

**Planning and Zoning
September 19, 2012**

The Planning and Zoning Commission held a regular meeting on Wednesday, September 19, 2012 in the Council Chambers of the Trumbull Town Hall.

Members Present: Anthony Chory, Chairman
Arlyne Fox, Vice-Chairman; Richard C. Deecken, Secretary
Fred Garrity, and alternates Steven Mahlstedt, Don Scinto and
Jeffrey Williams

Also Present: Jamie Brätt, Director of Planning and Development
Douglas Wenz, ZEO

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Planning and Zoning Commission.

A quorum being present the Chairman called the meeting to order at 7:40 p.m.

In the absence of Commissioner Silber, alternate Don Scinto was designated the fifth voting member for tonight's meeting.

PUBLIC HEARING

Application #12-21 – Jeffrey Wirth
15 Old Coach Lane

Pursuant to Art. II, Sec. 1.3.2.7, Special Permit to construct addition for use as an in-law/accessory apartment.

The applicant, Jeffrey Wirth, appeared. The submitted plans indicated a 750 sq. ft. accessory apartment to be constructed in the rear of the proposed garage.

The Director of Planning informed that all required variances have been obtained and that the proposed accessory use conforms to zoning requirements.

Ms. Brätt advised the applicant that drainage and grading plans must be submitted and approved by the Town Engineer prior to the issuance of a building permit. The applicant responded that storm water management plans are in progress and should be completed shortly.

Application #12-22 – Digital Realty Trust
60-80 Merritt Boulevard

Pursuant to Art. II, Sec. 4.3 and Art. XV, Sec. 1, Special Permit Modification to permit placement of four (4) fuel storage tanks and reduce number of parking spaces.

Attorney Raymond Rizio conducted the presentation on behalf of the applicant.

The site area serves as a disaster back-up storage facility for Wall Street and the banking industry. Due to the expansion, currently under construction, additional electrical power is needed to ensure that operations can continue in the event of a power outage. To accommodate the added electrical demands, four aboveground fuel storage tanks are required. Mr. Rizio advised that the location of the generators necessitate the placement of the storage tanks in the front yard.

It was the suggestion of the Town Planner that a 9' high fence be installed to screen the equipment from being visible from the road. Mr. Rizio indicated that though he was not opposed to the fencing, he noted that the extensive landscaping plan should buffer the view from any public area. A photograph was submitted which indicated the extensive amount of trees already on site. This prompted discussion, as to the necessity of the proposed fencing.

In addressing the proposal for a 12 parking space reduction, Attorney Rizio indicated the reduced amount to be more than adequate due to the minimal amount of employees and visitors on site.

The Town Planner interjected that she has met with the Fire Marshal who indicated that she is comfortable with the both the location and the design.

Attorney Rizio concluded that the modifications are minor in nature with no adverse effect to any surrounding properties.

Application #12-23 – Said Grazev
158 Booth Hill Road

Pursuant to Art. II, Sec. 1.2.2.7 Special Permit to construct an in-law/accessory apartment within the existing footprint.

As there was no representation present, the following motion was made.

MOTION MADE (Fox), seconded (Deecken) and unanimously carried (Chory, Deecken, Fox, Garrity, Mahlstedt, Scinto) to postpone the public hearing for Application #12-23 until the next regularly scheduled meeting (October 17, 2012).

This concluded the public hearing.

REGULAR MEETING

Minor Deviation

Application #10-23 – Brennan Associates
2 Daniels Farm Road (Trumbull Center)

Jamie Bratt detailed the proposed modifications, as contained in the letter submitted by the applicant.

Upon review of both the approved and modified site plans, the following motion was made.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Fox, Garrity, Mahlstedt, Scinto) to accept the proposed modifications as minor deviations to the approved site plan of Application #10-23.

At this point, the Commission considered a request by the Planning Director to add discussion on the Town's State grant application for enhancements to the Long Hill Green to tonight's agenda.

MOTION MADE (Garrity), seconded (Fox) and unanimously carried (Chory, Deecken, Fox, Garrity, Mahlstedt, Scinto) to add the following item to the agenda: Discussion on the State grant application for municipal improvements to the Long Hill Green.

Discussion

Sign Replacement – Woodland Hills Condominium Association

Jamie Brätt presented a proposal for the replacement of the existing identification signage. Guidance from the Commission was requested, as to whether the proposal requires a Special Permit application.

Upon consensus that too many questions are unanswered, the following motion was made.

MOTION MADE (Garrity), seconded (Fox) and unanimously carried (Chory, Deecken, Fox, Garrity, Scinto), to require a Special Permit application for proposed signage at Woodland Hills.

Amendment to In-Law/Accessory Apartment Regulations.

The Director of Planning and Development informed that at the time the regulations were rewritten in 2008 the one-bedroom stipulation was omitted as a requirement for this accessory use. A review of the minutes indicates the exclusion to be unintentional, as there is no record of this change being discussed or approved.

A lengthy discussion followed and ended with no clear consensus as to how to move forward, at this point.

Proposal to Implement Issuance Fee for a Certificate of Zoning Compliance

Jamie Brätt informed that Art. V, Sec. 2.4 of the zoning regulations specify that a fee shall be attached to a Certificate of Zoning Compliance. A research of neighboring towns has shown that such a fee, within the range of \$25.00 to \$100.00, to be common place.

Opposition was expressed of having another fee attached to zoning sign-offs. The Town Planner reiterated that the language of the zoning regulations is clear that the establishment of a fee is required.

Ms. Brätt noted further the extension work and expertise involved in authorizing these zoning certificates, which amount to about 500 a year.

Upon further discussion the following motion was made.

MOTION MADE (Fox) and seconded (Deecken) to have the Town Planner prepare language, for the Commission's review, establishing a fee for the issuance of a Certificate of Zoning Compliance.

Vote: In Favor (3): Chory, Deecken, Fox - Opposed (2): Garrity, Scinto - MOTION CARRIES

Pending Applications

The applications as presented at tonight's public hearing were reviewed and the Commission took action, as follows.

Application #12-21 – Jeffrey Wirth
15 Old Coach Lane

MOTION MADE (Garrity), seconded (Scinto) and unanimously carried (Chory, Deecken, Fox, Garrity, Scinto) to approve Application #12-21, as presented and plans submitted subject to the approval of a storm water management plan by the Town Engineer.

Application #12-22 – Digital Realty Trust
60-80 Merritt Boulevard

MOTION MADE (Fox), seconded (Garrity) to approve Application #12-22, as presented and plans submitted.

MOTION MADE (Garrity), seconded (Fox) and unanimously carried (Chory, Deecken, Fox, Garrity, Scinto) to amend the previous motion to eliminate any fencing requirements. The installation of fencing shall be at the discretion of the applicant.

Vote: Original Motion as Amended – Unanimous - MOTION CARRIES

Discussion (cont'd)

Discussion on Zoning Requirements Pertaining to Solar Panels

Jamie Bratt advised that regulations, as written, are vague regarding the placement of solar panel making them difficult to enforce. The issue needs to be addressed more fully as the requests for solar panel applications will become more frequent.

At the present time, there is an application for a sign-off by zoning for this type of panel, which will be located on the front roof. Ms. Bratt requested direction from the Commission as to whether the application could be signed off on. It was agreed that the subject application be signed-off on by staff with the stipulation that the materials be as roof like in design, as possible.

Approval of Minutes

MOTION MADE (Garrity) and seconded (Fox) to approve the minutes of the August 15, 2012 regular meeting, as presented.

Vote: In Favor (4): Deecken, Fox, Garrity, Scinto - Abstention (1): Chory (not in attendance).
MOTION CARRIES

MOTION MADE (Garrity) and seconded (Mahlstedt – Voting in place of Commissioner Fox) to approve the minutes of the Special Meeting of August 29, 2012, as presented.

Vote: In Favor (4): Chory, Deecken, Mahlstedt, Scinto - Abstention (1): Garrity (not in attendance).
MOTION CARRIES

At this point, the Zoning Enforcement Officer, Doug Wenz, was introduced by Jamie Brätt.

Mr. Wenz presented and reviewed his report on enforcement activities over the last two months.

The report indicated that a significant amount of blight and zoning issues have now been remedied. Some long standing violations involving foreclosures are now being rectified by the mortgage holding banks. Mr. Wenz is also working with the Health Department, where the violation of the health code is involved. It was also noted that an excel spreadsheet is now in place to track all ongoing violations.

The last item for discussion was the State grant application being put forward. Jamie Brätt informed that if approved, the monies are to be utilized for sidewalk extensions and crosswalks within the Long Hill Green area. The goal was to create a pedestrian friendly town like center atmosphere.

There being no further business to discuss a motion was made by Commissioner Garrity and seconded by Commissioner Deecken to adjourn. The September 19, 2012 meeting of the Planning and Zoning Commission adjourned at 9:45 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on Wednesday, October 17, 2012 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Clerk of the Planning and Zoning Commission

