

PLANNING AND ZONING
January 20, 2010

A meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Courtroom of the Trumbull Town Hall on Wednesday, January 20, 2010.

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

Staff Present: Mario Coppola, Town Attorney; Bill Levin, Town Planner and
Stephen Savarese, Town Engineer

Prior to the regular monthly meeting the Town Attorney held a brief seminar, relating to meeting procedures and protocol. Those in attendance included members of the Planning and Zoning Commission, the Zoning Board of Appeals and the Inland Wetlands and Watercourses Commission.

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 7:35 p.m.

PUBLIC HEARING

A letter from Kathleen Fearon was read requesting that her application (#10-2) be continued until the next regularly scheduled meeting.

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to continue Application #10-2 until the next scheduled meeting.

Application #09-23 – Amending the Zoning Regulations of the Town of Trumbull pertaining to permitted accessory uses, height of fences and walls, age restricted housing, alcohol sales, permitted uses in industrial zones, clarification relating to industrial zones, special permit requirements, pre-application/preliminary review procedures and the definition of livestock, rear lot lines and two family dwellings, as proposed by the Planning and Zoning Commission. HEARING CONTINUED FROM DECEMBER 16, 2009.

The Town Planner gave an overview of the proposed changes and provided clarification on the more significant modifications. He noted that the majority of the revisions were related to typographical errors and not substantive.

Bill Levin relayed that the proposed changes to allow larger sheds with smaller setbacks came as a result of discussions held with the ZBA.

The comments of the Bridgeport Regional Planning Agency relating to Accessory Uses, Pre-Application/Preliminary Review Procedure and Alcohol Sale Locations were so noted.

Public Comment

Tony D'Aquila, 29 Valley View Road, spoke in opposition. At the request of Mr. D'Aquila the Chairman read into the record the letter submitted by the GPRPA relative to this application.

Mr. D'Aquila was opposed to commercial venues being located within industrial zones. He was also had issues with the proposed Pre-Application/Preliminary Review Procedure, as it does not allow for public comment. Mr. D'Aquila further suggested that all documentation pertaining to applications be filed electronically.

This concluded the public hearing for Application #09-23.

At this point, Commissioner Garrity brought up a potential conflict of interest relating to Town Attorney Mario Coppola and his law firm. He distributed a packet of information relative to Attorney Coppola's law firm along with comments from the State, which included their interpretation of a conflict.

Commissioner Garrity's point of conflict pertained to Attorney Coppola and his firm's eligibility to participate in hearings relating to land use in Trumbull. He noted that Berchem, Moses & Devlin is representing the City of Bridgeport in a pending application before this Board and other proposed land use applications as well.

Attorney Coppola informed that there are no applications on tonight's agenda, which presented a conflict and therefore he would remain seated. He indicated that any discussions relating to the Bridgeport Magnet School would be handled outside his firm by Town Attorney Bob Nicola.

SPECIAL PERMIT

Application #09-28 – Greater Bridgeport Board of Realtors, 140 Monroe Turnpike

Pursuant to Art. II, Sec. 4.2.4 and 4.2.6 Special Permit to construct addition and increase parking lot size. HEARING CONTINUED FROM DECEMBER 16, 2009.

The project engineer, David Bjorklund of Spath-Bjorklund Associates, represented the applicant. The applicant proposes to relocate their offices and educational facilities to this site. Mr. Bjorklund submitted two photographs of the property, as it exists today. The structure was originally a residential home but was converted to office use through a zone change.

The proposal indicated construction of a 700' addition between the existing home and the detached garage, which would now be linked to the main structure. The second part of the proposal was to purchase .36 acres from the property to the rear and create 19 additional parking spaces. The additional spaces are required to accommodate their educational programs.

Marcos Reinheimer of Primrose Companies then came forward and provided an overview of the proposed interior and exterior architectural design. He informed that there was little change to the outside of the structure from what is seen now.

Mr. Bjorklund relayed that the Town Tree Warden has given tentative approval to the proposed landscaping plan.

Upon inquiry, Mr. Bjorklund indicated that no additional lighting was proposed.

Public Comment

Mark Trojanowski, past President of the Bridgeport Board of Realtors spoke in favor.

The Chairman then announced that he will be recusing himself from participation in Application #10-1 along with Applications #09-26 and #09-27, as he has a business relationship with Cooper Surgical and Cooperative Educational Services.

Vice-Chairman Anthony Chory chaired the hearings for Applications #10-1, #09-26 and #09-27 with Steven Mahlstedt being designated as the fifth participating member for the subject applications.

Application #10-1 – Larry Bourque/ABC Sign Corporation, 75 Corporate Drive

Pursuant to Art. II, Sec. 4.2.7 to install a 15'x27" sign to existing retaining wall.

The applicant, Larry Bourque, conducted the presentation. ABC Sign Corporation has been retained by Cooper Surgical to install a sign onto the existing rock wall. A more recent photograph of the proposed signage was submitted. Upon inquiry, Mr. Bourque indicated the sign to be non-illuminated.

Application #09-27 – Cooperative Educational Services, 25 Oakview Drive

Pursuant to Art. II, Sec. 1 Special Permit to construct addition to existing special education facility subject to the approval of a zone change from an IL-2 Zone to Resident Zone A. HEARING CONTINUED FROM DECEMBER 16, 2009

ZONE CHANGE

Application #09-26 – To amend the zoning map and zone boundaries of the Town of Trumbull so as to change from I-L2 Zone to Resident Zone A, a parcel of land located at 25 Oakview Drive, containing 9.69 acres more or less. Petitioner: Cooperative Educational Services HEARING CONTINUED FROM DECEMBER 16, 2009.

The Vice-Chairman announced that as Application #09-26 and #09-27 are interconnected the applications would be heard concurrently.

Attorney Steven Donahue appeared on behalf of the applicant. Mr. Donahue provided a brief overview of the proposed project that was detailed at the December meeting. At that time, the application was continued due to issues raised concerning the on-going flooding conditions within the area. An analysis conducted by the project engineer, concluded that the proposed construction would have no adverse impact on the existing drainage conditions.

The Town Engineer, Steven Savarese concurred with the project engineer's analysis that that proposed project would create no additional run-off to the surrounding area. After familiarizing himself with the area he determined that the cause of the run-off is a blocked culvert further downstream in the City of Bridgeport. It was his understanding that the Town of Trumbull offered to clean the culvert but that Bridgeport has not as yet granted permission to go onto the property.

The project engineer Edgar Kerr came forward and provided information on the site's drainage system design. Attorney Donahue indicated that CES has been maintaining the retention basin as needed.

Commissioner Chory asked if the applicant would be willing, to buffer the area between the pond and the play area to provide shielding for the neighbors to the rear. Attorney Donahue indicated that appropriate screening would be an acceptable condition of approval.

Commissioner Silber suggested that a representative of the P&Z Commission contact the First Selectman and request that he direct his staff to work with the City of Bridgeport to correct the existing drainage problems.

Public Comment

The following spoke in opposition requesting that this application be denied pending mitigation of the on-going flooding problems. Jeffrey Kohut, 30 Wickliffe Circle, Bridgeport, Sue Lesko 65 Wedgewood Pl., Bridgeport, State Senator Anthony Musto.

This concluded tonight's Public Hearing.

The Vice-Chairman called for a short recess and the meeting reconvened at 9:20 p.m.

REGULAR MEETING

Chairman Bean returned to the chair.

Acceptance of Minutes

MOTION (Fox), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to accept the minutes of the December 16, 2009 meeting.

Request for Bond Release

A letter from Mark Fasano of R.D. Scinto, Inc. requesting the release of the site bond for Application #07-25 (75 Corporate Dr.) and a letter of recommendation from the Town Engineer were read for the record.

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to deny the release of the site bond for Application #07-25, as per the recommendation of the Town Engineer.

Proposed Amendments to the 2010 Meeting Dates

MOTION MADE (Costa), seconded (Fox) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to approve the proposed changes to the Planning and Zoning 2010 meeting dates, as presented.

Pending applications were then considered.

Application #09-23 – Proposed Amendments to the Zoning Regulations.

MOTION MADE (Fox) and seconded (Costa) to approve application #09-23, as submitted.

The proposed amendments were reviewed and discussed. Commissioner Garrity indicated that further clarification was needed on the Pre-Application/ Preliminary Review Procedure. He suggested that feed-back be obtained from other towns on their approach to this policy. The following amendment to the original motion was then presented.

MOTION (Garrity) and seconded (Costa) to amend the original motion to include the following specific condition.

The language pertaining to the Pre-Application/Preliminary Review Procedure to be eliminated.

Vote (Amendment): In Favor (2) – Costa, Garrity - Opposed (3) – Bean, Chory, Fox
MOTION FAILS

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

Application #09-28 – Greater Bridgeport Board of Realtors, 140 Monroe Turnpike

MOTION MADE (Chory) seconded (Fox) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to approve Application #09-28, as submitted.

Application #09-25 – Establishment of a Neighborhood Commercial/Residential Mix-Use Zone.

MOTION MADE (Chory) and seconded (Garrity) to approve Application #09-25.

The Town Planner suggested that several areas of the amendment be modified. He recommended that further clarification be provided as to exactly where this zone may be applied. He also suggested that the mixed-use zone be more consistent with the B-C zone.

Other comments included having the lot coverage and floor area ratio increased and providing more flexibility regarding setback and landscaping requirements.

The Chairman's recommendation was to deny Application #09-25 without prejudice and have the P&Z Commission sponsor a new application based on a modified version drafted by the Town Planner.

Commissioner Costa interjected the need for caution on how mixed-use proposals are executed. He called for the establishment of an architectural review board who, along with other qualified individuals, could review the feasibility of these proposals.

The Chairman then called for a vote on the motion on the floor.

Vote: In Favor - (0) – Opposed (5) – (Bean, Chory, Costa, Fox, Garrity) MOTION
FAILS

Commissioner Garrity stated for the record that his vote in opposition came with a caveat that the Planning and Zoning Commission move forward with a modified version of a mix-use zone.

At this point Attorney Coppola exited the meeting.

Chairman Bean then presented a proposal to have an environmental impact study conducted on the proposed property for the Bridgeport Magnet School. It was the consensus of the Board that the study be conducted and it was agreed that the Chairman sign-off on the required paperwork.

The Chairman recused himself from participation in the three remaining applications for the reasons previously stated. He designated Steven Mahlstedt as the fifth voting member and left the meeting.

Vice-Chairman Anthony Chory chaired the remaining portion of the meeting.

Application #10-1 – Larry Bourque/ABC Sign Corporation, 75 Corporate Drive

MOTION MADE (Garrity), seconded (Fox) and unanimously carried (Chory, Costa, Fox, Garrity, Mahlstedt), to approve Application #10-1, as submitted.

Application #09-26 and #09-27 – Cooperative Educational Services, 25 Oakview Drive.

MOTION MADE (Fox) and seconded (Garrity) to approve Applications #09-26 and #09-27.

MOTION MADE (Costa) and seconded (Garrity) to amend the original motion to include the following specific conditions.

1. An initial cleaning of the on-site retention basin shall be conducted, which will then be followed by preventative maintenance on a monthly basis.

2. The area between the retention basin and the fenced in playground area to be buffered, as per the recommendations of the Town Tree Warden.

Vote (Amendment): In Favor (5) – Chory, Costa, Fox, Garrity, Mahlstedt - Opposed (0)
MOTION CARRIED

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

There being no further business to discuss a motion was made by Commissioner Garrity and seconded by Commissioner Mahlstedt to adjourn. The January 20, 2010 meeting of the Planning and Zoning Commission adjourned at 10:50 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Planning and Zoning Commission

