

**ZONING BOARD OF APPEALS**  
**November 5, 2008**

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in the Town Hall on Wednesday, November 5, 2008.

Members Present: Richard Puskar, Chairman  
Michael Muir; John Savino; Carl Scarpelli; Joseph Vitrella and  
alternates Fred Garrity; William Malmstedt and Dennis Miko

Staff Present: Richard Eigen, Acting Planning and Zoning Administrator  
James Cordone, Town Attorney

The following is a brief summary of the meeting. The complete record is on tape, on file in the office of the Zoning Board of Appeals.

A quorum being present the Chairman called the meeting to order at 7:37 p.m.

**Public Hearing**

**Application #08-41** – John Sembrot, 17 Robinwood Road. Variance of Art. III, Sec. 1, with respect to insufficient minimum yard requirements to construct 28’x29’ extension onto an existing attached garage for a total of two garage spaces 5.1’ from W/S property line at closest point and 22.7’ from rear property line at closest point.

The applicant, John Sembrot, presented the application.

The submitted plan indicated that the existing garage would be extended closer to the street line and to the west side property line. Mr. Sembrot explained this would allow a direct access onto the porch. The vacant piece of property located to the side of the garage was identified as being owned by the Town of Trumbull.

Upon inquiry, Mr. Sembrot indicated that the oversized garage bay was needed to accommodate a handicapped ramp from the porch.

**Application #08-42** – Anne & Chris Paolini, 86 Colony Avenue. Variance of Art. III, Sec. 1, with respect to insufficient minimum yard requirements on a corner lot (Old Elm Rd.) to construct a 26’x 35’ addition 16.7’ from E/S property line (existing deck to be removed).

The applicant, Anne Paolini, appeared. A rear setback variance was received last year for the proposed addition. The Commission was informed that the new zoning regulations now require that a variance be obtained for the side yard setback. The Zoning Administrator explained that under the prior regulations a variance was not needed if there was no further encroachment than what already existed. Variances will now be required for any non-conformity to the current setback requirements.

**Application #08-33** – Joseph Vinhais/Ophelia Vinhais, 8 Prospect Ave. Lots 267 and 268 as shown on survey map dated July 23, 2008, with street address of 8 Prospect Avenue (corner of Prospect Avenue and Pine Street). Variance of Art. III, Sec. 1 and Art. III, Sec. 2, Par. C, with respect to insufficient lot area requirements (Lot 267, 10,120 sq. ft.; Lot 268, 10,120 sq. ft.); insufficient road frontage requirements (Lot 267, 92'; Lot 268, 110'); insufficient minimum yard requirements on corner lot to construct dwelling (Lot 267) 20' from front property line, and 44' from rear property line and insufficient minimum yard requirements 29.7' from front property line and 44' from rear property line for existing dwelling. HEARING CONT'D FROM OCTOBER 1, 2008.

Attorney Raymond Rizio represented the applicant and submitted a photograph of the existing wall located on the abutting neighbor's property. Two alternate plans were presented, which addressed the Commission's concerns regarding a proposed common driveway. Alternate 1 showed a driveway coming off of Prospect Avenue for the proposed new dwelling. Alternate 2 indicated two separate driveways coming off of Pine Street. An easement would be put on the land records indicating that the new driveway over Lot 268 would be for the exclusive use of Lot 267 (the back lot). Attorney Rizio stated his preference for Alternate 2 as he considered it to be the safest way to access this property. Correspondence from the Town Engineer indicated his recommendation for Alternate 2.

Genevieve Everlith, residing at 7 Fairview Avenue, identified herself as the abutting neighbor to the proposed new driveway. She reiterated her list of concerns regarding the proposed new construction. Attorney Rizio confirmed that the applicant has agreed to address Mrs. Everlith's concerns as a condition of approval for this application.

This concluded the Public Hearing

### **Regular Meeting**

The Commission considered and then took action on the following applications.

Application #08-41 – John Sembrot, 17 Robinwood Road

MOTION MADE (Vitrella), seconded (Muir) and unanimously carried (Puskar, Muir, Savino, Scarpetti, Vitrella) to approve Application #08-41 as submitted subject to the Town Stormwater Management Plan.

Application #08-42 – Anne & Chris Paolini, 86 Colony Avenue

MOTION MADE (Vitrella), seconded (Savino) and unanimously carried (Puskar, Muir, Savino, Scarpetti, Vitrella) to approve Application #08-42 as submitted subject to the Town Stormwater Management Plan.

Application #08-33 – Joseph Vinhais/Ophelia Vinhais, 8 Prospect Avenue

MOTION MADE (Muir), seconded (Vitrella) and unanimously carried (Puskar, Muir, Savino, Vitrella, Malmstedt) to approve Application #08-33 subject to Alternate 2 showing two separate driveways and the following specific conditions.

1. All brush to be cleared out along the E/S property line and a four foot high stockade fence is to be constructed in accordance with the ZBA interpretation of the Town zoning regulations regarding fencing.
2. A three foot high block retaining wall shall be rebuilt on the abutting neighbor's property.
3. A visual screen of arborvitae trees 8 ft. to 10 ft. in height, as approved by the Town Tree Warden, to be planted along the entire length of the abutting neighbor's property.
4. Drainage plan to be subject to the approval of the Town Engineer.

The following correspondence was then reviewed.

Memorandum of Decision: Matthew E. Romano vs. Zoning Board of Appeals.

From Attorney Mark Branse relating to time limits on variances.

At the request of Attorney James Cordone the following motion was made.

MOTION MADE (Muir), seconded (Savino) and unanimously carried (Puskar, Muir, Savino, Scarpetti, Vitrella) to enter into Executive Session for the purpose of holding discussion on pending litigation.

Commission along with Attorney James Cordone and the Planning and Zoning Administrator entered into Executive Session at 8:45 p.m.

The regular meeting resumed at 8:50 p.m.

MOTION MADE (Muir), seconded (Vitrella) and unanimously carried (Puskar, Muir, Scarpelli, Savino, Vitrella) to authorize the Town Attorney to settle Brian Anderson vs. Richard Eigen, Zoning Enforcement Officer of the Town of Trumbull.

There being no further business to discuss a motion was made by Commissioner Savino and seconded by Commissioner Muir to adjourn. The November 5, 2008 meeting of the Zoning Board of Appeals adjourned at 8:55 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog  
Clerk of the Commission