

**MINUTES  
ZONING BOARD OF APPEALS  
March 4, 2020**

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, March 4, 2020.

Members Present: Steven Elbaum – Chairman, Richard Mayo – Secretary, Catherine Creager, and alternates Brian Reilly, Joseph Rescsanski, and Tatiana Rampino

Alternate Tatiana Rampino was seated as a voting member.

Members Not Present: Rob Saunders – Vice Chairman, Matthew Reale

Also Present: Douglas Wenz – Zoning Enforcement Officer  
Attorney James Cordone – Town Attorney

The following is a brief summary of the meeting; a complete record is on tape and 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 7:00 p.m.

**Pledge of Allegiance**

**Approval of Minutes** - MOTION MADE (Mayo), seconded (Reilly) and unanimously carried to APPROVE the January 8, 2020 minutes.

**PUBLIC HEARING**

**Application #20-05 – 17 Old Farm Road  
Patrick Doran for owner Louis Mason**

Variance of Art. III, Sec. 1, and Art. II, Sec. 1.3.2.1 to add a 22' x 40' garage 5' from S/S lot line at its closest point.

Owner Louis Mason and contractor Patrick Doran came forward. Mr. Mason submitted a list of abutting property owners approving of the application and noted that a variance was granted for a similar application for a 5' setback for a garage (28 Greenwood Dr.).

Chairman Elbaum read into the record a letter of opposition from Randall S. Kemp (18 Old Farm Road) and letters in favor from the following neighbors: Michael A. Jr. & Gladys Sirigno (5 Old Farm Road), Hurlstone & Sheron Moulton (11 Old Farm Road), Adriana L. Maozzo (6 Old Farm Road), James & Cheryl Gustaveson (2126 Old Town Road), Laci Magrani (46 Horseshoe Drive) and Taylor & Denise DaSilva (12 Old Farm Road).

Concerns: garage will be an extension of the owner's business. If business is conducted it will bring in more traffic to the narrow street and noise, garage is a substantial size, and property values may be impacted with an out of character structure to the neighborhood.

Owner stated he want to use it for storage for his equipment and antique cars, does not work on cars anymore and needs the 5' setback due to the water table and drainage requirements.

**Public Comment:** None

**Application #20-06 – 26 Oakland Drive  
Michael & Janey McCarthy**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. I to add a 13' x 26.3' one story addition 29.4' from front lot line at its closest point.

Owner Michael McCarthy stated he wants to add a bedroom and bathroom since he and his wife are getting older and want to live on one level.

**Public Comment:** None

**Application #20-07 – 78 Old Dike Road  
Jim Treacy**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. I to add an 18' 6" x 24' 2" deck 16.2' from S/S lot line and 18.6' from N/S lot line.

Owner Mr. Treacy stated he is replacing an old deck with a larger one and since the land is narrow they will need a variance. The following neighbors were in favor of the application: Therese Evans (94 Old Dike Rd.), Matthew Wiley (87 Old Dike Rd.), Karen & Joseph Cullina (74 Old Dike Rd.), Dave Kingan (85 Old Dike Rd.), Jeremy Truman (81 Old Dike Rd.) and Jessica & Dustin Rabine (93 Old Dike Rd.) who submitted letters of approval. Chairman Elbaum read the letters into the record.

Mr. Treacy said the deck is not wider than the existing footprint.

**Public Comment:** None

**Application #20-08 – 34 Lake Avenue  
Lenny Scinto & David Scinto**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. I to add a 24' x 24' garage 13.4' from rear lot line at its closest point and 8.5' from N/S lot line at its closest point.

Owner Lenny Scinto stated they want to add a two car detached garage. The reason for the specific location is that it is at the end of the driveway where it is paved, would avoid any major excavation and tree removals and would allow ample turn around space.

Owners assured Chairman Elbaum the arborvitaes will remain as screening.

Chairman Elbaum read two letters from neighbors in favor of the application: Rita & Michael Romano, Salvatore & Michael Romano – 24 Lake Avenue; Ann Marie & Brian Holinko – 48 Zephyr Road.

**Public Comment:** None

### **Application #20-09 - 23 Hampton Road**

**Chris Russo, Esq. for Stephen Thomas Sumski & Shirley A. Mayo**  
*(Commissioner Mayo recused himself and Commissioner Rescsanski sat as the voting member.*

Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Trumbull Zoning Regulations) and Chapter V, Sec. 2 (Land Subdivision Regulations) to reduce the minimum lot frontage from 125' to 65.88' (23 Hampton Road), to reduce the minimum setback from one side of the property line from 20' to 10.9' (23 Hampton Road) and to reduce the minimum lot frontage from 125' to 64.12' for proposed lot identified as Lot A.

Attorney Raymond Rizio (Russo & Rizio, LLC, 10 Sasco Hill Rd., Fairfield), representing the owners, stated they are requesting a frontage variance. He submitted an overhead shot of the property, subdivision map and photos. The property (1.2 acres) is a unique shape, long and narrow. The family purchased the additional ½ lot with the intent to subdivide the property in the future. Attorney Rizio stated there is no impact on adjoining neighbors and when the lots are divided they will be larger than any of the other lots in the neighborhood. They are also willing to provide a conservation buffering for privacy.

He submitted a signed petition from neighbors in favor of the application: Dumitru Zdralea (18 Hampton Road), Ana Fidalgo (32 Mulberry), Evelyn Wiesner (38 Mulberry) and Joe Salem (14 Hampton Road).

Attorney Rizio stated the owner requests a withdrawal of the waiver of the subdivision regulations.

**Public Comment:** The following neighbors were in opposition: Denise & Bob Carbone (29 Hampton Road), Tania & Paul Kafinski (25 Mitchell Road), and Greg Rizzardi (26 Hampton Road). They expressed the following concerns: insufficient frontage, difficulty in getting in and out of their driveways, lack of privacy, wetland and tree issues, a large number of significant variances being requested and the house doesn't fit in with the neighborhood.

Attorney Rizio submitted for the record a map of the sizing of neighborhood lots. Bob Carbone (29 Hampton Road) stated he will need a longer screening than was offered by Mr. Rizio who stated they would accommodate Mr. Carbone's request.

### **Application #20-10 - 15 Elberta Avenue**

**Chris Russo, Esq. for Daniel Burzynski**

Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Trumbull Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to reduce minimum lot size from 21,780 sq. ft. to 7,086 sq. ft. for Lot A; Variance of Art. II, Sec. 1.3.5. and Art. III (Exhibit of Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to reduce minimum lot size from 21,780 sq. ft. to 7,141 sq. ft. for Lot B; Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to reduce minimum lot frontage from 125' to 50' for Lots A & B; Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to reduce minimum front yard from 50' to 27.1' for Lots A & B; Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to reduce minimum side yard from 20' to 10.3' for Lots A & B; Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to reduce the minimum rear yard from 50' to 45.5' for Lot A;

Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to reduce the minimum rear yard from 50' to 46.8' for Lot B; Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to increase the maximum floor area ratio from 0.29 to 0.406 for Lot A; Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit of Zoning Regulations) and Chapter V, Sec. 2 (Subdivision Regulations) to increase the maximum floor area ratio from 0.29 to 0.403 for Lot B.

Attorney Raymond Rizio (Russo & Rizio, LLC, 10 Sasco Hill Rd., Fairfield) representing the owner, requested the application be continued to April 1, 2020 since they received letters from neighbors and some concerns regarding the size of the home. They would like to redesign it.

**Public Comment:** None

**Application #20-11 - 36 MacDonald Road**

**Atty. Timothy M. Herbst for Louis Rybar**  
*(Commissioner Creager recused herself).*

Variance of Art. I, Sec. 4.1.2 (Use of Nonconforming Lots, Merger) and Art. III, Exhibit (Minimum Lot and House Sizes, Building Lines and Limits on Height and Bulk of Buildings) to allow a variance of frontage and lot size with the property becoming two lots (Parcel No. 128 - .45 acres) and (Parcel No. 127 - .47 acres), and a variance for the existing structure to be located 16.7' from the E/S lot line.

Attorney Timothy Herbst (Cohen & Wolf, P.C., 657 Orange Center Rd., Orange) representing the owners, described the history of the property. Lots 18, 19, 20, 21 were denoted as separate lots in the original subdivision map of 1938. He stated that 36 MacDonald Road is surrounded by a morass of non-conforming lots that have developed over time since the original subdivision.

He stated that the Town's GIS system recognizes these lots as two separate lots. There is an existing curb cut in the lot they are proposing shown by the Town in the 10' right of way. The town has also taxed this property as two separate lots and the Fire Dept. as well.

Hardship: the granting of the variance should be used in unusual circumstances. The non-conforming properties were merged that was outside of the applicant's control.

**Public Comment:** None

**Application #20-12 – 6 Old Teller Road**

**Edison Torres**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. I to construct a 480 sq. ft. log pavilion 23.7' from rear lot line at its closest point.

Owner Edison Torres stated he started the project unaware of the zoning regulations. He placed the pavilion in that location due to the septic and leaching fields and stated that his property goes downhill. The structure is not completed and height is 14'. Mr. Torres showed the Commission where his septic and leaching fields were which was not indicated on the survey. He constructed the pavilion to barbeque and for family use.

**Public Comment:** Mike and Christine Doran (15 Stirrup Drive) were in opposition and submitted a picture of the pavilion. They stated it will devalue their home and the town stopped Mr. Torres from building it. He sees no hardship and noted that the survey was done in 2018 so Mr. Torres should have been aware of the town setbacks. The structure is 20' width and 30' depth without the overhang. There is a cut out where the chimney will be placed it and regulations require a height of 16'. He stated he would have no privacy and that Mr. Torres can build in another location.

Commissioner Creager proposed Mr. Torres continue the application to April 1, 2020 so they can get a sense of the mass of the pavilion and would like more information from the applicant, photographs and an adequate description of the scope of what he's building. Mr. Torres agreed.

MOTION MADE (Creager), seconded (Reilly) and unanimously carried to CONTINUE TO APRIL 1, 2020.

### WORK SESSION

MOTION MADE (Mayo), seconded (Rampino) and unanimously carried to DENY (5) Opposed, (0) In Favor - **Application #20-05 – 17 Old Farm Road - Patrick Doran for owner Louis Mason**

Chairman Elbaum noted the structure is ½ the size of the house, the placement was arbitrary and Commissioner Creager agreed with Chairman Elbaum that there was no evidence of a hardship.

MOTION MADE (Creager), seconded (Rampino) and unanimously carried to APPROVE WITH ENGINEERING CONDITIONS - **Application #20-06 – 26 Oakland Drive - Michael & Janey McCarthy**

1. Roof leaders must not discharge directly towards the downstream property.  
Applicant must also show compliance with the Administrative Policy for Stormwater Management and Drainage.

MOTION MADE (Reilly), seconded (Mayo) and unanimously carried to APPROVE WITH ENGINEERING CONDITIONS - **Application #20-07 – 78 Old Dike Road - Jim Treacy**

Commissioner Reilly stated it was supported by the neighbors and it's an upgrade of where he had it before.

1. Applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Standards.

MOTION MADE (Mayo), seconded (Creager) and unanimously carried to APPROVE WITH ENGINEERING CONDITIONS **Application #20-08 – 34 Lake Avenue - Lenny Scinto & David Scinto**

Chairman Elbaum stated there was no existing garage and the applicants are putting a garage in a place where it's well shielded. They have agreed as a condition of approval to maintain the existing screening around the property.

1. Applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Standards.

MOTION MADE (Creager), seconded (Mayo) and unanimously carried to AMEND the original motion and add the following condition.

1. To maintain the screening not less than the height of the garage to be built.

MOTION MADE (Creager), seconded (Reilly) and unanimously carried to APPROVE WITH ENGINEERING CONDITIONS **Application #20-09 - 23 Hampton Road - Chris Russo, Esq. for Stephen Thomas Sumski & Shirley A. Mayo** (*Commissioner Mayo recused himself and Commissioner Rescsanski sat as the voting member.*)

1. Prior to Engineering Approval; applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Standards. Applicant must also seek approval from the WPCA for connection to the sanitary sewer. Applicant must also make an application to The Inland Wetlands and Water Course Commission.
2. Applicant must file an application with to the P&Z Commission for subdivision approval (per Atty. Cordone)

Chairman Elbaum noted that the applicant offered concessions to the neighbors. Commissioner Creager said the shape of the lot is a hardship, the amendments address the neighbors' concerns and after the division, the lots would still be larger than any of the lots in that area. Commissioner Reilly stated the house will be built to the right of the existing house and will be set back and we should really just consider the narrower frontage.

MOTION MADE (Creager) and unanimously carried to AMEND the original motion and add the following conditions:

1. A 20' wide conservation easement to retain the existing condition of the land along the property line between 23 and 29 Hampton Road.
2. Along the driveway for the first 75' from Hampton Road there will be planted a screening of arborvitaes that are at least 6'-8' in height (75' from the curb).
3. Limiting the size of the new house to be built to 3,000 sq. ft.
4. The driveway would be close as possible to the existing house at 23 Hampton Road and the driveway will be no wider than 12' in width.

MOTION MADE (Creager) and unanimously carried to approve the application as modified to pass the restrictions along with the application for the variances minus the variance that was requested and withdrawn regarding the land subdivision regulations.

MOTION MADE (Creager), seconded (Reilly) and unanimously carried to CONTINUE TO APRIL 1, 2020 - **Application #20-10 - 15 Elberta Avenue - Chris Russo, Esq. for Daniel Burzynski**

MOTION MADE (Mayo), seconded (Rampino) and unanimously carried to APPROVE WITH CONDITIONS - **Application #20-11 - 36 MacDonald Road - Atty. Timothy M. Herbst for Louis Rybar Mayo** (*Commissioner Creager recused herself*).

Chairman Elbaum stated when split, the non-conforming lots will generally conform to the neighborhood. The historical and tax records show that the Town had been treating these as separate lots for a while. Zoning regulations had merged the lots.

1. Prior to Engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Standards. Applicant must also seek approval from the WPCA for new connection to the sanitary sewer.

MOTION MADE (Creager), seconded (Reilly) and unanimously carried to CONTINUE TO APRIL 1, 2020 - **Application #20-12 – 6 Old Teller Road - Edison Torres**

Chairman Elbaum asked for a motion to adjourn, motion made by (Mayo) and seconded (Rescsanski). The March 4, 2020 meeting of the Zoning Board of Appeals adjourned at 9:08 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, April 1, 2020 at 7:00 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

By: \_\_\_\_\_

Gail Andreyka, Clerk

cc: R. Bakalar, R. Librandi, D. Wenz

