

PLANNING AND ZONING COMMISSION
March 24, 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, March 24, 2010.

Attendance: Gary Bean, Chairman
Anthony Chory, Fred Garrity, Jr. Arlyne Fox and alternate Don Scinto

Staff Present: Mario Coppola, Town Attorney; 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 7:30pm.

Public Hearing

Trumbull Shopping Center #2, LLC et.al. v. Town of Trumbull Planning and Zoning Commission. Mario Coppola noted a meeting was held in Executive Session and a notice of settlement agreement has been prepared with stipulations. Additional information regarding panel heights at the mall was presented. Three photos of graphic panels that are similar to those to be placed on the exterior were provided. The other settlement condition was that Westfield must comply with the recommendations of the tree warden. Westfield has agreed to do this and would not be able to obtain a CO until this is done. Panels cannot be put up until the landscaping is done. Gary Bean asked if we were going to forego a landscaping bond on this stipulation. Mario indicated no cash bond was necessary as a CO could not be obtained until all conditions are met which include the landscaping.

No public comment.

Motion was made by Fred Garrity, seconded by Don Scinto to approve the stipulation agreement to be executed by the Town Attorney on behalf of the town. Garrity, Scinto, Chory, Bean in favor; Fox opposed.

Application #10-4 – Cellco Partnership d/b/a Verizon Wireless, Lot 40 & 41, Merrimac Drive

Continuation of a public hearing held on February 24. Kenneth Baldwin from the law firm of Robinson Cole noted a site walk was conducted. Mr. Chory noted good landscaping had been put in most sides of the tower. One side was left with sparse hemlock trees which allowed increased noise levels toward one neighbor. The tree warden requested Verizon to place additional landscaping in that area. Discussion. Mr. Baldwin noted if the Commission was inclined to approve the request that it could be with flexibility to work with the tree warden to work on the landscaping requirements. Mrs. Fox noted the trees may need to be taken down because of disease with hemlocks. Two e-mails were read into the record from the tree warden by Mr. Bean. The first was regarding the landscaping. The second e-mail recommended a landscape bond in the amount of \$15,000 to insure the installation of evergreens between the tank and the neighboring property.

No public comment.

Application #10-5 – Matthew Romano, 6 Cutlers Farm Road

Attorney Peter Olson represented Mr. Romano who was not present at the meeting. He made three points - #1 – this property is in a former residential zone but in September 2006 the commission changed the zoning of the property to its current zoning designation IL2. #2 – the Wetlands Commission has acted to approve the plan to be submitted and issued a permit. #3 Variances from the Zoning Board of Appeals have been secured regarding parking, planting requirements and set backs. Paperwork was submitted into the record.

Bill Carbone, project engineer from Spath Bjorklund Associates presented the proposed project to construct a flex use building with a footprint of approximately 19,000 sq.ft. on the Trumbull/Monroe town line at Cutlers Farm Road and Spring Hill Road. Site contains 2.2 acres and is zoned IL2. This would be used for storage units and is a three floor building with a total square footage of approximately 57,000 sq.ft. The building will have 409 storage units ranging in size from 5'x5' to 10'x30' and conforms to all zoning variances. Three entrances and exits are planned with 17 parking spaces provided. The plan for controlling runoff and installing detention facilities has been submitted to the Wetlands Commission and approved and the conditions of approval have been incorporated into this plan. The landscaping plan was prepared with particular attention to the north boundary of the site. Description was presented. Mrs. Fox noted she had asked for curbing along Cutlers Farm to prevent icing on the road after she walked the property with the Wetlands Commission. Mr. Carbone noted that a trench and curbing is included.

Bill Levin noted the proposal conforms to zoning regulations and/or to the variances that were previously obtained for the site. Staff does not see any reason for denial and recommends approval. There is also a request from the tree warden for a cash bond for \$60,000 for landscaping. The recommendation would be with approval of the bond. Letter was read into the record from the tree warden.

Steve Savarese, town engineer, noted the drainage issues have been worked on with the engineer. He reminded the commission to add on a site bond as calculated by the engineer and approved by the town engineer.

Mrs. Fox asked about a signage and lighting plan. Mr. Carbone noted it would be sent later because it requires a permit.

Fred Garrity requested clarification regarding setbacks. We have requirements but are approving variances to the applications coming before them. Setbacks for this application were deemed appropriate given the proposed site and building.

Bill Carbone discussed the parking requirements and variance.

Public Comment in Favor

Deborah Cox, Economic Development Director, Town of Trumbull – given the intended use of the property and based on previous approvals given, approves the project.

Public Comment Against

James Sawyer, 267 Spring Hill Road – concerned regarding the number of variances received; has not seen a business plan with regard to employees on site, type of items stored, hours of operations; effect on the wells and septic systems of surrounding properties. Height problem.

Derek Talbot, 257 Spring Hill Road – concerned regarding the usage and rules governing such a facility; excessive vehicle use and an increase in noise level; excessive vehicle traffic; speed of traffic; noise level from the facility; number of rental units; potential for blasting. Three maps were taken into the record for Monroe's zoning near the area. Noise statute was read which is required with the proposal.

Edward Talbot, 257 Spring Hill Road – concerned with light/noise pollution and proximity of the building to his property; whether the business will be properly supervised; destruction of tranquility and reduced property values.

Peter Olson noted blasting requirements are unknown until the project is started and state statutes and regulations will be complied with in conjunction with the fire marshal. With regard to stored items, he suggested as a condition of approval a list of what is and is not permitted in the units be provided regularly.

Bill Carbone addressed vehicle use. Traffic statistics were discussed noting 142 trips per day. Noise generated will be from the cars. Hours of operation were discussed.

Mr. Chory reviewed the landscaping plan with Mr. Carbone. Mr. Carbone noted the tree warden has approved the landscape plan.

Mr. Garrity asked about the number of employees – 1 during business hours. With 17 parking spaces total, what is the plan to provide adequate parking. Discussion. Mr. Carbone noted it is not long-term parking and there is a balance between landscaping and parking. Bill Levin noted staff mentioned at the beginning height and setbacks are set by regulation, The northern parking is close to the residential property and you may want to consider additional barrier plantings. Perhaps down sizing of the building is necessary to facilitate proper screening.

Mrs. Fox addressed the traffic concerns on Spring Hill Road. Also, she addressed the heat/air conditioning of the building. Mr. Carbone noted there are only condensers on the outside of the building between the two retaining walls which are screened with landscaping.

Mr. Garrity asked if this venture was a franchise or independent operations and it was noted to be independent. The hours noted will be a condition of approval.

Public hearing on Application #10-5 is closed.

A short recess was called and the regular meeting resumed at 9:05pm. Steve Savarese left the meeting during the break.

Acceptance of Minutes

Motion was made by Mrs. Fox, seconded by Mr. Chory and unanimously approved (Bean, Chory, Fox, Garrity and Scinto) to approve the minutes of February 24, 2010 and the special meeting of March 9, 2010.

Application #10-2 to amend our Design District to include the property at 17, 29 and 37 Church Hill Road

Gary Bean noted the commission would only be discussing the amendment to expand the district and would not be discussing any potential use of the property. Usage would be conducted at a public hearing on the application. He reviewed the petition regulations. Bill Levin noted the staff did an analysis of the petition and it was determined that a 2/3 vote by the commission would be required.

Mr. Garrity noted only positive comments; negative comments were directed to specific applications which can be addressed in the future. Mr. Scinto agreed.

Mr. Chory noted some uses that are intimidating. Suggested we add options to our regulations for these properties. Mr. Garrity noted this should be done with a public hearing at a later time. Mr. Bean asked the commission to stay with the specific vote for the evening. Mr. Coppola noted site specific issues are more appropriately discussed at another meeting. Bill Levin noted the commission can direct staff to make changes to a regulation but it must be opened up to a public hearing.

Mrs. Fox noted that property values are very important in town and with what we are allowing to happen, we should be very cautious when the quality of life is involved and the value of our homes are involved.

We should allow more open space. Gary Bean noted the commission has been very careful in reviewing specific applications and stated there has been improvement to the properties involved.

Motion made by Mr. Garrity, seconded by Mr. Chory to approve Application #10-2. Mr. Chory amended the regulation 2.1.3 which is Conditions, paragraph 1 to read – parking shall be permitted in the rear yard, side yard with landscape buffers or fences, if appropriate. Seconded by Mrs. Fox. Mr. Sinto noted he would not vote for this amendment because he does not agree with voting on amendments without proper notice or input. Mr. Cappola noted that the regional planning agency may be required to change the regulation. Mr. Levin was unsure if we were in compliance with the regulation and noted both regional planning agencies would need to review this before we can make a recommendation. In favor – Chory; Fox abstained; Bean, Garrity and Scinto opposed. Motion failed. All in favor of approving Application #10-2 – Fox opposed; Bean, Garrity, Chory, Scinto approved. Application passed.

Request for Extension of Time

Owner of Scan Tool & Mold was not at the meeting. Contractor noted that time has expired. Mr. Bean noted this application will be discussed at a work meeting within the next two weeks when staff recommendations are available. Paperwork located; Bill Levin noted staff has requested an extension of time due to the economy with no changes. Extensions have been approved for other parties due to the economy. Mr. Cappola noted this does not set a precedent; however, but approvals should be made on a case by case basis. Motion made by Mrs. Fox, seconded by Mr. Chory to approve Application #09-1. Approved unanimously (Bean, Garrity, Chory, Fox, Scinto).

Request for Bond Release 94-3

Bill Levin received a letter this afternoon and has not discussed this with staff. Tabled until next meeting.

Approval Request for Application #10-4

Motion made by Mrs. Fox, seconded by Mr. Chory. Mr. Chory amended the motion to approve with conditions - to enhance landscaping on the south side. Discussion. Mr. Bean stated language should be “they were in agreement with the addition and/or replacement of trees as determined by the tree warden”. Mr. Bean asked Mr. Coppola about the points raised in the stipulation agreement and asked if a reference can be made to the numbers within the stipulated agreement that this application remain consistent with those particular pieces. Mr. Cappola indicated we should make reference to this agreement. Discussion. The property owner is Aquarion and a party to the consent judgment.

Mr. Garrity stated the first amendment to the motion is that the applicant comply, agree and carry out the requests of the tree warden to replace and/or add trees as necessary to the area that needs the screening additions with a \$15,000 bond. Seconded by Mr. Chory. Approved unanimously (Bean, Garrity, Chory, Fox, Scinto). The second amendment is that the applicant comply with the judgements in the new Singular Wireless PC against the Town of Trumbull and Tashua Hills and Aquarion judgment, Case #305CV01900, specifically items 16, 17, 18, 21, and 23. Seconded by Mr. Chory. Unanimously approved (Bean, Garrity, Chory, Fox, Scinto).

All in favor of approval of Application #10-4 as amended – unanimous (Bean, Garrity, Chory, Fox, Scinto). Passed as amended.

Approval Request for Application #10-5

Mr. Bean requested the commission table this application to a work session in April. The next meeting is April 28th. A work session will be held on April 7 at 7:00pm to discuss Application #10-5. Review of zoning regulations will be reviewed prior to that meeting.

Adjournment

Motion made by Mrs. Fox to adjourn the meeting at 9:55pm. Unanimous.

Respectfully submitted,

Barbara Crandall
Administrative Assistant