



Senate

General Assembly

File No. 242

February Session, 2002

Substitute Senate Bill No. 76

Senate, April 2, 2002

The Committee on Planning and Development reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ZONING APPLICATIONS FOR PROJECTS GENERATING LARGE VOLUMES OF TRAFFIC.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 8-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (g) The zoning regulations may require that a site plan be filed with
5 the commission or other municipal agency or official to aid in
6 determining the conformity of a proposed building, use or structure
7 with specific provisions of such regulations. If a site plan application
8 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
9 inclusive, the applicant shall submit an application for a permit to the
10 agency responsible for administration of the inland wetlands
11 regulations not later than the day such application is filed with the
12 zoning commission. The decision of the zoning commission shall not

13 be rendered on the site plan application until the inland wetlands
14 agency has submitted a report with its final decision. In making its
15 decision the zoning commission shall give due consideration to the
16 report of the inland wetlands agency. If the site plan application is for
17 a development that requires a certificate of operation from the State
18 Traffic Commission under section 14-311 or 14-311c, as amended by
19 this act, the applicant shall submit an application for such certificate
20 not later than the day the site plan application is filed with the zoning
21 commission. The zoning commission shall not render a decision on
22 such site plan application until the State Traffic Commission has
23 submitted a report with its final decision on the certificate of operation.
24 A site plan may be modified or denied only if it fails to comply with
25 requirements already set forth in the zoning or inland wetlands
26 regulations. Approval of a site plan shall be presumed unless a
27 decision to deny or modify it is rendered within the period specified in
28 section 8-7d, as amended by this act. A certificate of approval of any
29 plan for which the period for approval has expired and on which no
30 action has been taken shall be sent to the applicant within fifteen days
31 of the date on which the period for approval has expired. A decision to
32 deny or modify a site plan shall set forth the reasons for such denial or
33 modification. A copy of any decision shall be sent by certified mail to
34 the person who submitted such plan within fifteen days after such
35 decision is rendered. The zoning commission may, as a condition of
36 approval of any modified site plan, require a bond in an amount and
37 with surety and conditions satisfactory to it, securing that any
38 modifications of such site plan are made or may grant an extension of
39 the time to complete work in connection with such modified site plan.
40 The commission may condition the approval of such extension on a
41 determination of the adequacy of the amount of the bond or other
42 surety furnished under this section. The commission shall publish
43 notice of the approval or denial of site plans in a newspaper having a
44 general circulation in the municipality. In any case in which such
45 notice is not published within the fifteen-day period after a decision
46 has been rendered, the person who submitted such plan may provide
47 for the publication of such notice within ten days thereafter. If the

48 commission approves a site plan application for a development for
49 which the State Traffic Commission has issued a certificate of
50 operation under section 14-311 or 14-311c, as amended by this act, the
51 zoning commission shall notify the State Traffic Commission of
52 approval of the site plan application.

53 Sec. 2. Section 8-7d of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2002*):

55 (a) Except as provided in subsection (b) of this section, in all matters
56 wherein a formal petition, application, request or appeal must be
57 submitted to a zoning commission, planning and zoning commission
58 or zoning board of appeals under this chapter and a hearing is
59 required on such petition, application, request or appeal, such hearing
60 shall commence within sixty-five days after receipt of such petition,
61 application, request or appeal and shall be completed within thirty-
62 five days after such hearing commences, except that in the case of a site
63 plan application for which a certificate of operation is required from
64 the State Traffic Commission under section 14-311 or 14-311c, as
65 amended by this act, the public hearing shall not be completed until
66 the State Traffic Commission has submitted a report of its final
67 decision on the certificate of operation. All decisions on such matters
68 shall be rendered within sixty-five days after completion of such
69 hearing. The petitioner or applicant may consent to one or more
70 extensions of any period specified in this subsection, provided the total
71 extension of any such period shall not be for longer than the original
72 period as specified in this subsection, or may withdraw such petition,
73 application, request or appeal.

74 (b) Whenever the approval of a site plan is the only requirement to
75 be met or remaining to be met under the zoning regulations for any
76 building, use or structure, a decision on an application for approval of
77 such site plan shall be rendered within sixty-five days after receipt of
78 such site plan, except that in the case of a site plan application for
79 which a certificate of operation is required from the State Traffic
80 Commission under section 14-311 or 14-311c, as amended by this act,

81 the decision on such application shall be rendered not more than
82 thirty-five days after receipt of the report of the final decision of the
83 State Traffic Commission on the certificate of operation. The applicant
84 may consent to one or more extensions of such period, provided the
85 total period of any such extension or extensions shall not exceed two
86 further sixty-five-day periods, or may withdraw such plan.

87 (c) For purposes of subsection (a) or (b) of this section, the day of
88 receipt of a petition, application, request or appeal shall be the day of
89 the next regularly scheduled meeting of such commission or board,
90 immediately following the day of submission to such board or
91 commission or its agent of such petition, application, request or appeal
92 or thirty-five days after such submission, whichever is sooner. If the
93 commission or board does not maintain an office with regular office
94 hours, the office of the clerk of the municipality shall act as the agent of
95 such commission or board for the receipt of any petition, application,
96 request or appeal.

97 (d) The provisions of subsection (a) of this section shall not apply to
98 any action initiated by any zoning or planning and zoning commission
99 regarding adoption or change of any zoning regulation or boundary.

100 (e) Notwithstanding the provisions of this section, if an application
101 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
102 inclusive, and the time for a decision by a zoning commission or
103 planning and zoning commission established pursuant to this section
104 would elapse prior to the thirty-fifth day after a decision by the inland
105 wetlands agency, the time period for a decision shall be extended to
106 thirty-five days after the decision of such agency. The provisions of
107 this subsection shall not be construed to apply to any extension
108 consented to by an applicant or petitioner.

109 Sec. 3. Subsection (c) of section 14-311 of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective*
111 *October 1, 2002*):

112 (c) The State Traffic Commission shall issue its decision on an

113 application for a certificate under subsection (a) of this section not later
114 than one hundred twenty days after it is filed, except that, if the
115 commission needs additional information from the applicant, it shall
116 notify the applicant in writing as to what information is required and
117 (1) the commission may toll the running of such one-hundred-twenty-
118 day period by the number of days between and including the date
119 such notice is received by the applicant and the date the additional
120 information is received by the commission, and (2) if the commission
121 receives the additional information during the last ten days of the one-
122 hundred-twenty-day period and needs additional time to review and
123 analyze such information, it may extend such period by not more than
124 fifteen days. [The State Traffic Commission may also, at its discretion,
125 postpone action on any application submitted pursuant to this section
126 or section 14-311a until such time as it is shown that an application has
127 been filed with and approved by the municipal planning and zoning
128 agency or other responsible municipal agency.] If the State Traffic
129 Commission receives a notice from a zoning commission of approval
130 of a site plan for a development for which the State Traffic
131 Commission has issued a certificate under this section and the State
132 Traffic Commission determines that the site plan modifies the
133 development for which the certificate was issued, the State Traffic
134 Commission shall reaffirm or rescind its decision not more than thirty
135 days after receipt of such notice.

136 Sec. 4. Subsection (c) of section 14-311c of the general statutes is
137 repealed and the following is substituted in lieu thereof (*Effective*
138 *October 1, 2002*):

139 (c) The State Traffic Commission shall issue its decision on an
140 application for a certificate under subsection (a) of this section not later
141 than one hundred twenty days after it is filed, except that, if the
142 commission needs additional information from the applicant, it shall
143 notify the applicant in writing as to what information is required and
144 (1) the commission may toll the running of such one-hundred-twenty-
145 day period by the number of days between and including the date
146 such notice is received by the applicant and the date the additional

147 information is received by the commission, and (2) if the commission
 148 receives the additional information during the last ten days of the one-
 149 hundred-twenty-day period and needs additional time to review and
 150 analyze such information, it may extend such period by not more than
 151 fifteen days. [The State Traffic Commission may also, at its discretion,
 152 postpone action on any application submitted pursuant to this section
 153 or section 14-311a until such time as it is shown that an application has
 154 been filed with and approved by the municipal planning and zoning
 155 agency or other responsible municipal agency.] If the State Traffic
 156 Commission receives a notice from a zoning commission of approval
 157 of a site plan for a development for which the State Traffic
 158 Commission has issued a certificate under this section and the State
 159 Traffic Commission determines that the site plan modifies the
 160 development for which the certificate was issued, the State Traffic
 161 Commission shall reaffirm or rescind its decision not more than thirty
 162 days after receipt of such notice.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
TF - Cost	Department of Transportation	300,000	412,000

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

The bill results in additional cost to the Department of Transportation (DOT) estimated at \$300,000 in FY 03 and \$412,000 in FY 04 and subsequent years. The costs are for 5 additional positions in the State Traffic Commission¹ (STC) and DOT’s Bureau of Engineering and Highway Operations. Refer to the table on the next page.

The bill requires STC and DOT to conduct reviews to determine whether a site plan modification occurring during the approval process of a local zoning commission requires STC to rescind its approval of the development. That could result in STC and DOT having to conduct two additional reviews for those developments where plans have been modified.

The STC normally convenes on the third Tuesday of every month. If STC receives notification from a zoning commission of a modified site plan two or three days prior to a regularly scheduled meeting, it could require DOT to complete its review in a very short period of time, or necessitate a special meeting of STC to comply with the bill’s 35-day mandate. In instances when a zoning commission denies an application, which occasionally happens, the Department's review

¹ CGS Section 14-298 establishes the State Traffic Commission within DOT. It is comprised of the commissioners of Transportation, Public Safety, and Motor Vehicles.

time would result in a loss of the limited resources provided for such services.

DOT OPERATING COSTS

ACCOUNT	FY 03	FY 04
Positions	5	5
Personal Services	\$214,000	\$294,000
Fringe Benefits ²	\$86,000	\$118,000
TOTAL	\$300,000	\$412,000

For those developments for which STC rescinds its approval, it will require developers to provide subsequent traffic impact studies and DOT's staff to perform a subsequent review. In these instances, STC and DOT's staff will be asked to expedite these reviews because of the financial hardships developers will experience in delaying the start of construction.

² Fringe benefit costs are not included in the agency's operating budget. They are appropriated to various accounts under the Miscellaneous Accounts Administered by the Comptroller.

OLR Bill Analysis

sSB 76

AN ACT CONCERNING ZONING APPLICATIONS FOR PROJECTS GENERATING LARGE VOLUMES OF TRAFFIC**SUMMARY:**

This bill bars a zoning commission from closing a hearing or deciding on a site plan application for any development requiring State Traffic Commission (STC) approval until the STC has submitted its final decision on the development. Current law bars a zoning commission from deciding on an application only until the local inland wetlands agency submits its final decision. Under current law, the public hearing must be closed, at the latest, 35 days after it starts. By law, the STC must provide an operating certificate before any major traffic-generating development can be issued a building permit.

Under current law, the zoning commission must act on an application within (1) 65 days after receiving it, if local zoning commission approval is the only local requirement remaining to be met, or (2) 65 days after the public hearing ends. The bill makes an exception to the first timeframe by specifying that in cases requiring an STC certificate, the zoning decision must be made by 35 days after the commission receives the STC decision. The bill potentially extends the overall period from application submission to approval because the public hearing does not close until the STC submits a final decision.

The bill also requires an applicant to file for STC approval by the same day he files the site plan application.

EFFECTIVE DATE: October 1, 2002

STATE TRAFFIC COMMISSION AND ZONING APPROVALS

When a local zoning commission approves a site plan application that required an STC operating certificate, the bill requires the commission to notify the STC. If the STC determines the commission-approved site plan modifies the development as it was approved by the STC, it must reaffirm or rescind its decision within 30 days. This applies to STC decisions on single parcels of land or a group of individually owned

parcels intended to be used for a single development.

The bill also makes a conforming change, eliminating the STC's option of waiting for local zoning approval before it makes a final decision.

BACKGROUND

Major Traffic-Generating Developments

A development is considered a major traffic generator, and thus is subject to the operating certificate requirements, if the development involves at least 100,000 square feet of floor area or at least 200 parking spaces.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 14 Nay 3