

PLANNING AND ZONING
March 19, 2014

The Planning and Zoning Commission of the Town of Trumbull met for a regularly scheduled meeting on Wednesday, March 19, 2014 in the Council Chambers of the Trumbull Town Hall.

Members Present: Anthony Chory, Chairman
Richard C. Deecken, Vice-Chairman
Fred Garrity, David W. Preusch and alternate Don Scinto

Staff Present: Jamie Brätt, Director of Planning and Development
Vincent Marino, Town Attorney
Bill Maurer, Engineering Department

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 located in the Trumbull Town Hall.

A quorum being present the Chairman called the meeting to order at 7:30 p.m.

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

The meeting began with a request from the Chairman to move to agenda out of order to hear the item relative to the Plan of Conservation and Development.

MOTION MADE (Deecken), seconded (Garrity) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to move the agenda to hold discussion on the proposed revised Plan of Conservation and Development.

Glenn Chalder, of Planametrics, the project's consultant, came forward and reviewed the red-lined edits, endorsed by the Commission at the Special Meeting of March 12th. The revisions incorporate recommendations for a re-evaluation of the existing parking requirements; incentives to utilize pervious pavement for surface parking lots and establishment of traffic calming measures and crosswalks within certain areas of town.

Upon further discussion and review the following motion was made.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to APPROVE the final draft of the Plan of Conservation and Development of the Town of Trumbull, as presented with an effective date of April 12, 2014.

PUBLIC HEARING

Subdivision

Application #14-06 – Mary Grace Mandanici & John Mandanici, Jr.
4 Lot Subdivision Plan Prepared for McGrath Meadows dated October 29, 2007
with street address of 254 Shelton Road.

The presentation was conducted by the project engineer Allan Shepard of Nowakowski, O'Bymachow, Kane & Associates of Shelton, CT.

The previous subdivision approval received for this project in 2008, expired due to the non-recording of the mylar map within the regulated 90 day limit. Mr. Shepard informed that with the exception of the addition of sanitary sewer lines, the plan mirrors the same layout as the previous approval.

The Town Planner made known that she found the proposed, lot within a lot, layout of Parcels 1 and 2 and the addition of the proposed cul-de-sac to be an undesirable configuration but confirmed that the proposal does comply with current subdivision standards. Ms. Brätt recommended that a re-evaluation of the existing subdivision regulations, which were last updated in 2000, be looked into.

Public Comment

Carmine Defeo, 15 Woodcrest Avenue, made note of the debris and construction equipment contained on the site. He voiced concern, as to the possible negative effect the stripping of the ground vegetation could have to the area.

Keith Rongey of 7 Woodcrest Avenue indicated that the density of the plan does not fit with the character of the neighborhood.

Bill Maurer brought the drainage and storm water management concerns of the Town Engineer to the applicant's attention (memo dated 3/17/14). The applicant's representative agreed to have the Public Hearing continued to provide an opportunity to review and address the drainage issues.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to continue the Public Hearing for Application #14-06 until the next regularly scheduled meeting (April 16, 2014).

Application #14-04 – Cooperative Educational Services
40 Lindeman Drive

Pursuant to Art. II, Sec. 4.2.4 Special Permit to establish Therapeutic Day Program. HEARING CONTINUED FROM FEBRUARY 19, 2014.

Attorney Stephen Donahue made the presentation on behalf of the applicant.

The Therapeutic Day Program provides educational services for elementary and high school students with special needs. The program accommodates approximately 50 to 60 students and is fully credited by the State of Connecticut.

The applicant hopes to move the program, which is currently situated in the building next door, to this location for the purposes of consolidating the classrooms and administrative offices into one area.

The proposed re-location will necessitate a reconfiguration of the driveway and construction of a walkway to allow for student drop off. The hours of operation were indicated as 8 a.m. to 2:30 p.m. There was no proposed night or weekend activity.

The recommendations for approval from the Town Engineer were reviewed and Attorney Donahue indicated the applicant's agreement to all engineering requirements.

The Town Planner informed that the proposal, as presented, complies with zoning standards.

Application #14-07 – Trumbull Marriott Hotel
180 Hawley Lane

Pursuant to Art. II, Sec. 3.1.7.1 and Art. XIII, Special Permit to install two internally lit wall signs measuring 7'x5'4" and 11'7"x8'8" in size.

Jerry Cooper presented the application on behalf of the Trumbull Marriott Hotel. Mr. Cooper indicated that the current signage is outdated and needs to be replaced. He informed that one set of signage would face the Merritt Parkway and the other would be installed facing Route 8. The submitted plans established that the proposed signage would not extend above the hotel's roofline.

Upon inquiry, Mr. Cooper informed that the Marriott letters currently facing the parking lot would be removed.

The stated purpose of the new signage was to make the hotel's location more identifiable, as the Marriott has received numerous complaints that the hotel is difficult to find.

Application #14-08 – Trumbull Shopping Center #2 and
WEA CT Houses, LLC
The Cheesecake Factory Restaurants, Inc.
5065 Main Street

Pursuant to Art. XV, Sec.1 Special Permit to modify existing building façade, Art. II, Sec. 3.1.8 to permit outdoor dining and Art. II, Sec. 3.1.7.2 and Art. XIII to install two internally lit entrance signs, measuring 114.07 sq. ft. and 23.43 sq. ft. in size.

LIQUOR PERMIT

Application #14-09 – Trumbull Shopping Center #2, LLC and
WEA CT Houses, LLC
The Cheesecake Factory Restaurants, Inc.
5065 Main Street

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

It was agreed to have Application #14-08 and #14-09 heard concurrently, as they were interconnected.

Attorney John Knuff provided an overview of the proposal. Mr. Knuff advised that based on feedback received from area residents more and better restaurants are needed. The addition of the Cheesecake Factory Restaurant will improve the tenant mix of shopping and quality dining at this retail center. The restaurant will be located adjacent to the mall entry between Target and Lord & Taylor and consist of approximately 9,580 sq. ft. In addition, a 775 sq. ft. outdoor dining patio, with a 32 seating capacity will

be available for use from mid-April through the end of September. No bar service, music or exterior loudspeakers are proposed. The patio hours of operation would reflect those of the restaurant. Screening of the patio area would be provided through landscaping and fencing.

Joe Avotins of the Cheesecake Factory chain provided a summary of the restaurant chain's history.

A broad variety of high quality menu items will be served. The stated operating hours were 11:00 a.m. to 11 p.m. Monday through Thursday, 11:00 a.m. to 12:30 a.m. Fridays and Saturdays and from 10:00 a.m. to 10:00 p.m. on Sundays. He described the facility as being a family oriented dining experience.

The project engineer, John Schmidts, of Meridan, provided details on the proposed site improvements including the establishment of new sidewalks and a fenced in patio. The proposed landscaping improvements were addressed, as well. Upon inquiry, Mr. Schmidts indicated that lighting would be extinguished, when the restaurant is closed.

Paul DeWalt, Director of Operations for Cheesecake Factories addressed the day to day operation. He anticipated that approximately 200 jobs would be created and that the minor site improvements should not have any negative impact to the surrounding residential area.

The Town Planner acknowledged that the proposal, as submitted, meets with zoning requirements.

The recommendations for approval, as submitted by the Town Engineer, were noted and the applicant's representative indicated that all engineering requirements would be complied with.

Public Comment

Peter Toomey of 39 Gorham Place presented photographs, taken from his front porch, illustrating the light pollution being generated from the mall. He informed that both light and noise infiltration consistently overlap onto his property. He submitted a two letters which outlined the mitigation measures to be taken by Westfield; to which, Mr. Toomey informed were never adhered to.

Judy Nighland, of 21 Green Street and the Michele Genuario of 16 Green Street detailed their concerns pertaining to existing safety and light pollution issues. They requested that the mall make an effort to be a good neighbor and have these concerns addressed.

Stanley Higgs, 29 Gorham Place, concerns also pertained to light infiltration. Attorney Knuff reiterated that any possible impact would be minimal, as the lighting would be shut off during the time the restaurant is closed.

The applicant's representative indicated that he would look into facilitating a meeting between Westfield management and neighborhood residents.

This concluded the Public Hearing.

REGULAR MEETING

Request for Minor Deviation of Special Permit

Church of Jesus Christ of Latter-day Saints
26 Bonnie View Drive
Lighting Improvements

Stephen Wing, the project's landscape architect, informed that the Church proposes to add lighting fixtures in the rear parking area. The additional lighting is being proposed as a matter of safety and security. Four new lights are to be located around the perimeter of the parking lot with the lighting directed away from neighboring properties. One double-headed fixture will be located in the interior of the lot.

The new fixtures have LED lamps and will be mounted on 16 foot poles. The existing exterior lights will also be replaced with energy efficient LED fixtures.

Acceptance of Minutes

MOTION MADE (Deecken), seconded (Scinto) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to accept the minutes of the February 19, 2014 regular meeting, as presented.

Pending Applications

Application #14-04 – Cooperative Educational Services
40 Lindeman Drive
Special Permit

MOTION MADE (Garrity) and seconded (Deecken) to approve Application #14-04.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to amend the original motion to include the following specific condition.

1. Approval subject to the recommendations of the Town Engineer, as stated in his memo dated 3/17/14.

Vote: Original Motion as Amended – Unanimous MOTION CARRIES

Application #14-07 – Marriott Hotel
180 Hawley Lane
Special Permit

MOTION MADE (Garrity) and seconded (Deecken) to approve Application #14-07

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to amend the original motion to include the following specific conditions.

1. Existing signage facing the parking lot to be removed.
2. Prior approval for a second portico sign to be invalidated.

Vote: Original Motion as Amended – Unanimous MOTION CARRIED

Application #14-8 – Trumbull Shopping Center #2, LLC and
WEA CT Houses, LLC
Cheesecake Factory Restaurants, LLC
5065 Main Street
Special Permit

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to approve Application #14-08 subject to the following.

1. Approval subject to the recommendations of the Town Engineer, as stated in his memo dated 3/17/14.
2. Operating hours, as stated by the applicant, to be as follows:

11:00 a.m. to 11:00 p.m. – Monday through Thursday
11:00 a.m. to 12:30 a.m. – Friday and Saturday
10:00 a.m. to 10:00 p.m. – Sundays

Vote: Original Motion as Amended – Unanimous MOTION CARRIES

Application #14-09 – Trumbull Shopping Center #2 and
WEA CT Houses, LLC
Cheesecake Factory Restaurants, Inc.
5065 Main Street
Liquor Location Permit

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to approve Application #14-09, as presented and plans submitted.

Minor Deviation of Special Permit

Church of Jesus Christ of Latter-day Saints
26 Bonnie View Drive
Lighting Improvements

MOTION MADE (Scinto), seconded (Garrity) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to approve the proposed minor deviation of the approved site plan for 26 Bonnie View Drive, as presented and plans submitted.

Municipal Improvement

Pursuant to CGS 8-24 request for P&Z recommendation for the possible acquisition of property measuring approximately .39 acres for the purpose of road re-alignment.

At the request of the Town Attorney, the following motion was made.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to enter into Executive Session for the purpose of holding discussion on possible land purchase negotiations.

The Commission together with the Clerk, Town Attorney and Town Planner entered into Executive Session at 10:10 p.m.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to exit Executive Session and return to the regular meeting.

The regular meeting reconvened at 10:16 p.m.

MOTION MADE (Garrity), seconded (Deecken) and unanimously carried (Chory, Deecken, Garrity, Preusch, Scinto) to recommend Town Council approval of the acquisition of property known as 5218 Main Street.

There being no further business to discuss, a motion was made by Commissioner Garrity and seconded by Commissioner Scinto to adjourn. The March 19, 2014 meeting of the Planning and Zoning Commission adjourned at 10:17 p.m. with unanimous consent.

The next regularly scheduled meeting of the Planning and Zoning Commission will be held on Wednesday, April 16, 2014 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Administrator/Clerk

