

ZONING BOARD OF APPEALS
April 6, 2016

A regularly scheduled meeting of the Zoning Board of Appeals was held in the Council Chambers of the Trumbull Town Hall on Wednesday, April 6, 2016.

Members Present: Carl Scarpelli, Chairman
Steven Elbaum, Richard Mayo and alternates
Lori-Ann Boveroux, Brian Reilly, Joseph Rescsanski

Also Present: Douglas 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.

A quorum being present, the Chairman called the meeting to order at 7:35 p.m.

The designated voting members for tonight's meeting were Chairman Scarpelli, Steven Elbaum, Richard Mayo, Brian Reilly and Joseph Rescsanski.

The passing of long time ZBA Commissioner and past Chairman, Richard Puskar, was announced and all joined in a moment of silence in remembrance of him.

PUBLIC HEARING

Application #16-06 – Robert & Courtney Rafferty
38 Killian Avenue

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to construct 10' deck expansion 9.7' from the E/S lot line and 45' from the rear lot line.

John Crosby, 38 Killian Avenue, conducted the presentation on behalf of the applicants. Mr. Crosby informed that in 2014 a variance was granted to allow for construction of an accessory apartment and an adjoining 16'x6' (96 sq. ft.) deck. Once completed, it became clear that the deck size originally proposed was too small. The applicants are now seeking approval to expand the existing deck an additional 10' towards the rear to allow for a 16'x16' deck (256 sq. ft.). The submitted plan indicated no further encroachment into the side yard.

Application #16-07 – Russel Choate
33 Robinwood Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to construct 9.75'x25.5' garage expansion 5.5' from the N/S lot line, 18'x7' porch 23' from the front lot line, including steps and 4'x5' first floor addition to a non-conforming dwelling.

The applicant came forward. Mr. Choate detailed the proposed improvements to his home. The proposal involved a living room expansion, construction of an open front porch and conversion of the existing one-car garage into a two-car structure. The applicant advised that all proposed home improvements are in keeping with the character of the neighborhood.

Application #16-08 – James Phillipson & Katie Mack
131 Fern Circle

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to construct a second floor addition over a non-conforming footprint located 15.7' from the W/S lot line and 33.25' from the front lot line.

The applicant, James Phillipson, presented.

Mr. Phillipson began by advising that the stated front yard variance was not required, as all proposed construction was located in the rear. The Zoning Enforcement Officer confirmed that the proposed project does not affect the existing front yard setback.

The submitted plan showed all construction to be within the existing footprint with no further encroachment into the regulated setbacks indicated. The requested variance allows for increased density to the existing non-conforming structure.

Public Comment

Curtis Heher of 9 Country Lane spoke in favor.

Application #16-09 – Edward J. Socha
41 Plumb Tree Lane

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct 1,980 sq. ft. single story dwelling 30' from the front lot line.

Commission Rescsanski recused himself from participation, as he has a personal association with the applicant.

Edward Socha came forward.

The subject parcel is located partially in Trumbull and partially in the town of Easton subjecting it to the zoning requirements of both towns and creating a legal hardship for its development. It was noted that at the time of the original subdivision, in 1957, the required setbacks were 40' for the front yard and 12' for the side yards. As the lot was never developed, the setbacks in place at that time are to be considered tonight. This dismisses the need for a side yard variance with only a 10' waiver for the front yard being required.

Mr. Socha advised that the three acre zoning requirement in the town of Easton has also delayed the development of the property. Upon inquiry, the applicant indicated that he is working on obtaining approval from Easton but that a decision, from that municipality, is still pending.

In response to an inquiry, as to why the proposed structure could not be moved back to the 40' line, Mr. Socha informed that the sewer department has advised him that in order to connect to their system the house must be situated mainly in Trumbull.

The applicant considered the proposal to be complementary to the neighboring area.
This concluded the Public Hearing.

Regular Meeting

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

Application #16-06 – Robert & Courtney Rafferty
38 Killian Avenue

Motion Made (Mayo), seconded (Rescsanski) and unanimously carried, to approve Application #16-06, as presented and plans submitted.

Proposal considered minor in nature.

Application #16-07 – Russel Choate
33 Robinwood Road

Motion Made (Mayo), seconded (Reilly) and unanimously carried, to approve Application #16-07, as presented and plans submitted.

No negative impact indicated.

Application #16-08 – James Phillipson & Katie Mack
131 Fern Circle

Motion Made (Mayo) and seconded (Elbaum) to approve Application #16-08.

Motion Made (Elbaum), seconded (Reilly) and unanimously carried to amend the original motion to include the following modification.

1. The subject front yard variance is not required and shall be eliminated from the application.

Vote (Original Motion, as Amended): Unanimous – Motion Carries.

Application #16-09 – Edward J. Socha
41 Plumb Tree Lane

Lori-Ann Boveroux voting in place of Joseph Rescsanski, who has recused himself from participation.

Motion Made (Mayo) and seconded (Elbaum) to approve Application #16-09.

Vote: In Favor (0) - Opposed (5): Scarpelli, Boveroux, Elbaum, Mayo, Reilly
Motion does not carry.

Application #16-09 unanimously denied due to the following.

1. An accurate up-to-date survey to be submitted.
2. The necessary approvals from the Town of Easton to be obtained prior to submission to Trumbull.
3. A statement from the WPCA (Sewer Department) specifying the requirements for a sewer connection shall be submitted.

It was agreed that the application fee be waived in the event the subject proposal is resubmitted.

Prior to the close of meeting, the Commission noted that there were two applications presented tonight with inaccurate surveys. As a matter of fairness, the Board asked, that it be stressed to all potential applicants, that applications must be complete or they are at risk of being denied.

There being no further business to address the April 6, 2016 meeting of the Zoning Board of Appeals adjourned at 8:15 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, May 4, 2016 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
ZBA Administrator/Clerk