

Town of Trumbull
CONNECTICUT

Planning and Zoning
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ZONING BOARD OF APPEALS

WEDNESDAY, MAY 5, 2021 MINUTES

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held via videoconferencing on Wednesday, May 5, 2021.

MEMBERS PRESENT: Steve Elbaum – Chairman
Rob Saunders – Vice Chairman
Matthew Reale
Brian Reilly, Alternate
Joseph Rescsanski, Alternate

MEMBERS ABSENT: Richard Mayo – Secretary
Catherine Creager
Tatiana Rampino, Alternate

ALSO PRESENT: Douglas Wenz – Zoning Enforcement Officer
Attorney James Cordone – Town Attorney
Phil Meagher – Trumbull IT Technician
Gia Mentillo – ZBA Clerk
Trumbull Community Television

A quorum being present, Chairman Elbaum called the meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

MOTION MADE (Reilly), seconded (Saunders) to approve the April 7, 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 reminded members of the public to identify themselves when speaking.

Application # 21-11 – 6033 Main Street

Atty. Chris Russo for Greg Gnandt

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

Variance of Art. III, Sec. 1.3.(3.3) to build a detached garage at a height of 22' where 15' is allowed. (Continued from April 7th, 2021).

Atty. Christopher Russo introduced Atty. Raymond Rizio to present the application for 6033 Main Street on behalf of Greg Gnandt.

Chairman Elbaum requested that Atty. Rizio be sure to address the fact that the applicant began building on his property without a building permit.

Atty. Rizio stated that the original building permit to replace the existing, dilapidated garage on the property was taken out in 2013. He added, however, that work never commenced on the project because there were disputes with Mr. Gnandt's insurance company about who was responsible for the financial burden of repairing damages to the structure. Then, Atty. Rizio stated, there was a snowstorm last winter which caused the collapse of the garage roof and necessitated immediate repairs, adding that the structure was rebuilt directly on top of the foundation of the original garage. Atty. Rizio stated that it was not until Mr. Gnandt went to obtain a second building permit that he realized he had rebuilt the structure too high. Atty. Rizio stated that Mr. Gnandt thought he was in compliance because he attempted to replicate the original structure's height of 18', adding that it exceeded this height, at 22', only because the pitch of the roof had to be increased to prevent another roof collapse.

Chairman Elbaum clarified that the original permit was expired when Mr. Gnandt began building the current structure.

Atty. Rizio confirmed this to be true. Atty. Rizio added that Mr. Gnandt did not realize this issue until he went to get the new structure approved. After realizing this issue, Mr. Gnandt immediately attempted to rectify the problem by garnering support for the project from neighbors in the form of a petition and appearing before the ZBA. Atty. Rizio added that Mr. Gnandt is a respected contractor of 20 years who has always done things "by the book" in the past and who has done an excellent job of creating a new structure that keeps with the historical style of the property (built in the 1700s). Atty. Rizio further remarked that the original garage was a pre-existing, non-conforming structure with a second floor for storage and noted that there are other non-conforming structures on the property. The attorney argued that allowing the new garage to stay at 22' would make it more consistent with the rest of the property than reducing the height to 15'. Atty. Rizio also noted that the new structure conforms to the style of the neighboring buildings as well (references the neighboring church).

Atty. Rizio shared pictures of the property which included other pre-existing, non-conforming structures (i.e. barn in back yard) and an image of the rebuilt garage in question.

The attorney also stated that size of the new structure was necessary to alleviate concerns of snow load while keeping the garage consistent with the colonial nature of the property. Atty.

Rizio further noted that Mr. Gnant had no intention to deceive the Town of Trumbull or ZBA in any way, rather he made a genuine mistake in regards to procedure.

Atty. Rizio then shared an image of the petition in support of allowing Mr. Gnant to keep the new garage on his property, commenting that a strict enforcement of regulations in this case would cause Mr. Gnant to have to deconstruct the newly built garage.

Chairman Elbaum questioned why a licensed contractor did not realize his building permit expired, why said contractor was unclear about building regulations, and how the contractor failed to realize he built the new garage over 18'.

Atty. Rizio stated that the confusion stemmed from the fact that there is a regulatory distinction between accessory structures and attached structures.

Chairman Elbaum asked if Mr. Gnant submitted a new building permit before he commenced construction.

Atty. Rizio stated that Mr. Gnant did not think this was necessary because he was simply restoring the original structure, adding that Mr. Gnant immediately reached out the Town of Trumbull once he realized he had exceeded the 18' building height.

Vice Chairman Saunders asked Atty. Rizio to clarify that the home owner was aware that he needed a building permit in 2013 but not in 2020.

Atty. Rizio confirmed this to be true, adding that Mr. Gnant was surprised to hear he needed another permit.

The Vice Chairman then asked for Atty. Rizio to confirm that the dimensions on the original building permit stated the pre-existing structure to be 25' x 28' x 15' and above the rebuild for a height of 15' not 18'.

Atty. Rizio confirmed this to be accurate.

Commissioner Reale asked for the height of the pre-existing, non-conforming barn at the back of the property.

Atty. Rizio stated it is 23' tall and the main home is 30.4' tall.

Commissioner Reale stated that he felt this application should be treated as a variance to go from a 18' height limit to a 22' height limit rather than as a change from 15' to 22' because the original structure was 18' tall. The commissioner then questioned why the dormers were added to the structure if the top floor was for storage.

Atty. Rizio stated that this was purely a stylistic decision, adding that Mr. Gnant would agree to a condition that the second floor be kept as storage space.

Chairman Elbaum asked if there was any documentation supporting the 18' height being discussed.

Atty. Rizio stated that it was not in any of the material shared with the ZBA, but the home owner had shared that the original garage was 18' tall. He added that had the home owner simply made repairs to the structure, it would have remained at 18' but because the building collapsed that was no longer an option.

Chairman Elbaum asked Mr. Wenz whether there was an effort made by the home owner to renew the building permit and to clarify whether there was a neighbor complaint.

Mr. Wenz clarified that this issue came to light when a stop work order was issued to the property owner by the building inspector. Mr. Wenz added that there was a neighbor complaint about a violation on the property that has since been addressed.

Public Comment: Dan Senft, the property director of Holy Cross Church at 559 Main St., spoke in support of the application. Mr. Senft stated that he has had many conversation the property owner at 6033 Main St. and feels as though the owner does have a hard. Ms. Senft then noted that he too is on a planning board for another town. Ms. Senft added that he understand the ZBA's hesitancy with this matter, but feels the property owner is a good, trustworthy neighbor who should be granted the necessary variances.

Work Session: Chairman Elbaum stated that the original building permit was clearly expired. He added that, because Greg Gnant knew to get the building permit the first time, he should have known one was required the second time. Chairman Elbaum stated he does not feel that a viable property or regulatory hardship has been identified and any hardship that does exist was self-inflicted by the property owner. Lastly, Chairman Elbaum remarked that the other pre-existing non-conforming structure on the property is set back from the street and, therefore, is distinguishable from the structure in question which would be highly visible from the street.

Commissioner Reilly noted that one of the applicant's arguments for having to increase the height of the structure was the need to increase the pitch of the roof, alleviating concerns about snow-load. However, the commissioner pointed out that Greg Gnant added dormers with minimal pitch to the structure, effectively negating the structures ability to better handle snow.

Commissioner Rescsanski remarked that he does not feel ignorance is an adequate hardship. The commissioner added that, regardless of the permit renewal process, the property owner failed to adhere to the conditions of the original building permit, ignoring any guidance he received in the past.

Commissioner Reale stated that there is a huge distinction between an applicant who blatantly ignored regulation vs. an applicant who was genuinely unaware of their wrong doing. He added that he does not feel there was any intention by Greg Gnant to deliberately deceive the Trumbull Planning and Zoning department. Rather Mr. Gnant's only intention was to repair a damaged structure on the property in a way consistent with the rest of the property. Because there are other pre-existing, non-conforming structures on the property, Commissioner Reale felt as though it would be de minimis to strictly apply the zoning regulations to this property, especially considering that Mr. Gnant obtained a petition from neighbors in support of the new structure. Lastly, the commissioner stated that the application should be reviewed as a variance

to change the height from 18' to 22' rather than 15' to 22' because he believes the original non-conforming structure was 18' tall.

Chairman Elbaum remarked that the original building permit clearly stated a maximum building height of 15' not 18', and then Mr. Gnant built it at 22' after the permit expired. He added that the putting the dormers on the roof effectively negated the applicant's argument that the height of the structure had to be increased to allow for adequate pitch.

Vice Chairman Saunders stated that he would like to approve the application despite of Mr. Gnant's disregard for the regulation process because the new structure is consistent with the rest of the property, the neighbors support the project, and it is a beautiful structure.

Engineering comments: None

Motion Made (Saunders), Seconded (Reale), to approve with conditions **Application #21-11 – 6033 Main Street, Atty. Chris Russo for Greg Gnant.**

Vote: 3-2 (Elbaum, Rescsanski) Motion Denied

Application # 21-14 – 14 Mulberry Street
Patryk Zelechowski

Variance of Art. II, Sec. 4.3.1 and Art. III, Sec. 1 to construct a 24.3' x 25.6' two car garage 41.7' from the front lot line and 14.5' from the E/S lot line at its closest point.

Patryk Zelechowski of 14 Mulberry Street stated that he is seeking a variance to remove his current detached, one-car garage and replace it with a two-car garage attached to the main home.

Public Comment: None

Work Session: Chairman Elbaum stated that the application appears to be for a minor variance.

Commissioner Reale voiced agreement with Chairman Elbaum.

Engineering Comments: None

Motion Made (Saunders), Seconded (Rescsanski), to approve **Application #21-14 – 14 Mulberry Street, Patryk Zelechowski.**

Vote: 5-0 Motion Carried

Application # 21-15 – 28 Sunnyridge Parkway
Victoria Knight

Variance of Art. II, Sec. 4.3.1 and Art. III, Sec. 1 to construct a 30.5' x 18' deck 18' from the W/S lot line.

**Application # 21-16 – 20 Chestnut Hill Road
James and Maurya Brown**

Variance of Art. II, Sec. 4.3.1 and Art. III, Sec. 1 to construct a 27.8' x 6.1' front porch 48.5' from the front lot line and steps 45.0' from the front lot line.

James Brown of 20 Chestnut Hill Road stated that he and his wife were requesting a variance build a front porch on their home which is a pre-existing, non-conforming structure. He noted that this construction would be the final step in a 20 year renovation project. Mr. Brown added that is not looking to encroach any further on the front set back, but rather construct the porch parallel to the existing structure, effectively squaring off the home that was built in 1778.

Public Comment: None

Work Session: Chairman Elbaum stated that the proposed construction seems to be consistent with the non-conforming use already established on the property.

Commissioner Reale voiced his agreement with the Chairman and emphasized that the overall structure would not be expanding any further into the front lot line.

Motion Made (Reale), Seconded (Saunders), to approve **Application #21-16 – 20 Chestnut Hill Road, James and Maurya Brown.**

Vote: 5-0 Motion Carried

**Application # 21-17 – 90 Frelma Drive
Malgorzata and Wladyslaw Ptsaszek**

Variance of Art. II, Sec. 4.3.1 and Art. III, Sec. 1 to construct a 35' x 24' addition with 840 sq. ft. garage underneath, 38' from the front lot line and 33' from the rear lot line at its closest point.

Variance of Art. II, Sec. 4.3.1 and Art. III, Sec. 1 to add a 6' x 6' portico over existing concrete steps 34' from the front lot line.

Wladyslaw Ptsaszek of 90 Frelma Drive stated that she is seeking a variance to construct a 35' x 24' addition to her home with a 840 sq ft garage underneath as well as add a portico over the front steps of the home to allow for better outdoor lighty. Ms. Ptsaszek noted that the lack of lighting on the front steps was posing a safety concern for the property.

Vice Chairman Saunders remarked that the application made perfect sense for the property (which he is familiar with).

Commissioner Reilly seconded Vice Chairman Saunders's comments.

Commissioner Reale asked the applicant to clarify whether the hardship was based the odd shape of the lot which prevented Ms. Ptsaszek from building within the conforming area.

Ms. Ptsaszek confirmed this to be accurate.

Public Comment: None

Work Session: No additional comments.

Engineering Comments: Prior to engineering approval, applicant must obtain a driveway permit and show compliance with the Administrative Policy for stormwater management and drainage design standards.

Motion Made (Saunders), Seconded (Reilly), to approve **Application #21-17 – 90 Frelma Drive, Malgorzata and Wladyslaw Ptsaszek.**

Vote: 5-0 Motion Carried

**Application # 21-18 – 71 Twitchgrass Road
Rocco DiLeo**

Variance of Art. II, Sec. 4.3.1 and Art. III, Sec. 1 to construct a 23.5' x 16' master bedroom 32.6' from a front lot line at its closest point.

Rocco DiLeo of 71 Twitchgrass Road stated that he was seeking a variance to alter a pre-existing, non-conforming 1,100 sq ft single family resident by adding a 370 sq ft master bedroom to the North side of the home. Mr. DiLeo noted that the fact that the home is on a narrow, corner lot is a hardship. The applicant added that the bedroom should be placed on the North side of the home because that is where the other bedrooms are located. Mr. DiLeo remarked that putting the addition on the South side of the home would interfere with accessing the backyard from the living area.

Chairman Elbaum asked if the proposed addition will line up directly with the current exterior wall of the resident, effectively squaring off the structure.

Mr. DiLeo confirmed this to be accurate.

Public Comment: The resident at 71 Twitchgrass Road, Amy Domingues of Hands Offering Hope, spoke in support of the variance. She stated that she loves the community and her neighbors, and allowing the proposed variance would make it possible for the property to become her forever home in Trumbull.

Work Session: Chairman Elbaum stated that the hardship was well articulated, the variance is consistent with the existing structure, and that the lot is narrow, creating a hardship.

Engineering Comments: Prior to approval the applicant must show compliance with the Administrative Policy for stormwater management and drainage design standards.

Motion Made (Saunders), Seconded (Reale), to approve **Application #21-18 – 71 Twitchgrass Road, Rocco DiLeo.**

Vote: 5-0

Motion Carried

**Application # 21-19 – 7090 Main Street
George Baghdady**

Variance of Art.I, Sec. 5.2.1 to replace 310' of 4' fence with a 5' fence along the front lot line.

George Baghdady of 7090 Main Street stated that he is seeking a variance for the height of the fence along the front of his property. Mr. Baghdady stated that he would like to replace the existing 4' high chain link fence with a 5' high chain link fence.

Chairman Elbaum asked Mr. Baghdady to comment on his concerns regarding theft that were listed in his variance application.

Mr. Baghdady stated that he has masonry equipment on his property that he would like to better protect. He added that he also plans to add cameras to the property to further address this.

Public Comment: None

Work Session: Chairman Elbaum stated this was a minor variance which would have no impact on residential neighbors due to its placement on a commercial street.

Commissioner Rescsanski asked if there was a hardship stated.

Chairman Elbaum that a hardship was not articulated by the applicant, but Commissioner Reale may be able to comment on a hardship based on lot size.

Commissioner Rescsanski commented that the property is technically in a residential zone but has a pre-existing business that has been in operation for at least two generations. He added that the property's placement on Main Street could be considered a hardship for this reason.

Commissioner Reale added that, though the applicant did not articulate hardship, the ZBA should take judicial notice that the property is located in an A zone. For this reason, he felt it satisfactory to grant the variance based on the uniqueness of having the property on Main Street and having a pre-existing commercial property in an A zone.

Engineering Comments: Prior to any site disturbance, applicant must obtain a permit from the Inland Wetlands and Watercourses Commission.

Motion Made (Reale), Seconded (Rescsanski), to approve **Application #21-19 – 7090 Main Street, George Baghdady.**

Vote: 5-0

Motion Carried

Application # 21-20 – Huntington Turnpike Rear

Atty. Christopher Russo for Ellen Marcello, Trustee

Variance of Art. II, Sec. 1.2.5, Art. III, Sec. 1, and Exhibit of the Regulations to reduce the minimum lot area from forty-three thousand five hundred sixty sq. ft. (43,560SF) to thirty-nine thousand and fifty two sq. ft. (39,052SF) to create a building lot for a single family home.

Variance of Art. II, Sec. 1.2.5 and Art. III, Sec. 1, and Exhibit of the regulations to reduce the minimum road frontage required from one hundred fifty ft. (150') to zero ft. (0').

Atty. Chirstopher Russo introduced Atty. Raymond Rizio to present the application for Huntington Turnpike Rear.

Atty. Rizio began by stating the lot in question came out of a subdivision of another lot in the 1980s on Nichols Avenue. Atty. Russo added that this designates Huntington Tpke Rear as an oddly shape, pre-existing, non-conforming lot with 123 ft of frontage. The attorney added that if the lot did not intersect two towns, then there would be no need for the proposed variance because it would then be designated a 1.5 acre zone as opposed to a 1 acre zone. Atty. Rizio then remarked that allowing for the proposed variance would allow for the lot to be more conforming. Atty. Rizio added that the odd shape of the lot and its intersection of two town create a clear hardship for the property.

Atty. Rizio shared photos of the property which emphasized his point that removing the existing greenhouse would allow for the lot to be more compliant with zoning regulations.

Chairman Elbaum asked Atty. Rizio to clarify why the Shelton GIS system identified the parcel in question as being "Under Review."

Atty. Rizio stated that there are no pending application in Shelton, and he is unsure as to why the parcel is be identified that way. He stated that he did reach out to Shelton to inquire about assigning an address to the property and putting in a driveway.

Commissioner Rescsanski asked if the property owner has applied for a curb cut permit.

Atty. Rizio state that there is an existing curb cut for the driveway leading to the greenhouse, but noted that the property owner will request an additional permit, if needed, when applying for a building permit.

Commissioner Rescsanski asked which tow the property address would be for.

Atty. Rizio clarified that Trumbull would be the Town associated with the property.

Atty. Cordone asked if there is an easement for the access point on one of the adjacent properties.

Atty. Rizio said there is not because the entire parcel (meaning portions in both Shelton and Trumbull) is owned by the applicant.

Public Comment: None

