

PLANNING AND ZONING
January 21, 2009

A meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Courtroom of the Trumbull Town Hall on Wednesday, January 21, 2009.

Attendance: Timothy M. Herbst, Chairman
Gary Bean, Anthony Chory, Christopher Costa, Arlyne Fox and alternates
Steven Mahlstedt, Don Scinto and Tony Silber

Staff Present: Richard Eigen, Acting Planning and Zoning Administrator;
James Cordone, Town Attorney and Stephen Savarese, Town Engineer

The following is a brief summary of the meeting. The complete record is on tape, on file in the office of the Planning and Zoning Commission.

A quorum being present the Chairman called the meeting to order at 7:42 p.m.

The Chairman announced that the agenda item relating to the lot revision between 25 & 45 Commerce Drive would be heard prior to the Public Hearing.

Chairman Herbst recused himself from discussion, as Attorney Fallon had been of counsel with the law firm Mr. Herbst is associated with. Vice-Chairman Bean chaired this portion of the meeting.

Attorney John Fallon addressed the Board representing Summerfield Suites. The two maps, which were submitted with Attorney Fallon's letter of December 8, 2008, were reviewed.

Map 07.01 indicated the lot line as shown for 25 & 45 Commerce Drive as it existed prior to the approval of the Special Permit for Application #08-28. Map 20.01 reflected the property lines as per the site plan approved by this Commission for Special Permit #08-28.

The Commission was asked to approve the lot line as depicted on Map 20.01 to confirm that the revised mylar being placed on the land records, was consistent with the site plan approval.

Upon completion of Attorney Fallon's presentation, Chairman Herbst returned to the meeting.

PUBLIC HEARING

SPECIAL PERMIT

Application #09-01 – Rose Tiso & Company/Manuel Jose Silva

2 Trefoil Drive

Pursuant to Art. II, Sec. 4 and Art. XV, Special Permit to construct 11,600 square foot addition to existing building.

Manuel Silva, P.E. presented the application. Revised plans, which addressed the concerns of the Town Engineer, were submitted for the record.

The proposed addition would house a loading bay and an expanded manufacturing area. There was no additional parking proposed. Upon inquiry, Mr. Silva relayed that the color of the addition's façade would correspond to the existing building.

SUBDIVISION/RESUBDIVISION

Application #09-02 – Unity Hill, U.C.C. Data Accumulation Plan Depicting a Lot Line Revision Prepared for Unity Hill United Church of Christ 336 & 364 White Plains Road (CT Route 127) Trumbull, CT. Lot line revision between 336 and 364 White Plains Road.

David Bjorklund of Spath-Bjorklund Associates represented the applicant. The United Church of Christ is the owner of both parcels

The proposed plan would re-subdivide 3.5 acres off the parcel containing the existing house (336 White Plains Road) and merge it with the parcel on which the church is located (364 White Plains Road). Mr. Bjorklund indicated that the existing barn at 336 White Plains Road would be removed to avoid non-conformity with the new property lines.

There are no plans at present for the utilization of the additional land. The proposal would provide the church with the ability to expand their facility at a future date.

ZONING AMENDMENT

Application #09-03 – Amending Art. II, Sec. 1 – 1.1.2.7; 1.2.2.7; 1.3.2.7 (Accessory Sale of Holiday Decorations) to change wording to “The Zoning Enforcement Officer may issue a Certificate of Zoning Compliance for the seasonal sale of Christmas trees, wreaths, or garlands; Easter flowers; Halloween pumpkins; or other seasonal holiday items”.

Richard Eigen presented the application. The purpose of the proposed amendment was to streamline the application process and allow this regulated use to be handled administratively. A determination will be made prior to issuance of a Certificate of Zoning Compliance that all criteria pertaining to this regulation have been met.

Public Comment

Tony D'Aquila had a problem with the regulation's wording and was skeptical that the regulation was even enforceable.

The Public Hearing concluded at 8:20 p.m.

REGULAR MEETING

Acceptance of Minutes

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Fox) to accept the minutes of the December 17, 2008 meeting as submitted.

Proposed Policy for Lot Line Revisions

The proposed policy would allow approval of lot line revisions to be handled administratively. Proposed revisions would require a sign-off from the Planning Director, the Town Engineer, the Zoning Enforcement Officer and the Chairman. Mr. Eigen indicated that most towns do not hold hearings for lot line revisions and a hearing it is not required under State Statutes. The Planning Administrator also questioned the legality of calling for a public hearing.

Commissioner Chory had concerns that the proposed policy could result in non-conforming building lots to be created. He also felt that a hearing should be held to allow for public input. Mr. Eigen noted that any newly created lot must be signed off by P&Z before being placed on the land records.

Application #01-03 – McCoy Ventures, LLC (dated 12/27/00)
29 Trefoil Drive, Lots 4, 5, & 6
Request to call the landscaping bond in the amount of \$95,000.00
plus interest.

The Town Attorney provided information relative to questions that were posed at the previous meeting.

Mr. Cordone indicated that any money remaining upon completion of the required landscaping and/or site improvements would be returned to whoever funded the bond. The choice of a contractor for the landscaping/site improvements would be determined through a bidding process.

MOTION MADE (Fox), seconded (Costa) and unanimously carried to call the bond for Application #01-03 – McCoy Ventures, LLC in the amount of \$95,000.00 plus interest.

Request for 90 Day Extension of Time to File Mylar Map

Application #08-15 – Mary Grace Mandanci/John C. Mandanici

4 lots between Woodcrest Avenue and 254 Shelton Road

MOTION MADE (Fox) and seconded (Costa) to approve a 90 day extension of time to file the mylar map for Application #08-15.

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Fox) to amend the previous motion to specify the onset of the 90 day extension of time as January 23, 2009.

Vote (Original Motion as Amended): Unanimous (Herbst, Bean, Chory, Costa, Fox)

Appointment of P&Z Representative to IWWC

In response to an inquiry from last month's meeting, the Town Attorney informed that this appointment is made by the First Selectman. The Commission may submit a recommendation to the First Selectman.

Anthony Chory nominated Commissioner Fox for the position of P&Z Representative to IWWC. This was seconded by Commissioner Bean.

There being no further nominations the Secretary cast one vote to recommend Arlyne Fox as the P&Z representative to the IWWC.

Chairman Herbst to inform the First Selectman of the Commission's recommendation.

Lot Line Revision – John Fallon, Esq. for Summerfield Suites
25 & 45 Commerce Drive

Chairman Herbst recused himself for reasons stated previously. Vice-Chairman Bean chaired this portion of the meeting.

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Mahlstedt) to approve the lot line revision between 25 and 45 Commerce Drive as approved for Application #08-28.

Chairman Herbst returned to the meeting

Application #09-01 – Rose Tiso & Company/Manuel Jose Silva
2 Trefoil Drive

MOTION MADE (Costa) and seconded (Chory) to approve Application #09-01.

MOTION MADE (Chory), seconded (Fox) and unanimously carried (Herbst, Bean, Chory, Costa, Fox) to amend the original motion to include the following specific condition.

Any additional lighting to be approved by the Planning and Zoning Commission.

MOTION MADE (Chory), seconded (Fox) and unanimously carried (Herbst, Bean, Chory, Costa, Fox) to amend the original motion to include the following specific condition.

Approval subject to the Engineering Review dated 1/20/09.

MOTION MADE (Chory), seconded (Fox) and unanimously carried (Herbst, Bean, Chory, Costa, Fox) to amend the original motion to include the following specific condition.

Approval subject to the submission of a mylar as-built for filing on the land records.

Vote (Original Motion as Amended): Unanimous (Herbst, Bean, Chory, Costa, Fox).

Application #09-02 - Unity Hill United Church of Christ
Lot Line Revision between 336 and 364 White Plains Road

MOTION MADE (Chory), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Fox) to approve Application #09-02 as submitted.

Application #09-03 – Amending Art. II, Sec. 1 – 1.1.2.7; 1.2.2.7; 1.3. 2.7
(Accessory Sale of Holiday Decorations)

MOTION MADE (Bean), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Fox) to approve Application #09-03 as submitted.

The proposed policy to allow lot line revisions to be handled administratively was readdressed.

MOTION MADE (Costa), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Costa, Fox) to table action of this item until the next regularly scheduled meeting.

The Town Attorney to report on State law, as it pertains to lot line revisions.

There being no further business to discuss the January 21, 2009 meeting of the Planning and Zoning Commission adjourned at 9:15 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Commission

