

**ZONING BOARD OF APPEALS**  
**October 1, 2014**

A regularly scheduled meeting of the Zoning Board of Appeals was held in the Council Chambers of the Trumbull Town Hall on Wednesday, October 1, 2014.

Members Present: Richard Puskar, Vice-Chairman  
Richard Mayo, Dennis Miko, Carl Scarpelli and alternates  
Brian Reilly, Joseph Rescsanski

Also Present: Douglas Wenz, ZEO

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 located in the Trumbull Town Hall.

Tonight's meeting was chaired by Vice-Chairman Puskar.

**PUBLIC HEARING**

In the absence of Chairman Muir, Joseph Rescsanski was designated the fifth voting member for tonight's meeting.

Application #14-43 – Michael Masanotti  
24 Rocky Hill Road

Variance of Art. II, Sec. 1.3.2.4 with respect to approval of existing oversized 28'x15' pool house.

The applicant, Michael Masanotti, came forward.

Mr. Masanotti advised that the structure was erected without the required permits, which he now hopes to rectify.

Upon inquiry, the applicant informed that the pool cabana is being utilized as a residence, by a relative, but will be vacated within the next couple of weeks. Mr. Masanaotti disclosed that the structure is insulated and also contains electricity and plumbing.

It was suggested, and the applicant agreed, to continue the public hearing to allow for a walkthrough to determine the extent of the residential features contained within this structure.

MOTION MADE (Miko), seconded (Scarpelli) and unanimously carried (Puskar, Mayo, Miko, Rescsanski, Scarpelli) to continue the public hearing for Application #14-42 until the next regularly scheduled meeting (November 5, 2014).

Application #14-44 – Oleg Shikhman  
286 Strobel Road

Variance of Art. I, Sec. 4.3.1 and Art. III, Sec. 1 with respect to approval of an existing 531 sq. ft. deck, with proposed roof cover, located 38' from the rear property line and 18.1' from the E/S property line, at its closest point.

The presentation was conducted by Mr. Shikhman. The applicant advised that the deck was constructed to replace the existing structure, which was in disrepair. At that time, the contractor agreed to be responsible for obtaining all necessary approvals from the town. Mr. Shikhman indicated that he tried to obtain copies of the permits from the builder but was unsuccessful. When he inquired at Town Hall, he was informed that permits were never applied for.

The submitted plans were reviewed and the inclusion of a proposed roof cover was so noted for the record.

Upon inquiry, Mr. Shikhman advised that notification was sent to all adjoining property owners and that no negative feedback has been received.

Application #14-45 – James Teixeira  
Resubdivision Map, dated May 27, 2014, Prepared for James Teixeira with street address of 44 Endeavor Street.

Variance of Art. I, Sec. 4.1.1 with respect to increasing extent of existing non-conformity of Parcel 103; Art. III, Sec. 1 with respect to insufficient lot area (8,000 sq. ft.) Parcel 103 and (8,000 sq. ft.) Parcel 101; insufficient frontage (80') Parcel 103 and (80') Parcel 101; insufficient N/S setback (16.3) Parcel 103, insufficient S/S setback (15') Parcel 101, insufficient front setback (30') Parcel 101 and insufficient rear setback (25') Parcel 101 to re-subdivide and construct dwelling on Parcel 101.

Attorney David Quatrella came forward representing the applicant. He advised that Mr. Teixeira is under contract to purchase Parcel 101 from Bartolomeo and Loretta Russo of 44 Endeavor Street (Parcel 103). He made known that the pending sale is contingent upon approval from this Board for the variances needed.

Mr. Quatrella advised that Endeavor Street is a very old neighborhood consisting primarily of non-conforming lots and houses. The parcels, both being 80'x100' in size, were part of a subdivision created in 1923, which preceded the adoption of the town's zoning regulations. Mr. Russo purchased the property known as 44 Endeavor Street in 1968 and about two years later he purchased the vacant Parcel 101, as an investment. Mr. and Mrs. Russo hope to sell this vacant lot to assist them with their medical costs.

The applicant's representative noted that in 2008 Planning and Zoning adopted an amendment to the regulations that effectively merged two non-conforming lots into one lot. He stressed the fact that the lots in question were always, and still are, taxed as two separate parcels and accessed separately, as well.

The following backup was submitted for review: Copies of the deed for each parcel, the assessor's cards, documents pertaining to the extension of the sewer line, original recorded subdivision map, Vision appraisal field cards showing the parcels as being assessed as two separate lots, a list of the 11 lots in the neighborhood having similar acreage with corresponding field cards and photographs of each property, a photograph of the assessor's field card showing all the properties within proximity to Mr. and Mrs. Russo's lots, copy of variance granted in 1995 for 16 Endeavor Street, a petition with 10 signatures in support of the application, a letter from Mr. and Mrs. Russo and data identifying the only conforming lot in this area.

In addressing the nine variances being sought, Attorney Quatrella noted that if it weren't for the merger issue adopted in 2008, some 45 years after the Russo's bought the additional lot, only four setback variances would have been required.

The hardship, as presented, was based upon the following: The property owners were unaware of the regulation change and that the parcels were purchased at two separate times with the clear intention of developing them separately.

The proposed building plans were then reviewed. The intended dwelling was shown as a two-story colonial style home with 2,800 sq. ft. of living area.

Comments from the Commission centered on the size of the proposed dwelling, which was indicated as being larger than the majority of homes in the area and whether a legal hardship has been identified.

#### Public Comment

Bart Russo came forward informing that he and his wife are relying on the sale of this property to help defray the cost of their medical needs.

Joseph Verone, attorney for Mr. and Mrs. Russo, commented that even though financial needs do not constitute a hardship he asked that whole picture be taken into consideration, when deliberating.

### **REGULAR MEETING**

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

Application #14-44 – Oleg Shikhman  
286 Strobel Road

MOTION MADE (Scarpelli), seconded (Mayo) and unanimously carried (Puskar, Mayo, Miko, Rescsanski, Scarpelli), to APPROVE Application #14-44, as presented and plans submitted.

Application #14-45 – James Teixeira  
Re-subdivision 44 Endeavor Street

MOTION MADE (Scarpelli) and seconded (Miko) to APPROVE Application #14-45

Vote: In Favor (3): Mayo, Miko, Scarpelli - Opposed (2): Puskar, Rescsanski MOTION FAILS  
Those voting in opposition indicated that the existence of a legal hardship had not been established.

There being no further business to address, a motion was made by Commissioner Miko and seconded by Commissioner Scarpelli to adjourn.

The October 1, 2014 meeting of the Zoning Board of Appeals adjourned at 8:30 p.m. with unanimous consent.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on Wednesday, November 5, 2014 at 7:30 p.m. in the Council Chambers of the Trumbull Town Hall.

Respectfully submitted,

Helen Granskog  
ZBA Administrator/Clerk