

**ZONING BOARD OF APPEALS**  
**October 7, 2009**

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in the Town Hall on Wednesday, October 7, 2009.

Members Present: Michael Muir, Vice-Chairman  
John Savino, Carl Scarpelli and alternates  
Fred Garrity, Dennis Miko and William Malmstedt

Also Present: James Cordone, Town Attorney

The following is a brief summary of the meeting.

Tonight's meeting was chaired by Vice-Chairman Michael Muir.

A quorum being present the Vice-Chairman called the meeting to order at 7:30 p.m.

In the absence of Commissioners Puskar and Vitrella, Fred Garrity and Dennis Miko were designated at the fourth and fifth voting members.

**PUBLIC HEARING**

Application #09-19 – Quatrella & Rizio, LLC, (for Diane Fusco), 27 Mischa Hill Rd.

Pursuant to Art. II, Sec. 7.5 appeal of violation notice from the Zoning Enforcement Officer, dated August 17, 2009, regarding a home business in a residential zone.

Attorney Peter Gelderman appeared on behalf of Diane Fusco. Mr. Gelderman requested that the hearing on this application be continued until the next scheduled meeting, as Ms. Fusco was out of town and unable to appear tonight.

MOTION MADE (Savino), seconded (Scarpelli) and unanimously carried (Muir, Garrity, Miko, Savino, Scarpelli) to continue Application #09-19 until the November 4, 2009 regular meeting.

Application 09-20 – Mark Tice, of Tice Bros. LLC, (for John and Andrea Fiori), 32 Hidden Pond Road.

Variance of Art. II, Sec. 1.2.2.1. to construct a second garage, 22'x22' in size, including storage area, for a total of 4 garage spaces.

The contractor, Mark Tice, represented the homeowner. He submitted a rendering as to how the proposed garage would appear from the road. Mr. Tice relayed that the garage would be barely visible from the roadway due to the existing plantings.

Mr. Tice indicated that the extra garage space is needed as there are five motor vehicles currently parked on this property. The homeowner also lacks an adequate storage area and has been utilizing some of the existing garage space for storage.

Application #09-21 – Pools by Murphy (for Stephen and Gretchen Schwarz), 69 Lorma Avenue.

Variance of Art. III, Sec. 7 to construct an in-ground swimming pool 13' from the rear property line and 14' from the N/S property line.

The property owner, Stephen Schwarz, presented the application.

Mr. Schwarz indicated that the primary hardship pertaining to this application was the small lot size along with an existing stonewall, which limits an area feasible for a swimming pool. He submitted a photograph which detailed the side property line and the subject stonewall. The considerable screening to the rear of the property was also noted. Mr. Schwarz then presented a letter which was signed by all abutting neighbors in support of his application. Upon inquiry, the homeowner relayed that the stonewall already existed when he purchased the property.

### **REGULAR MEETING**

Tonight's applications were considered and the Commission took action as follows.

Application #09-20 – Mark Tice, of Tice Bros. LLC, (for John and Andrea Fiori), 32 Hidden Pond Road.

MOTION MADE (Savino) and seconded (Scarpelli) to approve Application #09-20.

Vote: In Favor (0) – Opposed (5) Muir, Garrity, Miko, Savino, Scarpelli

Application #09-20 DENIED for the following reasons.

1. No zoning hardship was established.
2. A need for additional garage space was not established. Automobiles could be parked in the area of the existing garage currently being used for storage.

Application #09-21 – Pools by Murphy (for Stephen and Gretchen Schwarz), 69 Lorma Avenue.

MOTION MADE (Scarpelli), seconded (Savino) and unanimously carried (Muir, Garrity, Miko, Scarpelli, Savino) to approve Application #09-21, as submitted.

There being no further business to discuss a motion was made by Commissioner Savino and seconded by Commissioner Scarpelli to adjourn. The October 7, 2009 meeting of the Zoning Board of Appeals adjourned at 7:50 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, November 4, 2009 at 7:30 p.m. in the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
Clerk of the Zoning Board of Appeals