

TOWN OF MONTVILLE
Zoning Board of Appeals
Staff Report

DATE: June 1, 2022
TO: Montville Zoning Board of Appeals
FROM: Meredith Badalucca, Zoning Officer
RE: **Application# 22 ZBA 1 – 2040 Route 32 (M/B/L 103-001-00A)**
Location Approval for DMV License per C.G.S. § 14-321

APPLICANT: Hassan/Hussain, LLC
PROPERTY OWNER: Hassan/Hussain, LLC
ATTORNEY: Harry B. Heller, Esq., Heller, Heller & McCoy
SITE ADDRESS: 2040 Route 32 (M/L/B 103-001-00A), Uncasville, CT
ZONING DISTRICT: C-2 Zone (Commercial)
PROPOSAL: Location Approval for a Motor Vehicle Fueling Facility
(Gas Station/Convenience Store) per CGS § 14-321.

STAFF COMMENTS:

SUMMARY from June 1, 2022:

The Zoning Board of Appeals is acting in its capacity as an Agent for the State of CT in reviewing this application for a Certificate of Location Approval for a Motor Vehicle Fueling Facility (Gas Station/Convenience Store) per CT General Statutes (CGS) §14-321 (copy attached). A public hearing is being held for this application, but there is no requirement for a hearing in either the CGS or the Montville Zoning Regulations (ZR).

The property is located at the southwesterly intersection of CT Route 32 & Podurgiel Lane in a C-2 (commercial) zoning district on about 2.68-acres with about 453' of frontage on Norwich-New London Turnpike (CT Route 32) & about 256' of frontage on Podurgiel Lane and contains regulated wetlands and upland areas.

Staff recommends the Board consider the following in making its decision on the application:

- The subject property is located in the C-2 (Commercial) Zoning District in a commercial corridor and the proposed use of a convenience/gasoline sales establishment is permitted per ZR Section 11.2.11 (C-2 Permitted Uses), in accordance with ZR Section 4.11.10 (Gasoline Filling Stations and Convenience/Gasoline Sales Establishments).
- The proposed use will be required to obtain approval for regulated activities from the Montville Inland Wetlands Commission and site plan approval from the Montville Planning & Zoning Commission and any other required local, state or federal permits/approvals.

Additional Staff Comments:

The Applicant in light of comments and concerns received by the Montville Zoning Board of Appeals at the public hearing held on June 1, 2022, has modified its development proposal for a gasoline/convenience store facility located at 2040 Route 32. As a result of concerns that were voiced with respect to traffic congestion and traffic safety issues with the proposed ingress from and egress to Podurgiel Lane, the site development plan has been modified to eliminate that ingress and egress. Access to and from the site will be limited to Route 32.

If the Board is inclined to approve the request in this application, the following language is suggested:

MOTION (A Motion to Approve)

I move to APPROVE Application # 22 ZBA 1 of Applicant/Property Owner, Hassan Hussain, LLC, for Location Approval pursuant to §14-321 of the Connecticut General Statutes to allow the operation of a motor vehicle fueling facility (gas station/convenience store) at 2040 Route 32 (M/B/L 103-001-00A), Uncasville, CT in accordance with a plan set entitled “INLAND WETLAND SUBMISSION 2040 ROUTE 32 PROPOSED CONVENIENCE STORE 2040 ROUTE, UNCASVILLE, CONNECTICUT APPLICANT: AMER CHOUDREY, Dated April 28, 2022, Revised 6/22/2022” with a finding that the subject property is suitable for the business intended.

If the Board is inclined to deny the application, it shall list its reasons for denial.

Sec. 14-321. Approval of gasoline station location by local authorities. Any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of section 14-319, shall first obtain and present to the commissioner a certificate of approval of the location for which such license is desired. The certificate of approval shall be obtained from the zoning commission, planning and zoning commission or local authority of the town, city or borough where the station or pump is located or is proposed to be located. A certificate of approval shall not be required in the case of the transfer of the last issued license from one person to another provided no more than one year has elapsed since the expiration of such license, or in the case of a renewal of a license by the holder of the license, or in the case of the addition or discontinuance of pumps. If adjoining physical properties are altered or changed, the applicant shall conform to the provisions of this section. The commissioner shall not issue any license under the provisions of section 14-319 for which a certificate of approval is a prerequisite unless the certificate is presented to him within three years after the date on which it was issued.