

ZONING BOARD OF APPEALS

APRIL 4, 2007

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in the Town Hall on Wednesday, April 4, 2007.

Attendance: Richard Puskar, Chairman; Michael Muir; Carl Scarpelli; John Savino; and alternate Fred Garrity

Staff Present: James Cordone, Town Attorney; Joan M. Gruce, Planning and Zoning Administrator/Clerk

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Chairman called meeting to order at 7:33 p.m.; Mr. Muir read the call as filed in the office of the Town Clerk, published, and listed herewith:

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

07-17) Steve Wing represented the applicant, and indicated that people spoke against the height and style of the fence at the last meeting, so the applicant has decided to install a four foot white colonial fence, which does not require a variance. However, by the Akoury property which has a retaining wall near the church's property line, they have agreed to put a four foot fence on the Akoury property; there is a wedge that would be slightly higher than four feet. They are still seeking a variance for a six foot fence around the dumpster; a sheet was submitted showing the style of fence. A photo of existing fence was submitted. Map showing proposed layout, dated 4-3-07, was also submitted. Letter from Mr. Akoury agreeing to the fence was submitted.

Mr. and Mrs. Warren, Main St., indicated they are not opposed to the 4 foot fence, but would like something nicer than a 6 foot chain link fence around the dumpster.

Mr. Wing indicated that they think the dumpster enclosure is good, but will forego it if it is stopping the project.

Since there were only 4 members present who attended both hearings, the applicant asked that voting take place next month so someone could listen to the tape of the meeting they did not attend.

07-20) Mr. Chioffi indicated they would like to construct a new front porch which is more in keeping with the architecture of the home, but it requires a variance.

07-21) Atty. Raymond Rizio represented the applicant who was also present. Architectural plans were submitted, and Atty. Rizio indicated that there is a drop-off in the back yard, so the garage could not be turned. A two-age petition with signatures in favor were submitted, as well as photographs. The lot is impacted more because of the

topography and the fact that it is a corner lot. There is a wooded area that screens the garage. The garage will have storage above it.

07-22) Louie Pires, 21 Bonnie View Dr., indicated he is here on behalf of his parents, who wish to put a one-car garage on the side of the house. They have spoken to some of the neighbors, and put up the pink sign. His sister was going to be at the meeting, but she is at the hospital having a baby.

07-23) Joseph Vinhaus represented the property owner. The variance is needed because the property is very steep, and room is still needed for a fence.

07-24) Gregory Pidluski, Fuller Engineering, represented the applicant. The lot was created prior to zoning on record map #33; the lot is 100' x 100', and is consistent with others in the area. A ten foot deck was added in the rear.

07-25) Atty. Scotia Ryer, Wiggin & Dana, represented Connecticut Holdings, LLC; this is a special exception to add a generator for the convalescent home which was sold to Harborside Health Care. The size of the generator is required by the State, and it will have a sound-proof enclosure, with evergreen screening.

Mike Cerrulli, St. Joseph's Manor, indicated there is an existing generator located in a building, but that building is not large enough to house the new generator.

07-26) Atty. Raymond Rizio indicated they missed this item on the previous month's application. He requested that all comments from the previous application be made part of the record.

07-27) Gregory Pidluski, Fuller Engineering, indicated this lot was also part of record map #33, filed in 1917, and they are asking to subdivide into two lots and construct a new dwelling; there is an existing house on the property.

Scott Larkin, 739 Plattsville Rd., indicated he is not in favor or opposed, but asked what would happen to existing house because it is dilapidated. Greg Pidluski indicated the existing home would be rebuilt in the same location, but the front door would probably face Turner.

Josephine Carosielli, 3 Soundview Ave., is opposed, and indicated she is directly behind this property, and it does not seem that there is enough room for two homes. The lots on Plattsville Rd. are much bigger than the ones on Pine.

The public hearing closed at 8:37 p.m.

The meeting was reconvened to act on the following:

07-20) Frank A. Cioffi. 95 Evelyn Street. Upon motion made (Savino), seconded (Scarpelli), and carried unanimously (all present voting), it was voted that application for a variance of Art. III, Sec. 1, with respect to insufficient minimum yard requirements to construct new porch 23' from front property line, is hereby APPROVED, and will become effective upon recording of certified notice thereof in the Land Records in the name of the record owner. The Board determined it would be in harmony with the neighborhood.

07-21) Brian Reilly. 125 Plymouth Ave. Upon motion made (Muir), seconded (Savino), and carried unanimously (all present voting), it was voted that application for a variance of Art. III, Sec. 2, Par. C, with respect to insufficient minimum yard requirements on corner lot to construct attached two-car garage 30' from street side (Plumb Road) property line, for a total of 3 garage spaces on premises, is hereby APPROVED, and will become effective upon recording of certified notice thereof in the Land Records in the name of the record owner. The Board determined it would be in harmony with the neighborhood.

07-22) Marlene Chaves. 23 Morris Avenue. Upon motion made (Scarpelli), seconded (Savino), and carried unanimously (all present voting), it was voted that application for a variance of Art. III, Sec. 1, with respect to insufficient minimum yard requirements to construct attached one-car garage 8.5' from N/S property line at closest point, is hereby APPROVED, and will become effective upon recording of certified notice thereof in the Land Records in the name of the record owner.

07-23) Robert J. Kovac, Mgr./Sherwood Homes, LLC. 31 Under Cliff Road. Upon motion made (Savino), seconded (Muir), and carried unanimously (all present voting), it was voted that application for a variance of Art. III, Sec. 7, with respect to insufficient minimum yard requirements to install swimming pool 20' from rear property line at closest point, is hereby APPROVED, and will become effective upon recording of certified notice thereof in the Land Records in the name of the record owner. The Board determined that a hardship existed due to grade of the property.

07-24) Emilio Ferri. Lot 200 corner of Morris Ave. and Pine St. Upon motion made (Scarpelli), seconded (Savino), and carried unanimously (all present voting), it was voted that application for a variance of Art. III, Sec. 1, and Art. III, Sec. 2, Par. C, with respect to insufficient minimum lot area (10,000 sq. ft.), insufficient minimum road frontage (100'), and insufficient minimum yard requirements to construct dwelling on corner lot 30' from front property line, 30' from street side (Pine St.) property line, and 40' from rear property line, with deck 30' from rear property line, is hereby APPROVED, and will become effective upon recording of certified notice thereof in the Land Records in the name of the record owner. The Board determined it would be in harmony with the neighborhood.

07-25) Connecticut Holdings I, LLC. 6448 Main Street. Upon motion made (Savino), seconded (Scarpelli), and carried unanimously (all present voting), it was voted that application, pursuant to Art. II, Sec. 1, Par. B(5), for a modification of existing Special Exception to install 250 kW generator to increase generating capacity of the nursing home and comply with State of CT DPH requirements, is hereby APPROVED, subject to the following conditions:

1. Evergreen plantings shall be provided to screen the generator; size and species shall be approved by the Town Tree Warden, Warren Jacques.
2. An enclosure shall be provided for the generator to minimize noise.
3. A certified notice of approval shall be recorded in the Land Records in the name of the record owner.

07-26) Michael Liberatore. Lot 1 as shown on proposed subdivision map dated 5-16-06, with street address of 527 Booth Hill Rd. Upon motion made (Muir), seconded (Savino), and carried unanimously (all present voting), it was voted that application for a variance of Art. III, Sec. 1, with respect to insufficient minimum road frontage requirements of 135.51' to subdivide, is hereby APPROVED, and will become effective upon recording of certified notice thereof in the Land Records in the name of the record owner.

07-27) Emilio Ferri. Lots 228A and 228B as shown on proposed subdivision map dated 3-16-07, with street address of 4 Turner Ave. (corner of Turner Ave. and Plattsville Rd.) Upon motion made to approve (Muir), seconded (Savino), and opposed unanimously (all present voting), it was voted that application for a variance Art. III, Sec. 1, and Art. III, Sec. 2, Par. C, with respect to insufficient minimum lot area (Lot 228A, 6,000 sq. ft.; Lot 228B, 9,000 sq. ft.); insufficient minimum road frontage requirements (Lot 228A, 60'; Lot 228B, 100'), and insufficient minimum yard requirements on corner lot to construct dwelling on Lot 228B 30' from front and rear property lines, and 30' from street side (Turner Ave.) property line, is hereby DENIED for the following reasons:

1. No zoning hardship was established.
2. The proposed lots are not in harmony with the neighborhood. The lots on Plattsville Road are much larger than what is proposed.
3. The total area of the two lots is too small for two houses.

The effective date of action was set for April 25, 2007 (expiration of appeal period). Of those approved, FAILURE TO RECORD NOTICE WITHIN SIX MONTHS OF EFFECTIVE DATE SHALL NULL AND VOID THE VARIANCE. In the event of appeal or appeals, time periods shall commence from date of final decision on the appeal or appeals.

Upon motion made (Scarpelli), seconded (Muir), and carried unanimously (all present voting), the meeting was adjourned at 8:45 p.m.

By: _____
Joan M. Gruce
Planning and Zoning Administrator/Clerk

