

**PLANNING AND ZONING**  
**November 18, 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, November 18, 2009.

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

Staff Present: James Cordone, Town Attorney; Bill Levin, Town Planner 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 meeting was called to order at 7:35 p.m.

Chairman Herbst announced that he would move the agenda to hear the 8-24 Referral for the proposed purchase of a single family home and real estate located at 579 Church Hill Road next to the Helen Plumb Building.

First Selectman Raymond Baldwin presented the proposed acquisition. The parcel consists of .38 acres. Following the submission of two appraisals a purchase price of \$199,000.00 has been negotiated with the property owners. Mr. Baldwin relayed that the project would not require approval from the Board of Finance, as there is money in the Land Acquisition fund to cover the purchase price.

The First Selectman made note that the Land Acquisition Committee, Parks Commission, Economic Development Commission and the Historical Society have all given their unanimous support for this acquisition. A letter from the Parks Commission indicating their approval was submitted for the record.

Mr. Baldwin acknowledged that the dwelling is in dire need of repair but indicated that the building would be refurbished by the Public Works Department.

Ken Martin of the Historical Society relayed that the general concept was to establish a comfort station along with a welcoming center/museum which would contain historical information relating to the Valley, Riverside Cemetery and Trumbull Center. A petition containing 175 signatures in support of the acquisition was submitted for the record.

Fred Gunther, a local builder, presented a preliminary rendering, which depicted a possible architectural design.

On an inquiry relating to parking, Mr. Martin indicated that the proposed plan would not require a need for any additional parking spaces.

Commissioner Bean inquired as to who would maintain the building. The First Selectman responded that the Public Work's Department would be in charge of maintenance. The manning of the building would be the responsibility of the Parks Department and the Historical Society. Mr. Martin and the First Selectman indicated that there is a possibility that there would be State grants available for this revitalization plan.

#### Public Comment

Dan Kryzanski, Chairman of the Land Acquisition Committee addressed the Commission commending Ken Martin for all his time and effort in moving this project forward.

The Commission then took action on the following agenda items.

In the absence of Commissioner Costa, Don Scinto was designated as the fifth voting member for tonight's meeting.

#### **Acceptance of Minutes**

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto), to approve the minutes of the October 21, 2009 regular meeting, as submitted.

#### **Request for Bond Release**

Application #07-25 – Robert D. Scinto, Inc.  
Site Bond – 75 Corporate Drive (\$493,595.00)

A letter of request from Mark Fasano, President of Robert D. Scinto, Inc., along with a recommendation from the Town Engineer, was read into the record.

MOTION MADE (Fox), seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to approve a partial release of the site bond, totaling \$368,492.00, for Application #07-25. A cash performance bond in the amount of \$65,103.00 to be retained, as per the recommendation of the Town Engineer.

Application #04-31 – Jan's Land Development LLC  
Road Bond – Aspen Lane Ext. & Settlers Ridge Road  
(\$28,016.00)

A letter of request from Michael E. Czesnowski of Jan's Land Development LLC, along with a recommendation from the Town Engineer, was read for the record.

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to deny the release of any portion of the remaining road bond for Application #04-31, as per the recommendation of the Town Engineer.

## **PUBLIC HEARING**

Application #09-23 – Amending the Zoning Regulations of the Town of Trumbull pertaining to permitted accessory uses, rear lot lines, height of fences and walls, age restricted housing, definition of livestock, alcohol sales, permitted uses in industrial zones, clarifications relating to industrial zones, special permit requirements and pre-application/preliminary review procedures as proposed by the Planning and Zoning Commission.

The Town Planner provided an overview of the proposed changes and clarified the basis for the suggested changes.

Commissioner Chory commented that he did not receive the material relating to this application in ample time to review the information.

MOTION MADE (Bean), seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Fox, Scinto) to continue Application #09-23 until the next regularly scheduled meeting.

## **REGULAR MEETING**

### **Pending Agenda from the September 16, 2009 Meeting**

Application #09-14 – Amending of Art. VII, No. 14 to permit the keeping of chickens within a residential zone with pertinent setbacks and requirements. Petitioner: Brennan Fraczek.

MOTION MADE (Fox) and seconded (Bean) to approve Application #09-14.

It was noted for the record that the motion on the floor shall include the modifications to the original proposal, as submitted by the Town Planner.

Discussion followed with the Town's Zoning Enforcement Officer, Fred Bietsch, along with Chairman Herbst, voicing enforcement concerns.

Vote: In Favor (2): Fox, Bean – Opposed (3): Herbst, Chory, Scinto. MOTION DOES NOT CARRY. Application #09-14 DENIED.

Those voting in opposition stated that the amendment, as written, did not adequately address the enforcement component of the regulation.

Application #09-16 – Amending Art. II, Sec. 2.1 to establish a Design District, permitting professional office uses, along the east side of lower Main Street consisting of 5 lots (126-130) located in the vicinity of Bonnie View Drive and the Merritt Parkway with

pertinent setbacks and requirements, as proposed by the Planning and Zoning Commission.

MOTION MADE (Bean) and seconded (Chory) to approve Application #09-16.

During discussion several Commissioners commented that the amendment would provide an opportunity to begin the restoration of lower Main St. while maintaining the suburban character of the neighborhood. The numerous protection measures addressed in the amendment were also noted.

Vote: In Favor (4): Herbst, Bean, Chory, Scinto – Opposed (1): Fox. MOTION CARRIED.

Commissioner Fox indicated that she was opposed due to traffic and safety concerns.

### **PUBLIC HEARING (Cont'd)**

At this point the Public Hearing was reopened to hear Application #09-22 and Application #09-24.

Chairman Herbst announced that as Application #09-22 and Application #09-24 were interconnected that they would be heard concurrently.

### **Zoning Amendment**

Application #09-22 – Amending Art. II, Sec. 3. to add 3.1.7.3.c to allow Visual Graphic Panels on lots larger than 50 acres in a B-C Commercial Zone. Petitioner: Trumbull Shopping Center #2, LLC and WEA CT Houses, LLC

### **Special Permit**

Application #09-24 – Trumbull Shopping Center #2, LLC and WEA CT Houses, LLC, 5065 Main Street (Westfield Trumbull Mall)

Pursuant to Art. II, Sec. 3.1 and Art. XIII, Special Permit to install visual graphic panels.

Attorney John Knuff, the applicant's representative, summarized the visual panel aspect of the proposed revitalization project as defined in the proposed amendment contained in Application #09-22.

The proposal consisted of four 10'x12' visual display signs, which would be placed at the entrances into the common areas. Attorney Knuff described the panels as being an integral part of the mall's proposed renovation and would need to be accounted for when obtaining a building permit. He reiterated that the panels would not be objectionable and will create no negative impact. The nearest distance to any residential properties was

indicated at 500' with substantial landscaping between the mall and neighboring properties. He stressed that the visual graphics would not be in operation once the mall has closed. The panels would be utilized to identify store tenants and provide notification of sales, promotions and community and charity events.

George Gianquinto, Development Director for the Trumbull Westfield Mall, informed that this technology is very common today and indicated that the panels would be updated as the technology changes.

Attorney Knuff provided technical details as to why neighboring residents would not experience any light trespass or glare from the digital signs. Photographs depicting the view of the mall from several of the abutting residential streets were then distributed.

Commissioner Bean commented that less frequency between transitions to the next image should be considered. It was also suggested, by Commissioner Chory, that the Town Tree Warden be consulted to determine if he had any practicable recommendations to enhance the existing buffering.

#### Public Comment

Bob Matthews, Chairman of the Economic Development Commission, spoke in favor of the revitalization of the Trumbull Shopping Park. He was of the opinion that if issues with the neighbors do come up that Westfield would address them.

Peter Toomey, 39 Gorham Place, was opposed. He indicated that Westfield has not, as of yet, investigated the issues that he spoke of previously. He relayed that he has a problem with the light, noise and air pollution that emanates from the Westfield Mall.

Richard White, 169 Church Hill Road, was opposed from an aesthetic point of view.

This concluded the Public Hearing.

At this point the following agenda items were discussed and acted upon.

Application #09-22, Zoning Amendment and Application #09-24, Special Permit

MOTION MADE (Chory) and seconded (Bean) to Approve Applications #09-22 and #09-24.

The Commission reiterated their concerns, as to how intrusive the panels would be to the residents on Sunnydale Road and Gorham Place. Commissioner Bean relayed that he has observed the mall from Sunnydale Road and it was his observation that the signs will be seen by those residents.

Commissioner Bean and Commissioner Chory indicated that they would like to make a site visit to determine, if any feasible landscaping mitigation was possible.

The Commission will hold a Special Meeting on Monday, November 23, 2009 at 7:00 p.m. in the Town Hall at which time Application #09-22 and #09-24 will be readdressed.

At this point Chairman Herbst (10:00 p.m) exited the meeting. Vice-Chairman Gary Bean chaired the remaining portion of the meeting.

In the absence of Chairman Herbst, Steven Mahlstedt was designated as the fifth voting member.

The next agenda item to be considered was the Municipal Improvements Referral (CGS 8-24) for the purchase of property located at 579 Church Hill Road.

There was a consensus of agreement that the revitalization of the property would enhance the area surrounding Trumbull Center.

MOTION MADE (Fox), seconded (Chory) and unanimously carried (Bean, Chory, Fox, Mahlstedt, Scinto) to recommend the purchase of the single family residence and real estate known as 579 Church Hill Road.

There being no further business to discuss a motion was made by Commissioner Fox, and seconded by Commissioner Mahlstedt to adjourn. The November 18, 2009 meeting of the Planning and Zoning Commission adjourned at 10:15 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog  
Clerk of the Commission

