SUBJECT TO REVIEW AND APPROVAL
PLANNING AND ZONING
June 18, 2014

The Planning and Zoning Commission of the Town of Trumbull met for a regularly scheduled meeting on Wednesday, June 18, 2014 in the Council Chambers of the Trumbull Town Hall.

Members Present: Anthony Chory, Chairman
Richard C. Deecken, Vice-Chairman; Tony Silber, Secretary
Fred Garrity, David W. Preusch and alternates Steven Mahlstedt,
Don Scinto

Staff Present: Jamie Brätt, Director of Planning and Development
William Maurer P.E., Engineering Department
Vincent Marino, Town Attorney

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Planning and Zoning Commission located in the Trumbull Town Hall.

With a quorum being present, the meeting was called to order at 7:35 p.m.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried to move the agenda to hear agenda items relative to Municipal Improvement, Request for Extension of Time to Start Construction and Request for Bond Release out of order.

Municipal Improvement – Pursuant to Sec. 8-24 of the CGS request for P&Z recommendation for acquisition of charitable donation, to the Town of Trumbull, of property located at 6175 Main Street

Edward Lavernoich, Director of Economic and Community Development, conducted the presentation.

The Bridge Group LLC, the owner of the subject property, has offered to convey the property to the town subject to the lease currently in effect until 2020.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried to recommend approval to the Town Council of the proposed acquisition.

Request for Extension of Time to Start Construction

Application #10-42 – The Village at Long Hill Green
Broadway Road/Whitney Avenue

Noting that the requested nine year extension is allowed under State Statutes the following motion was made.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried, to approve a nine year extension of time for start of construction for Special Permit #10-42.

Bond Release

Application #11-28 – 43 Monroe Turnpike, LLC
41-43 Monroe Turnpike
Site Bond

MOTION MADE (Deecken), seconded (Silber) and unanimously carried to table action on requested bond release until the August meeting.

PUBLIC HEARING

SUBDIVISION

Application #14-06 – Mary Grace Mandanici and
John Mandanici, Jr.

4 Lot Subdivision Plan Prepared for McGrath Meadows, dated October 29, 2007 with street address of 254 Shelton Road. HEARING CONTINUED FROM MARCH 19, 2014.

Attorney Frank Mandanici came forward representing the applicants.

The Commission advised Attorney Mandanici that a professionally designed traffic plan, addressing all traffic issues, including proposed stop signs, is required. Once prepared the plan must be reviewed by the Commission prior to presentation to this Board. All were in agreement of the need for a re-application to provide an opportunity for adjoining property owners to view traffic design.

MOTION MADE (Garrity), seconded (Silber) and unanimously carried, to DENY Application #14-06 WITHOUT PREJUDCE. Resubmittal shall include traffic plan and recommendations from the Police Commission. It was agreed that the re-application fee be waived.

ZONING AMENDMENT

Application #14-18 – Amending of Art. II, Sec. 1.2.4 to permit lights at athletic fields on land owned by non-profit secondary schools. Petitioner: Raymond Rizio, Esq., Attorney for Bridgeport Roman Catholic Diocesan Corp.

Attorney Rizio came forward and reviewed the proposed language. It was agreed that proposal requires more details on proposed quality control measures with recommendations from a lighting expert. Lighting comparisons to Trumbull High School and the effect on residential homes are also needed. The applicant's representative agreed to the continuance of the Public Hearing.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried, to continue the Public Hearing for Application #14-18 until the next regularly scheduled hearing.

Application #14-19 – Amending of Art. II to add Sec. 3.3 to establish Village Retail Overlay District.
Petitioner: John F. Fallon, Esq.

Attorney Fallon came forward and reviewed the proposed language. He described the Village District as a low intensity retail use comprised of local merchants with no provisions for big box chains. Comprehensive provisions are provided for parking and landscaping standards. The Commission maintains discretion, as all proposed development will need to be reviewed by this Board through the Special Permit process.

Public Comment

The following letters were noted:

Submitted in opposition – Lynn Hauer, 4288 Madison Avenue
Submitted with conditional support – Jonathan and Stephanie Dennis, 44 Merrill Avenue
Submitted in general support – Lower Long Hill Coalition

Tony D'Aquila of 29 Valley View Road spoke in opposition. Mr. D'Aquila took issue with the language being site specific. He added that establishment of sidewalks, crosswalks and traffic signals needs to be addressed.

Upon further discussion and review the following action was taken by the Commission.

MOTION MADE (Silber) and seconded (Preusch) to approve Application #14-19.

MOTION MADE (Garrity) seconded (Deecken) and unanimously carried to amend the original motion to include the following specific condition.

Sidewalks shall be required, as requested by the Commission

MOTION MADE (Deecken) and seconded (Silber) to eliminate dance studios, as a permitted use.

Vote: In Favor (3) – Chory, Deecken, Silber - Opposed (2) – Garrity, Preusch
MOTION CARRIES

Vote: Original Motion, as Amended – Unanimous – Motion Carries

ZONE CHANGE

Application #14-24 – Amending the zoning map and zone boundaries of the Town of Trumbull to change from Resident Zone A to Resident Zone A/Village Retail Overlay District, a parcel of land located at 4244 Madison Avenue containing 1.5 acres more or less. Petitioner: M.F. DiScala & Co.

Attorney John Fallon came forward representing the applicant. The proposed boundary lines were reviewed.

MOTION MADE (Deecken), seconded (Preusch) and unanimously carried to approve Application #14-24, as presented and plans submitted.

SPECIAL PERMIT/SITE PLAN APPROVAL

Application #14-12 – Donna & Joseph Szatkowski
546 White Plains Road

Pursuant to Art. II, Sec. 2.1.3 and Art. XIII Special Permit to establish, within existing footprint, a professional office approximately 265 sq. ft. in size with associated parking and erect 2'x3' ground sign mounted on post. HEARING CONTINUED FROM MAY 21, 2014

A letter from Attorney James Cordone, indicating the applicant's wish to withdraw their application from consideration was read into the record.

The two letters submitted in opposition by Scott & Sonya Jarvis of 15 Twitchgrass Road were also read.

Application #14-21 – Reid and Meredith Walsy
4 Crocus Lane

Pursuant to Art. II, Sec. 1.3.2.7 Special Permit to establish a 706.5 sq. ft. accessory apartment within existing footprint.

Meredith Walsy came forward and reviewed the submitted plans for the proposed basement apartment. The Town Planner confirmed that the proposal meets with zoning requirements.

Application #14-22 – Ruby Tuesday
5065 Main Street (Westfield Shopping Mall)

Pursuant to Art. II, Sec. 3.1.7; Art. XIII and Art. XV, Sec. 1 Special Permit to modify building façade and replace existing signage.

Attorney John Knuff conducted the presentation on behalf of the applicant. The proposed signage and extensive upgrades to the existing façade were reviewed by a representative from the GPD Group, the project architect. The Ruby Tuesday sign was indicated as being 105 sq. ft. in size and internally lit. The American Grill signage was shown as being 60 sq. ft. with external illumination.

The Town Planner confirmed that the proposed construction meets with zoning requirements.
Ms. Brätt did note that the proposed Ruby Tuesday signage, though conforming, is twice the size than what is existing.

Public Comment

Peter Toomey, 39 Gorham Place; Karen Lathrope, 124 Sunnydale; Bob Higgs, 35 Gorham Place along with an additional Gorham Place resident all spoke in opposition referencing the mall's disregard to the town's noise ordinance and its failure to address previous complaints.

It was agreed that the Zoning Enforcement Officer setup a meeting with representatives from the mall, the adjoining neighbors and other town officials to ensure that specific plans are in place addressing the issues voiced here tonight. The ZEO shall report back to the Commission at the August meeting.

Application #14-23 – Robert O'Sullivan
121 Cottage Street

Pursuant to Art. II, Sec. 1.3.2.7 Special Permit to construct 700 sq. ft. addition for use as an accessory apartment.

Dave Salerno of Compass Builders conducted the presentation on behalf of the applicant.

The submitted plans were reviewed and the approved required setback variances were noted for the record.

Application #14-25 – M.F. DiScala & Co.
4244 Madison Avenue

Pursuant to Art. II, Sec. 3.3 Special Permit/Site Plan approval to construct a 16,000 sq. ft. retail plaza, with associated parking and site improvements.

Attorney John Fallon conducted the presentation on behalf of the applicant. The submitted plans indicated a neighborhood retail plaza, a permitted use under Art. II, Sec. 3., to be constructed on the former site of PJ's Garden Exchange. Mr. Fallon advised that the new center will be harmonious and beneficial to other surrounding properties while establishing economic vitality to the town.

The proposal showed a single story colonial style retail building comprising 16,000 sq. ft. and containing a central courtyard. Strategically located fencing and landscaping will provide sufficient screening for the along the adjacent property lines. The lighting plan was described as understated with no adverse impact on adjoining property owners.

Earl Grover, landscape architect, and Ray Sullivan project architect provided further details. Eight retail tenants are proposed with the restaurant being located in the middle. All outdoor lighting would be dark sky compliant. A 250 ft. outside patio will be established for seasonal outdoor dining. The submitted traffic plan generated by P.J. Clark was reviewed by their representative.

Public Comment

A letter in support initiated by the First Selectman was entered into the record. The following correspondence was also noted.

In Support: Patty Bertie, 6 Rocky Ridge Drive; Maureen DeMott, 74 Oriole Lane; Elizabeth Exias, 8 Jean Terrace; Jacqueline & Mark Koteles, 85 Ceil Road; Dee Poholek, 61 Ceil Road; Kristi Adorante, 28 Meadow Ridge Drive; Jennifer & Jonathan Burke, 40 High Ridge Road; Cindy Sledz; Donna Ziegler, 46 Puritan Road; Fred Gagliari, 15 Windmill Lane; Stephen and Kylee Rilling 81 Plum Tree Lane; Janel C. Volpicelli, 40 cottage Street

Opposed: Frank and Anna Cecere, 4294 Madison Avenue requesting environmental impact study with concerns relating to air pollution.

General Support: Lower Long Hill Coalition

The following then came forward.

Jonathan Dennis requested some control on hours of operation. Limits on outdoor use are also needed.
Dan White commented that one curb cut is insufficient and 8' fencing is needed on the side property lines.
Tim Hallstrom concerns centered on how deliveries would be handled and adequate buffering.
Lyudmil Aleksandrov the adjacent neighbor to the north advised that 6' fencing on the sideline is insufficient.

This concluded the Public Hearing.

Regular Meeting

Tonight's applications were considered and the Commission took action, as follows.

Application #14-21 – Reid and Meredith Walsy
4 Crocus Lane

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried to approve Application #14-21, as presented and plans submitted.

Application #14-22 – Ruby Tuesday
5065 Main Street

MOTION MADE (Silber), seconded (Garrity) and unanimously carried to approve Application #14-22, as presented and plans submitted.

Town Planner to initiate letter to Attorney Knuff and Westfield advising of process to be followed in addressing resident complaints.

Application #14-23 – Robert O'Sullivan
121 Cottage Street

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried to approve Application #14-23, as presented and plans submitted.

Application #14-23 – M.F. DiScala & Co.
4244 Madison Avenue

MOTION MADE (Garrity), seconded (Preusch) to approve Application #14-23 subject to the following specific conditions.

1. A seconded two-way driveway entry to be installed on the south side of the site.

2. Side and rear property lines to be buffered with fencing and landscaping. Side yard fencing to be 6' in height and the rear yard shall be fenced with 8' fencing. Final plans shall be approved by the Town Planner and Tree Warden.

3. Refuse Area shall contain trash compactor(s) rather than dumpster(s).

4. For any tenants where principal use is food preparation/service, vent systems shall include charcoal "scrubber" system to reduce odors.

5. Sidewalk shall have minimum 2' grass buffer between roadway curb and sidewalk.

6. Irrigation system required for plantings in public right of way (infrastructure to be on private property, but designed to sustain plants in public area).

7. Execution of permanent maintenance agreement for all plantings in public right of way. Final terms shall be approved by the Town Attorney and Tree Warden.

8. Madison Avenue adjacent to parcel shall be marked as fire lane with signage and paint markings, as required by local officials.

9. Revised plan, indicating site modifications, to be submitted to the Planning and Zoning office.

10. Outdoor patio to be closed for food service after 11:00 p.m.

11. Approval is subject to the recommendations of the Town Engineer, as stated in his review letter dated 6/18/14.

12. Approval is subject to the recommendations of the Town Tree Warden, as stated in his review letter dated 6/16/14.

Approval of Minutes

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried to accept the minutes of the May 21, 2014 regular meeting, as recorded.

There being no further business to discuss a motion was made by Commissioner Garrity and seconded by Commissioner Preusch to adjourn. The June 18, 2014 meeting of the Planning and Zoning Commission adjourned at 2:15 a.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on Wednesday, August 20, 2014 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall. There is no scheduled meeting for the month of July.

Respectfully submitted,

Helen Granskog
Clerk