

ZONING BOARD OF APPEALS
April 2, 2014

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, April 2, 2014.

Members Present: Michael Muir, Chairman
Richard Mayo, Dennis Miko, Carl Scarpelli and alternate
Joseph Rescsanski

Also Present: Douglas Wenz, ZEO
Vincent M. Marino, 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 located in the Trumbull Town Hall.

In the absence of Commissioner Puskar, alternate Joseph Rescsanski was designated the fifth voting member for tonight's meeting.

With a quorum being present, the Chairman called the meeting to order at 7:37 p.m.

PUBLIC HEARING

A request for a second continuance of the Public Hearing for Application #14-08 (Norman J. Weller, 35 Arliss Drive) was considered.

MOTION MADE (Mayo), seconded (Miko) and unanimously carried (Muir, Mayo, Miko, Rescsanski) to continue the Public Hearing for Application #14-08 until the next regularly scheduled meeting (May 7, 2014).

Application #14-11 – Michael and Laura Nemec
208 Church Hill Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a first floor addition creating 25 sq. ft. of additional living area to the existing non-conforming structure.

The applicant, Michael Nemec, came forward. The submitted plan indicated a proposed two-story addition, in the rear yard, meeting the setback requirements. A 5'x6"x10' one-story addition is also proposed on the eastern side of the home of which a small portion protrudes beyond the front setback. Though there is no further encroachment into the front setback than what currently exists, the non-conformity has been expanded due to the creation of 25 sq. ft. of additional living area.

Application #14-12 – Stuart and Marcella Rende
693 Garden Street

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a two-story 286 sq. ft. addition 12.7' from the N/S property line at its closest point.

Stuart Rende conducted the presentation. The structure sits on a pre-existing non-conforming parcel. The application consisted of removal of the existing one-story room and covered porch located in the rear left side of the property and replacing it with the proposed two-story addition. The submitted plan showed the proposed construction to be in line with the existing structure with no further encroachment into the setback area being indicated.

Public Comment

John Galaty of 709 Orchard Street came forward and submitted a letter signed in opposition by him and his wife, Judith Galaty. Mr. Galaty advised that he is experiencing ponding in his rear yard and had concerns that the additional construction would increase the water runoff to his property.

The Chairman noted that all proposed construction must meet with the approval of the Town Engineer, as it relates to storm water management and drainage standards.

This concluded the Public Hearing.

Regular Meeting

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

Application #14-11 – Michael and Laura Nemec
208 Church Hill Road

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Muir, Mayo, Miko, Rescsanski, Scarpelli) to approve Application #14-11, as presented and plans submitted.

It was noted that the proposed construction was contained within the existing footprint of the non-conforming structure.

Application #14- 12 – Stuart and Marcella Rende
693 Garden Street

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Muir, Mayo, Miko, Rescsanski, Scarpelli) to approve Application #14-12, as presented and plans submitted.

Proposal was considered as being minor in nature with no further encroachment into the setback area being indicated.

The pending application from the March 5, 2014 meeting was then addressed.

Application #14-05 – Domestic & Import Repairs
408 Shelton Road

Pursuant to Art. VI, Sec. 1.5 (b) and Sec. 14-54 of the CGS for a certificate of approval of location for a General Repairer's license, with extended hours of operation.

The Chairman noted for the record that Commissioner Rescsanski will not be participating in discussion or action taken on this proposal, as he was not present for the public hearing portion of the application.

At the Public Hearing, a question arose as to whether the non-conforming use was relinquished, as the site has been unoccupied for a considerable length of time. It was agreed, at that time, that action be tabled pending a legal determination by the Town Attorney. Chairman Muir informed that the Attorney Marino has concluded that the property owner's failure to operate the nonconforming use within a one year period of time does not, in itself, establish abandonment.

A discussion then followed on the applicant's request for extended hours of operation.

The current approved hours were noted as being:

Monday – Friday - 7:00 a.m. to 5:00 p.m.
Saturday – 7:00 a.m. to 12:00 p.m.
Sunday – Closed

The applicant's requested hours of operation were:

Monday – Friday - 7:00 a.m. to 7:00 p.m.
Saturday – 7:00 a.m. to 6:00 p.m.
Sunday - Closed

Due to the repair shop's location within a residential area, the following modification was proposed.

MOTION MADE (Miko) and seconded (Scarpelli) to approve Application #14-05 subject to the following modified hours of operation.

Monday – Friday - 7:00 a.m. to 5:00 p.m. (Garage Hours)
7:00 a.m. to 7:00 p.m. (Office Hours)

Saturday 7:00 a.m. to 12:00 p.m. (Garage Hours)
7:00 a.m. to 5:00 p.m. (Office Hours)

Sunday Closed

Vote: In Favor (3) Muir, Miko, Scarpelli - Opposed (1) Mayo
MOTION FAILS (4 ayes required)

Commissioner Mayo stated that because of the operation being in a residential neighborhood he had concerns that repair work would continue beyond the hours permitted.

MOTION MADE (Scarpelli) and seconded (Miko) to approve Application #14-05, as originally presented and submitted.

Vote: In Favor (0) - Opposed (4): Muir, Mayo, Miko, Scarpelli MOTION FAILS
Application #14-05 Denied Unanimously

The Board found no legal hardship for extending the previously approved hours of operation in this very tight confined residential area.

There being no further business to address a motion was made by Commissioner Scarpelli and seconded by Commissioner Mayo to adjourn. The April 2, 2014 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, May 7, 2014 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Administrator/Clerk