

PLANNING AND ZONING COMMISSION

JUNE 25, 2008

A meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Trumbull Town Hall on Wednesday, June 25, 2008.

Attendance: Timothy Herbst, Chairman; Anthony Chory; Gary Bean; Chris Costa; and alternate Don Scinto

Staff Present: James Cordone, Town Attorney; Steve Savarese, Town Engineer; and Joan M. Gruce, Planning and Zoning Administrator/Clerk

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Chairman called meeting to order at 6:10 p.m.

The following is a brief summary of the hearing. The complete record is on tape, on file in the office of the Planning and Zoning Commission.

David Fink, Partnership for Strong Communities, presented information to the Commission about the HOMEConnecticut statute adopted in June, 2007. It is similar to affordable housing, but has zoning incentive payments and building incentive payments, and 20% of the units must be affordable. Mixed use is also allowed in this zone.

A recess was taken at 7:00 p.m., and the meeting will reconvene for the public hearing.

Chairman called public hearing to order at 7:31 p.m.; and the following calls were read by Mr. Costa as published and listed herewith:

NOTICE

PLANNING AND ZONING COMMISSION OF THE TOWN OF TRUMBULL

All parties in interest and citizens of the Town of Trumbull will be given an opportunity to be heard in relation to proposed amendments to the Zoning Regulations of the Town of Trumbull, by the Planning and Zoning Commission, pertaining to a general recodification and reorganization of the regulations, and to comply with the Plan of Conservation and Development.

A copy of the proposed Zoning Regulations of the Town of Trumbull is on file in the Trumbull Town Clerk's Office, and the Planning and Zoning Office for public inspection, and is also available on line at www.trumbull-ct.gov.

Said hearing will be held in the Trumbull Town Hall, 5866 Main Street, Trumbull, CT, on Wednesday, June 25, 2008, at 7:30 p.m.

Dated at Trumbull, CT, this 11th day of June, 2008.

By: _____
Joan M. Gruce
Planning and Zoning Administrator/Clerk

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The consultants Mark Branse and Dick Eigen were also present.

Chairman indicated that the village district, mixed use, or design district for across the street from Westfield on Main Street will not be acted on. It is still included in the draft dated 5-20-08. He read the letter from GBRPA into the record who supports the proposed regulations.

Atty. Serge Mihaly, 111 Booth Hill Rd., indicated there is a procedural flaw in this hearing. He offered the following exhibits:

Minutes of P & Z meeting May 21, 2008.

Legal Notice of June 25, 2008 hearing.

Copy of e-mails exchanged by members of the Commission and the consultant on June 23 and 24, 2008.

Copy of Bicentennial Village District regulations certified by Town Clerk submitted on June 9, 2008.

First 25 pages of regs filed on the Bicentennial Village District.

Copy of regs dated 6-23-08 which has not been filed with the Town Clerk and is not available to the Commissioners or the general public.

For several months there was a copy of proposed regs on the web site, and then there was a meeting 5-21-08. On June 9, a copy of proposed regs was filed with the Town Clerk dated 5-20-08. That document had footnotes and changes and it was assumed that it was what would be heard tonight. Those contained the Bicentennial district, but now the public is told it is not part of the proposed regulations. He indicated he was here to protect his client whose property was part of the village district. His client opposes those regulations. The e-mail seems to say that the Commission is acting on something that was not before the public. He is not sure that changes made through e-mail are appropriate. There are actions that the Commission has taken, but those changes were not published.

Mark Branse indicated that the Commission has not made any decisions. Any deviations from the 5-20-08 draft will require the Commission to amend the draft. The 5-20-08 document was filed with the Town Clerk.

Atty. Mihaly stated that Mr. Herbst told him the village district was taken out, and the consultant said it was not taken out.

Tony D'Aquila, 29 Valley View Rd., indicated he would like to have a clear understanding of what draft the Commission is voting on this evening. Mark Branse indicated that the public hearing is being held on the 5-20-08 document.

Mr. D'Aquila continued that during many of the work sessions the Commission allowed the Economic Development Commission to participate, but not the general public. There was never a formal vote for each section; the Commission relied on consensus. How does the public add any amendments.

Mr. Herbst asked the consultants how many other communities they have represented for amendments to regulations, and Mr. Branse replied 8 to 10.

Art. I, Sec. 2, Classes of Zones –Atty. Mihaly indicated the Bicentennial Village District is still there, and asked that his comments from the May 21, 2008 meeting be made part of the record of this meeting.

Art. I, Sec. 3, Definitions – Atty. Mihaly stated that the existing regs have 13 definitions, and the proposed has 190; there are also definitions throughout the rest of the document. Some of them are not even definitions; it is overkill and shows a lack of articulation throughout the regulations. Most of them can be eliminated.

Art. I, Sec. 4 – Atty. Mihaly indicated that 1957 was not the inception of zoning regulations; he has regulations in his office dating back to the 1920's and 1930's.

Mark Branse advised that the Town hired Atty. Kevin Gumpper to review the proposed regs, and he said to use this date. Mr. Bean added that Joan Gruce brought in evidence to substantiate the 1927 date.

Art. I, Sec. 5.1, Corner Visibility – Tony D'Aquila commented that 3' height may still be too tall for visibility.

Art. I, Sec. 5.3 – Atty. Mihaly indicated this section gives the Town Engineer the right to adopt standards, and the Commission has given discretion without providing standards.

Art. II, Sec. 1.1 -- Atty. Mihaly asked when the Commission would tell the public what their position is on this.

Carmine DeFeo, 15 Woodcrest, indicated an In-Law apartment has to be attached to a house. He would request that properties greater than 2 acres be permitted to have apartments in detached buildings.

Art. II, Sec. 2.1, Design District – Tony D'Aquila indicated that this has been a disaster on White Plains Road, and the regulation should be deleted.

Carl Mizak, Killian Ave., member of EDC, indicated that the signs for funeral homes were 12 sq. ft. in the current regs and should remain that way. Also, connecting driveways should not be required.

Tony D'Aquila, 29 Valley View Road, indicated a 6 sq. ft. sign is too large for residential zones. Also, Art. II, Sec. 2.2 and 2.3 do not address housing for seniors or young adults that is affordable. The Commission stated in the Plan of Conservation and Development that this is a need in Town, but these regulations do not provide anything. Affordable housing should be constructed on the land that the Town has bought.

Carol Hudak, 296 Daniels Farm Road, indicated she supports what the Commission is doing.

Art. II, Sec. 2.4, Age Restricted Housing -- Tony D'Aquila indicated that this is a failure, and the size of each unit should be limited to make it affordable, or eliminate it.

Carmine DeFeo, Woodcrest, indicated the age coverage is too wide; 55 should not be an age restricted home.

Art. II, Sec. 2.3.1 – Atty. Robert Fuller, Wilton, indicated that banks, full service restaurants are not industrial uses. B-C coverage is 20% with a total of 40% for square footage. Either these coverages and heights in industrial should be eliminated or increases made in the B-C zone. It is unfair and inconsistent as it stands. On page 85, 3.1.4 should be referring to Art. XV. There are 20 pages of requirements for a Special Permit. The Commission does not need 20 pages—it is unnecessary and very costly for developers to provide this information.

Atty. Mihaly indicated on page 92 it says added per March 30 and e-mail. He asked how that was done if nothing was voted on.

Mr. Branse advised that changes were made from Commission workshops, and Gary Bean relayed the information to him.

Tony D'Aquila indicated that Trumbull Center shopping area has inadequate parking.

Sec. 4.1, I-L zone – Tony D’Aquila stated that the different uses added are jeopardizing the true industrial zone. When you put restaurants in you lose tax dollars. Also, sidewalks are needed in these areas.

Village District – Atty. Mihaly indicated that both he and his client are opposed to this, as he stated at the meeting on May 21, 2008.

Art. II, Sec. 7.2 – There are 2 of these; one should be eliminated.

Art. III – Tony D’Aquila believes that interior lots are also a failure. There should be a maximum house size rather than a minimum house size.

Art. V – Tony D’Aquila requested that all submissions by developers be in an electronic format and available on the Town’s web site.

Art. VI, Zoning Board of Appeals – Chairman indicated that this has already been adopted in February. Atty. Mihaly advised if this is not included, you may end up with nothing in that article.

Art. IX – Tony D’Aquila asked if he had loam delivered would he have to apply for a Special Permit. Steve Savarese stated that there is an exception of 25 yards of material before a permit is required.

Art. XV -- Atty. Mihaly stated that this is a Byzantine application procedure, and asked that his comments from May 21, 2008 be made part of this record.

Art. XVI – Atty. Mihaly indicated that these regulations cannot be effective 1957 since there were regulations adopted and printed prior to that date. He asked what the Commission proposes to do, and what parts of the existing regulations do they intend to keep? He asked about metes and bounds for the districts and why a map has not been adopted. Mark Branse replied that there are no changes to the zoning map or boundary descriptions. Ms. Gruce added that when the regulations were recodified in '93 she was waiting for the Town’s engineering department to give her the boundary descriptions, but they were not forthcoming. A decision was made by the Commission at that time to leave them out since there were amendments from the 70’s that were incorporated into the new document and it was all on the computer. They had to be completed. The current zoning map is sold with the regulations.

Carl Mizak, Killian Ave., spoke in reference to variances; there should be a greater degree of flexibility to accommodate projects requiring minor adjustments in corporate parks.

Mark Branse indicated the language in Art. VI does not prohibit ZBA’s ability to vary bulk requirements. In addition, there are a number of new uses in the industrial zones.

The public hearing closed at 9:25 p.m.

The meeting was reconvened to act on the following:

Upon motion made (Bean), seconded (Chory), and carried unanimously (Herbst, Bean, Costa, Chory, Scinto), it was voted to approve Zoning Regulations of the Town of Trumbull dated 5-20-08, filed in the Town Clerk’s office on 6-9-08, with the following amendments:

Upon motion made (Bean), seconded (Chory), and carried unanimously (Herbst, Chory, Bean, Costa, Scinto), it was voted to approve the following amendments:

(Note: The numbering system refers to a spread sheet on file, and is for reference purposes only.)

1. Art. I, Sec. 1, "Trumbull" missing from par. 3 in reference to Town of...
2. Art. I, Sec. 2, Housing Opportunity—"repeated" should be repealed".
- 2a. Art. I, Sec. 2., Remove "elderly" from Age Restricted Zone and throughout body of regulations as applicable.
- 2b. Art. I, Sec. 2., Add Assisted Living to list of special overlay zones.
- 2e. Remove Village District and Mixed Use regulations.
5. Art. I, Sec. 5.2.2, Change text to allow 6 foot fences from the rear of the house and back.
6. Art. I, Sec. 5.2.3, Change wall height from 3 ft. to 4 ft.
7. Art. I, Sec.5.4.2, Remove the administration subsection with reference to street addresses.
8. Art. II, Sec. 1.2.6b, Add 3-fixture bath, define as toilet, sink, tub/shower.
9. Art. II, Sec. 2.4.1B, and 2.4.2, Remove word "elderly".
10. Art. II, Sec.3.1.5.4, Correct typo in word "required".
11. Art. II, Sec. 4.1.5, Setbacks from residential property in all but I-L3 should be 100 ft.
12. Art. II, Sec. 4.1.8a, Change to, "No restaurant or outside dining area shall be permitted within 100 ft. of a residential zone in Trumbull or an adjoining municipality." Delete reference to within 100 ft. of a lot. Make this change wherever regulation is repeated.
14. Art. II, Sec. 4.3.5d, Add the following, "Setbacks from a residential zone boundary are 200 ft. or 100 ft. provided that the principal structure proposed is not less than 300 ft. from any existing principal residential structure.
16. Art. II, Sec. 5.1, Remove entire section – village district.
17. Art. II, Sec. 7.2.4, Remove #2 dealing with public garages in an office park.
18. Art. II, Sec. 7.2.6, #5 I-L zone should be 50 ft. from street; I-L3 setbacks should be consistent with page 99.
19. Art. II, Sec. 7.2.6, #10 eliminated entirely.
20. Art. III, #1 should be 4 ft. height.
22. Art. V, Sec. 8, Eliminate references to surety bonds.
Art. V, Sec. 8.4, Replace Town Engineer with Tree Warden.
23. Art. II, Sec. 7.2, Industrial Office Park section is duplicated; eliminate duplication.
24. Art. II. Sec. 2.4.12B5, Change age references to 60.
25. Art. IV, Sec. 4.1.5, Change reference from Zoning Commission to Planning and Zoning Commission.
26. Art. II, Sec. 2.4.2, Remove asterisk.

27. Art. XI, All references to Building Official should be changed to Town Engineer.
28. Page 37, plus, Residential heights changed to 40 ft. inclusive, measured from first floor sill. Change in each zone as well as grid.
32. Define playscapes, and require same setbacks as sheds in Residential Zones.
33. Art. II, Sec. 1.1.2.3, 1.2.2.3, and 1.3.2.3, Change last sentence to, "Recreational structures, except swimming pools and tennis courts, shall comply, etc."
34. 3.1.4, Change to Art. XV.

Following amendments also proposed:

Upon motion made (Bean), seconded (Chory), and carried unanimously (Herbst, Chory, Bean, Costa, Scinto), it was voted to approve amendment to definition #57, to add, "or (b) three people not related by blood, marriage, civil union, adoption, living together as a housekeeping unit,"

Upon motion made (Chory), seconded (Bean), and carried unanimously (Herbst, Chory, Bean, Costa, Scinto), it was voted to approve amendment to Art. VI, sec. 1.2, to add at end of first paragraph, "This provision shall not limit the authority of the Board to vary bulk requirements of Article III of these regulations."

Upon motion made (Bean), seconded (Costa), and carried by a vote of 3 in favor (Bean, Costa, Scinto), 2 opposed (Herbst, Chory), it was voted to approve amendment to change reference to adoption date of zoning regulations to March, 1927.

Upon motion made (Bean), seconded (Costa), and carried unanimously (Herbst, Chory, Bean, Costa, Scinto), it was voted to approve amendment to change FAR to 29%, plus 1% for accessory buildings, and change definition #66 Floor Area, Gross, to exclude basements and cellars in the calculation.

Upon motion made (Bean), seconded (Chory), and carried unanimously (Herbst, Chory, Bean, Costa, Scinto), it was voted to approve amendment to change size of signs for funeral homes to 12 sq. ft. in Design District.

Upon motion made (Chory), seconded (Scinto), and carried by a vote of 4 in favor (Herbst, Chory, Bean, Scinto), one opposed (Costa), it was voted to approve amendment to add cover page listing the Planning and Zoning Commission (including alternates), staff, Town Attorney, and consultants.

Upon motion made (Bean), seconded (Costa), and carried unanimously (Herbst, Chory, Bean, Costa, Scinto), it was voted to approve amendment that the Zoning Regulations become effective on July 25, 2008.

Upon motion made (Bean), seconded (Costa), and carried unanimously (Herbst, Chory, Bean, Costa, Scinto), it was voted to adjourn at 11:00 p.m.

By: _____
Joan M. Gruce
Planning and Zoning Administrator/Clerk

