

Town of Trumbull
CONNECTICUT

Planning and Zoning
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ZONING BOARD OF APPEALS

WEDNESDAY, NOVEMBER 4, 2020 MINUTES

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held via videoconferencing on Wednesday, November 4, 2020.

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

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

MEMBERS ABSENT: Rob Saunders – Vice Chairman

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 (Creager) and unanimously carried to APPROVE the October 7, 2020 minutes.

PUBLIC HEARING and WORK SESSION

This meeting followed a change in procedure. Each application would be presented, closed, discussed and then voted on before proceeding to the next application.

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 24 hours in advance of the meeting. He asked the Commissioners to identify oneself before speaking and that votes should be taken by roll call.

Tatiana Rampino was seated as a voting member for Applications #20-38 and #20-41.
Joseph Rescsanski was seated as a voting member for Application #20-39.
Brian Reilly was seated as a voting member for Application #20-40.

**Application #20-30 - 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 28.5' 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 10.5' for Lots A & B on one side setback and 11.2' on the other side setback for both proposed Lots A and 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 0.378 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 0.376 for Lot B.

Ray Rizio (10 Sasco Hill Road, Fairfield), an attorney representing Daniel Burzynski remarked that his client would like to take down the non-conforming cottage house at 15 Elberta and build two houses on the property. He discussed the historical background of the property and the effect of the merger regulation regarding the property. Attorney Rizio presented a petition in support signed by neighbors. He remarked that the hardship was that Mathieu Begin purchased the property in 2009 with the idea that he had two lots.

Chairman Elbaum asked about the variances regarding one or two lots and discussions with the neighbors regarding their concerns. Rizio stated that the next door neighbor's son had no objections. Chairman Elbaum also raised questions regarding the timing of the purchase and the merger regulations. He also questioned how many variances would be required if only one house was built on the property. Rizio responded that a house could be built without requiring any variances.

Commissioner Rampino asked for clarification on how many neighbors supported the application. He replied that adjacent neighbors support the application. Commissioner Creager questioned when the merger regulations went into effect and that the purchaser should have investigated before purchasing. Rizio responded that property was recorded as two lots on subdivision map. Commissioner Reale asked about the lot sizes of the other properties on Elberta Avenue. Commissioner Rescsanski questioned the variances required for one lot vs two lots and the merger regulations regarding non-conforming lots. Attorney Cordone responded that a recorded map was not a prior approved subdivision. Commissioner Reilly questioned if the lots were taxed separately. Rizio responded that the property was taxed as one lot.

Public Comment: Mathieu Begin (15 Elberta Avenue), the owner, spoke in favor of the application as he would like to see the property to be on par with the rest of the neighborhood.

Ike and Sarah Tucker (16 Elberta Avenue) spoke in opposition to the application although they had expressed support in March. They agreed that the house was in need of repair, however, they expressed concerns regarding erosion and the effect of water flow. They expressed support for one house on the property rather than two houses. They also mentioned the historical value of the home and preserving it. Commissioner Reilly remarked that there would have to be proper storm water management for the property.

Rich Kitchener (17 Elberta Avenue) spoke in opposition and remarked that he did not sign the petition in support. He expressed concerns regarding a shared driveway. He does not see a hardship for Mr. Burzynski.

John Hatch (8 Elberta Avenue) spoke in opposition to the application as he does not feel that there is a valid reason to change the zoning laws to accommodate two houses. He also mentioned the increased density in the area with all of the new projects being built.

In rebuttal, Attorney Rizio referenced the 50 feet dimension of John Hatch's lot. In response to the Tuckers' concerns, he remarked that the plans would require Engineering approval regarding storm water management. He also remarked that his client proposed to fix Mr. Kitchener's driveway, not share it. Attorney Rizio requested a continuance to meet with the neighbors and address their concerns.

MOTION MADE (Reale), seconded (Rescsanski) and unanimously carried to CONTINUE to December 2, 2020, Application #20-30 – 15 Elberta Avenue, Chris Russo, Esq. for Daniel Burzynski

Application #20-34 - 6567 Main Street

Christopher Russo Esq. for Trumbull Super Stop Realty LLC.

Variance of Art. I. Sec. 4.2 and Art. II Sec. 1.3.1 to install 4 vacuum stations at the S/S of the property and relocate the existing air pump to the same vicinity.

Ray Rizio (10 Sasco Hill Road, Fairfield), an attorney representing Trumbull Super Stop Realty requested a continuance of the application because his client was considering reducing the number of vacuums from four to two. Also, a sound report, which the Commission requested, was not available at this time. Commissioner Elbaum requested that the report be made available prior to the scheduled meeting for review.

MOTION MADE (Rampino), seconded (Reilly) and unanimously carried to CONTINUE to December 2, 2020, Application #20-34 – 6567 Main Street, Christopher Russo Esq. for Trumbull Super Stop Realty LLC

Application #20-38 - 35 Elaine Street

Charles Krasinski.

Variance of Art. III, Sec. 7 to install an in ground pool with Jacuzzi, 51' from the front lot line and Jacuzzi 21' from the E/S lot line at its closest point.

Owner Charles Krasinski (35 Elaine Street) stated that they were seeking front and rear setback variances due to the shape of the property.

Commissioner Rampino asked if the property was a corner lot. Applicant replied in the affirmative. Commissioner Rescsanski asked about the regulations for front setbacks. ZEO Doug Wenz replied that the 150 feet front setback requirement would likely be removed in the regulations revision but that was not yet done. Commissioner Reilly had questions the integration of the Jacuzzi. Commissioner Reale asked about the existing pool. Krasinski replied that it had already been removed. Reale noted that the new pool extended a bit more past the previous pool.

Public Comment: None

MOTION MADE (Reale), seconded (Creager) and unanimously carried to APPROVE Application #20-38 - 35 Elaine Street, Charles Krasinski

**Application #20-39 - 48 Ridgeview Avenue
Eric Therriault**

Variance of Art. I. Sec. 4.3.1 and Art III, Sec. I to construct a second floor 24' x 25' addition and 2 car garage, 29' from one front lot line and 15' from the second front lot line.

Owner Eric Therriault (48 Ridgeview Avenue) stated that he was seeking a Variance for a second floor addition and expansion of the garage from one car to two cars. He mentioned that he had spoken to the neighbors who were pleased with the improvements.

Commissioner Rampino asked about the height of the new structure. Therriault replied that it was slightly higher than the existing structure but was conforming to the regulations. Commissioner Mayo asked if the property was septic or sewer. Applicant responded that it was city sewer. Commissioner Reale remarked that the addition was in conformity with the neighborhood.

Public Comment: None

Engineering comments that prior to Engineering approval, the applicant must obtain a driveway permit and show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards were read into the record.

MOTION MADE (Mayo), seconded (Reale) and unanimously carried to APPROVE WITH CONDITIONS Application #20-39 - 48 Ridgeview Avenue, Eric Therriault

**Application #20-40 - 102 Inwood Road
Mary Lombardo**

Variance of Art. I., Sec. 4.3.1 and Art. III, Sec. I to construct a 26' x 10' addition over a new 2 car garage, 39' from the front lot line, and a front porch with steps, 29' from the front lot line and 16.6' from the E/S lot line.

Joe Mingoello (90 Huntington Street, Shelton), an architect speaking on behalf of the owner, stated that she was seeking Variances for front and side setbacks for a corner lot property that is non-conforming. The applicant was requesting to add a front porch, expand the garage from one car to two cars, change the driveway from Inwood Road to Springwood Drive, and add an addition above the garage.

Commissioner Reilly clarified with Mingoello that the proposed additions are 10' x 10' for the garage and 1' for the front porch. Commissioners Reilly and Reale remarked that the plans would improve the house.

Public Comment: None

Engineering comments that prior to Engineering approval, the applicant must obtain driveway and street opening permits and show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards were read into the record.

MOTION MADE (Reale), seconded (Reilly) and unanimously carried to APPROVE WITH CONDITIONS Application #20-40 - 102 Inwood Road, Mary Lombardo

**Application #20-41 - 16 Edgewood Avenue
Richard and Elizabeth Wecker**

Variance of Article I, Sec 4.3.1 and Art III, Sec I to construct a 29.3' x 18' two story addition at the rear of the existing dwelling, 16' from the W/S lot line.

Owners Richard and Elizabeth Wecker (16 Edgewood Avenue) stated that they are seeking a rear setback Variance to build a two story addition.

Public Comment: None

Engineering comments that prior to Engineering approval, the applicant must show compliance with the Administrative Policy for Stormwater Management and Drainage Design Standards were read into the record.

MOTION MADE (Creager), seconded (Rampino) and unanimously carried to APPROVE WITH CONDITIONS Application #20-41 - 16 Edgewood Avenue, Richard and Elizabeth Wecker

Chairman Elbaum asked for a motion to adjourn, motion made (Mayo) and seconded (Reilly). The November 4, 2020 meeting of the Zoning Board of Appeals adjourned at 9:07 p.m. with unanimous consent.

Dated at Trumbull, CT this 12th day of November, 2020.

By: Linda Finger, Clerk.