

**PLANNING AND ZONING**  
**February 16, 2011**

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, February 16, 2011.

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

Also Present: Robert Nicola, Town Attorney 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 7:35 p.m.

**PUBLIC HEARING**

**LIQUOR LOCATION**

Application #11-03 – Tian Gui Lin, 5065 Main Street (Westfield Shopping Center)

Pursuant to Art. VII, approval of proposed location for Restaurant Liquor Permit.

The presentation was conducted by the applicant's son, Jin Lin. The proposal was to permit the sale of sake and beer at the applicant's establishment located in the mall's food court. The submitted plans indicated an alcohol controlled area that included a separation barrier. Signs would be posted indicating the area where alcohol may be consumed. An additional sign barring the transporting of alcohol from this area would also be displayed. The applicant indicated that beer and wine could only be purchased by seated dining patrons.

**SPECIAL PERMIT**

Application #11-04 – Gunther Homes, Inc. / Daniel & Ann Hansen, 23 Tamarack Circle

Pursuant to Art. II, Sec. 1.2.2.7 to construct a 736 sq. ft. in-law/accessory apartment within existing footprint.

David Strobel of Gunther Homes, Inc. represented the home owner. The submitted plans indicated a basement accessory apartment with an access door located in the rear of the building. Mr. Strobel conveyed that the proposal retains the dwelling's single family home appearance and upon inquiry, informed that there are six existing off-street parking spaces available for use.

The Town Engineer advised that the 250 sq. ft. of livable floor area, attributed to the basement, has not been verified by the Tax Assessor. Mr. Savarese informed that if the 250' is excluded, as part of the living space, the proposed apartment would exceed the maximum 30% of living area allowable.

Commissioner Mahlstedt, speaking as a certified appraiser, concurred with the Town Engineer that the basement area is usually not included as part of the livable floor space.

The Chairman noted that prior applications for basement apartments have received approval from this Board. It has been interpreted in the past that an area that has been remodeled was to be counted as livable space. The fact that no addition is required and the apartment is contained within the existing footprint has always been considered a positive component.

This concluded the Public Hearing.

## **REGULAR MEETING**

### **Approval of Minutes**

MOTION MADE (Fox), seconded (Deecken) and unanimously carried (Chory, Costa, Deecken, Fox, Garrity) to approve the minutes of the January 19, 2011 Regular Meeting, as submitted.

### **Pending Applications**

Tonight's Public Hearing:

Application #11-03 (Liquor Location) – Tian Gui Lin, 5065 Main Street (Westfield Shopping Center)

MOTION MADE (Deecken), seconded (Costa) and unanimously carried (Chory, Costa, Deecken, Fox, Garrity) to approve Application #11-03.

Application #11-04 – Gunther Homes, Inc. / Daniel and Ann Hansen, 23 Tamarack Circle (In-Law/Accessory Apartment)

MOTION MADE (Garrity), seconded (Costa) and unanimously carried (Chory, Costa, Deecken, Fox, Garrity) to approve Application #11-04.

Pending applications from the January 19, 2011 Public Hearing:

Application #11-02 – Amending Art. XV of the Zoning Regulations of the Town of Trumbull to establish construction time limitations on projects approved by Special Permit.

Attorney Nicola addressed this application. Two versions of the proposed amendment, which incorporated the suggestions of the Town Attorney were presented and reviewed. The amendments differed in that Version 1. allowed for only a single one year extension for the start of construction; where Version 2 provided language for two one year extensions.

Relating to the time limitations for completion, the Town Attorney advised that State Statutes require that a minimum of five years for completion of any approved site plan be granted. One or more extensions may be given but the total time for completion is not to exceed ten years.

As several Commissioners indicated that they wished to obtain feedback from the Town Planner, action on Application #11-02 was tabled until the next regularly scheduled meeting.

Pending applications from the December 15, 2010 Public Hearing.

The following Commissioners participated in discussion and decisions relating to the proposed magnet school: Anthony Chory, Arlyne Fox, Fred Garrity, Jr. Steven Mahlstedt, Tony Silber.

Applications #10-33, #10-34 and #10-38 – City of Bridgeport Magnet School, Fairchild Memorial Park and Road

Attorney Nicola informed that there are still outstanding parameters of the inter-municipal relationship between Bridgeport and Trumbull yet to be approved. A letter, from the applicant's attorney, Stephen W. Studer, dated February 16, 2011, granting a 65 day extension of time for the Planning and Zoning Commission to render a decision on the subject applications was introduced.

MOTION MADE (Garrity), seconded (Mahlstedt) to approve an extension of time (65 days from February 18, 2011) to render decision on Applications #10-33, #10-34 and #10-38.

Vote: In Favor (4): Chory, Garrity, Mahlstedt, Silber – Opposed (1): Fox  
MOTION CARRIES.

At the request of Attorney Nicola, a motion was made by Commissioner Garrity, seconded by Commissioner Fox and unanimously carried (Chory, Costa, Deecken, Fox, Garrity), to enter into Executive Session to hold discussion on pending contracts and potential litigation.

At this point, Commissioner Costa exited the meeting and Commissioner Silber was designated as the fifth voting member for the remainder of tonight's meeting.

The Commission (Chory, Deecken, Fox, Garrity, Mahlstedt, Scinto, Silber), along with Attorney Nicola, entered into Executive Session at 9:10 p.m.

At 9:22 p.m. a motion was made by Commissioner Fox, seconded by Commissioner Garrity and unanimously carried to exit Executive Session and return to the regular meeting.

There being no further business to discuss, a motion was made by Commissioner Fox and seconded by Commissioner Silber to adjourn.

The February 16, 2011 meeting of the Planning and Zoning Commission adjourned at 9:28 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on March 16, 2011, at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
Clerk of the Planning and Zoning Commission

