

Town of Trumbull
CONNECTICUT

Planning and Zoning
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ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 1, 2021 MINUTES

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held via videoconferencing on Wednesday, September 1, 2021.

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

MEMBERS ABSENT: Tatiana Rampino, Alternate

ALSO PRESENT: Douglas Wenz – Zoning Enforcement Officer
James Cordone – Town Attorney
Bill Chin – Director, Trumbull IT
Gia Mentillo – ZBA Clerk

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

MOTION MADE (Mayo), seconded (Rescsanski) to approve the revised June 17th, 2021 special meeting minutes and the August 4th, 2021 regular meeting 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 # 21-31 – 19 Jerome Avenue
Michael and Melissa Rowe**

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 to construct a 24' x 16' deck around an above ground pool, 24'5" from the rear lot line and 18' from the N/S lot line. Variance of Art. I, Sec 4.3.1 and Art. III, Sec.1 to construct an 8' x 6' front portico with steps, 41.9' from the front lot line.

Michael Rowe introduced himself as the applicant and owner of 19 Jerome Avenue and stated that he is looking to construct a 16' x 24' pressure treated deck half way around his existing pool as well as an entry portico at the front of the home.

Chairman Elbaum asked whether Mr. Rowe's yard is heavily screened from neighbors, and Mr. Rowe confirmed this to be true.

Public Comment: None.

Work Session: Commissioner Reale stated he felt the application spoke for itself.

Engineering comments: None.

Motion Made (Saunders), Seconded (Creager), to approve **Application #21-31 – 19 Jerome Avenue, Michael and Melissa Rowe.** (*Alternate Brian Reilly served as voting member*)

Vote: 5-0 Motion Carried

**Application # 21-32 – 72 Primrose Drive
Raney and Jhoseline Nelson**

Variance of Art. I, Sec. 4.3 1 and Art. III, Sec. 1 to construct a 10.4' x 6.5' covered porch with steps, 45' from the front lot line.

Raney Nelson Jr. introduced himself as the owner of 72 Primrose Drive. Mr. Nelson shared that he recently attempted to relocate within Trumbull to accommodate his growing family, but he could not find a suitable house within town. It is for this reason, Mr. Nelson stated, that he is looking to construct the proposed addition to his home which he feels will enhance the overall aesthetics and have no negative impacts on his neighbors. He added that, because of the placement of the home on the lot, it is impossible to properly place the proposed addition without encroaching on setback requirements.

Chairman asked Mr. Raney to confirm that this proposed variance would result in a 5' encroachment on the front setback requirements for the property. Mr. Nelson confirmed this to be true.

Public Comment: None.

Work Session: Chairman Elbaum stated he felt the proposed variances were minor.

Engineering Comments: None.

Motion Made (Reale), Seconded (Creager), to approve **Application #21-32** – 72 Primrose Drive, Raney and Jhoseline Nelson. (*Alternate Joseph Rescsanski served as voting member*)
Vote: 5-0 **Motion Carried**

Application # 21-33 – 94 Pinewood Trail
Kevin J. O’Neil

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 to construct an 80.4’ addition to the second story, consisting of a rear shed dormer and front gable dormer, 10’ from the N/S lot line at its closest point.

Kevin O’Neil introduced himself as the resident of 94 Pinewood Trail. Mr. O’Neil shared that the construction being proposed is an attempt to repair and improve his home after a tree fell through his roof into his attic / third bedroom about a year ago. Mr. O’Neil stated that he is looking to add a shed dormer to the back side of his home as well as a gable at the front, adding that the majority of the dormer and gable fall within the property’s setback requirements. He also noted that the additional space granted by the dormers would allow for a second bathroom to be added to the home.

Chairman Elbaum questioned whether this proposal would expand the footprint of the home. Mr. O’Neil stated that the footprint of the home would not be impacted.

Public Comment: None.

Work Session: Commissioner Reilly state that the application is for a minor alteration and is relatively straight forward.

Engineering Comments: None.

Motion Made (Reilly), Seconded (Mayo), to approve **Application #21-33** – 94 Pinewood Trail, Kevin J. O’Neil. (*Alternate Brian Reilly served as voting member*)
Vote: 5-0 **Motion Carried**

Application # 21-34 – 40 High Ridge Road
Jennifer Burke

Variance of Art. III, Sec. 7 to install a 20’ x 40’ pool, 13’ from the E/S lot line.

Jennifer Burke introduced her husband and herself as the owners of 40 High Ridge Road applying for a variance to install a pool 13’ from their front property line. Mrs. Burke stated a hardship based on the placement of her septic tank and large presence of leaching fields which prohibit her from placing the pool elsewhere on the property, noting that town engineer, Tatiana, stated that the proposed placement of the pool will not cause any issues for neighbors. Mrs. Burke also noted the submission of two letters of support from her neighbors.

Chairman Elbaum asked Mrs. Burke to state the proximity of the neighbors who submitted letters of support. Mrs. Burke stated the submission came from her two adjoining neighbors.

Public Comment: None.

Work Session: Commissioner Rescsanski asked whether there would be a fence around the proposed pool and, if so, what type. Mr. Wenz stated that fencing is a building department requirement for installing a pool which will be addressed when the applicant goes for a building permit, adding that they allow several different types of fencing.

Engineering Comments: Prior to engineering approval, applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards for the proposed pool.

Motion Made (Mayo), Seconded (Reale), to approve with conditions **Application #21-34 – 40 High Ridge Road, Jennifer Burke.** (*Alternate Joseph Rescsanski served as voting member*)

Vote: 5-0 Motion Carried

Application # 21-36 – Knollcrest Drive Map I-11 Lot 160 aka 35 Knollcrest Drive Attorney Rizio for BCM Ventures, LLC.

Variance of Art. II, Sec. 1.2.5 and Art. III (Exhibit) to reduce the minimum road frontage from 150' to 42.74' to make this a legal building lot.

Motion Made (Saunders), Seconded (Reale), to continue **Application #21-36 – Knollcrest Drive Map I-11, Lot 160 aka 35 Knollcrest Drive, Attorney Rizio for BCM Ventures, LLC – to the October 6th, 2021 ZBA Meeting.** (*Alternate Brian Reilly served as voting member*)

Vote: 5 – 0 Motion Carried

Application # 21-37 – 807 and 811 White Plains Road Attorney Rizio for Old Forge Development, LLC

Variance of Art. II, Sec. 1.3.5 and Art. III (Exhibit) to reduce the minimum front yard setback from 50' to 20' along White Plains Road frontage and to 30' from 50' along the Sunset Avenue frontage to construct a one-story professional office use building within the Professional Office Overlay Zone.

Attorney Chris Russo introduced himself as the representative for Old Forge Development, LLC and its Principal Anthony Monelli. Atty. Russo stated that the variance being proposed is to allow for adequate space to construct a professional office building by reducing the front setback requirements for the properties known as 807 and 811 White Plains Road to 20' along White Plains Road and 30' along Sunset Avenue. He further stated that 807 White Plains Road has previously been granted several variances, one of which is to reduce the frontage along Sunset Avenue to 22'. Atty. Russo also stated a hardship based on the fact that there is a portion of land owned by the state, running along the corner of Sunset Avenue and White Plains Road, which offsets the front property lines for both 807 and 811 White Plains Road. The attorney noted that if the property lines were to follow along White Plains Road and Sunset Avenue, as it does for all other properties on the road, then there would be little-to-no need for the proposed variance.

Atty. Russo shared a visual of the Trumbull Zoning Map and exemplified that both parcels fall within a Planned Office Overlay Zone (POOZ), noting that this renders the proposed office use

permissible in a predominately residential area. He added that these guidelines ensure that the office maintain a residential look to it. Atty. Russo stated that he and the applicant conducted a pre-application review with the Trumbull Planning and Zoning Commission to ensure the plans for the property are in accordance with town guidelines for a POOZ. During this review it was suggested the proposed parking lot have an entrance off of White Plains Road and an exit onto Sunset Avenue to help limit the curb cut for the driveway off of White Plains Road. Atty. Russo pointed out that this would also help to limit traffic flow which is already at a minimal as the proposed office is only 2,500 square feet with 5 staff members.

Atty. Russo further stated that approval of the proposed variance would allow both the pre-existing, non-conforming parcels, 807 and 811 White Plains Road, to be more conforming with Trumbull's current planning and zoning guidelines by bringing the lot size closer to .5 acres, incorporating an office space with a residential feel, and remedying the blighted condition of 807 White Plains Road.

Lastly, Atty. Russo shared that the two adjoining property owners signed a petition of support for the proposed variance, and he acknowledged that there had been several letters of opposition submitted to the Zoning Board of Appeals in regards to this application. He noted that the majority of the concern pertained to increased traffic in the area and stated that the proposed office space would not result in any significant increases to traffic to the area.

Chairman Elbaum asked for confirmation that the only variance being proposed is to reduce the frontage from 50' to 20' along White Plains Road because the variance for the frontage along Sunset Avenue was already approved. Atty. Russo confirmed this to be true.

Chairman Elbaum then asked why it is necessary to have 16 parking spaces and whether the parking could be reduced to eliminate the need for a variance. Atty. Russo stated that parking regulations require that the applicant install at least 13 parking spaces which necessitated a second row of parking and rendered room for 3 additional spaces. The Chairman also asked if there was a known purpose for the state owning the land in front of the property, and Atty. Russo stated that he was unsure.

Commissioner Reilly asked what size variance would be needed if the state did not own that land. Atty. Russo stated that the variance would be to reduce the frontage by less than 10'.

Commissioner Creager asked whether the buffer around the proposed dumpster area would be an acceptable condition of approval to add to the application. Atty. Russo stated that the applicant would be willing to do this. Chairman Elbaum asked what the minimum size of an entrance way can be for the parking lot and noted that a possible condition of approval would be that the CT DOT dictate the size of the entrance. Atty. Russo stated he believed the minimum size to be 16' in width, adding that the applicant intends to go through the DOT for that portion of the project.

Public Comment: Luize Nester introduced herself as the president of Church Hill South Condominium Association located at 202 Algonquin Trail, Trumbull. First, she noted that putting the proposed structure on an angle rather than perpendicular to White Plains Road may remove the need for the proposed variance. Ms. Nester also stated concerns about a professional use building adding to traffic in the already highly busy area of White Plains Road, noting that

the screenage proposed by the applicant may impact lines of site when attempting to turn left onto White Plains Road from Sunset Avenue.

Though he agreed that there is large amounts traffic on White Plains Road, Chairman Elbaum stated he did not feel as though the proposed use would significantly increase traffic. Ms. Nester questioned whether a future owner could expand the building and, therefore, amount of traffic in the area. Chairman Elbaum stated that, as a result of zoning restrictions, the structure only has the potential of being expanded by roughly 100 square feet without additional approvals.

Commissioner Rescsanski stated that allowing the proposed variance may actually help the line of site when turning left onto White Plains Road from Sunset Avenue because the lot is currently overgrown due to a lack of occupancy and will likely be graded to construct the proposed office.

Mary Ellen Hagedus introduced herself and her husband, Richard Hagedus, as residents of Church Hill South Condominiums. Mrs. Hagedus began by suggesting the applicant reconsider the placement of their dumpster as the early arrival of dump trucks can be highly disruptive to neighbors. She also stated concerns that the proposed office space will add to the already high volumes of traffic on White Plains Road, as other newly constructed commercial spaces have in recent years, adding that she is disappointed by the areas transition toward commercial use which she feels has degraded the area. Mrs. Hagedus also questioned why the applicant could not move into one of pre-established, vacant office spaces in town rather than constructing a new building.

Chairman Elbaum stated that the design of the proposed office space is at the discretion of the Trumbull Planning and Zoning Commission which the applicant will have to go before if approved for a variance because the property is in the POOZ zone.

Attorney Russo stated that the proposed office space is unlikely to have an impact on White Plains Road traffic as it is a small law practice with minimal client visitations, adding that the parking lot will exit onto Sunset Avenue. Secondly, Atty. Russo stated that there is screenage around the proposed dumpster location in order to limit disturbances to neighbors, noting that the two adjoining property owner signed petitions of support after having seen site plans indicating dumpster placement. Lastly, Atty. Russo stated that placing the proposed structure parallel to White Plains Road will allow the office to conform to the aesthetics of the area and allot adequate space for parking regulations.

Work Session: Chairman Elbaum stated that he feels replacing the currently dilapidated property with a nicely designed residential looking property would be good for the community, noting that the proposal is consistent with the town of Trumbull's current plan of development. He further stated he does not feel as though the proposal will add to traffic in the area. The Chairman also requested that commissioners work to decide whether conditions of approval would be added to the application.

Vice Chairman Saunders stated that it is the job of the Zoning Board of Appeals to evaluate the proposed variance to setback requirements for the property and nothing else, adding that any concerns regarding the use of the POOZ should be directed to the Planning and Zoning Commission. The Vice Chairman added that if the property line followed White Plains Road, then there would be little-to-no need for the proposed variance.

Commissioner Reilly agreed with the Chairman and Vice Chairman, and he stated that the lot would ultimately be better off with this newly proposed design. Commissioner Creager stated agreement that the proposal complies with the purpose of the POOZ, does not significantly impact traffic, and has a design that maintain the character of the area. Commissioner Rescsanski stated agreement with the other commissioners and added that the grading of the site will likely increase visibility for White Plain Road, making it easier to turn onto the street. Commissioner Mayo stated he was in favor of the application as-is.

Attorney Cordone requested that the commission make a clear statement in regards to hardship for the property. Chairman Elbaum stated that there is a hardship based on the nature of the land, location of the state owned property, the way the property is located, and the access points there is a unique aspect that lends itself to a hardship and supports the need for the variances being requested.

Engineering Comments: Prior to engineering approval, applicant must show compliance with Administrative Policy for Stormwater Management and Drainage Design Standards, obtain driveway and street opening permits, and seek approval from WPCA for connection to the sanitary sewer.

Motion Made (Mayo), seconded (Saunders), to approve with conditions **Application #21-37** – 807 & 811 White Plains Road, Attorney Rizio for Old Forge Development, LLC. *(Commissioner Reale recused himself and both Commissioner Reilly and Rescsanski served as voting members)*
Vote: 5 – 0 **Motion Carried**

Chairman Elbaum asked for a motion to adjourn, motion made (Reilly) and seconded (Rescsanski). The September 1, 2021 meeting of the Zoning Board of Appeals adjourned at 8:36 p.m. with unanimous consent.

Dated at Trumbull, CT this 7th day of September, 2021.
By: Gia Mentillo, ZBA Clerk

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