

**PLANNING AND ZONING**  
**August 15, 2012**

The Planning and Zoning Commission held a regular meeting on Wednesday, August 15, 2012 in the Council Chambers of the Trumbull Town Hall.

Members Present: Arlyne Fox, Vice-Chairman  
Richard Deecken, Fred Garrity, Tony Silber and alternates  
Steven Mahlstedt and Don Scinto

Also Present: Jamie Brätt, Director of Planning and Development;  
Mario F. Coppola, Town Attorney and William Maurer, Engineering Department

Tonight's meeting was chaired by Arlyne Fox.

A quorum being present the Chairperson called the meeting to order at 7:00 p.m.

In the absence of Chairman Chory, Steven Mahlstedt was designated the fifth voting member for tonight's meeting.

**PRE-APPLICATION REVIEW**

Proposed construction of an office building at 843 and 847 White Plains Road. Petitioner: Greater Bridgeport Board of Realtors

Commissioner Mahlstedt recused himself from participation in this discussion, as he is involved in the real estate profession.

David Bjorklund presented the proposal on behalf of the Greater Bridgeport Board of Realtors and submitted photographs of the site area.

The subject two properties (1.2 acres combined) lie within the Professional Overlay Zone. The project entailed the demolition of the existing structures to allow for a single 2,400 sq. ft. two-story office building. The Greater Bridgeport Board of Realtors plan to occupy the ground floor and have a tenant utilize the second story.

Mr. Bjorklund indicated that the GBBR offices will be put to use for professional real estate training and development. As of now, there will be one full time and three part-time permanent employees. Day and evening classes would be held mainly on weekdays, with weekend classes a possibility. Sessions would occur mainly during off-peak traffic hours. It was noted that professional offices are allowed in POOZ but classrooms are not identified as a permitted use. The applicant requests feedback from the Commission, as to whether, they would consider this a compatible accessory use for this zone.

The contract architect, Joe Mingolello, described the proposed structure as being approximately 4,000 sq. ft. in size and residential looking in style and character so as to blend in with the neighborhood. A 52 space parking area is to be located in the rear with full landscape screening to offset any impact to adjacent residential properties.

It was the consensus of the Commission that the concept, as presented, appeared to meet the intention of the zone and advised the applicant to move forward with a formal application.

The Pre-Application Review concluded at 7:15 p.m. The Commission reconvened at 7:30 p.m. for the Public Hearing portion of the meeting.

## **PUBLIC HEARING**

### **ZONING AMENDMENT**

Jamie Brätt provided an overview of each of the following proposed amendments.

Application #12-18 – Amending of Art. II, Sec. 3.2.5.1 of the Zoning Regulations of the Town of Trumbull to identify properties existing prior to the establishment of the B-C Long Hill Green Zone, September 13, 2010, as building lots in terms of minimum lot frontage and minimum acreage. Petitioner: Planning and Zoning Commission

The purpose of the proposed re-write was to insure that existing parcels, which have been incorporated into the Long Hill Green Zone, are identified as buildable lots.

Application #12-19 – Amending of Art. I, Sec. 3.41 to permit enclosure of a deck. Petitioner: Planning and Zoning Commission

The prohibition on enclosed decks was incorporated into the regulations, when they were rewritten in 2008. Ms. Brätt advised that since enclosed decks are common within residential zones and for purposes of consistency recommended that the regulations revert back to pre-existing policy.

Application #12-20 – Amending of Art. VI, Sec. 2.4 to require notification to property owners within one hundred fifty (150) feet of a pending ZBA application.

Proposed amendment would bring regulations into conformity with recently amended ZBA application requirements.

A letter from the Greater Bridgeport Regional Council was read for the record. The GBRC determined the proposed amendments to be minor in nature with no regional impact indicated.

There was no formal discussion, as the proposals had been presented and discussed at a prior meeting of the Planning and Zoning Commission. There was no public comment, as well.

### **SPECIAL PERMIT**

Application #12-11 – Joseph Voll  
6523 Main Street

Pursuant to Art. II, Sec. 3.2, Special Permit to construct a 977 sq. ft. addition to an existing structure.

The proposal was presented by the applicant, Joseph Voll. The submitted plans indicated a one-story rear addition approximately 977 sq. ft. in size, to be occupied by a real estate office. The applicant provided details regarding the outward appearance of both the addition and the existing structure, which he planned to completely renovate. Assurances were given that the residential look would be maintained. Mr. Voll advised that the project meets all building and parking standards.

For aesthetic purposes the Planning Director recommended that additional windows be added to the north side and to the front side of the new structure. It was also her recommendation that wheel stops be placed in the rear parking lot.

A letter from the Tree Warden requesting a \$15,000.00 landscape bond was read for the record. The applicant was also advised that the dumpster, to be located on this property, be properly screened.

It was further noted that since the proposed signage has not been properly addressed, a separate application will be required once a signage plan is in place.

Mr. Voll indicated that he would be amenable to all recommendations made.

Application #12-12 – Nichols Farms Burial Ground Association  
Cemetery Drive

Pursuant to Art. II, Sec. 1.2.4.3, Special Permit to allow use of continuous 1.647 acres of land for burial purposes.

Commissioner Garrity asked that the record reflect that he has a family member interred in this cemetery but did not feel a need to recuse himself, as he has no connection with the Association itself.

Herbert Wry, President of the Association came forward. The Special Permit use involved the expansion of the existing cemetery grounds to include acreage purchased from St. John's Catholic Church. The submitted plan indicated the location of the acquired property to be to the rear of the existing cemetery.

The Planning Director advised that the proposal meets zoning requirements. She added that the applicant has been informed that the shape of the property will only allow a small portion of the land to be utilized for burials, as interments are prohibited within 100 feet of the property line.

Application #12-13 – American Sign, Inc.  
100 Quarry Road

Pursuant to Art. II, Sec. 4.2.7 and Art. XIII, Special Permit to install a 17" high wall identification signage.

Tony Lafo of American Sign, Inc. and Vince Cataldo of Bow Tie Cinemas were the presenters. A Special Permit is requested to install illuminated signage below the existing Bow Tie Cinema identification sign. Mr. Lafo informed that the purpose of the new signage was to advertise the cinema's new BTX Digital feature. The submitted plan indicated lettering 17" high and a signage span of approximately 63 feet. The applicant indicated that the lighting would be LED and directly illuminated.

A question arose regarding visibility to neighboring areas. It was determined that visibility would be obstructed by surrounding trees and buildings. Mr. Lafo also noted that the lettering is similar but smaller than the existing signage.

Application #12-14 – Vaman B. Kidambi  
140 Monroe Turnpike

Pursuant to Art. II, Sec. 4.2, Special Permit to construct a 10,660 sq. ft. two-story office building (existing structures to be removed).

David Bjorklund of Spath-Bjorklund Associates conducted the presentation on behalf of the applicant. A small dwelling and detached garage currently exist on the property. The proposal is to demolish these two structures and replace them with a two-story office building, approximately 10,660 sq. ft. in size, with parking for 52 vehicles.

The property originally existed as residential but a zone change to I-L2 was obtained in the 1980's. All necessary waivers relative to setbacks, lot area and parking requirements have been obtained.

A revised landscape plan was submitted, which meets the approval of the Town Tree Warden. Mr. Bjorklund also made note that the dumpster would be screened with appropriate landscaping and that a 4' berm was proposed in the front parking area. Access would remain, as it is currently, from Route 111 with the private driveway along the west side property line utilized for emergency purposes only.

John Gudeus, the project architect, came forward and provided a detailed architectural review. The proposed two-story building would have two main entrances (front and back) and a contemporary brick façade. He described the proposed look as being well suited to this area.

The Town Planner advised that all required variances have been approved and that other zoning standards are in compliance.

A letter from the Town Tree Warden requesting a landscaping bond in the amount of \$85,000 was submitted for the record.

A site bond was also requested from the Town Engineer's representative, Bill Maurer.

The applicant was advised that any proposed signage would not be included as part of the Special Permit, if issued.

Application #12-15 – 43 Monroe Turnpike, LLC and 41 Monroe Turnpike, LLC  
41,43,53 Monroe Turnpike

Pursuant to Art. II, Sec. 3.1 modification of existing Site Plan and Special Permit retail uses.

Attorney Raymond Rizio came forward on behalf of the applicant.

The applicant is seeking to modify the Special Permits approved for applications #11-28 & #11-29. The proposal was to modify the site plan by separating a 4,200 sq. ft. portion from the previously proposed

building. This standalone structure would house a second restaurant, as the original tenant, Firestone Tire Shop, has opted out of establishing space here. Mr. Rizio indicated that there was no outdoor seating proposed for this second restaurant. The site plan now reflects four separate buildings accommodating two restaurants, a fitness center and various retail shops.

Assurances came from Attorney Rizio that all terms of the Settlement Agreement between the applicants and the Woodland Hills Condominium Association would remain intact.

The Town Planner believed the proposed restaurant use to be a more desirable fit for this location. Ms. Brätt detailed the suggestions, as contained in her staff report, concerning the proposed walkways. The Town Planner informed that the applicant has already taken measures to increase walkability between the four separate buildings.

#### Public Comment

Attorney Jim Cordone, representing the Woodland Hills Condominium Association, conveyed the Association's support of the proposed modifications. He asked that the record reflect that all terms and conditions of the Settlement Agreement between his client and the applicant still apply.

A short break was taken and the Public Hearing reconvened at 9:05 p.m.

#### **LIQUOR LOCATION PERMIT**

Application #12-16 – With a Twist, LLC  
41 Monroe Turnpike

Pursuant to Art. VII, approval of proposed location for retail liquor package store permit.

Presented by Attorney Raymond Rizio, for the applicant. The package store, which currently exists at 43 Monroe Turnpike will be moved to this new location. The Town Planner advised that the proposed location conforms to zoning requirements.

Application #12-17 – Prime 111, LLC  
43 Monroe Turnpike

Pursuant to Art. VII, approval of proposed location for restaurant liquor permit.

Attorney Rizio was the presenter. Upon inquiry, Mr. Rizio informed that the outside patio would be shielded with fencing.

The Town Planner advised that the proposed location meets zoning requirements.

This concluded the Public Hearing.

#### **REGULAR MEETING**

#### **Request for Extension of Time**

Application #12-14 – ABM Brothers  
6540 Main Street

Attorney Frederick Ehram appeared on behalf of ABM Brothers. Mr. Ehram advised that due to the current economic environment, bank funding has been difficult to obtain and therefore a two year extension of time to begin construction is requested.

The applicant's representative was reminded that zoning regulations only permit a one year extension that can be reapplied for one additional time. Attorney Ehram indicated agreement to a one year extension.

### **Request for Bond Release**

Application #12-37 – Quarry Road Lot 2, LLC (R.D. Scinto)  
100 Quarry Road

A letter from the project engineer, David S. Bjorklund, requesting approval of a partial bond release for work completed to date was read for the record.

William Maurer, of the Engineering Department, confirmed that 51% of the project has been completed satisfactorily and recommended that \$506,000.00 from the original \$980,000.00 bond be released.

### **Approval of Minutes**

MOTION MADE (Deecken), seconded (Silber) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber) to approve the minutes of the regularly scheduled meeting of June 20, 2012 and the Special Meeting of July 25, 2012.

Tonight's applications were then reviewed and the Commission took action, as follows.

Application #12-18 – Amending of Art. II, Sec. 3.2.5.1

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber), to approve Application #12-18, as presented.

Application #12-19 – Amending of Art. II, Sec. 3.2.5.1

MOTION MADE (Silber), seconded (Garrity) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber), to approve Application #12-19, as presented.

Application #12-20 – Amending of Art. VI, Sec. 2.4

MOTION MADE (Deecken), seconded (Garrity) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber), to approve Application #12-20, as presented.

Application #12-11 – Joseph Voll  
6523 Main Street

MOTION MADE (Garrity) and seconded (Deecken) to approve application #12-11.

The recommendations as submitted by the Town Planner and the Town Tree Warden were reviewed and considered.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber) to amend the original motion to include the following specific conditions.

1. Receipt of bond, in the amount of \$15,000, as recommended by the Town Tree Warden.
2. Two windows to be added to the north side of the building.
3. An additional window to be installed on the front side of the addition.
4. Wheel stops to be placed in the rear parking lot.
5. Dumpsters, with adequate buffering, to be located on this site.

Vote: Original Motion as Amended – Unanimous

Application #12-12 – Nichols Farm Burial Grounds  
Cemetery Drive

MOTION MADE (Silber), seconded (Deecken) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber), to approve Application #12-12, as presented.

Application #12-13 – American Sign, Inc.  
100 Quarry Road

MOTION MADE (Garrity), seconded (Silber) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber) to approve Application #12-13, as presented and plans submitted.

Application #12-14 – Vaman B. Kidambi  
140 Monroe Turnpike

MOTION MADE (Deecken) and seconded (Garrity) to approve Application #12-14.

The recommendations as submitted by the Town Engineer and the Town Tree Warden were reviewed and considered.

MOTION MADE (Deecken), seconded (Garrity) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber) to amend the original motion to include the following specific conditions.

1. Receipt of landscape bond in the amount of \$85,000.00, as per the recommendation of the Town Tree Warden.
2. Receipt of site bond to be calculated by the project engineer and approved by the Town Engineer.

3. Approval subject to a stormwater system plan acceptable to the Town Engineer.

Vote: Original Motion as Amended - Unanimous

Application #12-15 – 43 Monroe Turnpike, LLC and 41 Monroe Turnpike, LLC  
41, 43, 53 Monroe Turnpike

MOTION MADE (Garrity) and seconded (Deecken) to approve Application #12-15.

The recommendations of the Town Planner were reviewed and considered.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber) to amend the original motion to include the following specific condition.

1. Approval subject to the recommendations, as stated in the staff report generated by the Director of Planning and Development.

Vote: Original Motion as Amended - Unanimous

Application #12-16 – With a Twist, LLC  
41 Monroe Turnpike

MOTION MADE (Deecken), seconded (Garrity) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber) to approve Application #12-16, as presented.

Application #12-17 – Prime 111, LLC  
43 Monroe Turnpike

MOTION MADE (Deecken), seconded (Garrity) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber), to approve application #12-17, as presented.

#### **Request for Extension of Time**

MOTION MADE (Deecken), seconded (Silber) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber), to approve a one year extension of time, to July 11, 2013, to begin construction on Special Permit #11-14.

#### **Request for Bond Reduction**

MOTION MADE (Deecken), seconded (Silber) and unanimously carried (Fox, Deecken, Garrity, Mahlstedt, Silber), to approve a partial release of \$506,000.00 from the site bond applicable to Application #12-37, as per the recommendation of the Town Engineer.

#### **Town Attorney's Report**

Attorney Mario Coppola introduced Attorney Jeffrey Mogan labor council with Berchem, Moses & Devlin.

Attorney Mogan submitted and reviewed his written opinion concerning the hiring process conducted for the position of Zoning Enforcement Officer.

The legal opinion was generated at the request of the First Selectman to address questions raised as to whether the hiring process was done properly. Specifically, the question was whether the process violated the Town Charter, as it pertains to the Planning and Zoning Commission's authority in the appointment of a ZEO.

Attorney Mogan advised that based on the facts and a review of the law he has determined that the hiring process was conducted lawfully.

In summary, the First Selectman has the authority to set workplace standards including the hiring of employees. That the Charter allows for the P&Z Commission to appoint a ZEO as its agent to enforce its regulations is not equivalent to having authority to select and hire a town employee, which the ZEO is.

Commissioner Garrity informed that he participated in the hiring process, which was open and in his opinion went very well. Although he felt that the right candidate was hired, he believed that the final applicant should have been brought before the Planning and Zoning Commission.

It was agreed that it would be appropriate to have the ZEO be introduced to this Board at an upcoming meeting.

There being no further business to discuss a motion was made by Commissioner Garrity and seconded by Commissioner Deecken to adjourn. The August 15<sup>th</sup> meeting of the Planning and Zoning Commission adjourned at 11:15 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on Wednesday, September 19, 2012 at 7:30 p.m. in the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
Clerk of the Commission

