

PLANNING AND ZONING COMMISSION
April 28, 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, April 28, 2010.

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

Also 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 7:30 p.m.

PUBLIC HEARING

The Chairman read for the record a letter from Attorney Stephen Studer requesting that the public hearing for Applications #10-10 and #10-11 be delayed until the May 19, 2010 scheduled meeting.

Application #10-6 – St. George’s Albanian Orthodox Church, 5490 Main Street

Special Permit for the modification of an existing Site Plan approved by
Special Exception on December 21, 1974.

Attorney John Fallon made the presentation on behalf of the applicant.

A first cut subdivision of the property into two conforming lots is proposed. The purpose of the proposed division of land was to separate the church building from the existing residential dwelling to allow for the sale of the residence. The subdivision will result in the elimination of 20 parking spaces, which the Church would like to maintain. The proposal was to expand the north parking lot and relocate the eliminated parking area there. Attorney Fallon noted that there would be no changes to the existing egress and ingress for both the Church and the single family home. He also affirmed that there would be no adverse impact to any off-site properties.

The project engineer, Michael Buturla of the Huntington Company, came forward and provided an overview of the proposed drainage design.

The Town Engineer commented that he reviewed the stormwater management plan and that it meets with the Town's criteria with the exception of the stormwater quality aspect. He indicated that this can be easily corrected with the installation of some sediment control.

At an inquiry regarding the proposed lighting, Mr. Buturla responded that only one additional lighting post is proposed.

Public Comment

Brian LeClerc, 687 Garden Street, spoke to his concerns relating to the proposed drainage plan. He indicated that any overflow would directly compromise his property, which is located at the bottom of the sloped area behind the church.

Robert Ganata of 675 Garden Street had issues relating to lighting and asked that the existing and proposed lighting be shielded to protect the abutting property owners. He also relayed concerns relating to the possibility of increased water run-off.

Attorney Fallon noted that the drainage plan has been professionally prepared by a licensed engineer. It has also been reviewed and approved, with the exception of the water purification, by the Town's Engineering Department. He indicated that there would be no objection to having conditions of approval placed to address the water quality, light shielding and landscape buffering along the rear property line.

Upon inquiry, the Town Engineer indicated that there should be a slight improvement to the existing run-off conditions with the implementation of the submitted drainage design.

Application #10-7 – Tashua Coffee House, LLC, 6540 Main Street

Pursuant to Art. II, Sec. 3.1.7; 3.1.8 and Art. XIII, Special Permit to permit a single tenant identification sign, an additional identification sign attached to an existing pylon and an outdoor dining area consisting of two tables and twelve chairs on the front patio.

Attorney Burton Yaffie, along with the proprietor, Bangalore Mahesh, made the presentation. The existing signage was identified as a standard Dunkin Donuts sign. The additional 3'x3' identification sign, to be placed on the pylon under the existing Marisa's signage, was for location identification purposes. All signage was described as being non-illuminated. The final part to the application was a permit to allow for an outdoor dining area. It was noted that the owner of the premises has given approval for the proposed outdoor seating.

The following was then submitted for the record: Two alternative signage designs; photo of the existing pylon and three petitions in support of the outdoor seating proposal.

The Town Planner commented that both the existing Dunkin Donuts corporate sign and the proposed pylon signage conform to the standards of the zoning regulations. Regarding the proposed outdoor seating, Mr. Levin informed that the applicant is presently at the maximum seating allowable per the State of CT building code.

Public Comment

Jeffrey Jacobson, 17 Sarenee Circle, was concerned that the outdoor seating would raise the noise level for the surrounding residential property owners.

Application #10-8 – Kathleen Fearon, 37 Church Hill Road

Pursuant to Art. II, Sec. 2.1.4 Special Permit to operate a Veterinary Outpatient Clinic in an established Design District.

The applicant, Kathleen Fearon, 38 Sherman Avenue, was the presenter. Ms. Fearon, a licensed veterinarian, provided a detailed overview of her proposed clinic. She relayed that the clinic conforms, in all aspects, to the strict standards pertaining to veterinary outpatient clinics as set forth in the zoning regulations.

Ms. Fearon indicated that the staff would include one veterinarian, herself, and one full-time employee. An additional full-time employee was anticipated within a year. Animals requiring over-night care will be housed within a sound resistant room. The hours of operation indicated were 8:00 a.m. to 5:00 p.m. on weekdays with expended hours one evening a week until 7:00 p.m. and some Saturday mornings.

Photographs of the paved parking area in the rear of the property were then submitted into the record.

At an inquiry from the Chairman the Town Planner informed that the proposal conforms to the Design District guidelines.

Public Comment

The following spoke in support of the clinic: Richard Chapman, 29 Walker Road; Lynda and Martin Ryan, 70 Sherman Avenue; Sharon Hiznay, 42 Topaz Lane; Anne Marie Pearson, 118 Beechwood Avenue; Virginia Silano, 62 West Lake Road; Joan Fitton, 35 Maple Street; Chantel Glibert, 339 Church Hill Road and Michael McFadden, 16 Larkspur Drive.

Debbie Hunt-Scribner, 115 Pinewood Trail, addressed the Commission on behalf of her mother in-law, a resident of Long Hill Village. Ms Scribner asked that a security fence along the rear property line be considered.

Katherine Massey, 48 Long Hill Place, indicated her preference for landscape buffering between the subject property and Long Hill Village.

Application #10-9 – DTL Group, 925 White Plains Road

Pursuant to Art. II, Sec. 3.1.7 and Art. XIII Special Permit to permit a single tenant 4'x12' temporary ground sign.

Fanell Powell, the manager of the subject Verizon store, was the presenter. A two month extension of time to permit the use of a Verizon location banner on the subject property is requested. Mr. Powell relayed that the recently opened establishment is not visible from the road and that the previous banner was most effective in bringing customers into the store. Upon inquiry, Mr. Powell confirmed that at the request of the ZEO the banner has been removed and the application was to temporarily replace it.

Application #10-12 – Amending Art. I, Sec. 3; Art. II, Sec. 1.1.2, 1.2.2, 1.3.2 and Art. VIII of the Zoning Regulations of the Town of Trumbull to permit the housing of chickens within a residential zone with pertinent setbacks and requirements, as proposed by the Planning and Zoning Commission.

The Town Planner, Bill Levin, provided an overview.

The application on the table tonight readdresses a related proposal denied by this Commission in 2009. The current language included a stipulation requiring a 35 ft. setback for the coops and prohibition of roosters and free range fowl. Five chickens per property would be the total number allowable. Enforcement of the proposed restrictions would come under the jurisdiction of the Zoning Enforcement Officer

Public Comment

In Favor: Brennan and Johanna Fraczek, 16 Woodcrest Avenue

Opposed:

Raymond Neeley, 54 Twitchgrass Road, commented that the coop's proposed 35 ft. setback was too close to the abutting neighbor's property line. Mr. Neeley also had enforcement concerns.

Lisa and John Egan, 10 St. John's Drive, voiced health issue concerns.

The Town's Zoning Enforcement Officer, Fred Bietsch, also presented enforcement concerns. Mr. Bietsch submitted two photographs of existing chicken coops within the town, which were pictured in disrepair.

Application #10-13 – Amending Art. II, Sec. 1.1.2; 1.2.2 and 1.3.2 to decrease the square footage allowable for workshops, as proposed by the Planning and Zoning Commission.

The Town Planner, Bill Levin, reviewed the amendment. Mr. Levin advised that after considering feedback received from the building department and reviewing plans for potential workshops he has concluded that the size limits were too high. His recommendation was to scale back the maximum area to 300 sq. ft.

Commissioner Fox indicated opposition to accessory work shops in general, as they generated too much noise pollution.

This concluded the Public Hearing.

REGULAR MEETING

Acceptance of Minutes

Accept minutes of the March 24, 2010 Regular Meeting and the Special Meetings held on April 7, 2010 and April 13, 2010.

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to approve the aforementioned minutes, as presented.

Request for Bond Release

Application #94-3 – Arden Ridge at Trumbull LLC
Road Bond - \$10,000 + Interest

A letter from the Town's Road Inspector, Michael Sliva, was read for the record.

An extensive list of items not yet completed was indicated. Mr. Sliva recommended that the bond be held until the noted issues are resolved.

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to deny the requested bond release for Application #94-3, as per the recommendation of the Town Road Inspector.

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

MOTION MADE (Garrity) and seconded (Costa) to approve Application #10-5.

Concerns relating to curb cuts, sprinkler system and hours of operation were brought to the table.

Commissioner Garrity withdrew his motion and action was then tabled until the next scheduled meeting for allow for further review of the submitted plans.

Application #10-7 – Tashua Coffee House, LLC

MOTION MADE (Garrity) and seconded (Costa) to approve Application #10-7.

MOTION MADE (Costa), seconded (Fox) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to amend the original motion to include the following specific conditions.

1. Total number of seating (indoor and outdoor combined) shall not exceed the maximum number allowable under Connecticut State Statutes.
2. Maximum number of outdoor seating at no time to exceed 12 seats.

Vote: Original Motion as Amended – Unanimous (Bean, Chory, Costa, Fox, Garrity)
MOTION CARRIES

Application #10-9 – DTL Group, 925 White Plains Road

MOTION MADE (Fox) and seconded (Costa) to approve Application #10-9.

MOTION MADE (Fox) and seconded (Chory) to amend the original motion to include the following specific condition.

1. A temporary location banner is permitted for a period not to exceed 30 days.

MOTION WITHDRAWN

MOTION MADE (Garrity), seconded (Chory) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to amend the original motion to include the following specific condition.

1. A temporary location banner is permitted for a period not to exceed 45 days.

Vote: Original Motion as Amended: Unanimous (Bean, Chory, Costa, Fox, Garrity).
MOTION CARRIED

Application #10-13 – Amending of Art. II, Sec. 1.1.2; 1.2.2 and 1.3.2 (Workshops)

MOTION MADE (Chory) and seconded (Costa) to approve Application #10-13

Vote: In Favor (4): Bean, Chory, Costa, Garrity – Opposed (1): Fox MOTION CARRIES

Commissioner Fox’s opposition related to noise concerns and the increasing amount of various types of accessory structures that are being permitted.

Application #10-6 – St. George’s Albanian Orthodox Church, 5499 Main Street

MOTION MADE (Chory) and seconded (Fox) to approve Application #10-6.

MOTION MADE (Chory, seconded (Fox) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to amend the original motion to include the following specific conditions.

1. Landscape buffering to be placed along the rear of the new parking area, as per the recommendations of the Town Tree Warden.
2. A water filtration device to be installed, as per the recommendation of the Town Engineer.
3. New and existing lighting to be shielded and meet all lighting standards as set forth in the zoning regulations of the Town of Trumbull.

Vote: Original Motion as Amended – Unanimous (Bean, Chory, Costa, Fox, Garrity). MOTION CARRIES

Application #10-8 – Kathleen Fearon, 37 Church Hill Road

MOTION MADE (Chory) and seconded (Garrity) to approve Application #10-8.

MOTION MADE (Garrity), seconded (Chory) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to amend the original motion to include the following specific conditions.

1. Existing parking is approved based upon current staff. In the event the number of employees is increased, additional parking shall be implemented and administratively approved through the Planning and Zoning office.
2. Landscape buffering to be placed in the rear of the property, as per the submitted plan and the recommendations of the Town Tree Warden.

Discussion

Proposed revisions to the Zoning Regulations to allow for residential use within a Commercial B/C Zone.

Two proposed drafts, one generated by the Town Planner and the other by Commissioner Chory, were distributed. It was agreed that further discussion be postponed in order to provide an opportunity for review.

A Special Meeting to be scheduled within the next two weeks to consider and decide course of action to be taken.

There being no further business to discuss a motion was made by Commissioner Fox and seconded by Commissioner Garrity to adjourn. The April 28, 2010 meeting of the Planning and Zoning Commission adjourned at 11:45 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Planning and Zoning Commission

