

ZONING BOARD OF APPEALS
June 2, 2010

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in the Town Hall on Wednesday, June 2, 2010.

Members Present: Richard Puskar, Chairman
Michael Muir, Carl Scarpelli, Joseph Vitrella and alternates
William Malmstedt and Richard Mayo

The following is a brief summary of the meeting. The complete record is on tape in the office of the Zoning Board of Appeals.

A quorum being present, the Chairman called the meeting to order at 7:40 p.m.

In the absence of Commissioner Savino, William Malmstedt was designated as the fifth voting member for tonight's meeting.

PUBLIC HEARING

The Chairman opened the meeting by announcing that a request for a continuance has been submitted for Application #10-15 – Bruce E. Adams, 126 Whitney Avenue.

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Puskar, Malmstedt, Muir, Scarpelli, Vitrella) to continue Application #10-15 until the August 4, 2010 regular meeting.

Application #10-18 – Andrew R. Kachele, Executor of the Estate of Elizabeth Kachele, Parcel 1, Patriots Road

Variance of Art. III, Sec. 1 with respect to insufficient road frontage (52.48') to construct dwelling.

Attorney Frederick Ehram, along with the applicant Andrew Kachele, presented the application.

Mr. Ehram began the presentation with the submission of the following. Certificate of Appointment making Andrew Kachele the title owner of the property; two letters of decision from the Inland Wetlands and Watercourses Commission dated July 16, 2009 and January 7, 2010; a memorandum from Frederick F. Ehram, Esq. to the Zoning Board of Appeals, dated June 2, 2010; a subdivision map "Tashua Highlands" dated May 6, 1965.

Attorney Ehram provided an overview of the proposed plan. With the exception of road frontage all zoning requirements have been met. Mr. Ehram noted that if the parcel is not approved as a building lot, the property owner of the vacant land to the west would be

obligated to purchase this parcel. This would allow Patriots Road to be extended to the Easton town line creating substantial impact to the wetland area. The proposed plan being presented tonight will have the least infringement to the wetlands and would put an end to any possibility of extending Patriots Road.

The decision from the IWWC relative to this property was then addressed. Two applications for this property had been made, with the first alternate presented in July 2009 being denied. The seconded alternative, presented in January 2010, was accepted based upon the alternative location, which had far less impact to the regulated area.

Attorney Ehram advised that the original subdivision was approved in 1965 before the existence of the Inland Wetlands and Watercourses Commission; thus, the applicant's hardship is not self-created. The hardship was created by the establishment of State Statutes, which regulated development within wetland areas.

Joe Codespoti, of Codespoti Associates addressed engineering and drainage. He submitted a packet entitled Exhibits. He detailed the site area and what effect the development of this lot would have to the neighborhood. The house itself would not be visible to any adjoining neighbor. There were no foreseen drainage problems, as all neighboring homes are built higher than this property.

A question arose, as to whether there was any future intention to develop the remaining property to the north. Mr. Codespoti responded that the conservation easement, surrounding the property, inhibits any further development of any kind. The applicant indicated that he would agree to having this entire section made part of the conservation easement.

Public Comment

Risa Sorge, 63 Limerick Road, was opposed due to the impact to the ecosystem. She submitted photographs of the existing vegetation on the subject property.

Ethel Miano, 68 Hills Point Road, provided history relative to the creation of Patriots Road.

Bruce Elstein, representing Elizabeth Britt of 56 Hills Point Rd. stating that the application does not meet the criteria for the designation of an unusual hardship.

Carol Krim, 62 Hills Point Rd and the abutting property owner to the proposed driveway requested that screening for her property be addressed. Mr. Codespoti indicated that the applicant would be agreeable to having landscape screening placed on her abutting property line.

Application #10-19 – Reina A. Costanzo, Lot 1 as shown on proposed subdivision map dated April 3, 2010, with street address of 222 Stonehouse Road

Variance of Art. III, Sec. 1 with respect to insufficient road frontage (122.54') to subdivide.

Attorney Peter Gelderman represented the applicant and presented a modified version of a previously denied application. Mr. Gelderman informed that the Board's concern of a shared driveway has been addressed. The submitted plan depicted each lot as having its own access. The only variance now required was for road frontage. The proposed subdivision complies with all other zoning requirements.

Application #10-20 – Edward M. Shapiro, 87 North Street

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct a 22'x18'14' 2-car attached garage 8' from the E/S property line.

The applicant, Edward Shapiro, was the presenter. Mr. Shapiro noted that the property is long and narrow. He believed that the proposed location to be the most feasible, as it was farther from the required setback than the west side of the house. Attention was called to the existing row of pine trees buffering the nearest neighboring property.

REGULAR MEETING

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

Application #10-18 – Andrew R. Kachele, Executor of the Estate of Elizabeth Kachele, Parcel 1, Patriots Road

MOTION MADE (Vitrella) and seconded (Scarpelli) to approve Application #10-18.

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

1. The remaining property to the north shall be made part of the Conservation Easement imposed by the Inland Wetlands and Watercourses Commission.
2. Landscape screening shall be planted along the property line adjoining the rear property line of 62 Hillspoint Road, as per the recommendations of the Town Tree Warden.

Vote: Original Motion as Amended – Unanimous (Puskar, Malmstedt, Muir, Scarpelli, Vitrella) MOTION CARRIES

Application #10-19 – Reina A. Costanzo, 222 Stonehouse Road

MOTION MADE (Vitrella), seconded (Malmstedt) and unanimously carried (Puskar, Malmstedt, Mayo (in place of Carl Scarpelli), Muir, Vitrella) to approve Application #10-19, as submitted, with the development of lot 2 subject to the Town Stormwater Management Plan.

Application #10-20 – Edward M. Shapiro, 87 North Street

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Puskar, Malmstedt, Muir, Scarpelli, Vitrella), to approve Application #10-20, as presented and plans submitted.

There being no further business to discuss a motion was made by Commissioner Muir and seconded by Commissioner Scarpelli to adjourn. The June 2, 2010 meeting of the Zoning Board of Appeals adjourned at 8:50 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog
Clerk of the Zoning Board of Appeals