

**PLANNING AND ZONING COMMISSION**

**DECEMBER 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, December 21, 2005.

Attendance: Anthony Chory, Chairman; Arlyne Fox; 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

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Chairman called meeting to order at 7:38 p.m.; 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, DECEMBER 21, 2005, at 7:30 p.m., on the following applications:

**SPECIAL PERMIT/SITE PLAN:**

05-73) Nuno & Fatima Pereira. 430 Shelton Rd. Pursuant to Art. II, Sec. 1, Par. E, Special Permit to construct In-Law/Accessory Apartment within existing footprint. HEARING CONT'D. FROM NOV. 16, 2005

05-74) Richard S. & Lisa A. Fitzsimons. 163 Whitney Ave. Pursuant to Art. II, Sec. 1, Par. E, Special Permit to construct new dwelling with In-Law/Accessory Apartment over attached garage; existing dwelling to be removed. HEARING CONT'D. FROM NOV. 16, 2005

05-75) J & C Bargas Construction, LLC. 5536 Main St. Pursuant to Art. XVIII, modification to existing Site Plan approval, in an AREHZ, to reduce lineal footage of retaining wall along easterly portion of property. HEARING CONT'D. FROM NOV. 16, 2005

05-79) Wynn Wilcox. 36 Overlook Place. Pursuant to Art. II, Sec. 1, Par. E, Special Permit to construct In-Law/Accessory Apartment within existing footprint.

05-80) Antinozzi Associates, PC, for Conopco, Inc. 50 Commerce Drive. Pursuant to Art. II, Sec. 5, Special Permit to construct entrance canopy and stairs to existing building.

05-81) Old Mine Associates, LLC. 80 & 90 Monroe Turnpike. Pursuant to Art. II, Sec. 2, Special Permit to construct Home Depot store and 16,800 sq. ft. freestanding retail building.

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 2<sup>nd</sup> day of December, 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 letter was received from Atty. Koehm regarding Application #05-73, Nuno & Fatima Pereira, requesting that the hearing be continued to the scheduled meeting in January, and granting an extension of time to complete the hearing. Upon motion made (Fox), seconded (Arminio), and carried unanimously (all present voting), it was voted to grant above request.

In addition, Application #05-75, J & C Bargas Construction, LLC, has been withdrawn.

Chairman indicated that one of the municipal improvements referrals will be heard prior to the public hearing.

MUNICIPAL IMPROVEMENTS REFERRAL: Approval of acceptance of 5.194 acres of land as open space off Porters Hill Road. David Bjorklund, SBA, was present to discuss this referral. This is a gift of property on the west side of Porters Hill Road owned by the Chernak's. It will be used as open space and cannot be developed. If it is sold by the Town, proceeds from the sale will go to the immediate heirs; if there are none, then it will go to the Connecticut Audobon Society.

Pursuant to Section 8-24 of the CGS, the following action was taken by the Planning and Zoning Commission:

Upon motion made (Arminio), seconded (Reed), and carried unanimously (Chory, Fox, Arminio, Scinto, Reed), it was voted to recommend acceptance of the property as outlined above.

05-74) Mr. and Mrs. Fitzsimons appeared on behalf of this application, indicating the house must be taken down. When the new one is built, they would like to construct an In-Law/Accessory Apartment. A variance must be obtained for the rear setback.

05-79) The builder represented the applicant, and the applicant's mother-in-law was also present. They would like to construct an apartment in the basement. They both indicated they were on sanitary sewers, the house was recently purchased, but the engineering review indicated they were on septic. No information was presented concerning the size of the system, and the Commission requested that the hearing be continued to clarify this issue.

Upon motion made (Arminio), seconded (Reed), and carried unanimously (Chory, Fox, Arminio, Scinto, Reed), it was voted to continue hearing to January 18, 2006.

05-80) George Perham, Antinozzi Assoc., indicated that Unilever is renovating the building at 50 Commerce Drive. Ben Cato, Langan Engineering, was also present. Mr. Perham indicated they are constructing a canopy and stairwell on the Merritt Blvd. side of the building for which they received a variance for the setback. Two means of ingress and egress are required from the building.

05-81) Atty. Bill Fitzpatrick appeared on behalf of Old Mine Assoc., LLC. A special permit application was filed in September, a hearing was held on 10-19-05; subsequently, a show cause hearing was held on 10-31-05, with Judge Arnold denying a temporary injunction, but indicating that the applicant should go to IWWC. The special permit application submitted in September was withdrawn and refiled as well as an application to IWWC. Wetlands approved the application, and a copy of the letter was submitted. The property consists of 17.9 acres in a B-C zone, and the proposed use is a permitted use. A similar size retail center was approved by this Commission in '94.

Dirk Sabin, landscape architect, Washington, CT, submitted a letter from Jay Keillor, the engineer on the project, about a correction in the materials submitted with the application. Sanitary sewers, water and gas are available, and 606 parking spaces are proposed. He described the drainage features, and indicated there is zero increase in run-off from the site; no discharge will go toward the park. The access drive is two lanes with less than an 8% gradient. There is an extensive landscape plan with the bulk of landscaping in the front area. The plan has been approved by the Tree Warden.

Ian McCarthy, architect, Middlesex, NJ, described the features designed to match other buildings in Trumbull. The facade for Home Depot will be a deep red tone with a darker brown base. All rooftop equipment will be screened as required.

Henry Dittman, VP, Barkan and Mess, Branford, discussed the traffic report. He advised that STC dictates the formula that must be used. Actual traffic counts were taken on Friday, September 23, and Saturday, September 24, at peak hours, at the following intersections:

- Rte. 25 & 111
- Rte. 25 and Spring Hill Road
- Rte. 111 and Trefoil
- Rte. 111 at Technology Drive and Corporate Drive

The following levels of service are expected after construction:

- Rte. 25 & 111 – Friday, LOS E, Saturday, LOS D
- Rte. 25 and Spring Hill Road – LOS C or better
- Rte. 111 and Trefoil – LOS C or better
- Rte. 111 at Technology Drive and Corporate Drive – LOS B or better

He indicated that much of the traffic is already on the road, and commuter traffic is heavier during the week. Where they found problems, they are making recommendations to address those deficiencies.

Atty. Fitzpatrick indicated the plan meets the zoning requirements, and asked that signage not be addressed this evening and no action be taken because they need a variance. The majority of deliveries will be in the morning, and they will not be open 24 hours.

A number of the Commissioners requested a northbound right turn lane to Rte. 25. When asked about an emergency accessway, Mr. Sabin indicated it would be difficult because of a non-access strip to 111. Mr. Fitzpatrick added that they will make every effort to ask the state to put in a second access.

Lighting was discussed, and Mr. McCarthy indicated colonial-style lighting will be near the building, but the parking lot light poles are 30 feet high and direct lighting downward with no spill off the site.

Mr. Fitzpatrick indicated the hours of operation are 6:00 a.m. to 11:00 p.m., and on Sunday from 8:00 a.m. to 6:00 p.m.; there are 3 shifts.

Ann Companik, 28 Tungsten Circle, is opposed because of traffic. They cannot exit their street now, and the project is too close to the park.

Norman Glover, 122 Monroe Turnpike, 122 Monroe Tpke., is opposed, and indicated that traffic on Rte. 111 will be aggravated by this plan. If DOT intends to widen 111, it will take a long time. There will be increased air pollution, noise pollution, and lighting pollution.

Tony D'Aquila, Valley View Road, would like a certain width to parking spaces to accommodate SUV's, and would not allow them to put merchandise in the parking spaces. Sidewalks should be installed along 111 and the driveway, and crosswalks. There should be a restriction on the hours of lighting, and a right turn lane northbound to Rte. 25.

Mr. McCarthy indicated that lighting will be on one hour before the store opens and one hour after it closes. If sidewalks are allowed on the State highway, they will accommodate the request.

Mr. Dittman added that whatever improvements are made will be in place and paid for by the applicant before the store opens.

Atty. Fitzpatrick reiterated that a similar size and use was approved by P & Z previously for this site. They will not add the bridge widening to their plan, but will comply with whatever STC requires. Atty. Cordone added that the Commission cannot add improvements to a state road as part of their conditions of approval.

The public hearing closed at 10:11 p.m.

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

A brief discussion was held concerning election of Officers which was not on the agenda. Upon motion made (Arminio), seconded (Reed), and carried by a vote of 3 in favor (Arminio, Reed, Scinto), 2 opposed (Fox, Chory), it was voted to add election of officers to agenda.

Mrs. Fox nominated Anthony Chory for Chairman, seconded by Mr. Reed. Mr. Scinto nominated Dominic Arminio for Chairman, seconded by Mr. Reed. No other nominations were received, and Mr. Arminio was elected Chairman by a vote of 3 in favor (Arminio, Scinto, Reed).

Mr. Chory nominated Arlyne Fox for Vice Chairman, seconded by Mr. Arminio. No other nominations were received, and Mrs. Fox was elected Vice Chairman unanimously (all present voting).

Mr. Arminio nominated Anthony Chory for Secretary, but he declined the position. Mr. Chory nominated Tim Herbst for Secretary, seconded by Mr. Reed. No other nominations were received, and Mr. Herbst was elected Secretary unanimously (all present voting).

"The Elms", 5536 Main Street (J & C Bargas). Mrs. Fox recused herself and left the room. Upon motion made (Reed), seconded (Chory), and carried unanimously (Arminio, Chory, Reed, Scinto), it was voted to reduce site bond to \$215,736, as per recommendation of Assistant Town Engineer.

14 Old Tree Farm Lane, Lot 5 (Hannibal Construction). Upon motion made (Fox), seconded (Scinto), and carried unanimously (all present voting), it was voted to release both site bond and landscape bond upon recommendation of Assistant Town Engineer and Tree Warden.

"Regency Meadows" Phase I, Main St. (Toll Brothers). Upon motion made (Fox), seconded (Chory), and carried unanimously (all present voting), it was voted to reduce site bond to \$5,000 as recommended by Assistant Town Engineer.

"Regency Meadows" Phase II, Main St. (Toll Brothers). Upon motion made (Fox), seconded (Chory), and carried unanimously (all present voting), it was voted to reduce site bond to \$5,000 as recommended by Assistant Town Engineer.

MISCELLANEOUS: Aquarion should be referred to ZEO to follow up on plantings around the water tower. Mr. Arminio will speak to him.

The meeting adjourned at 10:45 p.m.

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