

**ZONING BOARD OF APPEALS**  
**August 3, 2016**

A regularly scheduled meeting of the Zoning Board of Appeals was held in the Council Chambers of the Trumbull Town Hall on Wednesday, August 3, 2016.

Members Present: Carl Scarpelli - Chairman, Dennis Miko – Secretary, Richard Mayo and alternates Joseph Rescsanski and Brian Reilly

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.

Due to only three board members being present, alternates Joseph Rescsanski and Brian Reilly were designated the fourth and fifth voting members for tonight's meeting.

**Public Hearing**

Chairman Scarpelli announced the following:

A requested continuance of the public hearing for **Application #16-26 (Nichols Fire District, 100 Shelton Road)** for the September 7, 2016 meeting. The request was submitted by Agent John DeRosa (via email –8/3/16).

A requested withdrawal of **Application #16-25 (Cyril F. Mullins II, 399 White Plains Road)** per letter dated August 2, 2016 from Christopher Russo – Q & R Associates, LLC, One Post Road, Fairfield, CT 06824.

**Application #16-20 – Dominic Farias, Agent for Emergent Properties, LLC**  
**57 Twitchgrass Road**

Variance of Art. I, Sec. 4.3.1 with respect to creation of 875 sq. ft. of added living space to a pre-existing non-conforming dwelling.

Maykel Teodoro of MK Remodeling LLC spoke on behalf of the applicant and noted that the requested 875 sq. ft. of added living space to a pre-existing non-conforming dwelling had already been completed. He informed the Commissioners that the area

is one large room with a staircase leading up to it, is heated but with no running water. During an inspection for a previous variance, the owner was advised by the building inspector to request a variance for the attic since it was finished. Commissioner Rescsanski inquired if there were any future plans to include dormers and was assured there was not.

Michael McFadden, a neighbor who lives on 16 Larkspur Drive, spoke in favor.

A letter, dated 7/26/16 from neighbors Joan & Alan Bjork was read expressing concerns that the property not become a multifamily house.

Mr. Wenz also noted he was contacted by other neighbors expressing similar concerns.

**Application #16-21 – Trumbull Landscaping & Excavating, LLC  
730 White Plains Road**

Variance of Art. I, Sec. 4.3.1 with respect to construction of a 30'9"x28' second story addition over existing footprint of a non-conforming dwelling and Art. III, Sec. 1 to construct 24'x24' attached two-car garage, with unfinished room above, 33' from the front lot line, at its closest point.

Mr. Dean Capozziello came forward to request a variance for a second story addition and for the construction of an attached two car garage with an unfinished room above, 33' from the front lot line. This would include a 2' cantilever front and back on the second story.

The requirements for approval, as submitted by the Town Engineer, were so noted for the record.

There was no public comment.

**Application #16-22 – Mark Douglas  
79 Sherman Avenue**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to expanding existing one-car garage to 24'x24' in size, for a total of two garage spaces, 26.8' from the rear property line and 17.9' from the S/S property line.

Mark Douglas Sr. came forward and stated he wants to expand his existing detached garage (21'x15') to 24'x24'. His builder suggested he could possibly use part of the old slab.

Chairman Scarpelli suggested it be moved northward 2.1' to eliminate the requirement for the S/S setback variance but Mr. Douglas explained that he wanted to keep in more in line with the driveway and go 3 feet one way and 5 ft. the other to allow easier exit from the garage.

There was no public comment.

**Application #16-23 – Christopher Proudfoot  
566 Booth Hill Road**

Variance of Art. I, Sec. 4.3.1 with respect to construction of 2,885 sq. ft. of added living space to a non-conforming dwelling and Art. III, Sec. 1, to construct a 21'x16' one-car garage (existing garage to be removed) 9' from the N/S property line, at its closest point.

Paul Holub, the architect, came forward and said they are requesting a variance for an attached garage 9' from the side property line. The owner has an existing detached garage which is 7'9" from the property line. The total project is to expand the existing residence and put an in-law apartment behind it. They want to attach the proposed garage to the house so the in-laws can easily access their apartment since the father is disabled and in a wheelchair.

Commissioner Rescsanski questioned the parking requirements and Mr. Holub advised that an in-law apartment is required to have four off street parking spaces. Currently the parking is in front next to garage (2 spaces) and the garage itself. The existing garage faces the street. He explained that if it's in the same proximity of what's existing and what's proposed, it will be beneficial for the homeowner and the in-laws also.

Their existing house is currently 1100 sq. ft. and the owner wants to add usable space for themselves and an accessory apartment for his in-laws.

The existing detached garage located 7.9' from the N/S property line will be demolished.

Mr. Wenz advised that the applicant will need P&Z approval for the apartment as proposed. Mr. Holub advised the Board that they went before P&Z in June and that the Commissioners wanted the exterior appearance to be that of a single-family home so it was redesigned. They will go before P&Z on August 17<sup>th</sup>. Commissioner Rescsanski asked if they are proposing a 9' setback for the garage and asked that the addition to be moved over 3.7'. Mr. Holub said it was possible but it wouldn't allow the garage to be outside the setbacks. Mr. Rescsanski inquired if there were any comments from the neighbors and Mr. Holub advised that the owner was present and spoke with the neighbors and they approved. Mr. Holub noted that the said garage is pretty much an existing garage – they are just pushing it further away from the side yard.

There was no public comment.

**Application #16-24 – Curtis Heher  
9 Country Lane**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 12'6"x24' attached one-car garage with a 19'4"x12' rear storage area and a room above, 2.4' from the E/S lot line, 38.7' from the rear lot line and 36.3' from the front lot line and permit floor area ratio of .312% exceeding the maximum allowable (.29%).

Mr. Heher came forward and stated that he is requesting a variance for a one car garage with an additional room in the garage for extra storage and also a room above the garage for storage purposes.

Mr. Wenz recapped that there are 2 variances – one for the set-back area and one for the Floor Area Ratio.

Mr. Heher noted that the neighbors are not opposed and confirmed there is 6.4' from end of garage to the beginning of his driveway.

Mr. Wenz advised the Commission that since the lot is on .2 acres, there was a variance granted in 2008 to construct the existing dwelling. Commissioner Miko requested that Mr. Heher provide information on the ceiling height over the garage as it was omitted.

There was no public comment.

**Application #16-25 – Cyril F. Mullins II,  
399 White Plains Road**

Variance of Art. II, Sec. 2.1.3.10 with respect to installation of 21 sq. ft. identification signage and permit placement of two signs exceeding the maximum square footage and one sign per lot allowable.

WITHDRAWN

**Application #16-26 – Nichols Fire District  
100 Shelton Road**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of attached 40'x24.4' one-story addition 21' from the N/S property line and 30.5'x24.4' second story addition to existing footprint of a non-conforming detached garage, located 17.2' from the N/S property line and 17.8' from the rear property line, at their closest points and Art. II, Sec. 1.2.2 to exceed maximum height and area allowable for an accessory structure in a residential zone.

CONTINUED

**Application #16-27 – Ronald Amante, Agent for James Carbone  
38 Flint Street**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 264 sq. ft. one-story addition 32.59' from the front lot line and 45.39' from the rear lot line and establishment of living space above a 12'x28' detached garage located 20'8" from the rear lot line.

Ronald Amante advised that they are seeking a variance for 12' x 22' addition to construct a kitchen and a mudroom and are also requesting a heated bonus room above the detached garage. He assured Chairman Scarpelli and the Board that he has no intention of converting it into a future apartment.

A neighbor, Francis Kobylenski, of 53 Crown Street spoke in favor of the application as long as it does not affect the exterior.

**Application #16-28 – Wesley Padilha  
20 Tungsten Circle**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 363 sq. ft. second story addition over existing non-conforming dwelling and a 191.5 sq. ft. covered front porch with a 7 sq. ft. portico 35.1' from the front lot line.

The architect, Patricia De La Puente, spoke and noted they are proposing a 363 sq. ft. second story addition with a covered porch that will run the length of the dwelling.

There was no public comment.

**WORK SESSION**

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

**Application #16-20 – Dominic Farias, Agent for Emergent Properties, LLC  
57 Twitchgrass Road**

MOTION MADE (Miko) and seconded (Mayo) and unanimously carried to approve Application #16-20 subject to the requirements of the Town Engineer.

**Application #16-21 – Trumbull Landscaping & Excavating, LLC  
730 White Plains Road**

MOTION MADE (Miko) and seconded (Mayo) and unanimously carried to approve Application #16-21 subject to the requirements of the Town Engineer.

**Application #16-22 – Mark Douglas  
79 Sherman Avenue**

MOTION MADE (Miko) and seconded (Mayo) and unanimously carried to approve Application #16-22 subject to the requirements of the Town Engineer.

**Application #16-23 – Christopher Proudfoot  
566 Booth Hill Road**

MOTION MADE (Rescsanski) and seconded (Miko) and unanimously carried to deny Application #16-23.

Commissioner Rescsanski inquired if the structures could be moved closer to the property to minimize the variance. He recommended that the one story apartment and garage be shifted 3'-4' to the south and more within the building setbacks (under 10 feet) to minimize the variance. He also requests pictures of adjacent properties and requests neighborhood input.

**Application #16-24 – Curtis Heher  
9 Country Lane**

MOTION MADE (Miko) and seconded (Mayo) and unanimously carried to deny Application #16-24.

Commissioner Rescsanski expressed concern over how close the renovated garage & storage area would be to the adjacent property and if it is in character with the neighborhood. He also noted there is no room for landscaping or screening.

Chairman Scarpelli requests an alternative design and wants to omit the second floor room. He is also requesting pictures of the neighborhood and Commissioner Reilly is requesting neighborhood input in the form of letters.

**Application #16-25 – Cyril F. Mullins II,  
399 White Plains Road**

*WITHDRAWN*

**Application #16-26 – Nichols Fire District  
100 Shelton Road**

*CONTINUED TO 9/7/16*

**Application #16-27 – Ronald Amante, Agent for James Carbone  
38 Flint Street**

MOTION MADE (Rescsanski) and seconded (Reilly) and unanimously carried to approve Application #16-27 with conditions.

Mr. Wenz confirmed that there are two required variances – one for the kitchen and one for the heated living space over the detached garage. The structure of the garage is being changed inside – a 12' x 28' interior is being added. There will be no change to the garage's exterior footprint.

CONDITION: The room cannot be converted into a future accessory apartment.

Subject to the requirements of the Town Engineer.

**Application #16-28 - Wesley Padilha**  
**20 Tungsten Circle**

MOTION MADE (Miko) and seconded (Mayo) and unanimously carried to approve Application #16-28 subject to the requirements of the Town Engineer.

It is minor and in harmony with the neighborhood.

There being no further business to address, a motion was made by Chairman Scarpelli, accepted by Commissioner Miko and seconded by Commissioner Mayo to adjourn. The August 3, 2016 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 September 7, 2016 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Gail Andreyka - Clerk