

PLANNING AND ZONING

October 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, October 21, 2009.

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

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 7:37 p.m.

The Chairman announced that the Municipal Improvements Referral scheduled for tonight's meeting has been postponed until the November 18th meeting at the request of the First Selectman

PUBLIC HEARING

ZONING AMENDMENT

Application #09-17 – Amending Art. II, Sec. 3.1 (Commercial Zone) to add Sec. 3.1.7.3 to allow larger signs, including Visual Graphics 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 #09-20 – 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 renovate mall facades and install new signage.

The Chairman announced that as Application #09-17 and Special Permit Application #09-20 are interconnected they would be heard concurrently.

Attorney John Knuff represented the applicant and provided an overview of the proposed revitalization project.

Mr. Knuff began his presentation by submitted revised plans, which he indicated reflected improved entrance designs. He informed that the application before the Board is for exterior refurbishing and new signage that includes visual graphic panels.

There was no proposed increase to the existing footprint or square footage. No reduction to the number of existing parking spaces was shown. He informed that Westfield has met with area residents and apprised them of what is being proposed. A letter from the Tree Warden indicating his approval of the proposed landscape plan was noted for the record.

Following his presentation, Attorney Knuff proceeded to introduce George Gianquinto, Development Director for the Trumbull Westfield Mall.

Mr. Gianquinto provided a summary of Westfield's past and future projects. He relayed that the primary objective of the proposed revitalization was to establish the Trumbull Mall as the premier shopping destination of Fairfield County.

Tom Witt, Design Director for Westfield was the next presenter. He provided a detailed description of the interior and exterior design concepts, which included an outside dining area, a play area and an enhanced food court. The particulars relating to the entryways and the building façade were addressed. The plans indicated a façade composed of white brick. Each entryway was to be refurbished with stone paving being utilized for the walkways. Samples of the brick, clapboard and stone paving were displayed.

Mr. Witt relayed that all materials have been chosen for a sense of quite, quality and permanence along with a design appropriate to the residential character of the neighborhood.

Attorney Knuff then stepped forward and presented the proposed amendment to be added to the zoning regulations. The amendment redefined three items relative to the existing regulation under Art. II, Sec. 3.1.7., pertaining to signs in a B-C Zone.

Paragraph a. clarified and grouped together all the provisions relating to tenant signs. The text contained in Paragraph b. related to the size and location of building location signs (Westfield signs) and the third text change, Paragraph c., would create a provision where graphic panels may be added to the exterior. Attorney Knuff stressed that the proposed amendment would only apply to commercial properties over 50 acres in size.

A handout depicting the location of the graphic panels relative to the surrounding residential areas was distributed. Photographs depicting the view of the mall from the adjoining residential streets were included. The graphic panels would be located adjacent to entrances and common areas. Attorney Knuff commented that the panels would create no negative impact and that they are an important component to the mall's revitalization. The plans indicated a total of four panels measuring 10'x14' in size. The panels would emit a low level of light and generally be viewable within an angle of 140 degrees.

Attorney Knuff relayed that the panels would not only provide an opportunity for retail advertising but could also be utilized to announce community and charity events.

Due to the significant vegetation and the panels being located at least 500 feet from the nearest homes, no direct impact area residents was anticipated. He added further that the panels would not operate once the mall has closed.

Chairman Herbst voiced concerns regarding the shielding in the area of Gorham Place. He commented that he observed that a large portion of vegetation located there was not viable and he recommended that this be addressed.

Commissioner Bean concerns centered in area of Sunnydale Road. He questioned how visible the panels would be once the leaves were off the trees. Gary Bean also inquired as to the type of images that would be shown on the panels. He then inquired as to where the panel installation is on the construction timetable. Mr. Gianquinto replied that the placement of the panels would be one of the last items to be completed.

Attorney Knuff commented further that the photographs taken at Sunnydale Road indicate dense vegetation and gave assurances that nothing salacious in nature would be placed on these panels.

At an inquiry from Commissioner Chory, Mr. Gianquinto indicated that the panels would emit no flash of light during transmission from one image to another.

Public Comment

Robert Matthews, Chairman of the Economic Development Commission spoke in favor commenting that his Commission fully supports this project.

Leslie Roggen, 22 Elmwood Avenue commended Westfield on their outreach to the area residents. She indicated that she was not completely opposed to project but informed that she has a direct view of the mall once the leaves are off. She also voiced concern that the project would cause additional traffic to be generated onto Madison Avenue, which she described as being more of a country road.

Peter Toomey, 39 Gorham Place indicated that Westfield has not honored the conditions of a prior approval relating to buffering. Mr. Toomey relayed that vegetation is not being maintained and he also had noise issues as well. He suggested that a visit be made to his home to observe the view from his residence. A letter submitted by Mr. Toomey, dated September 16, 2009 was noted for the record.

In response, Attorney Knuff informed that there would be no increase to the current height of the building and as the current square footage would be retained no additional traffic would be generated. He commented further that Westfield has planted a number of trees at the request of Mr. Toomey. He reiterated that nothing they are proposing now would affect him or any other area resident.

ZONING AMENDMENT

Application #09-18 – Amending Art. II, Sec. 3.1.4 to include medical and dental clinics, day care centers, sports clubs/fitness centers and other indoor recreational, amusement and retail uses in a Commercial B-C Zone, as proposed by the Planning and Zoning Commission.

The Town Planner, Bill Levin, summarized the application. Mr. Levin indicated that he has received several requests for the establishment of a commercial business not currently listed as a permitted use in a B-C Zone. The amendment being presented would establish these additional appropriate commercial facilities as a permitted use.

Commissioner Chory commented that the commercial activities included in the proposed amendment were consistent with those previously approved through variances in the past.

SPECIAL PERMIT

Application #09-20 – Scott and Janine Becker, 744 Daniels Farm Road

Pursuant to Art. II, Sec. 1.2.2.6 Special Permit to construct addition for use as an In-Law/Accessory apartment.

The homeowner, Scott Becker, presented the application. The plans showed the apartment to be part of a proposed two story addition. Mr. Becker relayed that his application complies with all building and zoning codes.

Application #09-21 – Brennan Associates, 935 White Plains Road (Trumbull Center)

Pursuant to Art. II, Sec. 3.1 Special Permit to renovate building façade.

Attorney Diane Lord and the project architect, Anthony Tartaglia, represented the applicant. The drawings were reviewed, with a smaller rendering of the proposed improvements submitted for the record. The application being considered tonight was described as Phase I of the renovation plan for the entire Center. Attorney Lord indicated that the renovation relating to this application was simply cosmetic with no increase to the existing footprint or parking area. The objective was to enhance the building, in which the O Bar and Grill restaurant is located, with a roof line change, decorative dormers, a cupola and a clock tower.

Public Comment

Robert Matthews, Chairman of the Economic Development Commission spoke in favor.

Nick Cecere, 44 Daniels Farm Road commented that he was in favor of the redevelopment of the Center but asked that the nearby residential area be considered in regard to noise and any proposed new lighting.

The Chairman requested that the applicant consider bringing plans for future phases to this Board for a pre-application discussion.

This concluded the public hearing.

REGULAR MEETING

The Chairman informed the public that due to time constraints no action would be taken on the pending agenda from September 16, 2009 until the November 18th regular meeting.

In the absence of Commissioner Fox, Steven Mahlstedt was designated as the fifth voting member.

Approval of Minutes

MOTION MADE (Bean), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Mahlstedt), to accept the minutes of the September 16, 2009 meeting as submitted.

Request for Bond Release

A letter submitted by Michael Properties requesting the release of the bond for Application #07-18, along with a recommendation from the Town Engineer, was read into the record.

MOTION MADE (Bean), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Mahlstedt), to approve a \$20,587.00, plus interest, bond reduction for Application #07-18 retaining a \$5,000.00 cash bond, as per the recommendation of the Town Engineer.

Request for Extension of Time

Application #07-37 – Interlude Realty
25 Trefoil Drive

A letter from Attorney Raymond Rizio requesting a one year extension of time to commence construction was read for the record.

MOTION MADE (Bean), seconded (Chory) and unanimously carried (Herbst, Bean, Chory, Costa, Malmstedt), to approve a one year extension of time to commence construction for Application #07-37.

Application #07-35 – 5520 Medical Center
5520 Park Avenue

The letter from Attorney Raymond Rizio requesting a one year extension of time to commence construction was read for the record.

MOTION MADE (Bean), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Malmstedt), to approve a one year extension of time to commence construction for Application #07-35.

Application #07-39 – Sunrise Development, 41 Monroe Turnpike
Application #07-36 – Vito Catale, 43-53 Monroe Turnpike

A request by Attorney Raymond Rizio for a one year extension of time to commence construction for the two subject applications was read for the record.

MOTION MADE (Bean), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Malmstedt), to approve a one year extension of time to commence construction for Application #07-39 and Application #07-36

The Commission then considered and took action as follows on tonight's applications.

Application #09-18 – Amending Art. II, Sec. 3.1.4 to include medical and dental clinics, day care centers, sports clubs/fitness centers and other indoor recreational, amusement and retail uses in a Commercial B-C Zone, as proposed by the Planning and Zoning Commission.

MOTION MADE (Bean), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Malmstedt) to approve Application #09-18, as submitted.

Application #09-20 – Scott and Janine Becker, 744 Daniels Farm Road

Pursuant to Art. II, Sec. 1.2.2.6 Special Permit to construct addition for use as an In-Law/Accessory Apartment.

MOTION MADE (Bean), seconded (Chory) to approve Application #09-20.

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

1. Approval subject to compliance with the Town's storm water management policy.

Vote (Original Motion as Amended): Unanimous – Motion Carries

Application #09-21 – Brennan Associates, 935 White Plains Road

Pursuant to Art. II, Sec. 1.2.2.6 Special Permit to construct addition for use as an In-Law/Accessory Apartment.

MOTION MADE (Bean), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Malmstedt) to approve Application #09-21, as submitted.

Application #09-17 – Amending Art. II, Sec. 3.1 to add Sec. 3.1.7.3 to allow larger signs, including 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

MOTION MADE (Bean) and seconded (Chory) to approve Application #09-17.

Commissioner Bean commented that he had some concerns as whether there is a sufficient vegetation to shield the viewing of the panels from abutting properties. He suggested that in order to get a sense of what is visible that the residential area be visited once the leaves are off the trees.

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

1. Text of the language, of the proposed zoning amendment, to be changed eliminating Paragraph c.
2. The application fee shall be waived, if the applicant should resubmit an application to include Paragraph c.

Application #09-19 – Trumbull Shopping Center #2, LLC and WEA CT Houses, LLC, 5065 Main Street

Pursuant to Art. II, Sec. 3.1 and Art. III Special Permit to renovate mall facades and install new mall signage.

MOTION MADE (Bean) and seconded (Costa) to approve Application #09-19

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

1. Approval granted less the portion pertaining to the proposed visual graphic panels.
2. The application fee shall be waived, if the applicant should resubmit an application for visual graphic panels.

Vote (Original Motion as Amendment): Unanimous – Motion Carries.

There being no further business to discuss a motion was made by Commissioner Costa and seconded by Commissioner Chory to adjourn. The October 21, 2009 meeting of the Planning and Zoning Commission adjourned at 10:05 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Planning and Zoning Commission

