

**ZONING BOARD OF APPEALS**  
**October 5, 2011**

A regularly scheduled meeting of the Zoning Board of Appeals, of the Town of Trumbull, was held in the Council Chambers of the Trumbull Town Hall on Wednesday, October 5, 2011.

Members Present: Michael Muir, Chairman  
David Preusch, Richard Puskar, Carl Scarpelli and alternates  
Richard Mayo and William Malmstedt

The following is a brief summary of the meeting. A 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 7:35 p.m.

In the absence of Commissioner Vitrella, alternate William Malmstedt was designated as the fifth voting member for tonight's meeting.

**PUBLIC HEARING**

The Public Hearing began with the announcement that Application #11-31, Greater Bridgeport Board of Realtors, 572 White Plains Road, had been withdrawn.

Application #11-35 – Richard and Sharon Walsh  
639 Garden Street

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand an existing non-conforming use to extend existing sunroom an additional 3' to 13.1' from the S/S property line.

The applicant, Richard Walsh, came forward. The specifics of the proposed extension were reviewed. Photographs of the site area, along with letters from abutting S/S neighbors, Lawrence McTiernan, 31 Grove St. and Sharon Cloutier, 35 Grove St., in support of the proposed construction were submitted into the record. Upon inquiry, the applicant confirmed that the existing roofline would not be altered. It was noted that the residence most directly affected was situated some distance away.

Application #11-36 – Robert Cipolla, Jr.  
15 Randolph Place

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand an existing non-conforming use to construct a 20'x8' deck 39.5' from the front property line.

The applicant, Robert Cipolla came forward and detailed the proposed construction. Skepticism was voiced as to whether the steps to the 20'x8' deck could be contained within the proposed 39.5' setback. The applicant reiterated his intention to remain within the stated front yard encroachment.

Application #11-37 – Patrick and Regina Burns  
110 Gilbert Drive

Variance of Art. II, Sec. 1.2.2.1 to construct a 1,010 sq. ft. (864 sq. ft. allowed) two-car detached garage, for a total of four garage spaces (3 allowed).

Mr. and Mrs. Burns were the presenters. The applicants advised of the need for an oversized garage to park their large pick-up truck and provide storage space for their lawn equipment. The submitted plans indicated the proposed structure's dimensions as 28'x36' and 15' in height.

A packet, containing detailed drawings, letters of support from Rina Malfettone, 21 Tuckahoe Rd., Mary Birarelli 119 Gilbert Dr. and Josephine Faustine, 96 Gilbert Dr. along with a list of Trumbull properties with similar sized structures, was submitted. Drainage computations complied by The Huntington Company were also presented.

Inquiry was made as to whether other alternatives had been considered such as an addition or storage shed. The applicant indicated that the location of the house and the topography of the land make the proposed alternatives unaccommodating. Mrs. Burns also relayed her desire to preserve the existing landscaping.

Application #11-38 – Keith Murphy  
9 Oakland Drive

Variance of Art. I, Sec. 4 and Art. III, Sec. 1 with respect to insufficient yard requirements to expand an existing non-conforming use to construct a 28'x28' two-car garage 12.87' from the E/S property line and a 40' porch 20.33' (including steps) from the front property line.

This was a resubmission of a previous application (#11-24), which was denied without prejudice.

The applicant, Keith Murphy, came forward and submitted handouts of the proposed modifications to his previous application.

The revised plans indicated an open spindled front porch with the steps located on the side. The applicant advised that the proposed design was aesthetically comparable to other structures in the neighborhood. It was noted that as the depth of the two-car garage has been reduced to 28', a rear setback variance is no longer required.

## Public Comment

Sandra DeAmico , 15 Oakland Dr. and the abutting E/S property owner spoke in opposition. Ms. DeAmico was opposed to any further encroachment to her property line and expressed concern that extending the existing non-conforming use would be a deterrent to the value of her property.

Mr. Murphy advised of his intention to erect a fence along the E/S property line.

### Application #11-39 – ABC Sign Corporation, 61 Monroe Turnpike

Variance of Art. II, Sec. 4.2.7(d) to install 6’x15’-8” and 4’x10’-5” wall identification signage each exceeding the 32 sq. ft. of sign area allowable.

The presentation was conducted by Larry Bourque of ABC Sign Corporation. Mr. Bourque began by announcing that the 6’x15’-8” sign was not on the table for tonight’s Public Hearing. The only hearing item was the proposed 4’x10’-5” identification sign.

The proposed internally illuminated wall sign was to identify the Tennis Club of Trumbull. The submitted plan indicated the sign area to be 41.75 sq. ft. Upon inquiry, Mr. Bourque advised that, due to the size of the building, a smaller conforming sign would not be suitable.

### Application #11-40 – ABC Sign Corporation 20 Trefoil Drive

Variance of Art. II, Sec. 4.2.7(a) pertaining to the content and size of two 5’x2’ directional signs that exceed the maximum size allowable (2 sq. ft.).

Larry Bourque of ABC Sign Corporation came forward. Mr. Bourque advised that as the building is hidden from the road, the driveway entrance sign requires non-conforming content to identify the driveway as the entryway to the YMCA property.

There was some objection voiced regarding the height of the directional signage and the applicant was questioned as to the possibility of having it lowered. Mr. Bourque asked that the Public Hearing be continued to consult with his client concerning possible revisions.

MOTION MADE (Puskar), seconded (Scarpelli) and unanimously carried (Muir, Malmstedt, Preusch, Puskar, Scarpelli) to continue the Public Hearing for Application #11-40 – ABC Sign Corporation, 20 Trefoil Dr., until the next regularly scheduled meeting (November 2, 2011).

Application #11-41 – Joel Sjöstrom/Ageis Atlantic, Agent for Peets Coffee & Tea  
5065 Main Street (Westfield Shopping Center)

Variance of Art. II, Sec. 3.1.7(a) to install exterior identification signage less than 500' from residential properties located on Sunnysdale Road.

Richard Petrizzi appeared representing Ageis Atlantic. The submitted design indicated a 11'-7" w x 2'-10" h wooden sign. Mr. Petrizzi advised that the facility is located 370 feet from the nearest residential property line and 440 feet from the nearest residence. The proposed exterior sign would be illuminated but remain unlit after closing hours.

This concluded the Public Hearing.

### **REGULAR MEETING**

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

Application #11-35 – Richard and Sharon Walsh, 639 Garden Street

MOTION MADE (Scarpelli), seconded (Puskar) and unanimously carried (Muir, Malmstedt, Preusch, Puskar, Scarpelli) to approve Application #11-35, as presented and plans submitted.

Determined to be a minor deviation of the existing non-conforming use.

Application #11-36 – Robert Cipolla, Jr., 15 Randolph Place

MOTION MADE (Puskar) and seconded (Scarpelli) to approve Application #11-36.

Comment was made that, based on the deck's dimensions (20'x8'), it was unlikely that the applicant would be able to construct the steps within the 39.5' proposed front setback.

MOTION MADE (Preusch), seconded (Malmstedt) and unanimously carried (Muir, Malmstedt, Preusch, Puskar, Scarpelli) to amend the original motion to include the following specific condition.

1. The deck, including the steps, shall not extend beyond a setback of 39.5' from the front property line.

Vote: Original Motion as Amended – Unanimous

Application #11-36 Approved as Specified.

Application #11-37 – Patrick & Regina Burns, 110 Gilbert Drive

MOTION MADE (Puskar) and seconded (Scarpelli) to approve Application #11-37.

Vote: In Favor: 0 - Opposed 5 (Muir, Malmstedt, Preusch, Puskar, Scarpelli)  
Application #11-37 Denied for the following reasons.

1. No evidence of a hardship was identified.
2. Other viable alternatives should be explored; specifically a smaller one-car garage, storage shed or addition.

Application #11-38 – Keith Murphy, 9 Oakland Drive

MOTION MADE (Puskar) and seconded (Scarpelli) to approve Application #11-38.

It was noted that the applicant has addressed the Commission's concerns relative to the previous application. The open porch, as shown on the submitted drawings, will enhance both the home and the neighborhood.

Suggestion was made that the width of the garage be decreased to 27', the standard width of a common two-car garage, to reduce the encroachment to 13.87' on the eastside property line.

MOTION MADE (Preusch), seconded (Scarpelli) and unanimously carried (Muir, Malmstedt, Preusch, Puskar, Scarpelli) to amend the original motion to include the following specific condition.

1. Width of the garage to be modified to 27' and constructed no closer than 13.87' from the E/S property line.

Vote: Original Motion as Amended – Unanimous

Application #11-38 Approved as Modified.

Application #11-39 – ABC Sign Corporation, 61 Monroe Turnpike

MOTION MADE (Puskar) and seconded (Scarpelli) to approve Application #11-39.

Vote: In Favor: 0 - Opposed (5): Muir, Malmstedt, Preusch, Puskar, Scarpelli

Application #11-39 Denied for the following reasons.

1. No evidence of a hardship has been presented.
2. The building can be amply identified within the criteria of the regulations.

Application #11-41 – Joel Sjostrom/Ageis Atlantic, Agent for Peets Coffee and Tea,  
5065 Main Street (Westfield Shopping Center)

MOTION MADE (Scarpelli), seconded (Puskar) and unanimously carried (Muir, Malmstedt, Preusch, Puskar, Scarpelli) to approve Application #11-41, as presented and plans submitted.

Proposal was considered a minor deviation to the zoning regulations with no apparent opposition from the nearest residential property owners.

Proposed revisions to the application form were distributed. Commissioners were asked to submit any suggestions or amendments to the Clerk prior to the next regularly scheduled meeting at which time the subject will be readdressed.

There being no further business to discuss a motion was made by Commissioner Puskar and seconded by Commissioner Scarpelli to adjourn. The October 5, 2011 meeting of the Zoning Board of Appeals adjourned at 8:47 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, November 2, 2011 at 7:30 p.m. in the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
Clerk of the Zoning Board of Appeals

