

Town of Trumbull
CONNECTICUT

Planning and Zoning
Department
Telephone (203) 452-5044
Fax (203) 452-5169



Town Hall
5866 Main Street
Trumbull, Connecticut 06611

PLANNING AND ZONING COMMISSION

WEDNESDAY, OCTOBER 19, 2022 MINUTES

The Planning and Zoning Commission held a Regular Meeting on Wednesday, October 19, 2022 at 7:30 p.m. in the Council Chambers of Trumbull Town Hall.

MEMBERS PRESENT: Fred Garrity Jr., Chairman
Anthony Silber, Vice-Chairman
Rich Deecken, Secretary
Anthony D'Aquila
Brandon Cousins, Alternate (Voting member for Chory)
Mike Miller, Alternate
Don Scinto, Alternate

ALSO PRESENT: Rob Librandi, Land Use Planner
James Cordone, Town Attorney
Rina Bakalar, Economic and Community Development Director
Kathleen McGannon, Chief Administrative Officer

ABSENT: Anthony Chory

A quorum being present, the Chairman called the meeting to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE

**SPECIAL PERMIT/SITE PLAN/ZONE
CHANGE/OTHER**

1. **Text Amendment:** Applicant, Trumbull Center LLC, is requesting to create Art II, Sec 3.6 (Trumbull Center Mixed-Use Overlay Zone in Commercial Zone B-C) of the Town of Trumbull Zoning Regulations to permit Mixed-Use developments on properties greater than five acres with

road frontage and direct traffic access to both White Plains Road (Route 127) and Daniels Farm Road. **File #22-10**

Chairman Fred Garrity remarked that staff made modifications to the proposed Text Amendment, incorporating comments and concerns from the Commissioners at a previous meeting. He asked staff to present the changes. Rob Librandi, Land Use Planner, read the proposed modifications. A copy of the draft proposed modifications are included with these minutes. Garrity thanked the Commissioners and staff for their efforts and stated that the goals are to create a sense of place and to make Trumbull Center a destination.

Attorney Ray Rizio of Russo & Rizio (10 Sasco Hill Road, Fairfield), representing the applicant Trumbull Center LLC, stated that the applicant was comfortable with the changes made to the proposed Text Amendment. He remarked that the application is for a Text Amendment and that numerous approvals would be required for any proposed plan. Rizio distributed to the Commissioners letters in support from the current businesses in Trumbull Center.

Commissioner Tony D'Aquila asked questions about shadowing, buffering, affordable units, changing to age restricted affordable, balconies, adding a cell tower, number of students, sidewalks, recreational amenities, dens, the Pequonnock River, the HVAC and subsurface parking and safety issues. He also brought forward a letter in opposition that he received shortly before the meeting. That letter was made part of the record and is included with these minutes.

Rizio responded after each question and showed a conceptual site plan. He remarked that the applicant was okay with removing the last sentence of proposed Article II, Section 3.6.3.c, changing to age restricted affordable, including sidewalks, and modifying the language to specify that dens cannot have a closet or a bathroom.

In response to D'Aquila's comments about school aged children, Rina Bakalar, Economic and Community Development Director, clarified student number received from the Board of Education.

Commissioner Rich Deecken questioned if mixed-use was mandated, determination of the 65 feet height, the height appearance of the building, the validity of Sections 3.6.3 h & l with the word "should" and Section 3.6.3.n since the Pequonnock is not navigable. Attorney Cordone replied that was to ensure compliance with Public Act 21-29 and the River would be protected through the Wetlands process.

Commissioner Mike Miller asked about the stipulation for five stories. Rizio responded that in order to work financially, five stories would be needed. He also remarked that with the change in density from 12 to 7 units per acre, only 56 total units could be built.

Commissioner Brandon Cousins wanted to know if this application was contingent or independent of the corridor improvement. Rizio remarked that it stands on its own but must comply with the goals of the corridor study.

Commissioner Tony Silber expressed his opinion that mixed-use is good. He asked if only residential might be considered for a potential building. Rizio responded in the negative and remarked that retail is an important component. Silber mentioned points that he thought should be discussed in the work session: size of the green; 100 foot buffer for upland review area; hearing from the Director of Economic Development about height and potential congestion; a River Walk; parking; and how to accomplish all in a limited space. Silber also suggested tightening up the buffer requirements and considering a minimum footprint for open space. Rizio remarked that parking, circulation and traffic studies would need to be done and two buildings would be eliminated.

Garrity asked a clarifying question regarding the initial plan of four floors of residential units and if that had changed with the revised Text Amendment. Rizio responded that all residential units would be contained in the initial building.

Public Comment:

The following people spoke in opposition to application #22-10, citing concerns about: congestion; constructing a five story building; too many apartments in town; traffic; being out of character of the town; flooding in the area; and overburdening the school system:

Scott Zimov – 25 Jog Hill Road
David Andrejecs – 33 Franklin Street
Cindy Penkoff – 101 Columbine Drive
Amy Okrepkie – 5802 Main Street
George Sarris – 601 White Plains Road
Joe Pifko – 158 Plymouth Ave
Jeanne Gibbs – 26 Lafayette Drive
Alison Kozar – 20 Pequonnock Road
Suzan Sarris – 601 White Plains Road
Mark Mikucki – 340 Tashua Road

Sara Sterling, 10 Pequonnock Road, questioned the Text Amendment not requiring commercial development on the first floor.

Attorney Rizio remarked that the Text Amendment allows the applicant to move forward and enables discussion about design. He also stated that the concerns need to be addressed before coming before the Commission. Rizio mentioned that the applicant is okay with all of the modifications made by staff and that it is consistent with the Trumbull Center Corridor Study and the POCD.

Chairman Garrity thanked everyone for coming and for expressing their opinion. He remarked that three letters were received against the application and thirteen in favor, all of which are available for the public to view.

Motion Made (Silber), Seconded (Deecken), to close the public hearing for Application File #22-10.

Vote: 5-0 **Motion Carried**

2. **207 Spring Hill Road:** Applicant, Greg Kozera is requesting a Special Permit to construct a 16,125 sq. ft. warehouse, 28 parking spaces and 9060 sq. ft. gravel outdoor storage area in an I-L2 Zone pursuant to Art II, Sec 4.2 and Art XV of the Town of Trumbull Zoning Regulations.
File #22-17

Motion Made (D’Aquila), Seconded (Deecken), to continue the public hearing for Application File #22-17 to the next Regular Meeting on November 16, 2022.

Vote: 5-0

Motion Carried

- 3. 8 Quality Street:** Applicant, Retail Business Services, and owners, Hardy Associates, request a Special Permit to replace the existing single tenant sign with a multi-tenant sign in a BC Zone pursuant to Art II, Sec 3.1, Art XIII and Art XV of the Town of Trumbull Zoning Regulations. **File #22-18**

Librandi reported that the applicant went before the Zoning Board of Appeals and received a variance for the height of the sign and to allow for a multi-tenant sign. Garrity asked if the application met all of the regulations required. Librandi responded in the affirmative.

Attorney Wilson Carroll of Cohen and Wolf (1115 Broad Street, Bridgeport), representing the applicant Retail Business Services LLC, remarked that the new sign would be in the same location as the current sign and have the same indirect illumination. He addressed issues from two neighbors, Amy Okrepkie and Noel Whitney, regarding a no idling sign which was removed but was being replaced; a dead ash tree which they need access from The Healing Touch Wellness Center in order to remove; and overgrown bushes and weeds around the perimeter which was being addressed with the landscaper.

D'Aquila asked about the illumination which Attorney Carroll confirmed as being indirect for both the current and proposed signs. Silber asked about other multi-tenant signs in town and about keeping the peak on the sign. Carroll remarked that keeping the peak was a consideration but the intent was to keep the height as reasonable as possible while including all of the tenants on the proposed sign. Garrity asked the applicant to consider keeping the peak on the sign. Librandi remarked that modifications could be made as long as the sign complies with the variance requirements. Librandi asked if the ash tree would be removed. Carroll replied in the affirmative.

Public Comment:

Amy Okrepkie, 5802 Main Street, as the owner of The Healing Touch Wellness Center granted full access to the applicant in order to remove the ash tree.

Motion Made (Silber), Seconded (Deecken), and **unanimously carried** to close the public hearing for File #22-18.

Motion Made (Deecken), Seconded (D'Aquila), to approve Application File #22-18 with all of the conditions that the applicant has to meet as previously set.

Vote: 5-0

Motion Carried

- 4. 10 Broadway:** Applicant, Milton Gregory Grew, is requesting a Special Permit to convert existing office space on the second floor of the northern building into a single two-bedroom apartment in a BC-LHG Zone pursuant to Art II, Sec 3.2 and Art XV of the Town of Trumbull Zoning Regulations. **File #22-19**

Librandi remarked that the applicant proposes to convert space previously occupied by an insurance agency into a 2 bedroom apartment. He reported that the total residential square footage if the

application is approved would be 9,808 square feet which represents 44% of the development. Commercial use would account for the remaining 56%. Librandi also mentioned that the conversion will result in a surplus of four parking spaces due to the change in use. Garrity asked if there have been any parking issues since the property was converted to mixed-use. Librandi responded that there have been no violations or complaints.

Architect Milton Gregory Grew (241 Main Street South, Woodbury), representing the owner, Broadway Trumbull LLC, remarked that no changes are proposed to the site. He also stated that the only external changes would be to change four windows to make them taller and add two windows to the rear of the building.

Public Comment:

None

Motion Made (Deecken), Seconded (Silber), and **unanimously carried** to close the public hearing for File #22-19.

Motion Made (Silber), Seconded (Deecken), to approve Application File #22-19.

Vote: 5-0 **Motion Carried**

5. **5000 Main Street:** Applicant, 4950 & 5010 Main Street LLC, is requesting a Special Permit and Site Plan to permit a floor area of 2,500 sq. ft. within the existing building in a POOZ Zone to be used for accessory clerical office area pursuant to Art II, Sec 2.1.3.7.2.c of the Town of Trumbull Zoning Regulations. **File #22-20**

Librandi reported that the Commission approved the Text Amendment to allow for clerical office space in the basement. He stated that this application is using that regulation to allow that use for this property and that it complies with that regulation.

Attorney Ray Rizio of Russo & Rizio (10 Sasco Hill Road, Fairfield), representing the applicant, 4950 & 5010 Main Street LLC, remarked that the space is already there and that adequate parking exists. The application is to allow the addition of the clerical space. Garrity asked if there were any parking issues since the building was opened. Rizio responded that there have been no problems.

Public Comment:

None

Motion Made (D'Aquila), Seconded (Silber), and **unanimously carried** to close the public hearing for File #22-20.

Motion Made (Silber), Seconded (D'Aquila), to approve Application File #22-20.

Vote: 5-0 **Motion Carried**

EXTENSION OF TIME

1. **Rocky Hill Road and Quarry Road (Map H-10, Lots 17 and 18)**: Applicant, CMB Trumbull, LLC requests a further extension of the date by which construction must be completed to December 20, 2023. Initial approval of Special Permit and Site Plan was granted on December 20, 2017 and extensions were granted on November 14, 2018, October 16, 2019, December 16, 2020 and October 20, 2021. **File:#17-36.**

Deecken remarked that there appears to be minimal evidence of any activity. He questioned the need for a sixth extension. Librandi responded that the applicant is moving forward and hopefully starting construction soon. He also reported that their attorney remarked that there is a state statute that states that a Special Permit goes with the land and allows the extension and the authority to keep the application valid. Deecken asked counsel if that was indefinite. Town Attorney James Cordone replied that there may be a change in the law so that there might not be a requirement to approve the extension. Cordone also remarked that he had heard from the Director of Economic Development that the applicant is in the process of moving forward.

Motion Made (D'Aquila), Seconded (Silber), to approve extension of time for File #17-36.
Vote: 4-1 (Deecken) Motion Carried

REGULAR MEETING

PLANNER'S REPORT

ACCEPTANCE OF MINUTES

Acceptance of the Minutes from the September 21, 2022 Planning and Zoning Commission Regular Meeting.

Motion Made (D'Aquila), Seconded (Deecken), to approve the minutes from the PZC September 21, 2022 Regular meeting.

Vote: 5-0 Motion Carried

Motion Made (Deecken), seconded (D'Aquila) and unanimously carried to adjourn the October 19, 2022 PZC Regular Meeting at 10:18 p.m.

Dated at Trumbull, CT this 26th day of October, 2022.

By: Linda Finger, Clerk.

Article II

Section 3 COMMERCIAL ZONES

3.6 Trumbull Center Mixed-Use Overlay Zone in Commercial Zone B-C

3.6.1 Statement of Purpose

It is the intent of this regulation to enhance the vitality and cohesion of designated areas by allowing for mixed-used development including commercial uses with rental or ownership housing opportunities in an aesthetically pleasing community for individuals and households, including singles, couples, empty-nesters, and others, who, for reasons of cost or lifestyle, choose not to reside in a single-family house. A mixed-use development is intended to blend multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one location, where those functions are to some degree physically and functionally integrated.

3.6.2 Location

For purposes of this regulation, the Trumbull Center Mixed-Use Overlay Zone may be applied to properties zoned Commercial B-C and located on parcels of land with a minimum lot size greater than ~~f~~Five (5) acres with road frontage and direct traffic access to both White Plains Road (Route 127) and Daniels Farm Road.

3.6.3 Requirements

- a. Except as otherwise stated in this regulation, any development must comply with all of the requirements of the Commercial Zone B-C regulation, Article II Section 3.1.
- b. Multi-family dwellings shall be permitted ~~provided that units are restricted to upper floors of with~~ a development that includes commercial development, ~~on the ground floor except for any lobby, access, or amenity area to the multi-family dwelling use.~~
- c. The maximum allowable residential density shall be ~~seven (7) +2~~ seven (7) units per gross acre.
- d. Residential units shall be limited to efficiency (studio), one-bedroom and two-bedroom units.
- e. A minimum of 10% of residential units constructed in this zone shall be restricted to a rent or sales price affordable to residents who earn 80% or less of the area median income. This requirement shall be applicable to all residential developments of 10 or more units.
- f. The maximum building height of any mixed-use building containing multi-family dwellings shall be ~~f~~Five (5) stories or sixty five (65) feet.
- g. The buffer of any mixed-use building containing multi-family dwellings from a property line or any other zone shall be ~~f~~Forty (40) feet.
- h. All new development in this zone must incorporate accessible public outdoor spaces to create a sense of place that encourages informal gatherings for people to stay longer and create an active town center. Such accessible public outdoor spaces may include, but are not limited to, a pocket park, central green or other additional

- gathering spaces. Accessible public outdoor spaces along the Pequonnock River should be incorporated in mixed-use developments to the extent possible.
- i. Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped as approved by the Commission. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Planner to review and make comments and recommendations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.
 - j. All utilities servicing the buildings shall be placed underground. All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors.
 - k. The dimensions and construction of parking areas shall conform to all applicable Town ordinances and regulations.
 - ~~g.~~
 - l. Interior fit outs of residential units should include high quality finishes like granite countertops, upgraded appliances, and upscale lighting fixtures.
 - m. All new development in this zone shall be compatible with or exceed the quality of the surrounding development in terms of materials, building siting, architecture and landscaping. Exterior elevations should have staggered or off-set facades and varied façade materials are preferred. A combination of materials may be used but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any other façade of a building.
 - n. In accordance with the provisions of Public Act 21-29 with respect to navigable waterways draining to Long Island Sound, all new developments in this zone must demonstrate that the proposed development considers the environmental impact on Long Island Sound.
 - o. A photometric plan shall be submitted demonstrating no light pollution outside of the property and be approved by the Commission.
 - p. A traffic study and parking analysis shall be submitted with any application for new development and the Commission reserves the right to retain an independent third-party traffic study and parking analysis at the expense of the applicant.
 - q. No antenna shall be placed on the property without obtaining special permit approval by the Planning & Zoning Commission.

3.6.4 Application Procedure for Zone Change

An application for a zone change to ~~apply~~ the Trumbull Center Mixed-Use Overlay Zone must include the following:

- a. An application for a Special Permit with accompanying Site Plan in accordance with Article XV of these Regulations.

- b. A written statement describing how the proposal (i) complies with the purposes set forth in Section 3.6.1 of these Regulations and (ii) takes into consideration the recommendations of the Trumbull Center Corridor Improvements Study presented to the Commission in 2022.
- c. Final approval from the Trumbull Inland Wetlands and Watercourses Commission for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.
- d. Final approval from the Trumbull Water Pollution Control Authority for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.
- e. Final approval from the Trumbull Police Commission for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

-The Commission may approve a petition to change the zone to-apply- the Trumbull Center Mixed-Use Overlay Zone if it conforms to the purposes set forth in this regulation.

With respect to any standard or guideline established by this Section, the terms of this regulation shall supersede, or in the event of any conflict prevail over, any other provision established by these Regulations.

Dear Commissioners,

Due to confusion over the P&Z meeting as zoom or live, please accept my apologies at my late submission for public comment. I am currently out of state and have a specific concern about the text amendment for Trumbull Center Mixed-Use Overlay Zone Regulation.

Although I fully support a mixed use design for redevelopment for Trumbull Center as I believe it enhances a community feel and could improve the functioning of Trumbull Center, I have serious concerns about the additional risk imposed by adding a residential overlay to an already "at risk" commercial development in a flood zone.

It is no secret that Trumbull Center by design sits directly in a FEMA flood risk zone and we have seen many cases of significant flooding over the years. Who can forget the mail truck underwater near Giove's with the mailman standing on top of the truck? That lower area is especially prone to significant and potentially catastrophic flooding which will only increase with the greater frequency of heavy volume and velocity storms in the future.

This new residential use, especially with 65 foot building that is terribly close to the river, could put people's lives at risk.

I respectfully ask the commission, should they choose to approve a mixed use zoning change, that the plans for the large residential building be scaled down considerably and require much stronger protection from flooding by pulling the building a significant distance (beyond 100 ft standard wetland regulation) from the Pequonnock River.

Further impact to the health of this river by moving structures and impervious surfaces CLOSER to the river will have a negative impact on the health, safety, and welfare of the new residents in Trumbull Center, in addition to the risk to people, like the mailman, whose livelihoods are at risk because of unsustainable and antiquated land use design from 4 decades ago. Imagine for a moment our first responders trying to rescue people in that 65 foot building when the entire first floor is submerged.

A 65 foot residential building that is built in the minimum wetland setback zone about 25 feet from the river's edge looks like a throw back design from 1970, not a sustainable redesign from 2022.

As a conservationist I ask your commission to think carefully about adding more residents in harms way by building in a flood zone. I ask that you take this redevelopment opportunity of Trumbull Center to pull the structures and impervious surfaces significantly back from the river and restore the natural buffers that will contain and absorb the flooding.

Nevertheless, as a 30 year Trumbull resident of Trumbull who has waited patiently for restoration of Trumbull Center, as much as I am a champion of protecting the river from the people.....in this case your commission is charged with PROTECTING THE PEOPLE FROM THE RIVER.

Please proceed prudently with your zone change decision. Trumbull Center could be easily redesigned for commerce without adding a residential layer in a known flood zone.

Respectfully,

Mary Ellen Lemay

50 Turkey Meadow Rd.

Trumbull, CT