

PLANNING AND ZONING
August 19, 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, August 19, 2009.

Attendance: Timothy M. Herbst, Chairman (arriving at 7:15 p.m.)
Gary Bean, Anthony Chory and alternates Steven Mahlstedt, Don Scinto and Tony Silber

Staff Present: James Cordone, Town Attorney (arriving at 7:25 p.m.);
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 6:39 p.m.

Prior to the scheduled Public Hearing two pre-application preliminary reviews were held.

In the absence of Mr. Herbst, the following pre-application discussion was chaired by Vice-Chairman Gary Bean.

Proposal for a mixed use (commercial/residential) development and establishment of a Village District Overlay Zone in the vicinity of Long Hill Green, Main St., Whitney Ave. and Broadway Road. – Petitioner: John F. Fallon, Esq. for the Village of Long Hill Green, LLC

Attorney Fallon appeared and presented a brief overview of the proposed project.

The proposal entailed an amendment to the zoning regulations to establish a Long Hill Village Green Overlay Zone District along with a Special Permit application for the proposed residential and retail area.

Attorney Fallon emphasized that the plans being presented tonight were for discussion purposes only and that any input or suggestions from this Board would be welcomed. He described the project as being an enhancement to the surrounding area along with bringing a positive economic impact to the community.

Jim Rotunda of Rotunda Engineering, LLC presented and reviewed the preliminary site plans. The existing building, housing Luigi's Bakery, would be retained with architectural improvements being made. A new structure was proposed for the property located at the corner of Broadway and Whitney Avenue. Parking and pedestrian access criteria were addressed. The landscaping plans included year-round buffering between the retail center and the surrounding residential homes. Mr. Rotunda indicated that a traffic study is currently being worked on.

Barry Unger of Barry Unger Associates was the presenter of the architectural design plans.

The submitted designs depicted a proposed expansion of the existing building with each of the two floors measuring approximately 9,000 sq. ft. The proposed new building would be a 3,000 sq. ft. stand alone structure housing a possible bank tenant. The outside facades were described as colonial in nature. The existing restaurant and bakery would remain with approximately three or four rental tenants being added. The second floor area would contain eight one bedroom apartment rental units.

The property owner, Benny DeMarco, indicated that the plan received positive feedback from the neighboring residents at a recently held meeting. The owner of Marisa's has also indicated his willingness to coordinate the look of his proposed new structure with this project.

Upon completion of the presentation the Board offered the following for consideration.

Incorporate a broader area into the District.

Safety issues pertaining to the existing parking area were raised and were asked to be addressed.

Provide additional buffering to mask the parking area.

Consider moving the new structure back to create more green area.

Provide additional detail to the building façade to create an even more historic look.

This concluded Attorney Fallon's presentation.

At this point, Chairman Herbst joined the meeting and chaired the remaining portion of tonight's meeting.

Attorney John Knuff approached the Commission and introduced pre-application plans for proposed façade, signage and interior renovations at the Westfield Mall, 5866 Main Street.

George Gianquinto, Development Director for the Trumbull Westfield Mall, provided background on the proposed revitalization plan.

The plan consisted of a complete remodeling of the existing center. No additional retail space was indicated. Infrastructure renovations included new entryways and signage with a total remodeling of the interior retail and common areas.

Mr. Gianquinto relayed that a neighborhood meeting was recently held and that the concerns expressed by the homeowners would be looked into and addressed.

Tom Witt, Design Director for Westfield was the next presenter. Interior and exterior plans were viewed. He detailed the specifics of the proposed renovations involving the exterior alterations, architectural design, lighting, materials being utilized and the layout of the food court.

Attorney Knuff indicated that a Special Permit application would be submitted for the approval of the exterior changes in addition to an application for a sign regulation zoning amendment. Both applications will be completed and submitted for consideration at the scheduled October Public Hearing.

In response to a question regarding mall security, Attorney Knuff relayed that all security enhancements that were applicable to the Target approval have been completed. As to the status of the Circuit City building, Attorney Knuff indicated that there has been considerable interest but no tenant has been identified as of yet. Responding to the Board's interest in the mall's present and future retail tenants, Mr. Gianquinto indicated that a whole new merchandizing strategy will also be incorporated into this project.

This concluded tonight's pre-application discussions.

REGULAR MEETING

In the absence of Commissioners Fox and Costa, Don Scinto and Stephen Mahlstedt were designated as the fourth and fifth voting members.

Acceptance of Minutes

MOTION MADE (Bean), seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Mahlstedt, Scinto), to approve the minutes of the June 17, 2009 regular meeting, as submitted.

MOTION MADE (Bean), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Mahlstedt, Scinto), to approve the minutes of the July 6, 2009 Special Meeting, as submitted.

Minor Deviation

Modification of existing Special Permit #06-63, to add three antennas and one equipment cabinet to an existing telecommunications site located on Merrimac Drive. (Petitioner T-Mobile Communications)

Tom Flynn, the Site Development Project Manager for T-Mobile, provided an overview of the proposed project. Mr. Flynn indicated that approval of this minor modification would allow T-Mobile to expand their network capabilities within Fairfield County. The submitted plans were reviewed with the change in the visual impact being described as being very minor.

The Chairman noted that, as the original proposal was very controversial, some assurance is needed that all the conditions of that settlement have been satisfied.

The Town Attorney indicated that he would need to review the file as he was uncertain as to what, if any, conditions of approval were attached to the settlement.

Request for Bond Release

Application #04-22 – JWM Associates, 163 Spring Hill Road

A letter from the Town Tree Warden, Warren Jacques, dated July 28, 2009 was read for the record.

MOTION MADE (Chory), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Mahlstedt, Scinto), to release the landscaping bond, in its entirety, for Application #04-22

Application #07-29 – Colonial Village, Phase 2, 6762 Main Street

Correspondence from the Town Tree Warden, dated July 28, 2009 was read for the record.

MOTION MADE (Bean), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Mahlstedt, Scinto) to release the bond, in its entirety, for Application #07-29.

Discussion

Commissioner Bean and Chairman Herbst relayed that they have received calls from residents expressing their dissatisfaction that they required to adhere to the original storm water management plan that has now been revised and is less stringent.

The Town Engineer, Stephen Savarese, relayed that a storm water policy was implemented to address severe flooding issues within the Town. There was a great deal of opposition to the strictness of the original plan with comments being made that after being in place for about two and half years, no benefit was being seen. The policy has now been altered to have the square footage threshold set back.

Commissioner Bean commented that amending the policy after only two and a half years was being short-sighted, as a beneficial impact could not be expected in such a short period of time and considered it a mistake to reverse it.

PUBLIC HEARING

SPECIAL PERMIT

Application #09-13 – Maureen Hammer
20 Turkey Meadow Road

Pursuant to Art. II, Sec. 1.2.2.6, Special Permit to approve existing In-Law/Accessory Apartment.

The applicant Maureen Hammer appeared. She relayed that she is in the process of selling the home of her deceased parents. She has secured a buyer for the home and hopes to legalize the existing apartment prior to the transfer of ownership.

The submitted plans were reviewed. Chairman Herbst noted for the record that a letter in opposition has been received from S. Atkinson-Alcock, an abutting property owner.

Comment was made that the plans, as presented, do not indicate if the apartment complies with the requirements pertaining to the maximum square footage allowable.

Public Comment

Jim Stanton, 15 Turkey Meadow Road and John Yakowicz, 21 Turkey Meadow Road had concerns that legalizing this apartment would result in a multiple rental property.

Mr. Stanton and Mr. Yakowicz where informed that zoning regulations require that the owner of the home live in either the apartment or the main area of house.

Michael Alcock of 57 Teeter Rock Road spoke in opposition and indicated that the plans filed in the P&Z office did not provide adequate information as required. The plans were not drawn to scale and there was no way to determine if the apartment meets the maximum 30% or less of floor area allowable.

At this point 9:07 p.m. a short recess was called.

The Public Hearing resumed at 9:18 p.m.

Chairman Herbst announced that due to time constraints Application #09-14 and Application #09-16 would not be heard until the September 16th meeting.

ZONING AMENDMENT

Application #09-15

Amending Art. I, Section 2.1 to add doctors of veterinary medicine as a permitted professional use in a Design District with pertinent setbacks and requirements.
(Petitioner Kathleen Fearon)

Kathleen Fearon, 38 Sherman Avenue addressed the Board. She reviewed the requested changes to Article II, Section 2.1.4 and the modification to the definition of Veterinary Outpatient Clinic. Dr. Fearon indicated that all potential concerns relating to an animal facility have been addressed in this proposed regulation change.

This concluded the Public Hearing

The Regular Meeting resumed and the Commission considered and took action as follows:

Application #09-15

MOTION MADE (Bean), seconded (Scinto) and unanimously carried (Herbst, Bean, Chory, Mahlstedt, Scinto), to amend Art. I, Section 2.1 of the Zoning Regulations to add doctors of veterinary medicine as a permitted professional use in a Design District as presented by Kathleen Fearon

Application #09-13

MOTION MADE (Scinto) and seconded (Chory) to approve Application #09-13.

Due to the lack of adequate information, as to the apartment's floor area, the following motion was made.

MOTION MADE (Bean) and seconded (Chory) to amend the original motion to include the following specific condition.

Square footage of the apartment to be measured and verified by staff, as not exceeding the maximum 30% of square footage allowable.

MOTION WITHDRAWN

MOTION MADE (Chory) and seconded (Bean) to amend the original motion to include the following specific condition.

Upon receiving permission from the owner, the square footage of the apartment shall be measured by staff, or a designated Town agent, to verify that the

apartment does not exceed the maximum 30% square footage allowable for an accessory apartment under the zoning regulations.

Vote (Amendment): In Favor (3): Herbst, Bean, Chory – Opposed (2): Malhstedt, Scinto. MOTION CARRIES

Vote (Original Motion as Amended): Unanimous (Herbst, Bean, Chory, Malhstedt, Scinto). MOTION CARRIES

Minor Deviation

MOTION MADE (Bean) and seconded (Mahlstedt) to approve the addition of three antennas and one equipment cabinet to an existing telecommunication site located at Merrimac Drive as a minor deviation of existing Special Permit #06-63.

MOTION WITHDRAWN

MOTION MADE (Bean), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Malhstedt, Scinto) to defer a decision on the proposed modification of existing Special Permit #06-63 for thirty days pending a report from the Town Attorney as to the conditions of the legal settlement pertaining to this application.

There being no further business to discuss a motion was made by Commissioner Bean and seconded by Commissioner Chory to adjourn. The August 19, 2009 meeting of the Planning and Zoning Commission adjourned at 9:57 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Planning and Zoning Commission

