

**TOWN OF SOUTHBURY
ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, MAY 14, 2025**

RECEIVED FOR FILING
6/2 2025 at 2:15 P.M.
TOWN CLERK'S OFFICE
SOUTHBURY, CONN.
John J. Deane
TOWN CLERK

(Subject to approval)

MEMBERS PRESENT:

Gary Giroux, Chairman
Wendy Bernard, Vice Chairperson
David Dicks Jr., Secretary
Susan Monteleone
Mark Lee
Rod Ashby
Dominique S. Fatibene
Jay Hine, Alternate
Marty Ludorf, Alternate

ABSENT:

Officer Deandra Nevin

OTHERS PRESENT:

Jordan Marcinko, Land Use Administrator

APPOINTMENT:

Mrs. Deandra Nevin as the Zoning Enforcement Officer

CALL TO ORDER:

Chairman Giroux called the meeting to order at 7:04 P.M.

PLEDGE OF ALLEGIANCE:

All present recited the Pledge of Allegiance.

SEATING OF ALTERNATES:

None

NEW BUSINESS:

None

Commissioner Giroux made the motion to rearrange the agenda so they could address application number #25-0106-Z on the 33 Burma Road matter that was pending a decision ever since the Public Hearing was closed. Commissioner Ashby seconded the motion. All were in favor. Motion passes for the following matter:

PUBLIC HEARING CLOSED: DISCUSSION CONTINUES:

Application # 25-0106-Z: 33 Burma Road, Southbury, CT 06488. Ms. Esma Selmani (Petitioner/Applicant). Petition for Zone Map Change pursuant to Zoning Regulation Sections 15 Zone Map Amendment - Petitioning to revise the zoning map between B1-A (Commercial) and Zone R-30 (Residential). The map provided with this application shows the existing and proposed zone line.

Commissioner Giroux asked the Commission for a feedback or discussion on this application. Commissioner Monteleone made the motion to approve the application. Commissioner Hine seconded the motion. All were in favor. Motion approved.

Commissioner Bernard read the final resolution into the record.

Resolution attached herein.

Application # 25-0429-ZC: PDD #8 Amendment #24: Southbury Green – Text Amendment and Modification #17 for text change. Regency Centers (Owner). Mr. Hugh Sullivan of Bennett Sullivan Associates (Applicant). Modification of Detailed Plans. Original PDD #8 in 1996; Updated on 8/26/2021 under General Plans Modification. Request to increase floor area in compliance to allow Shoprite tenant the flexibility for the pastry dept. storage and refrigeration. Site plan provided with application.

Mr. Hugh Sullivan was present at this meeting. He explained that the entire Shoprite store was going to undergo a revamping. Approval from the Fire Marshall has been achieved for this application. The new plan is to improve the flow of the store for both the employees and the customers. This improvement is marking businesses and customers returning back to normal post Covid. This would also improve the pickup and delivery services. The 460 square feet cooler planned to be installed in the loading dock will improve delivery and refrigeration of cold produce, dairy and meats.

The Commission reviewed all the site plans provided by Mr. Sullivan along with this application. They discussed at great length and asked applicable questions to which Mr. Sullivan shed his expertise.

Commissioner Giroux stated that this application will be sent to the Planning Commission as a referral to get their feedback.

Public Hearing is set to take place at the next regular meeting on June 11, 2025.

Application #25-0508-Z: Text Amendment to Section 12. Mr. Hugh Sullivan of Bennett Sullivan Associates (Applicant). Text Modification of Section 12 Planned Development.

Mr. Hugh Sullivan was present at this meeting. He explained that changing the language will allow for the possibility of a “mixed use” project. In his professional opinion as a planner and developer, he feels this would considerably improve the Main Street corridor in Southbury. This would be a welcome change from the standardized cookie cutter subdivisions.

He pointed out to the Commission that of the eighteen planned development units in Southbury, a vast majority of them have more than two units. He stated that historically the previous Town Planner, Ms. Deloris Curtis would always refer to 1214 and 1215 in the zoning regulations which is how most of the PDDs and PDUs of Southbury were established. The requested sections for the amendment of 1211, 1212 and 1213 of the zoning regulations was originally put in place at the time of the development of the Heritage Village which has approximately two thousand five hundred and eighty dwelling units.

Creating a mixed use will address the housing needs for a younger demographics looking to stay in town at lower rents that would be more affordable to them. He stated that the few mixed use buildings there are in town have long waiting lists proving that there is a demand in today’s market for smaller, more affordable units for young people without children looking to start an independent life.

This request for the amendment is to be able to create new opportunities to developers looking to build a business with more zone friendly housing along with clarification on the definitions and functions of a PDD, a PDU and a Mixed Use. Land Use Administrator, Mr. Marcinko stated that the Section 12 of the Zoning Regulations had errors legally and fundamentally as related to the Planned Development Units (PDU). He said that the

approval cycle should ideally be from the Zoning Commission and not the Planning Commission.

Mr. Sullivan stated that this amendment request is being made with the sole interest of the Town. He has no vested interest with regards to a potential client, a future project or receiving any kind of compensation for making this request.

Commissioner Giroux reviewed the proposed text amendment. Commissioner Giroux also stated that the Zoning Regulations are currently going through a re-write process for which the Commission will be retaining certified professional company. Therefore the amendments could be amended differently as felt by the specialized team. However that nature of this application is respected and would be sent to the Planning Commission for referral for their feedback.

Public Hearing is set to take place at the next regular meeting on June 11, 2025.

PUBLIC HEARING:

Application # 25-0408-ZC: PDD #8 Amendment #23: Southbury Green Shoprite Addition, Regency Centers (Owner). Mr. Hugh Sullivan of Bennett Sullivan Associates (Applicant). Modification of Detailed Plans. Original PDD #8 in 1996; Updated on 8/26/2021 under General Plans Modification. Seeking approval to construct 1,946 sq. ft. addition to the shipping and receiving area in the rear of the building. Site plan provided with application.

Mr. Hugh Sullivan was present at this meeting. He explained that the entire Shoprite store was going to undergo a revamping. Approval from the Fire Marshall has been achieved for this application. The new plan is to improve the flow of the store for both the employees and the customers. This improvement is marking businesses and customers returning back to normal post Covid. This would also improve the pickup and delivery services. This will reduce some of the congestion for both pedestrians and traffic that currently exists in front to the Shoprite parking area.

As part of the overhauling, Mr. Sullivan explained that the store got the permits in place to get a professional grade heavy duty generator because insurance companies will no longer cover food costs lost from a power outage. The company also invested over a million dollars for a new Co2 condenser to put on the roof of the Shoprite building to feed all the refrigeration which will also make the process more energy efficient and complaint with the Environmental Protection Agency (EPA) regulation. In addition, the company will also modernize the interior of the building to make it a better shopping experience for the customers.

Mr. Sullivan also explained that the all the construction happens at night and the areas under work is cordoned off to protect everyone involved.

Commissioner Giroux requested to the see the referral sent back from the Planning Commission.

Commissioner Bernard red the Planning 8-3A referral of modification of detailed plans into the record to PDD#8, Amendment #23. Although the Planning Commission gave a positive review, it was also noted that the Planning Commission had conditions for approval based on the letter provided by the abutting resident of the Shoprite building.

As part of the approval process, The Commission also reviewed and read into record by Commissioner Bernard, a letter sent by Ms. Robin Starchak, a neighboring resident of the Shoprite building. All she is not against the project, this letter is primarily expressing concern over the issue of outside delivery trucks, storage materials and refuse. The inconvenience caused by lighting and noise during late hours of the night. Additionally maneuverability of the trucks entering and exiting the loading premises causing structural damage.

The Commission expressed concern and sympathy for Ms. Starchak. Mr. Sullivan was in agreement with the concern. He said that he would address this concern with the tenant. Mr. Sullivan. He requested the Commission to implement the approval requirements into the resolution so he can present it to his tenant.

The Commission elaborated all the conditions expected to be addressed in the resolution as part of the approval process of being fixed and maintained, including lighting, idling trucks, entry and exit curb for the delivery trucks, wayfinding signs, fencing and plantings as landscape screening. This would also allow the Zoning office to implement the requirements of this approval.

Commissioner Giroux opened the floor for public comments. Mr. Jim Rapp, a member of the public and a Southbury resident spoke to the Commission with regards to his concern on the trucking system at Shoprite. Mr. Sullivan responded by saying that he will contact the owner of the grocery store and he will help initiate meetings with their liaisons and the store manager to come to a possible resolution to the existing issues.

After the public comments were addressed, Commissioner Monteleone made the motion to close the Public Hearing. Commissioner Hine seconded the motion. All were in favor. Motion passes. Public Hearing closed.

Commissioner Giroux detailed all the fine points that needed to be added to the draft resolution as a condition of approval. This would make it possible for the landlord to enforce the necessary actions on the tenant as needed.

Mr. Sullivan requested that the final resolution be made a part of the drawings so that the two items are archived together.

Commissioner Bernard read the draft resolution into the record subject to additional bullet point items and inclusion in Mylar.

Commissioner Ashby made the motion to approve application #25-0408-ZC upon modification as discussed and elaborated by this Commission. Commissioner Lee seconded the motion. All were in favor. Motion approved.

Resolution attached herein as also in the Mylar.

OLD BUSINESS CONTINUED:

Discussion on Comprehensive Zoning Regulation update from the RFP Selection Committee.

The RFP Committee was formed at the last meeting comprising of Commissioner Lee, Commissioner Monteleone and Commissioner Bernard. Commissioner Lee is the Chairman of this committee.

After thoroughly reviewing the two final bids, Commissioner Lee briefed the Commission on the discussion by the RFP selection committee. He said that the consensus was to pick SLR as the final contender to work on the Southbury Zoning re-write. Commissioner Bernard also added in that as part of their discussion, it was determined that conducting interviews was not compulsory.

Commissioner Monteleone made the motion to approve SLR as the vendor for the proposed job. Commissioner Lee seconded the motion. All were in favor. Motion passes.

OTHER BUSINESS

Correspondence: NVCOG Referral Report: The Commission acknowledged the correspondence from NVCOG and explained the importance and relevance of this communication. They reviewed the letter carefully and accepted the correspondence.

Zoning Enforcement Officers Report: None. Officer Nevin is at CAZEO training all week.

Meeting Minutes Approval for April 9th 2025 Regular Meeting Minutes: Commissioner Monteleone made the motion to approve minutes. Commissioner Hine seconded the motion. All were in favor. April 9th regular meeting minutes approved.

Bills and Receipts: None reported.

Any other business that may properly come before the Commission: Starting June 1, 2025 regular meetings for the Zoning Commission meetings will be on the second Wednesdays of every month at 7:00 PM.

ADJOURNMENT:

Motion to adjourn was made by Commissioner Monteleone. Commissioner Ashby seconded the motion. All were in favor. The meeting was unanimously adjourned at 9:14 P.M.

Respectfully submitted,



Sanya McAndrew
Office of Zoning and Planning

**SOUTHBURY ZONING COMMISSION
TOWN OF SOUTHBURY, CONNECTICUT**

**RESOLUTION:
AMENDMENT TO ZONE MAP
33 BURMA ROAD
MBL: 54-28-1**

RECEIVED FOR FILING
6/2 2025 at 2:15 PM.
TOWN CLERK'S OFFICE
SOUTHBURY, CONN.
[Signature]
TOWN CLERK

May 14, 2025

WHEREAS: On January 8, 2025 the Zoning Commission received a petition from Secor, Cassidy & McPartland, P.C. on behalf of the owner/petitioner, Becir and Esma Selmani seeking to amend the zone boundary within their property located at 33 Burma Road;

WHEREAS: This map amendment would modify existing zone boundary between the R-30 and B-1A zones contained within the parcel. This amendment would increase the R-30 zone while reducing the B-1A zone within this parcel;

WHEREAS: A public hearing was held by the Zoning Commission on 2/12/25 and closed on the same date, upon which time all information was presented and considered;

WHEREAS: The Zone Change Map is generated by All Seasons Land Surveying, titled "Zoning Location Survey Proposed Zone Change" dated November 27, 2024, prepared for Esma Selmani and includes the 500' adjoining owners list;

WHEREAS: The Zoning Commission has reviewed and considered all of the oral testimony and documents presented at the above public hearing which included, without limitation, a negative referral from the Southbury Planning Commission dated 1/31/25. Taking into consideration the Planning Commissions review as well as the information presented, the Zoning Commission finds that the proposed amendments to the Zone Map are consistent with the overall zone as well as the Southford Village District as a whole;

NOW THEREFORE, BE IT RESOLVED that the amendment to the Zone Map is approved subject to the following administrative requirements:

1. Signature of the Chairman of the Zoning Commission is required on the Mylar prior to filing with the Town Clerk.
2. Submission of the new zone boundary map in PDF form to the Land Use Department.

Adopted at a regular meeting by the Zoning Commission held on May 14, 2025.

Effective date of approval: June 6, 2025

[Signature]

Gary Giroux, Chairman

Southbury Zoning Commission

**SOUTHBURY ZONING COMMISSION
TOWN OF SOUTHBURY, CONNECTICUT**

RESOLUTION:

**MODIFICATION OF DETAILED PLANS (AMENDMENT #23)
SOUTHBURY GREEN – PDD #8**

RECEIVED FOR FILING
05/12/2025 at 2:15PM.
TOWN CLERK'S OFFICE
SOUTHBURY, CONN.
[Signature]
TOWN CLERK

May 14, 2025

WHEREAS: On April 9, 2025 the Zoning Commission received an application for Modification of Detailed Plans for PDD #8. This application was submitted by Bennett Sullivan Associates (Agent) on behalf of Regency Centers (Owner), application is dated received by the Land Use Department on 4/8/25;

WHEREAS: The proposed Modification of Detailed Plans would allow for the construction of a 1,946 square foot addition to the Shipping and Receiving area with a ramp and two (2) access doors located to the rear of Building A. This modification would also allow for the re-location of the primary entry and exit doors located in the front of Building A. Additional modifications would allow for the installation of an employee access door and ramp in the northern corner of Building A. This modification is to provide access to the six (6) parking spaces to be marked for use by customers picking up pre-ordered groceries. Finally, alterations to the twenty (20) parking spaces located in the rear of Building A are proposed to be modified to accommodate the travel way between the spaces and the new Shipping and Receiving addition;

WHEREAS: The Zoning Commission referred this application to the Planning Commission on 4/9/25 for a report on this applications conformance with the 2023 POCD. On 4/15/25 the Planning Commission issued a positive referral regarding the application with the following notes to be provided to the Zoning Commission for their consideration.

- Storage of shipping containers in parking spaces and the presence of trash in the rear of Building A should be addressed and prohibited.
- New entry and exit doors to Building A should be accommodated by ADA compliant walking surfaces.
- Pedestrian crosswalk striping should be considered to be modified in order to properly lead patrons from the parking area into the entry doors, and out of the exit doors and back into the parking area.

WHEREAS: A public hearing was held by the Zoning Commission on 5/14/25 and closed on the same date, upon which time all information was presented and considered;

NOW THEREFORE, BE IT RESOLVED that the Modification of Detailed Plans Amendment #23 to the PDD #8 is approved subject to the following conditions:

1. A Detailed Site Plan depicting the approved modifications and conditions is to be submitted to the Land Use Department for signature by the Chairman of the Zoning Commission. Upon which time all conditions stipulated herein shall be deemed required and enforceable by the Town of Southbury Land Use Enforcement Officer.

2. Truck trailers and/or shipping containers are prohibited to be stored anywhere other than at one of the four (4) designated loading docks located behind Building A (Shop Rite).
3. All trucks staged at the loading docks shall be prohibited from idling for more than ten (10) minutes and shall be prohibited from using headlights while idling in order to reduce light trespass on the adjoining residential property.
4. Curbing and egress area shown on the Detailed Plans signed by the Zoning Commission Chairman shall be reviewed by a licensed architect and/or engineer in order to establish whether a larger turning radius is necessary for trucks accessing the shipping and receiving terminal. Coordination with the Department of Public Works will be required in order to address necessary changes on the Brown Road portion of the curbed island. Reports from the architect and engineer shall be submitted to the Zoning Commission for review prior to any changes being deemed necessary or not required. Such report shall be submitted to the Land Use Department no later than three (3) months following the issuance of a Building Permit for the construction of the Shipping and Receiving addition described in this approval.
5. All non-compliant lighting, such as wall pack lights, shall be removed.
6. All site features, such as fences, light poles, and landscaping, both on site and on adjoining properties, that is, or was previously damaged due to truck impacts or collisions, shall be repaired at the retail property owner's expense.

NOW THEREFORE, BE IT RESOLVED that the Modification of Detailed Plans Amendment #23 to the PDD #8 is approved subject to the following administrative requirements:

1. Submission of applications to the Building and Zoning Departments, Fire Marshal and Housatonic Valley Health District as may be necessary.

Adopted at a regular meeting by the Zoning Commission held on May 14, 2025.

Effective date of approval: June 6, 2025

A handwritten signature in black ink, appearing to read 'Gary Giroux', is written over a horizontal line.

Gary Giroux, Chairman

Southbury Zoning Commission