

ZONING BOARD OF APPEALS
August 3, 2011

A regularly scheduled meeting of the Zoning Board of Appeals, of the Town of Trumbull, was held in the Council Chambers of the Trumbull Town Hall on Wednesday August 3, 2011.

Members Present: Michael Muir, Chairman
David Preusch, Richard Puskar, Carl Scarpelli, Joseph Vitrella
and alternates Richard Mayo, William Malmstedt and Dennis Miko

Also Present: Fred Bietsch, ZEO and Mario Coppola, Town Attorney

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.

A quorum being present, the Chairman called the meeting to order at 7:15 p.m. in the Nichols Room of the Trumbull Town Hall.

At the request of the Town Attorney the following motion was made.

MOTION MADE (Puskar), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella) to enter into Executive Session for the purpose of holding discussion on the pending legal action of Diane Fusco v. Zoning Board of Appeals of Trumbull, Docket No. FBT-CV-10-6005494-S.

The Commission, along with Fred Bietsch and Mario Coppola, entered into Executive Session at 7:16 p.m.

At 7:30 p.m. upon motion made by Commissioner Scarpelli, with a second by Commissioner Puskar and unanimously carried the Commission exited Executive Session and reconvened to the Regular Meeting in the Council Chambers.

PUBLIC HEARING

Settlement Agreement

Prior to taking action, the Chairman summarized the pending settlement agreement relating to a business use being operated out of a residential dwelling at 27 Mischa Hill Road, and invited public comment. There was no public comment from the audience.

MOTION MADE (Puskar), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella) to approve the settlement for the pending legal action, Diane Fusco v. Zoning Board of Appeals of Trumbull, Docket No. FBT-CV-10-6005494-S, as presented.

Application #11-19 – Michael Urbanek, 162 Beardsley Parkway

Variance of Art. I, Sec. 5.2 with respect to the reconstruction of a 6' to 10' retaining wall and fence along the E/S property line and the installation of a fence on top of an existing stonewall along the rear property line exceeding the maximum height of 6'.

The applicant came forward and submitted photographs of the site area. Mr. Urbanek noted that in addition to his residence he operates the Laurel School for Children from this address. A letter, issued by the Town, pertaining to the plantings that were to be provided by Mutual Housing of CT in conjunction with the building of Trumbull Town Properties, was also presented.

Mr. Urbanek advised that the wall along the eastside property line has deteriorated and needs to be rebuilt. Due to the safety issues created by the steep embankment, Town officials have recommended that a wire fence be constructed along the entire length of the wall located along the E/S property line. The applicant also expressed safety concerns regarding the rear property line and asked that the maximum height requirement be waived to allow for a wire fence on this existing wall, as well. The applicant referenced documented instances of intruders gaining access to his property over the rear stonewall.

Several Commissioners commented that they have visited the site and concurred that safety concerns are apparent along the eastside property line.

Public Comment

Helen McKee, Trumbull Town Properties, the abutting property to the rear, indicated that she had no issues concerning the proposed fencing but took issue with the alleged intruders being identified as residents of Trumbull Town Properties.

At this point Fred Bietsch and Mario Coppola exited the meeting.

Application #11-20 – Mike and Collette Dobosz, 49 Meadow View Drive

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand an existing non-conforming use to construct a second story addition over existing footprint.

Mr. and Mrs. Dobosz appeared. They advised that the proposed addition is needed to accommodate their growing family. Other than the increase in height, which will remain under the maximum height allowable, there is no additional increase to the existing non-conforming use. The applicants informed that due to the economic downturn, the purchase of a larger home is no longer feasible, as their home has significantly decreased in value. Photographs indicating that the proposed construction conforms to the character of the neighborhood were submitted for the record.

Application #11-21 – Kevin Tran, 98 Cottage Street

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard requirements, on a corner lot (Rose Terrace), to expand an existing non-conforming use to construct a 27'x32' one-story addition on the E/S 35' from the front property line and a 25.8'x43.3' one-story addition (existing garage and breezeway to be removed) on the W/S 35' from the front property line and 31.1' from the rear property line along with a proposed front porch located 33' from the front property line (including stairs).

The applicant, along with Phu On and Lynn Hallquist, the project architect, conducted the presentation.

The proposed W/S addition comprised a two-car garage with added living space located in the rear. The E/S one story addition was also identified as living space. The submitted plans indicated both of these structures to be even with the front of the house. A proposed front porch connected these two new structures. The proposal increases the rear non-conformity an additional three feet with side yard setbacks indicated, as being compliant.

Application #11-22 – Rick Feola, Agent for Subhash Choudhary, 56 Topaz Lane

Variance of Art. III, Sec. 7 with respect to insufficient yard requirements to construct an in-ground swimming pool 20.6' from the S/S property line.

Tom Santella of Total Pool and Spa represented the applicant. Mr. Santella advised that due to septic constraints, a 4.6' variance to the 25' setback will be required. It was noted that there was no negative impact to the parcel to the rear, as it is Town owned property. Mr. Santella informed further that all equipment would be located away from the side yard.

Application #11-23 – Benjamin Exias, 8 Jean Terrace

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct an 856 sq. ft. addition, on a corner lot (Ceil Road), 42.9' from the rear property line.

The property owners Benjamin and Elizabeth Exias made the presentation. The project involved a single story addition to expand the kitchen and dining room twenty feet off the rear of the house. Other than the need for a rear setback variance, the project conformed to zoning standards.

Application #11-24 – Keith Murphy, 9 Oakland Drive

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard

requirements to expand an existing non-conforming use to construct a 28'x30' two-car garage (existing garage and breezeway to be removed) 12.87' from the W/S property line and 49.21' from the rear property line and a front porch (stairs to be located on the side) 20.33' from the front property line.

The property owners, Keith Murphy and Carol Croll came forward. The applicant informed that there is extensive water damage to the existing one-car garage and it needs to be replaced. Photographs of the garage and site area were submitted for the record. Mr. Murphy indicated that the proposed open front porch would alleviate the water inflow coming through the foundation. Upon inquiry, Mr. Murphy indicated that the proposed front setback was comparable to other neighboring homes.

Public Comment

Sandra DeAmico of 15 Oakland Drive, the abutting W/S property owner, was opposed to extending the existing non-conformity any closer to her property line.

Application #11-25 – Francis Tatto, 46 Lynwood Drive

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 and 2.3 with respect to insufficient yard requirements to expand an existing non-conforming use to construct a front porch, on a corner lot, 31' from the front property line (including stairs) and 38' from the street side (Ridgeview Avenue).

Francis and Kathleen Tatto detailed the proposed construction and submitted photographs of the site area. The submitted plans indicated an eight foot covered porch to be constructed across the length of the house. The proposed project increases the infringement into the front yard an additional eight feet. The applicant advised that the proposed porch would alleviate water problems and aesthetically improve the appearance of the dwelling, as well.

This concluded the Public Hearing.

REGULAR MEETING

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

Application #11-19 – Michael Urbank, 162 Beardsley Parkway

MOTION MADE (Vitrella) and seconded (Puskar) to approve Application #11-19.

MOTION MADE (Puskar) and seconded (Scarpelli) to amend the previous motion to include the following specific conditions.

1. The reconstruction of the retaining wall on the E/S property line shall not

exceed 7 feet above grade and a 6' chain link safety fence constructed along the entire length of the retaining wall located along the E/S property line.

2. The portion of the application regarding a variance to the zoning regulations pertaining to fences and walls in a rear yard, is denied. The proposed fencing on top of the stonewall, along the rear property line, shall conform to the zoning regulations and not exceed the maximum 6' height allowable (fence and wall combined).

The Board was in agreement that the safety issues along the E/S property line are apparent and need to be addressed.

It was noted that no evidence of a hardship was presented to justify varying the height requirements for the proposed fencing along the rear stonewall.

Commissioner Vitrella took issue with limiting the height of the fence, as the height of the wall is variable and, for aesthetic purposes, the line should be uniform.

Vote: In Favor (4): Muir, Preusch, Puskar, Scarpelli – Opposed (1): Vitrella MOTION CARRIES.

Vote (Original Motion as Amended): In Favor (4): Muir, Preusch, Puskar, Scarpelli – Opposed (1): Vitrella MOTION CARRIES

Application #11-19 – APPROVED AS STIPULATED

Application #11-20 – Mike and Collette Dobosz, 49 Meadow View Drive

MOTION MADE (Puskar), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to APPROVE Application #11-20, as presented and plans submitted.

Considered to be a minor deviation of an existing non-conforming use.

Application #11-21 – Kevin Tran, 98 Cottage Street

MOTION MADE (Puskar), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to APPROVE Application #11-21, as presented and plans submitted.

Comment was made that the proposed project would aesthetically improve both the home and the neighborhood.

Application #11-22 – Rick Feola, Agent for Subhash Choudhary, 56 Topaz Lane

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to APPROVE Application #11-22, as presented and plans submitted.

Applicant is constrained by the location of the septic system. No negative impacts to abutting properties are apparent.

Application #11-23 – Benjamin Exias, 8 Jean Terrace

MOTION MADE (Vitrella), seconded (Puskar) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #11-23, as presented and plans submitted.

Proposed construction was considered to be a minor variation of the rear setback requirement.

Application #11-24 – Keith Murphy, 9 Oakland Drive

MOTION MADE (Scarpelli), seconded (Vitrella) to approve Application #11-24.
Vote: In Favor (0) – Opposed (5): Muir, Preusch, Puskar, Scarpelli, Vitrella
MOTION FAILS

Application #11-24 DENIED WITHOUT PREJUDICE

Applicant to resubmit revised plans addressing the Commission's concerns pertaining to the excessive depth of the two-car garage and the length and design of the enclosed front porch. The application fee to be waived.

Application #11-25 – Francis Tatto, 46 Lynwood Drive

MOTION MADE (Vitrella) and seconded (Puskar) to approve Application #11-25
Vote: In Favor (0) – Opposed (5): Muir, Preusch, Puskar, Scarpelli, Vitrella
MOTION FAILS

Application to be resubmitted with more specific details concerning the design of the proposed front porch. The repositioning of the stairs to lessen the impact to the front setback should also be considered. Application fee to be waived.

There being no further business to discuss a motion was made by Commissioner Puskar and seconded by Commissioner Scarpelli to adjourn.

The August 3, 2011 meeting of the Zoning Board of Appeals adjourned at 9:30 p.m. with unanimous consent.

The next regular scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, September 7, 2011 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Clerk of the Zoning Board of Appeals