

PLANNING AND ZONING
May 20, 2015

The Planning and Zoning Commission of the Town of Trumbull met for a regularly scheduled meeting on Wednesday, May 20, 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 alternate Don Scinto

Also Present: Jamie Brätt, Director of Economic and Community Development
Vincent M. 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.

With a quorum being present the Chairperson called the meeting to order at 7:00 p.m.

The five designated voting members for tonight's meeting were as follows: Chairman Deecken, Anthony Chory, Fred Garrity, David Preusch and Tony Silber.

Pre-Application Review

John Naeher, Director of Operations for Christian Heritage School and Philip Katz, the project engineer, came forward seeking the Commission's feedback on proposed new construction and the renovation of the structure located at 511 White Plains Road.

A packet containing images of the campus was submitted and reviewed. Mr. Katz described the newly acquired structure as being in significant disrepair. He advised that the goal of the proposed renovation was to see that the character of this vintage home was maintained. In response to an inquiry, Mr. Naeher advised that the intent was to utilize the dwelling for staff housing.

The project also includes construction of a one-story building, approximately 3,600 sq. ft. in size, for additional classrooms and office space. A final design plan has not as yet been formalized but the vision was for a collegiate feel with some colonial character, as well.

Commissioner Preusch commented that due to the close proximity of the two structures to each other the impact of the new construction to the historic home needs to be kept in mind. He commented that a design other than colonial could possibly work here, as well. Commissioner Chory suggested looking into the possibility of pushing the new building further away from the roadway.

In response to an inquiry, Mr. Katz informed that no additional curb cuts will be required, as access for both structures will be from the existing driveways for the school and 511 White Plains Road.

Commissioner Garrity cautioned that it needs to be clearly defined, as to which driveway is to be utilized for each building.

PUBLIC HEARING

The Public Hearing began with the announcement that Application #15-22 (Cooperative Education Services, 40 Lindeman Drive) has been withdrawn.

Zoning Amendment

Application #15-17 – Amending of Art. III, to add Sec. 10
Lots Fronting Discontinued or Abandoned Roads

10.1. An easement and/or unencumbered right of access to a public street shall satisfy the minimum road frontage requirements only where any lot served by such easement and/or unencumbered right of access no longer has the required frontage due to the discontinuance or abandonment of a public road that formerly provided the requisite frontage. Such lots shall be deemed not to be interior lots.

Petitioner: John W. Knuff, Esq., Agent for Westfield Trumbull Shopping Center

Attorney Knuff came forward. The purpose of the proposed amendment was to prevent any remaining lots from being rendered in violation of road frontage requirements in the event a town road has been discontinued. The amendment also ensures that these remaining parcels cannot be defined, as interior lots.

The text change ties in with the proposed redevelopment of the property, owned by the mall, between the shopping center and Main Street. As of today, with the exception of 45 Whalburn Avenue, Westfield owns all properties located on Whalburn Avenue and Stuart Place. Mr. Knuff advised that the discontinuance of these two roads is part of the mall's redevelopment plan.

Mr. Knuff reviewed the process for road abandonment as defined by CGS, which indicates any road discontinuance needs to be reviewed by three town bodies and approved by the Town Council and the First Selectman. If and when, the request for discontinuance is approved, the public's right to access will be extinguished but he emphasized that CGS are clear that any property owner abutting the roadway shall retain their full property right of access.

Concerns arose regarding the responsibility for road maintenance and what effect the discontinuance would have on the economic value of the remaining properties.

Public Comment

Cindy Penkoff of 101 Columbine Drive and Town Council Representative from District 2 spoke in opposition noting the negative effect, cost wise, road abandonment would have on any remaining property owners.

It was suggested, and the applicant agreed, to continue the public hearing to provide opportunity for further review and study.

MOTION MADE (Chory), seconded (Garrity) and unanimously carried to continue the public hearing for Application #15-17 until the next regularly scheduled meeting (June 17, 2015).

SUBDIVISION

Application #15-18 – Booth Hill Road, LLC

Subdivision Map, dated 12/22/14, Bear Den Estates, 4 lots with street address of
607 Booth Hill Road

Attorney David Quatrella conducted the presentation on behalf of the applicant. He began by submitting a smaller drawn scale of the submitted site plan. The parcel is approximately 5.4 acres in size and the applicant proposes to subdivide the parcel into 4 single family lots. The existing dwelling currently located on the site would be demolished. A new roadway, approximately 350' in length is to be constructed. All four homes will connect to this roadway for access. The rear portion of the parcel, approximately 1.5 acres in size, will be designated as open space and deeded to the town or a land use organization. . The project engineer, James Swift, came forward and detailed the proposed drainage and erosion control plans. Bill Maurer advised of the Town Engineer's requirements for approval.

Public Comment

Joanne Parsons of 248 Pinewood Trail spoke in favor.

Walter Christoni of 12 Hunters Lane requested further clarification on the proposed drainage design. The project engineer advised Mr. Christoni that the plan should create a reduction in the run-off but that the ground water would remain as existing.

Upon inquiry, it was revealed that the homeowner would be responsible for retention maintenance and be so noted on the deed.

This concluded the public hearing for Application #15-18. The proposal was then reviewed and the Commission took action as follows.

MOTION MADE (Garrity) and seconded (Chory) to approve Application #15-18.

There was some concern expressed that the Police Commission has not as yet reviewed the plans for the proposed roadway.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to amend the original motion to include the following specific conditions.

1. Land to be dedicated must be deeded to the Town of Trumbull or a qualified land trust.
2. Police Commission approval for the proposed curb cut and new roadway shall be required.

Insignificant changes, as required by the Police Commission may be signed off administratively by staff.

Any significant adjustments that results in a change in the approved frontage and/or lot lines to be brought back to P&Z for review.

3. Subdivision shall be subject to all conditions of approval as issued by the Town Engineer, including the placement of monuments demarcating the boundary of the nature preserve.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-18, as amended.

At this point, Attorney Rizio came forward requesting a continuance for Application #15-20 (Marsel Huribal, 2991 Nichols Avenue).

MOTION MADE (Chory), seconded (Silber) and unanimously carried to continue the public hearing for Application #15-20 until the next regularly scheduled meeting (June 17, 2015).

Application #15-19 – Loretta Russo
Resubdivision Map, dated 2/27/15, Prepared for James Teixeira
2 lots with street address of 44 Endeavor Street

Attorney David Quatrella came forward representing the applicant.

The following exhibits were submitted for the record: Photographs of the site area, a copy of the original subdivision map from 1923, a petition in favor and documentation of the extension of the sewer line to the undeveloped parcel.

The two non-conforming lots were purchased separately by the Russo's. Due to amendments made to the CGS and the town zoning regulations the lots are now viewed as having been merged. A second parcel, consisting of 4,000 sq. ft., has been purchased and when added to the undeveloped parcel creates a lot of 10,000 sq. ft. in size.

The Town Planner confirmed that with the required variances now in place the proposal meets with zoning requirements.

Public Comment

Richard Henrietta of 112 Strobel Road spoke in favor.

This concluded the public hearing for Application #15-19 and following review the Commission took action, as follows.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-19, as presented.

Special Permit/Site Plan Approval

Application #15-21 – Bridgeport Roman Catholic Diocesan Corporation
100 Daniels Farm Road

Pursuant to Art. II, Sec. 1.2.2.7 Special Permit to establish 2,053 sq. ft. accessory apartment within existing footprint.

Attorney Raymond Rizio came forward representing the applicant.

The apartment, to be located on the second floor of the existing structure, would be utilized solely by the Bishop, as his private residence. Upon inquiry, Mr. Rizio indicated that the first floor would be set aside for the use of any guests of the Bishop.

Jamie Brätt advised that the proposal, as presented, meets with the zoning standards set for accessory apartments. .

This concluded the public hearing for Application #15-21.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-21, as presented.

Approval of Minutes

MOTION MADE (Chory), seconded (Silber) and unanimously carried to approve the minutes from the April 15, 2015 regular meeting, as recorded.

MOTION MADE (Chory), seconded (Scinto - voting in place of Commission Garrity who was not present for the subject meeting) and unanimously carried to approve the minutes of the April 29, 2015 Special Meeting, as presented.

Minor Modification of Existing Special Permit

Application #14-25 – M.F. DiScala & Company
4244 Madison Avenue

Alan Webber, Chief Financial Officer for DiScala & Co. and Bill DiSilva part owner of potential restaurant tenant known as The Sitting Duck Tavern.

The proposed modifications were indicated as being two-fold and described as follows. 1. Request to modify the site plan to allow for placement of a cooler on a deck behind the Sitting Duck Restaurant, which shall be located at the center of the building. 2. An additional modification to the condition of approval to allow for the replacement of the required charcoal scrubber system with a Captrate Grease-Stop Combo Filter.

In response to an inquiry regarding the cooler, Mr. DiSilva advised that the compressor would be located on the roof and only the cooler itself would be positioned on the deck.

The representatives described the requested filter system, as being less costly and having newer technology, as well. Mr. DiSilva maintained that the requested hood system was as efficient as what was originally approved.

Mr. Webber was reminded that the system initially approved was a plan that was agreed upon jointly by the applicant and a representative of the Long Hill Coalition. There was consensus amongst the Commission that, as the Long Hill Coalition took part in the original planning they should be given an opportunity to review and comment on the proposed change.

It was suggested and agreed upon by Mr. Webber that the requested modification to the filtering system be withdrawn and that action be taken only on the placement of the cooler. It was understood that Jonathan Dennis of the Long Hill Coalition would be notified, along with all immediately abutting property owners, of the proposed changes..

MOTION MADE (Chory), seconded (Silber) and unanimously carried to approve the proposed site plan modification to allow for the placement of the cooler, as presented.

Municipal Improvement

Pursuant to CGS 8-24 request for P&Z recommendation for lease of town owned land, located off of Jeffery Place, to a private entity for construction of a cell tower.

The proposal was summarized by Jamie Brätt. The project involved the leasing of town property to Verizon Wireless for the purpose of constructing a 120' cell tower. If approved by the Town Council, the tower is expected to significantly improve cell phone service within Trumbull Center, the Pequonnock River Valley Trail and the surrounding areas. Ms. Brätt advised that the need to improve wireless communication coverage within the community is noted in the Trumbull's POCD.

There was some concern expressed as to whether adequate public noticing is issued in these instances. Jamie Brätt advised that noticing by P&Z, other than through its agenda, is not required but the upcoming Town Council meeting on this has been advertised. Attorney Marino also let known that the action to be taken tonight is for a P&Z recommendation, based on the POCD, whether the proposal is in the best interest of the community. Approval or denial of the project remains solely under the authority of the Town Council.

Following further discussion and review the following motion was made.

MOTION MADE (Garrity) and seconded (Silber) to recommend that the proposed leasing of town owned land, located off of Jeffrey Place, for the purpose of establishing a cell tower be approved by the Town Council.

Commissioner Chory suggested that the motion include a recommendation to look into having the tower moved further into the wooded area.

MOTION MADE (Chory), seconded (Preusch) to amend the original motion to include the following.

Evaluate the option of moving the tower further towards Beach's Memorial Park and away from the residential properties. . . .

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

Vote - Original Motion as Amended: In Favor (4): Deecken, Chory, Garrity, Preusch - Opposed (1): Silber MOTION CARRIES

In voting in opposition, Commissioner Silber argued that due to the importance of the issue additional data and review was needed and he was therefore not prepared, at this time, to vote in the affirmative.

There being no further business to address a motion was made by Commissioner Garrity and seconded by Commissioner Silber to adjourn. The May 20, 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, June 17, 2015 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
P&Z Administrator/Clerk: