

Town of Trumbull
CONNECTICUT

Planning and Zoning
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ZONING BOARD OF APPEALS

WEDNESDAY, DECEMBER 2, 2020 MINUTES

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held via videoconferencing on Wednesday, December 2, 2020.

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

A quorum being present, Chairman Elbaum called the meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

MOTION MADE (Reale), seconded (Creager), to elect Steve Elbaum as Chairman, Rob Saunders as Vice-Chairman and Richard Mayo as Secretary.

Vote: 5-0 **Motion Carried**

ACCEPTANCE OF 2021 MEETING DATES

MOTION MADE (Mayo), seconded (Saunders), to approve the 2021 ZBA meeting dates.

Vote: 5-0 **Motion Carried**

APPROVAL OF MINUTES:

MOTION MADE (Mayo), seconded (Rescsanski) to approve the November 4, 2020 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 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.

Joseph Rescsanski was seated as a voting member for Application #20-30 since Rob Saunders was not seated due to being absent at the November meeting.

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 presented an overview of the application as it was continued from the November 4th Regular Meeting and discussed the neighbors' objections that were also presented at the November meeting.

Commissioner Creager questioned if this was a subdivision and the merger regulations that went into effect before the property was purchased. Attorney Cordone responded that a recorded map was not a

prior approved subdivision. Commissioner Reale requested clarification regarding the 1917 map and subdivision regulations. Chairman Elbaum remarked that property was purchased after the merger regulations. Commissioner Reilly questioned if PZC could subdivide the property. Attorney Cordone responded that variances must be obtained first.

Public Comment: Mathieu Begin (15 Elberta Avenue), the owner, expressed his support of the application.

John Hatch (8 Elberta Avenue) submitted a letter in opposition to the application. He also remarked that the applicant has no hardship since he does not own the property.

In rebuttal, Attorney Rizio remarked that he represents both the applicant and the owner. He has authority to speak for both of them.

Commissioners discussed the timing of the property purchase after the merger regulations as well as if hardship was demonstrated.

Motion Made (Rescsanski), Seconded (Reale), and **unanimously carried** to close the public hearing for **Application #20-30** – 15 Elberta Avenue, Chris Russo, Esq. for Daniel Burzynski

Motion Made (Mayo), Seconded (Creager), to approve **Application #20-30**.

Vote: 2-3 (Creager, Rescsanski, Elbaum) Motion Failed

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.

Application #20-34 was withdrawn by the applicant.

Application #20-42 – 38 Twitchgrass Road

Soheylna Logan

Variance of Art. I, Sec. 5.2.1 to retain a 150' long, 6' tall fence along the W/S lot line

Owner, Soheylna Logan (38 Twitchgrass Road) explained the reasons why they put up a six feet fence and why they would like to maintain that height. She shared photos of the fence in relation to the neighboring property.

Commissioner Creager asked for clarification regarding the regulations for fence height. Mr. Wenz explained that the Variance is for the fence from the rear of the dwelling to the front lot line which has a 4 foot maximum height limit. Commissioner Reale asked questions of the applicant to determine why there was a hardship. Applicant requested the variance for safety and privacy issues and the sloping topography of the front yard.

Public Comment: Camela Logan, daughter of the applicant spoke in favor of the application.

Michael Reed (621 Center Street, Southport) spoke in favor of the application for safety and privacy reasons.

Commissioner Reale noted that there was no opposition to the application.

Motion Made (Saunders), Seconded (Creager), and **unanimously carried** to close the public hearing for **Application #20-42** – 38 Twitchgrass Road, Soheyla Logan.

Motion Made (Saunders), Seconded (Creager), to approve **Application #20-42**.

Vote: 5-0 **Motion Carried**

Application #20-43 – 109 Old Dike Road

Jonathan M. Dennis Assoc. for Jennifer Kapteina

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. I to construct a second story addition over a new front porch, 43.8 ft. away from the front lot line at its closest point.

Jonathan Dennis (277 Hollow Swamp Road, Southbury), a design architect representing Jennifer Kapteina stated that they are requesting a front yard variance to build a second story addition. He shared the design plans and explained the reason for a front rather than a rear addition. He mentioned that letters of support were received from the owners of 113, 114 and 145 Old Dike Road.

Commissioner Creager mentioned the angle of the road creating a hardship. Mr. Dennis concurred that the angle of the road and the change in elevation of the house contributed to the hardship.

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 (Reale), Seconded (Creager), and **unanimously carried** to close the public hearing for **Application #20-43** – 109 Old Dike Road, Jonathan M. Dennis for Jennifer Kapteina.

Motion Made (Reale), Seconded (Rescsanski), to approve with conditions **Application #20-43**.

Vote: 5-0 **Motion Carried**

Chairman Elbaum asked for a motion to adjourn, motion made (Reilly) and seconded (Mayo). The December 2, 2020 meeting of the Zoning Board of Appeals adjourned at 8:43 p.m. with unanimous consent.

Dated at Trumbull, CT this 8th day of December, 2020.

By: Linda Finger, Clerk.