

**PLANNING AND ZONING**  
**June 17, 2015**

The Planning and Zoning Commission, of the Town of Trumbull, met for a regularly scheduled meeting on Wednesday, June 17, 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 7:30 p.m.

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

**PUBLIC HEARING**

A letter submitted by Attorney John Knuff, advising that Application #15-17 (Amending of Art. III) has been withdrawn, was read for the record.

The Chair then called for a motion to move the agenda to allow the proposed minor modifications to Special Permit #14-25 to be heard following the public hearing for Application #15-23, as they are interrelated.

MOTION MADE (Chory), seconded (Silber) and unanimously carried to move agenda item "Minor Modification of Existing Special Permit" out of order.

**LIQUOR LOCATION PERMIT**

Application #15-23 – Sitting Duck Tavern  
4244 Madison Avenue

David Rutigliano, proprietor and Alan Webber, CFO of M.F.DiScala & Co. came forward. Mr. Rutigliano made known that he serves as the State Representative from the 23<sup>rd</sup> District but is before this Board tonight in the capacity of small business owner.

Ms. Brätt informed that in the process of applying for a State Liquor Permit there were several potential events checked off that would not be in conformance with the Town's zoning regulations. Responding to an inquiry, as to whether State permitted uses would supersede zoning requirements, the Town Attorney advised that in this instance local zoning ordinances would have precedence. Mr. Rutigliano advised that his intent was to comply with all zoning requirements.

The public hearing for Application #15-23 was concluded and the Commission took action as follows. MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-23, as presented.

The public hearing was then recessed to hear agenda item "Request for Minor Modification of Existing Special Permit" out of order.

### **Minor Modification of Existing Special Permit**

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

a) Minor modification to permit installation of Captrate Combo Filters and CaptiveAire's CASRE Utility Set Fan to satisfy condition pertaining to establishment of an exhaust system for restaurant use that addresses and mitigates odors.

b) Minor modification to permit two anchor tenant signs on the front edifice of 4244 Madison Avenue, which conform with regulations pertaining to signage in the Village Retail Overlay Zone.

The proposed modifications were presented by Alan Webber of M&F DiScala & Co and David Rutigliano. Mr. Webber began by presenting a packet of technical information on the proposed system, which he indicated would be more cost effective but equal to what was originally proposed.

A copy of the notification letter, sent at the request of the Commission, to the abutting property owners informing them of the proposed changes, was also distributed. A letter submitted by the Lower Long Hill Coalition was then read. The correspondence indicated approval of the alternative filtration system but it requested that the following conditions be considered.

Condition #1 dealt with the cleaning and maintenance of the filters.

It was agreed that this area would fall under the purview of the Fire and Health Departments.

Condition #2 requested that the exhaust fans, tied to the kitchen hoods, be of a high velocity up-blast type, which Mr. Webber indicated is what is being proposed.

Condition #3 asked that the exhaust fan be mounted as high as possible so that the air is discharged further up to reduce odors at ground level.

Mr. Rutigliano informed that the mounting will be on the roof 16 to 20 feet off the ground, which complies with the original site plan approval. He noted further that a higher elevation would not make a difference, as no odors would penetrate the surrounding area from either level.

Upon inquiry, Mr. Webber advised that the proposed exhaust fan creates no added noise and is no louder than any standard fan.

The presentation was then completed and the Commission took action as follows.

MOTION MADE (Deecken), seconded (Preusch) and unanimously carried to approve proposed minor modification to Special Permit #14-25 to permit installation of Captrate Combo filters and CaptiveAire's CASRE Utility Set Fan; subject to the conditions submitted by the Lower Long Hill Coalition (letter of June 5, 2015), which were modified and approved as follows.

1. Condition #1 not under the purview of Planning and Zoning, as the maintenance and cleaning of the filter system remains under the jurisdiction of the Fire and Health Departments.
2. Conditions #2 and #3. Condition #3 to be modified as follows: Exhaust fan assemblies shall be mounted in accordance with the approved minimum height requirements.

The second portion of the modification request was then addressed.

- b) Minor modification to permit two anchor tenant signs on the front edifice of 4244 Madison Avenue, conforming with regulations pertaining to signage in the Village Retail Overlay Zone.

Alan Webber presented. A modification of the approved sign bands for two locations is requested. Mr. Webber explained that the two restaurant tenants will require signage with more height and less width, as they have more frontage. The proposed carved/dimensional painted signage for the Sitting Duck Tavern was viewed. Several Commissioners indicated preference for the new signage commenting that the proposed design adds to the character of the plaza.

Following the presentation the proposal was considered and the Commission took action as follows.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve proposed minor modifications to sign dimensions pertaining to Application #14-25, as presented.

The public hearing then resumed.

## **PUBLIC HEARING**

### **SUBDIVISION**

Application #15-24 – Richard Hansen

Re-subdivision Map, dated 11/11/14, Prepared for Dwight C. Hansen  
2 Lots Huntington Turnpike opposite Carriage Drive

David Bjorklund and the applicant conducted the presentation.

The subject parcel is the remainder of the subdivision initiated in 2001. The remaining 3.90 acres is now the subject of the current application to create two one acre building lots.

The Commission was advised that the northern most portion of the parcel would be deeded to the town and combined with Mischee Brook Park, which was created in 1970 through a 16.6 acre donation of land by the applicant's grandfather.

Mr. Bjorklund advised that the necessary waiver for lot frontage was approved by the ZBA in 2014. IWWC approval to construct two single family dwellings has also been received along with DOT approval

for the two proposed curb cuts. Upon inquiry, the project engineer advised that the Parks Commission has voted favorable to accept the 1.7 acres as park land.

Jamie Brätt indicated that with the necessary waivers in place the proposal meets with all applicable subdivision standards. She also confirmed that the March 2015 minutes of the Parks and Recreation Commission reflects approval of the subject donation of land.

Upon further discussion and review the following motion was made.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-24, as presented and plans submitted.

### **SPECIAL PERMIT**

Application #15-20 – Marsel Huribal  
2991 Nichols Avenue

Pursuant to Art. II, Sec. 6, Special Permit/Adaptive Reuse to convert existing dwelling into medical/professional office use. HEARING CONTINUED FROM MAY 20, 2015.

Attorney Christopher Russo came forward advising that the applicant wishes to withdraw the application to provide opportunity for P&Z staff to review a proposed alternative traffic plan providing ingress and egress from Nichols Avenue. Mr. Russo indicated that the intent is to re-submit at the August meeting.

Commissioner Garrity made note of the existing heavy congestion on Nichols Avenue and suggested that entry and exiting from Huntington Turnpike be reconsidered. Ms. Brätt also advised that a report from the traffic division of the Police Department will be required prior to re-submittal. Bill Maurer commented further that as both Nichols Avenue and Huntington Turnpike are State roads, the DOT will have the final say as far as egress and ingress.

Application #15-25 – Eslam Gebriel & Joanne Mekawi  
63 Lauderdale Drive

Pursuant to Art. II, Sec. 1.2.2.7 to establish 1,025 sq. ft. accessory apartment within existing footprint.

Eslam Gebriel came forward. The submitted plans indicated all construction to be within the footprint. Ms. Brätt advised that the proposal, as presented, conforms to zoning standards.

MOTION MADE (Chory), seconded (Silber) and unanimously carried to approve Application #15-25, as presented and plans submitted.

This concluded the Public Hearing.

## REGULAR MEETING

### Acceptance of Minutes

MOTION MADE (Chory), seconded (Silber) and unanimously carried to approve the minutes of the May 20, 2015 regular meeting, as recorded.

### Request for Extension of Time

#### For Filing of Subdivision Map – Application #15-14

Mary Grace Mandanici and John Mandanici, Jr.  
4 Lot Subdivision  
254 Shelton Road

The letter of request submitted by the applicant's representative, Attorney Raymond Rizio, was read.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve a 90 day extension, to November 3, 2015, for the filing of the approved subdivision map pertaining to 254 Shelton Road.

### Municipal Improvement

Pursuant to CGS 8-24 request for P&Z recommendation regarding donation of five (5) parcels of land from the State of Connecticut to the Town of Trumbull.

Jamie Brätt came forward and provided a detailed description of the proposed acquisition. Pursuant to Public Act No. 04-186, Section 26 the State of Connecticut is required to initiate transfer of excess land to the local municipality. The Act also stipulates that the land must be utilized as either open space or for recreational purposes or the property will revert back to the State.

The five parcels being offered have been recognized as access land by the State. The properties in question are located in various locations in the vicinity of Route 25 and were identified, as follows.

- Parcel 1 – 6.1 acres abutting Twin Brooks Park
- Parcel 2 – 16.3 acres off of Parlor Rock Road and Overlook Place
- Parcel 3 – Old Mine Road and Tunsen Circle
- Parcel 4 – Area leading into Old Mine Park
- Parcel 5 – Behind the State salt shed located on Monroe Turnpike

There was general consensus of agreement that the acquisitions would be beneficial to the Town.

MOTION MADE (Chory), seconded (Preusch) and unanimously carried to recommend Town Council approval of the proposed transfer of 5 parcels of land to the Town of Trumbull by the State of Connecticut.

There being no further business to discuss, the June 17, 2015 meeting of the Planning and Zoning Commission adjourned at 8:45 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on Wednesday, August 19, 2015 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

The Planning and Zoning Commission has no meetings scheduled for the month of July.

Respectfully submitted,

Helen Granskog  
P&Z Administrator/Clerk