

Town of Trumbull
CONNECTICUT

Planning and Zoning
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**ZONING BOARD OF APPEALS
WEDNESDAY, OCTOBER 4, 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, October 4, 2023.

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

MEMBERS ABSENT: None.

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

A quorum being present, Chairman Elbaum called the meeting to order at 7:08 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

MOTION MADE (Creager), seconded (Rescsanski) to approve the August 2, 2023 minutes.
Commissions Saunders, Reale, and Reilly abstained.

Vote: 5-0 Motion Carried

PUBLIC HEARING and WORK SESSION:

Chairman Elbaum stated the basic rules of the meeting. No alternates sat as voting members.

**Application 23-32 - 10 Walnut Avenue
Attorney Chris Russo for Jans Land Development LLC**

The applicant is requesting a front lot setback variance of 20', where 50' is required and 30' is proposed, a rear lot setback variance of 21', where 50' is required and 29' is proposed, a minimum lot size variance of 11,380 sq. ft., where 21,780 sq. ft. is required and 10,400 sq. ft. is proposed, and a variance to reduce the minimum road frontage from

125' to 100' in Residential zone A under Article II of the Trumbull zoning regulations, to construct a new home.

A written request to withdraw this application was read aloud and added to the record.

Public Comment: None.

Work Session: None.

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

**Application 23-33 - 17 Tamarack Circle
Tom Kay**

The applicant is requesting a variance to allow an accessory apartment to exceed 30% of the square footage of the existing home, where 797 sq. ft. is proposed and 391 sq. ft. is allowed, in Residential zone AA under Article II, section 1.1.2 of the Trumbull zoning regulations.

Tom Kay, owner of 17 Tamarack Circle, stated his request for a variance to construct an in-law apartment addition to his existing home for his aging mother. Mr. Kay clarified that, though this is a corner lot, the proposed addition is on the interior side of the property.

Public Comment: There was no public comment made.

Work Session: Chairman Elbaum stated the requested variance to be relatively innocuous.

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

Motion Made (Reale), Seconded (Mayo), to approve with conditions **Application #23-33 – 17 Tamarack Circle, Tom Kay.**

Vote: 5-0 Motion Carried

**Application 22-13 - 43 Moose Hill Road
Sana Naz and Jacob Awan**

Applicants requested a side lot setback variance on an interior lot of 25', where 75' is required and 50' is proposed, to construct a second story on a single-family home. This variance application was approved at the June 2, 2022, Zoning Board of Appeals regular meeting, but was not recorded in the land records. The applicant requests to appear before the ZBA so that that variance can be recorded.

Jacob Awan, owner of 43 Moose Hill Road, informed he previously received approvals from ZBA for a variance to construct an addition on his home. Mr. Fitzgerald stated that Mr. Awan was advised to return to the Zoning Board of Appeal to clarify whether the second story was part

of the original approval as the original recording and decision letter for application #22-13 did not reflect as such. Having the Board confirm their intent to include the second story addition as part of the approval for application #22-13 would allow for the recording and decision letter to be revised.

Public Comment: There was no public comment made.

Work Session: The Chairman requested that the wording of the variance being granted be clearly stated so that it may be properly recorded. Mr. Fitzgerald stated: “Applicants requested a side lot setback variance on an interior lot of 25’, where 75’ is required and 50’ is proposed, to construct a second story on a single-family home.”

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

Motion Made (Creager), Seconded (Mayo), to approve with conditions **Application #23-13 – 43 Moose Hill Road, Sana Naz & Jacob Awan.**

Vote: 5-0 Motion Carried

**Application 23-34 - Lot 80 & 81 Marshall Avenue
Attorney Chris Russo for Giacobbe Construction, LLC**

Applicant is requesting for combined lots 80 & 81 Marshall Avenue a front lot setback variance of 25’, where 50’ is required and 25’ is proposed, a rear lot setback variance of 7’, where 50’ is required and 43’ is proposed, a minimum lot size variance of 11,780 sq. ft., where 21,780 sq. ft. is required and 10,000 sq. ft. is proposed, and a variance to reduce the minimum road frontage from 125’ to 100’ to construct one single family home on the combined lot in Residential Zone A under Article III of the Trumbull zoning regulations. Lot 80 is deeded to Maria Giacobbe and Lot 81 is deeded to Charles V. Framularo Jr. who are wife and husband.

Atty. Russo represented owners Maria Giacobbe and Charles Framularo Jr. Applicants are seeking to combine lots 80 and 81 into one 100’ x100’ lot and subsequently construct a two-story single-family dwelling. However, the 100’ x 100’ lot would still be undersized for an A Zone, as are most lots on Marshall Avenue, and would have no buildable area. Therefore, a lot size variance of 11,780SF, where 21,780SF is required and 10,000SF is proposed, is being sought. The proposed lot and structure are more conforming than most others on Marshall Avenue, under current zoning regulations, as no existing lot on Marshall Avenue is compliant with the lot area for an A Zone. Furthermore, a variance is being sought to reduce the minimum road frontage from 125’ to 100’. Thirteen out of 19 lots on Marshall Avenue have 100’ or less of road frontage. Applicant is proposing a 25’ front setback where 50’ is required and a 25’ rear setback where 50’ is required because the lot is only 100’ deep. The proposed dwelling is situated at the center of the proposed lot, is compliant with side setback requirements, and is in character with the neighborhood. Atty. Russo reviewed the proposed lot layout with the Board. Atty. Russo provided an aerial image (on record) of the neighborhood to exemplify that the majority of lots are nonconforming to lot size, setback, and road frontage requirements for an A Zone.

Chairman Elbaum asked whether the applicant spoke with any abutting property owners. Atty. Russo provided a petition with two neighbor signatures supporting the application and informed that his client met with other neighbors who were supportive of the application but did not feel comfortable signing the petition. Atty. Russo clarified there are no homes on the lots directly abutting 80 & 81 Marshall Avenue to the rear.

The lots in question were originally part of a four-lot subdivision. Atty. Russo presented property deeds showing reference to the original four lots: #60, #61, #62, and #63. This is in the record. Upon request from Commissioner Reale, Atty. Russo clarified that lots 60 and 61 identified on the property map / deed are synonymous to lot 80 identified by the property field card. Lots 62 and 63 identified on the property map / deed are synonymous to lot 81 identified by the property field card.

Public Comment: There was no public comment made.

Work Session: There were no additional comments from the Board.

Engineering comments: Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards and make applications to the Inland Wetlands and Water Courses Commission and Water Pollution Control Authority Commission.

Motion Made (Mayo), Seconded (Saunders), to approve with conditions **Application #23-34 – Lot 80 & 81 Marshall Avenue, Atty. Chris Russo for Giacobbe Construction LLC.**

Vote: 5-0 Motion Carried

Chairman Elbaum asked for a motion to adjourn, motion made (Saunders) and seconded (Creager). The October 4, 2023 meeting of the Zoning Board of Appeals adjourned at 7:33 p.m. with unanimous consent.

Dated at Trumbull, CT this 6th day of October 2023.

By: Gia Mentillo, ZBA Clerk