

**ZONING BOARD OF APPEALS**  
**May 6, 2015**

A regularly scheduled meeting of the Zoning Board of Appeals was held in the Council chambers of the Trumbull Town Hall on Wednesday, May 6, 2015.

Members Present: Richard Puskar, Chairman  
Richard Mayo, Dennis Miko, Carl Scarpelli and alternates  
Brian Reilly and 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

A quorum being present, the Chairman called the meeting to order at 7:30 p.m.

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

**PUBLIC HEARING**

The request for a continuance of the Public Hearing for Application #15-24 (Lorraine Iwaszkewic, 6961 Main Street) was considered.

MOTION MADE (Mayo), seconded (Miko) and unanimously carried to continue the Public Hearing for Application #15-24 until the next regularly scheduled hearing (June 3, 2015).

Application #15-17 – Richard Andrzejewski  
22 Little Plain Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of 52'3"x7.5' porch 25.7' from the front lot line, at its closest point.

The applicant came forward. Submitted into the record were photographs of the front of the dwelling. Upon inquiry, the applicant advised that the design plan was for an open porch.

Application #15-18 – John & Nelida Mercado Russell  
12 Rocky Ridge Drive

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 490 sq. ft. two-story addition, existing deck to be removed, 43.3' from the rear lot line.

The presentation was conducted by the applicants. Mr. Russell noted that the existing non-conformity will be expanded through the increased living area. The submitted plans indicated no further intrusion into the regulated setback. Upon inquiry, the applicant indicated that the addition would remain level with the existing roofline.

Application #15-19 – Millo Bertini  
171 Spring Hill Road

Variance of Art. II, Sec. 4.1.5 with respect to construction of a 60'x28' addition 34.4' from the W/S lot line and 22.3' from the E/S lot line.

Millo Bertini came forward. He informed that he is the owner of both the property and the business facility located there. Mr. Bertini maintained that the shape of the lot provides no option for construction outside of the regulated area. He advised of the necessity to be able to expand his business space.

The following two letters, submitted in favor, were noted for the record: Gustave C. Semon, Vice President of Trumbull Printing, 205 Spring Hill Road and James A. Forno, owner of JWM Associates, 163 Spring Hill Road

Application #15-20 – Kathleen E. Durand  
155 North Street

Variance of Art. III, Sec. 1 with respect to construction of a 24'x24' detached garage (existing garage to be removed) 10' from the SW/S and 30' from the rear lot line.

The presentation was conducted by the applicant, Kathleen E. Durand. The applicant advised that the proposed construction replaces the garage, which was demolished due to storm damage. Several Commissioners noted that there is ample room to avoid encroachment into the side yard. Ms. Durand responded that a 10' setback would allow for a better use of her backyard.

Application #15-21 – Christopher & Ashley Poisetta  
15 MacDonald Road

Variance of Art. III, Sec. 1 with respect to construction of a 370 sq. ft. deck 15.5' from the W/S property line, including stairs.

Ashley Poisetta was the presenter. She advised that the original deck had deteriorated to such a degree that it needed to be removed. The submitted plans showed a significant portion of the deck existing outside of the 20' setback with only the rear corner extending into it. The applicant was informed that the proposal will require approval from IWWC.

Application #15-22 – Paul Landru  
161 Pinewood Trail

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to construction of a 2,274 sq. ft. two-story addition and deck 9.7' from the S/W lot line, 9.5' from the N/E lot line and 24.3' from the front lot line and placement of a generator 11' from the SW/S.

The property owner, Jan Nagel, presented the application. He noted that his original application was withdrawn and has been redesigned to address the concerns of the adjoining property owner. Mr. Nagel informed that the original home will be demolished and replaced with a substantially larger two-story structure. The applicant also indicated that the new construction would extend approximately 10' further out in the rear than the existing dwelling.

In response to an inquiry regarding the placement of the deck, the applicant advised that it would be level with the house.

The applicant described the proposed new structure, as being consistent with both the character of the neighborhood and the setbacks of the other existing homes within this area. Upon inquiry, regarding building height, the project contractor, Paul Landru, Kenwood Lane, Trumbull, placed it at approximately 33'9" in the rear and 25' in the front and that the roofline would be constructed straight across. .

#### Public Comment

William Jolly of 163 Pinewood spoke in favor.

Attorney Bruce Elstein spoke in opposition, representing Lynn Wham the adjoining neighbor to the left. The following exhibits were submitted into the record by Attorney Elstein:

A memorandum generated by Attorney Elstein detailing the reasons for denial.

A map indicating the encroachment into the S/W (left) side regulated setback.

Mr. Elstein advised that the original building existed as a one-story ranch and made note of how the proposed two-level structure will not only increase the non-conformity but will also impair his client's view of the lake. He advised that nothing presented here tonight substantiates the presence of a legal hardship, as required under State Statutes and Town zoning requirements, for the granting of the requested variances. .

In response to the question regarding of the line of site obstruction, Michael Obymachow, of Shelton, provided a drawing indicating the line of site from the Wham property to the lake if the proposed structure were in place. .

The following letters were submitted and noted for the record.

In Favor: Bill and Susan Jolly, 163 Pinewood Trail  
Paul and Mary Jane Plouffe

Opposed: Lynn Wham, 157 Pinewood Trail

Application #15-21 – Tice Brothers Building & Development, LLC  
Zoning Location Survey, dated 4-10-15, Parcel 12  
"Woods of Isinglass" Cherrygate Lane

Variance of Art. II, Sec. 1 with respect to insufficient road frontage requirements (50.19') to construct dwelling.

Attorney David Quatrella came forward representing the applicant. The parcel rests on a cul-de-sac in the Nichols section of town. It contains 5.16 acres of which 2 acres have been designated as a conservation easement to the Town of Trumbull. Mr. Quatrella advised that the presence of the wetland area and the aforementioned conservation easement confirms the presence of a legal hardship on this property.

It was noted that the only variance being requested is for frontage. Compliance with frontage requirements could be achieved by extending the road but it would have a negative impact on the wetlands and the nature preserve. A map indicating this alternative was submitted for the record.

It was noted that the property owner, Mark Tice, has made contact with surrounding neighbors with no negative feedback being received. Mr. Quatrella also advised of the support indicated by the adjacent property owner, James Abriola of 51 Ironwood Road.

A letter from Verena Ranucis of 401 Isinglass Road, Shelton, asking that setbacks are adhered to for the proposed house construction, was so noted for the record.

This concluded the public hearing.

### **Regular Meeting**

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

Application #15-17 – Richard Andrzejewski  
22 Little Plain Road

MOTION MADE (Scarpelli), seconded (Miko) and unanimously carried to APPROVE Application #15-37, as presented and plans submitted.

All were in agreement that the proposal improves the character of both the home and the neighborhood.

Application #15-18 – John & Nelida Mercado Russell  
12 Rocky Ridge Drive

MOTION MADE (Mayo), seconded (Miko) and unanimously carried to APPROVE Application #15-18, as presented and plans submitted.

Increase in non-conformity minor in nature.

Application #15-19 – Millo Bertini  
171 Spring Hill Road

MOTION MADE (Mayo), seconded (Miko) and unanimously carried to APPROVE Application #15-19, as presented and plans submitted.

No negative impact indicated.

Application #15-20 – Kathleen E. Durand  
155 North Street

MOTION MADE (Mayo), seconded (Miko) and unanimously carried to APPROVE Application #15-20 SUBJECT TO THE FOLLOWING MODIFICATION.

1. Garage to be located 20' from the SW/S lot line.

Application #15-21 – Christopher & Ashley Poisella  
15 MacDonald Road

MOTION MADE (Mayo), seconded (Miko) and unanimously carried to APPROVE Application #15-21, as presented and plans submitted.

Construction replaces original deck, with no negative impact indicated.

Application #15-22 – Paul Landru  
161 Pinewood Trail

MOTION MADE (Scarpelli), seconded (Miko) to APPROVE Application #15-22 SUBJECT TO THE FOLLOWING MODIFICATION

1. Location of generator to be reconsidered and approved administratively by the ZEO and the Chairman of ZBA.

Vote: In Favor (4): Puskar, Mayo, Miko, Reilly – Opposed (1): Scarpelli MOTION CARRIES

It was agreed that a relocation of the generator further away from the regulated setback could be achieved.

Those in favor noted that the proposed setbacks are consistent with a large portion of the structures within this area.

Commissioner Scarpelli, voting in opposition, indicated the design to be too overwhelming in comparison to the existing character of the neighborhood. .

Application #15-22 APPROVED 4-1.

Application #15-23 – Tice Brothers Building & Development, LLC  
Parcel 12, Cherrygate Lane

MOTION MADE (Scarpelli), seconded (Mayo) and unanimously carried to APPROVE Application #15-23, as presented and plans submitted.

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

The May 6, 2015 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, June 3, 2015 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
ZBA Administrator/Clerk