

**PLANNING AND ZONING COMMISSION**  
**December 17, 2014**

The Planning and Zoning Commission of the Town of Trumbull met for a regularly scheduled meeting on Wednesday, December 17, 2014 in the Council Chambers of the Trumbull Town Hall.

Members Present: Anthony Chory, Chairman  
Richard C. Deecken, Vice Chairman, Tony Silber, Secretary  
Fred Garrity, David W. Preusch and alternate Don Scinto

Also Present: Jamie Brätt, Director of Planning and Development  
Vincent Marino, Town Attorney

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.

With a quorum being present, the Chairman called the meeting to order at 7:30 p.m.

**AGENDA**

**Election of Officers**

Office of Chairman:

MOTION MADE (Preusch) and seconded (Chory) nominating Richard Deecken for the office of Chairman. There being no further nominations, Richard Deecken unanimously elected Chairman of the Planning and Zoning Commission.

Remainder of meeting chaired by Commissioner Deecken.

Office of Vice-Chairman:

MOTION MADE (Deecken) and seconded (Preusch) nominating Anthony Chory for the office of Vice-Chairman.

In the spirit of non-partisanship, Commissioner Silber offered the following motion.

MOTION MADE (Silber), seconded (Garrity) nominating Commissioner Garrity for the office of Vice-Chairman.

Vote: Chory (3): Deecken, Chory, Preusch  
Garrity (2): Silber, Garrity

Anthony Chory elected Vice-Chairman of the Planning and Zoning Commission by a vote of 3-2.

Office of Secretary:

MOTION MADE (Deecken), seconded (Garrity) nominating Tony Silber for the office of Secretary. There being no further nominations, Tony Silber unanimously elected Secretary of the Planning and Zoning Commission.

### **Approval of 2015 Meeting Dates**

MOTION MADE (Chory), seconded (Silber) and unanimously carried to approve the proposed 2015 meeting dates, as presented.

### **PUBLIC HEARING**

A request for a continuance of the Public Hearing was addressed.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to continue the Public Hearing for Application #14-41 (Ninety Five Corporate Drive, Trumbull LLC, 95 Corporate Drive) until the next regularly scheduled meeting date (1/21/15).

### **LIQUOR LOCATION PERMIT**

Application #14-37 – TLHS, LLC  
4244 Madison Avenue

Pursuant to Art. VII, approval of proposed location for a liquor package store.

Application #14-38 – Somali S. Patel, 10 Broadway Road

Pursuant to Art. VII, approval of proposed location for a liquor package store.

Though the two applications were heard separately, the discussion and testimony applies to both proposals.

Attorney Marino advised that current regulations do not allow for this proposed use in each of the respective zones, pertaining to these applications (Village Retail Overlay Zone and B-C Long Hill Green). Regulations specify that retail is only permitted in B-C Commercial Zones. As P&Z does not have the ability to vary the regulations, a text amendment would be required before the applications could be considered.

It was agreed that an amendment be initiated through the Commission. The Town Planner agreed to draft the appropriate language for the Commission's consideration.

Sandip Patel, the representative for Application #14-38, noted that a prior application for a liquor package store was previously approved for this site. Attorney Marino advised Mr. Patel that the previous approval did not conform to the regulations and cautioned on having this misstep being repeated a second time.

MOTION MADE (Chory), seconded (Garrity) and unanimously carried to DENY WITHOUT PREJUDICE Application #14-37. A proposed text amendment, prepared by staff that would allow this proposal to move forward, to be presented for consideration at the January public hearing.

Application fee to be waived for any future re-submittal.

MOTION MADE (Chory), seconded (Silber) and unanimously carried to DENY WITHOUT PREJUDICE Application #14-38. A draft of a proposed text amendment, prepared by staff that would allow this application to move forward, to be presented for consideration at the January public hearing.

Application fee to be waived for any future re-submittal.

### **SPECIAL PERMIT/SITE PLAN APPROVAL**

Application #14-39 – Courtney & Robert Rafferty  
38 Killian Avenue

Pursuant to Art. II, Sec. 1.3.2.7 Special Permit to construct addition for use as an accessory apartment.

John Crosby came forward representing the applicant. Calculations indicating that the size of the apartment conforms to zoning standards were submitted for the record. The proposed plans showed a 950 sq. ft. two story accessory apartment. Mr. Crosby advised that all required variances have been approved and noted that there has been no negative feedback from any nearby neighbors.

#### Public Comment

Scott Wich, of 47 Killian Avenue, indicated that the proposed off-street parking area was not adequate to accommodate any additional automobiles and was concerned that vehicles would be parked on the street.

Mr. Crosby indicated that the applicants would be agreeable to having the driveway widen to provide for additional parking.

Application #14-40 – Michael Hartel  
17 Woolsley Avenue

Pursuant to Art. II, Sec. 1.2.2.7 Special Permit to establish a 761 sq. ft. accessory apartment within existing footprint.

The applicant, Michael Hartel, reviewed the proposed plans. The apartment was shown at basement level. Upon inquiry, the Town Planner confirmed that the application, as submitted, meets with zoning requirements.

Application #14-42 – Clinical Laboratory Partners, LLC  
5893 Main Street

Pursuant to Art. I, Sec. 4.2 Special Permit to establish a clinical laboratory patient center.

Tim Theroux, of Clinical Laboratory Partners, conducted the presentation.

Before proceeding with the public hearing, the applicant was made aware of a technical deficiency in the site's address that was posted in the newspaper. The Commission was informed that the location of the site that was noticed to the adjoining property owners was correctly stated.

Attorney Marino advised the applicant that, if he wished, he could move forward with the hearing but to be aware that he exposes himself to the risk of appeal due to improper noticing. Mr. Theroux indicated that he wished to proceed with the public hearing.

The proposed location is within a residential zone but has always been occupied by commercial tenants. The structure accommodates two other tenants. The laboratory will function as a specimen collection center similar to Quest Diagnostics. The application before the Board tonight is to allow for a change of use from the previous lease, which was held by a learning center.

Application #14-43 – AZ Corporation  
36 Lindeman Drive

Pursuant to Art. II, Sec. 4.2.4 Special Permit to construct 11,750 sq. ft. utility training facility including a 7,500 sq. ft. open pavilion.

The project engineer, George Andrews, came forward.

Mr. Andrews began his presentation with the submission of alternate plans eliminating the fence's barbed wire component, which was a condition of approval of the variance granted by ZBA. Landscape plans have also been modified to satisfy the recommendations of the Zoning Board of Appeals.

The structures are to be utilized as a utility training facility and storm command center for United Illuminating personnel. The architectural design of both buildings was detailed by the project architect, Philip Koeniger.

Mr. Andrews advised that the drainage system has been designed to ensure that there is no increase in the peak runoff. The plans also indicated the addition of 48 parking spaces. Upon inquiry, the applicant's representative advised that the two existing buildings are to be removed.

This concluded the public hearing.

## **REGULAR MEETING**

### **Approval of Minutes**

Commission Garrity proposed that the minutes be amended to reflect the possibility of a potential conflict, in the event a formal application comes forward, due to Commissioner Preusch being the original architect on the church design.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to amend the minutes of the November 19, 2014 meeting as follows.

The following language to be added to agenda item Pre-Application Review:

“Commissioner Preusch made known that he was the original architect on the church design and he would consult with the Town Attorney whether there would be a conflict for him to participate in the hearing of a formal application.”

MOTION MADE (Silber), seconded (Chory) and unanimously carried to accept the minutes of the November 19, 2014 meeting, as amended.

### **Pending Applications**

Application #14-39 – Courtney and Robert Rafferty  
38 Killian Avenue

In an effort to ensure that adequate on-site parking is available the following motion was made.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #14-39 subject to the following specific condition.

One additional parking space shall be created that will not impede on the access and use of the two-car garage.

Application #14-40 – Michael Hartel  
17 Woolsley Avenue

MOTION MADE (Chory), seconded (Garrity) and unanimously carried to approve Application #14-40, as presented and plans submitted.

Application #14-42 – Clinical Laboratory Partners, LLC  
5893 Main Street

The Town Planner advised that she anticipates no negative impact to the neighborhood and that the proposed use is comparable with the previous tenant.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #14-42, as presented and plans submitted.

Application #14-43 – AZ Corporation  
36 Lindeman Drive

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #14-43 subject to the recommendations of the Town Engineer and receipt of a \$90,000.00 landscape bond to ensure the completion of landscaping improvements.

## **Planner's Report**

Jamie Brätt informed that a Special Meeting is being planned, for some time in January, to review procedure for public hearings, voting on applications and other aspects of meeting decorum.

There being no further business to address, a motion was made by Commissioner Chory and seconded by Commissioner Silber to adjourn. The December 17, 2014 meeting of the Planning and Zoning Commission adjourned at 9:00 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on Wednesday, January 21, 2015 in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
Administrator/Clerk