

## **ZONING BOARD OF APPEALS**

**MARCH 7, 2007**

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in the Town Hall on Wednesday, March 7, 2007.

Attendance: Richard Puskar, Chairman; Michael Muir; Carl Scarpelli; Joseph Vitrella; John Savino

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

Chairman called meeting to order at 7:35 p.m.; Mr. Vitrella 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.

07-11) Atty. Raymond Rizio represented the applicants. The house was built off Park Lane, and the Bilco door violates the rear line by 9 inches, and the chimney by 5 inches from Jane Ryan School parking lot. It was not done intentionally, and these two items were added after construction. The house was tilted a little on the lot, and granting the variances will not impact the school.

07-12) David Rosenburg submitted plans for the proposed deck, photographs, and letters from surrounding neighbors. The house was built in '77, and the deck in the back is unsafe and must be replaced. There are large trees in the rear.

07-13) Mrs. and Mrs. Carroccia appeared regarding their pool application. The variance is requested so that the pool will not be too close to the house. There is evergreen screening, and a fence will be installed as a requirement of the pool. A new plan was submitted showing the pool location. Their house is set way back from the street, and there is a pond in the back. The property to the rear has a deep back yard. They have planted arborvitae, and will put additional plantings as needed.

07-14) Mollie Keller indicated the house was built in 1845, and they would like to construct a one-story addition out the back so that they can remain on one floor. Letters were submitted from 2 adjacent neighbors in favor. There is a large privet hedge in the back.

07-15) David Verespy appeared and indicated there is a 52 foot grade difference from the front to the middle of the property, and this is the only logical location for the garage and addition. He submitted elevations which are a work in progress.

07-16) Daniel Walsh indicated his family has grown, and they are adding a bedroom. It is a non-conforming lot to begin with, and there is an unusual lot line which requires a

variance if they go straight back from the existing house. They have discussed it with the neighbors, and they requested screening.

07-17) Stephen Wing indicated he is an agent for the applicant. The property is owned by a Utah corporation. The fence is requested to relieve concerns about safety and liability because of the use of the church's property by the neighbors. Photographs were submitted of adjacent properties, and church parking lot. They asked the Warrens (neighbors) not to park in the church's lot, but they installed a mailbox on church property, have UPS deliveries, and have friends park there. They would like to install a 6 foot steel chain link fence with brown slats on the west side and as a dumpster enclosure. Most adults and teenagers can climb a 4 foot fence, and at one point there is a stone wall constructed near the property line that they can use to climb over. They could accept a 5 foot except for places like the Akoury property.

Bill Guida, facilities manager for the church, spoke in favor, and indicated the neighbors regularly park their cars in the parking lot.

Bruce Stratford, 189 Broadway Rd., is in favor of the fence to preserve the safety of the parking lot.

Wes Gallaway, 65 Bonnie View Dr., is in favor to keep trespassers out. He has found too many alcohol bottles.

Mr. and Mrs. Warren are opposed to a 6 foot fence. They are not opposed to a fence, but not 6 feet in height. They should put a fence around the whole church. They also stated the fire department has to access their property from the parking lot. They submitted a petition with signatures in opposition.

Mr. and Mrs. Lisi are opposed and disputed the property line.

Grace Amarante, 19 Bonnie View Drive, has lived there for 19 years, and people going to church block her driveway. At night the church has parties.

Anthony Amarante, 19 Bonnie View Dr., is opposed to a fence at all heights. He stated the cars go the wrong way on the driveway, and submitted pictures.

Stephen Wing submitted copy of letter dated 3-15-05. He indicated the Lisi driveway has two driveways. In regard to fire safety, the lot was wooded until the church was built, but the house has been there since 1914. He requested the hearing be continued to discuss the fence. Upon motion made (Scarpelli), seconded (Savino), and carried unanimously (all present voting), it was voted to continue hearing to April 4, 2007.

07-18) Atty. Raymond Rizio represented the applicant, and submitted planimetric and deed with other land information. This property was supposed to be 3.2 acres, but it is now 2.8 acres. It is bordered by Booth Hill School, and there is a private street from the school to Skyview Drive. The driveway to the back lot was going to be on the other side, but it would impact 5 houses and require a variance because it was too long. He submitted photos of the site, and stated the back lot will be twice the size of the lots in the area. They will eliminate the request for a portion of the driveway to serve both lots, and the existing house will be served by the driveway on the other side. There will be no access from the rear of the property to the path maintained by the Town. They will

also agree to a planting plan along the driveway serving Lot 2. There is no impact to the area and no new curb cuts.

07-19) Atty. Joseph Hammer represented the applicant. Nancy Matthews, Chancellor for the Bridgeport Catholic Diocese was also present, as well as Charles Spath who did the map work. They are separating the house lot from the convalescent home property which was sold.

Nancy Matthews spoke in favor.

Atty. Scotia Ryer spoke in favor on behalf of the owners of the convalescent home.

The public hearing closed at 9:50 p.m.

The meeting was reconvened to act on the following:

**07-11) Drew and Cheryl Ciambriello.** 198 Park Lane. Upon motion made (Vitrella), 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 install bilco door 49' from rear property line, and construct dwelling 19' from N/S 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.

**07-12) Ann-Cathrin & David Rosenburg.** 30 October Lane. Upon motion made (Savino), seconded (Vitrella), 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 deck 33' from rear property line, is hereby APPROVED, subject to the following conditions:

1. Evergreen screening shall be provided in the area of the deck along the rear property line; size and species shall be approved by the Town Tree Warden, Warren Jacques.
2. A certified notice of variance shall be recorded in the Land Records in the name of the record owner.

**07-13) Julie & Giacomo Carroccia.** 53 Oakland Drive. Upon motion made (Vitrella), seconded (Scarpelli), 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 in-ground swimming pool 15' from rear property line, is hereby APPROVED, subject to the following conditions:

1. Evergreen screening shall be provided along the rear property line; size and species shall be approved by the Town Tree Warden, Warren Jacques.
2. A certified notice of variance shall be recorded in the Land Records in the name of the record owner.

**07-14) David J. & Mollie Keller.** 1944 Huntington Turnpike. Upon motion made (Vitrella), 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 addition 20' 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.

**07-15) David & Erin Verespy.** 15 Rock Spring Road. Upon motion made (Muir), seconded (Vitrella), 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 two-car garage and addition 28' from front 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 found a practical difficulty existed due to steep grades on the property; this is the only place the addition could be constructed.

**07-16) Mary Beth and Daniel Walsh.** 32 Topaz Lane. Upon motion made (Vitrella), 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 addition 17' from N/S property line at closest point, is hereby APPROVED, subject to the following conditions:

1. Evergreen screening shall be provided in the area of the addition along the north side property line; size and species shall be approved by the Town Tree Warden, Warren Jacques.
2. A certified notice of variance shall be recorded in the Land Records in the name of the record owner.

**07-17) Stephen Wing for Church of Jesus Christ of Latter-Day Saints.** 26 Bonnie View Drive. Hearing continued to April 4, 2007.

**07-18) Michael Liberatore.** Lots 1 & 2 as shown on proposed subdivision map dated 5-16-06, with street address of 527 Booth Hill Rd. Upon motion made (Vitrella), 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. 9, with respect to insufficient minimum yard requirements for existing house on Lot 1, 5.5' from proposed N/S property line, and existing shed 12.1' from proposed N/S property line; with respect to insufficient minimum lot area for interior Lot 2 (1.80 acres), and insufficient required square on Lot 2 of 250' x 175', to subdivide property, is hereby APPROVED, subject to the following conditions:

1. All utilities serving Lot 2 shall be underground.
2. Evergreen screening shall be provided along the north side of the driveway for Lot 2; size and species shall be approved by the Town Tree Warden, Warren Jacques.
3. A certified notice of variance shall be recorded in the Land Records in the name of the record owner.

Please note that the request for the common driveway was withdrawn at the meeting, and is not included in this approval.

The subdivision map shall be endorsed by the Planning and Zoning Commission, and filed and recorded in the office of the Town Clerk.

**07-19) Saint Joseph's Manor, Inc.** Lots 1A and 1B as shown on proposed resubdivision map dated 2-12-07, with street address of 6448 Main St. Upon motion made (Savino), seconded (Muir), 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 for existing house (Lot 1B) 23.4' from proposed rear property line; variance of Art. II, Sec. 1, Par. B(5)(c), (d), (e) and (j), with respect to insufficient buffer requirements (Lot 1A) to locate existing parking spaces between nursing home and white house within buffer area required; variance with respect to insufficient minimum yard requirements for existing nursing home (Lot 1A) 28.2' from proposed front property line; and variance with respect to permitting building coverage (Lot 1A) in excess of maximum set forth, 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 resubdivision map shall be endorsed by the Planning and Zoning Commission, and filed and recorded in the office of the Town Clerk.

The effective date of action was set for March 28, 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.

The meeting adjourned at 10:15 p.m.

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

