

ZONING BOARD OF APPEALS
March 7, 2012

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in the Council Chambers of the Town Hall on Wednesday, March 7, 2012.

Members Present: Michael Muir, Chairman
David Preusch, Richard Puskar, Carl Scarpelli, Joseph Vitrella
and alternates Richard Mayo and Dennis Miko

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

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

PUBLIC HEARING

Application #12-03 – Michael and Elaine Durbano
54 Zephyr Road

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct a 23.9x43.6 sq. ft. addition 43.7' from the rear property line and 49' from the front property line along with a proposed 11.2'x22.7' deck (existing structure to be removed) located 41.5' from the rear property line, including steps.

The applicant, Michael Durbano, conducted the presentation. The site plan and proposed construction was reviewed. The applicant described the lot as being more wide than deep and noted the unusual configuration of the street line, which narrows from east to west. Mr. Durbano advised that the shape of the lot, as described, does not allow for a home addition within the required setbacks.

Application #12-04 – Robert Storms, Agent for Andrew and Monica Reed
93 Four Seasons Lane

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct a 24'x32' three car detached garage (existing structure to be removed) 7.5' from the E/S property line.

Robert Storms, 32 Placid Street and Robert Storms, III of 14 Turney Place came forward representing the property owners.

The proposal was to demolish the existing two car garage, which is nonfunctional and beyond repair, and replace it with a three car garage. Mr. Storms indicated that the only location, which would conform to the regulations, was directly in front of the house. The applicant's agent noted further that the proposed site area lessens the existing impact to the side yard by approximately 2.5 feet.

The following correspondence, along with photographs of the site area, was submitted for the record:

A letter from Ted Kozlowski, a licensed land surveyor, confirming the proposed site area to be the most feasible. Abutting neighbors issuing letters of support were Sivakumar Natarajan, 99 Four Seasons Lane; Georgia Kilpatrick, 13 Raynor Avenue; Alexander and Melissa Nunez, 9 Raynor Avenue.

Members of the Commission had safety concerns relating to the proposed garage being located so close to the adjacent structure on the abutting property. The Commission noted that the submitted plans indicate that there is room to increase the proposed 7.5' side setback to ten feet. Mr. Storms conveyed that he would be receptive to modifying the submitted proposal to the suggested ten foot setback.

Application #12-05 – SecureMark Decal Corporation
20 Nutmeg Drive

Variance of Art. I, Sec. 5.2 with respect to the installation of an 8' perimeter security fence exceeding the maximum height allowable.

Attorney Charles Willinger addressed the Board on behalf of the applicant and contract purchaser.

The applicant wishes to consolidate its Bridgeport and Chicago operations to this site. SecureMark Decal is in the business of manufacturing labels and decals, which governmental agencies utilize to protect documents from forgery and counterfeiting. Given the sensitive nature of these products, security is of the highest priority and an eight foot fence will be required. The Commission was informed that the chain link fence would have minimal visibility due to the significant amount of landscaping being added.

In addressing the hardship issue, the applicant's representative advised that due to the oversized lot area, of five acres, adequate security cannot be maintained with the regulated four foot high fence.

Submitted into the public record were photographs of the proposed site area.

Public Comment

First Selectman Timothy M. Herbst and Gary Bean, Vice Chair of the Economic and Community Development Commission spoke in favor noting the potential for employment opportunities and enhancement to the Town's tax base. A letter from the Economic and Community Development Commission indicating their unanimous support for SecureMark's planned relocation to Trumbull was submitted.

Application #12-06 – Colin and Lorri Lea
74 West Lake Road

Variance of Art. III, Sec. 1 with respect to insufficient lot area requirements of 12,454 sq. ft. (21,780 sq. ft. required) and insufficient road frontage requirements of 82.79 ft. (125 ft. required) to construct a 1,324.8 sq. ft. residential dwelling (existing structure to be removed).

Joseph Wren of Indigo Land Design of Old Saybrook, speaking on behalf of the applicants, advised that through this application many of the existing non-conformities will be eliminated. Mr. Wren described the proposed architectural design as being consistent with other homes within the area.

The two variances requested are existing non-conformities and due to the small lot size, any location would require relief from zoning requirements.

Public Comment

Maggie Johnston of 12 Cove Point and abutting property owner spoke in opposition indicating privacy and property value issues.

The Chairman then read, for the record, a letter from Bea Scala-Fischler, 66 West Lake Rd, submitted in support of the proposal and a second letter from Andrew and Michele Kingsbury, 46 West Lake Road expressing concern over the intense use of this small parcel.

Application #12-07 – Digital 60 & 80 Merritt, LLC
60 & 80 Merritt Boulevard

Variance of Art. II, Sec. 4.3.5 with respect to reducing street setback from 100' to 74' on Merritt Boulevard and 100' to 11' on Nutmeg Drive and reducing setback from 50' to 18' along abutting property line to order to construct a 71,808 sq. ft. two-story addition with associated site improvements.

Attorney Raymond Rizio conducted the presentation. The applicant's representative informed that prior approval for this project was received in August of 2011.

Before the Board tonight were three proposed modifications to the prior variance. The submitted plan indicated a redesign of the proposed addition placing it 74' versus the approved 78' from Merritt Boulevard. An equipment yard to house the transformers was located 11' from Nutmeg Drive. Mr. Rizio indicated that this location has been set by the utility company and must be adhered to but noted that it would be well screened and not visible from the road.

Walter Green, of Digital Merritt, LLC came forward to provide further details pertaining to the location and the function of the proposed transformers.

The final non-conforming use involved the installation of a pump station 18' from the abutting property, which was described as being noiseless and shielded from view.

This concluded the Public Hearing.

REGULAR MEETING

Tonight's applications were reviewed and the Commission took action as follows:

Application #12-03 – Michael and Elaine Durbano
54 Zephyr Road

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli Vitrella) to approve Application #12-03, as presented and plans submitted.

Proposal was shown to be an improvement to the existing structure and the neighborhood.

Application #12-04 – Robert Storms, Agent for Andrew and Monica Reed
93 Four Seasons Lane

MOTION MADE (Vitrella) and seconded (Scarpelli) to approve Application #12-04.

A modification mitigating the proposed non-conformity to a 10' setback was discussed.

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to amend the previous motion to include the following specific condition.

1. Location of proposed construction modified to 10' from the E/S property line.

Vote: Original Motion as Amended – Unanimous – MOTION CARRIES

Application #12-05 – SecureMark Decal Corporation
20 Nutmeg Drive

MOTION MADE (Scarpelli), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella) to approve Application #12-05, as presented and plans submitted.

The applicant's need for security was noted.

Application #12-06 – Colin and Lorri Lea
74 West Lake Road

MOTION MADE (Puskar), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella) to approve Application #12-06, as presented and plans submitted.

Proposal provides aesthetic improvement to the neighborhood. Applicant has made an effort to comply as much as possible with zoning standards.

Commissioner Preusch commented on the historic nature of these once seasonal cottages and hoped that the tradition of this neighborhood be taken into account, when these structures are replaced.

Application #12-07 – Digital 60 & 80 Merritt, LLC
60&80 Merritt Boulevard

MOTION MADE (Scarpelli), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #12-07, as presented and plans submitted.

Determined to be minor modification to the previously approved application.

There being no further business to discuss a motion was made by Commissioner Puskar and seconded by Commissioner Scarpelli to adjourn. The March 7, 2012 meeting of the Zoning Board of Appeals adjourned at 9:00 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, April 4, 2012 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Clerk of the Zoning Board of Appeals