

PLANNING AND ZONING
February 19, 2014

The Planning and Zoning Commission of the Town of Trumbull met for a regularly scheduled meeting on Wednesday, February 19, 2014 in the Council Chambers of the Trumbull Town Hall.

Members Present: Anthony Chory, Chairman (arriving at 8:30 p.m.)
Richard Deecken, Vice Chairman; Tony Silber, Secretary
Fred Garrity, David Preusch and alternates Steven Mahlsted, Don Scinto

Staff Present: Jamie Brätt, Director of Planning and Development
Vincent Marino, Town Attorney
Bill 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.

During the absence of Chairman Chory, the meeting was chaired by Vice-Chairman Richard Deecken.

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

In the absence of Chairman Chory, alternate Steven Mahlstedt was designated the fifth voting member for tonight's meeting.

PUBLIC HEARING

ZONING AMENDMENT

Application #14-01 – Amending of Art. II, Sec. 2.1.3.7(b) to revise existing size limitations on new structures created on consolidated lots within a Professional Office Overlay Zone.
Petitioner: John F. Fallon, Esq.

Attorney Fallon came forward and distributed a copy of the proposed amendment to Art. II, Sec. 2.1.3.7 b (copy attached).

The amendment would revise current maximum size limitations to include language limiting, in certain instances, the square footage of a proposed structure to up to 20% of the total area of the combined lots.

Attorney Fallon maintained that the current size limitations are too restrictive for these larger parcels. He considered the amendment sensitive to the surrounding residential areas within these overlay zones and noted that very few projects would qualify to apply under this added size option. A petition of support and comparison figures pertaining to allowable floor area ratios (FAR) and lot coverage within different zones were presented and submitted for the record.

Upon inquiry, as to how this amendment would benefit the Town of Trumbull, Attorney Fallon responded that the revised language would allow for valuable economic development with no adverse impact.

As part of her comments, the Town Planner read into the record her staff report relative to this application (copy attached). Ms. Brätt indicated that she found the amendment to be not in keeping with the intent of the regulation.

Public Comment

In Favor: Christopher Hellthaler, 5090 Main St.; S. Seyalatifs, 5011 Main St.; Virginia Malheiro, 11 Botsford Pl.; Dino Tetu, 5036-5038 Main St. The aforementioned residents considered the current size limitations to be an impediment to business development.

Opposed: John Pappas, 85 Botsford Pl; Wesley Galloway, 65 Bonnview Dr.; Bob and Cecile Furkiotis, 69 Botsford Pl; Robert Madar, 19 Ochsner Pl.; Tony D'Aquila 29 Valley View Rd.; John and Cheryl Molene, 60 Botsford Pl. Those opposed considered the proposed language not to be in line with the character of the surrounding residential neighborhoods. Other concerns related to the traffic and safety issues attached to large business encroachments into residential areas.

The following letters submitted in opposition were then read for the record. Vivian and John Thomas, 18 Botsford Pl.; Dorothea and Nicholas Macol, 76 Ochsner Pl.; Cecile Furkotis, 69 Botsford Pl.

This concluded the Public Hearing for Application #14-01.

Following a brief recess the Public Hearing portion of the meeting resumed at 9:20 p.m.

The remaining portion of the meeting was chaired by Chairman Chory.

Application #14-01 was reviewed and discussed by the designated voting members (Commissioners Deecken, Garrity, Malhstedt, Preusch and Silber) and the Commission took action, as follows:

MOTION MADE (Garrity) and seconded (Silber) to APPROVE Application #14-01.

Vote: In Favor: (0) - Opposed (4): Deecken, Malhstedt, Preusch, Silber - Abstention (1): Garrity

MOTION FAILS

MOTION MADE (Silber) and seconded (Preusch) to DENY Application #14-01.

Vote: In Favor (4): Deecken, Malhstedt, Preusch, Silber - Abstention (1): Garrity

MOTION CARRIES The Commission determined that the proposed amendment does not meet with the spirit and intent of the POOZ zone.

Application #14-02 – Amending of Art. II, Sec. 4.2.4 to add Regional Educational Service Centers as a permitted use in an I-L2 zone. Petitioner: Stephen Donahue, Esq.

Attorney Donahue came forward for the presentation. Mr. Donahue advised that he represents Cooperative Education Services, which currently holds classes within an I-L2 zone at 30 Lindeman Drive. A permit for educational use at the 30 Lindeman Drive location was obtained by Special Exception through ZBA.

As use variances are no longer permitted, CES can no longer pursue this use through the Zoning Board of Appeals and must now seek permission by way of the proposed text amendment.

Jamie Brätt informed that the amendment would only apply to I-L2 zones and that she found the requested use to be consistent with the current Plan of Conservation and Development. The Town Planner recommended that if the application is approved, that Regional Educational Service Center be added to the definitions section of the regulations.

Public Comment

Tony D'Aquila, 29 Valley View Rd., was opposed to establishing non-industrial uses within industrial zones. Mr. D'Aquila maintained that industrial zones should be reserved for manufacturing entities, which create more jobs and more revenue to the tax base.

This concluded the Public Hearing for Application #14-02.

The proposed amendment was then reviewed and the Commission took action, as follows.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Silber, Garrity, Preusch) to APPROVE Application #14-02, as presented.

SPECIAL PERMIT

The applicant's request for a continuance of the Public Hearing for Application #14-04 (Cooperative Educational Services, 40 Lindeman Dr.) was read for the record.

MOTION MADE (Deecken), seconded (Silber) and unanimously carried (Chory, Deecken, Silber, Garrity, Preusch) to continue Application #14-04 until the next regularly scheduled meeting (March 19, 2014).

At this point, Attorney John Fallon announced that the applicant has elected to withdraw Application #14-05 (Anand Holdings, LLC, 4950-5010 Main St.).

Application #14-3 – ND Acquisitions, LLC 2415 Reservoir Avenue

Pursuant to Art. II, Sec. 2.6, Special Permit to construct a 61,000 sq. ft., 64 unit, two-story assisted living facility.

Commissioner Scinto recused himself from participation in this application, as he has a business relationship with the current property owner.

Attorney John Fallon provided testimony representing the applicant.

The Commission was advised that the subject application supersedes the special permit (#12-26) previously approved for this 4.41 acre site. Mr. Fallon noted that the current site plan is significantly smaller than the previously approved 130,000 sq. ft. 121 unit assisted living facility resulting in a less intrusive use of the land.

The revised landscape, architectural and storm water management plans were addressed by Theo Kindermans of Stantec of Boston.

Mr. Kindermans advised that the landscape revisions were based on comments received from the Town Tree Warden. He requested that the recommendations, contained in the Tree Warden's letter of 2/6/14, pertaining to the front lawn and the installation of evergreen trees not be imposed. Mr. Kindermans maintained that the revised plan, as submitted, was aesthetically appropriate for this site. He gave assurances that the Town Tree Warden's concerns relative to the maintenance of the front lawn would be addressed. At an inquiry from the Town Planner, the landscape architect agreed to have shrubbery added to certain areas along the fence.

Upon inquiry, Attorney Fallon indicated agreement to conditions of approval, as noted in the Town Planner's staff report. Accordance with the conditions of approval of the Town Engineer and the bonding requirements of the Town Tree Warden were also agreed to.

Public Comment

Tony D'Aquila of 29 Valley View Road was opposed to the placement of residential facilities within industrial zones. He reiterated the need to maintain these areas for industrial use.

This concluded the Public Hearing portion of tonight's meeting.

REGULAR MEETING

Request for Bond Release

Application #12-14 – 140 Monroe Turnpike
Site Bond

Based on the recommendation of the Town Engineer the following motion was made.

MOTION MADE (Silber), seconded (Deecken) and unanimously carried (Chory, Deecken, Silber, Garrity, Preusch) to DENY the release of the site bond for Application #12-14.

Pending Applications

Application #14-03 – ND Acquisitions, LLC
2415 Reservoir Avenue

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Silber, Garrity, Preusch) to APPROVE Application #14-03 SUBJECT TO THE FOLLOWING.

1. All driveways and sidewalks to be kept clear of snow to allow for adequate access by pedestrians and emergency services.
2. The developer must apply for a bus stop, with enclosure, with the Greater Bridgeport Regional Transit or any other required state, regional or local agency.
3. The developer shall apply for a crosswalk, to cross Reservoir Avenue, with any required state, regional or local agency. The crosswalk should be located proximate to the bus stop/shelter and should also be connected to the on-site sidewalk.

4. Project is subject to the recommendations of the Town Engineer, as stated in his letter dated 2/18/14.
5. Project is subject to a landscape bond of \$325,000.00, as calculated by the Town Tree Warden, to ensure completion of landscaping improvements.

Medical Marijuana Moratorium

As the existing moratorium is due to expire in March, the Town Planner recommended that it be extended to ensure that the appropriate language is applied to the regulations.

MOTION MADE (Silber) seconded (Garrity) to APPROVE a four month extension to the existing moratorium. MOTION WITHDRAWN

MOTION MADE (Silber), seconded (Preusch) and unanimously carried (Chory, Deecken, Silber, Garrity, Preusch) to APPROVE a six month extension to the existing moratorium.

Planner's Report

The parking concerns relating to 150 Monroe Turnpike were re-addressed by the Town Planner. Jamie Brätt advised that the developer is currently working on a potential solution with the State, which would provide for additional parking within the State right-of-way.

The Commission was also advised that an RFQ has been put out for planning consulting services for lower Main Street and Madison Avenue within the vicinity of the former PJ's Garden exchange.

Approval of Minutes

MOTION MADE (Garrity), seconded (Silber) to approve the minutes of the January 15, 2014 regular meeting, as recorded. Vote: In Favor (3): Chory, Garrity, Silber - Abstention (2): Deecken Preusch (not in attendance) MOTION CARRIES

There being no further business to discuss a motion was made Commissioner Deecken and seconded by Commissioner Preusch to adjourn. The February 19, 2014 meeting of the Planning and Zoning Commission adjourned at 11:15 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on Wednesday, March 19, 2014 at 7:30 p.m. in the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Administrator/Clerk

