

**PLANNING AND ZONING**  
**September 15, 2010**

A meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Council Chambers of the Trumbull Town Hall on Wednesday, September 15, 2010.

Attendance: Gary Bean, Chairman  
Anthony Chory, Arlyne Fox, Fred Garrity, Jr. and alternates  
Steven Mahlstedt, Don Scinto and Tony Silber

Also Present: Attorney Ira Bloom; 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 Chairman called the meeting to order at 6:45 p.m.

The first order of business was a pre-application discussion concerning a proposal to establish a full service restaurant at 5663 Main Street.

Derrick Lee and Scott Beck provided an overview of their vision for the former Marty Kane's Deli location.

Proposed was a moderate priced family style restaurant accommodating about fifty diners. The existing building would be renovated with a New England style façade. Preliminary renderings were submitted and reviewed. There were no plans to increase the size of the footprint but the existing outdoor patio would be enclosed. Upon inquiry, Mr. Beck indicated that alcoholic beverages would be served.

The Commission stressed the importance of being mindful of the surrounding neighbors and having their concerns addressed. Mr. Beck and Mr. Lee were also advised that their most feasible opportunity for approval would be through an adaptive reuse application.

The presenters were also made aware that the zoning regulations prohibit the sale of liquor in a residential zone.

A brief recess was called and the meeting reconvened at 7:30 p.m. with the opening of the Public Hearing.

**PUBLIC HEARING**

**SPECIAL PERMIT**

Application #10-31 – Elio and Nancy Buccuzzi, 654 Daniels Farm Road

Pursuant to Art. II, Sec. 1.2.2.7, Special Permit to construct an addition for use as an In-Law/Accessory Apartment.

The applicants summarized their proposed construction plans. Mr. Savarese informed that he reviewed that plans and that they meet the criteria for an accessory apartment. At an inquiry from the Town Engineer, the building contractor, Norman Rouleau, identified himself as the author of the submitted plans. Mr. and Mrs. Boccuzzi verified that there was ample parking space on site for additional vehicles.

## ZONING AMENDMENT

Application #10-32 – Amending Art. I, Sec. 3 (Definitions), Art. I, Sec. 5.5 (Farms and Keeping of Livestock) and add Sec. 7.3 to Art. XIII (Sign Regulations) to clarify the definition of a farm and temporary sign and include language to permit temporary signage to advertise the opening of a new business.

The Town Planner described the proposed language as minor modifications to existing definitions pertaining to farms and temporary signs. The addition of Sec. 7.3 to Art. XIII would allow for administrative staff approval of temporary signage.

Attorney Bloom questioned the use of the term “may be considered” as stated in Sec. 7.3., as the wording seemed unclear as to whether the signage would be approved administratively. There was general agreement from the Commission and it was suggested that “may be approved” would be a better choice of words. It was further noted that the change in language would also clarify that an application could be referred to the Commission for review.

This concluded the Public Hearing.

## REGULAR MEETING

### **Acceptance of Minutes**

MOTION MADE (Fox), seconded (Chory) and unanimously carried (Bean, Chory, Fox, Garrity, Scinto), to approve the minutes of the August 18, 2010 regular meeting, as presented.

### **Request for Bond Release**

Application #00-56 – James Fracker Construction, LLC  
Site Bond - \$1,000.00

A letter from the Town’s Road and Utility Inspector, Michael Sliva, recommending the release of the bond was read for the record.

MOTION MADE (Chory), seconded (Scinto) and unanimously carried (Bean, Chory, Fox, Garrity, Scinto), to approve the release of the bond for Application #00-56, as per the recommendation of the Town's Road and Utility Inspector.

Application #07-13 – James Fracker Construction, LLC  
Site Bond – \$6,000.00

A letter from the Town's Road and Utility Inspector, Michael Sliva, recommending the release of the bond was presented and read for the record.

MOTION MADE (Fox), seconded (Chory) and unanimously carried (Bean, Chory, Fox, Garrity, Scinto), to approve the release of the bond for Application #07-13, as per the recommendation of the Town's Road and Utility Inspector.

### **Pending Applications**

Pending applications were then reviewed and action was taken as follows.

Application #10-31 – Elio and Nancy A. Boccuzzi, 654 Daniels Farm Road

Pursuant to Art. II, Sec. 1.2.2.7, Special Permit to construct an addition for use as an In-Law Accessory Apartment.

MOTION MADE (Chory), seconded (Scinto) and unanimously carried (Bean, Chory, Fox, Garrity, Scinto), to approve Application #10-31, as presented and plans submitted.

Application #10-32 – Amending Art. I, Sec. 3 (Definitions), Art. I, Sec. 5.5 (Farms and Keeping of Livestock) and add Sec. 7.3 to Art. XIII (Sign Regulations) to clarify the definition of a farm and temporary sign and include language to permit temporary signage to advertise the opening of a new business.

MOTION MADE (Garrity) and seconded (Chory) to approve Application #10-32

In order to provide clarity regarding staff approval of temporary signs the following amendment was offered by Commissioner Chory.

MOTION MADE (Chory), seconded (Fox) and unanimously carried (Bean, Chory, Fox, Garrity, Scinto) to amend the original motion to modify (in bold) the proposed language in Art. XIII, Sec. 7.3 as follows.

7.3 New Business Opening Temporary Signs. A temporary sign, no more than 3 feet by 10 feet located on a building or in the front yard or parking area to advertise the opening of a business, for a period not to exceed 30 days, **may be approved** through an administrative approval process by the Planning and Zoning Department.

To provide an opportunity for an extension of time the following amendment was offered by Commissioner Garrity.

MOTION MADE (Garrity) and seconded (Chory) to amend the original motion to modify the proposed language in Art. XIII, Sec. 7.3 to add the following (in bold).

7.3 New Business Opening Temporary Signs. A temporary sign no more than 3 feet by 10 feet located on a building or in the front yard or parking area to advertise the opening of a new business, for a period not to exceed 30 days may be approved through an administrative approval process by the Planning and Zoning Department.

**Any further extension will require an appearance before the Planning and Zoning Commission.**

Vote: In Favor (4): Chory, Fox, Garrity, Scinto – Opposed (1): Bean

MOTION CARRIES

Vote (Original Motion as Amended): Unanimous (Bean, Chory, Fox, Garrity, Scinto)

MOTION CARRIES

Application #10-28 – Amending Art. II, Sec. 2.1 (Design District) of the Zoning Regulations of the Town of Trumbull so as to revise various requirements and provisions of this overlay zone including allowing more than one office in a structure and permitting the rental of office space, as proposed by the Planning and Zoning Commission.

MOTION MADE (Fox) and seconded (Scinto) to approve Application #10-28.

Responding to an inquiry pertaining to regulating an owner's ability to rent his property, Attorney Bloom indicated that regulating an owner's use of the property would go beyond the authority granted to the Commission under State Statutes.

A discussion followed on Sec. 2.1.3.5 pertaining to the criteria, which would allow more than one professional office on a property. Several Commissioners considered the wording too restrictive and the following amendment was offered.

MOTION MADE (Garrity) and seconded (Scinto) to amend the original motion to modify the proposed language in Art. II, Sec. 2.1.3.5, as follows.

#### 2.1.3 Conditions

5. The owner of a property approved for professional office use in this overlay zone may, but is not required to, live in and/or operate a professional office on the subject property. The owner may rent all or a portion of the premises for either residential or office use. The Planning and Zoning Commission shall have the discretion to allow more than one professional permitted use on a property.

Vote: In Favor (3): Bean, Garrity, Scinto – Opposed (2): Fox, Chory  
MOTION CARRIES

Vote (Original Motion as Amended): In Favor (3): Bean, Garrity, Scinto – Opposed (2):  
Fox, Chory  
MOTION CARRIES

Application #10-29 – Amending the Zoning Map of the Town of Trumbull to expand the Design District located on lower Main Street to include the properties at 5070 Main St., 5066 Main St., 5056 Main St., 5050 Main St., 5048 Main St., 5042 Main St., 5036 Main St., 5030 Main St., 11 Botsford Pl., 5010 Main St., 4950 Main St., 5003 Main St., 5011 Main St., 5017 Main St., 5027 Main St., 3 Gorham Pl., 4 Gorham Pl., as proposed by the Planning and Zoning Commission.

MOTION MADE (Garrity) and seconded (Fox) to approve Application #10-29.

Vote: In Favor (3): Bean, Garrity, Scinto – Opposed (2): Fox, Chory

Objections stated by Commissioners Fox and Chory related to traffic and safety concerns, the large number of area residents who expressed opposition, altering the character of the neighborhood and issues with the rental aspect of the regulation.

### **Discussion**

The Town Planner presented a proposal which would allow for the administrative approval of conforming signage.

Commissioner Fox believed that conforming commercial/industrial signage should still come before this Board, as there may be instances where we may want to try to negotiate for an alternative sign.

The Town Planner agreed to do further research, as to design and location standards established by other Towns and consult with the Town Attorney regarding legal aspects.

A proposal to change the Planning and Zoning fee schedule to allow for a \$50.00 fee for the processing of pre-application presentations was presented.

There was a consensus of agreement that a \$50.00 pre-application fee be initiated. The Town Planner to determine whether a Public Hearing and/or Town Council approval is required.

There being no further business to discuss a motion was made by Commissioner Fox and seconded by Commissioner Scinto to adjourn. The September 15, 2010 meeting of the Planning and Zoning Commission adjourned at 9:30 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog, Clerk