

ZONING BOARD OF APPEALS
November 4, 2015

A regularly scheduled meeting of the Zoning Board of Appeals was held in the Council Chambers of the Trumbull Town Hall on Wednesday, November 4, 2015.

Members Present: Steven Elbaum, Richard Mayo, Dennis Miko, Carl Scarpelli and alternates
Brian Reilly, Joseph Rescsanski

Also Present: Doug Wenz, ZEO

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.

Tonight's meeting chaired by Vice-Chairman Carl Scarpelli.

In the absence of Chairman Puskar, alternate Brian Reilly was designated the fifth voting member for tonight's meeting.

A quorum being present the Chairperson called the meeting to order at 7:00 p.m.

Agenda item Executive Session was the first order of business.

MOTION MADE (Miko), seconded (Mayo) and unanimously carried to enter into Executive Session to hold discussion on pending litigation pertaining to the appeal taken on the Board's decision pertaining to Application #15-22, 161 Pinewood Trail (Lynn Wham V. Zoning Board of Appeals of the Town of Trumbull, Jan Nagel and Nancy Nagel".

Commissioners, along with ZEO Douglas Wenz, Jim Cordone, Attorney for Jan and Nancy Nagel and Patricia Sullivan, Esq. representing the Town of Trumbull, entered into Executive Session 7:00 p.m.

Upon motion made and seconded the Commission exited from Executive Session and reconvened the regular meeting at 7:30 p.m. in the Council Chambers.

PUBLIC HEARING

The pending settlement agreement of the appeal pertaining to Application #15-22 was addressed.

MOTION MADE (Miko), seconded (Elbaum) and unanimously carried to approve the settlement agreement regarding Lynn Wham V. Zoning Board of Appeals of the Town of Trumbull, Jan Nagel and Nancy Nagel, as presented.

Attorney Raymond Rizio then came forward requesting a continuance for Application #15-44 (Luigi Cammarota, 2 lot subdivision, 97 Church Hill Road0 to the next regularly scheduled meeting.

MOTION MADE (Mayo), seconded (Miko) and unanimously carried to continue the public hearing for Application 15-44 until the next regularly scheduled meeting (December 2, 2015).

Application #15-43 – Salvatore & Carolyn Florio
64 Old Dike Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to add a second floor addition to a pre-existing non-conforming footprint located 15.3' from the N/S property line. HEARING CONTINUED FROM SEPTEMBER 2, 2015

Attorney Raymond Rizio came forward representing the applicant.

Mr. Rizio advised that the lot is pre-existing non-conforming. Due to there being no proposed increase to the existing footprint the construction creates no further encroachment into the regulated setback. All adjacent property owners were informed of the up-coming construction with no negative feedback being received.

Public Comment

Fred Bietsch of 62 Old Dike Road spoke in favor.

Application #15-45 – Michael T. Smith
60 Red Fox Lane

Variance of Art. II, Sec. 1.1.2 with respect to insufficient yard requirements to construct 20'x36' in-ground swimming pool 10' from the N/S property line, at its closest point.

The applicant, Michael Smith, presented. The submitted plans indicate that the proposed swimming pool abuts Town of Trumbull open space. Photographs of the site area were submitted into the record.

A letter of support from David Quatrella of 50 Red Fox Lane was so noted for the record.

Application #15-46 – David Rosenberg
3 Crescent Lane

Variance of Art. II, Sec. 1.1.2 with respect to construction of a second garage for a total combined area of 1,308 sq. ft. in garage space exceeding the maximum square footage allowable.

David Rosenberg presented.

The added detached garage creates a combined total of five garage spaces with three being the maximum allowable. The submitted plans showed the proposed construction as being located in the rear of the property. The applicant advised that due to the lot's depth the proposed construction should not be visible to adjacent homeowners. Upon inquiry, Mr. Rosenberg informed that the existing driveway would be elongated to allow for access.

Application #15-47 – Manuel DaSilva, Agent for
Casilda De Los Santos
26 Beech Street

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to construct a 25'x19' one-story addition 26' from the rear property line.

Manuel DaSilva represented the property owner.

The proposed construction creates a family room and deck off the rear of the existing dwelling. GIS mapping indicates similar rear yard encroachments within the surrounding area. Upon inquiry Mr. DaSilva advised that the existing deck would be removed.

Application #15-48 – Anthony & Jennifer Palumbo
29 Bassick Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 & 2.2.3 with respect to insufficient yard requirements, on a corner lot, to construct a 16'x25.44' two-story addition 42.6' from the front property line and 13.5' from the street side (Paulina Place) with an attached 24'x12' deck located 14.5' from the street side (Paulina Place).

Anthony Palumbo came forward. The submitted plans indicated construction of a garage with living area on top. The applicant informed that the lot area is too small to allow for construction outside of the regulated setback area. There was concern pertaining to the close proximity to the street side and the potential impact to the line of sight.

Letters of support from Joseph J. Santella, 34 Bassick Road and Arthur Mallick of 5489 Main Street were acknowledged.

Application #15-49 – John Zito, Jr.
30 Winslow Road

Variance of Art. I, Sec. 4.3.1; Art. II, Sec. 1.3.2.1 and Art. III, Sec. 1 with respect to approval of an existing 690 sq. ft. addition to a 494 sq. ft. detached garage 23.2' from the rear property line and 16.2' from the E/S property line, at its closest point with a height of 20' exceeding the maximum height and area allowable.

The applicant advised that the construction was completed without variances or building permits being obtained. Upon inquiry, Mr. Zito estimated the time of construction at approximately six years ago. ZEO, Doug Wenz, advised that there is some discrepancy within town records as to the construction timeline. It was suggested and the applicant agreed to continue the public hearing to allow the ZEO to obtain a definitive answer, as to when construction took place.

MOTION MADE (Miko), seconded (Reilly) and unanimously carried to continue the public hearing for Application #15-49 until the next regularly scheduled meeting (December 2, 2015).

Application #15-50 – Dominic Farias, Agent for
Emergent Properties, LLC
57 Twitchgrass Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to construct 896 sq. ft. second floor addition over existing footprint located 26.3' from the front lot line and 4'x8' landing 22.3' from the front lot line, including stairs.

Dominic Farias came forward. The submitted plans were reviewed and renderings of the proposed construction were reviewed. No increase to the existing footprint was indicated. The existing front steps, which have deteriorated, will be removed and replaced with the proposed landing. The applicant made note that the proposal is in keeping with the character of the neighborhood.

Application #15-51 – Robert Granata
675 Garden Street

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to construct 599 sq. ft. first floor addition 8' from the N/S property line, at its closest point and exceed maximum floor area ratio allowable (.295 – .290 maximum).

The applicant came forward. The submitted plans were reviewed. Staff advised that the proposed setbacks correspond to other homes within the area.

Letters of support by Theresa Deecken of 679 Garden Street and Jenice Powell of 5 Chestnut Street were no noted for the record.

Application #15-52 – Millo Bertini
171 Spring Hill Road

Variance of Art. II, Sec. 4.2.5(d) with respect to insufficient yard requirements to construct 60'x100' manufacturing structure 20' from the E/S property line and 20' from the W/S property line, at their closest points.

Mr. Bertini presented and advised that the previous variance, issued in May, to construct an addition to the existing structure do not go forward. In its stead the applicant is now proposing construction of a separate building. Mr. Bertini informed that two separate structures are needed to properly maintain his equipment.

There was concern regarding the property's close proximity to a residential dwelling. The applicant advised that neighbors have been notified with no negative feedback being received. He added that construction would not be visible due to the vast amount of trees along the property line.

Application #15-53 – Michael Dyer & Claire DeSisto
12 Old Sawmill Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to construct 613 sq. ft. second story addition over existing garage 45.8' from the front lot line and 11'x4' covered entryway 39.4' from the front lot line including stairs.

The submitted plans indicated the addition to be within the existing footprint. The proposed encroachment into the front yard appeared to be in line with neighboring properties.

Application #15-54 – Kevin Lui
6 Gaylord Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 & 2.3 with respect to insufficient yard requirements, on a corner lot, to construct a 46.8'x2' covered front porch 19.9' from the front lot line, including stairs and 36.1' from the street side (Richfield Road).

The applicant came forward. Mr. Lui indicated that the construction took place a year ago. Upon inquiry, the applicant acknowledged that all construction was undertaken without the needed variances and building permits.

Mr. Lui was advised that, if the application is approved, all required permits must be obtained from the building department. The ZEO agreed to monitor the permit process and report back to this body at the next regularly scheduled meeting.

Application #15-55 – John & Susan Williams
38 Ceil Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to construct 7'x4' addition 42' from the front lot line, at its closest point.

Mr. & Mrs. Williams reviewed the submitted plans. The proposed construction entailed a 4' kitchen expansion. No negative impact was indicated.

This concluded the Public Hearing.

Regular Meeting

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

Application #15-43 – Salvatore & Carolyn Florio
64 Old Dike Road

MOTION MADE (Mayo), seconded (Miko) and unanimously carried to approve Application #15-43, as presented and plans submitted.

Application #15-45 – Michael T. Smith
60 Red Fox Lane

MOTION MADE (Mayo), seconded (Elbaum) and unanimously carried to approve Application #15-45, as presented and plans submitted.

Application #15-46 – David Rosenberg
3 Crescent Lane

Action tabled to the next regularly scheduled meeting (December 2, 2015) to further review impact to the existing trees and wetlands.

Application #15-47 – Manual DaSilva, Agent for
Casilda De Los Santos
26 Beech Street

MOTION MADE (Reilly), seconded (Miko) and unanimously carried to approve Application #15-47, as presented and plans submitted.

Application #15-48 – Anthony & Jennifer Palumbo
29 Bassick Road

MOTION MADE (Mayo) and seconded (Reilly) to approve Application #15-48.

Vote: In Favor: (0) - Opposed: (5) Elbaum, Mayo, Miko, Reilly, Scarpelli

Application #15-48 UNANIMOUSLY DENIED

The proposed construction is situated too close to the corner of Bassick Road and Paulina Place creating a potential negative impact to the line of sight.

Application #15-50 – Dominic Farias, Agent for
Emergent Properties, LLC
57 Twitchgrass Road

MOTION MADE (Miko), seconded (Mayo) and unanimously carried to approve Application #15-50, as presented and plans submitted.

Application #15-51 – Robert Granata
675 Garden Street

MOTION MADE (Reilly), seconded (Mayo) and unanimously carried to approve Application #15-51, as presented and plans submitted.

Application #15-52 – Millo Bertini
171 Spring Hill Road

MOTION MADE (Miko) and seconded (Mayo) to approve Application #15-52.

MOTION MADE (Elbaum), seconded (Reilly) and unanimously carried to amend the original motion to include the following specific condition.

1. Recommendations provided by the Town Tree Warden pertaining to screening and the replacement of trees to be complied with.

Vote: Original Motion as Amended – Unanimous MOTION CARRIES

Application #15-53 – Michael Dyer & Claire DeSisto
12 Old Sawmill Road

MOTION MADE (Miko), seconded (Mayo) and unanimously carried to approve Application #15-53, as presented and plans submitted.

Application #15-54 – Kevin Lui
6 Gaylord Road

MOTION MADE (Mayo), seconded (Miko) and unanimously carried to approve Application #15-54 subject to the following specific conditions.

1. All applicable building permits pertaining to the pre-existing construction are must be obtained.
2. ZEO to monitor permit process and report back, as to its status, at the next regularly scheduled meeting.

Application #15-55 – John & Susan Williams
38 Ceil Road

MOTION MADE (Miko), seconded (Mayo) and unanimously carried to approve Application #15-55, as presented and plans submitted.

There being no further business to address a motion was made by Commissioner Mayo and seconded by Commissioner Miko to adjourn. The November 4, 2015 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, December 2, 2015 at 7:30 p.m. in the Council Chambers of the Trumbull, Town Hall.

Respectfully submitted,

Helen Granskog
ZBA Administrator/Clerk

