

Town of Trumbull  
CONNECTICUT

Planning and Zoning  
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**PLANNING AND ZONING COMMISSION**

**THURSDAY, MAY 18, 2023 MINUTES**

The Planning and Zoning Commission held a Special Meeting on Thursday, May 18, 2023 at 7:30 p.m. in the Council Chambers of Trumbull Town Hall.

**MEMBERS PRESENT:** Fred Garrity Jr., Chairman  
Rich Deecken, Secretary  
Anthony D'Aquila  
Brandon Cousins

**ALSO PRESENT:** James Cordone, Town Attorney  
Rob Librandi, Land Use Planner  
William Maurer, Town Engineer

**ABSENT:** Anthony Silber, Vice-Chairman  
Mike Miller, Alternate

A quorum being present, the Chairman called the meeting to order at 7:42 p.m.

**PLEDGE OF ALLEGIANCE**

**SPECIAL PERMIT/SITE PLAN/ZONE CHANGE/OTHER**

1. **4833 Madison Ave:** In order to correct a Zoning Violation, Applicant, Gustavo Jarrin, is requesting a Special Permit to establish a 528 sq. ft. 1- bedroom Accessory Apartment in a Residence AA zone pursuant to Art. II, Sec. 1.2.2.7, of the Town of Trumbull Zoning Regulations. **File #23-12**

**Motion Made** (D'Aquila), Seconded (Deecken), to continue the public hearing for Application File #23-12 to the next Regular Meeting on June 21, 2023.

**Vote: 4-0**                      **Motion Carried**

2. **153 Hurd Road:** In response to a Cease and Desist Order, Applicant, Ruitter Fernandes, is requesting a Special Permit to import 1500 cubic yards of fill to level off the property to construct a house in a Residence AA Zone pursuant to Art. IX, Art. X Sec. 3, and Art. XV of the Town of Trumbull Zoning Regulations. **File #23-05**

Bill Maurer, Town Engineer, reported that he reviewed the original subdivision plan and the proposed plan and while fill has been brought in and the property is higher, it is in compliance with the original plan. He commented that he would like to see some improvements made to the proposed plan from the applicant. Chairman Garrity asked Maurer to state what he wants to be changed. Maurer mentioned that: (1) drainage on the east side needs to be a curtain drain all the way to 151 Hurd Road as proposed on the original; (2) storm water system needs to have curtain drain on the west side near 155 Hurd Road; (3) add check dams to hold water; and (4) change storm water chambers to mirror the original plan (add more galleys).

Manuel Silva, an engineer with Rose Tiso & Co (35 Brentwood Ave, Fairfield) representing the applicant, remarked that the three outstanding items from the Engineering Report had been addressed with Engineering: #8 – adding stone to the galley system; #10 – agreed to mimic the previous approval; and #11 – additional testing will be done. He explained the drainage system and that there would be no more runoff than exists today.

**Public Comment:**

John Delmastro (11 Classic Drive) questioned the amount of fill being brought in and protection of his property from further runoff. Maurer confirmed that through the Engineering report, runoff has been reduced. Delmastro also expressed concerns regarding the placement of the proposed house and that it does not conform to what was agreed to in 2013 when the property was subdivided. To address the house placement, Garrity remarked that the design was an estimate. Town Planner Rob Librandi explained that as long as the house complies with the Zoning requirements, then it would be allowed. Delmastro questioned if blasting would be done.

Mike Raflowitz (15 Classic Drive) reiterated his concerns from the prior meeting regarding public safety with water run-off onto Hurd Road. He commented new concerns regarding blasting.

To address concerns, Silva clarified that an additional 1500 cubic yards of fill are not being brought in but that the total amount is 1500. He remarked that he does not anticipate that any blasting will be required. If blasting is required, then a permit would be obtained through the Fire Marshall's office. Silva also mentioned that silt fences would be put in place during construction. He commented that there would be no runoff from 153 Hurd Road onto the road.

Commissioner Rich Deecken asked about item #10 in the Engineering Report. Maurer remarked that item was previously addressed at the beginning of the discussion. Garrity added that would be made a condition of approval.

**Motion Made** (D'Aquila), Seconded (Deecken), and **unanimously carried** to close the public hearing for Application File #23-05

**Motion Made** (D'Aquila), Seconded (Cousins), to approve Application File #23-05 with all of the conditions mentioned by the Town Engineer and highlighted in the Engineering Comments.

**Vote: 4-0**

**Motion Carried**

- 3. 50 & 54 Calhoun Avenue:** In order to correct a Zoning Violation, Applicants, Kathleen Tighe & Bindhu Susan Panicker, are requesting a Special Permit to import 1500 cubic yards of fill to level off the back yards for personal use in a Residence A Zone pursuant to Art. IX, Art. X Sec. 3, and Art. XV of the Town of Trumbull Zoning Regulations. **File #23-11**

**Motion Made** (D'Aquila), Seconded (Deecken), to continue the public hearing for Application File #23-11 to the next Regular Meeting on June 21, 2023.

**Vote: 4-0**                      **Motion Carried**

- 4. Text Amendment:** Applicant, Town of Trumbull Planning and Zoning Department, is requesting to modify Trumbull Zoning Regulations by revising **Article I: General, Section 5: Applicable to All Zones**. Copy of regulation on file with Trumbull P&Z Office and Trumbull Town Clerk. **File #23-13**

Attorney Jim Cordone summarized the proposed revisions regarding fence height, storm water management provisions and requiring placement of street numbers on mailboxes. Commissioner Tony D'Aquila expressed concerns about increasing the height of the fence to six feet to the front of the house. Deecken remarked that two feet is not that much. Garrity agreed with Deecken. Librandi stated that the six foot height has been a common variance request for privacy reasons.

In regards to Section 5.4, D'Aquila inquired about requiring street numbers on vacant lots. Cordone remarked that it was intended for emergency responders to identify a property. Garrity recommended adding with a building to the amendment.

**Public Comment:**

None.

**Motion Made** (Cousins), Seconded (D'Aquila), and **unanimously carried** to close the public hearing for Application File #23-13

**Motion Made** (Deecken), Seconded (D'Aquila) to amend Article I, Section 5.4 to include "Assigned a street number by the Town and having a structure".

**Vote: 4-0**                      **Motion To Amend Carried**

**Motion Made** (Deecken), Seconded (D'Aquila), to approve Application File #23-13 as amended and to establish an effective date of May 26, 2023 and to make the determination that the application is in keeping with the POCD and the comprehensive plan of the zoning regulations.

**Vote: 4-0**                      **Motion Carried**

5. **Text Amendment:** Applicant, Town of Trumbull Planning and Zoning Department, is requesting to modify Trumbull Zoning Regulations by revising **Article II: Use Regulations, Section 1: Single Family Residence Zones**. Copy of regulation on file with Trumbull P&Z Office and Trumbull Town Clerk. **File #23-14**

Cordone remarked that this amendment was designed to consolidate repetitive text between the three Residence Zones. He summarized the proposed changes in Accessory Uses. Garrity remarked that the only exception to streamlining the approval process for an accessory apartment within the existing footprint would be if converting a garage. Deecken questioned Section 1.1.2 regarding the size of the garage. Librandi responded that standard size for a garage is 12 x 24. Garrity also questioned the size of the garage. The Commission discussed the size of the garage and decided to remove the changes to the garage in the Text Amendment and to discuss it further.

D'Aquila questioned the Basement Accessory Apartment section. Cordone remarked that the language matches state statutes to receive affordable credit from the state. D'Aquila challenged giving the ZEO administrative approval on accessory apartments. Garrity clarified that it was only for apartments within the existing structure. D'Aquila also asked about Section 1.1.8 in Residence AA Zone. Cordone explained that this section related to Stern Village and was to clarify that AA is the only Zone where it is located. Deecken remarked that MHD was mistakenly referred to as MDH.

**Public Comment:**

None.

**Motion Made** (D'Aquila), Seconded (Deecken), and **unanimously carried** to close the public hearing for Application File #23-14

**Motion Made** (Deecken), Seconded (D'Aquila) to amend Article II, Section 1.1.2.1 to remove the proposed changes.

**Vote: 4-0**                      **Motion to Amend Carried**

**Motion Made** (D'Aquila), Seconded (Deecken), to approve Application File #23-14 as amended and to establish an effective date of May 26, 2023 and to make the determination that the application is in keeping with the POCD and the comprehensive plan of the zoning regulations.

**Vote: 4-0**                      **Motion Carried**

## **REGULAR MEETING**

### **PLANNER'S REPORT**

Librandi reminded the Commissioners about the Special Meeting scheduled via Zoom on May 24<sup>th</sup> to review the Affordable Housing Plan.

Deecken asked about the Fair Rent Commission for the Town. Cordone responded that the Town was in the process of adopting the ordinance and that it would go through the Town Council.

## ACCEPTANCE OF MINUTES

Acceptance of the Minutes from the April 19, 2023 Planning and Zoning Commission Regular Meeting.

**Motion Made** (Deecken), Seconded (D'Aquila), to approve the minutes from the PZC April 19, 2023 Regular Meeting.

**Vote: 4-0**                      **Motion Carried**

Acceptance of the Minutes from the April 25, 2023 Planning and Zoning Commission Special Meeting.

Chairman Garrity abstained since he was absent from the April 25<sup>th</sup> meeting.

**Motion Made** (Deecken), Seconded (D'Aquila), to approve the minutes from the PZC April 25, 2023 Special Meeting.

**Vote: 3-0-1 (Garrity)**                      **Motion Carried**

**Motion Made (Deecken), seconded (D'Aquila) and unanimously carried to adjourn the May 18, 2023 PZC Special Meeting at 9:06 p.m.**

Dated at Trumbull, CT this 25th day of May, 2023.

By: Linda Finger, Clerk.

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