

PLANNING AND ZONING
May 18, 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, May 18, 2011.

Attendance: Anthony Chory, Chairman
Christopher Costa, Richard Deecken, Arlyne Fox and alternates
Steven Mahlstedt and Don Scinto

Also Present: Mario Coppola, Town Attorney, William Levin, Town Planner and
Stephen Savarese, Town Engineer

A quorum being present, the Chairman called the meeting to order at 7:00 p.m. At the request of the Town Attorney, a motion was made by Commissioner Fox, seconded by Commissioner Scinto and unanimously carried to enter into Executive Session for the purpose of holding discussion on the pending lawsuit of Edward D. Talbot v. Planning and Zoning Commission of the Town of Trumbull, et al, Docket No. FBT-CV-10-6010389-S.

Commissioners Chory, Deecken, Fox, Malmstedt, Scinto and Town Attorney Mario Coppola, entered into Executive Session at 7:03 p.m.

At 7:25 p.m. upon motion made by Commissioner Fox with a second by Commissioner Deecken and unanimous consent the Commission exited Executive Session and returned to the regular meeting.

The Regular Meeting reconvened at 7:31 p.m.

At this point, Commissioner Costa arrived and was seated.

In the absence of Commissioner Garrity, alternate member Don Scinto was designated as the fifth voting member for tonight's meeting.

PUBLIC HEARING

SETTLEMENT AGREEMENT

The Town Attorney, Mario Coppola, addressed the proposed settlement pertaining to the lawsuit of Edward D. Talbot v. Planning and Zoning Commission of the Town of Trumbull, et. al., Docket No. FBT-CV-10-6010389-S.

Attorney Coppola advised that the proposed settlement agreement, along with the revised plans, as they were presented to him, have been reviewed by the Commission.

Members of the Commissioner commented that the agreement was reasonable and the slight modifications to the original plan have reduced the impact to the neighboring property.

Upon further discussion, the following motion was made.

MOTION MADE (Deecken), seconded (Costa) and unanimously carried to approve the settlement agreement of Edward D. Talbot v. Planning and Zoning Commission of the Town of Trumbull, as presented.

A letter from David Bjorklund of Spath-Bjorklund Associates, requesting a continuance of the public hearing for Applications #11-14 and #11-15 (ABM Brothers, 6540 Main Street) until the next scheduled hearing, was then read for the record.

MOTION MADE (Fox), seconded (Deecken) and unanimously carried (Chory, Costa, Deecken, Fox, Scinto) to continue Applications #11-14 and #11-15 to the Public Hearing scheduled for June 15, 2011.

EXTENSION OF TIME LIMITATION

Application #08-28 – John Fallon, Esq. 25 & 45 Commerce Drive

Pursuant to Art. XV, Sec. 3.3.8 request for an extension of time to November 5, 2011 to commence construction on the Special Permit and Site Plan approval.

Attorney Fallon came forward and detailed the history of this application. Following approval, a significant economic downturn occurred, which caused construction to be delayed. Two previous extensions were then granted for commencement of construction on the proposed extended stay hotel. Though the economy still remains uncertain, there is evidence of recovery and Mr. Fallon was optimistic that site activity would commence prior to November 5th.

Attorney Fallon noted that the requested final extension is consistent with the recently amended Art. XV, Sec. 3.3.8 of the zoning regulations pertaining to construction timelines.

ZONING AMENDMENT

Application #11-05 – Amending Art. II, Sec. 2.1.2 and 2.1.3 to permit professional offices on properties subdivided subsequent to the establishment of the Professional Overlay Zone and to modify parking requirements. Petitioner: Joenic Associates, LLC
HEARING CONTINUED FROM APRIL 20, 2011.

The Town Planner addressed the proposed amendments and was in favor of eliminating the language prohibiting professional office use on properties subdivided after the zone's establishment. Mr. Levin considered the prohibition to be unnecessary, as the

Commission has the discretion to approve, or deny, any proposed professional office use, on a case by case basis.

The Planner did not recommend the adoption of the proposed amendments to the parking requirements, pertaining to side yards, as stated under Art. II, Sec. 2.1.3. He informed that the applicant and staff are in agreement that a variance procedure be pursued in those instances where the parking restrictions are not feasible to a particular property.

A letter from Attorney Raymond Rizio confirming that the proposed text changes to Art. II, Sec. 2.1.3 have been withdrawn by the applicant, was noted for the record.

This concluded the Public Hearing.

REGULAR MEETING

Approval of Minutes

MOTION MADE (Deecken), seconded (Costa) and unanimously carried (Chory, Costa, Deecken, Fox, Scinto) to approve the minutes of the April 20, 2011 P&Z meeting, as presented.

Pending Applications

The following pending applications were considered and the Commission took action as follows:

Application #08-28 – John Fallon, Esq., 25 & 45 Commerce Drive.

MOTION MADE (Fox), seconded (Scinto) and unanimously carried (Chory, Costa, Fox, Deecken, Scinto) to approve an extension of time to November 5, 2011 to commence construction.

It was noted that the requested extension complies with zoning regulations.

Application #11-05 – Amending of Art. II, Sec. 2.1.2 Petitioner: Joenic Associates, LLC

MOTION MADE (Deecken), seconded (Scinto) and unanimously carried (Chory, Costa, Deecken, Fox, Scinto) to amend the zoning regulations of the Town of Trumbull to eliminate Art. II, Sec. 2.1.2.5 and Art. II, Sec. 2.1.2.6.

Application #11-06 – Amending of Art. II, Sec. 3.1.4.8 Petitioner: 43 Monroe Turnpike, LLC

The Town Planner spoke to the proposed language. It was noted that the Public Hearing on this application was closed at the March meeting and the proposed amendments to

Art. II, Sec. 2.1.2 were approved at that time. At the Commission's request, Mr. Levin conducted further research on the remaining portion of the application (Art. II, Sec. 3.1.4.8), which is being considered tonight.

Mr. Levin advised that all auto repair and gas stations are required to obtain an operating permit from ZBA. The Zoning Board of Appeals has had a longstanding policy of permitting a maximum of 12 vehicles to be parked outside of the building. Adoption of the proposed modifications would make the regulations consistent with ZBA requirements.

The Town Planner continued that any negativity from these automotive uses is primarily related to businesses adjacent to residential areas. The Commission was advised that the Valley Council of Governments has recommended that outside storage of vehicles be prohibited on locations adjacent to residential zones. Mr. Levin indicated disagreement with this type of prohibition, as it could result in the closure of some longstanding businesses. His recommendation was to require landscape buffering or fencing for those operations abutting residential properties.

Commissioner Fox had concerns whether the proposed parking requirements could be effectively enforced.

A letter from the applicant's representative, Attorney Raymond Rizio, conveying the applicant's full support of the modified language as proposed by the Town Planner, was noted for the record.

Upon further discussion the following motion was made.

MOTION MADE (Scinto), seconded (Costa) to amend Art. II, Sec. 3.1.4.8 of the zoning regulations of the Town of Trumbull, as presented by the Town Planner.

Vote: In Favor (4): Chory, Costa, Deecken, Scinto – Abstention (1): Fox MOTION CARRIES.

There being no further business to discuss a motion was made by Commissioner Deecken and seconded by Commissioner Costa to adjourn. The May 18, 2011 meeting of the Planning and Zoning Commission of the Town of Trumbull adjourned at 8:12 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission of the Town of Trumbull will be held on Wednesday, June 15, 2011 at 7:30 p.m. in the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Clerk of the Planning and Zoning Commission

