

Town of Trumbull  
CONNECTICUT

Planning and Zoning  
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**ZONING BOARD OF APPEALS  
WEDNESDAY, JUNE 7, 2023 MINUTES**

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held at Trumbull Town Hall Council Chambers on Wednesday, June 7, 2023.

**MEMBERS PRESENT:** Steve Elbaum – Chairman  
Richard Mayo – Secretary  
Catherine Creager  
Matthew Reale  
Brian Reilly - Alternate  
Joseph Rescsanski - Alternate

**MEMBERS ABSENT:** Rob Saunders – Vice Chairman

**ALSO PRESENT:** Brian Fitzgerald – Zoning Enforcement Officer  
James Cordone – Town Attorney  
Gia Mentillo – ZBA Clerk  
Trumbull Community Television

A quorum being present, Chairman Elbaum called the meeting to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:**

MOTION MADE (Reilly), seconded (Reale) to approve the May 3, 2023 minutes. The motion passed unanimously. Commissioners Creager and Mayo abstained as they were not present for said meeting.

**Vote: 4-0 Motion Carried**

**PUBLIC HEARING and WORK SESSION:**

Chairman Elbaum explained the basic rules of the meeting, noting that the agenda and all associated materials were posted on the Town of Trumbull website at least 48 hours in advance of the meeting.

**Application # 23-10 – 110 Porters Hill Road  
Atty. Chris Russo for John Vitorino.**

The applicant is requesting to subdivide an existing 4.87-acre lot into three buildable lots, two of which require size variances, under Article III, sections 9.4, 9.5, 9.6, and 9.8 of the Trumbull zoning regulations, and a variance to increase the length of the driveway to said interior lots from the regulated limit of 400' to 515' under Article III, section 9.3 of the Trumbull zoning regulations in a Residential Zone AA. *Continued from May 3, 2023.*

Commissioner Mayo abstained from participating on review of this application as he was absent from the last meeting and did not have a chance to view the recording.

Atty. Rizio, of Russo & Rizio LLC, spoke as the representative of John Vitorino of 110 Porters Hill Road. In an effort to clarify application #23-10 and mitigate concerns, Atty. Rizio met with neighboring property owners. He stated that concerned parties now understand that the property will ultimately be subdivided into three lots and that variances are being sought to allow for access to said lots through elongated driveways as opposed to a col-de-sac as is allowed. It was agreed that the approach outlined in application #23-10 is the best option for the neighborhood as it limits the impact to the area. In an effort to further limit the impact on neighbors, Mr. Vitorino has agreed on a landscaping plan (submitted to the record) for the property which will be implemented prior to the commencement of any construction. Atty. Rizio informed that he and the applicant are willing to agree to said plan and the postage of a landscaping bond as a condition of approval for the application. Atty. Rizio stated the following as a summary of his previous presentation of the application: (1) there is a lot hardship based on the unique, narrow shape of the property; (2) the creation of the lot predates the existing zoning regulations; (3) the proposed plan is not inconsistent with the Town's master plan; (4) similar projects have been granted similar variances in the area to limit side streets through implementation of interior lots and elongated driveways (limiting road maintenance for the Town); and (5) the proposed variances have no negative impact on the neighborhood.

Atty. Rizio clarified that the plan the Board is being asked to consider is #1396CP02 and the proposed arborvitaes would be 10' tall when planted. Commissioner Rescanski asked whether the applicant considered combining the proposed driveways. Atty. Rizio stated a preference for three separate driveways to limit any issues regarding shared driveway control.

**Public Comment:** There was no public comment.

**Work Session:** Commissioners Rescanski and Reilly sat as voting members for this session.

Chairman Elbaum noted that Atty. Rizio addressed all the issues raised by neighbors during the previous ZBA hearing, adding that the newly proposed conditions of approval should be added to application #23-10 as an amendment. Commissioner Reale noted that there was no opposition to the application at this point which indicates neighbors' concerns were effectively addressed.

**MOTION MADE** Commissioner Reilly, seconded Commissioner Creager to add conditions of approval for application #23-10 as follows: (1) landscaping is to be installed prior to commencement of construction, and (2) a landscape bond is to be posted at the discretion of municipal officials prior to construction

**Engineering comments:** Prior to lot development, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards.

**Motion Made** (Reale), Seconded (Reilly), to approve with conditions as amended **Application #23-10 – 110 Porters Hill Road, Atty. Chris Russo for John Vitorino.** Commissioner Mayo abstained.

**Vote: 5-0**

**Motion Carried**

**Application 23-23- 184 Sterling Road**

**Steve Jaccarino for Melissa Sandler**

The applicant is requesting a front lot setback variance of 2.48', where 50' is required and 47.52' is proposed, in Residential Zone A, under Article III of the Trumbull zoning regulations to construct a second-floor addition over an existing garage.

Melissa Sandler, owner of 184 Sterling Road, stated her home, built in 1959, sits at a slight angle on the property, placing the existing garage about 2.5' into the current front setback requirement. A front setback variance is being requested to put additional living space over the existing garage. Ms. Sandler has spoken to all her neighbors who are excited about the project.

**Public Comment:** There was no public comment.

**Work Session:** Commissioner Rescsanski sat as a voting member for this application.

Commissioner Reale stated the lot in question to be a pre-existing non-conformity in regards to current setback requirements.

**Engineering comments:** Prior to engineering approval, applicant must make an application to the Inland Wetlands and Watercourses Commission.

**Motion Made** (Rescsanski), Seconded (Creager), to approve with conditions **Application 23-23-184 Sterling Road, Steve Jaccarino for Melissa Sandler.**

**Vote: 5-0 Motion Carried**

**Application 23-24- 26 Cottage Place  
Beata Ochnicka & Zbigniew Wadolowski**

The applicants are requesting a side lot setback variance of 9.8', where 20' is required and 11.2' is proposed, in Residential Zone A, under Article III of the Trumbull zoning regulations to construct an addition onto the rear of their home.

Zbigniew Wadolowski, owner of 26 Cottage Place, stated the lot in question to be narrow (50' x 260') with the existing dwelling sitting about 10' from the side property lines as opposed to the required 20'. He is seeking a variance to allow for the construction of a rear deck 11.2' from the east property line. Mr. Wadolowski spoke with all abutting neighbors who are in support of this project.

**Public Comment:** There was no public comment.

**Work Session:** Commissioner Reilly sat as a voting member for this application.

Commissioner Reale stated the lot in question to be a pre-existing non-conformity and noted a lack of opposition from neighbors. Commissioner Reilly noted that the proposed addition results in a lesser encroachment to the side setback than that of the existing home, adding that the proposed deck configuration is likely the only option for the property.

**Engineering comments:** None.

**Motion Made** (Reale), Seconded (Mayo), to approve **Application 23-24- 26 Cottage Place, Beata Ochnicka & Zbigniew Wadolowski.**

**Vote: 5-0 Motion Carried**

**Application 23-25- 216 Church Hill Road**

## **Bradley & Kathryn Luedtke**

The applicants are requesting a front lot setback variance of 30.6', where 50' is required and 19.4' is proposed, in Residential Zone A under Article III of the Trumbull zoning regulations to build a covered porch.

Bradley Luedtke, owner of 216 Church Hill Road, stated his home, built in 1948, to be a pre-existing non-conformity sitting 25' from the front property line. Mr. Luedtke stated all his neighbors are in support of the proposed variance to slightly extend the depth and width of the existing covered porch.

Chairman Elbaum stated the lot to be uniquely shaped and the additional encroachment to the front yard setback requirement to be a minor change to existing conditions. Mr. Luedtke confirmed that the proposed porch would sit only 2' further into the front yard setback than the existing.

**Public Comment:** There was no public comment.

**Work Session:** Commissioner Rescsanski sat as a voting member for this application.

Commissioner Reale stated the applicant did well in explaining the pre-existing non-conforming nature of the home, noting the proposed variance to be a de minimis request. The Board voiced agreement.

**Engineering comments:** Prior to approval, applicant must show compliance with the administrative policy for Stormwater Management and Drainage Design Standards.

**Motion Made** (Mayo), Seconded (Reale), to approve with conditions **Application 23-25- 216 Church Hill Road, Bradley & Kathryn Luedtke**

**Vote: 5-0** **Motion Carried**

## **Application 23-26- 28 Locust Street Steven & Erin Tobitsch**

The applicants are requesting a front lot setback variance of 24.3', where 50' is required and 25.7' is proposed, a side lot setback variance (corner lot) of 22.1', where 50' is required and 27.9' is proposed, and a rear lot setback variance of 6.5', where 50' is required and 43.5' is proposed in Residential Zone A under Article III of the Trumbull zoning regulations to add additional living space to the home.

Commissioner Creager abstained from participating in the review of this application as she lives nearby.

Steven Tobitsch, owner of 28 Locust Street, is seeking a variance to add a second story addition to the existing home and construct a deck expansion for his growing family of five. The three bedroom, one bathroom ranch was built in 1959 and requires front and side yard setback variances for the proposed renovations. Mr. Tobitsch clarified that this was a pre-existing non-conforming lot with proposed renovations increasing the height but not the footprint of the structure, excluding deck expansions.

**Public Comment:** There was no public comment.

**Work Session:** Both Commissioners Reilly and Rescsanski sat as voting members for this application.

Commissioner Reale stated there to be a clear hardship for the property in question, noting the pre-existing non-conforming nature of the lot.

**Engineering comments:** None.

**Motion Made** (Reale), Seconded (Reilly), to approve **Application 23-26- 28 Locust Street, Steven & Erin Tobitsch**. Commissioner Creager abstained.

**Vote: 5-0 Motion Carried**

**Application 23-27- 91 Evelyn Street**

**Atty. Russo for Laura Lusebrink**

Applicant is requesting a side lot setback variance of 12.7', where 20' is required and 7.3' is proposed, a front lot setback variance of 12', where 50' is required and 38' is proposed, a rear lot setback variance of 4.2', where 50' is required and 45.8' is proposed, and a variance to the floor area ratio from .29 to .322 in Residential Zone A under Article III of the Trumbull zoning regulations to build a new garage, master bedroom and accessory apartment.

Atty. Rizio, representative of application #23-27, requested that the application be continued to the next regularly schedule meeting of the Trumbull ZBA. He informed that there may be a need to request additional variances to allow access to the accessory apartment through th existing garage as opposed to the main living unit of the home. Atty. Rizio informed that the applicant will waive the statutory requirements regarding time frames of open hearings.

Atty. Cordone clarified this may require re-noticing of the application due to changes to the initial variance request.

**Public Comment:** There was no public comment.

**Work Session:** Commissioner Reilly sat as a voting member for this application.

**Engineering comments:** Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards.

**Motion Made** (Reilly), Seconded (Creager), to continue to next the regularly scheduled meeting of the Trumbull ZBA **Application 23-27- 91 Evelyn Street, Atty. Russo for Laura Lusebrink**.

**Vote: 5-0 Motion Carried**

Chairman Elbaum asked for a motion to adjourn, motion made (Creager) and seconded (Rescsanski). The June 7, 2023 meeting of the Zoning Board of Appeals adjourned at 7:37p.m. with unanimous consent.

Dated at Trumbull, CT this 13th day of June, 2023.

By: Gia Mentillo, ZBA Clerk