

PLANNING AND ZONING COMMISSION

NOVEMBER 21, 2005

A meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Trumbull Town Hall on Monday, November 21, 2005.

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

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

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Chairman called meeting to order at 7:38 p.m.; the purpose of the meeting was to discuss three chapters on the proposed Plan of Conservation and Development, and to act on pending agenda and other business as posted in the Town Clerk's Office.

Plan of Conservation and Development:

Melissa Kaplan-Macey, BFJ, discussed with the Commission the next three chapters of the Plan covering Community Facilities and Services, Transportation, and Future Land Use Plan.

The next meeting will be on Thursday, December 1, and will be the final public workshop.

Pending Agenda from October 19, 2005 Public Hearing:

05-64) J & G Building Associates, LLC. Improvement Location Survey, Lot 1 & 2, Prepared for J & G Building Associates, Inc., White Plains Road, Trumbull, CT, dated 8-12-05; Lot Line Revision between two lots southwest corner of White Plains Road and Sunset Avenue, with street address of 811 White Plains Road. Upon motion made to approve (Herbst), seconded (Vertucci), and opposed unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted to DENY the above-captioned plan for the following reason:

- Since the house was built over the lot line between these two lots, it has effectively been merged into one lot.

05-66) Harold Cotton, Jr. & Cynthia Zargo. Resubdivision Map #6 Tashua Lane, Trumbull, CT, Prepared for Harold Cotton, Jr., dated 3-3-05, rev. to 6-29-05; 4 lots E/S Tashua Lane at Stonehouse Road. Upon motion made (Arminio), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted to

APPROVE the above-captioned plan, upon compliance with the following:

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

Attention is called to the fact that unless the aforementioned condition is complied with within 90 days from date of expiration of appeal period (December 13, 2005), the Commission's approval shall become void.

05-67) Raymond Rizio, Trustee. Application dated August 15, 2005. Upon motion made to approve (Herbst), seconded (Vertucci), and not carried by a vote of one in favor (Herbst), 4 opposed (Chory, Fox, Arminio, Vertucci), it was voted that application to amend Chapter II, Sec. 2(c) and Chapter V, Sec. 4 of the Land Subdivision Regulations of the Town of Trumbull to permit hammerhead-shaped or non-circular-shaped turnarounds, is hereby DENIED for the following reasons:

1. The current regulation is adequate, has worked effectively, and there is no reason to change it at the present time.
2. A cul-de-sac with an adequate turning radius for safety reasons for buses and emergency vehicles is already in the regulations.

The Commissioner (Herbst) voting in favor indicated that hammerheads are already approved in Town without being addressed in the regulations, and should be added on a restricted basis as stated by the Assistant Town Engineer's letter read into the record.

The effective date of action was set for December 13, 2005.

05-62) Kathleen Maher. Application dated Aug. 30, 2005. 831 White Plains Road. Upon motion made to approve (Arminio), seconded (Fox), and opposed unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted that application for a Special Permit, pursuant to Art. II, Sec. 1, Par. F, to establish real estate office in Design District, is hereby DENIED for the following reasons:

1. Properties in a Design District are to be used singly and approved on their own merits.
2. Approving a common driveway for two such uses (application for Design District was approved for property next door) would set a precedent, and not carry out the intent of the regulations.

The effective date of action was set for December 13, 2005.

05-69) John & Silvia Lawlor. Application dated Sept. 26, 2005. 37 Stag Lane. Upon motion made (Arminio), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted that application for a Special Permit, pursuant to Art. II, Sec. 1, Par. E, 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 December 13, 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.

05-70) Lynn M. Heuer. Application dated Sept. 28, 2005. 4288 Madison Ave. Upon motion made (Herbst), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted that application for a Special Permit, pursuant to Art. II, Sec. 1, Par. E, to convert existing attached garage into 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 December 13, 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.

05-71) Trumbull Veterinary Association. Application dated Sept. 28, 2005. 6537 Main St. Upon motion made (Fox), seconded (Herbst), and carried unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted that application for a Special Permit, pursuant to Art. II, Sec. 2, to construct 448 sq. ft. addition to rear of existing veterinary building for use as office space, is hereby APPROVED, and will become effective upon recording of certified notice thereof in the Land Records in the name of the record owner.

The effective date of action was set for December 13, 2005 (expiration of appeal period). FAILURE TO RECORD NOTICE WITHIN SIX MONTHS OF EFFECTIVE DATE SHALL NULL AND VOID THE VARIANCE. In the event of appeal or appeals, time periods shall commence from date of final decision on the appeal or appeals.

A building permit must be obtained before starting construction.

Pending Agenda from October 19, 2005 and November 16, 2005:

05-68) New Cingular Wireless, PCS, LLC. Application dated Aug. 22, 2005. Lot 40 Merrimac Drive. Upon motion made to approve (Herbst), seconded (Fox), and opposed unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted that application for a Special Permit, pursuant to Art. XVII, to locate a wireless telecommunications facility on the existing water tank, consisting of up to 12 panel antennas and unmanned electronic equipment cabinets to be located within an equipment shelter at base of water tank, is hereby DENIED for the following reasons:

Items 1, 2, and 3 were approved upon motion made (Fox), seconded (Vertucci), and carried unanimously (same voting as above):

1. There were inconsistencies in the application as noted by the attorney for the neighbors which is a matter of public record.
2. The independent judgment of the consultant who was retained on behalf of the Town was questioned; too much of his recommendations were basically adopting Cingular's.
3. Environmental harm or broad environmental pollution and/or aggrievement has been established through the 22a-19 intervenor claim; specifically, the neighbors did not just recite the statute, but they demonstrated strong evidence to suggest that an application like this in such close proximity to residential homes has not been seen previously. The neighbors have satisfied their burden of showing potential environmental harm, hazard, and pollution sufficient enough to have filed a 22a-19 claim, and sufficient enough to deny the application.

Items 4 and 5 were approved upon motion made (Vertucci), seconded (Herbst), and carried unanimously (same voting as above):

4. The property values in the area would be adversely impacted.
5. Repeaters can be used if there is a "dead" spot.

Items 6, 7, and 8 were approved upon motion made (Arminio), seconded (Fox), and carried unanimously (same voting as above):

6. If the existing trees around the water tower are cut down too severely, they will die.
7. This is an historical area of Town, and the site is one of the highest points in the area.

8. The engineer at the public hearing hesitated when asked if he would want to live near the water tower with the antennas, although the Commission is not claiming any determination as to health impacts.

Items 9 and 10 were approved upon motion made (Vertucci), seconded (Fox), and carried unanimously (same voting as above):

9. Over 50% of the coverage area being addressed is not in the Town of Trumbull (see Article XVII, Sec. 5K).

10. It affects the character and appearance of the area.

The effective date of action was set for December 13, 2005 (expiration of appeal period).

Pending Agenda from November 16, 2005:

05-76) Mildred R. Cook. Resubdivision Map of Lot 3, Prepared for Mildred Cook, Stonehouse Rd., Trumbull, CT, dated 7-12-05; 2 lots between Cook Circle and 155 Stonehouse Road. Upon motion made (Arminio), seconded (Vertucci), and carried by a vote of 3 in favor (Chory, Herbst, Vertucci), 2 opposed (Fox, Arminio), it was voted to APPROVE the above-captioned plan, upon compliance with the following:

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

a. Lots should be numbered 301 and 302.

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 11-8-05.

Those voting in opposition stated that this is an interior lot, does not meet the criteria for same, and has no road frontage on a public street.

Attention is called to the fact that unless the aforementioned conditions are complied with within 90 days from date of expiration of appeal period (December 13, 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.

05-77) Robert C. Whitehead. Subdivision Map Prepared for Robert Whitehead, #5206 Madison Ave., Trumbull, CT, dated 7-8-05, rev. to 10-25-05; 2 lots E/S Madison Ave. 450' north of Tashua Rd., with street address of 5206 Madison Ave. Upon motion made (Herbst), seconded (Vertucci), and carried unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted to APPROVE the above-captioned plan, upon

compliance with the following:

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 11-8-05.
4. Receipt of signed Agreement to Complete Subdivision Improvements.
5. Receipt of bond, amount to be calculated by Town Engineer, to insure completion of subdivision improvements. The bond shall be in the form of a certified check made payable to the Town of Trumbull.

Attention is called to the fact that unless the aforementioned conditions are complied with within 90 days from date of expiration of appeal period (December 13, 2005), the Commission's approval shall become void.

05-78) Rocco Veltri/Luigi Veltri. Property Survey Lot Line Revision Prepared for Luigi Veltri #6316 Main Street, Trumbull, CT, dated Aug. 2, 2005, rev. to 10-26-05; 2 lots, corner of John & Main Streets, with street address of 6316 Main Street. Upon motion made to approve (Arminio), seconded (Vertucci), and opposed unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted to DENY the above-captioned plan for the following reason:

- Since the house was built over the lot line between the two original lots, it has effectively been merged into one lot.

The effective date of action has been set for December 13, 2005 (expiration of appeal period).

Pre-application Review: A brief discussion took place regarding Public Act 03-184. It will be reviewed again at a later date.

Street Name Change from Cemetery Drive to Historic Drive: Motion made to approve (Herbst), seconded (Fox), and not carried by a vote of one in favor (Herbst), 4 opposed (Chory, Fox, Arminio, Vertucci). Those opposing the change indicated it has been called Cemetery Drive for a long time and should remain so.

Tashua Terrace (Main Street): Upon motion made (Arminio), seconded (Vertucci), and carried unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted to call landscape bond upon recommendation of Town Tree Warden, Warren Jacques.

Eldorado Holdings, LLC, (Lots 1 & 2 Technology Dr.): Upon motion made (Herbst), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted to release landscape bond upon recommendation of Town Tree Warden, Warren Jacques.

R.D. Scinto, Lot 3 Quarry Road: Upon motion made (Herbst), seconded (Fox), and carried unanimously (Chory, Fox, Herbst, Arminio, Vertucci), it was voted to release landscape bond upon recommendation of Town Tree Warden, Warren Jacques.

Aquarion Water Tower, Lot 40 Merrimac Drive: Ms. Fox indicated the evergreen screening should be restored to the original conditions of approval, and a letter should be written from the Commission to Aquarion. Mr. Chory indicated he would call the ZEO.

The meeting adjourned at 11:00 p.m.

By: _____

Joan M. Gruce
Planning and Zoning Administrator/Clerk