

ZONING BOARD OF APPEALS
November 5, 2014

A regularly scheduled meeting of the Zoning Board of Appeals was held in the Council Chambers of the Trumbull Town hall on Wednesday, November 5, 2014.

Members Present: Michael Muir, Chairman
Richard Mayo, Dennis Miko, Richard Puskar, Carl Scarpelli and alternates
Steven Elbaum, Brian Reilly, Joseph Rescsanski

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.

Application #14-43 – Michael Masanotti
24 Rocky Hill Road

Variance of Art. II, Sec. 1.3.2.4 with respect to approval of existing oversized 28'15' pool house.

The Zoning Enforcement Officer advised that the applicant was not in attendance due to medical issues. As Mr. Masanotti is unable, at this time, to commit to a date certain, his recommendation was to deny the application without prejudice.

MOTION MADE (Puskar), seconded (Miko) and unanimously carried (Muir, Mayo, Miko, Puskar, Scarpelli) to Deny Application #14-43 without prejudice.

Fee to be waived in the event proposal is resubmitted.

The Chairman then announced that Application #14-49 would be taken out of order.

Application #14-49 – Anthony & Kim Clomiro
33 Pinewood Trail

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 603 sq. ft. one-story addition 5.3' from the S/S property line and an attached 3'x8' porch located 2' from the N/S property line, including stairs.

Attorney Raymond Rizio came forward and photographs of the site area were submitted.

The existing 809 sq. ft. cabin like structure is pre-existing non-conforming relative to lot area and setbacks. The applicant is proposing a 600 sq. ft. two bedroom expansion; existing screened in porch to be removed. Mr. Rizio noted that the proposal will bring the structure into conformance with minimum living area requirements.

The submitted plan indicated that with the exception of the proposed porch, the construction would not extend past the existing sideline. Upon inquiry, Attorney Rizio agreed to have the roofed entryway that is attached to the unenclosed porch kept open to ensure that additional living space is not created.

Attorney maintained that a hardship has been created due to the pre-existing non-conforming nature of the lot.

Application #14-46 – Timothy & Mary Bolton
198 Old Dike Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of 12'x4' one-story addition 10.8' from the rear N/E corner.

Mr. and Mrs. Bolton came forward and addressed the application. The Boltons advised that they have recently purchased the subject property. They informed that the added living space is to provide a bedroom and bathroom on the main level to accommodate the needs of a handicapped family member.

Application #14-47 – Courtney & Robert Rafferty
38 Killian Avenue

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 1,306 sq. ft. two-story addition, with covered entryway, 5' from the E/S property line at its closest point, including stairs and overhang; 655 sq. ft. second story addition over existing footprint 9.2' from the E/S property line and a 6'x15.5' deck located 9.3' from the E/S property line.

John Crosby and Robert Rafferty detailed the proposed construction. Total additional living area was indicated at 1,306 sq. ft. The presenters advised that the majority of the construction was for the creation of an accessory apartment.

The existence of a line of mature trees buffering the E/S property owner was so noted. The applicant informed that all property owners within 150 feet were informed of the proposed application and, as of today, no negative feedback has been received.

Application #14-48 – Digital Realty Trust
60&80 Merritt Boulevard

Variance of Art. I, Sec. 5.2 with respect to construction of an 8' security fence around the perimeter of the property.

Joe Pereira of, Pereira Engineering, represented the applicant. Mr. Pereira advised that 8 foot fencing is required to ensure the security of the existing data center. The fencing was described, as being ornamental along the front and side lines with the rear portion of the property enclosed with chain link. The top of the rear fencing to be angled out with a 3 strand anti-climb stopper.

Application #14-45 – James Teixeira
Re-subdivision Map dated 10/10/14, Prepared for James Teixeira with street
Address of 44 Endeavor

Variance of Art. I, Sec. 4.1.1 with respect to increasing extent of existing non-conformity of Parcel 103; Art. III, Sec. 1 with respect to insufficient lot area (8,000 sq. ft.) Parcel 103 and (8,000 sq. ft.) Parcel 101; insufficient frontage (80') Parcel 103 and (80') Parcel 101; insufficient N/S

setback (16.3') Parcel 103, insufficient front setback (30') and insufficient rear setback (25') Parcel 101 to re-subdivide and construct 2,000 sq. ft. dwelling on Parcel 101.

Attorney David Quatrella represented the applicant.

A re-subdivision application for these parcels was reviewed and denied by this Board the previous month. The revisions to the original proposal were noted as follows: The proposed structure for Parcel 101 has been reduced in size from 2,700 sq. ft. to approximately 2,000 sq. ft. and the proposed S/S setback on Parcel 101 is now conforming.

Mr. Quatrella reiterated that the lots in question were bought separately and have always been assessed as separate lots by the town. Due to a 2008 amendment to the regulations the two non-conforming lots are now considered as merged as defined under current zoning regulations.

The applicant's representative again noted that all lots, except for one, within the vicinity are pre-existing non-conforming parcels.

The following backup was submitted for the record. Copies of the deed for each parcel; paperwork indicating that a sewer line was extended to each property at the property owner's expense; comparison study of acreage of adjoining properties; petition in favor signed 5 property owners in close proximity to the subject parcels; field card for 46 Pleasant St., the only conforming lot in the neighborhood.

Attorney Quatrella indicated that due to the regulation change a legal hardship has been established.

Public Comment

The following spoke in favor: Joseph Verone, attorney for the property owner and Rick Henrietta of Strobel Road

This concluded the public hearing.

REGULAR MEETING

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

Application #14-46 – Timothy & Mary Bolton
198 Old Dike Road

MOTION MADE (Puskar), seconded (Scarpelli) and unanimously carried to Approve Application #14-46, as presented and plans submitted.

No negative impact indicated.

Application #14-47 – Courtney & Robert Rafferty
38 Killian Avenue

MOTION MADE (Scarpelli) and seconded (Puskar) to approve Application #14-47.

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

1. Existing E/S tree line to be maintained to lessen the impact to the adjacent property owner.
2. Any tree, along east property line, requiring removal shall be replanted per the recommendations of the Town Tree Warden.

Vote: Original Motion, as Amended – Unanimous MOTION CARRIES

Application #14-48 – Digital Realty Trust
60&80 Merritt Boulevard

MOTION MADE (Scarpelli), seconded (Puskar) and unanimously carried to approve Application #14-48, as presented and plans submitted.

No negative impact indicated.

Application #14-49 – Anthony & Kim Clomiro
33 Pinewood Trail

MOTION MADE (Scarpelli) and seconded (Puskar) to approve Application #14-49.

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

1. With the exception of the roof overhand, N/S entryway to remain open.

Vote: Original Motion, as Amended – Unanimous MOTION CARRIES

Application #14-45 – James Teixeira
44 Endeavor Street
Re-subdivision, Parcels 103 and 101

MOTION MADE (Scarpelli) and seconded (Puskar) to approve Application #14-45.

In Favor (2): Mayo, Scarpelli - Opposed (3): Muir, Miko, Puskar MOTION FAILS

Application #14-45 DENIED (3-2)

Those opposed indicated that a legal hardship, as defined under the CGS and the Town of Trumbull zoning regulations had not been established.

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

The November 5, 2014 meeting of the Zoning Board of Appeals adjourned at 9:00 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, December 3, 2014 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Administrator/Clerk

Thanks Mike. I'll miss you