certificate of Occupancy/Completion.
8. **Expiration** – The improvements associated with this Permit Amendment Modification Approval shall expire if the above conditions are not completed within the time periods set forth herein, unless extended by separate request of the applicant and approval of same is granted by the Planning and Zoning Commission.