

**PLANNING AND ZONING**  
**April 15, 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, April 15, 2009.

Attendance: Timothy M. Herbst, Chairman  
Gary Bean, Anthony Chory, Chris Costa, Arlene Fox and alternates  
Don Scinto and Tony Silber

Staff Present: Bill Levin, Town Planner; Stephen Savarese, Town Engineer and  
James Cordone, Town Attorney

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 Chairperson called the meeting to order at 7:30 p.m.

**Pre-Application Hearing**

The purpose of this hearing was to consider a proposal to amend the zoning regulations to allow chickens on residential properties.

Chairman Herbst and Commissioner Bean made inquiry to the Town Attorney regarding a possible conflict of interest relative to this item.

Commissioner Bean disclosed that he previously spoke with the petitioner, Brennan Frazer, regarding the application process but offered no opinion on his proposal. Chairman Herbst relayed that Mr. Frazer recently attended a fundraiser of which he was chair of. Attorney Cordone determined, based on the information given, that there was no conflict indicated for either Commissioner.

Brennan Frazer then addressed the Commission.

He presented a proposed zoning amendment, which would allow for a small flock of chickens to service his family as pets and a source of eggs. Upon inquiry, Mr. Frazer indicated that there would be no commercial selling of any eggs generated from the flock. Any overage would be passed on free of charge to neighbors and friends. Mr. Fraczek also asked that a reduction of the application fee be considered.

**PUBLIC HEARING**

Application #09-04 – O Bar and Grill, 942 White Plains Road

Pursuant to Art. VII of the Zoning Regulations, approval of location for a  
Restaurant Liquor Permit

The proprietor, Patrick Jean appeared. The new establishment to be located on the site previously occupied by the Bar and Grille. The bar would be situated in the same area as it was previously.

As per Art.VII of the Zoning Regulations, a re-application for a new Liquor Permit is required as the premise has remained vacant for more than 90 days.

#### Public Comment

Linda Azze of 134 Lawrence Road, voiced concern that the Zoning Regulations does not address Entertainment Licenses. She added that she would be opposed to any outdoor music on the premises.

Upon inquiry, Mr. Jean replied there would be no live entertainment or dancing; only piped in music to the bar and outside patio.

Deborah Cox, Director of Economic Development spoke in favor.

Chairman Herbst then announced that several agenda items would be taken out of order.

### **REGULAR MEETING**

#### Acceptance of Minutes

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Fox) to accept the minutes of the March 18, 2009 meeting as they were recorded.

#### Request for Extension of Time

Application #08-28 – John F. Fallon, Esq. for the Briad Group  
25 and 45 Commence Drive

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Herbst, Bean, Chory, Costa, Fox), to approve an extension of the time, to May 5, 2010, to commence construction.

Application #08-03 and #08-12 – Sentinel Properties  
60 and 80 Merritt Boulevard

MOTION MADE (Fox), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Costa, Fox), to approve an additional two year extension of time to commence construction.

Minor Deviation Art. V. Sec. 6.3

R.D. Scinto/Cooper Surgical  
75 Corporate Drive  
Application #07-25

Commissioner Bean recused himself from participation on this item, as Cooper Surgical is a customer of his.

David S. Bjorklund of Spath-Bjorklund Assoc. addressed the Commission requesting approval of the proposed modification, as a minor deviation to the original site plan.

The proposed alteration would eliminate nine parking spaces to create more landscape areas. Mr. Bjorklund submitted a drawing that showed the spaces to be eliminated. The spaces to be removed would be put back in place, if there is need for them in the future. Upon inquiry, Mr. Bjorklund indicated that none of the eliminated spaces are designated handicap spaces.

At this point, the Public Hearing was resumed and Commissioner Bean returned to meeting.

### **PUBLIC HEARING**

Application #09-05 – Alphonse and Margaret Nagourney

Property Survey Prepared for Alphonse & Margaret M. Nagourney,  
334 Unity Road, Trumbull, Connecticut. 2 lots, 334 Unity Road.

The property land surveyor, Eric Seitz, represented the applicant. The Certificate of Mailing to the abutting property owners was submitted.

The parcel consisted of approximate 8.5 acres of land. The intent of the application was to reconfigure existing parcel into two conforming lots. The submitted plan indicated Lot A as being 1 acre in size with Lot B containing 7.5 acres. The existing house would be located on Lot A. Upon inquiry, Mr. Seitz indicated that there were no plans to develop the land contained on Lot B.

The Title Attorney for the property, Josh Luksberg, commented that the objective was to reconfigure the lot to separate the dwelling from the original parcel in order to obtain approval for a reverse mortgage.

#### **Public Comment**

James McCarthy, 5100 Main Street, addressed the Commission in support of the application.

Serge Mahaly, 11 Booth Hill Road, indicated that the pins depicted on this survey before Commission conflicted with a prior survey, which he submitted for the record. He asked, if the plan were approved, that the recorded map reflect the two conflicting boundary markers.

Certified copies of two excerpts from the Trumbull Town Plan and Zoning Commission books indicating the establishment dates of these Commissions were also submitted.

This concluded the Public Hearing.

A short recess was called and the meeting reconvened at 8:50 p.m.

### **REGULAR MEETING**

Discussion Items

Discuss and consider Adaptive Re-use Regulations and Demolition Delay Ordinance.

Discuss and consider establishment of a Design District on lower Main Street (across from the Westfield Mall).

The reports prepared by the Town Planner relative to the above items were summarized by Mr. Levin.

The Town Planner stressed the importance of establishing who would make the determination, as to historical significance. He also indicated that a comprehensive accounting should be obtained on the historical properties within the Town. The purpose of the delay ordinance would be to establish dialogue with the owner to determine if an alternative use would be feasible for the property.

Demolition delay procedures applied by other towns in the area were reviewed. It was agreed that establishment of delay ordinances do provide a higher level of protection for historical properties.

The following points were also discussed.

That the ordinance be looked at from an environmental standpoint as well.

Look into establishing an architectural review board to assist in determining historical criteria.

Allow the structure to be modified for business use while still maintaining its historic character.

Provide a monetary incentive to maintain the structure as an historic building.

Upon inquiry, First Selectman Baldwin indicated that the adoption of a delay ordinance is currently being explored by Town Council member, Mary Beth Thornton.

Ken Martin and Deb Silber of the Trumbull Historical Society addressed the Commission. They voiced their approval for the proposed demolition delay ordinance and offered to work with this Commission and the Town Council in having it enacted. Mr. Martin made note of several historical homes that have been successfully adapted for another use. He also suggested that amendments to the current demolition permit need to be considered.

Commissioners Silber and Bean were appointed, along with the Town Planner, to provide input to P&Z, the Council and the Historical Society relative to the delay ordinance.

It was noted that the primary contribution from P&Z regarding demolition delay would be to create an option for an adaptive reuse of the property.

The discussion then moved to the implementation of an adaptive reuse regulation.

The proposed regulation would allow the Commission, by Special Permit, to determine if a property qualified for such a use. The suggestions in the reports generated by the Town Planner were reviewed.

Commissioner Bean questioned the language contained in Sec. 2.6.5. His feeling was that a petition of opposition should not be accepted until the merits of the proposal have been heard.

Commissioner Silber was opposed to any retail use within a residential zone. He also referenced a matrix system established in St. Petersburg, FL on permitted uses. Attorney Cordone suggested that a sub-committee be formed to consider the comments made this evening.

A sub-committee consisting of Chairman Herbst, and Commissioners Chory and Silber was formed and will bring back their recommendations for consideration.

A work session was scheduled for Wednesday, April 29<sup>th</sup> to hold discussion on the proposed Main Street Design District and review sub-committee recommendations relative to demolition delay and adaptive re-use.

The Commission then considered and took action on the following applications.

Application #09-04 – O Bar and Grill, 942 White Plains Road

MOTION MADE (Fox) and seconded (Costa) to approve Application #09-04.

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

No outdoor music permitted.

Vote: In Favor (3): Herbst, Chory, Fox – Opposed (2): Bean, Costa. MOTION CARRIES.

Vote (Original Motion as Amended): In Favor (4): Herbst, Bean, Chory, Fox – Opposed (1): Costa. MOTION CARRIES.

Application #09-05 – Alphonse and Margaret Nagourney, 334 Unity Road .

MOTION MADE (Fox) and seconded (Bean) to approve Application #09-05.

MOTION MADE (Fox) to amend the previous motion to request that a compromise with the prior surveyor be sought regarding the discrepancy in the boundary line. MOTION WITHDRAWN

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

IWWC to be contacted prior to any clearing of the property to determine if a wetlands permit is required.

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

MOTION MADE (Chory), seconded (Bean) and unanimously carried (Herbst, Bean, Chory, Costa, Fox), to reconsider the original motion, as it was amended, to include the following specific condition.

Record map, to be recorded on the land records, shall state that Parcel B is not an approved building lot.

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

The request to approve a proposed modification of the original site plan for Cooper Surgical, 75 Corporate Drive was revisited. Commissioner Bean recused himself for the reason stated previously. Commissioner Scinto was designated as the fifth voting member on this item.

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Herbst, Chory, Costa, Fox, Scinto) to approve the modification to the original site plan for 75 Corporate Drive, as a minor deviation as per Art. V. Sec. 6.3 of the Zoning Regulations.

There being no further business to discuss the April 15, 2009 meeting of the Planning and Zoning Commission adjourned at 10:45 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog  
Clerk of the Planning and Zoning Commission

