

Town of Trumbull
CONNECTICUT

Planning and Zoning
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PLANNING AND ZONING COMMISSION

WEDNESDAY, AUGUST 17, 2022 MINUTES

The Planning and Zoning Commission held a Regular Meeting on Wednesday, August 17, 2022 at 7:30 p.m. in the Council Chambers of Trumbull Town Hall.

MEMBERS PRESENT: Fred Garrity Jr., Chairman
Tony Silber, Vice-Chairman
Rich Deecken, Secretary
Anthony D'Aquila
Anthony Chory
Don Scinto, Alternate
Mike Miller, Alternate
Brandon Cousins, Alternate

ALSO PRESENT: Rob Librandi, Land Use Planner
James Cordone, Town Attorney
William Maurer, Town Engineer
Rina Bakalar, Economic and Community Development Director

A quorum being present, the Chairman called the meeting to order at 7:29 p.m.

PRE-APPLICATION: 7:00 p.m.
7 Whitney Avenue, The Orthodontic Boutique

The applicant, Dr. Lubna Khan (126 Monroe Turnpike), presented a pre-application for a mixed-use medical office space and residential building for the property located at 7 Whitney Ave. The proposal would require the parcel to be rezoned to the B-C Long Hill Green Zone (Business/Residential) from its current Residence A Zone. Dr. Khan presented two options for the building. Chairman Garrity remarked that both options would be allowed in the B-C Zone.

The Commissioners and staff discussed the proposal and expressed their thoughts regarding a zone change to B-C Long Hill Green.

PLEDGE OF ALLEGIANCE

SPECIAL PERMIT/SITE PLAN/ZONE CHANGE/OTHER

1. **142 Roosevelt Drive:** Applicant, Better Built Basements for Amy Perrotta, is requesting a Special Permit to establish an 898 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 #22-14**

Rob Librandi, the Town Planner reported that the apartment would be a basement apartment and complies with all of the specifications and regulations for an accessory apartment. There would be no addition to the existing structure.

The owners, Amy and Steve Perrotta (142 Roosevelt Drive), replied that they had nothing to add to the Planner's Report.

Commissioner D'Aquila inquired about access from the apartment. Perrotta replied that it is a walk-out basement.

Public Comment:

None

Motion Made (D'Aquila), Seconded (Deecken), and **unanimously carried** to close the public hearing for File #22-14.

Motion Made (Silber), Seconded (Deecken), to approve Application File #22-14.

Vote: 5-0 **Motion Carried**

2. **8 Blue Jay Drive:** Applicants, Jason Graziano and Aaron Zuege, are requesting a Special Permit to establish a 1098 sq. ft. 1- bedroom Accessory Apartment in a Residence AAA zone pursuant to Art. II, Sec. 1.1.2.7, of the Town of Trumbull Zoning Regulations. **File #22-15**

Librandi reported that the apartment would be situated on the first floor and complies with all of the specifications and regulations for an accessory apartment. There would be no addition to the existing structure. The dwelling currently has two front doors.

The owner, Elizabeth Zuege (9 Blue Jay Drive), remarked that she had nothing to add to the Planner's Report.

Public Comment:

None

Motion Made (Deecken), Seconded (Silber), and **unanimously carried** to close the public hearing for File #22-15.

Motion Made (Deecken), Seconded (Chory), to approve Application File #22-15.
Vote: 5-0 **Motion Carried**

3. **Text Amendment:** The applicant, Town of Trumbull Planning and Zoning Department, is requesting to Amend Art. VIII: Uses Prohibited in All Zones of the Town of Trumbull Zoning Regulations to extend the prohibition of Cannabis Establishments for another year. **File #22-16**

Chairman Garrity commented that the law was recently passed and presented. The moratorium would enable the Town to read the law and understand the impact. Attorney Cordone concurred that the Town should take time to understand the law and how to best implement it. Vice-Chairman Silber expressed his agreement with the extension of the moratorium.

Public Comment:
None

Motion Made (Silber), Seconded (Chory), and **unanimously carried** to close the public hearing for File #22-16.

Cordone remarked that that the application was in keeping with the POCD and the comprehensive plan of the zoning regulations and would have an effective date of August 24, 2022.

Staff entered into the record a letter from Chief of Police Michael Lombardo in support of the moratorium.

Motion Made (Deecken), Seconded (Chory), to approve Application File #22-16 and to establish an effective date of August 24, 2022 and to make the determination that the application is in keeping with the POCD and the comprehensive plan of the zoning regulations.
Vote: 5-0 **Motion Carried**

4. **Text Amendment:** Applicant, 4950 & 5010 Main Street LLC, is requesting to create Art II, Sec 2.1.3.7.2c of the Professional Office Overlay Zone (the POOZ) of the Town of Trumbull Zoning Regulations to permit an additional maximum floor area of 2500 sq. ft. for clerical office. **File #22-09**

Attorney Ray Rizio (10 Sasco Hill Road, Fairfield), representing the applicant, 4850 & 5010 Main Street LLC, remarked that the Text Amendment would allow the bottom floor of the building at 5000 Main Street to be used for clerical offices. Garrity asked if the parking has been successful. Rizio replied in the affirmative.

Public Comment:

None

Motion Made (Deecken), Seconded (Chory), and **unanimously carried** to close the public hearing for File #22-09.

Cordone remarked that that the application was in keeping with the POCD and the comprehensive plan of the zoning regulations and would have an effective date of August 24, 2022.

Motion Made (Silber), Seconded (Deecken), to approve Application File #22-09 and to establish an effective date of August 24, 2022 and to make the determination that the application is in keeping with the POCD and the comprehensive plan of the zoning regulations.

Vote: 5-0 **Motion Carried**

5. **Text Amendment:** Applicant, Trumbull Center LLC, is requesting to create Art II, Sec 3.6 (Trumbull Center Mixed-Use Overlay Zone in Commercial Zone B-C) of the Town of Trumbull Zoning Regulations to permit Mixed-Use developments on properties greater than five acres with road frontage and direct traffic access to both White Plains Road (Route 127) and Daniels Farm Road. **File #22-10**

Attorney Ray Rizio (10 Sasco Hill Road, Fairfield), representing the applicant, Trumbull Center LLC, distributed handouts to the Commissioners and described the intent of the Text Amendment to create a Mixed-Use Overlay Zone in Trumbull Center. Requirements of the Zone would include: 5 acres in a B-C Zone; commercial on the ground floor and residential on the upper floors; 12 units/acre; efficiency, 1-BR and 2-BR units; 10% designated as affordable and maximum height of 5 stories or 65 feet. Rizio presented some architectural drawings for a possible project with below grade parking in rear. He referenced the letters of support from businesses in Trumbull Center.

Commissioners and Town Staff discussed the proposed Text Amendment and expressed their thoughts, ideas and concerns regarding it. Topics discussed included: implementing a sense of place in the front & rear of the building; requiring P&Z to be the last step in the approval process; meeting state affordability guidelines; proximity to the river and Wetland issues; size of the building and number of stories; shadowing on adjoining properties; proposed density of 12 units/acre; distribution of the types of units; and the parking area.

Rizio suggested making a requirement to submit an affordability plan with the Special Permit application. He also proposed submitting a hypothetical site plan at the next public hearing.

Commissioners also discussed notice requirements for Text Amendments and the process of informing neighbors. Attorney Cordone responded that general notice was provided to the whole town via publication in the newspaper as well as posting on the Town website and that the Town was following the letter of the law. He also remarked that the Text Amendment was creating an overlay zone. If there should be an application to apply the overlay zone, then neighbors would be notified. It would be the discretion of the Commission to apply the zone. This is the first step

in the process – changing the language in the regulations to permit mixed-use development. If approved, then the second step would be to apply the zone to a specific property and this would require notice to the abutting neighbors.

Garrity remarked that Commissioners, staff and the applicant need to work on language changes and modifications to the amendment. Rina Bakalar, Economic and Community Development Director, suggested adding in that applications need to be consistent with the Trumbull Center Corridor Plan. Librandi mentioned that the potential Trumbull Center project is separated only by a natural resource (stream) from neighboring houses. He also stated that the Fire Department confirmed that they have the apparatus for five stories. He remarked that having a green space is important to the area. He recommended considering pedestrian, traffic and vegetation issues as well as providing a shadowing plan. Other thoughts by Librandi included: if age-restricted units would be an option; what would be the view from White Plains Road; concerns about a cell tower on the roof; architectural design; and an impact analysis.

Motion Made (Chory), Seconded (Silber), to continue the public hearing for Application File #21-10 to the next Regular Meeting on September 22, 2021.

Vote: 5-0 **Motion Carried**

6. **Opt Out of State Parking Requirements.** Pursuant to Public Act 21-29, Sec. 5., Trumbull Planning and Zoning Commission initiates the process by which a municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 of the general statutes, as amended, regarding limitations on parking spaces for dwelling units (two-thirds vote required). Copy of Public Act 21-29 on file with Trumbull Town Clerk.

Cordone commented that the State law provided for default provisions for reduced parking requirements for multi-family housing (1 space per studio or 1 BR and 2 spaces for larger units) unless the town opts out. Librandi remarked that the town revised parking regulations have worked out well.

In response to a question from Commissioner D’Aquila, Cordone replied that per state law both the Planning & Zoning Commission and Town Council both must opt-out by a 2/3 vote.

Public Comment:

None

Motion Made (Deecken), Seconded (D’Aquila), to opt out of CGS Sec. 8-2(d)(9) requirements on parking spaces due to the preservation of current parking requirements and maintaining the ability to adjust as necessary.

Vote: 5-0 **Motion Carried**

7. **Opt Out of State Accessory Apartment Requirements.** Pursuant to Public Act 21-29, Sec. 6 (f), Trumbull Planning and Zoning Commission initiates the process by which a municipality opts out of the provisions of Public Act 21-29, Sec. 6, regarding accessory apartments (two-thirds vote required). Copy of Public Act 21-29 on file with Trumbull Town Clerk.

Cordone explained that the State law sets standards for accessory apartments that are required - every town must allow for accessory apartments on a single family home. He remarked that many towns do not have accessory apartments. He also mentioned that Trumbull has been progressive in doing apartments and has a working accessory apartment regulation. Cordone pointed out that the most significant difference between the State's requirements and the Town's regulations is that the State does not require the apartments to be affordable while the Town's regulations do require them to be deemed affordable.

Commissioner Deecken asked about renewals of the accessory apartments and if any were rejected. Librandi responded no and he also stated that our regulation is well done.

Commissioner Cousins expressed concerns about the cost of housing in Connecticut and making the process easier by reducing regulatory burden. Garrity remarked that the process in Trumbull is not burdensome and the main condition that is enforced is that it not look like a second structure. Chory remarked that the apartments as currently regulated fit in the neighborhood. Silber mentioned that by following the State requirements, Trumbull would lose control that it now has. Cordone mentioned that the regulations can be modified by the Commission.

Public Comment:

None

Motion Made (Deecken), Seconded (Chory), to opt out of P.A. 21-29, Sec. 6, requirements on accessory apartments because Trumbull regulations requires the units to be deemed affordable and requires renewal to confirm compliance.

Vote: 5-0

Motion Carried

REGULAR MEETING

PLANNER'S REPORT

ACCEPTANCE OF MINUTES

Acceptance of the Minutes from the June 15, 2022 Planning and Zoning Commission Regular Meeting.

Acceptance of the Minutes from the July 28, 2022 Planning and Zoning Commission Special Meeting

Motion Made (Deecken), Seconded (Chory), to approve the minutes from the PZC June 15, 2022 Regular meeting and July 28, 2022 Special Meeting with the correction to the July 28, 2022 minutes of Rich Deecken as Secretary.

Vote: 5-0

Motion Carried

Motion Made (Deecken), seconded (D'Aquila) and unanimously carried to adjourn the August 17, 2022 PZC Regular Meeting at 9:41 p.m.

Dated at Trumbull, CT this 24th day of August, 2022.

By: Linda Finger, Clerk.