

**ZONING BOARD OF APPEALS**  
**February 6, 2013**

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, February 6, 2013.

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

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.

Tonight's meeting was chaired by Commissioner Puskar.

A quorum being present, the Vice-Chairman called the meeting to order at 7:30 p.m.

**PUBLIC HEARING**

Application #13-02 – Scott Farguharson, Agent for Scott and Sarah Mellinger  
121 Pinewood Trail

Variance of Art. I, Sec. 4.1.1 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand the existing non-conforming use for construction of a 22'x14' garage 20' from the front property line and a second floor addition to an existing structure located 34' from the front property line and 9.5' from the S/S property line.

Scott Farguharson conducted the presentation. It was noted that a previous application (#13-01) for a 13' front setback for the garage construction, was denied by this Commission. The proposal being presented tonight has reduced the size of the garage to 22'x14' allowing for a 20 foot setback from the front property line. Mr. Farguharson noted that the distance to the road is now 33 feet providing ample room for the parking of vehicles away from the street edge. It was noted that the proposed S/S addition posed no further increase to the existing footprint.

The applicant's claim of hardship was attributed to the undersized lot area along with the added difficulty of the property's terrain, which slopes down from the street. Mr. Farguharson advised that the raising of the front grade will be part of the proposed construction.

The property owner, Scott Mellinger, came forward and submitted letters in support of the proposed construction from four adjacent property owners.

Application #13-03 – Ralph Grasso  
449 Shelton Road

Variance of Art. III, Sec. 1 with respect to insufficient minimum lot area (1 acre required) to subdivide a 1.8 parcel into two non-conforming .79 acre lots.

Ralph Grasso of Stratford, CT, consultant to the property owner, Adelia Hawie, came forward. A packet of additional information, which included photographs of the site area, was distributed.

The property is located in a one acre AA Residential Zone. The proposal is to subdivide the 1.58 acre parcel into two equally divided .79 acre non-conforming lots. Other than the insufficient lot size, the proposed subdivision conforms to all other zoning standards. The property owner's consultant noted that any future development would cause very little disturbance due to the limited amount of trees on site.

Mr. Grasso indicated that the lot area was, at one time, larger in size but was reduced in size due to the widening of Shelton Road. Further reduction occurred from the property owner's granting of a sewer easement to the Town of Trumbull.

At this time, a letter from the Town Engineer indicating that he had no objections to the non-conforming lot size was read for the record. The property owner, Adelia Hawie appeared with a picture of the site area, which indicated that two homes, at one time, existed on the property. Documentation showed that the parcel had existed as two separate lots but were combined into one parcel in 1964.

#### Public Comment

Russ and Robin Friedson of 30 Dogwood Lane commented that the proposed lot areas do not conform to the properties developed within this neighborhood. Mr. Friedson added that the granting of a sewer easement does not qualify as a legal hardship. Other areas of concern centered on the potential increase in the noise level with the clearing of the trees and the negative effect, the proposal would have, on property values. Mr. Friedson submitted a 1,000 ft. radius map confirming that the majority of the adjoining lots exist as one acre or more as well as a petition signed in opposition by 86 area property owners.

The following also spoke in opposition echoing the concerns of Mr. and Mrs. Friedson. Jerry Presson, 95 Golden Hill; Jack Berkowitz, 37 Dogwood Lane; Michele Stapleton, 440 Shelton Road who also submitted a letter of opposition; Peter Swan, 26 Dogwood Lane.

The property owner, Adelia Howie commented that there are several lots in close proximity that are less than one acre in size.

Letters of opposition submitted by Martin and Lisa Shapiro of 36 Dogwood Lane and Anastasia Tobias, 15 Powder Mill Lane were noted and read for the record.

Application #13-04 – Silverman Group  
126 Monroe Turnpike

Attorney Raymond Rizio came forward representing the applicant. The previous application (#12-23), denied for signage on this site was noted for the record.

Mr. Rizio began his presentation with the distribution of a handout of additional information pertinent to this application. The claim of hardship was attributed to the angle of the road line, which makes the building difficult to see until you have past the entryway.

The application before this Board tonight differs from the previous proposal, as the existing sign would remain in place and a second ground sign installed to identify St. Vincent's New Road Fitness as being located on this site. The applicant's representative informed that his client would be agreeable to having the proposed signage limited to one tenant only, as a condition of approval.

The submitted plan indicated that the height of the signage would be 4' to the grade and 7.5' in width, mirroring the size of the existing ground sign.

The Commission inquired if the applicant would be amenable to an additional condition requiring the signage be removed in the event St. Vincent's New Road Fitness vacates the property. Attorney Rizio advised that his client would be agreeable to such a stipulation.

This concluded the Public Hearing.

### **REGULAR MEETING**

The Commission went into work session and took action on tonight's applications, as follows.

Application #13-02 – Scott Farguharson, Agent for Scott and Sarah Mellinger  
21 Pinewood Trail

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried Puskar, Preusch, Malmstedt, Scarpelli, Vitrella to approve Application #13-02 as presented and plans submitted.

The applicant has addressed the Commission's concerns relative to the previous application.

Application #13-03 – Ralph Grasso  
449 Shelton Road

MOTION MADE (Vitrella) and seconded (Scarpelli) to approve Application #13-03.

Vote: In Favor: (0) - Opposed: (5) Puskar, Preusch, Malmstedt, Scarpelli, Vitrella

Application #13-03 – Unanimously DENIED

Applicant has failed to identify a legal hardship, as defined under CGS 8-6 and Art. VI, Sec. 1.2 of the Zoning Regulations of the Town of Trumbull.

Application #13-04 – Silverman Group  
126 Monroe Turnpike

MOTION MADE (Scarpelli) and seconded (Vitrella) to approve Application #13-04.

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Puskar, Preusch, Malmstedt, Scarpelli, Vitrella) to amend the previous motion to include the following specific conditions.

1. The proposed ground sign shall be limited to one tenant only, St. Vincent's New Road Fitness.
2. Signage shall be removed In the event St. Vincent's New Road Fitness vacates the property.

Vote: Original Motion as Amended – Unanimous (Puskar, Preusch, Malmstedt, Scarpelli, Vitrella)  
MOTION CARRIES

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

The February 6, 2013 meeting of the Zoning Board of Appeals adjourned at 9:20 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, March 6, 2013 in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
Clerk of ZBA