

PLANNING AND ZONING COMMISSION
October 16, 2013

The Planning and Zoning Commission of the Town of Trumbull met for a regular meeting on Wednesday, October 16, 2013 in the Council Chambers of the Trumbull Town Hall.

Members Present: Richard C. Deecken, Secretary
Fred Garrity, Tony Silber and alternates
Steven Mahlstedt and Don Scinto

Also Present: Jamie Brätt, Director of Planning and Development
Mario F. Coppola, Town Attorney
William Maurer, Engineering Department

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Planning and Zoning Commission located in the Trumbull Town Hall.

Tonight's meeting was chaired by Secretary, Richard C. Deecken.

A quorum being present the Chairman called the meeting to order at 7:35 p.m.

In the absence of Chairman Chory and Commissioner Fox, alternates Steven Mahlstedt and Don Scinto were designated the fourth and fifth voting members for tonight's meeting.

PUBLIC HEARING

The notification of the withdrawal of Application #13-29 (Manuel Jose Silva, P.E. Agent for Clorinda Gulino, 87 Saxony Drive) was so noted for the record.

SPECIAL PERMIT

Application #13-30 – Zero Gravity, LLC
25 Trefoil Drive

Pursuant to Art. II, Sec. 4.2.4 and Art. XV, Sec. 1 Special Permit Modification to establish trampoline facility.

The applicant's representative, Attorney Raymond Rizio, conducted the presentation. Mr. Rizio began by submitting the following items into the record: Revised site plan dated 10/11/13; Photographs taken inside a similar facility; Memo from Wayne F. Jewell of Trampolines Unlimited, Inc. dated 10/14/13, which indicated the maximum number of patrons utilizing this facility, at any given time, to be 124; Data entitled "Injury Rates in Trampoline Parks vs. Other Activities" and a memo from Drew Wilson, President of Rockin' Jump, dated 9/8/13, relaying the parking requirements for their facilities along with a copy of their safety handbook.

The proposed trampoline facility meets the criteria for a permitted use in an I-L2 zone. The existing 300,000 sq. ft. structure currently serves as a warehouse with fourteen employees being on-site five

days a week from 8 a.m. to 4 p.m. Mr. Rizio indicated the existing number of parking exceeds what is required for this zone.

The applicant proposes to sublease 32,000 sq. ft. of the existing warehouse. Zero Gravity provides trampoline, basketball and dodge ball courts, which are utilized mainly by older children and teens. Accommodations are also available for birthday parties and special events. The hours of operation were indicated as being Monday-Friday, 2 p.m. to 9 p.m. and Saturday and Sunday 11 a.m. to 8 p.m.

All courts were described as being fully padded and cushioned. The applicant's representative stressed that safety is the one priority and that all personnel are well trained in safety procedures and all areas are continually monitored by staff.

Attorney Rizio advised that the applicant would be agreeable to the following, as conditions of approval: Availability of the company's liability insurance policy for review; adherence to the safety standards, as specified in the submitted safety manual.

The Town Planner indicated that she was comfortable with the number of parking spaces provided. Ms. Brätt noted that there was no proposed signage included in the submitted plans and that any future signage would require P&Z approval. The applicant also confirmed that there were no plans to secure a liquor license for the facility.

Joe Laucella, Chief of EMS came forward and provided information on the on-site safety equipment that is needed to assist EMS technicians in transporting injured individuals.

A letter from the Town Engineer, dated October 16, 2013, listing his recommended conditions for approval was noted and read for the record.

Public Comment

Martin Arnold of 75 Meadow Road West offered his full support of the proposed project.

A letter from John Callahan, President of the Woodland Hills Homeowners Association, was read. Mr. Callahan's concerns centered on a possible noise impact, as the facility borders the Woodland Hills community.

Attorney Rizio responded that the applicant would be agreeable to the establishment of a closed door policy to eliminate any potential noise issues.

ZONING AMENDMENT

Application #13-31 – Amending of Art. I, Sec. 3 to add definition of Medical Marijuana Dispensaries and Producers and Art. I, Sec. 5.6 to establish a temporary moratorium for Medical Marijuana Dispensaries and Producers. Petitioner: Planning and Zoning Commission

Jamie Brätt advised that zoning regulations need to be established to address the law recently enacted by the State legislature legalizing the use of medical marijuana.

The Town Planner advised that the proposed twelve month moratorium, on accepting dispensary and producing applications, would provide staff with a sufficient amount of time to conduct the research needed to be able to create appropriate and effective regulations.

Several Commissioners objected to the twelve month time period, as it could possibly prevent the town from participation in a lucrative tax-based opportunity.

Public Comment

Dave Anon, 58 Firehouse Rd, agreed that some criteria should be established but considered a two to three month moratorium as being more appropriate.

This concluded the Public Hearing.

REGULAR MEETING

Request for Bond Release

GPR, LLC – Application #10-45
17 Church Hill Road
Landscape Bond

A letter of request from the applicant and the Town Tree Warden's recommendation that the bond be released were read into the record.

A letter, with attached photographs, from Kathleen Fearon of 37 Church Hill Rd, an abutting property owner, was also read.

Ms. Fearon asked that the bond not be released, as the landscaping was not completed in accordance with the plan submitted at the time of the Public Hearing. It was Ms. Fearon's request that the bond money be utilized to restore the loss of greenery.

Kathleen Fearon was advised that the landscaping was completed based on a revised plan approved by the Town Tree Warden.

MOTION MADE (Garrity) and seconded (Mahlstedt) to APPROVE the release of the landscape bond for Application #10-45, as per the recommendation of the Town Tree Warden. Vote: In Favor (3): Garrity, Mahlstedt, Scinto – Opposed (1): Silber - Abstention (1): Deecken MOTION CARRIES

R.D. Scinto, Inc. – Application #11-18
50 Corporate Drive
Landscape Bond

A letter from the Town Tree Warden recommending the release of the subject bond was read for the record.

The Town Planner advised that staff is currently in the process for trying to determine whether the subject bond was ever posted by the applicant.

MOTION MADE (Garrity), seconded (Silber) and unanimously carried (Deecken, Garrity, Mahlstedt, Scinto, Silber) to approve the release of the landscape bond for Special Permit #11-28 upon verification by the Town Planner, as to the existence of an open bond for the subject application.

Approval of Minutes

MOTION MADE (Mahlstedt), seconded (Scinto) to accept the minutes of the regularly scheduled meeting of September 18, 2013, as presented. Vote: In Favor (4) Garrity, Mahlstedt, Scinto, Silber - Abstention (1) Deecken (not in attendance) MOTION CARRIES

MOTION MADE (Scinto), seconded (Silber) to accept the minutes of the special meeting of September 25, 2013, as presented. Vote: In Favor (3) Mahlstedt, Scinto, Silber - Abstention (2): Garrity, Deecken (not in attendance) MOTION CARRIES

Pending Applications

Tonight's applications were considered and the Commission took action, as follows.

Application #13-30 – Zero Gravity, LLC
25 Trefoil Drive

MOTION MADE (Garrity) and seconded (Silber) to APPROVE Application #13-30 SUBJECT TO THE FOLLOWING SPECIFIC CONDITIONS:

1. A closed door policy, as agreed to by the applicant, shall be established.
2. Proof of a \$2,000,000 liability insurance policy for this facility shall be provided to the Town, at the time of its renewal.
3. A one-time, \$1,500, expenditure to be provided for the purpose of securing safety equipment, as per the recommendations of the Chief of EMS.
4. Recommendations of the Town Engineer, as contained in his letter dated October 16, 2013, shall be complied with.
5. The Zoning enforcement Officer, or other agent as designated by the Town Planner, shall conduct an annual inspection of the facility to verify that the required safety measures have been met.

On the advice of Counsel the following amendment to the original motion was proposed.

MOTION MADE (Garrity), seconded (Silber) and unanimously carried (Deecken, Garrity, Mahlstedt, Scinto, Silber) to AMEND the original motion, as follows.

Condition No. 5 to be revised, as follows:

5. The Zoning Enforcement Officer, or other agent as designated by the Town Planner, shall conduct an annual inspection of the facility to verify that the safety measures, as contained in the submitted safety handbook have been adhered to.

Vote (Original Motion as Amended): Unanimous – MOTION CARRIED

Application #13-31 – Amending of Art. I, Sec. 3 to add definition at Medical Marijuana Dispensaries and Producers and Art. I, Sec. 5 to establish temporary moratorium for Medical Marijuana Dispensaries and Producers. Petitioner: Planning and Zoning Commission

MOTION MADE (Silber) and seconded (Garrity) to DENY Application #13-31.

Discussion followed on the proposed length of the moratorium. Comment was made that no valid reason has been presented to justify a 12 month delay for filing of applications for the establishment of dispensaries.

The Town Planner advised that a sufficient amount of time is needed to ensure that the appropriate regulations are created. Upon inquiry, Ms. Brätt indicated that the minimum of time needed for research and establishing language would be four months.

Commissioner Silber then asked that his original motion be withdrawn and that the following be considered.

MOTION MADE (Silber), seconded (Mahlstedt) and unanimously carried (Deecken, Garrity, Mahlstedt, Scinto, Silber) to APPROVE Application #13-31 SUBJECT TO THE FOLLOWING MODIFICATION:

Art. I, Sec. 5 (Applicable to All Zones)

Length of moratorium to be revised from a period of twelve (12) months to a period of four (4) months.

There being no further business to discuss a motion was made by Commissioner (Silber) and seconded by Commissioner (Scinto) to adjourn.

The October 16, 2013 meeting of the Planning and Zoning Commission adjourned at 10:00 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Commission will be held on Wednesday, November 20, 2013, at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Clerk

