

PLANNING AND ZONING COMMISSION

SEPTEMBER 21, 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, September 21, 2005.

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

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

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The meeting was called to order at 7:35 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, SEPTEMBER 21, 2005, at 7:30 p.m., on the following applications:

ZONING AMENDMENT:

All parties in interest and citizens of the Town of Trumbull will be given an opportunity to be heard in relation to:

05-58) Amending Article II, Section 2, Commercial Zone B-C, of the Zoning Regulations of the Town of Trumbull in relation to increased lot coverage, increased height limits, and changes to buffer requirements (Petitioner – Sound Trefoil, LLC).

SUBDIVISION/RESUBDIVISION:

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. HEARING CONT'D. FROM AUG. 17, 2005

05-59) Frank Minardi/Paul F. Vinas. Proposed Resubdivision Lots 20 – 24, “Jenny Ridge Estates,” Trumbull, CT; 6 lots E/S Teller Road across from August Lane.

05-60) Drew & Cheryl Ciambriello. Resubdivision Map Prepared for Drew & Cheryl Ciambriello, 198 Park Lane, Trumbull, CT. 2 lots at 198 Park Lane with second lot having frontage on a road which is not a public street.

SPECIAL PERMIT:

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. HEARING CONT'D. FROM AUG. 17, 2005

05-61) Trumbull Town Commons Association, Inc. Main St., Mayfield Drive, and Hadley Drive. Pursuant to Art. IX, modification to existing Special Permit for improvements to roadways and drainage system.

05-62) Kathleen Maher. 831 White Plains Rd. Pursuant to Art. II, Sec. 1, Par. F, Special Permit to establish real estate office in Design District.

05-63) Kent A Lewis, Jr. 22 Teeter Rock Rd. Pursuant to Art. II, Sec. 1, Par. E, Special Permit to construct addition for use as In-Law/Accessory Apartment.

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 7th day of September, 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.

05-58) Atty. Austin Wolf represented the applicant, and asked that Arlyne Fox recuse herself based on the fact that she is a member of the Inland Wetlands and Watercourses Commission, and when the discussion to vote came up at that meeting on the application, Mrs. Fox left the room which suggests evidence of predetermination and bias against the applicant. A brief discussion was held with Atty. Cordone, and he stated that he asked Mrs. Fox if she were biased, and she stated she was not; therefore, she will sit on this application.

Atty. Wolf submitted a copy of a deed establishing ownership of property in the Town of Trumbull as required by the zoning regulations to amend the regulations. The proposed regulation would apply to 2 or 3 other sites in town. He submitted a copy of the 1984 Plan of Development, stating that the proposed amendment is consistent with that plan, citing pages 4, 8, 29, 30, and 31. He also submitted findings which should be incorporated into the approval of the amendments. A similar set of regulations was approved in June, but should be rescinded. The previous applicant for those amendments did not own property in the Town of Trumbull.

Atty. Cordone indicated the previous amendment is void on its face because it has a fatal defect as stated by Mr. Wolf.

Mr. Reed indicated the buffer starts from the edge of pavement—it should be from the property line. Mr. Wolf stated they have no objection to starting it from the property line. Mr. Chory indicated that this proposal removes the width of the buffer, and there is already a 25-foot buffer required within the body of the regulation.

Joe Periera, engineer for the project, indicated that the regulation adopted previously stated “from the access point,” and they did not know what that meant. He showed the varying widths of the R.O.W. on a map of the proposed site for Lowe’s. He indicated that they spoke to D.O.T. who would accept a buffer in the R.O.W. Mr. Wolf indicated the height of the berm could be raised.

Atty. Raymond Rizio spoke in favor, indicating the buffer requirements could be left to the Commission’s discretion.

Atty. Richard Buturla, Berchem, Moses & Devlin, spoke on behalf of Old Mine Associates, LLC. The proposal violates well-established law in the State of Connecticut. This would allow a more intense use of property than is warranted. He also requested that the site plan of the proposed Lowe’s site used by Mr. Pereira be made part of the record. This is a vague and ambiguous proposal, and discretion within the regulations is not good zoning practice. The B-C regs should apply equally to all. Is the State property next to this site developed? There are footings on the salt dump on the State property. It is not consistent with the Plan of Development nor the comprehensive zoning plan. He also requested that the hearing on the first application for amendments be made part of this record. Approval of this proposal would constitute spot zoning or contract zoning. The property is too small for the project and benefits only the applicant and not the Town of Trumbull. He cited the following court cases: 258 CT 205; 168 CT 360; 220 CT 527; 259 CT 402.

Atty. Paul Tusch, 777 Summer St., Stamford, represented RBW Limited, 49 Monroe Tpke. He indicated he agreed with all arguments stated by Richard Buturla. This would be a substantial change that would adversely affect his client’s property.

Mitch Rosenfeld, Vice President Rosenfeld Realty, and a developer, indicated the proposed regulation is stripping away controls, and is opposed. He did not see any notice rescinding the previous regulation. There was a great deal of concern expressed over Knecht’s car wash for 11 cars, but this will generate much more. These contortions are being gone through because the project does not fit the property.

Atty. Tom Welch representing Richard Aiello, Trustee, on behalf of the estate of Richard Aiello, stated he agreed with Mr. Wolf about CGS 8-2 and 8-3. It must be in accord with the comprehensive plan and the Plan of Development. Does the Plan of Development call for more coverage in a B-C zone, more B-C zones, and increased height? How does this eliminate strip zones? It does not comply with the Plan of Development, it is site specific and spot zoning. It does not comply with the comprehensive plan and is not permitted in the State of Connecticut.

Ann Companik, 28 Tungsten Circle, is opposed, and submitted a petition with signatures of people opposed. The size of the building is too large, too much traffic, and too much blacktop which will affect the drainage.

Tom Sciortino, Broadway, is opposed to changing to a 45 foot height.

Mr. Arminio read letters into the record from GBRPA who did not support it, and VCOG who did not support it, and recommended an architectural review board.

Atty. Wolf indicated the amendment is not limited to the Lowe's site, and is not spot zoning because the zone is already there.

05-55) Atty. Frederick F. Ehram represented the applicants. This is a two-lot subdivision; lot 1, which is residential, is extended to the rear property line. There is one house proposed placed to the rear of the lot; they will also agree that there will only be one lot in the future. Lot 2 is zoned B-C. The conservation easement that was part of the zone change approval is not applicable to any other B-C property in Trumbull. A conservation easement is usually established to conserve wetlands, and no tree cutting or maintenance is permitted. They would like the right to maintain the area, trim bushes, etc. If the residential lot were left one-half acre, it would violate the steep slope regulation. The contract purchaser wants to be able to maintain the property.

Mr. Arminio indicated it was the Commission's intention to leave the trees to block the noise. Mr. Herbst stated that if the Commission wanted to add landscaping to the buffer area they could not because it is a conservation easement.

Wayne Jacobsen, SBA, indicated that the drainage will run directly to Main Street, and into existing storm drainage.

05-53) Frederick F. Ehram represented the applicants, and indicated the parking lot combines the existing lot with the new B-C area. The lot is 5.09 acres, and the parking computations include requirements for restaurants. The access drive location was recommended by the State to line up across from Governor's Ridge driveway.

Wayne Jacobsen, SBA, indicated it is a paved parking lot with landscaped islands. There are currently two driveways, but one is blocked off. The islands give the owners an area to put snow, and extra space for plantings.

Atty. Ehram indicated that January and February are slow months, and that is when there is the most snow. Lighting will be located on existing poles.

Mr. Arminio asked about fire lanes and fire truck access around the back. Attilio Marini, owner, indicated when they did remodeling in the bar, they had to bring everything up to code. They needed to install a fire alarm system, and there is no reason for the trucks to go to the back of the building.

Tom Sciortino, 35 Broadway, indicated his property adjoins this, and he thought there was a conservation easement and buffer in place. Lighting should be blocked from the top.

Atty. Ehrsam indicated this is not about a zone change. They have no intention of putting lights near Mr. Sciortino's property. Mr. Marini represents the LLC.

05-59) Atty. David Quatrella represented the applicants. He also submitted a copy of the approved subdivision map. A portion of the subdivision is in Monroe. The application was submitted under the Open Space regulation; lots 20, 21, 22, and 23 are undeveloped, and Lot 24 is owned by Mr. Vinas. These lots are conforming in accordance with the Open Space requirements, there are no wetlands on these lots, and they are requesting the subdivision as originally presented. The neighbors objected at the original hearing because of traffic, and they did not want Topaz Lane being cut through. He submitted a petition with signatures in favor.

Mr. Chory commented that he thought the Commission wanted to phase it in to match across the street.

Frank Minardi, Easton, indicated he did not have a problem with traffic and he worked there every day.

Laurie Brunetto spoke in favor, and indicated that 4 of her relatives live on Topaz Lane; her father is Frank Minardi.

Kathy Minardi spoke in favor.

Paul Vinas, owner of Lot 24, spoke in favor.

Wayne Liscinsky, 237 Teller Road, is opposed, and said P & Z wanted the lots to match the neighborhood.

Angie Makopoulos, 245 Teller Road, is opposed. All lots should be one acre.

Gaeton Stella, 4 August Lane, indicated a petition was signed by people on his street. Approval would be detrimental to the area residents, and the character of Teller Road would be destroyed. There are too many houses, and they are huge.

Patti Galich, 206 Teller Road, opposed.

Joe Sandroski, 261 Teller Road, opposed.

Atty. Quatrella asked how a new home selling for \$800,000 to one million dollars could ruin a neighborhood. Mr. Minardi widened Teller Road, and they are in conformance with the Open Space regulations.

05-60) Atty. Ray Rizio represented Dean and Cheryl Ciambriello. They are requesting a variance of the subdivision regulation requiring that lots have frontage on an accepted street. They will take down an existing barn and construct a new home. The access road to Jane Ryan School would be the frontage for the second lot; it is completely maintained by the Town of Trumbull, and the residents of near-by Shady Lane use it as a road. He submitted letters from previous variances granted for unaccepted roads at Sylvan Avenue, Knollcrest, Wood Avenue, and submitted a petition with signatures in favor. They would agree to keep the driveway for the new lot in the same place.

05-62) Atty. Rizio requested that this item be continued to the next meeting. Upon motion made (Fox), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to continue Application #05-62 for Kathleen Maher, 831 White Plains Rd., to the October 19, 2005 public hearing.

05-61) Mr. Arminio recused himself because of his proximity to the site, and left the room.

Dave Lysak, engineer, spoke on behalf of the applicant. He indicated this was built in 1983 (actually construction began in 1987-88), and the driveway is sinking. They are reclaiming the driveway, and improving drainage.

Deb Chute, president of TTC association, indicating the driveway is collapsing, and there are problems with drainage. Concern was expressed with impact of reclaiming, and what provisions were made for elderly or disabled residents to enter and exit the site as needed.

Joseph Mesarich indicated he would be the project manager, and it would be done in phases. There will be plenty of notice given to residents as to when work will be done in their area.

05-63) Kent Lewis appeared on behalf of this application, and indicated they would like to add an In-Law/Accessory Apartment which meets all the requirements.

The public hearing closed at 11:20 p.m.

TASHUA TERRACE (Main Street). Trumbull Main Development. Brian Smith addressed the Commission, and indicated there is outstanding work which constitutes safety issues—there are falling rocks in the rear of the property. There are ways to handle this with wire mesh, but they have not been done, and rock stabilization has always been a priority. He is recommending that the site bond be called.

Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to call site bond for Tashua Terrace.

Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Reed), it was voted to adjourn at 11:45 p.m.

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