

## PLANNING AND ZONING COMMISSION

**OCTOBER 14, 2005**

A meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Trumbull Town Hall on Friday, October 14, 2005.

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

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

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Chairman called meeting to order at 7:35 p.m. The purpose of the meeting was to act on pending agenda and other items as posted in the Town Clerk's office.

### Pending Agenda from August 17, 2005 public hearing:

**05-52) Whelan, Rolleri & DePietro.** 843 White Plains Road. Application dated 7-27-05. Upon motion made (Arminio), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Scinto), it was voted that application for a Special Permit, pursuant to Art. II, Sec. 1, Par. F, Special Permit to re-establish former Certified Public Accountant office in a Design District, is hereby APPROVED, subject to the following conditions (motion made by Mr. Arminio to amend main motion to add conditions, seconded by Mr. Herbst, and carried unanimously, voting as above):

1. A limit of two accountants shall be permitted at this premises.
2. A 10-foot wide evergreen buffer shall be installed on the northwest side of the parking area; on the southeast side a 10-foot wide evergreen buffer shall be installed beginning at 35' from the rear line of the house, narrowing to four feet at the driveway. The landscape plan shall be evaluated and approved by the Town Tree Warden, Warren Jacques.
3. There shall be a minimum of 9 parking spaces.
4. Signage shall only be permitted in accordance with the regulations.
5. A handicapped ramp shall be installed at the rear of the building in accordance with ADA standards.
6. 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 November 3, 2005. Failure to record notice within six months of effective date shall null and void the approval.

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**05-54) Ann Leone.** Property Line Change and Subdivision Survey Prepared for Ann Leone, 2095 & 2105 Reservoir Avenue, Trumbull, CT, dated 6-18-04, rev. to 2-15-05; 3 lots with street address of 2095 & 2105 Reservoir Avenue. Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Scinto), it was voted to APPROVE the above-captioned plan, upon compliance with the following conditions (motion made by Mr. Arminio to amend main motion to add conditions, seconded by Ms. Fox, and carried unanimously, voting as above):

1. Receipt of record map, to be signed by owner(s) of record, indicating approval of all boundaries, dedications, and conveyances shown thereon.
  - a. All lots shall have a numerical designation; Lot 69/2 shall be Lot 69.
2. Compliance with requirements of Town Engineer with respect to storm and surface water drainage.
  - a. Two yard drains shall be installed for the driveway as per recommendation of Town Engineer.
3. The existing stonewall on the northerly side of Lot 70 shall remain.
4. Compliance with requirements as shown on Engineering Comments sheet dated 8-10-05.

Attention is called to the fact that unless the aforementioned conditions are complied with within 90 days from date of expiration of appeal period (November 3, 2005), the Commission's approval shall become void. No clearing of land, or other work in connection with the proposed subdivision shall be commenced, nor shall any land within this plan be transferred, sold or offered for sale before effective date of approval, and the plan has been recorded and filed in the office of the Town Clerk, with approval so endorsed in writing on the map by the Commission.

**05-56) James & Bonnie McWain.** Resubdivision Map Prepared for James McWain, 32 Calhoun Avenue, Trumbull, CT, dated 7-27-05; 2 lots at corner of 32 Calhoun Ave. and Turney Place R.O.W. Upon motion made to approve (Fox), seconded (Arminio), and unanimously opposed (Chory, Fox, Herbst, Arminio, Scinto), it was voted to DENY the above-captioned plan for the following reasons:

1. The Commission expressed concern about the precedent this would establish in the area. The Town should abandon the road R.O.W.
2. There is hunting in the "valley," and the house would protrude too far into the safety zone for hunting.
3. The Commission did not consider the R.O.W. to be a road because it would be too steep; it would be out of character with the area.

The effective date of action was set for November 3, 2005.

Prior to voting on the main motion, the following conditions were added upon motion made (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Scinto), in

the event that the plan was approved:

1. A common driveway shall be constructed for Lots 1 & 2 10 feet from the southerly R.O.W. line in compliance with the Road Regulations.
2. A note shall be placed on the record map that the driveway shall be maintained by the property owners.
3. A bond shall be required for site work.
4. A stone path shall be installed north of the proposed driveway for access to the "valley."

**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). Motion made (Herbst), and seconded (Fox) to approve application, but motion and second were withdrawn. The Commission needed clarification on the Corporate Drive property to see that all zoning issues were met after the property size was decreased.

Pending Agenda from September 21, 2005:

**05-58) Sound Trefoil, LLC.** Application dated July 19, 2005. Zoning Amendments to Art. II, Sec. 2, Commercial Zone B-C. Upon motion made to approve (Arminio), seconded (Herbst), and opposed unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted that application to amend Art. II, Sec. 2, of the Zoning Regulations of the Town of Trumbull to increase lot coverage, increase height limits, and change buffer requirements in a Commercial Zone B-C, is hereby DENIED for the following reasons:

1. The current B-C regulation has been in effect for over 50 years, has worked effectively, and there is no reason to change it at the present time.
2. The regulations for a specific zone must apply to the entire zone, not just a few properties within that zone.
3. The Commission prefers that properties in a Commercial Zone B-C be consistent with the current regulations; increased height and lot coverage is not warranted.

The effective date of action is set for November 3, 2005.

**05-55) ABM Brothers, LLC.** Subdivision Map, Map Showing Subdivision of Land Prepared for ABM Brothers, LLC, 6540 Main Street (CT Rte. #111), Trumbull, CT, dated 9-13-05; 2 lots with street address of 6540 Main Street. Upon motion made (Fox), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to APPROVE the above-captioned plan, subject to the following conditions (motion made by Mr. Chory to amend main motion to add conditions, seconded by Ms. Fox, and carried unanimously, voting as above):

1. Receipt of record map, to be signed by owner of record, indicating approval of all boundaries, dedications, and conveyances shown thereon.

2. Compliance with requirements of Town Engineer with respect to storm and surface water drainage.
3. Compliance with requirements as shown on Engineering Comments sheet, dated 8-10-05.
4. The Commercial Zone B-C area of Lot 1 shall be changed to Residence Zone A.
5. Maintain the Conservation Easement on Lot 2 on the westerly boundary that was previously approved.
6. Maintain a fifty-foot Conservation Easement along the northerly boundary of Lot 2 from the rear to within 136 feet of the front property line, tapering down to a minimum of 16 feet at 60 feet from the front property line.

Attention is called to the fact that unless the aforementioned conditions are complied with within 90 days from date of expiration of appeal period (November 3, 2005), the Commission's approval shall become void. No clearing of land, or other work in connection with the proposed subdivision shall be commenced, nor shall any land within this plan be transferred, sold or offered for sale before effective date of approval, and the plan has been recorded and filed in the office of the Town Clerk, with approval so endorsed in writing on the map by the Commission.

**05-53) Attilio Marini. ABM Brothers, LLC.** Application dated July 27, 2005. 6540 Main Street & parcel E4/1/2 adjacent to and north of 6540 Main Street. Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted that application, pursuant to Art. II, Sec. 2, Special Permit to construct additional parking, associated grading and drainage, is hereby APPROVED, subject to the following conditions (motion made by Mr. Arminio to amend main motion to add conditions #3 and #5, seconded by Ms. Fox, and carried unanimously, voting as above; motion made by Mr. Arminio to amend main motion to add conditions #1a, #2, and #4, seconded by Mrs. Fox, and carried by a vote of 4 in favor--Chory, Fox, Arminio, Kronick, one opposed--Herbst):

1. Compliance with requirements of the Town Engineer with respect to storm and surface water drainage.
  - a. Snout hoods shall be installed on all catch basins.
2. Additional 40 marked spaces shall be provided on the south side of the property across the bridge. All parking shall be on site; overflow parking shall be located in this area.
3. No commercial vehicles shall be parked overnight.
4. Any additional new lighting shall be colonial in style to match the nearby green lighting.
5. The entire Conservation Easement shall be landscaped; size and species as recommended by the Town Tree Warden, Warren Jacques (203-261-4370).

6. 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 November 3, 2005 (expiration of appeal period). Failure to record notice within six months of effective date shall null and void the approval.

**05-59) Frank Minardi/Paul F. Vinas.** Proposed Resubdivision Lots 20-24, "Jenny Ridge Estates," Trumbull, CT, dated May 25, 2005; 6 lots E/S Teller Road across from August Lane. Upon motion made to approve (Herbst), seconded (Arminio), and not carried by a vote of one in favor (Herbst), 4 opposed (Chory, Fox, Arminio, Kronick), it was voted to DENY the above-captioned plan for the following reasons:

1. Approval of the plan would not maintain the character of the town, and would not blend in with the lots across the street.
2. The Commission removed one lot from a previous subdivision of this property, and did not find any reason to change that decision.

The Commissioner voting in favor (Herbst) stated that the impact from the original subdivision was not significant, the applicant was entitled to this additional lot under the Open Space regulations (Art. III, Sec. 8), and the petition submitted in opposition had signatures from all throughout the town and not just the immediate neighborhood.

The effective date of action was set for November 3, 2005.

**05-60) Drew & Cheryl Ciambriello.** Resubdivision Map Prepared for Drew & Cheryl Ciambriello, 198 Park Lane, Trumbull, CT, dated 8-11-05; 2 lots at 198 Park Lane with second lot having frontage on a road which is not a public street. Upon motion made (Arminio), seconded ((Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to APPROVE the above-captioned plan, subject to the following conditions:

1. Receipt of record map, to be signed by owner of record, indicating approval of all boundaries, dedications, and conveyances shown thereon.
  - a. Record map should show existing and proposed sanitary sewers and finished floor elevations.
2. Compliance with requirements of Town Engineer with respect to storm and surface water drainage.
3. Compliance with requirements as shown on Engineering Comments sheet, dated 9-20-05.

Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted that the request for a variance of Chapter V, Section 9 of the Land Subdivision Regulations, with respect to approving this lot without frontage on a public or accepted street, is hereby APPROVED. The Commission determined that use of the driveway which is already maintained by the Town would not be detrimental to the area, and is currently being used by residents of Shady Lane. Attention is called to the fact that unless the aforementioned conditions

are complied with within 90 days from date of expiration of appeal period (November 3, 2005), the Commission's approval shall become void.

Mr. Arminio had recused himself on the following application, and Mr. Scinto will be voting in his stead.

**05-61) Trumbull Town Commons Association, Inc.** Application dated Aug. 26, 2005. Trumbull Town Commons, Main Street, Mayfield Drive, Hadley Drive. Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Scinto, Kronick), it was voted that application, pursuant to Art. IX, for a modification to existing Special Permit for improvements to roadways and drainage system, is hereby APPROVED, subject to the following conditions (motion made by Mr. Herbst to amend main motion to add conditions, seconded by Ms. Fox, and carried unanimously, voting as above):

1. Compliance with requirements of the Town Engineer with respect to storm and surface water drainage.
2. Compliance with requirements as shown on Engineering Comments sheet, dated 9-20-05.
3. Handicapped parking shall be provided during construction on an as-needed basis at all times during the phased construction of the development, to be under the supervision of the Town, to assure that the elderly and handicapped will have the easiest and most accessible way to get to their units, to park their cars, or access their vehicles.
4. A temporary curb cut shall be created on Park Lane during construction at the direction of the Town Engineer.
5. 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 November 3, 2005 (expiration of appeal period). Failure to record notice within six months of effective date shall null and void the approval.

Mr. Arminio returned.

**05-63) Kent A. Lewis, Jr.** 22 Teeter Rock Road. Upon motion made (Herbst), seconded (Kronick), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), 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 November 3, 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.

MUNICIPAL IMPROVEMENTS REFERRAL: Trumbull High School 16 classroom/commons expansion project, and portable classroom project. Jim Nugent passed out information showing location of new classrooms and the portables.

Pursuant to CGS 8-24, the following recommendation was made: Upon motion made (Arminio), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to recommend approval of the Trumbull High School 16 classroom/commons expansion project, and portable classroom project.

262 Stonehouse Rd. (Cotton): Upon motion made (Herbst), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to release subdivision bond. All work has been completed satisfactorily.

115 Technology Dr. (Eldorado Holdings): Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to release site bond upon recommendation of Brian Smith, Assistant Town Engineer.

Joenic Estates (White Plains, Twitchgrass Rd.): Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to release subdivision bond. All work has been completed satisfactorily.

100 Corporate Drive: Discussion concerning design modification to front elevation, and replacing overhead door. Upon motion made (Herbst), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to permit changes without an additional application.

The Elms (Main St.): Mrs. Fox recused herself regarding this project, and Mr. Scinto will be voting in her place. David Bjorklund, President SBA, indicated there were proposed double wall units along the easterly property line which were needed based on the Town's topographical maps. However, an actual survey showed that the ground around the rear property line was three feet higher than the Town said it was; therefore, the walls are not needed except in one area opposite the cul-de-sac. Therefore, the final plan will reduce the length of the walls, or eliminate them. They are asking for an approval without filing a formal application. The chairman indicated that this is a sensitive issue and should require a public hearing.

A second request concerning this site was from Don Murray, Building Official, who asked if plumbing could be installed for future use of the basement levels. Ms. Gruce indicated that Article III, Sec. 6C of the zoning regulations states that basement rooms and recreation rooms at ground level shall not be computed in the square footage requirements. The Commission agreed that it is not included.

Anthony Abbate, Jr., 98 Porters Hill Road, 2 lots. Upon motion made (Fox), seconded (Arminio), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to grant 90-day extension of time for subdivision approval (first request).

Lisa Eldridge, 5196 Madison Ave., 2 lots. Upon motion made (Fox), seconded (Kronick), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to grant 90-day extension of time for subdivision approval (first request).

Alarcon, 2218 Huntington Tpke., 2 lots. Upon motion made (Fox), seconded (Kronick), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to grant 90-day extension of time for subdivision approval (first request).

Spinelli/Knauf, Cemetery Drive, 2 lots. Upon motion made (Fox), seconded (Kronick), and carried unanimously (Chory, Fox, Herbst, Arminio, Kronick), it was voted to grant 90-day extension of time for subdivision approval (second request).

Referral from Easton concerning a subdivision "Adirondack Estates" with access from Buttonwood Drive in Trumbull. A discussion took place regarding this subdivision. Ms. Gruce distributed copies of Record Map #1020 showing that Buttonwood Drive in Trumbull has a temporary cul-de-sac and a note that says the cul-de-sac wings will be abandoned when the road is extended. As long as the Trumbull residents are notified of the public hearing in Easton, the Commission felt there would be minimal impact to Trumbull.

Eddy Antoine, Sylvan Ave., 2 lots. Upon motion made (Fox), seconded (Kronick), it was voted to grant 90-day extension of time for subdivision approval (first request).

The meeting adjourned at 11:20 p.m.

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