

**SUBJECT TO MODIFICATION AND APPROVAL  
ZONING BOARD OF APPEALS  
May 7, 2014**

A regularly scheduled meeting of the Zoning Board of Appeals was held in the Council Chambers of the Trumbull Town Hall on Wednesday, May 7, 2014.

Members Present: Richard Puskar, Vice-Chairman  
Richard Mayo, Dennis Miko, Carl Scarpelli and alternates  
Steven Elbaum (arriving at 7:40 p.m.), Brian Reilly and  
Joseph Rescsanski

Also Present: Attorney Philip Pires (7:30 p.m. – 7:40 p.m.)  
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.

With a quorum being present, the Vice-Chair called the meeting to order at 7:30 p.m.

In the absence of Commissioner Muir, alternate Brian Reilly was designated the fifth voting member for tonight's meeting.

As the first order of business, the Vice-Chairman called for a motion to remove Application #14-23 (Bruce L. Elstein, 29 Cobblers Hill Road) from consideration by this Board.

Commissioner Puskar informed that he has been advised by the Town Attorney that, based on recent case history, the ZEO's action/inaction pertaining to this application is not appealable to the ZBA.

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli), to remove Application #14-23 from consideration by the ZBA.

The letter being issued by the Vice-Chair, advising the applicant of the decision of the ZBA, was read for the record.

**PUBLIC HEARING**

Application #14-08 – Norman J. Weller  
35 Arliss Drive

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction, on a corner lot, of an 8'x10' entryway 40' from the front property line, at its closest point, including stairs and extension of an existing deck to 31' from the street side (Woodfield Dr.), including stairs.

The applicant came forward and reviewed the project's two components. The submitted plan indicated only minor expansions to the existing conditions with no apparent negative impact.

Application #14-13 – Peter V. Gelderman, Esq., Agent for Loretto Mallone

Lot 1, 2 & 3, Meadow Wood Road, as shown on proposed re-subdivision map dated 2/21/14, with street address of 5 & 19 Meadow Wood Road.

Variance of Art. III, Sec. 1 with respect to insufficient minimum lot area requirements (.90 acre) Lot 1 and (.80 acre) Lot 2 to re-subdivide.

Attorney Gelderman came forward and reviewed the layout of the property. The proposal was to subdivide the existing 2.7 acre parcel into three lots. Mr. Gelderman advised that the 2008 approval for the previous two lot subdivision of this property required the establishment of a cul-de-sac. As a result of the cul-de-sac construction, a hardship was created due to the diminishing of the acreage.

The applicant's representative advised that the property owner hoped to bring about improvements to the drainage system along with other on-site enhancements with this proposal. A list indicating 40 lots within the immediate area of the subject property, less than an acre in size, was submitted into the record.

An alternate plan, showing a two lot subdivision meeting the acreage requirements was reviewed.

Mr. Gelderman noted that the layout places a portion of Lot 2 behind the backyard of Lot 1 creating an odd shaped lot with a substantial portion of it more or less unusable.

#### Public Comment

Kathryn Bomann, 10 Glenarden Road and Harold Platz of 20 Meadow Wood Road spoke in opposition. Their concerns centered on the potential for further negative impact to the drainage system in this area. Safety concerns relative to the increase in traffic generated by this proposal were also expressed. The opposing residents were not in favor of relaxing the existing zoning requirements within this walk zone.

The Town Engineer's recommendations for approval were so noted for the record and Attorney Gelderman indicated the applicant's agreement to all conditions as stated.

Application #14-14 – John and Donna Seidell

182 Old Dike Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 22'x17' two-story addition (existing deck to be removed) 46.7' from the rear property line, at its closest point.

John and Donna Seidell came forward. The proposed increase to the existing non-conformity was reviewed. The submitted plan indicated that the additional living space would not extend beyond the existing rear deck or the current N/S building line. Mr. Seidell indicated that the first floor level would consist of a bedroom and bathroom with the below grade portion being maintained as a workshop.

Application #14-15 – Brian & Michelle Potok

67 Johnson Street

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 10'x6.5' front porch 37.4' from the front property line, including stairs.

The applicant, Michelle Potok presented. The submitted plans indicated a modest expansion of the existing entry porch with no apparent negative impact to the character of the neighboring properties.

Application #14-16 – Robert O’Sullivan  
121 Cottage Street

Variance of Art. III, Sec. 1 with respect to construction of a 345 sq. ft. addition to existing garage (garage to be converted into living area) 17.5’ from the E/S property line, at its closest point.

Robert O’Sullivan and the building contractor, Dave Salerno of Compass Builders, conducted the presentation. The submitted plan indicates a non-conforming parcel of .4 acres with insufficient road frontage. The purpose of the proposed construction was to convert the existing garage and sunroom into an accessory apartment. Mr. Salerno advised that the project has been designed to blend in with the surrounding neighboring properties.

It was brought to the applicant’s attention that a location in the rear of property would allow for conformance with the setback requirements. Mr. Salerno responded that the purpose of the requested site was to keep consistent flow throughout the house. He noted further that the side location will allow for the existing rear deck to be maintained.

Application #14-17 – Joseph Giamei – 3 Lot Subdivision 215 Rocky Hill Road

It was agreed to move this application to the end of the Public Hearing pending the arrival of the applicant’s attorney.

Application #14-18 – John Heher, Agent for Carolyn & Michael Joyce  
63 Inwood Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 1,296 sq. ft. second floor addition within the existing footprint of a non-conforming structure located 39’ from the front property line.

John Heher reviewed the proposed construction, which indicated only a minor expansion of the existing non-conformity with no apparent negative impact.

Application #14-19 – Vaman Kidambi  
140 Monroe Turnpike

Variance of Art. II, Sec. 4.2.7 and Art. XIII with respect to installation of an 8’x6’2” tenant identification ground sign exceeding the maximum height and sign face allowable.

The applicant came forward. Mr. Kidambi informed that current size regulations do not allow enough space to visually identify the building’s tenants from the road. The site also contains a 6’ berm further restricting visibility.

A packet of photographs of the site area was submitted into the record by the applicant. A letter from Dr. David Bonheim, a Monroe Turnpike property owner, indicating opposition to the proposed relaxing of current signage standards, was also noted and submitted.

Public Comment

Tenants speaking in favor included the proprietors of Jo Davi Salon, A Winning Smile and Henry W. Knoth CPA.

Application #14-20 – Nutmeg Drive, LLC  
35 Nutmeg Drive

Variance of Art. II, Sec. 4.3.5 (d) to construct a one-story 21,000 sq. ft. industrial building 30 ft. from the S/S property line and 50 ft. from the street side (Merritt Boulevard).

Those presenting included Robert D. Scinto, of 35 Nutmeg Drive, LLC; Attorney David Studer and the project architect Patrick Rose.

A variance is required to accommodate the proposed new structure to be located at the end of the cul-de-sac in the existing industrial park. It was noted that the site area is isolated from any existing residential areas, creating no negative impact.

Attorney Studer also advised that the proposed construction is part of an extensive redevelopment plan for this entire property.

The representatives were advised of the recommendations for approval submitted by the Town Engineer, to which they indicated their agreement to.

Public Comment

Sean Carroll, 11 Old Barn Road spoke in favor noting the positive aspects that will be brought to the Town of Trumbull through this project.

Application #14-21 – Berchem Moses 7 Devlin, P.C. Agent for  
Carmine & Carol Sansone  
Lots 1 and 2, as shown on proposed subdivision map dated 9/2/13  
with street address of 110 Fernwood Road

Variance of Art. I, Sec. 4.1.1 and Art. III, Sec. 1 with respect to insufficient road frontage (0') Lot 1 and (54.02') Lot 2 to subdivide.

Attorney Peter Gelderman represented the property owners.

The application was to vary the existing 125' road frontage requirement to 0' for the existing Lot 1 and 54.02' for the proposed Lot 2 on the subject 2.5 acre non-conforming parcel located in a ½ acre zone.

Attorney Gelderman noted that the only non-conformity is with frontage, as both lots conform to acreage and setback requirements. The submitted plan showed the newly created lot accessing from Lorma Avenue with the existing home on Lot 1, which is basically landlocked, maintaining its current access from the shared driveway off of Fernwood Road.

The applicant's representative maintained that due to the unique shape of the property there are no feasible alternates available to maximize the use of this parcel.

#### Public Comment

The following came forward in opposition commenting that the proposed variances, for this existing non-conforming parcel, were too substantial for consideration: Seth Shepard, 114 Fernwood Road; Sean Rattigan, 100 Fernwood Road; Al Palatiello, Alexi Palatiello and Diane Palatiello, 106 Fernwood Road; Garrick Grossman 90 Bassick Road; Sean Carroll, 11 Old Barn Road; Richard Litowski, 94 Bassick Road; Tanya Delcegno, 96 Bassick Road; Paula Testani, 82 Bassick Road. Other concerns dealt with the potential negative impact to the noise levels and character of the neighborhood.

In response, Joe Sansone, son the property owners, advised that the subdivision and the future construction, of a dwelling for his family, would conform to existing residential properties within the area.

The recommendations for approval as submitted by the Town Engineer were then so noted for the record.

Application #14-22 – Eldorado Holdings  
100 Technology Drive

Variance of Art. II, Sec. 4.2.7(d) with respect to installation of a 30 sq. ft. internally lit wall sign.

Joseph Goldman of Trumbull and Thad Eidman of Corseva conducted the presentation. A variance is requested to relax the indirect lighting requirement to allow for an internally lit wall sign facing Rte. 111.

Mr. Goldman stated that the requested variance is important from an image perspective to create awareness of Corseva's headquarters here in Trumbull. The signage complies, size wise, with zoning requirements and will not be visible from any residential properties.

Application #14-17 – Joseph Giamei  
Lots 1, 2, and 3, as shown on proposed preliminary subdivision map dated 4/10/14, with street address of 215 Rocky Hill Road

Variance of Art. III, Sec. 1 with respect to insufficient lot area (.31 acre) Lot 1; (.31 acre) Lot 2; (.42 acre) Lot 3; insufficient front setback (35') Lot 1; insufficient rear setback (25') Lot 1, to construct dwellings on Lots 1 and 3.

Attorney Raymond Rizio came forward representing the applicant. The submitted plans showed a 1.75 acre parcel, located in a ½ acre zone. The site abuts the Merritt Parkway on the S/S boundary and property owned by the State of Connecticut in the rear. Other than the existing home, located on Lot 2, only one other dwelling sits on this street.

Mr. Rizio informed, and provided documentation, that the existing hardship was not self-created but the result of an approximate .5 acre taking by the State for the construction of Route 25. The applicant's representative advised that the proposed subdivision is in proportion with other lots within this area.

He noted further that only Lot 3 abuts any other residential property and advised that the proposed dwelling would not be situated any closer than 35' from that adjoining neighbor.

Photographs were submitted indicating the substantial landscape buffering, existing on the northern border of Lot 3, which Mr. Rizio noted, screens the property from the abutting neighbor.

The applicant's representative was advised of the Town Engineer's recommended conditions of approval, to which he indicated agreement to.

The Zoning Enforcement Officer inquired, as to the usage of the two-story free standing garage located on Lot 2. Attorney Rizio described the second story level as being a storage area with no on site kitchen facilities.

In conclusion, the following conditions of approval were offered for consideration.

Public water and sanitary sewer connections to Rocky Hill Road.

A minimum 35' setback from the northern property line on Lot 3.

Maintaining the existing landscape buffering on the northern property line of Lot 3.

#### Public Comment

Richard Lanzara, 221 Rocky Hill Road (the abutting neighbor) indicated he was neutral on the proposal but requested that the agreed to 35' minimum setback be worded into the variance.

This concluded the Public Hearing.

#### **Regular Meeting**

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

Application #14-08 – Norman J. Weller  
35 Arliss Drive

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli) to approve Application #14-08, as presented and plans submitted.

Proposal is minor in nature and conforms to character of the neighborhood.

Application #14-13 – Peter V. Gelderman, Esq.  
Agent for Loretto Mallone  
Lot 1, 2, & 3, Meadow Wood Road, as shown on proposed  
Re-subdivision map dated 2/21/14, with street address of  
5 & 19 Meadow Wood Road

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli), to approve Application #14-13, as presented and plans submitted.

Layout of the alternate plan determined to be impracticable.

Application #14-14 – John and Donna Seidell  
182 Old Dike Road

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

Proposal is minor in nature and conforms to the character of the neighborhood.

Application #14-15 – Brian and Michelle Potok  
67 Johnson Street

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli) to approve Application #14-15, as presented and plans submitted.

Proposal considered a minor deviation to the existing non-conformity.

Application #14-16 – Robert O’Sullivan  
121 Cottage Street

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli), to approve Application #14-16, as presented and plans submitted.

Variance considered minor in nature.

Application #14-17 – Joseph Giamei  
Lots 1, 2, & 3, as shown on proposed preliminary subdivision map  
Dated 4/10/14, with street address of 215 Rocky Hill Road

MOTION MADE (Scarpelli), seconded (Miko) to approve Application #14-17.

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli) to amend the original motion to include the following specific conditions.

1. A minimum 35’ setback to be maintained from the N/S property line of Lot 3.
2. Public water and sanitary sewer connections to Rocky Hill Road to be provided.
3. Existing landscape buffering along the northern border of Lot 3 to be maintained.

Vote: Original Motion as Amended – Unanimous MOTION CARRIES

Required hardship has been established.

Application #14-18 – John Heher, Agent for Carolyn & Michael Joyce  
63 Inwood Road

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli) to approve Application #14-18, as presented and plans submitted.

Proposed construction deemed a minor deviation to the existing non-conformity.

Application #14-19 – Vaman Kidambi  
140 Monroe Turnpike

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli) to approve Application #14-19, as presented and plans submitted.

No negative impact indicated.

Application #14-20 – Nutmeg Drive, LLC  
35 Nutmeg Drive

MOTION MADE (Mayo), seconded (Miko) and unanimously carried (Puskar, Mayo, Miko, Reilly, Scarpelli) to approve Application #14-20, as presented and plans submitted.

No negative impact indicated.

Application #14-21 – Berchem, Moses & Devlin, P.C., Agent for  
Carmine & Carol Sansone  
Lots 1 and 2, as shown on proposed subdivision map dated 9/2/13  
with street address of 110 Fernwood Road

MOTION MADE (Mayo) and seconded (Miko) to approve Application #14-21.

Vote: In Favor (1): Mayo - Opposed (4): Puskar, Miko, Reilly, Scarpelli  
Application #14-21 Denied (4-1)

No justification established for the proposed decrease to 0 feet of frontage for Lot 1 and a decrease to less than half the required frontage on Lot 2.

Application #14-22 – Eldorado Holdings  
100 Technology Drive

MOTION MADE (Scarpelli) and seconded (Miko) to approve Application #14-22.

Vote: In Favor (1): Mayo - Opposed (4): Puskar, Miko, Reilly, Scarpelli  
Application #14-22 Denied (4-1)

The applicant failed to substantiate a case for hardship. Further concern was expressed of having a precedent set for the establishment of other illuminated signs within the industrial zones.

There being no further business to discuss a motion was made by Commissioner Scarpelli and seconded by Commissioner Miko to adjourn. The May 7, 2014 meeting of the Zoning Board of Appeals adjourned at 10:00 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, June 4, 2014 at 7:30 p.m. in the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
Clerk

