

ZONING BOARD OF APPEALS
August 3, 2011

A regularly scheduled meeting of the Zoning Board of Appeals, of the Town of Trumbull, was held in the Council Chambers of the Trumbull Town Hall on Wednesday August 3, 2011.

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

Also Present: Fred Bietsch, ZEO and Mario Coppola, Town Attorney

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.

A quorum being present, the Chairman called the meeting to order at 7:15 p.m. in the Nichols Room of the Trumbull Town Hall.

At the request of the Town Attorney the following motion was made.

MOTION MADE (Puskar), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella) to enter into Executive Session for the purpose of holding discussion on the pending legal action of Diane Fusco v. Zoning Board of Appeals of Trumbull, Docket No. FBT-CV-10-6005494-S.

The Commission, along with Fred Bietsch and Mario Coppola, entered into Executive Session at 7:16 p.m.

At 7:30 p.m. upon motion made by Commissioner Scarpelli, with a second by Commissioner Puskar and unanimously carried the Commission exited Executive Session and reconvened to the Regular Meeting in the Council Chambers.

PUBLIC HEARING

Settlement Agreement

The Chairman provided a summary of the pending settlement agreement to be voted on this evening and invited public comment. There was no public comment from the audience.

MOTION MADE (Puskar), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella) to approve the settlement for the pending legal action, Diane Fusco v. Zoning Board of Appeals of Trumbull, Docket No. FBT-CV-10-6005494-S, as presented.

Application #11-19 – Michael Urbanek, 162 Beardsley Parkway

Variance of Art. I, Sec. 5.2 with respect to the reconstruction of a 6' to 10' retaining wall and fence along the E/S property line and the installation of a fence on top of an existing stonewall along the rear property line exceeding the maximum height of 6'.

The applicant addressed the Commission. Photographs of the site area were submitted and the applicant made note that the Laurel School for Children is located at this address. A letter, issued by the Town, pertaining to the plantings that were to be provided by Mutual Housing of CT in conjunction with the building of Trumbull Town Properties, was also presented.

The proposed fencing and walls are needed due to the numerous safety issues attached to this property. The applicant indicated that the safety concerns relate to the steep drop off along the E/S and the documented incidents of intruders entering the property through the rear.

Several Commissioners indicated that they have visited the site and concurred that there is a definite safety issue along the eastside property line.

Public Comment

Helen McKee of 12 Ash Circle, Trumbull Town Properties, the abutting property to the rear, indicated that she had no issues concerning the proposed fencing but took issue with the alleged intruders being identified as residents of Trumbull Town Properties.

Application #11-20 – Mike and Collette Dobosz, 49 Meadow View Drive

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand an existing non-conforming use to construct a second story addition over existing footprint.

Mr. and Mrs. Dobosz appeared. They advised that the proposed addition is needed to accommodate their growing family. Other than the increase in height, which will maintain height requirements, there is no additional increase to the non-conforming use. The applicants informed that due to the economic downturn, the purchase of a larger home is no longer feasible, as their dwelling has significantly decreased in value. Photographs indicating that the proposed construction conforms to the character of the neighborhood were submitted for the record.

Application #11-21 – Kevin Tran, 98 Cottage Street

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard requirements, on a corner lot (Rose Terrace), to expand an existing non-conforming use to construct a 27'x32' one-story addition on the E/S 35' from the

front property line and a 25.8'x43.3' one-story addition (existing garage and breezeway to be removed on the W/S 35' from the front property line and 31.1' from the rear property line along with a proposed front porch located 33' from the front property line (including stairs).

The applicant, along with Phu On and Lynn Hallquist, the project architect conducted the presentation.

The submitted plans were reviewed and Ms. Hallquist detailed the architectural design.

Application #11-22 – Rick Feola, Agent for Subhash Choudhary, 56 Topaz Lane

Variance of Art. III, Sec. 7 with respect to insufficient yard requirements to construct an in-ground swimming pool 20.6' from the S/S property line.

Tom Santella of Total Pool and Spa represented the applicant. Mr. Santella advised that due to septic constraints a 4.6' variance to the 25' setback will be required. It was noted that there would be no impact to the parcel to the rear, as it is Town owned property.

Application #11-23 – Benjamin Exias, 8 Jean Terrace

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct an 856 sq. ft. addition, on a corner lot (Ceil Road), 42.9' from the rear property line.

The property owners Benjamin Exias and Elizabeth Horne appeared. They described the project as a single story addition. Other than the need for a rear setback variance, the project conforms to all other zoning standards.

Application #11-24 – Keith Murphy, 9 Oakland Drive

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand an existing non-conforming use to construct a 28'x30' two-car garage (existing garage and breezeway to be removed) 12.87' from the W/S property line and 49.21' from the rear property line and a front porch (stairs to be located on the side) 20.33' from the front property line.

The property owners, Keith Murphy and Carol Croll came forward. The applicant informed that there is extensive water damage to the existing one-car garage and it needs to be replaced. Photographs of the garage and site area were submitted for the record. Mr. Murphy indicated that the proposed open front porch would alleviate the water inflow coming through the foundation.

Public Comment

Sandra DeAmico of 15 Oakland Drive and the abutting W/S property owner spoke in opposition indicating that an expansion of the existing non-conformity will bring the structure much too close to her property line.

Application #11-25 – Francis Tatto, 46 Lynwood Drive

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 and 2.3 with respect to insufficient yard requirements to expand an existing non-conforming use to construct a front porch, on a corner lot, 31' from the front property line (including stairs) and 38' from the street side (Ridgeview Avenue).

Francis and Kathleen Tatto detailed the proposed construction and submitted photographs of the site area. The submitted plans indicated an eight foot porch extending across the length of the house. The proposed construction would increase the infringement into the front setback by additional eight feet. The applicant indicated that the proposed structure would alleviate existing water problems and aesthetically improve the appearance of the dwelling, as well.

This concluded the Public Hearing.

REGULAR MEETING

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

Application #11-19 – Michael Urbank, 162 Beardsley Parkway

MOTION MADE (Vitrella) and seconded (Puskar) to approve Application #11-19.

MOTION MADE (Puskar) and seconded (Scarpelli) to amend the previous motion to include the following specific conditions.

1. Approval is granted for the construction of a six foot fence (not to exceed 7' above grade) along the E/S retaining wall.
2. The proposed fencing on top of the stonewall located along the rear property line shall conform to the zoning regulations and not exceed the maximum 6' height allowable (fence and wall combined).

Vote: In Favor (4): Muir, Preusch, Puskar, Scarpelli – Opposed (1): Vitrella MOTION CARRIES.

Vote (Original Motion as Amended): In Favor (4): Muir, Preusch, Puskar, Scarpelli – Opposed (1): Vitrella MOTION CARRIES

Application #11-19 – APPROVED AS STIPULATED

Application #11-20 – Mike and Collette Dobosz, 49 Meadow View Drive

MOTION MADE (Puskar), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to APPROVE Application #11-20, as presented and plans submitted.

Application #11-21 – Kevin Tran, 98 Cottage Street

MOTION MADE (Puskar), seconded (Vitrella) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to APPROVE Application #11-21, as presented and plans submitted.

Application #11-22 – Rick Feola, Agent for Subhash Choudhary, 56 Topaz Lane

MOTION MADE (Vitrella), seconded (Scarpelli) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to APPROVE Application #11-22, as presented and plans submitted.

Application #11-23 – Benjamin Exias, 8 Jean Terrace

MOTION MADE (Vitrella), seconded (Puskar) and unanimously carried (Muir, Preusch, Puskar, Scarpelli, Vitrella), to approve Application #11-23, as presented and plans submitted.

Application #11-24 – Keith Murphy, 9 Oakland Drive

MOTION MADE (Scarpelli), seconded (Vitrella) to approve Application #11-24.

Vote: In Favor (0) – Opposed (5): Muir, Preusch, Puskar, Scarpelli, Vitrella

MOTION FAILS

Application #11-24 DENIED WITHOUT PREJUDICE

Application to be resubmitted with additional details concerning the porch and footprint of the proposed two-car garage. Any application fees to be waived.

Application #11-25 – Francis Tatto, 46 Lynwood Drive

MOTION MADE (Vitrella) and seconded (Puskar) to approve Application #11-25

Vote: In Favor (0) – Opposed (5): Muir, Preusch, Puskar, Scarpelli, Vitrella

MOTION FAILS

Application to be resubmitted with additional details concerning the proposed front porch. Any application fees to be waived.

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

The August 3, 2011 meeting of the Zoning Board of Appeals adjourned at 9:30 p.m. with unanimous consent.

The next regular scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, September 7, 2011 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog
Clerk of the Zoning Board of Appeals