

Town of Trumbull
CONNECTICUT

Planning and Zoning
Department
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PLANNING AND ZONING COMMISSION

WEDNESDAY, FEBRUARY 17, 2021 MINUTES

The Planning and Zoning Commission held a Regular Meeting on Wednesday, February 17, 2021 at 7:00 p.m. via videoconferencing.

MEMBERS PRESENT: Fred Garrity, Chairman
Anthony Silber, Vice-Chairman
Anthony Chory, Secretary
Tony D'Aquila
David Preusch, Alternate (Voting member for LaConte)

ALSO PRESENT: Rob Librandi, Land Use Planner
James Cordone, Town Attorney
William Chin, Director of Information Technology
William Maurer, Town Engineer
Doug Wenz, Zoning Enforcement Officer
Rina Bakalar, Economic and Community Development Director

ABSENT: Larry LaConte
Donald Scinto, Alternate

A quorum being present, the Chairman called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

SPECIAL PERMIT/SITE PLAN/ZONE CHANGE/OTHER

Attorney Cordone presented an overview of the Governor's Executive Orders regarding videoconferencing. He remarked that the agenda and all application materials had been posted 24 hours in advance of the meeting. He reminded everyone to identify themselves before speaking and asked that votes be taken by roll call.

1. **1056 Daniels Farm Road:** Applicant, Bridgeport Roman Catholic Diocesan Corp., is requesting a Special Permit/ Modification of Zoning Approval to remove a condition of approval to allow upright monuments pursuant to Art. II, Section 1.2.4.3 and Art. XV of the Town of Trumbull Zoning Regulations. **File #20-15**

Chairman Garrity presented a recap of the proceedings to date. He remarked that Commissioners had expressed a desire to review the proposed location and that the hearing had been left open. Only new information/testimony would be heard at this meeting.

Staff reported that landscaping and the possibility of fences had already been discussed. The Town Engineer was present to discuss any Wetlands concerns.

Commissioner Preusch remarked that he had driven thru the area but had questions regarding the number of gravesites that were still available. Commissioner D'Aquila asked how many grave sites were available within the 30 acres. Dave Bjorklund (Spath-Bjorkland Associates, Main Street, Monroe), Engineer for the applicant, remarked that there is probably 4-5 acres of undeveloped land. In response to D'Aquila's questions, Ray Rizio (10 Sasco Hill Road, Fairfield), an attorney representing the Bridgeport Roman Catholic Diocesan Corp, remarked that around 25,000 graves sites are estimated to currently be at the cemetery and that purchasers were not notified of the hearing. Commissioner Silber wanted to learn more about the Wetlands impact. Commissioner Chory expressed concerns regarding landscaping and visibility of the headstones within the cemetery. He would like to see a detailed landscaping plan. Attorney Rizio felt that the process was starting all over again. Chairman Garrity remarked that the hearing was still open which allows all avenues of the application to be addressed. D'Aquila questioned if gravesites currently exist within the 1.77 acres which was proposed for the placement of headstones. Rizio did not know the answer.

Joel Green (1087 Broad Street, Bridgeport), an attorney representing the Upper Daniels Farm Road Association, reviewed the letter and exhibits which he submitted the day before the meeting in opposition to the application. All of the documents were received into the record and can be viewed with the agenda for this meeting. He opined that the application was incomplete and that the cemetery was in violation of zoning regulations, specifically the 100 foot buffer requirement. He also raised concerns regarding on-site wetlands and a detention pond. He referenced into the record, letters from two realtors commenting that headstones would adversely affect neighboring property values. He remarked that modification of a Special Permit requires a full application.

Chairman Garrity asked Engineering to comment on the Wetlands issue. Bill Maurer commented that the map presented was not an on the ground mapping but rather an aerial map which is only approximate. He would like to see an actual field location of Wetland areas. He remarked that a comprehensive site plan would be needed.

Silber questioned the value of only two realtor opinions concerning a negative impact on property values, the area of Wetlands, and verification of approving a Special Permit if applicant is in violation. Attorney Cordone responded that it would depend upon the regulations in effect at that time which would require further review. D'Aquila questioned the accuracy of the S-1 site plan which he stated was not certified and the accuracy of the 450 foot buffer from Daniels Farm Road. Preusch remarked that the original application was for a text change to remove a condition and that the Commission asked the applicant to designate an area and provide a map. Chory commented that he envisioned a separate location for the headstones.

Attorney Rizio responded that the application started as a modification of a condition of approval which was granted in 1959. He remarked that a substantial intensification would require a full application which would need to meet the guidelines that Attorney Green referenced. He also commented that the Commission, as a condition of approval, could restrict an area for headstones. Rizio submitted a letter (attached to these minutes) from Jeff Wright, a realtor, which stated that buffered headstones would not have a negative effect on neighboring property values.

Public Comment:

The following people spoke in opposition of application #20-15:

Robert Foley – 2500 Huntington Turnpike

Marshall Marcus – 91 Stonehouse Road (**not** speaking for the Economic & Community Development Commission)

Chairman Garrity closed public comment and asked for a motion to continue the hearing.

Motion Made (Chory), Seconded (Silber), to continue the public hearing for Application File #20-15 to the next Regular Meeting on March 24, 2021 at 7:00 p.m. via video and telephone conferencing.

Vote: 4-1 (D'Aquila) Motion Carried

2. **42 Tudor Lane:** Applicants, Philip Recchia and Jiang Chaoqun Gatti, are requesting an accessory apartment pursuant to Art. II Section 1.1.7A of the Town of Trumbull Zoning Regulations. **File #20-17**

Staff reported that the application had been continued due to concerns that business was being conducted at the residence. Rob Librandi and Doug Wenz inspected the premises and found no violations. Wenz reported that the applicant appears to have a storefront at 150 Main Street, Monroe.

Owner Philip Recchia stated that they are seeking an accessory for his mother-in-law. Chairman Garrity asked Recchia to attest to the violation. Recchia explained the operations. Nathaniel Shipp (23 Hubbard Road, Wilton), an attorney representing the Recchias, read, into the record, a letter to the neighbors addressing their concerns. He remarked that the Recchias had obtained a permit from Monroe to conduct business at 150 Main Street.

Ryan Kelly (799 Silver Lane, Trumbull), an attorney representing the Marcovicis of 45 Tudor Lane, summarized his opposition letter of December 15th and read his opposition letter submitted on February 16th. Their concerns are related to the large volume of deliveries being made to 42 Tudor Lane.

Commissioner Silber asked the applicant to respond to the concerns. Recchia replied that deliveries had slowed down. Commissioner Chory wanted more information about the apartment. Colin Healy (107 Floral Way, Stratford), the architect for the project, presented designs of the project. Chory remarked that with the house does not look like a single family home with the garage in the middle of the house. Commissioner Preusch responded that it looked like a big house to him. Chairman Garrity questioned the apartment being on the second floor. Healy responded that the area would be accessible from the main house.

Public Comment:

The following people spoke in opposition of application #20-17:

Brian Dayton – 172 Tashua Road

Gary Paige – 160 Tashua Road

Motion Made (D'Aquila), Seconded (Silber), and **unanimously carried** to close the public hearing for File #20-17.

Chairman Garrity remarked that the application meets the requirements for an accessory apartment. Complicating factors include running a business out of the home which was addressed and violations corrected. A residence can have a home office but product cannot be sold from it. If application is approved and subsequently violations are proven, then cease and desist can be issued and no Certificate of Occupancy will be issued. Garrity asked Attorney Cordone to opine regarding approval if a pre-existing illegal business exists. Attorney Cordone remarked that approval can be granted with understanding condition that no permits or CO can be issued without confirmation from staff that no business is being operated. Commissioners discussed that the accessory apartment meets the requirements and would rely on the ZEO to determine if zoning violations exist.

Motion Made (D'Aquila), Seconded (Preusch), to approve application File #20-17.

Vote: 4-1 (Chory) Motion Carried

- 3. 41 and 51 Monroe Turnpike:** Applicants, 41 Monroe Turnpike LLC and 43 Monroe Turnpike LLC, are requesting to expand an existing outdoor patio pursuant to Article II, Section 3.1.8(2) of the Town of Trumbull Zoning Regulations. **File #21-03**

Staff reported that the applicant is requesting to expand the patio from 670 sq. ft. to 1750 sq. ft. and remove 7 parking spaces. There would still be 308 spaces where 298 are required.

David Verespy (15 Rock Spring Road, Trumbull), a Landscape designer with Rock Spring Design Group, presented design drawings and explained the plans to add a wall, a Pergola and lighting.

Chairman Garrity expressed approval for the expansion of outdoor dining. Commissioner Silber had concerns about removing 7 spaces. John Knuff (147 Broad Street, Milford), an attorney representing the applicant, remarked that a surplus of spaces were available since a previous restaurant space was being converted to a medical office which requires less spaces. Silber expressed his support for outdoor dining. Commissioner D'Aquila asked about the driveway. Verespy responded that it would be staying the same width.

Public Comment:

The following person spoke in favor of application #21-03:

Marshall Marcus – 91 Stonehouse Road (**not** speaking for the Economic & Community Development Commission)

Motion Made (D'Aquila), Seconded (Chory), and **unanimously carried** to close the public hearing for File #21-03.

Motion Made (D'Aquila), Seconded (Chory), to approve application File #21-03.

Vote: 5-0 Motion Carried

4. **4180 Madison Avenue:** Applicant, 4180 Madison Ave LLC, is requesting a Special Permit to substitute a nonconforming use of a Bank with a pharmacy with a drive thru pursuant to Art. I, Sec. 4.2.3 and Art. XV of the Town of Trumbull Zoning Regulations. **File #21-04**

Ray Rizio (10 Sasco Hill Road, Fairfield), an attorney representing 4180 Madison Ave LLC, remarked that the applicant wants to replace the bank with a small pharmacy as the building is only 1800 sq. ft. There would be no changes to the footprint or the site plan and 24 parking spaces are available. Rizio also commented that the existing signage would be used and there would be no expansion or intensification of the site.

Commissioner D'Aquila asked about some parking and shrubbery which appeared to be over the property line. Rizio commented that both have been in existence since 1966. Staff reported that fencing has been in place to separate the properties. Commissioner Silber asked about queueing of cars. Rizio responded that there is a double drive-thru with room for 6 cars each.

Public Comment:

The following people spoke in opposition of application #21-04:

Jessia Sennett – 15 Hitching Post Lane
Sheree James – 4173 Madison Avenue

The following person spoke in favor of application #21-04:

Marshall Marcus – 91 Stonehouse Road (**not** speaking for the Economic & Community Development Commission)

Motion Made (Chory), Seconded (Preusch), and **unanimously carried** to close the public hearing for File #21-04.

Chairman Garrity asked the applicant to work with staff to make sure that lighting and signage were appropriate for the area.

Motion Made (Chory), Seconded (Preusch), to approve application File #21-04.

Vote: 5-0 **Motion Carried**

REGULAR MEETING

ACCEPTANCE OF MINUTES

Acceptance of the Minutes from the January 20, 2021 Planning and Zoning Regular Meeting.

Motion Made (Silber), Seconded (D'Aquila), to approve the minutes from the PZC January 20, 2021 meeting.

Vote: 5-0 **Motion Carried**

Motion Made (Preusch), seconded (Silber) and unanimously carried to adjourn the February 17, 2021 PZC Regular Meeting at 10:17 p.m.

Dated at Trumbull, CT this 24th day of February, 2021.

By: Linda Finger, Clerk.

From: Jeff Wright <coachjeffwright@gmail.com>
Date: February 17, 2021 at 7:05:44 PM EST
To: Raymond Rizio <Ray@russorizio.com>
Subject: Gates of Heaven cemetery

Ray,

I have reviewed your application for Gates of Heaven cemetery to gain the ability to install headstones at the cemetery. It is my understanding that these headstones will be in a location that is not visible from Daniels Farm Road and that buffering has been proposed so that the headstones would not be visible from any adjoining/abutting property owners. It is my firm belief and opinion that the ability to install headstones, not visible from a public street or any adjoining properties will have no impact on the value of surrounding homes. My reasoning is that Gates of heaven is the largest cemetery in Trumbull and has been in existence for over 50 years. It would be no surprise to any future or prospective property owner that they would be living close to a cemetery. Additionally, there already exists a large mausoleum at the cemetery which is visible from the street. I do not believe the Cemetery's proposal will have any negative impact given the buffering proposed and location of the headstones. I have been a practicing real estate broker in Trumbull, Ct for over 35 years and have represented many of the large developments in Town. If you need any further information, please do not hesitate to contact me.

Jeff

Jeff Wright

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