

Town of Trumbull
CONNECTICUT

Planning and Zoning
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ZONING BOARD OF APPEALS
WEDNESDAY, MAY 4, 2022 MINUTES REVISED

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held at Trumbull Town Hall Council Chambers on Wednesday, May 4, 2022.

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

MEMBERS ABSENT: None.

ALSO PRESENT: Roberto Librandi – Town Planner
Attorney James Cordone – Town Attorney
Gia Mentillo – ZBA Clerk
Trumbull Community Television

A quorum being present, Chairman Elbaum called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

MOTION MADE (Creager), seconded (Mayo) to approve the April 6, 2022 minutes.
Vote: 5-0 Motion Carried

PUBLIC HEARING and WORK SESSION:

Chairman Elbaum introduced Town Land Use Planner, Rob Librandi, as the interim Town staff member assigned to the Board, thanking him for his efforts thus far.

Chairman Elbaum asked that applicants and their representatives state their name and address prior to presenting their applications, noting that there will be opportunities for public comment after each presentation.

Application # 22-06 – 24 Brian Drive
Douglas Katz, Jr.

A rear yard setback variance of 45' where 5' is proposed and 50' is required to build a 672 sq. ft. garage and workshop under Art. III and Art. II, Sec. 1.3 in the Trumbull Zoning Regulations in the Residential A Zone.

Douglas Katz, Jr. introduced himself as the owner and resident of 24 Brian Drive seeking a variance to construct a detached garage at the rear of his property in order to refrain from storing vehicles in his driveway and create storage for lawn equipment.

Chairman Elbaum asked for confirmation that the proposed variance is to locate the garage 5' from the rear property line, whether there was potential to move the structure forward, and if Mr. Katz had spoken to his neighbors regarding the proposed construction. Mr. Katz confirmed the proposed rear yard setback to be 5', noting the potential to move the structure further inward. Mr. Katz stated that he spoke to neighbors, none of which had objections. The Chairman asked if there was any screening around the proposed garage location, and Mr. Katz confirmed that there is an existing rock wall, approximately 3' tall and 2' wide, extending along the rear of the property.

Commissioner Rescsanski stated that a hardship is required in order for the Board to grant a variance and that he did not see a hardship for the property as it seemed the garage could be located elsewhere within the required setbacks.

Mr. Katz stated that situating the garage as proposed would result in a better configuration of the property, allow him to utilize more of the back yard, and remove the need for an additional shed on the property. Mr. Katz informed that if the garage were to be built onto the side of the existing home, then there would be an encroachment into side yard setbacks and he would not have adequate space to pull his car into the garage. Furthermore, the proposed garage would allow for the removal of an existing storage tent and concrete slab, currently located at the rear of the property in roughly the same place as the proposed garage.

Chairman Elbaum asked whether Mr. Katz would be willing to move the proposed garage farther from the rear lot line and, if so, how far. Mr. Katz stated that he would be willing to move the proposed structure further from the rear lot line by roughly 10'-15'.

Commissioner Creager asked for confirmation that the minimum setback needed for the proposed garage would be 15' from the rear property line in order to afford adequate space to get vehicles into the structure. Mr. Katz confirmed that to be true.

Commissioner Reale asked how big the existing garage is, what the dimensions of the existing concrete slab are, how long the slab has been there, and if Mr. Katz plans to remove the existing slab and put the proposed garage directly over it. Mr. Katz stated that there is currently a 24' x 24' two-bay garage, the concrete slab is 22' x 20' and was on the property prior to him purchasing it, and he does intend to remove the slab and place the proposed garage in roughly the same location (the garage would be slightly larger). Commissioner Reale asked if Mr. Katz would consider a 20' x 22' garage and whether he got any neighbor comments in writing. Mr. Katz clarified that he has a pickup truck that necessitates a width of at least 24' and would like to store lawn equipment in the garage, necessitating the proposed depth of 28'. He added that he did not get anything in writing from his neighbors though he knocked on all doors within 150' of his property.

Commissioner Reilly asked whether the applicant planned to extend the driveway up to the proposed garage and whether the neighbors fully understood the proposed proximity of the

garage and corresponding parking of his truck. Mr. Katz stated he did not intend to expand the driveway and that he explained the proximity of the proposed structure when talking with neighbors, noting that he showed the plans to his adjoining neighbors. Commissioner Reilly asked whether Mr. Katz would consider placing the front of the proposed structure along the rear setback line, and Mr. Katz confirmed he would be willing to do so. Commissioner Reilly asked for permission to show the applicant his copy of the property survey on which he had drawn a visual representation of the newly proposed garage location. Chairman Elbaum granted him such permission, and Commissioner Reale showed the applicant and the Board the visual.

Commissioner Creager asked whether the applicant would consider removing the storage space at the rear of the garage, affectively decreasing the depth of the structure. Mr. Katz stated a preference for keeping the storage area as he would like to limit the need for a separate shed.

Commissioner Reilly asked whether the proposed garage could be situated in a way that results in the rear of the structure aligning with the rear of the existing concrete slab. Vice Chairman Saunders clarified that if the applicant were to move the front of the proposed structure to align with the rear setback line, as proposed by Commissioner Reilly, then the rear of the proposed structure would be 22' from the rear lot line which extends slightly past the location of the existing concrete slab.

Public Comment: None.

**Application # 22-07 – 12 Green Ridge Road
James Dunn**

A pool location variance of 19.9' where 50' is required and 30.1' is proposed under Art. III, Sec. 7 of the Trumbull Zoning Regulations in the Residential AA Zone. A size variance of 132 sq. ft. where 300 sq. ft. is allowed and 432 sq. ft. is proposed under Art. II, Sec. 1.2.

Clarvdia Dunn introduced herself as the co-owner of 12 Green Ridge Road and representative of the variance application seeking a 30.1' front yard setback where 50' is required. She stated that the property is on a corner and, therefore, is subject to a 50' setback where 20' would typically be required, noting that there would be adequate room for the pool if this were not the case. Mrs. Dunn stated that they are also requesting a 432 sq. ft. pool house, as opposed to 300 sq. ft., because they would like additional space for social distancing, adding that 300 sq. ft. would not leave much space after factoring in a bathroom and changing area.

Chairman Elbaum asked whether the pool house would be constructed in way that someone could utilize it as a dwelling. Mrs. Dunn stated that the only plumbing added would be related to the bathroom and that there is no intention to utilize the space as a dwelling.

Commissioner Reilly asked whether the property was on sewer or septic and what portion of the primary dwelling was closest to the pool. Mrs. Dunn stated the property is on sewer and that the portion of the home in question is used as the family room.

Commissioner Reale asked why the distance from the side property line to the proposed patio, as shown on the applicant's survey, was not identified. Vice Chairman Saunders clarified that setbacks do not apply to patios.

Mrs. Dunn asked for confirmation that the Board received a copy of the letter of support submitted by her neighbor. Chairman Elbaum confirmed receipt.

Public Comment: None.

**Application # 22-08 – 0 Huntington Turnpike a.k.a. Huntington Turnpike Rear
Fernanda Esteves Goncalves**

A rear yard setback variance of 19.7' where 30.3' is proposed and 50' is required under Art. III of the Trumbull Zoning Regulations in the Residential AA Zone.

Fernanda Goncalves introduced herself as the owner of Huntington Turnpike Rear and informed that her land surveyor, Jimmy, was also present to help answer any questions the Board may have. Ms. Goncalves stated that the property is an oddly shaped, rear lot, and half of the property is located in Shelton which impacts the setbacks of the property.

Chairman Elbaum asked whether the applicant had come before the board for the same property in 2021. Ms. Goncalves clarified that she recently purchased the home, but the previous owner received a variance from the Board in 2021.

Public Comment: None.

**Application # 22-09 – 410 Erwin Street
Diana Terita for Grace Marie Terita**

A front yard setback variance to allow 5' where 45' is proposed and 50' is required and a side yard setback variance of 2' where 18' is proposed and 20' is required for a deck under Art. III of the Trumbull Zoning Regulations in the Residential AA Zone.

Diana Terita introduced herself as the representative for 410 Erwin Street, stating that she and her family recently moved into the home located on the property which is owned by her mother Grace Marie Terita. Diana Terita stated that her mother is currently in assisted living and the additions being proposed to the home would afford space for her family and allow them to move Grace Marie back into the home for care.

Chairman Elbaum asked if the proposed additions are directly over the existing footprint of the home. Mrs. Terita confirmed that to be true, noting the addition of a deck to the rear of the dwelling. The Chairman asked whether the existing home is 18' from the side lot line, and Mrs. Terita confirmed this to be true.

Public Comment: None.

**Application # 22-10 – 37 Brian Drive
Garry Mena**

A rear yard setback variance of 19.9' where 30.1' exists and 50' is required to convert an existing garage into living space under Art. III, Sec. 4.3.1 of the Trumbull Zoning Regulations in the Residential A Zone.

Garry Mena introduced himself as the owner of 37 Brian Drive seeking a variance to convert a portion of an existing garage into living space, noting that all of the proposed work would be done to the interior of the home. Mr. Mena stated that the property is on a corner lot, and was previously granted a variance for the family room at the rear of the home.

Chairman Elbaum asked whether there would be any expansion to the footprint of the home, and Mr. Mena clarified there would be no expansion. Commissioner Reale asked whether the property currently had two driveway access points off of Brian Drive and whether both would remain if the proposed variance were to be granted. Mr. Mena confirmed that there are two access points, both of which would remain.

Public Comment: None.

Application # 22-11 – 8 Rebecca Street

Mike Goodman of Goodman Building Co. LLC for John and Jenna Stavola

A rear yard setback variance of 42' where 8' is proposed and 50' is required under Art. III of the Trumbull Zoning Regulation in the Residential A Zone.

Mike Goodman of Goodman Building Co. LLC, residing at 15 Silano Drive in Oxford, CT, introduced himself as the contractor and representative for 8 Rebecca Street. He stated the applicant is seeking a variance to construct a deck around the existing pool which will not encroach further into setbacks than the pool currently does.

Chairman Elbaum asked whether there was screening behind the proposed desk, and Mr. Goodman confirmed there is an existing row of evergreens.

Public Comment: None.

Application # 22-12 – 53 Copper Kettle Road

Matthew Decker for Tracy Ann Gavern

A front yard setback variance of 15' where 35' is proposed and 50' is required under Art. III of the Trumbull Zoning Regulations in the AA Residential Zone.

Matthew Decker introduced himself as the representative of 53 Copper Kettle Road for which a variance to the front yard setback is being sought to construct a one-story garage addition on the front of the home. He stated that the proposed construction would allow for the home owner to put a home office where the left bay of the existing garage is currently located and add a new garage bay extending toward the front of the property. He stated that the home office would afford space for at-home learning for their children should they return to remote schooling. Furthermore, there is currently a stone walk way approximately 8' from the front door and roughly 3' from the existing, left garage bay which poses a safety concern when people are

entering and exiting the home. He noted that when the home and garage were initially built in 1976 vehicles, on average, were smaller in size. Mr. Decker stated there is a hardship based on the topography of the property which necessitates the location of the garage, noting that the home is situated closer to the street line than other homes in the neighborhood. He informed that a portion of the existing asphalt driveway will be removed, reducing the amount of runoff to the street.

Chairman Elbaum asked whether the applicant was aware of the letter of opposition from resident of 61 Copper Kettle Road which Mr. Decker confirmed to be true. The Chairman asked that Mr. Decker, if he chooses to address the concerns in the letter, address the inquiry of why the applicant did not consider the property hardships prior to purchasing the home. He was also asked to clarify whether there had been any discussion with said neighbor regarding the fact that the applicant's A-2 survey indicates the neighbor's fence is in encroaching on the applicant's yard. Mr. Decker stated that the applicants purchased the home in December. When purchasing the home the primary concerns were regarding the condition of the home and neighborhood, and the applicant did not discover the driveway safety issues until they were able to use the garage.

Commissioner Reale asked for confirmation that, if the application were approved, the driveway would be converted to have one entrance / exit, the area in front of the garage would be used as a turn-around, and there would be a retaining wall at the front of the property. Mr. Decker confirmed that to be true. Mr. Decker addressed the neighbor's concerns regarding "a towering wall of brick" by stating that the proposed variance is solely for a one-story addition, extending 16' beyond the existing structure, and maintaining the same roof type and pitch as the existing structure. Matt Decker shared images from May 4, 2022 that he took from the street in front of 61 Copper Kettle Road to exemplify the view from Mrs. Bowen's home.

Chairman Elbaum asked for confirmation that there is room for a garage bay at the opposite side of the home within the setbacks. Mr. Decker confirmed that to be true, noting that that would negatively impact the flow of the home.

Public Comment: Helga Bowen introduced herself as the resident of 61 Copper Kettle Road, the property abutting that of the applicant. Mrs. Bowen restated the comments included in her letter to the Board regarding application #22-12, which referred to concerns about her property value, the view from her home, the proximity of her home to that of the applicant and the applicant's lack of hardship. Mrs. Bowen also questioned why the retaining wall, grading, and driveway work were not listed on the variance application and if a variance is not needed for that work.

Vibhavary Shah of 64 Copper Kettle Road introduced herself as the property owner across the street from the applicant and stated concerns regarding what type of home office was being proposed by the applicant, noting she does not want a business ran out of a residential home. She also noted that she does not feel there is a property hardship as the previous owner, whom she was friends with, had no issues getting the cars in and out of the garage.

Mr. Decker clarified that there is an existing walk way 3' from the existing garage bay that does create a safety issue. Furthermore, the proposed garage would not impact the neighbor's views as indicated by Mrs. Bowen, as there are no plans to increase the height of the existing structure.

Mr. Decker shared an aerial photo of the neighborhood with the Board to exemplify the screening between properties. Additionally, the office will be solely for personal use by the home owner. Mr. Decker also shared a petition signed by three (3) of Ms. Gavern's neighbors voicing their support for the project. Chairman Elbaum read allowed the petition (attached). The applicant was asked to identify where the properties of the supporting neighbors are located in reference to his home. John Gavern introduced himself as the resident of 53 Copper Kettle Road, stating that the aforementioned neighbors live across the street, another diagonal, and another at the dead end, two houses away.

Application # 22-13 – 43 Moose Hill

Atty. Kevin Curseaden for Sana Naz and Jacob Awan

A side yard setback variance of 67.1' where 7.9' is proposed and 75' is required under Art. III, Sec. 9 of the Trumbull Zoning Regulations in the Residential AA Zone. A front yard variance of 11.3' where 63.7' is proposed and 75' is required under Art. III, Sec. 9.
CONTINUED

Chairman Elbaum stated that application #22-13 was continued to the June 1, 2022 ZBA meeting.

Application # 22-14 – 1362 Huntington Turnpike

Alexandra Casabianca

A rear yard setback variance of 6' where 19' is proposed and 25' is required; a side yard setback variance of 11.1' where 13.9' is proposed and 25' is required on the Southwest corner of the property; and a side yard setback variance of .2' where 24.8' is proposed and 25' is required under Art. III, Sec. 7 of the Trumbull Zoning Regulations in Residential AA Zone.

Alexandra Casabianca introduced herself as the owner of 1362 Huntington Turnpike seeking a variance to install an in ground pool on a pre-existing non-conforming lot. Ms. Casabianca stated that there is no place on the property which a pool can be located which conforms to the setback requirements.

Chairman Elbaum asked whether the pool would be visible from the street, and Ms. Casabianca stated it would not be visible from the street.

Public Comment: None.

Chairman Elbaum informed the public that the Board would be entering into a private work session, meaning the public can listen to Commissioners deliberate but cannot participate.

WORK SESSION:

Motion Made (Mayo), Seconded (Saunders), to approve with conditions the amended **Application # 22-06 – 24 Brian Drive, Douglas Katz, Jr.**

Vote: 5-0

Motion Carried

