

ZONING BOARD OF APPEALS
March 5, 2014

Members Present: Michael Muir, Chairman
Richard Mayo, Dennis Miko, Richard Puskar, Carl Scarpelli and
alternates Steven Elbaum, Brian Reilly

Staff Present: Douglas Wenz, Zoning Enforcement Officer

A regularly scheduled meeting of the Zoning Board of Appeals, of the Town of Trumbull, was held in the Council Chambers of the Trumbull Town Hall on Wednesday, March 5, 2014.

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 located in the Trumbull Town Hall.

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

PUBLIC HEARING

A request for a continuance of the Public Hearing for Application #14-08 (Norman J. Weller, 35 Arliss Drive) was considered.

MOTION MADE (Puskar), seconded (Scarpelli) and unanimously carried (Muir, Mayo, Miko, Puskar, Scarpelli) to continue the Public Hearing for Application #14-08 until the next regularly scheduled meeting (April 2, 2014).

Application #14-05 – Domestic & Import Repairs, LLC
408 Shelton Road

Pursuant to Art. VI, Sec. 1.5(b) and Sec. 14-54 of the CGS, application for certificate of approval of location for a General Repairer's License. HEARING RESCHEDULED FROM FEBRUARY 5, 2014.

The prospective tenant, Fatima Silva of Domestic & Import Repairs, came forward. The site contains a pre-existing auto repair shop, which is currently not in operation. Ms. Silva informed that she would like to continue the use but with the hours of operation differing from those previously approved in 2010 for the last tenant. The proposed hours of operation were as follows. Monday – Friday 7:00 a.m. to 7:00 p.m.; Saturday 7:00 a.m. to 6:00 p.m.; Sunday – Closed. Ms. Silva stressed that the requested hours are essential to the successful operation of her business. She advised that the hours requested reflect those approved for this location in 2004.

Public Comment

In Favor: The property owner, Arlene Kelly-Krantz noted that only one additional hour to conduct business during weekdays is being asked for.

Opposed: Charles Martin of 45 North Street was opposed to the reopening of this type of business in the middle of this residential area. As the property has been unoccupied since July of 2012, Mr. Martin maintained that it has been abandoned and therefore has lost its non-conforming use status.

Also speaking in opposition to the reopening of this type of business, in a residential area, were Lynn Berky, 412 Shelton Road and Robert Woods, 40 North Street.

A petition submitted in opposition was also noted for the record.

Application #14-06 – Erin Horbach
134 Booth Hill Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to the expansion of an existing non-conforming structure to construct a 12.7'x4' second story addition and first floor porch, 17.3' from the south property line, a 282 sq. ft. deck (existing deck and stairs to be removed) 16.9' from the south lot line and a 4' roof overhang 15.3' from the north property line at its closest point. HEARING RESCHEDULED FROM FEBRUARY 5, 2014.

Jan Horbach reviewed the application. The addition consists of a porch with a second floor of living space above it. The proposed construction brings the existing non-conformity 4' closer to the southern lot line but the point closest to the front property line would not change. The proposed roof overhang in the rear creates a minor increase to that existing non-conformity.

Mr. Horbach noted that the angle of the property line has reduced the area allowable for any new construction outside of the setback area.

The property owner indicated agreement to the conditions of approval, pertaining to the town's storm water management plan and drainage standards, as submitted by the Town Engineer.

Application #14-07 – Jason Klein
37 Rangely Drive

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 to construct a front porch 24.4' from the front property line.

The presentation was conducted by Jason and Amanda Klein.

The submitted plans indicated a pre-existing non-conforming lot area. The applicant proposes to construct a new entryway and front porch measuring approximately 5'x40' in size. Mr. Klein indicated that the proposed construction extends the existing non-conformity an additional 5 feet into the front setback area.

The applicant advised that the porch construction would add character not only to his home but to the surrounding area, as well.

Letters in favor of the proposal from William and Marlise Dunne, 43 Rangely Dr. and Jean Marie and John Poster, 46 Rangely Dr. were submitted for the record by the applicant.

Application #14-09 – Barbara Kaplan and Leon Luck
9 Old Pinewood Trail

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 to extend existing deck to 2.8' from the S/S property line.

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

The submitted plan showed a proposed expansion of the rear deck to within 2.8' of the south property line. Mr. Rizio noted that the proposal conforms to the other cottage style cabins within this area; all having similar small lots with less than 60' of frontage. The applicant's representative maintained that the requested 2.8' setback is not uncommon to this neighborhood and would create no negative impact.

Application #14-10 – Michael Koch

Two lot subdivision, as shown on proposed subdivision map dated 1/22/14 with street address of 681 Orchard Street

Variance of Art. III, Sec. 1 with respect to insufficient lot area (Parcels 1 & 2, 9,375 sq. ft. – 21,750 sq. ft. required), road frontage (Parcels 1 & 2, 75' – 125' required) and front setback on Parcel 2 to 36.8' (50' required) to re-subdivide and construct dwelling on Parcel 2.

Attorney Raymond Rizio came forward representing the applicant.

Mr. Rizio began his presentation with the submission of the original subdivision map pertaining to these parcels and the deeds, which were filed on the land records in 1928. The application tonight is to rectify the discrepancies between the lots lines shown on the subdivision map and the legal description contained on the deeds. Attorney Rizio advised that because of these discrepancies, staff was not able to determine with certainty, if an additional building lot was grandfathered.

The current property owner has had possession of these two parcels for 37 years. Since that time there has been no indication of any attempt to merge the two lots. Mr. Rizio maintained that the lots lines for both parcels are in alignment with the other lots in this neighborhood, which he evidenced with the submission of photographs.

Public Comment

Pam Dudac of 680 Fairchild Avenue was opposed. She indicated that the land was wet and had concerns that the increase in density would have a negative effect on the water table.

Mrs. Dudac was assured that any new construction would have to meet town standards, as to storm water management and drainage requirements.

The comments of the Town Engineer contained in his letter dated 2/27/14 were presented to Attorney Rizio who indicated acceptance of all engineering conditions as noted.

This concluded the public hearing portion of the meeting.

Work Session

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

Application #14-05 – Domestic & Import Repairs, LLC
408 Shelton Road

Decision tabled until the next regularly scheduled meeting (April 2, 2014), pending a determination by the Town Attorney, as to whether the property can be characterized as being abandoned.

Application #14-06 – Erin Horback
134 Booth Hill Road

MOTION MADE (Puskar), seconded (Scarpelli) and unanimously carried (Muir, Mayo, Miko, Puskar, Scarpelli) to approve Application #14-06, as presented and plans submitted. The proposal was determined to be minor in nature with no apparent negative impact.

Application #14-07 – Jason Klein
37 Rangely Drive

MOTION MADE (Scarpelli), seconded (Puskar) and unanimously carried (Muir, Mayo, Miko, Puskar, Scarpelli) to approve Application #14-07, as presented and plans submitted. The proposed construction will enhance both the home and the neighborhood.

Application #14-09 – Barbara Kaplan and Leon Luck
9 Old Pinewood Trail

MOTION MADE (Scarpelli), seconded (Puskar) and unanimously carried (Muir, Mayo, Miko, Puskar, Scarpelli) to approve Application #14-09, as presented and plans submitted. Proposal was deemed to be in harmony with the existing homes within the neighborhood.

Application #14-10 – Michael Koch
681 Orchard Street

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Muir, Mayo, Miko, Puskar, Scarpelli) to approve Application #14-10, as presented and plans submitted. Proposed lot lines conform to existing parcels within the neighborhood.

There being no further business to discuss a motion was made by Commission Puskar and seconded by Commissioner Scarpelli to adjourn. The March 5, 2014 meeting of the Zoning Board of Appeals adjourned at 8:45 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, April 2, 2014 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Administrator/Clerk

