

PLANNING AND ZONING
September 16, 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, September 16, 2009.

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

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 6:39 p.m.

Prior to the scheduled Public Hearing the following pre-application review was held.

Proposal to construct active adult apartments, a convalescent unit and skilled nursing facilities on four parcels of land, totaling 25 acres, at the end of Hardy Lane.
Petitioner: David S. Bjorklund, Jr. P.E. of Spath-Bjorklund Associates, Inc.

Attorney Raymond Rizio appeared representing the developer, the Jewish Home for the Elderly and the property owners. He began his presentation with an overview of the facility's proposed location. The property is situated off of Church Hill Road at the end of Hardy Lane. There are five homes currently on Hardy Lane; three of which belong to the Penkoff family who are part owners of the subject property. Mr. Rizio indicated that due to the topography of the land the structure would be barely visible from Church Hill Road.

The concept being entertained consisted of a non-denominational senior residential community containing 190 independent living units, 40 assisted living apartments and a 280 bed nursing care facility. Attorney Rizio noted that though a Special Permit will be required the zoning regulations allow for assisted and convalescent facilities in a residential zone. A large buffer area was proposed between the facility and the Pequonock Valley. Attorney Rizio described the location as being ideal for senior living due to its close proximity to shopping and town buildings. He also noted that the project would provide a sound tax base to the Town and have a very low traffic impact.

The developer, Bob Scinto, described the relocation of the Jewish Home to Trumbull as an ideal situation for both the Home and the community. The project originally was proposed for Monroe, which, he indicated, is still an option but that Trumbull was the preferable location.

Andrew Banoff, President and CEO of the Jewish Home continued with the presentation. His stated goal was to create a continuing care retirement community. He relayed that there has already been a tremendous response, with approximately 660 people currently on a waiting list for residency.

David Bjorklund reviewed the proposed site plans and oriented the surrounding area. The plans indicated that the parking would be contained mainly underground with limited surface parking for drop-offs. A very detailed landscaping plan will be provided if the project moves forward. Upon inquiry, Mr. Bjorklund indicated that the structure would be most visible from the streets on the west side of Daniels Farm Road

The architectural review was conducted by Rich Rosen. He conveyed that every effort has been made to have the building fit the lay of the land. The architectural concept was described as having a residential profile with a New England style façade.

Comments from the Commission included the following.

Consider establishing a public access to the Valley trail.

Consider moving the service area to the rear of the building.

Schedule a meeting with area residents to provide them with an opportunity to voice their concerns.

A question also arose as to whether the Town's EMS service would have enough resources to accommodate another assisted living facility and that this would need to be addressed.

The Chairman inquired as to when assurances could be given that a relocation to Monroe is no longer an option. Mr. Scinto responded that the Monroe location would be off the table once the town of Trumbull conveys to him that they want to move forward with tonight's proposal.

This concluded tonight's pre-application review.

PUBLIC HEARING

Application #09-14 – Amend Art. VIII, No. 14 (Uses Prohibited in All Zones) to permit the housing of chickens within a residential zone with pertinent setbacks and requirements. Petitioner: Brennan Fraczek

The petitioner, Brennan Fraczek, of 16 Woodcrest Avenue addressed the Commission. He presented his request for a modification to the zoning regulations to permit him to keep the hens that currently exist on his property. Mr. Fraczek indicated that he has modeled this modification from the regulations pertaining to fowl that are in effect in surrounding Towns. He gave assurances that this was not intended to be a commercial

enterprise and only intended only for the enjoyment of his family and as a supplemental food source.

He reviewed the proposed amendment, which restricted the number of chickens to six. Roosters and free range fowl would not be permitted. Coops would need to adhere to a 35 foot setback from all property and street lines.

Mr. Fraczek commented that as long as chickens are contained they don't propose any more of a health risk than any other pet. Upon inquiry, he indicated that waste would be composted and utilized in the garden.

The Commission also inquired as to how this amendment would be enforced to assure that it would not result in a town wide commercial enterprise. Mr. Fraczek responded that with a maximum of six of chickens allowed the number of eggs being produced would be very small.

Testimony was then requested from the Zoning Enforcement Officer. Fred Beitsch expressed concern regarding enforcement issues. He relayed that the amendment would need to be clearly spelled out to avoid enforcement problems. Upon inquiry, he confirmed a complaint was received regarding the housing of chickens on this property and upon investigation a notice of violation had been issued.

Public Comment

Letters that were received in favor, including a petition in support, and correspondence in opposition were noted for the record.

The following spoke in favor. Deirdre MacNeill, 34 Argus La. indicating that chickens provide a hormone free food source. Keith Rongey, 7 Woodcrest Avenue believed that there was good educational value for children in having chickens. Alex Krampovitis, 5076 Main Street relayed that other towns have successfully implemented similar regulations. Marie Monks, 232 Church Hill Road, stated that she grew up with chickens and that it was a wonderful experience. Ms. Monks quoted an agricultural magazine indicating that chickens are effective in pest control. Mindy Gottlieb of 111 Crabapple Road expressed the view that keeping chickens is environmentally friendly. Carmine DeFeo, 15 Woodcrest Avenue, relayed that eggs can be disposed of, in the same manner as garden vegetables, to neighbors and friends.

John Egan of 10 St. John's Drive was opposed and submitted copies of letters in opposition from other Trumbull residents. Mr. Egan expressed the view that establishing the right to have chickens will decrease the value of neighboring properties. He had doubts that the regulation could be effectively enforced and also had health and vermin concerns. Mr. Egan also indicated that the current regulations pertaining to chickens have not been enforced.

Lenny Capozzi, 18 Hillston Road asked that attention be paid to the effect this proposed amendment would have on neighboring residents.

Bob Iannazzo, 25 Wild Rose Lane was concerned that the presence of chickens would encourage the growth and population of wild animals. He also had concerns relating to property values.

Application #09-16 – Amending Art. II, Sec. 2.1 (Design District) 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.

The Town Planner, Bill Levin, presented a brief overview of the proposal. He relayed that though the plan, now under consideration, had some similarities to the existing District on White Plains Road; this proposed District would encompass a much smaller area. He stressed that uses would be restricted to professional offices. An extensive discretionary review process would be required for each proposed use application. A traffic analysis, an access parking study, along with a site plan, would also be required of the applicant.

Letters which were submitted in regard to this application were then noted for the record. Primary concerns centered on how the proposed Design District would affect property values, traffic flow and the long term impact on the entire area.

Correspondence from the First Selectman and the Chairman of the Economic Development Commission was then read for the record. The First Selectman and the EDC indicated their support of a Design District on lower Main Street in theory but were opposed to this proposal in its present form.

Public Comment

The following spoke in favor of the amendment.

Alex Krampovitis, 5076 Main Street, resident of one of properties being considered, indicated that the revamping of the traffic flow off of the Merritt Parkway has alleviated traffic problems.

Chris Hellthaler, 5090 Main Street, also an owner of one of the properties under consideration, indicated that he has plans to refurbish his property for professional use and will proceed once this proposal is approved.

Mr. & Mrs. Lisi, 1586 Main Street indicated that because of traffic issues their property is no longer a viable residential dwelling and would be better suited for professional offices.

Resident of 5003 Main Street was in favor of a comprehensive Design District up to the Bridgeport line.

Those in opposition then came forward.

Mr. and Mrs. Warren, 5078 Main Street were opposed to the current plan because of parking issues. They indicated that they would not be averse to having their property included in a Design District plan.

Marcella Barbin, 5027 Main Street, favored the inclusion of all of Main Street.

Robin Gottheil, 94 Botsford Place stated that she was totally opposed.

Craig Chapley, 24 Pert Street, had concerns with traffic issues and also that a Design District would eventually include the west side of Main Street, which is the Westfield Mall side of the street.

John Miolene, 60 Botsford Place was concerned that the increase in traffic would create further safety issues relating to the school busing of their children.

Before the close of the Public Hearing the Chairman announced that no action would be taken tonight on the two applications that were just heard.

This concluded the Public Hearing.

REGULAR MEETING

In the absence of Commissioner Costa, alternate Tony Silber was designated as the fifth voting member.

Approval of Minutes

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Fox, Silber) to approve the minutes of the August 19, 2009 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 at Merrimac Drive. Petitioner T-Mobile Communications.

The subject proposal, which had been left opened at last month's meeting, was readdressed. At that time, the Commission requested that the Town Attorney determine if all conditions of the settlement regarding the original application had been met.

Attorney Cordone reported that the Zoning Enforcement Officer has indicated that no complaints have been received with respect to this property. He also conveyed that the Town Tree Warden has indicated that all the terms pertaining to landscaping have been complied with.

Tom Flynn of T-Mobile Communications relayed that he has spoken with the Acquarian Water Co. and that they indicated to him that there were possibly some painting and shielding issues remaining but that they were not related to this proposal.

Louis Solari of 88 Merrimac Drive and Mahmoud Hessami of 112 Merrimac Drive addressed the Commission and argued that the painting of the cabinets and the required shielding were never completed.

Mr. Flynn indicated that T-Mobile would be agreeable to paint any cabinets placed by them, as a condition of approval.

Municipal Improvements Referral (CGS 8-24)

Proposed construction and lease for a communications tower at the Trumbull Police Station located on Edison Road.

Chief of Police Tom Keily conducted the presentation.

Chief Keily indicated that the tower currently located at the Station is less stable than it should be. He relayed that the tower is not only the Police Department's only link to their patrol cars but that it also services the EMS, fire department and other Town agencies.

The cost to replace this tower was quoted at approximately \$200,000. T-Mobile has offered to replace the tower in conjunction with a lease for the rental of space there.

Sgt. Arlio, Police Communications Officer spoke to the weak areas of communication within the Town. The existing antenna is 85 feet from the ground and the proposed antenna would extend approximately 130 feet from the ground. This added height would greatly improve reception.

Attorney Douglas LaMonte reviewed the lease that he has negotiated T-Mobile. He provided information regarding the several revenue streams that would be provided to the Town, among which was the monthly rental fee of \$1,800.00.

Ray Girardi of T-Mobile described the structure as being a steel tower. He indicated that the Town could provide input as to its design and color.

Eric Fine an engineer for Northeastern Communications relayed that his company maintains the communications system for the Police Department here in Trumbull. He

reiterated that this project would increase the footprint of communication. He added that links to other communities and State agencies would be incorporated into this tower.

The Commission then proceeded to take action as follows.

Minor Deviation of Application #06-03.

MOTION MADE (Fox) and seconded (Silber) to approve the proposed minor deviation of Application #06-03, as submitted.

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

A \$2,000.00 cash bond shall be submitted to cover the painting of the cabinets with a dark green color.

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

The Town Tree Warden to review the existing landscaping to determine if additional plantings are required to shield the proposed equipment cabinet.

Vote (original motion as amended): Unanimous (Herbst, Bean, Chory, Fox, Silber) –
MOTION CARRIES

Municipal Improvement Referral (CGS 8-24)

Proposed construction and lease for a communications tower at the Trumbull Police Station located on Edison Road.

MOTION MADE (Silber), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Fox, Silber) to recommend approval the proposed Municipal Improvement Referral, as submitted.

There being no further business to discuss a motion was made by Commissioner Fox and seconded by Commissioner Bean to adjourn. The September 16, 2009 meeting of the Planning and Zoning Commission adjourned at 10:55 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Planning and Zoning Commission