

**PLANNING AND ZONING COMMISSION**

**AUGUST 17, 2005**

A regularly scheduled meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Trumbull Town Hall on Wednesday, August 17, 2005.

Attendance: Anthony Chory, Chairman; Arlyne Fox; Tim Herbst; Dominic Arminio; and alternates Don Scinto and Robert Reed

Staff Present: James Cordone, Town Attorney; Kim Kiraly, Engineering; and Joan M. Gruce, Planning and Zoning Administrator/Clerk

The meeting was called to order at 7:38 p.m., and the following calls were read by Mr. Arminio, as published and listed herewith:

**NOTICE**

THE PLANNING AND ZONING COMMISSION OF THE TOWN OF TRUMBULL WILL CONDUCT A PUBLIC HEARING IN THE TRUMBULL TOWN HALL, 5866 Main Street, ON WEDNESDAY, AUGUST 17, 2005, at 7:30 p.m., on the following applications:

**SPECIAL PERMIT/SITE PLAN:**

05-48) Michael & Elaine Prusasky. 68 Woodridge Circle. Pursuant to Art. II, Sec. 1, Par. E, Special Permit to construct addition for use as In-Law/Accessory Apartment.

05-49) Lois A. Kelley. 4994 Madison Ave. Pursuant to Art. II, Sec. 1, Par. E, Special Permit to construct In-Law/Accessory Apartment within existing footprint.

05-50) Michele DiLeo. 10 Tanager Lane. Pursuant to Art. II, Sec. 1, Par. E, Special Permit to construct In-Law/Accessory Apartment within existing footprint.

05-51) Charles R. Clifford. 31 Windy Ridge. Pursuant to Art. II, Sec. 1, Par. E, Special Permit to construct addition for use as In-Law/Accessory Apartment.

05-52) Whelan, Rolleri & DePietro, c/o Thomas J. Whelan. 843 White Plains Road. Pursuant to Art. II, Sec. 1, Par. F, Special Permit to re-establish former Certified Public Accountant office in a Design District.

05-53) ABM Brothers, LLC (Attilio Marini). 6540 Main St. & parcel E4/1/2 adjacent to and north of 6540 Main St. Pursuant to Art. II, Sec. 2, Special Permit to construct additional parking, associated grading and drainage.

**SUBDIVISION/RESUBDIVISION:**

05-54) Ann Leone. Property Line Change and Subdivision Survey Prepared for Ann Leone, 2095 & 2105 Reservoir Ave., Trumbull, CT. 3 lots with street address of 2095 & 2105 Reservoir Ave.

05-55) ABM Brothers, LLC. Subdivision Map Showing Subdivision of Land Prepared for ABM Brothers, LLC. 6540 Main St. (CT Rte. 111), Trumbull, CT. 2 lots with street address of 6540 Main St.

05-56) James & Bonnie McWain. Resubdivision Map Prepared for James McWain, 32 Calhoun Ave., Trumbull, CT. 2 lots at corner of 32 Calhoun Ave. and Turney Place R.O.W.

05-57) Jeff Wright/Corporate Drive Business Park, LLC. Data Accumulation Plan Showing Land to be Conveyed to Jeff Wright, #140 Monroe Turnpike, Trumbull, CT. Lot line reconfiguration between two lots (Lot 10 Corporate Drive and 140 Monroe Turnpike).

Plans for the above-listed applications are on file in the office of the Planning and Zoning Commission for public inspection.

Dated at Trumbull, CT, this 3rd day of August, 2005.

By: Joan M. Gruce  
Planning and Zoning Administrator/Clerk

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The following is a brief summary of the hearing. The complete record is on tape, on file in the office of the Planning and Zoning Commission.

A request was received regarding Applications #05-53 and #05-55 for ABM Brothers to continue the hearing. Upon motion made (Fox), seconded (Arminio), and carried unanimously (Chory, Fox, Arminio, Herbst, Reed), it was voted to continue above two applications to the September 21, 2005 hearing.

05-48) The architect represented the applicants. The proposal meets all the requirements, and they are maintaining the existing building line.

05-49) Lois & Joseph Kelly appeared, and indicated they will be constructing a second floor using existing footprint, and meet all requirements for an apartment.

05-50) Douglas Dizone indicated they are constructing an apartment because their parents and other relatives visit several months during the year. Six cars can park off-street. They meet all the other requirements.

05-51) Charles & Pamela Clifford appeared and would like to construct addition with a one-bedroom apartment.

Jim Toygo, neighbor across the street, spoke in favor.

Christine Talerico, 35 Windy Ridge, spoke in favor.

05-52) Atty. Frederick F. Ehram represented Thomas Whelan who is a CPA, and purchased the home 25 years ago. He had his office here, and a cease and desist order was issued by John Sutay. In '83 ZBA denied the use, and he is seeking to re-establish this because it is now a Design District. There is enough room for 12 parking spaces. They are also requesting an 18 inch x 32 inch sign on the building. He submitted a letter in favor from Kenneth Esposito. There will be one driveway shared by the neighbor if they decide to open an office. There will be no more than two accountants and two office personnel.

Atty. Ray Rizio represented the neighbor, Thomas Christiano, and indicated there was no objection to the driveway encroachment, and spoke in favor of the application. He also supported the sign since it is a busy street and a 4 inch by 8 inch sign could not be seen. They would request a reciprocal driveway easement. Mr. Chory commented that one driveway to serve two businesses does not carry out the intent of the regulation.

Atty. Ehram noted that the 2 funeral homes and 3 lawyers have larger signage.

05-54) Atty. Ray Rizio represented the applicant. He submitted a petition with signatures in favor, and a copy of the Assessor's map. The plan satisfies all the requirements of the zoning regulations, and will be an improvement to the area. Landscape screening was discussed, and Atty. Rizio stated they would agree to low-growing shrubs along 71 and 70.

05-56) David Bjorklund, P.E., President of SBA, indicated that the existing house fronts on Calhoun; Turney Place is construct from Main Street to Calhoun, and the R.O.W. extends to the valley. The road was never built, and there is no purpose in building it. They applied to ZBA for variances required. He submitted a letter requesting a waiver of the subdivision requirements that a lot have frontage on a public street. They would like to construct a driveway over the R.O.W.; in addition, the topography is too steep to construct a road. The driveway will be paved and the owner of Lot 2 will have responsibility for maintenance of the driveway.

Mr. Herbst asked when a driveway on a R.O.W. was done previously. Ms. Gruce answered it was done on Wood Avenue, Sylvan Avenue, Mountain Hill Road, to name a few.

Mr. Bjorklund stated there is currently an existing driveway to another property on the R.O.W. The applicant took title to one acre, but when it was re-surveyed, it was short of that area.

Anna Kosin, 28 Calhoun Ave., spoke in favor.

Amy Palmer, 45 Calhoun Ave., submitted a petition with signatures of people opposed. She did not see a sign posted for the variance, and no one saw the legal notice.

Ann Legoza, 46 Calhoun Ave., is opposed and read letter into the record.

Nelson DeMilo, 15 Turney Place, is opposed.

Lana DeMilo, 15 Turney Place, is opposed, and stated that everyone else on the street can build a house off a driveway.

Jim McWain, 32 Turney Place, indicated that people walk over his property to dump leaves in the valley.

Dave Bjorklund indicated that this R.O.W. is not part of the valley. The Town of Trumbull does not have a deeded title interest to any road in Trumbull. Allowing a driveway on a R.O.W. has happened in the past and is not unreasonable. The other homes on Calhoun only have 75 feet of road frontage and do not have a paper street adjacent to their property so they cannot create another lot in a similar way.

05-57) David Bjorklund, P.E., President SBA, indicated that there is no development scheme associated with this application; it is simply a property transfer.

Atty. Raymond Rizio represented Jeff Wright, and indicated it will make his property more conforming.

The public hearing closed at 10:00 p.m.

The meeting was reconvened to act on the following as posted in the Town Clerk's office:

GOVERNOR'S RIDGE: Attorney Cordone asked the Commission to rescind their previous action concerning calling the bond because a settlement had been reached. Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to rescind calling of the bond for the Governor's Ridge project; in lieu thereof, it was voted to approve the settlement between the Town of Trumbull and South Meadow Development, LLC, and disburse the cash bond as follows: \$183,200 to the Town of Trumbull; \$40,000 to Governor's Ridge Association in care of its attorney, Douglas Varga; and the balance of the bond, with accrued interest shall be disbursed to South Meadow Development, LLC, in care of its attorney, Matthew Woods.

Pending Agenda from 6-15-05 and 6-22-05 Public Hearing:

**05-25) Sound Development Group.** Application dated March 18, 2005. Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Fox, Arminio, Herbst, Reed, Scinto), it was voted that application for a change of zone from Residence Zone AA to Industrial Zone I-L2 for property located at 137 Monroe Turnpike, consisting of 3.9 acres, more or less, and more fully described in a copy of the amendments on file in the Town Clerk's Office, is hereby APPROVED. The Commission indicated that the master plan has always called for properties in this area to be changed to Industrial.

The effective date of action has been set for September 6, 2005.

**05-23) Phillip DiGennaro. Sound Development Group.** 137 Monroe Turnpike. Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Fox, Arminio, Herbst, Reed, Scinto), it was voted that application, pursuant to Art. II, Sec. 4, Special Permit to construct office building with associated parking, drainage, and site work, is hereby APPROVED, subject to the following conditions (as amended by Mr. Herbst, seconded by Mr. Arminio, and carried unanimously as above):

1. Compliance with requirements of the Town Engineer with respect to storm and surface water drainage.
2. Receipt of bond, in the amount of \$45,000, calculated by Town Tree Warden, to insure completion of landscaping improvements; the bond shall be in the form of a certified check payable to the Town of Trumbull.
  - a) Signed agreement to complete landscaping improvements.
3. A certified notice of approval shall be recorded in the Land Records in the name of the record owner.

The effective date of action was set for September 6, 2005 (expiration of appeal period). If construction is not begun in six months and completed within two years of the effective date, approval shall become void. Also, failure to record notice within six months of effective date shall null and void the approval.

Mr. Arminio moved to add sidewalks on Rte. 111 for the entire length of the site, but no second was received, and motion did not carry.

**MUNICIPAL IMPROVEMENTS REFERRAL:** Sale of town property, Parcel 178-179 Lansing Avenue. Atty. Cordone indicated that a request was received by owners of 40 Lansing Ave. to purchase this property currently being used as a storm drainage easement. They have agreed that there will be no future subdivision, no construction of a dwelling, and the Town reserves the right to use the drainage easement.

Pursuant to CGS 8-24, the following recommendation was made: Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to recommend approval of the sale of Town property, Parcels 178-179 Lansing Avenue.

**Village at Twin Brooks (White Plains Rd.):** Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to release site bond upon recommendation of Assistant Town Engineer.

**Sherwood Homes (Lot 26 Surrey Lane):** Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$500 upon recommendation of Assistant Town Engineer.

**Sherwood Homes (Lot 3 Surrey Lane):** Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$500 upon recommendation of Assistant Town Engineer.

**Sherwood Homes (Lot 7 Old Tree Farm Lane):** Upon motion made (Arminio), seconded (Reed), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$375 upon recommendation of Assistant Town Engineer.

**Sherwood Homes (Lot 20 Surrey Lane):** Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$375 upon recommendation of Assistant Town Engineer.

**Sherwood Homes (Lot 21 Surrey Lane):** Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$1,000 upon recommendation of Assistant Town Engineer.

**Sherwood Homes (Lot 8 Old Tree Farm Lane):** Upon motion made (Herbst), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$375 upon recommendation of Assistant Town Engineer.

**Sherwood Homes (Lot 10 Old Tree Farm Lane):** Upon motion made (Herbst), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$250 upon recommendation of Assistant Town Engineer.

**Sherwood Homes (Lot 15 Old Tree Farm Lane):** Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$625 upon recommendation of Assistant Town Engineer.

**Harold Cotton (262 Stonehouse Rd.):** Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to reduce subdivision bond to \$600 upon recommendation of Assistant Town Engineer.

**Target (140 Hawley Lane):** Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to release site bond upon recommendation of Assistant Town Engineer.

**R.D. Scinto (Lot 9 Corporate Dr.):** Upon motion made (Herbst), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to release landscape bond upon recommendation of Tree Warden.

**Correspondence:** A letter was received and read from Ilona Benedek, 224 Algonquin Trail, Church Hill South Condominiums concerning deck enlargements at the complex without Planning and Zoning approval. She asked that the Commission look into this. Bridle Trail wanted to enlarge their decks and came before Planning and Zoning for a public hearing.

**05-48) Michael & Elaine Prusasky.** 68 Woodridge Circle. Upon motion made (Arminio), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted that application for a Special Permit, pursuant to Article II, Section 1, paragraph E of the Zoning Regulations, to construct addition for use as In-Law/Accessory Apartment, is hereby APPROVED, subject to the following conditions:

1. This approval is granted for a five-year period only, and cannot be extended without Planning and Zoning approval.
2. Separate utilities for the apartment cannot be established.
3. The apartment shall be deemed an "affordable" housing unit, and shall be subject to the requirements of Section 8-30g (k) of the CT General Statutes.

4. A binding deed restriction to show conformance with CGS 8-30g shall be recorded in the Trumbull Land Records; said restrictions shall be for a minimum period of ten (10) years from the date of original occupancy of the apartment.
5. A certified notice of Special Permit shall be recorded in the Land Records in the name of the record owner.

The effective date of action was set for September 6, 2005. Failure to record notice within six months from effective date shall null and void the Special Permit. A building permit must be obtained before starting construction.

**05-49) Lois A. Kelley. 4994 Madison Ave.** Upon motion made (Reed), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted that application for a Special Permit, pursuant to Article II, Section 1, paragraph E of the Zoning Regulations, to construct In-Law/Accessory Apartment within existing footprint, is hereby APPROVED, subject to the following conditions:

1. This approval is granted for a five-year period only, and cannot be extended without Planning and Zoning approval.
2. Separate utilities for the apartment cannot be established.
3. The apartment shall be deemed an “affordable” housing unit, and shall be subject to the requirements of Section 8-30g (k) of the CT General Statutes.
4. A binding deed restriction to show conformance with CGS 8-30g shall be recorded in the Trumbull Land Records; said restrictions shall be for a minimum period of ten (10) years from the date of original occupancy of the apartment.
5. A certified notice of Special Permit shall be recorded in the Land Records in the name of the record owner.

The effective date of action was set for September 6, 2005. Failure to record notice within six months from effective date shall null and void the Special Permit. A building permit must be obtained before starting construction.

**05-50) Michele DiLeo. 10 Tanager Lane.** Upon motion made (Herbst), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted that application for a Special Permit, pursuant to Article II, Section 1, paragraph E of the Zoning Regulations, to construct In-Law/Accessory Apartment within existing footprint, is hereby APPROVED, subject to the following conditions:

1. This approval is granted for a five-year period only, and cannot be extended without Planning and Zoning approval.
2. Separate utilities for the apartment cannot be established.
3. The apartment shall be deemed an “affordable” housing unit, and shall be subject to the requirements of Section 8-30g (k) of the CT General Statutes.

4. A binding deed restriction to show conformance with CGS 8-30g shall be recorded in the Trumbull Land Records; said restrictions shall be for a minimum period of ten (10) years from the date of original occupancy of the apartment.

5. A certified notice of Special Permit shall be recorded in the Land Records in the name of the record owner.

The effective date of action was set for September 6, 2005. Failure to record notice within six months from effective date shall null and void the Special Permit. A building permit must be obtained before starting construction.

**05-51) Charles R. Clifford.** 31 Windy Ridge. Upon motion made (Arminio), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted that application for a Special Permit, pursuant to Article II, Section 1, paragraph E of the Zoning Regulations, to construct addition for use as In-Law/Accessory Apartment, is hereby APPROVED, subject to the following conditions:

1. This approval is granted for a five-year period only, and cannot be extended without Planning and Zoning approval.

2. Separate utilities for the apartment cannot be established.

3. The apartment shall be deemed an “affordable” housing unit, and shall be subject to the requirements of Section 8-30g (k) of the CT General Statutes.

4. A binding deed restriction to show conformance with CGS 8-30g shall be recorded in the Trumbull Land Records; said restrictions shall be for a minimum period of ten (10) years from the date of original occupancy of the apartment.

5. A certified notice of Special Permit shall be recorded in the Land Records in the name of the record owner.

The effective date of action was set for September 6, 2005. Failure to record notice within six months from effective date shall null and void the Special Permit. A building permit must be obtained before starting construction.

The meeting adjourned at 10:50 p.m.

By: \_\_\_\_\_

Joan M. Gruce  
Planning and Zoning Administrator/Clerk