

PLANNING & ZONING
October 21, 2015

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

Also Present: Jamie Brätt, Director of Economic and Community Development
Vincent M. Marino, Town Attorney (arriving at 7:40 p.m.)
Bill Maurer, Assistant Town Engineer

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Planning & Zoning Commission located in the Trumbull Town Hall.

With a quorum being present, the Chairperson called the meeting to order at 7:05 p.m.

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

AGENDA

PRE-APPLICATION REVIEW

Establishment of a medical/office use in an existing 1,999 sq. ft. two-story structure located at 6 Broadway including potential associated zone change. Petitioner: Attorney John F. Fallon, Agent for Dr. Matthew Hartsburg

Attorney John Fallon came forward and defined the project as follows.

The property, consisting of 17,860 sq. ft., is located in a residential zone immediately adjacent to the shopping center under construction at 10 Broadway a part of the B-C Long Hill Green Zone. Dr. Hartsburg plans to utilize the structure for his medical practice. Renovations to the interior of the structure are to be made in keeping with its existing colonial character. There is no proposed increase to the current footprint.

Attorney Fallon asked that an expansion of the B-C Long Hill Green Zone, to include this property, be considered. Discussion followed as to whether a change to a Professional Office Overlay Zone would be a better fit for this property. It was agreed that a proposed zone change be evaluated with staff to determine which option would be best suited for this location. It was further recommended that the potential applicant seek input from adjacent property owners.

PUBLIC HEARING

Application #15-36 – Frank & Judith Galletti
34 Sallyann Drive

Pursuant to Art. II, Sec. 7.2, Special Permit to establish 782 sq. ft. accessory apartment within existing footprint.

Frank Galletti presented. The submitted plans indicated that the proposal conforms to zoning standards.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-36, as presented and plans submitted.

At the request of the Chairman, the following motion was then considered.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to close the public hearing and move the agenda to hear Pending Agenda from September 16, 2015 out of order.

Pending Agenda from September 16, 2015

Application #15-30 – Marsel Huribal
2991 Nichols Avenue

The Chairman noted that as the public hearing closed on September 16th; no additional testimony would be permitted. The application was then reviewed and the Commission took action as follows.

MOTION MADE (Garrity), seconded (Chory) to approve Application #15-30.

Discussion followed with a consensus of agreement that stipulations were needed to ensure that the historic characteristics of the structure are maintained and the concerns of the neighboring property owners are addressed.

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

1. Structure to be recognized as a medical office building only; the term professional offices to be eliminated.
2. No physician services are to be conducted, or patients seen, at this facility.
3. Parking to be reduced to twelve (12) spaces including handicapped.
4. No commercial type signage to be erected.
5. All special permit requirements, in terms of plans, shall comply with adaptive reuse performance standards (Art. II, Sec. 6.3).
6. Certificate of Occupancy must be issued prior to facility being utilized as a business.

7. Recommendations of the Town Tree Warden to be complied with, as they are stated in his letter dated September 8, 2015, including the suggested \$75,000.00 landscape bond to ensure completion of landscaping improvements.

Commissioner Silber asked that the record reflect that his vote in the affirmative was to make known that, if the application is approved, he favored having the above noted stipulations included as part of the Special Permit.

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

Those voting in favor indicated that as the building is no longer viable for residential use, the proposed adaptive reuse offers the best solution for the preservation on this historical home.

Commission Silber voting in the negative stated that, based on the information received, he was not convinced that the home is of an historic nature and that it cannot be continued as a residence. He noted further that the proposal creates an intensity of use, which is not in compliance with the standards set for adaptive reuse.

The Chairman then entertained a motion to hear agenda item Modification of Conditions of Approval out of order.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to move the agenda to hear the request for a modification of the conditions of approval, out of order.

Modification of Conditions of Approval

Crown Pizza
5663 Main Street

Gilson Sano, proprietor, came forward advising that the proposed change in hours were more conducive with this type of business. Jamie Brätt noted that there is no extension to the current amount of operating hours, just a shift from the present business hours of 9:00 a.m. to 9:00 p.m. to 11:00 a.m. to 11:00 p.m. Monday through Sunday.

MOTION MADE (Garrity), seconded (Silber) to modify the operating hours for Crown Pizza to 11:00 a.m. to 11:00 p.m. Monday through Sunday.

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

In voting in opposition Commissioner Chory commented that as the establishment is situated in a residential zone the opportunity for public comment should be allowed for.

The public hearing was then reopened.

Application #15-35 – NRG Renew Spark LLC
20 Merritt Boulevard

Pursuant to Art. II, Sec. 7.2 Special Permit to construct carport with solar arrays on existing parking lot (covering approximately 100 parking spaces). HEARING CONTINUED FROM SEPTEMBER 16, 2015.

Peter Devoni, of Unilever and project engineers Ron Perina and Robert Schwartz presented. Renderings of the combined carport and rooftop solar canopies, to be located on the Unilever campus, were reviewed.

The project, which will take about two months to complete, will provide a source for clean renewable energy and offset about 20% of Unilever's energy needs.

Jamie Brätt noted that the carport would be located in the rear and would not be visible from the road. There are no structures proposed for the front yard. She informed that the project would be the largest solar energy installation within the town.

There was concern from the Commission, as to whether a glare issue could be created impacting Route 8 and/or neighboring buildings.

Mr. Perina responded that the study done on the issue of glare confirms there would be no potential adverse impact to Rte. 8 as the panels are tilted downward. He added that the panels would face the façade of the neighboring building where there are no windows.

At the Commission's request, the applicant agreed to submit documentation verifying that there is no glare or glint issues attached to this project along with an as-built to confirm that the carport has been erected according to the plans submitted.

Upon completion of discussion the following motion was made.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve Application #15-35 subject to the following specific conditions.

1. Data to be submitted to demonstrate, to the satisfaction of staff, that all safety and engineering standards have been met with regards to glint and glare and the impact, if any, to Route 8 and/or buildings within the Corporate Park.
2. Upon completion of construction an as-built drawing shall be submitted to establish that the carport has been erected per the plans that were submitted.

This concluded the public hearing.

REGULAR MEETING

Acceptance of Minutes

MOTION MADE (Garrity), seconded (Silber) and unanimously carried to accept the minutes of the September 16, 2015 meeting, as presented.

Extension of Time to Record Subdivision Map

Application #15-14
254 Shelton Road

Attorney Christopher Russo came forward. Inquiry was made as to the need for an additional 90 day extension. Mr. Russo responded that the road is still under construction and the property owner would prefer that it be completed prior to the filing of the mylar. He gave assurances that the map recording would take place within the next 90 day time period.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried to approve an additional 90 day extension for the recording of the mylar relative to Application #15-14.

Bond Release

Application #98-91 – Landscape Bond
Country Builders, LLC
Clinton Street Subdivision

The recommendation of the Town Tree Warden was read.

MOTION MADE (Chory), seconded (Preusch) and unanimously carried to approve the release of the landscape bond pertaining to Application #98-91 per the recommendation of the Town Tree Warden.

Municipal Improvement

Pursuant to CGS 8-24 request for P&Z recommendation concerning construction of multi-purpose building, approximately 6,000 sq. ft., on the easterly side of the Town Maintenance Yard located at 140 Middlebrooks Avenue (with driveway access on Church Hill Road).

Jamie Brätt came forward and renderings of the proposed structure were distributed.

As stated, the two-story building would total approximately 6,000 square feet in size. The building would be multi-functional, housing both equipment and administrative offices for Public Works and Parks & Recreation.

Seeing no negative impact the following motion was made.

MOTION MADE (Chory), seconded (Preusch) and unanimously carried to recommend Town Council approval of proposed construction of a multi-purpose building at the Town Maintenance Yard, 150 Middlebrooks Avenue

Planner's Report

The Town Attorney, Vin Marino, reported on discussions held with Jamie Brätt concerning potential changes to public noticing requirements relating to proposed amendments to the zoning regulations.

The re-evaluation was looked into as a result of concerns by residents that the public is not being notified of the public hearing being held on a proposed text change that could impact their property.

There was objection that they only became aware of the change upon receiving notice of the related special permit application.

Attorney Marino informed that as proposed text changes usually relate town wide noticing is limited to newspaper ads only. Comment was made that, in the past, it was standard policy to have a proposed text amendment submitted simultaneously with the corresponding Special Permit. Attorney Marino was of the opinion that such a policy was not enforceable.

A suggested option of delaying the effective date of a text amendment, if the Special Permit application is not included, will be considered. Jamie Brätt also indicated that staff would make it known to developers that the Commission strongly advises that any proposed text change to allow development be submitted together with a special permit application.

There was a consensus of agreement that rewrite of the current regulations also need to be considered.

There being no further business to address the October 21, 2015 meeting of the Planning and Zoning Commission adjourned at 10:30 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning & Zoning Commission will be held on Wednesday, November 18, 2015 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
P&Z Administrator/Clerk

