

PLANNING AND ZONING COMMISSION
January 21, 2015

The Planning and Zoning Commission of the Town of Trumbull met for a regularly scheduled meeting on Wednesday, January 21, 2015 in the Council Chambers of the Trumbull Town Hall.

Members Present: Richard C. Deecken, Chairman
Anthony Chory, Vice-Chairman; Tony Silber, Secretary
Fred Garrity, David W. Preusch and alternates
Don Scinto and Daniel Ranocchia

Also Present: Jamie Brätt, Director of Planning and Development
Vincent M. 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 Chairman Deecken called the meeting to order at 7:35 p.m.

PUBLIC HEARING

ZONING AMENDMENT

Application #15-01 – Amending of Art. VII, Sec. 2 to permit sale of alcoholic beverages in any Commercial Zone. Petitioner: Planning and Zoning Commission

The proposed draft, generated by the Town Planner at the Commission's request, was reviewed.

Ms. Brätt advised that under current regulations liquor package stores are only permitted within B-C Commercial Zones. The proposed amendment extends this use to the two recently established commercial zones known as the B-C Long Hill Green and the Village Retail Overlay Zone.

Commissioner Garrity commented that the intent of the Commission, at the time these zones were created, was for consistency within commercial zones.

The Chairman stressed that extending this use to the subject zones does not provide for an automatic approval and that all proposals will require a Liquor Location Permit from this Board.

A letter, submitted in opposition by the Lower Long Hill Coalition, was read for the record. The Coalition was opposed to the establishment of liquor stores within close proximity to residential neighborhoods.

Public Comment

In Favor: Attorney John Fallon, representing THLS, LLC and the DeScala Company (proposed tenant and property owner of 4244 Madison Avenue), Attorney Gail McTaggart of Southbury, representing Broadway Trumbull, LLC (property owners of 10 Broadway Road), Attorney David Quatrella, representing MGM Properties, LLC (property owners of 6528 Main Street).

Opposed: Jonathan Dennis, 44 Merrill Road and Dan White of 40 Merrill Road spoke in opposition noting that the Village Overlay Zone is located within a unique residential area and that family friendly venues would be more appropriate for this site.

There being no further discussion the following motion was made.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to close the Public Hearing for Application #15-01.

The application was then considered and the Commission took action as follows.

MOTION MADE (Garrity), seconded (Preusch) and unanimously carried to Approve Application #15-01, as presented.

Application #15-02 – Amending of Art. VII to eliminate Section 4 (Proximity of Outlets). Petitioner: Planning and Zoning Commission

Ms. Brätt informed that legal counsel has confirmed that the Commission has the authority to eliminate distance requirements. The State Liquor Authority also advises that they do not regulate distances between package stores.

A town by town survey, conducted by the Town Planner, indicates that 50% of Connecticut communities do not regulate proximity to other establishments. She added that she received no negative feedback from those towns having no distance requirements. It was further noted that Trumbull's zoning requirements do not regulate distances between any other retail operations.

The following two letters, submitted in opposition, were then read for the record. Lower Long Hill Coalition advocating that the number of liquor stores within residential areas be regulated and Cathy Rountos of the Old Town Restaurant, 60 Quality Street commenting that related retail should not be established within close proximity to those existing.

Public Comment

In Favor: Attorney David Quatrella representative for MGM LLC and Attorney Gail McTaggart representing Broadway Trumbull, LLC both indicating that their clients had no concerns regarding potential competition.

Opposed: Pinesh Patel, proprietor of Bottom Line Liquors, 70 Quality St., argued that eliminating minimum distances from other established liquor stores will hurt the existing small businesses. Bill Griffin, 104 White Plains Road asked that more consideration be given to the businesses already established.

MOTION MADE (Garrity), seconded (Silber) and unanimously carried to close the public hearing for Application #15-02.

Application #15-02 was then considered and the Commission took action, as follows.

MOTION MADE (Silber), seconded (Garrity) to approve Application #15-02.

During deliberation, it was noted that the State Liquor Control Authority does have discretion to vacate a liquor permit in the event an establishment is creating problems. There was also consensus that the market and the State would be the deciding factor in determining whether a business succeeds or fails.

Vote: In Favor (4): Deecken, Garrity, Preusch, Silber – Opposed (1): Chory
MOTION CARRIES (4-1).

LIQUOR LOCATION PERMIT

Application #15-04 – Sonali S. Patel
10 Broadway Road

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

The presentation was conducted by Attorney Gail McTaggart and the potential proprietor Sandip Patel.

The venue was described as being a specialty liquor store for the sale of wine and craft beers. Mr. Patel informed that he is the operator of two additional package stores located in Norwalk. He believed his business would bring foot traffic to this newly established shopping center.

Application #15-03 – Eugene Donnelly
6528 Main Street

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

Attorney David Quatrella came forward representing the property owner and potential tenant.

Mr. Quatrella advised that MGM Properties recently purchased the property with the intent of establishing a liquor store as part of their tenant component. He informed that construction should be completed within four to five months and the retail operations ready for opening in approximately six months.

A copy of the schematic of the proposed structure, submitted at the time of the public hearing, which indicated the presence of a package store, was placed into the record.

Application #15-05 – TLHS, LLC
4244 Madison Avenue

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

Attorney John Fallon represented the applicant and the property owner, Madison Village LLC. Mr. Fallon advised that the applicant is an experienced proprietor, owning two additional high-end package stores. He commented that this type of retail was intended for this location and that the proposal complies with both local regulations and State Statutes.

Portions of a letter, submitted in opposition, from the Lower Long Hill Coalition and dated 1/16/15 was then read into the record. The Coalition objected to the sale of regulated substances within family oriented neighborhoods.

Public Comment

Opposed: Jonathan Dennis, 44 Merrill Road voiced his concerns on the negative influence this type of venue could have on neighborhood children.

SPECIAL PERMIT/SITE PLAN APPROVAL.

Application #14-41 – Ninety Five Corporate Drive Trumbull, LLC
95 Corporate Drive

Pursuant to Art. II, Sec. 4.2.4 Special Permit to construct 18,330 sq. ft. rear addition with associated site improvements. HEARING CONTINUED FROM DECEMBER 17, 2014

David Bjorklund came forward representing the property owner and applicant, R.D. Scinto. The site is currently occupied by Cooper Surgical. The proposed addition would expand the existing warehouse and clean room. Two additional loading docks and a relocation of the existing silos, to reduce the noise level to the surrounding residential properties, were also proposed

The project engineer informed that several parking spaces, located in the rear, would be eliminated but that the proposed reduction will not compromise parking requirements. He advised further that IWWC and ZBA approvals have been issued and that the submitted plan reflects the 12' high sound barrier conditioned by ZBA.

In response to a question concerning proposed landscaping improvements, the applicant's representative advised that landscaping would not be feasible, as the area along the line of fencing is heavily wooded.

Application #15-06 – Tashua Coffee House, LLC
945 White Plains Road

Pursuant to Art. II, Sec. 3.1.7 Special Permit to install a 29.39 sq. ft. illuminated wall sign and 10.87 sq. ft. pylon sign.

Mahesh and Prithvi Banglore, the prospective tenants, came forward. The proposed Dunkin Donuts coffee shop will be located in Trumbull Center. The submitted design indicated the traditional orange and magenta Dunkin Donuts logo.

The Town Planner advised that the proposed signage exceeds the maximum allowable area of 25'. Ms. Brätt noted further that the proposed modifications to the façade and additional signage in the rear have not been included in the application.

The Commission was also advised that the subject signage does not conform to those existing, as no other sign in this plaza is illuminated from within.

Application #15-07 – Mark Greengarden
6315 Main Street

Pursuant to Art. I, Sec. 4.2.3 and Art. XV to convert existing non-conforming use from a beauty parlor to a real estate office.

Raymond Rizio conducted the presentation on behalf of the applicant. studied

Mr. Rizio informed that the condition of approval, placed on the use variance, requiring the structure to be owner occupied was recently eliminated by ZBA, as it was determined to be legally unenforceable.

The applicant's representative maintained that the proposed change in use would allow for a decrease in intensity. Two additional parking spaces are being proposed but Mr. Rizio reminded those present that most business involving real estate is conducted in the field.

The Town Planner indicated that she had concerns, as to whether the proposed parking plan is adequate, but concurred that the proposed use change would lessen the existing intensity. Ms. Brätt recommended that the parking plan be reviewed further and that ADA requirements be also looked into.

Public Comment

Dean Fabrizio of 6306 Main Street informed that the current parking situation is not adequate and asked for feedback on how this will be addressed.

It was suggested, and the applicant's representative agreed, to continue the public hearing to determine whether the parking design should be modified.

MOTION MADE (Silber), seconded (Chory) and unanimously carried to continue the public hearing for Application #15-07 until the next regularly scheduled meeting (2/18/15).

This concluded the Public Hearing.

REGULAR MEETING

Acceptance of Minutes

MOTION MADE (Chory), seconded (Silber) and unanimously carried to accept the minutes of the December 17, 2014 regular meeting, as recorded.

Bond Release

Application #11-19 – Digital Merritt LLC
60 & 80 Merritt Boulevard
Site Bond

MOTION MADE (Chory), seconded (Silber) and unanimously carried to approve the release of the site bond, in its entirety, per the recommendation of the Town Engineer.

Pending Applications

Application #15-04 – Songali S. Patel
10 Broadway Road

MOTION MADE (Garrity), seconded (Silber) and unanimously carried to approve Application #15-04, as presented.

Application #15-03 – Eugene Donnelly
6528 Main Street

MOTION MADE (Garrity), seconded (Silber) and unanimously carried to approve Application #15-03, as presented.

Application #15-05 – TLHS, LLC
4244 Madison Avenue

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-05, as presented.

Application #14-41 – Ninety Five Corporate Drive Trumbull, LLC
95 Corporate Drive

MOTION MADE (Garrity), seconded (Silber) and unanimously carried to approve Application #14-41 subject to the following.

1. Approval subject to conditions of approval of the IWWC (Application #14-41) and ZBA (Application #15-07).

Application #15-06 – Tashua Coffee House, LLC
945 White Plains Road

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-06 subject to the following.

1. Proposed wall sign to be reduced to 25 sq. ft. in size.
2. A separate application to be submitted for the proposed signage and façade alterations in the rear.

There being no further business to discuss, a motion was made by Commissioner Chory and seconded by Commissioner Garrity to adjourn.

The January 21, 2015 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, February 18, 2015 at 7:30 p.m. in the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
P&Z Administrator/Clerk