

ZONING BOARD OF APPEALS
June 5, 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, June 5, 2013.

Members Present: Michael Muir, Chairman
David Preusch, Carl Scarpelli, Joseph Vitrella and alternate
Richard Mayo

Also Present: Douglas Wenz, Zoning Enforcement Officer

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 7:50 p.m.

In the absence of Commissioner Puskar, Richard Mayo was designated the fifth voting member for tonight's meeting.

PUBLIC HEARING

Application #13-10 – Nichols Farms Burial Grounds Association
Parcel 156, Cemetery Drive

Variance of Art. II, Sec. 1.2.4.3 to permit interment 5' from the street side
(Cemetery Drive), the E/S property line and the rear property line.

The Association's President, Herbert Wry, came forward and gave a brief history of the cemetery. The original 4.5 acre cemetery dates back to 1850. In 1987 an adjoining 1.6 acre parcel was purchased from St. John's Church. As the original cemetery was founded prior to the establishment of zoning constraints, there are no setback requirements attached to this portion of the burial grounds.

The submitted plan showed the abutting properties as follows: The original burial grounds on the west side; Cemetery Drive and Nothnagel Park along the north; the St. John's Church parking lot at the east side and two residential properties bordering the southern rear boundary.

Mr. Wry explained that current zoning, which places a 100 foot setback for cemetery use, has rendered 92.7 percent of the new parcel unusable for interments. Calculations indicating the usable land in relation to setback parameters of 5', 100' and 18' were reviewed and submitted for the record. Based on feedback from the Town Planner, the applicant offered to amend the requested 5' setback on the east, south and northern boundaries to 18 feet, which would provide 80% use of the parcel. Upon inquiry, Mr. Wry indicated the 18' setback to be in line with the boundary distances applied to the original grounds. The applicant noted that the Association is a non-profit organization and dependent on the sale of burial plots to cover maintenance costs.

Public Comment

Gary Bean, 163 Hilltop Circle and Robert DiScala, 175 Hilltop Circle, the abutting property owners to the rear, spoke in opposition to any setback less than the 100 feet the regulations call for. The residents were in agreement that a 5' setback was not a reasonable distance from a residential area and the proposed revised 18' setback was an unacceptable alternative, as well. It was also brought to the Board's attention that the required legal hardship has not been established.

Application #13-11 – Ruth Bird
6045 Main Street

Variance of Art. III, Sec. 1 to construct a 7'6"x15' screened porch 43' from the rear property line.

Commissioner Preusch recused himself from participation in this application, as he is the project architect. The applicant's representative indicated that he had no objection to having the application heard by the remaining four member panel.

Attorney Christopher Greenwood conducted the presentation on behalf of the applicant. Mr. Greenwood also identified himself, as being a neighbor of Ms. Bird. The submitted plans showed a one-story addition with an attached screened porch situated 43' from the rear property line.

The applicant's representative advised that the requested 7.5' waiver poses no negative impact to the neighborhood. The proposed project is tasteful in design and not visible from the street. Also, no negative feedback has been received from any of the adjacent property owners. Attorney Greenwood noted that the irregular shape of the lot has satisfied the legal hardship requirement.

Public Comment

Greg Gndt, of 6033 Main Street came forward and spoke in favor.

This concluded the Public Hearing.

REGULAR MEETING

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

Application #13-10 - Nichols Farms Burial Grounds Association
Cemetery Drive

MOTION MADE (Vitrella) and seconded (Scarpelli) to approve Application #13-10.

Vote: In Favor: (0) - Opposed: (5) Muir, Mayo, Preusch, Scarpelli, Vitrella - MOTION FAILS

Application #13-10 DENIED WITHOUT PREJUDICE

There was agreement that the objections of the residential property owners had merit and that some form of mitigation is justified. The application needs to be resubmitted with a specific alternative plan that lessens the impact to the residential homes located on the south side of the property. The Clerk was instructed that the application fee is to be waived for an alternate plan submission.

Application #13-11 – Rachel Bird
6045 Main Street

MOTION MADE (Scarpelli), seconded (Vitrella) and unanimously carried (Muir, Mayo, Scarpelli, Vitrella), to approve Application #13-11, as presented and plans submitted. MOTION CARRIES (Commissioner Preusch recused himself from participation for reasons previously stated.)

Comment was made that the requested waiver was minor in nature with no negative impact.

There being no further business to discuss a motion was made by Commissioner Vitrella and seconded by Commissioner Scarpelli to adjourn. The June 5, 2013 meeting of the Zoning Board of Appeals adjourned at 8:30 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, August 7, 2013 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall. There is no meeting scheduled for the month of July.

Respectfully submitted,

Helen Granskog
Clerk