

APPROVED BY PLANNING AND ZONING

**PLANNING AND ZONING
December 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, December 16, 2009.

Attendance: Gary Bean, Anthony Chory, Christopher Costa, Arlyne Fox, Fred Garrity and alternates Steven Mahlstedt, Don Scinto and Tony Silber

Staff Present: 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.

Gary Bean chaired tonight's meeting.

A quorum being present, the meeting was called to order at 6:30 p.m.

Pre-Application Review

Attorney Stephen Studer represented the City of Bridgeport on a preliminary proposal to construct a multi-magnet high school for 1,500 students on a portion of a parcel of land known as Fairchild Memorial Park. The proposed structure would be located on the southerly portion of the park, in the vicinity of Rte. 25, Quarry Rd. and Old Town Rd. An architectural plan of the building was submitted for the record. Mr. Studer relayed that the emphasis of the school's curriculum would center on science and technology and indicated that there were no proposed outside athletic facilities. The majority of the student population would come from Bridgeport but students from surrounding towns, including Trumbull, would also be attending.

The Commission was informed that the proposal has received the support of the DEP and the State Commission on Education. The City of Bridgeport would maintain the school but emergency services would fall under the jurisdiction of the Town of Trumbull. Mr. Studer indicated that the parking would be contained under the building thus reducing the amount of asphalt surface.

It was noted that schools are a permitted use in a residential zone by special permit but waivers relating to building height, parking and signage will be required.

Jim Holden, of JCJ Architecture, came forward and provided information as to how the building would be integrated within the site and indicated that a significant portion of the park would remain untouched.

Attorney Bob Berchem, an associate of Attorney Studer, informed that the property was originally donated with the restriction that it be maintained as a park but members of the Fairchild and Wheeler families are supportive of a change of use to education.

Upon inquiry, Attorney Studer indicated that numerous sites in Bridgeport were considered but none were deemed adequate to support this project.

The message from the Commission was that the significant traffic and access issues attached to this project will need to be addressed. It was further suggested that the concerns expressed in the letters submitted by the Fire Marshal, Police Department and Parks Department also be paid attention to.

The Commission indicated that they would be receptive to having the required waivers addressed through Planning and Zoning.

This concluded the pre-application review portion of the meeting.

Regular Meeting

First Selectman Herbst addressed the Board informing them of his appointment of Gary Bean to fill the last year of his term and relayed that he looked forward to working with this Commission in moving the Town forward.

Commissioner Bean then called for a motion to move the agenda to address the Election of Officers.

MOTION MADE (Fox), seconded (Chory) and unanimously carried to move the agenda to take up the Election of Officers.

Nominations for the office of Chairman were called for.

MOTION MADE (Chory), seconded (Garrity) for the nomination of Gary Bean to the office of Chairman. There being no further nominations Commissioner Bean unanimously elected Chairman of the Planning and Zoning Commission.

Nominations for the office of Vice-Chairman were then called for.

MOTION MADE (Fox) and seconded (Bean) for the nomination of Anthony Chory to the office of Vice-Chairman.

MOTION MADE (Costa) and seconded (Garrity) for the nomination of Commissioner Garrity to the office of Vice-Chairman.

Vote - For Commissioner Chory: In Favor (3): Bean, Chory, Fox – Opposed (2): Costa, Garrity. Anthony Chory elected Vice-Chairman.

Nominations for the office of Secretary were called for.

MOTION MADE (Chory) and seconded (Fox) for the nomination of Commissioner Costa to the office of Secretary. There being no further nominations, Commissioner Costa unanimously elected Secretary of the Planning and Zoning Commission.

The appointment of a representative to the Inland Wetlands and Watercourses Commission was then addressed.

MOTION MADE (Chory), seconded (Garrity) and unanimously carried, to re-appoint Commissioner Fox as the Planning and Zoning representative to the Inland Wetlands and Watercourses Commission.

Public Hearing

ZONING AMENDMENT

Application #09-25 – To amend Art. II, to add Sec. 3.2 to establish a Neighborhood Commercial Residential Mixed-Use Zone allowing limited retail uses, business and professional offices and limited upper story residential dwellings with pertinent setbacks and requirements. Petitioner: John F. Fallon, Esq.

Attorney John Fallon addressed the Commission representing the Village of Long Hill Green, LLC. The purpose of the proposed amendment was to add language to the zoning regulations to allow for the creation of a new mixed-use zone. Mr. Fallon relayed that the newly created zone would have no boundaries associated with it.

Attorney Fallon commented that the adoption of this regulation will provide the Commission with a development tool to achieve sensitive low intensity mixed-use redevelopment in areas of transition between commercial and residential use.

Barry Unger, the architect for the proposed Long Hill Village project, came forward to provide an overview of the design plan for the Long Hill Village Green, which will go forward upon approval of this amendment. The Chairman relayed to Mr. Unger that only comments relating to the amendment before us would be heard tonight.

Mr. Fallon noted that adoption of this regulation would not bind this Commission to any proposed project. The Commission would make the determination as to where and if the amendment should be applied. All applications would be decided on a case by case basis.

The Town Planner suggested that the Commission may want to consider identifying the type area where this zone would be most appropriate. He commented further, as to whether the concept of permitting upper story residential dwellings should also be incorporated into the B-C Zone.

Commissioner Fox was concerned that the approval of this amendment would result in spot zoning. Attorney Fallon replied that spot zoning, as it is defined, would not apply to this regulation.

Commissioner Silber suggested that less restrictive setbacks be considered. He expressed the thought of having the proposed mixed-use zone harmonized with the existing B-C Zone, as they overlap conceptually. He was also of the opinion that buffering should also be applied to existing buildings.

Public Comment

In support: Deborah Cox, Director of Economic Development; Kenneth Zerella, 13 Anita Avenue; State Representative, T.R. Roe; State Senator, Anthony Musto.

Opposed: Anthony D'Aquila, 29 Valley View Road commented that the amendment would jeopardize the quality of residential life. He also had safety concerns relating to residential dwellings being situated above commercial venues.

The letters of support submitted the Fire Marshall and the Long Hill Fire Department were noted for the record.

ZONE CHANGE

Application #09-26 – To amend the zoning map and zone boundaries of the Town of Trumbull so as to change from I-L2 Zone to Resident Zone A, a parcel of land located at 25 Oakview Drive, containing 9.69 acres more or less. Petitioner: Cooperative Educational Services

SPECIAL PERMIT

Application #09-27 – Cooperative Educational Services, 25 Oakview Drive

Pursuant to Art. II, Sec. 1 Special Permit to construct addition to existing special education facility subject to the approval of a zone change from an IL-2 Zone to Resident Zone A.

The Chairman announced that as the two above noted applications are interconnected they would be heard concurrently.

Chairman Bean informed that he would recuse himself from the hearing on these two applications as he has a business relationship with Cooperative Educations Services.

Vice-Chairman Anthony Chory chaired this portion of the meeting with alternate Steven Mahlstedt voting in place of Chairman Bean.

Attorney Steven Donahue represented the applicant. Mr. Donahue relayed that the subject property was originally zoned as residential but changed to I-L2 through an application by the prior owners of the property. Cooperative Educational Services has received a grant from the State of Connecticut for the construction of an addition but a re-zoning back to residential is required, as a school is not a permitted use in an I-L2 zone

The proposed 1,500 sq. ft. addition would be located in the rear of the existing school. There would be no increase to the student or staff population as the result of this addition. Upon inquiry, Jim Carroll, CFO of Cooperative Education, indicated that there would be no additional lighting attached to this proposal.

Public Comment

Laura Greene, 10 Horseshoe Dr., was concerned that the added space would result in permanent housing. Attorney Donahue responded that there is no intent to house students.

Jeannina and Jose Mosello, 14 Horseshoe Drive, commented that the prior addition created water problems along with light and noise pollution to her property. The retention pond is not working properly and they had concerns that this addition will only increase the water run-off to their property.

The Commission then inquired, if the applicant would agree to a continuance of the hearing to allow the Town Engineer to visit the site to determine the cause of the water run-off. Mr. Donahue and Mr. Carroll indicated their agreement to the proposed continuance.

MOTION MADE (Fox), seconded (Mahlstedt) and unanimously carried to continue Applications #09-26 and #09-27 until the January 20, 2010 regular meeting.

This concluded the Public Hearing.

Chairman Bean returned and chaired the remaining portion of the meeting.

Regular Meeting (Continued)

A letter from David Bjorklund of Spath-Bjorlund Associates requesting, on behalf of his client, a continuance for Application #09-28 until the next regularly scheduled meeting was read for the record.

MOTION MADE (Fox), seconded (Costa) and unanimously carried to continue Application #09-28 until the January 20, 2010 regular meeting.

Acceptance of Minutes

MOTION MADE (Fox) and seconded (Costa) to approve the minutes of the November 18, 2009 regular meeting, as submitted. Vote: In Favor (4) Bean, Chory, Costa, Fox – Abstention (1) Garrity. MOTION CARRIES

MOTION MADE (Fox) and seconded (Costa) to approve the minutes of the November 23, 2009 special meeting, as recorded. Vote: In Favor (4) Bean, Chory, Costa, Fox – Abstention (1) Garrity. MOTION CARRIES

Request for Bond Release

Application #07-25 – Robert D. Scinto, Inc. - 75 Corporate Drive
Landscape Bond

A letter of request from Mark Fasano, President of Robert D. Scinto, Inc. and the letter of recommendation from the Town Tree Warden, Warren Jacques were read for the record.

MOTION MADE (Fox) , seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to approve a partial release of the landscape bond for Application #07-25 retaining a balance of \$30,000.00, as per the recommendation of the Town Tree Warden.

Application #03-37 – The Elm's – Main Street
Landscape Bond

A letter of request from Frederick F. Ehram, Esq. and a letter of recommendation from the Town Tree Warden, Warren Jacques were read for the record.

MOTION MADE (Garrity), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to approve the full release of the landscape bond for Application #03-37, as per the recommendation of the Town Tree Warden.

Schedule 2010 Meeting Dates

MOTION MADE (Chory), seconded (Fox) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to approve the 2010 schedule of Planning and Zoning Meeting dates, as presented.

There being no further business to discuss, a motion was made by Commissioner Chory and seconded by Commissioner Costa to adjourn. The December 16, 2009 meeting of the Planning and Zoning Commission adjourned at 10:25 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Planning and Zoning Commission