

Town of Trumbull
CONNECTICUT



Planning and Zoning
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ZONING BOARD OF APPEALS

WEDNESDAY, APRIL 7, 2021 MINUTES

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held via videoconferencing on Wednesday, April 7, 2021.

MEMBERS PRESENT: Steve Elbaum – Chairman
Rob Saunders – Vice Chairman
Richard Mayo – Secretary
Catherine Creager
Matthew Reale
Brian Reilly, Alternate
Tatiana Rampino, Alternate
Joseph Rescsanski, Alternate

MEMBERS ABSENT: None

ALSO PRESENT: Douglas Wenz – Zoning Enforcement Officer
William Chin – Director of Information Technology
Attorney James Cordone – Town Attorney
Gia Mentillo – ZBA Clerk

A quorum being present, Chairman Elbaum called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE:

A moment of silence was taken for the deceased husband of Linda Finger.

APPROVAL OF MINUTES:

MOTION MADE (Saunders), seconded (Reilly) to approve the March 3, 2021 minutes.

Vote: 5-0 Motion Carried

PUBLIC HEARING and WORK SESSION:

Chairman Elbaum introduced Town Attorney Jim Cordone who explained the basic rules of the meeting. He remarked that the agenda and all materials were posted on the Town of Trumbull website 24 hours in advance of the meeting. He asked that all speakers state their name before speaking and refrain from speaking during work sessions.

Chairman Elbaum announced that Application #21-11 is to be postponed to the next ZBA meeting, May 5, 2021, and will not be heard tonight.

**Application #21-07 – 49 Glenarden Road
Charis and Fred Rodriquez**

Variance of Art. III, Sec. 7 to install a 16' x 36' pool in a side yard, 99.9' from the front lot line, 64.1' from the second front lot line, 14.5' from the E/S lot line, with spa 10' from the E/S lot line.

Charis Rodriquez stated that she and her husband, Fred Rodriquez, are seeking multiple set back variances for an in ground pool in their side yard. She stated hardship based on the location and topography of the property, both of which leave her with no other place to position the pool. Mrs. Rodriquez added that, because of the shape and location of the lot, the side yard functions as the back yard and falls within 25' of the property line.

Chairman Elbaum asked if the applicants had spoken to their neighbors. Mrs. Rodriquez responded, stating that letters were sent out to 10 neighbors, only one of which responded stating they look forward to enjoying the pool too.

Commissioner Creager asked that the applicants speak up as their voices were unclear.

Alternate, Joseph Rescsanski, asked how far the applicant's home is from the adjoining properties, whether the applicant had submitted any photographs, and if there is any type of buffer between the properties. Mr. Rodriquez stated that there is roughly 64' between his home and the property line and another 64' to the neighbor's home from there. He also stated that there were no photos submitted and there is a fence and small amount of vegetation separating the adjoining property his (356 Putting Green Rd) from his property.

Commissioner Creager asked where the adjoining home owners' pool is located. Mr. Rodriquez stated that the neighbors have their pool in their back yard, but it is technically adjoining the applicant's front yard because of the positioning of the lot. Commissioner Creager then asked if the applicants have heard from the adjoining neighbors. Mr. Rodriquez responded that they have not heard from the neighbor.

Chairman Elbaum questioned why the pool has to be within the set back and not closer to the applicant's home. Mr. Rodriquez clarified that the topography of the yard requires that they place the pool within the set back.

Public Comment: None

Work Session: Chairman Elbaum stated that he feels the contour of the land creates a hardship that forces the installation closer to the property line.

Commissioner Creager stated that she too felt the topography as well as the placement of the lot (between two roads) were sufficient grounds for a hardship.

Commissioner Reale voiced agreement with commissioner Creager and Chairman Elbaum.

Engineering comments: The applicant must show compliance with the policies for storm water management and drainage design standards.

Motion Made (Saunders), Seconded (Reale), to approve with conditions **Application #21-07 – 49 Glenarden Road, Charis and Fred Rodriquez.**
Vote: 5-0 Motion Carried

Application #21-08 – 67 Oakland Drive
Elizabeth Gavern

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 to add a 7.3' x 9.7' one story addition, 32.4' from the front lot line.

Variance of Art. III, Sec 7, to install a 33' x 16' in ground pool, 53.1' from the front lot line and 13.8' from the rear lot line.

Matt Decker, a family friend, spoke on behalf of the applicant Elizabeth Gavern. Mr. Decker stated the applicants are seeking a variance for a one story addition 32.4' from the front lot line and a variance to install an in ground pool 53.1' from the front lot line and 13.8' from the rear lot line.

He also noted that the lot was a pre-existing non-conforming lot located on the corner of Oakland and Randal Drive. He claimed that this placement along with the lot's size of approximately 21,700 sq. ft create a hardship as these factors result in all set backs being located within the existing footprint of the home.

Commissioner Reale asked Mr. Decker to confirm whether he is an authorized representative for the applicants and whether he, as a builder, is working on the project. Mr. Decker confirmed he is an authorized representative and that he is not working on the project.

Public Comment: None

Work Session: Chairman Elbaum noted that the staff memo encourages vegetative screening for the pool.

Engineering comments: The applicant must show compliance with the policies for storm water management and drainage design standards.

Motion Made (Reale), Seconded (Creager), to approve with conditions **Application #21-08 – 67 Oakland Drive, Elizabeth Gavern.**
Vote: 5-0 Motion Carried

Application #21-09 – 20 Merwin Street
Christopher Spadaro

Variance of Art. I, Sec 4.3.1 and Art. III, Sec. 1 to construct a 22' x 16' one story addition, 42.6' from the rear lot line at its closest point.

Applicant Christopher Spadaro stated he is seeking a variance for a family room addition on the first floor of his home which encroaches on the property's rear set back line. Mr. Spadaro noted that the renovation meets all other requirements, would only expand the back of the home by 8 additional ft., and that the adjoining property to the rear is the Trumbull Police Station. He also stated a hardship based on the fact he is on a corner lot.

Public Comment: None

Work Session: No additional comments.

Engineering comments: None

Motion Made (Saunders), Seconded (Reale), to approve **Application #21-09 - 20 Merwin Street, Christopher Spadaro.**

Vote: 5-0 Motion Carried

**Application # 21-10 – 30 Round Ridge Trail
Xela Vogelaar**

Variance of Art. III, Sec. 7 to install a 16' x 35' in ground pool 44' from a front lot line.

Sean Zanni, husband, spoke on behalf of applicant Xela Vogelaar who, he stated, is seeking a variance for an in ground pool 44' from the front lot line. Mr. Zanni claimed there is a hardship based on the location of the lot (between Skyview Rd. cul-de-sac and Round Ridge Trail) which places the entirety of the back yard within the set back area.

Chairman Elbaum commented to clarify whether the applicant technically has two front yards due to this placement. Mr. Zanni confirmed this and stated that he spoke with the Trumbull Planning and Zoning Department prior to creating a proposal for the placement of the pool in order to determine the best location.

Chairman Elbaum further commented that it appears the pool is being placed as closely to the home as possible. Mr. Zanni added to this by stating the proposed location is the only spot from which he can keep an effective watch on his children.

Mr. Rescsanski, alternate, asked whether the owners previously had a pool as there appeared to be one in aerial photographs. Mr. Zanni clarified that that was the previous owners' trampoline.

Public Comment: None

Work Session: Commissioner Creager commented that this is a unique lot and they took care in considering the placement of the pool. Commissioner Reale further commended the applicants for doing thorough due-diligence prior to appearing before the ZBA.

Engineering comments: The applicant must show compliance with the policies for storm water management and drainage design standards.

Motion Made (Creager), Seconded (Reale), to approve with conditions **Application # 21-10 – 30 Round Ridge Trail, Xela Vogelaar.**

Vote: 5-0 Motion Carried

**Application # 21-11 – 6033 Main Street
Greg Gnant**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 to replace an existing garage with a larger 32.3' x 24.4' garage 17.8' from the N/S lot line.

Motion Made (Mayo), Seconded (Saunders), to continue to May 5, 2021 **Application # 21-11 –6033 Main Street, Greg Gnadtt.**

Vote: 5-0 Motion Carried

**Application # 21-12 - 28 Cottage Place
Justin Daly**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 to replace an existing garage with a larger 22' x 26' garage 3'6" from the W/S lot line.

Applicant Justin Daly stated he is seeking a variance to replace his existing detached garage with a slightly larger one. He stated that the current structure already encroaches on the set back lines and that the changes he proposed would only impact the set back requirements for the rear lot line.

Commissioner Creager asked whether the new structure would also be 15' tall. Mr. Daly confirmed this to be true.

Public Comment: None

Work Session: Chairman Elbaum stated he felt this was a reasonable variance due to the awkward shape of the lot and the fact that the height of the structure is not changing.

Engineering comments: None

Motion Made (Saunders), Seconded (Creager), to approve **Application # 21-12 - 28 Cottage Place, Justin Daly.**

Vote: 5-0 Motion Carried

**Application # 21-13 –540 Stonehouse Road
Kenneth Kane and Wanda Geismar**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 to construct a 236 sq. ft. addition at the rear of the existing dwelling, 41' from the front property line.

Applicant Kenneth Kane stated that he and his wife are applying for a variance based on the hardship that their home was built in the 1800s and the entirety of the structure falls within the 50' front set back. He stated that the variance is to allow for an addition on their kitchen at the back of the house, 41' from the front lot line.

Chairman Elbaum asked if the applicants spoke with their neighbors. Mr. Kane stated that they sent out 11 letters but only heard back from the two nearest neighbors, neither of whom had any negative comments.

Mr. Rescsanski, alternate, asked whether the home was on a sewer or septic system, and he noted that he saw a well on the property. Mr. Kane stated that the well on the property is no longer in use.

Public Comment: None

Work Session: Commissioner Saunders commented that allowing this variance would allow for a portion of the structure to finally begin conforming to set back regulation.

Engineering comments: The applicant must show compliance with the policies for storm water management and drainage design standards.

Motion Made (Reale), Seconded (Saunders), to approve with conditions **Application # 21-13 –540 Stonehouse Road, Kenneth Kane and Wanda Geismar.**

Vote: 5-0 Motion Carried

Chairman Elbaum asked for a motion to adjourn, motion made (Mayo) and seconded (Saunders). The April 7, 2021 meeting of the Zoning Board of Appeals adjourned at 7:54 p.m. with unanimous consent.

Dated at Trumbull, CT this 9th day of April, 2021.

By: Gia Mentillo, ZBA Clerk