

PLANNING AND ZONING
Special Meeting - April 29, 2009

A Special Meeting of the Planning and Zoning Commission was held on Wednesday, April 29, 2009 in the Courtroom of the Trumbull Town Hall.

Members Present: Timothy M. Herbst, Chairman
Gary Bean; Anthony Chory; Arlyne Fox and
alternates Steven Mahlstedt, 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 Chairman called the meeting to order at 7:33 p.m.

The purpose of tonight's meeting was to discuss and consider the following items as posted in the Town Clerk's office.

1. Zoning Amendment to allow chickens on a residential property.
2. Adaptive Reuse Regulation
3. Demolition Delay Ordinance
4. Establishment of a Design District on lower Main Street (across from the Westfield Mall).

The Chairman advised the public that this was not a Public Hearing. All items on tonight's agenda were for discussion purposes to come up with an action plan before proceeding to Public Hearing.

Zoning Amendment to Allow Chickens on a Residential Property

Chairman Herbst cautioned the Commission that there would be no decisions or any determination made on the merits of the proposed Zoning Amendment. The purpose was to provide feedback and recommendations to the applicant in the event they decide to proceed with a Public Hearing

The topic before the Commission was twofold (1.) the request for a reduction in the application fee and (2.) the specifics of the proposed amendment.

Commissioner Bean indicated that the amendment should identify the number of chickens allowable, minimum lot size, confinement of the fowl and a requirement of some kind of neighbor consent

Commissioners Silber and Scinto considered the proposed amendment to be problematic and that it should not be entertained.

Commissioner Mahlstedt asked that setback requirements for the housing of the fowl be established.

Commissioner Fox commented that neighbor consent would not be feasible as property ownership is often transferred. She commented that she did not see a problem with housing a limited amount of chickens and indicated that she would not be opposed to moving forward with a Public Hearing.

Commissioner Chory felt that the issue required more thought and research possibly with the State Agriculture Department.

Chairman Herbst also indicated that the amendment needs further study. He had concerns about this type of operation becoming a commercial enterprise down the road. He added further that procedural safeguards would need to be explored including the effect on abutters, noise and health issues.

The Town Planner was asked to summarize tonight's comments for presentation to the proposed applicant.

The Commission was then polled on the petitioner's request for a reduction in the \$430.00 zoning amendment application fee.

There was a consensus of agreement that the application fee should be reduced. Commissioner Silber cautioned that the circumstances regarding a reduction or waiver of an application fee needs to be clarified. Commissioner Bean favored reducing the fee to the cost of the legal publication, including a small administrative fee but added that the fee schedule in general needs to be re-addressed.

The Town Attorney noted that the Commission itself could propose the amendment to the regulations.

The next item on the agenda was discussion and consideration of adopting an adaptive re-use regulation.

The purpose of the regulation would be to allow an adaptive re-use of structures which have been previously occupied by non-conforming uses or are of historical value

Commissioner Fox had concerns that adoption of the regulation would result in spot zoning and indicated that she has received negative input from residents relative to this. Commissioners Chory and Silber had issues with the proposed off-street parking requirements.

Chairman Herbst recommended that a draft of the proposed regulation be sent to Regional Planning for their input.

Commissioner Bean suggested first adopting a reuse regulation limited to pre-existing non-conforming structures and then go on to consider expanding the regulation to also include certain historical properties.

All were in agreement that the language relative to the intensity of use needs to be readdressed to clarify that intensity should be similar to that which currently exists.

The Town Planner was asked to provide two revised drafts, prior to the next regular scheduled meeting. One draft limited to addressing properties with pre-existing non-conforming uses and the other also addressing historic structures.

The Commission then moved on to discussion on the proposed Demolition Delay Ordinance.

The report as prepared and submitted by the Town Planner was reviewed. Bill Levin relayed that the draft ordinance was based on ordinances established by other towns. He indicated that the draft ordinance has not been finalized, as he was awaiting comments from other Town departments. A meeting has been scheduled with the Historical Society and a representative from the Town Council to obtain their input.

Chairman Herbst recommended the language relative to demolition identification specify that the sign be placed facing the street that is in front of the property.

Commissioner Bean asked that language relating to the Demolition Review Committee be modified to clarify that members may be politically unaffiliated.

The establishment of a Design District on lower Main Street was then addressed.

Commissioner Chory had concerns as to the potential of too many left-hand curb cuts being created within close proximity to traffic coming off of the Merritt Parkway.

Chairman Herbst responded that as Main Street is a State highway no building permit can be issued until a traffic permit is secured from the DOT. In addition, the regulation will require that the applicant include a traffic analysis as part of his application. It was further noted that the Commission itself can retain its own study at the applicant's expense.

The Town Engineer recommended that since Town traffic is handled the Police Department, any traffic analysis be reviewed by them.

It was agreed that language will be revised to clarify that funeral homes, other than pre-existing, shall not be permitted on lower Main Street. Language will also be inserted specifying lighting requirements.

The consensus was to proceed to a Public Hearing with a tentative scheduled hearing date of June 24th. Area residents, along with Regional Planning and the appropriate Town officials to be presented with a finalized draft in ample time for review prior to the Public Hearing.

There being no further business to discuss the April 29, 2009 Special Meeting of the Planning and Zoning Commission adjourned at 9:35 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog

(Not in attendance. Minutes prepared from a tape recording.)