

ZONING BOARD OF APPEALS
December 3, 2014

A regularly scheduled meeting of the Zoning Board of Appeals was held in the Council Chambers of the Trumbull Town Hall on Wednesday, December 3, 2014.

Members Present: Michael Muir, Chairman
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.

The First Selectman was recognized and came forward to administer the oath of office to Steven Elbaum as a regular member of the Zoning Board of Appeals.

With a quorum being present, the Chairman then called the meeting to order at 7:32 p.m.

The first order of business was a presentation by First Selectman Timothy M. Herbst acknowledging Chairman Michael Muir's twenty years of service to the Town. A Proclamation was read by the First Selectman, proclaiming December 3, 2014, as Michael Muir Day. Mr. Herbst identified Chairman Muir as being, without question, one of the most effective members to sit on this Board. He commended Mr. Muir for his on-going dedication to the interests of the citizens of Trumbull. All present joined in a round of applause for Chairman Muir in gratitude for his service.

Before taking his leave, Mr. Muir thanked the First Selectman for his comments and his fellow Commissioners and staff for their assistance throughout his tenure on the Zoning Board of Appeals.

The rest of tonight's meeting was chaired by Commissioner Puskar

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

Election of Officers

Office of Chairman

Commissioner Puskar nominated by Carl Scarpelli with a second by Dennis Miko.
There being no further nominations, Richard Puskar unanimously elected Chairman of the Zoning Board of Appeals.

Office of Vice-Chairman

Commissioner Scarpelli nominated by Richard Puskar with a second by Dennis Miko.
There being no further nominations, Carl Scarpelli unanimously elected Vice-Chairman of the Zoning Board of Appeals.

Office of Secretary

Commissioner Miko nominated by Carl Scarpelli with a second by Steven Elbaum
There being no further nominations, Dennis Miko unanimously elected Secretary of the Zoning Board of Appeals.

Approval of 2015 Meeting Dates

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried (Puskar, Elbaum, Miko, Reilly Scarpelli) to approve the proposed schedule of 2015 meeting dates, as presented.

PUBLIC HEARING

Application #14-50 – David M. Brady
83 Blue Ridge Drive

Variance of Art. I, Sec. 4.3.1, Art. II, Sec. 1.2.2.1 and Art. III, Sec. 1 with respect to construction of a 22'x26' one-story addition with an attached deck (existing deck to be removed) and a 2-car garage below for a total of 4 garage spaces exceeding the maximum amount and sq. ft. allowable (3-car; 864 sq. ft.) 28.9' from the E/S property line and 24' from the rear property line, including stairs

David Bjorklund, of Spath-Bjorklund Associates, came forward representing the applicant. The submitted plan showed an expansion of the living area, garage space and deck space. Mr. Bjorklund advised that the onsite watercourse and wetland network located in the rear of the parcel limits construction to the proposed site.

Mr. Bjorklund explained that additional garage space, which would result in a combined area of 1,100 sq. ft., is needed to provide storage area for the applicant's antique car collection. The applicant's representative noted that the proposed garage area creates no negative impact, as it will not be visible from the road or the adjacent property.

Letters submitted in support from George and Tracy Sagar, 198 Pinewood Trail and Gladys Freyer of 44 Blue Ridge Drive were so noted for the record.

Application #14-51 – Annette Wolson
11 Clifford Street

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction, on a corner lot, of a 20'x18'2" one story addition and entryway 13' from the street side (Calhoun Avenue), including stairs.

The applicant came forward. The submitted plan indicated the conforming area is too small for any proposed new construction. The proposal creates a breezeway that will connect the existing garage to the house.

Application #14-52 – William & Camii Chappa
55 Ridgeview Avenue

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 590 sq. ft. addition 28.1' from the front property line and 15.4' from the W/S property line; a 79 sq. ft. covered entryway 20' from the front property line, including stairs and installation of a 45 sq. ft. bilco door 18' from the E/S property line and 48' from the front property line.

The project architect, Bill Achilles, came forward representing the applicant. The submitted plan indicated construction of a second story master bedroom suite above the existing ranch style footprint. Included in the application were a proposed open entryway and the relocation of a bilco hatch that is disrepair.

Mr. Achilles informed that the residence was built in 1959 prior to the establishment of the current setback requirements.

Eight letters of support from adjoining property owners were submitted for the record.

Application #14-53 – John Heher
24 Rennison Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to 360 sq. ft. second story expansion increasing the existing non-conforming use.

The presentation was conducted by the applicant, John Heher. There is no proposed increase to the existing footprint but the 2nd floor height increase expands the existing non-conforming use.

Application #14-54 – Richard Hansen
Re-subdivision Map Lot 2 Huntington Turnpike, dated 11/11/14, Prepared for
Dwight C. Hansen, 3 lots adjacent to 2217 Huntington Turnpike.

Variance of Art. III, Sec. 1 with respect to insufficient road frontage (140.27' – 150' required) Lot 2C to subdivide.

David Bjorklund, the project engineer and the applicant, Richard Hansen came forward. The Board was advised that the insufficient road frontage was created by the granting of a sanitary sewer easement to the Town.

Application #14-55 – David & Margaret Sadlier
18 Placid Street

Variance of Art. I, Sec. 4.1.1 and Art. III, Sec. 1 with respect to construction of a 19.2'x10.5' deck 8.7' from the N/S property line, at its closest point.

Mr. Sadlier came forward. The submitted plan indicated a .27 acre lot that would constrict any proposed new construction. The close proximity of the proposed deck to the neighbor to the north was noted. It was suggested, and the applicant agreed, that vegetative buffering be established along the property line.

Application #14-56 – Manuel DaSilva, Agent for John Lazaro
5218 Main Street

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction, on a corner lot, of an entryway and ramp 20' from the front property line, a 17 sq. ft. office expansion 35' from the street side (Edison Road), deck construction 28' from the front property line, including stairs and 15' from the E/S property line and raise ridge height to 26.5'.

The applicant conducted the presentation. A real estate office and residency previously existed on this site. When the new property owner began renovations, excessive structural damage was found and more extensive workmanship was required.

It was noted to the applicant that the renovations and repairs to the structure far exceed the scope of what was applied for on the building permit. In particular, the building was demolished without a demo permit and the pitch of the roof was significantly altered thereby increasing the pre-existing non-conforming use without ZBA approval.

Mr. DaSilva responded that the building had been abandoned for approximately two years and that he was unaware of structural damage at the time the permits were issued.

Public Comment

In Favor: Jose Teixeira, 81 Poplar Street

Opposed: Abraham Hoffmann, 147 Edison Road and Tracy Vonick, 155 Killian Avenue

The property owner, John Lazaro, informed that he purchased the property on auction and would like to clean it up and construct a dwelling in character with the surrounding area.

Application #14-57 – 607 Booth Hill Road LLC

Zoning Location Survey, dated 11/11/14 Bear Den Estates

4 Lot Subdivision with street address of 607 Booth Hill Road

Variance of Art. III, Sec. 1 with respect to insufficient lot area (.8042 acres) Lot 1; (.8155 acres) Lot 3 and (.8035 acres) Lot 4 to subdivide and construct dwellings.

Attorney David Quatrella and James Swift, project landscape architect, came forward representing the applicant. The submitted plans indicated a 4 lot subdivision with 1.6 acres of the 5.4 acre parcel being deeded as open space to the Town. Four conforming lots could be obtained but the proposed configuration would allow for the on-site wetland area to remain undisturbed.

Upon inquiry, the applicant's representative indicated a willingness to provide a conservation easement for the proposed open space area.

Public Comment

In Favor: Stephen Pynch, 236 Pinewood Trail; John Entwistle, 621 Booth Hill Road; Joanne Parsons, 248 Pinewood Trail (Ms. Parsons also submitted a letter in support and a property context map showing 607 Booth Hill Rd. in relationship to Bear Den Brook, Hidden Pond and Pinewood Lake.)

Application #14-58 – Ninety Five Corporate Drive Trumbull, LLC
95 Corporate Drive

Variance of Art. II, Sec. 4.2.5(d) with respect to construction of an 18,241 sq. ft. addition 86' from a residential area.

David Bjorklund, the project engineer, and the property owner Bob Scinto of 95 Corporate Drive conducted the presentation. An 18,241 sq. ft. addition to the existing 91,000 Cooper Surgical building is proposed. The project would expand the clean room and warehouse areas, which are interconnected. Two additional loading docks would also be added.

The submitted plan indicated only a small portion of the southwest corner to lie within the regulated setback. In an effort to reduce noise level the two on-site silos would be relocated further away from the abutting residential properties.

Public Comment

The following spoke in opposition having issues relating to noise/light nuisances and the negative effect the existing use has had on their property value.

Eugene Teto, 22 Quartz Lane; Jay Corsi, 16 Quartz Lane; Tracy and Alan Wittstein, 23 Caldron Drive

Larry Leonzi of Revere Lane, realtor for the sale of 22 Quartz Lane, confirmed that the property value of Mr. Teto's property has declined since the establishment of the industrial use.

Mr. Scinto indicated a willingness to construct a sound barrier, along with landscaping, along the property line abutting the residential zone with the attractive side of the fencing placed facing the residential properties.

Application #14-59 – AZ Corporation
36 Lindeman Drive

Variance of Art. I, Sec. 5.2 with respect to installation of an 8' chain link security fence with 3 strands of barbed wire atop vinyl privacy slats along E/S and W/S.

Philip Koeniger, project architect, and Bob Pierce of U.I. came forward.

An alternate plan eliminating the proposed barb wire was presented. Mr. Koeniger indicated the existing fencing would be removed and re-established in the same footprint, with a sliding gate. Included in the proposed specifications was a 4' landscaped berm in front of the building.

This concluded the Public Hearing.

Regular Meeting

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

Application #14-50 – David M. Brady

83 Blue Ridge Drive

MOTION MADE (Scarpelli) and seconded (Miko) to approve Application #14-50.

Vote: In Favor: 0 - Opposed: 5 (Puskar, Elbaum, Miko, Reilly, Scarpelli)

Application #14-50 Unanimously Denied Without Prejudice

Commission recommended an alternate plan indicating a total of three garage spaces for any future submittal.

Application #14-51 – Annette Wolson
11 Clifford Street

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried to approve Application #14-51, as presented and plans submitted.

Application #14-52 – William & Carol Chappa
55 Ridgeview Avenue

MOTION MADE (Elbaum), seconded (Miko) and unanimously carried to approve Application #14-52, as presented and plans submitted.

Application #14-53 – John Heher
24 Rennison Road

MOTION MADE (Elbaum), seconded (Miko) and unanimously carried to approve Application #14-53, as presented and plans submitted.

Application #14-54 – Richard Hansen
3 Lot Subdivision adjacent to
2217 Huntington Turnpike

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried to approve Application #14-54, as presented and plans submitted.

Application #14-55 – David & Margaret Sadlier
18 Placid Street

MOTION MADE (Scarpelli), seconded (Elbaum) and unanimously carried to approve Application #14-55
SUBJECT TO THE FOLLOWING.

1. Row of trees to be planted, as per the recommendation of the Town Tree Warden, along the N/S property line to mitigate the impact to the neighboring property owner.

Application #14-56- Manuel DaSilva
5218 Main Street

MOTION MADE (Scarpelli) and seconded (Puskar) to approve Application #14-56.

In Favor: 0 - Opposed: 5 (Puskar, Elbaum, Miko, Reilly, Scarpelli)
Application #14-56 Unanimously Denied.

Applicant failed to identify a legal hardship.

Application #14-57 – 607 Booth Hill Road, LLC
4 Lot Subdivision, 607 Booth Hill Road

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried to approve Application #14-57, as presented and plans submitted.

Application #14-58 – Ninety Five Corporate Drive Trumbull, LLC
95 Corporate Drive

MOTION MADE (Scarpelli), seconded (Elbaum) and unanimously carried to approve Application #14-58
SUBJECT TO THE FOLLOWING.

1. Sound barrier fence to be established to reduce noise level to the neighboring residential area.

Application #14-59 – AZ Corporation
36 Lindeman Drive

MOTION MADE (Scarpelli), seconded (Elbaum) and unanimously carried to modify and approve
Application #14-59 as follows:
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1. Barbed wire strands to be eliminated from fencing.

There being no further business to discuss, a motion was made by Commissioner Scarpelli and seconded by Commissioner Miko to adjourn. The December 3, 2014 meeting of the Zoning Board of Appeals adjourned at 10:50 p.m. with unanimous consent.

The next regularly scheduled meeting the Zoning Board of Appeals will be held on Wednesday, January 7, 2015 in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
ZBA Administrator/Clerk

