PLANNING AND ZONING COMMISSION
Special Meeting
November 30, 2010

A special meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Council Chambers of the Trumbull Town Hall on Tuesday, November 30, 2010.

Attendance: Gary Bean, Chairman; Donald Scinto, Fred Garrity, Anthony Chory, Alternate Steven Mahlstedt

Also Present: Bill Levin, Town Planner; Mario Cappola, Town Attorney and Stephen Savarese, Town Engineer

The meeting was called to order at 7:00pm by Chairman Bean.

Chairman Bean noted the first application on the agenda was the continuation of the public hearing #10-42. Public comments were made at the last meeting and the meeting was suspended at that point. Attorney Fallon prepared a statement on the prior public comments. The town engineer will also be commenting as he was not available at the last meeting. Additional public comments will be allowed regarding the application after the presentations.

Attorney Fallon noted the public comments addressed pedestrian friendliness. This has been a focal point for the applicant, the design team and the Commission. Sidewalks are included around the entire building, including on Broadway. They will also endorse the Town's plan for sidewalks in the neighborhood. There were questions with regard to the bank drive-thru. This drive-thru lane meets the technical requirements of the regulations and will function properly without any interference with the pedestrian friendliness of the environment. A bank is a permitted use in those types of zones because it is the very kind of amenity you would want to provide on a retail basis for a neighborhood and the drive-thru is important to the bank.

Neighbors from Wauneta Road were concerned at the last meeting about a cut-thru aspect to this development that would be created in light of the proposal made including the Broadway closure as approved by the Police Commission. A letter from Mr. Galante was distributed to the Commission by Attorney Fallon regarding this concern confirming no anticipated increase in traffic through the neighborhood. This modification provides benefits, not detriments, to the neighborhood. It will eliminate a dangerous turning situation and it will make the development more pedestrian friendly.

The mixed use as proposed will have a positive impact on the neighborhood and on the community. The density is proper in terms of the seven units proposed and the overall development, including the residential, complies with all the requirements regarding density, coverage, setbacks, etc. established under the regulations. These units are suited to address the market such as empty nesters who would like to remain in town, and younger individuals who would like to return to the town.

The mailbox location was addressed. Attorney Fallon noted that mailbox location is based on matter of use. This mailbox, with the proposed development, would most likely have more use.

Steve Savarese commented that this is a large development on a corner in town. Consideration must be given to the long term operation and maintenance of the project, specifically sidewalks, the pedestrian walkways in the town right-of-way and the overall aesthetics of the town right-of-way. New plans were received today from the engineer of the project. These were reviewed and the engineer took the comments and included them in the design, although some time must be reserved for a deeper study into it. The concept of what he was after was achieved. They are trying to solve a crowning problem on Broadway and provide some drainage and make some minor changes inside the parking lot. These plans were presented to the Commission. Mr. Savarese noted the project should have a site bond.

Chairman Bean presented a letter dated November 17, 2010 from Dmitri Paris acting on behalf of Warren Jacques, the Tree Warden. Letter was read by Mr. Garrity. Recommendations included landscaping changes. He noted a bond in the amount of $45000 would be sufficient to insure installation of this plan. Hardscape with regard to the sidewalk was addressed. Although Mr. Paris approves the project he does not believe it maximizes the potential development in the area. He noted minor changes could enhance the project.

Chairman Bean asked Mr. Savarese if he was comfortable reserving the right to provide final sign-off on the engineering plan. Mr. Savarese mentioned he was but should it be approved, make it subject to engineers approval. Some revisions are expected.

Chairman Bean noted Mr. Paris' letter had three parts: landscaping, the sidewalk being extended down Whitney Avenue and physically moving buildings around. The third part was addressed at the last meeting. Mr. Paris' did not have the benefit of hearing comments regarding the extension of the sidewalk to the valley at some point and this should be set aside in light of the circumstances. The first part of the letter up to and including the landscape bond is something to be considered in deliberations.

Steve Mahlstedt is a voting member in the absence of Commissioner Arlene Fox.

Public comment was opened. No one was in attendance to speak in favor of the application. Patricia Fisher, 15 Dunellen Road spoke regarding her letter submitted at the last meeting detailing her concern with a general increase in traffic from Main Street to Wauneta and Dunellen. She noted she is not opposed to the development and requested that the traffic flow for the long term be considered. Beth Stoller, 27 Dunellen Road asked if there was anything in the plans to safeguard the area so that the traffic flow will not build up especially during construction. She is in favor of the development but is concerned about the traffic patterns during and after construction so that the area is preserved from being a cut-thru.

Chairman Bean asked Mr. Savarese what the process is to address increased traffic on the side roads. This would be up to the Police Department Traffic Department.

Chairman Bean requested Attorney Fallon's comments. He reiterated what Mr. Savarese stated about Broadway remaining a public road. He has every confidence, based upon the Galante analysis that this situation will be a win-win in terms of traffic flow and safety, the Police Commission will retain jurisdiction should the situation develop. Attorney Fallon made available to Mrs. Fisher and Mrs. Stoller the Galante letter noting that cut thrus are usually taken when the distance becomes shorter which is not the case in this project. He endorsed the comments with regard to the landscaping plan and noted the other comments in the letter are enhancements for the long term to the whole green.

In summary, Attorney Fallon thanked the Commission for their time in reviewing the information to get to this point. This is a special permit application. Standards and regulations were adopted to facilitate this type of use and this proposed type of development. We have complied with those newly adopted regulations. Emergency access has been approved and endorsed by the Police Commission, the Police Department has reviewed it and the Broadway benefits and modifications proposed will have significant benefits as discussed regarding public safety. Mixed use zone was adopted to make it applicable to this project. Traffic has been addressed through Mr. Galante. The Police Commission approved the closure of Broadway. By doing that, we are eliminating serious safety concerns with regard to existing conditions and we dealing appropriately with enhancing this project from a pedestrian stand point. The architectural character of the project is attractive. This development is in the proper location for transition from commercial to residential neighborhoods. Attorney Fallon requested approval of this application. It is a low intensity transitional use of the property that will be harmonious with the surrounding properties and will provide positive and sensitive transition between the areas which surround it. The development is responsive to the needs of the Town of Trumbull for diversity with regard to housing options that will provide meaningful opportunity for younger and older residents of the town seeking to remain in Trumbull as residents. This new design will create a pedestrian friendly area linking it to the historic Long Hill Green. This is creative revitalization by the town, taking advantage of the very best that the area has to offer.

No further comments, the public hearing was closed at 7:40pm on Application #10-42.

Acceptance of Minutes
Moved by Mr. Garrity, seconded by Mr. Scinto to approve the minutes of October 20, 2010. Approved unanimously. Moved by Mr. Chory, seconded by Mr. Mahlstedt to approve the minutes of November 9, 2010. Approved unanimously.

Requests for Extension of Time
Chairman Bean presented three applications for extension of time -- #07-36, #07-37 and #07-39. Mr. Levin noted all three applications are for projects that were approved in 2007 and received either one or two extensions. The condition placed on these projects at the time of approval they have now exhausted (allowed extensions) and have exceeded the time limit that was placed on them. Prior to 2008, there was a regulation in the zoning ordinance, also included in letters, stating the project should begin construction in six months with completion within a year after construction starts with one extension up to a year being permitted. All three have exceeded these limits. Mr. Levin has consulted with the Town Attorney and they need to come back through the P&Z Commission if they want to proceed with these projects. Mr. Garriety requested clarification of their ability to request under the new regulations. Chairman Bean noted Attorney Cappola has reviewed the applications and under the regulations in place at the time they were approved, those extensions are exhausted and they are no longer valid. Discussion regarding re-imposing some of those restrictions in our current regulations because they were omitted in the new regulations will be held at a later date. The applicant cannot use the new regulations for something approved in 2007.

Application #07-36 - motion to approve the request for extension of time – moved by Mr. Chory, seconded by Steve Mahlstedt.

Discussion was held as to why the applications were on the agenda if the commission does not have the authority to grant an extension. Attorney Cappola explained the rationale behind the application process. He

noted he has reviewed the staff report and noted the regulations in 2007 provided certain requirements with regard to when a project needs to start and extensions.

Mr. Chory questioned the motion to approve the application noting is should be a motion to deny without prejudice because we do not have the authority to grant an extension. Mr. Chory withdrew his previous motion to approve and made a new motion to deny without prejudice because it is not within our authority to approve. Seconded by Steve Mahlstedt. Approved unanimously. Mr. Chory requested the Commission consider adjustment of the fee if the individuals return at a later date. Attorney Cappola reminded the Commission the applicant may come back with a different application but if the project is the same, some type of waiver may be granted at that time.

Mr. Garriety asked Attorney Cappola what the rationale is behind the P&Z practice to always motion to approve and then vote down an item instead of a motion to deny which is the result desired. Attorney Cappola will review the process.

Application #07-37 - motion to deny without prejudice due to the fact that it is not within our authority made by Mr. Chory, seconded by Steve Mahlstedt. Approved unanimously.

Application #07-39 – motion to deny without prejudice due to the fact that it is not within our authority made by Mr. Chory, seconded by Steve Mahlstedt. Approved unanimously.

Request for Bond Release

Application #07-16 – 2 lot subdivision – 45 Cal Drive. Letter from Michael Sliva dated November 23 to the Commission stated: a recent inspection of the noted site indicated that the following conditions necessary for the release of the bond have not been completed. #1 submit a mylar of the plan and profile #2 record turning easement on the deed at 45 Cal Drive and #3 property line pins to be set and flagged. It is recommended at this time that the remaining $5,000 bond plus interest be held by the Town of Trumbull until these items have been completed and documented. Motion to approve the application for bond release #07-16 made by Mr. Chory, seconded by Steve Mahlstedt. All Commission members opposed – motion failed. Mr. Savarese noted this is the third time the applicant has come to the Commission for a bond release. The work remains unfinished and staff time is used for each request with no forward progress. Currently, there is no fee for bond releases. He noted the Commission can call the bond and complete the work. Clarification was made that the Commisison could not call the bond at the meeting but that it had to be noticed for the next meeting. Mr. Savarese noted he was requesting a fee be assessed for bond release requests. This will be a discussion topic for next meeting.

Pending Applications

Application #10-42 – motion to approve #10-42 made by Mr. Garrity, seconded by Mr. Scinto. Discussion. Mr. Garrity made an amendment to the motion to make it subject to the engineer's approval and a cash engineering bond as stated by the town engineer. Seconded by Mr. Scinto. Mr. Savarese noted it is customary for the applicants engineer to calculate the bond subject to the town engineer's approval. Mr. Garrity restated the amendment to the motion that the applicant will present a bond amount with their engineer to the town engineer subject to the town engineer's approval of the engineering plan as resubmitted. Seconded by Mr. Chory. All in favor of the amendment – approved unanimously. Mr. Chory amended the motion to approve to consider the portion of the tree warden's recommendations #1 and #2 up to and a

consideration of a $45,000 landscape bond. Seconded by Steve Mahlstedt. All in favor of the amendment – approved unanimously. All in favor of application #10-42 as amended – approved unanimously.

Application #10-37 – Quarry Road. Motion to approve application #10-37 made by Mr. Chory, seconded by Mr. Mahlstedt. Discussion. Mr. Garrity questioned if all applicable bonds are automatic or do they need to be discussed. Mr. Garrity made an amendment that both landscaping and engineering bonds be set according to the recommendation of the tree warden and the communication of the town engineer. Chairman Bean noted the cash bond was recommended at $75,000 by Warren Jacques. Seconded by Mr. Chory. All in favor of the amendment – approved unanimously. All in favor of application $10-37 as amended – approved unanimously.

Application #10-39 -- permit to convert existing garage for use as an in-law/accessory apartment. Motion to approve made by Mr. Chory; seconded by Mr. Scinto. Mr. Mahlstedt noted he will abstain voting as he is a friend of the applicants. No discussion. All in favor of the application – 4 in favor, 0 against, 1 obstention.

Application #10-40 – special permit to construct 12,385 sq. ft. office addition with associated 61 space parking area. Motion to approve made by Mr. Chory; seconded by Mr. Mahlstedt. Discussion. Chairman Bean noted a letter from the tree warden indicating a $40,000 cash bond. Mr. Chory amended the motion to incorporate the tree warden's cash bond of $40,000 and also bonds required by the engineering department. Seconded by Mr. Mahlstedt. All in favor of the amendment – approved unanimously. All in favor of the application as amended – approved unanimously.

Application #10-41 – special permit modification to install wall, ground and directional signage for Home Depot. Motion to approve made by Mr. Garrity; seconded by Mr. Scinto. All in favor of application #10-41 – approved unanimously.

Discussion Items

Chairman Bean noted these items are intended to give Mr. Levin direction. The first item is the proposed amendments of conforming signage. Chairman Bean noted our current regulations require applicants to come in for approval. It was previously recommended that if the signage meets the requirements they could be administratively approved and if they didn't the course of action would be to come before the ZBA for a variance or the commission for text amendment. The question is do we want to have a regulation stating they can be approved administratively if they meet all regulations. The other option is to keep the process as is with all applications being brought to the commission. Attorney Cappola noted other communities have a regulation if the application meets the requirements, it is approved administratively. Applications that exceed a certain size even though they meet the regulations must come before the commission. Discussion. Modification of regulations should be reviewed. Mr. Levin feels that if the application complies, having the applicant come before the commission is not necessary. Attorney Cappola noted that some towns also have an architectural review boards that would handle such requests. Mr. Garrity noted the request at the meeting is whether the administrator can sign off on compliance signs to eliminate the hardship caused by our current regulations. Any questions should be referred to the commission. Chairman Bean feels that the regulations should call for what you allow and applicants should be aware of what is allowed.

Mr. Levin noted he has been informed by the attorney that any fee amendments must come before the Town Council. He suggested that his proposal regarding establishing new fees should include a review of the current fee schedule in the event other revisions need to be made.

Suggestion was made to start the revision project now for discussion next year. Mr. Garrity recommended three steps: #1 review the fees going forward, #2 a proposal to change the process for administratively approving conforming signage and #3 to give some direction to Mr. Levin to come back to us with some language for possibly changing our regulations for signage for more control and conforming to certain areas described by Mr. Chory. After discussion, it was agreed these recommendations would be addressed at the next meeting. Attorney Capolla noted these changes will require an ordinance change. Mr. Levin was advised to send the language to the regional planning agency with documentation and language to move us out of the special permit area and into administrative review. A proposal should also be drafted for the town council requesting changing the fee structure from our current to the proposed as presented. The Commission needs to give Mr. Levin feedback with regard to usage of signs and a review of other communities conducted to facilitate the drafting of language to address those concerns. It was recommended by Attorney Capolla to approach the Town Council after all information is collected on these discussion items. Regional Planning needs time to address the proposal.

The last discussion item was the re-establishment of special permit time limits for start and completion of construction. Mr. Levin reviewed the previous zoning regulations covering this topic. This regulation has been the standard condition for all special permits even though it is no longer in effect (as of July 2008) and we can no longer use it. Two changes are recommended #1 – instead of being the BC zone that it be moved to the section that describes special permits. It is recommended that the six month time to start construction be extended to one year which will allow time for the developer to obtain financing, finalize maps, etc. The completion requirement is suggested to be extended to 2 years beyond the date construction commenced and we would also recommend re-establishing the allowance for one one-year extension. Language for a new regulation was read and it will be sent to regional planning. Commission was comfortable with the proposed language for the new regulation.

Adjournment
There being no further business, motion was made and seconded to adjourn the meeting at 8:40pm.

Respectfully submitted.

Barbara Crandall
Administrative Assistant