

Board of Zoning Appeals – Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, January 17, 2012 at 7:30pm

AGENDA:

- #112-1 David & Louisa Dunn at 52 Patricia Drive
- #112-2 Richard & Erin Montefusco at 18 Walnut Tree Hill Road
- #112-3 Joe Pereira of Pereira Engineering at 500 Shelton Avenue
- #112-4 Michael Walker at 67 Indian Well Road

Mr. Glover: Alright good evening ladies and gentlemen and welcome to the January meeting of the Zoning Board of Appeals. We meet monthly. When we meet we have hearings. When you appear before this Board you are giving testimony. This is a hearing. We record the hearings on tape recorders and later on in the month they'll be transcribed and that will constitute the record and that record is what will go to court in case you don't like what we do here tonight. The tape recorders are not especially good quality, but they're good enough to pick up conversations that are in the room and to corrupt the record. So if you're going to have any conversations inside the room, don't have them. Go outside and have your conversations. We have to have a clear record. Our regulations require that your property was posted, that you have notified you neighbor by registered mail, and that you provide us with four pictures of your property. If you have those when the time, when your hearing comes up, I will accept them and we will continue on with the hearing. If you don't have them, then we will continue the hearing until a future date when you can bring them. To my left is Commissioner Linda Adanti and our clerk, Lori Michalak. I'm Gerry Glover. To my right is Commissioner Ed Conklin and to his right is Commissioner Phil Cavallaro. The Zoning Board of Appeals has five members. There are four here tonight, that constitutes a quorum for us; however, because it's an appeal, in order to be successful you have to get four out of the five votes. So we have enough to have the hearing and we have enough to vote, but in fairness to you when it comes time to vote you can ask for us to table the vote, hold it over until another commissioner can familiarize himself with the hearing and then you'll have the opportunity to get one negative vote and still prevail. But if you go on tonight accepting the four that are here, it will not be an issue at appeal. Ed?

#112-1 52 Patricia Drive, David & Louisa Dunn of 52 Patricia Drive, Shelton, CT are seeking to waive Section 24.12.1 by varying the maximum square footage from 750 sq. ft. to 1020 sq. ft. and the maximum height from 20 ft. to 22 ft. for a 30'x34'x22' detached garage.

Mr. Glover: Mr. & Mrs. Dunn? Would you come forward please? Please have a seat. If you're in the back of the room and you can't hear any part of the hearing, feel free to move closer to the front. You can even come up and sit at the table if you like. So if you can't hear and want to, move closer. Alright, the, Mr. & Mrs. Dunn are the applicants and they will have, state their case. And after they finish with their case we'll ask for people who may be in favor of it and then ask for people who may be opposed on it. At this time of the hearing it is inappropriate for you to talk, just to listen. May you, or would you please give your name and address for the record?

Mr. Dunn: David Dunn, 52 Patricia Drive

Mr. Glover: And Mr. Dunn, can you tell us what you want to do and why you can't conform to the regulations, zoning regulations of the City of Shelton?

Mr. Dunn: Well, I only have one area on my property that I can build the garage and I need to be able to put a trailer inside of it. So we're allowed 750 sq. ft. and we're just asking for 9 feet more in length.

Mr. Glover: You're asking for a square foot from 750 to 1020

Mr. Dunn: Which comes out to 9 from a, 9 feet. We're allowed, 9 square, 9 feet deep, we're allowed 30x25 would be 750, and I'm asking for 34

Mr. Glover: But what you're asking for is a variance from the required 750 to 1020

Mr. Dunn: Yes

Mr. Glover: And you're asking for a variance from the height from the required 20 to 22

Mr. Dunn: 22

Mr. Glover: Okay, but why

Mr. Dunn: We can't attach it to the house because of the way the topography is. It's, we're on the top of a pitch

Mr. Glover: May I have your pictures please?

Mr. Dunn: Sure

Mr. Glover: And you might as well give me the receipts too.

Mr. Dunn: I'm going to pass these around

Mr. Glover: Alright I have, hold on, I have three receipts here from three neighbors?

Mr. Dunn: Yes

Mr. Glover: These are all your abutting neighbors?

Mrs. Dunn: Yes

Mr. Glover: Go ahead

Mr. Dunn: Okay, this is the, going into the house where the garage used to be, that's the angle of approach we have. So we can't, we pretty much can't use it for going in and out. Looking down from that point, (I'll go this way and go around),

Mr. Glover: Let's do it right

Mr. Dunn: okay, looking down

Mr. Glover: hold on, this is the approach to what?

Mr. Dunn: to the house

Mr. Glover: to your house?

Mr. Dunn: Yes

Mr. Glover: so your house is

Mr. Dunn: up to the left, to your left

Mr. Glover: behind the red SUV

Mr. Dunn: Correct

Mr. Glover: alright, next?

Mr. Dunn: We put a couple pictures together here so you can get an idea from that point looking down to where the most level part of the yard is

Mr. Glover: Alright, um, and the house would be where I am

Mr. Dunn: Yes, we're behind where that other picture of the red vehicle was, looking down. Here's a couple of pictures looking down. If you see this red truck that's where the garage would be. This one's a little closer.

Mr. Glover: The red truck is where the, it would be

Mr. Dunn: Where we propose to put the garage

Mr. Glover: And in all the pictures the red truck is in the same location?

Mr. Dunn: That's not the same red truck

Mr. Glover: No, no, I'm not asking you that. In all the pictures your giving, the red truck is in the same location

Mr. Dunn: yes

Mr. Glover: it's just closer on some

Mr. Dunn: Yes, exactly

Mr. Cavallaro: Where is your house, here?

Mr. Dunn: This is my house, our property goes from here to here. It's a complete corner unit here

Mr. Cavallaro: That's a neighbor here

Mr. Dunn: This is a neighboring house here

Mr. Glover: Phil, Lori can't pick up your questions, you have to speak a little louder

Mr. Cavallaro: I was just questioning where is house was in relationship

Mr. Conklin: So 1 acre

Mr. Dunn: It's over an acre

Mr. Conklin: over an acre

Mr. Dunn: over an acre

Mr. Glover: And you live on a corner lot

Mr. Dunn: It is a corner lot

Mr. Glover: Alright, so Hunter Ridge and Patricia Drive. And again, in all these pictures you're planning to put the garage where the red truck is

Mr. Dunn: Yes, I circled on one of the pictures so you can get an idea where

Mrs. Dunn: This one

Mr. Glover: that's fine

Mr. Dunn: There's one that's a little closer you can see it a little better

Mr. Glover: It's the same picture so you keep that one and we'll keep

Mr. Dunn: yeah, they're all the same

Mr. Glover: Okay.

Mr. Dunn: These are just other pictures of the front looking up toward the house, so you can get an idea of what we're dealing with. In this one basically behind these trees is where the garage would be

Mr. Cavallaro: and this is looking from your house

Mr. Dunn: This one's looking from down at the corner looking up, just left to that other picture I sent you

Mr. Glover: alright, we have a picture here of I guess it's your wife standing next to the mailbox

Mr. Dunn: Picking up the mail, yeah

Mr. Glover: That's alright, we have to identify the pictures somehow. If it goes to court we can't just this picture is this and this picture is that. So this is a picture of your house and it can be identified by your wife standing by the mailbox

Mr. Dunn: Absolutely

Mr. Glover: And this is a picture from the street looking up at your house

Mr. Dunn: looking up at the house

Mr. Glover: and this next one

Mr. Dunn: That's a little closer to the left of that picture

Mr. Glover: Is this where the garage is going to go?

Mr. Dunn: Behind that, the first couple trees

Mr. Glover: Okay. And this is a picture that looks like it has a blue tarp in the backyard

Mr. Dunn: Well, that's what's, we have now

Mr. Glover: Okay, but in, behind those trees or in the area of those trees where the blue tarp is

Mr. Dunn: yes

Mr. Glover: that's where the building is going to go

Mr. Dunn: exactly. Here's another picture similar to the last one you looked at but you might be able to tell a little better

Mr. Conklin: what relationship is this blue tarp, or this tarp?

Mr. Dunn: in that picture there? That's that blue tarp right there you're looking at

Mr. Conklin: Oh okay, that is that one, it is that one

Mr. Dunn: The trucks weren't there when we took, the vehicles weren't there so that's why you can see it. I'm taking that picture from down here looking up.

Mr. Glover: And this last picture is a

Mr. Dunn: it's similar to the

Mr. Glover: it's a picture of a blue tarp with a red truck next to it

Mr. Dunn: okay

Mr. Glover: right?

Mr. Dunn: Yes

Mr. Glover: And this is, the blue tarp and red truck that area is where the building is going to be

Mr. Dunn: Yes

Mr. Glover: Alright, so your, your desire is to build a building that is bigger than normal and because it's wider than, or deeper than normal it's going to be higher, is that correct?

Mr. Dunn: Yes

Mr. Glover: Um, what is the design of the building? Is it a gable roof, gambrel roof?

Mr. Dunn: I have a, we have a design like right here, the gabriel

Mr. Glover: gambrel?

Mr. Dunn: gambrel

Mr. Glover: Okay, so it's a barn

Mr. Dunn: barn style

Mr. Glover: Okay

Mr. Dunn: two car garage

Mr. Glover: and the doors are facing the same way as the house?

Mr. Dunn: yes, it will be, the doors will be facing

Mr. Glover: So the front of the house faces Patricia Drive

Mr. Dunn: yes

Mr. Glover: and the two doors on that gambrel

Mr. Dunn: will be facing

Mr. Glover: garage will be facing the garage, or Patricia

Mr. Dunn: the house

Mr. Glover: Patricia or facing the house?

Mr. Dunn: It will be facing the house

Mr. Glover: Okay, so they'll be facing, with the back of the building to Hunter Ridge

Mr. Dunn: Yes

Mr. Glover: Okay. And you're far enough away from Hunter Ridge

Mr. Dunn: Yes, we have a lot of room. The setbacks are, we're keeping them on all corners.

Mr. Glover: What is the dimension, what are the dimensions to the garage?

Mr. Dunn: Uh

Mrs. Dunn: it's 30 by 34

Mr. Dunn: 30 by 34, 30 wide, 34 deep, 22 height

Mr. Glover: And you have stairs inside it to the second floor?

Mr. Dunn: Well that was a question, I think we spoke about it once before, I was gonna, in our previous design we were going to do we were going to put the stairs on the inside. But I didn't know if, what would be wrong with putting them on the outside since it's going to be a smaller garage.

Mr. Glover: There's nothing

Mr. Dunn: We can't do it?

Mr. Glover: as long as you're within the setbacks you can put the stairs wherever you want to put them

Mrs. Dunn: Okay

Mr. Dunn: yeah, because it's going to be tight. I'd rather have it in the inside but we are going to get a little uh

Mr. Glover: But the area upstairs, what are you going to use it for?

Mr. Dunn: that's just storage for all our yard equipment, pool you know, our, we don't have, chairs, actually I can show you a picture of what, some, this is where we're putting it now. Everything is out there on the deck

Mr. Glover: There's um, there's going to be no water in this garage?

Mr. Dunn: No water

Mr. Glover: So there's no bathroom?

Mr. Dunn: No bathroom

Mr. Glover: Okay, and the first uh, the second level is just for storage

Mr. Dunn: Just for storage

Mr. Cavallaro: Is this the actual

Mr. Dunn: No it's not

Mr. Cavallaro: Okay, because the dimensions are different

Mr. Dunn: Right, yeah, once we uh, you know, I want to get a design like this and the outside paneling we want to go with something similar to this one.

Mr. Conklin: so vertical barn board?

Mr. Dunn: vertical barn board

Mr. Glover: And in this 30 x 34 garage, tell me what you're going to keep in it?

Mr. Dunn: Well, I have a boat that's outside that's next to that big blue tarp. And a couple classic cars.

Mr. Glover: What size are the garage doors?

Mr. Dunn: they're going to be 9 wide, 8 high

Mr. Glover: And there's two of them?

Mr. Dunn: two of them

Mr. Glover: And on the front, on the surface, just that one side, nothing on the back or sides

Mr. Dunn: no, nothing on the back

Mr. Glover: How are you going to get electricity to the garage?

Mr. Dunn: Um, I'll have to talk to the electrician on that one and see if we can get it from the house, or if we can, see if we can get it from outside?

Mr. Glover: No, they won't let you put another service

Mr. Dunn: They won't let us put a service?

Mr. Glover: No

Mr. Dunn: It might have to come from the house

Mr. Glover: Okay. And is this the only place you can put this garage?

Mrs. Dunn: yes

Mr. Dunn: It is the only place. The septic's on the other, the right side of our house. The backyard is, the house is built close to the property line on the back, we can't put it around the rear

Mr. Glover: This is all residential use, no commercial use?

Mr. Dunn: no commercial, I have my own business in Trumbull already, that we do all the repairs. This is just a place to put it, you know, once we finish a car it's a place to store it.

Mr. Glover: What kind of business are you in?

Mr. Dunn: I've got a repair shop on Main Street in Trumbull, Dunn Service

Mr. Glover: Mechanical work

Mr. Dunn: Yes

Mr. Glover: Okay, but this is just for your cars?

Mr. Dunn: This is just for my personal cars. We have a place to work on them already

Mr. Glover: No tow trucks?

Mr. Dunn: No tow trucks, long gone.

Mr. Glover: Alright, does the Board have any other questions?

Ms. Adanti: Can I just see the pictures please?

Mr. Glover: Yeah

Ms. Adanti: I'd like to see the design

Mr. Glover: That gambrel is a basic design and that's the storage on his deck Linda, and that's the color of the building that he'd like it to be

Ms. Adanti: Okay, thank you, I just wanted to see the

Mr. Dunn: we don't have, there's no attic in the house, it was designed where you can't really use an attic and I haven't got a basement

Mr. Glover: Sir, does your existing house have a two car garage?

Mr. Dunn: It had a two car garage. When we bought it, it was converted over. Right now it's a room. It's listed as a room. Alright now, we pulled it down so we can put something in it so I don't destroy it, but the door's got to come off. One door is a dummy, the other one is a real garage door

Mr. Glover: And it's living space now?

Mr. Dunn: It's living space, carpeted, everything

Mr. Glover: It's heated?

Mr. Dunn: it's heated

Mr. Cavallaro: And it was that way when you bought the house?

Mr. Dunn: Yeah, it's listed as a bedroom down there

Mr. Glover: How long have you lived here?

Mr. Dunn: Uh, 17 years?

Mrs. Dunn: Yeah

Mr. Dunn: Close to it.

Mrs. Dunn: Yeah, '96

Mr. Dunn: And we kind of grew, grew out of it

Mr. Glover: Alright, Linda, any questions?

Ms. Adanti: No, I'm all set, thank you

Mr. Glover: Do you guys have any questions? (no) Is there anyone in this room who is in favor of this application? (no response) Anyone opposed? (yes) Now it's

Mr. Dunn: I know

Mr. Glover: You're listeners. Would you give your name and address for the record please?

Mrs. Gluse: Roseann Gluse, 48 Hunters Ridge Road

Mr. Gluse: And Joseph Gluse, 48 Hunters Ridge Road

Mr. Glover: Mrs. Gluse or Mr. Gluse, who's going to speak?

Mr. Gluse: I guess I'm on stage. One of the questions is we know that the setback from the road is from the property line on Hunters Ridge would be 40 feet

Mr. Glover: Yes

Mr. Gluse: and the setback from our property line would be 30 feet

Mr. Glover: Yes, and the setback from the road would be from the property line, which means it's got to be 50 feet from the road, more or less

Mr. Gluse: correct, more or less. My question is what elevation is the garage at? In other words, where is the slab located?

Mr. Glover: Okay

Mr. Gluse: Is it up at the height of my yard or is it down lower?

Mr. Glover: Okay

Mrs. Gluse: if we can see those pictures

Mr. Glover: You can see the pictures, would you like to see them?

Mrs. Gluse: Yes, please

Mr. Glover: absolutely

Mr. Gluse: And I know we were out, we were out the last time they were here and you know, we had talked about where it might be, but there's no actual set dimension as to where the slab would be

Mr. Glover: the height

Mr. Gluse: right, elevation of the slab, which then would affect how much of it we'd see from our dining room window. The other thing is the

Ms. Adanti: Excuse me sir, would this be your house right here? This one? Where are you?

Mr. Gluse: That's correct, that's us. The um, the height that he's asking for is 22 feet, this drawing shows 22 foot 6

Mr. Glover: Yeah, it

Mr. Gluse: with an exterior stair.

Mr. Glover: I believe he showed that picture, his testimony was that he showed that picture just to show

Mr. Gluse: his concept

Mr. Glover: As a concept, yes. Commissioner Cavallaro asked him if, what the size of the building was and he claims it's 30x34 no matter, even though the dimensions are different on that concept

Mr. Gluse: Um, so there will be less space on that second floor for storage if he keeps it at 22 feet, based on this being 30 feet wide instead of whatever this is here, or this is actually shown 30 feet

Mr. Glover: I think it's 34 deep,

Mr. Gluse: 34 long?

Mr. Glover: I think it's 34 deep

Mr. Gluse: or 34 deep?

Mr. Glover: 34 deep

Mr. Gluse: 34 deep, okay.

Mr. Glover: It's 30 wide

Mr. Gluse: Well that would definitely lower the roof and the amount of storage space on the second floor. Is it worth putting a stair on the exterior or is it worth a pull down stair inside and where would the stair be if it is on the exterior?

Mr. Glover: It, we, it doesn't bother us, he doesn't need a variance to put a stair wherever he wants to put the stair

Mr. Gluse: Okay

Mr. Glover: so if, it's his choice whether he puts it on the inside or on the outside or if he puts a pull-down stair. We don't have, as long as he's within the setbacks

Mrs. Gluse: so the stair has to be within the setbacks

Mr. Glover: Absolutely, so if it's on the side that's toward your house, the stair has to be 30 feet from your property

Mr. Gluse: Correct. And then you know, if that's the case then we have a question of lighting and that sort of thing shining in our direction. That's something that I don't think anybody asked about, was the lighting, where it would be and where it would shine. And then what is, where is the actual maximum height of the building measured to? Is it to the ridge?

Mr. Glover: It's measured from the ridge from the average of the back, back of the building to the front of the building, you take an average of that and then measure it up

Mr. Gluse: and that is measured 10 feet out from the building?

Mr. Glover: No, it's measured I think at the building

Mr. Gluse: at the building?

Mr. Glover: yep

Mr. Gluse: Is the existing blue Quonset

Mr. Glover: Yeah?

Mr. Gluse: is that going to go away?

Mr. Glover: I believe that's going to go away because it's going to be replaced by the building. And testimony is that the building is going to go in the area of the

Mrs. Gluse: Well, that's not 30 feet from the property line, that is right on the property line. Yes, there's the fence, it can't go there

Mr. Gluse: He's got to go down

****Several talking at once****

Mr. Glover: He's got to be 30 feet

Mrs. Gluse: the garage has to go right where those trees are

Mr. Glover: He's going to have to show a plot plan that shows that he's 30 feet from the, at least 30 feet from the property line

Mr. Gluse: So he'll need to get it surveyed

Mr. Glover: He'll need a plot plan and he'll probably need to have it surveyed

Mr. Gluse: Any other additional structures other than what we see?

Mr. Glover: Not attached to this building, I mean if he wanted to put a shed someplace on the property as long as he conforms he still has that right.

Mrs. Gluse: they do have a shed

Mr. Gluse: that's based on coverage

Mr. Glover: Yeah

Mr. Gluse: the garage door height?

Mr. Glover: He said 9 feet wide, 8 feet high

Mr. Gluse: Yeah, I really need to know what that elevation is, that's, I think that's rather important.

Mr. Glover: Okay

Mr. Gluse: I can't really fathom where that's going to be height-wise, because right now he's got the boat stored there and he's got the blue tarp enclosure and I can see both of those over my 6 foot fence.

Mr. Glover: Is your 6 foot fence shown on any of those pictures?

Mrs. Gluse: right in back of this (unclear) you can see there

Mr. Glover: Behind the trees? There's a bunch of trees here, is that where you're talking about?

Mr. Gluse: It's right on the backside of those trees

Mrs. Gluse: you can see it right there

Mr. Glover: Oh, I see it yeah, he's

Mrs. Gluse: Barely

Mr. Glover: You can see it

Mrs. Gluse: It goes all, it goes behind the trees also

Mr. Glover: It's dark because it blends in with the trees and the shadows on this, but I see where it is. Alright, so absolutely you're not going to put it where the Quonset hut was, because it's got to be 30 feet

Mr. Dunn: Yeah, it will be over

Mr. Gluse: buffer planting?

Mr. Glover: Yeah, it looks like there's some there now

Mrs. Gluse: Yes, but last time we were here

Mr. Gluse: That's not where the garage is

Mrs. Gluse: he said he was going to continue the plants

Mr. Glover: So that you can't see it, would the buffer planting obstruct your view?

Mr. Gluse: No

Mrs. Gluse: No, the garage is going to be there now

Mr. Gluse: accept to look at the garage

Mrs. Gluse: and it's going to be, he still can put something in that 30 feet

Mr. Glover: Yep, he can park something

Mrs. Gluse: park something there

Mr. Gluse: Now, if he parks something, does it have to be 10 feet away from the property line?

Mr. Glover: No

Mrs. Gluse: but the boat has to be 10 feet from the property line?

Mr. Glover: I don't know

Mrs. Gluse: Yes

Mr. Glover: I don't know if that's in the regulations, but

Mrs. Gluse: It is

Mr. Glover: he can park a car

Mrs. Gluse: I went to the town hall and (unclear)

Mr. Glover: He can park a car,

Mrs. Gluse: He can park a car, right, which is longer than the fence, but the problem

Mr. Glover: There is, there is something about a boat in the zoning, but

Mrs. Gluse: it's 10 feet

Mr. Glover: in years that's the first time it's ever even been mentioned, so, you've educated me

Mr. Gluse: So the other, the only other stipulation would be some kind of buffer planting I think from our property, continue the plantings down the fence line

Mr. Conklin: the last time you asked that the building was much larger

Mr. Gluse: Yeah

Mrs. Gluse: But that was in their plan the last time also

Mr. Gluse: but it's still in the same location

Mrs. Gluse: and the height is not any different

Mr. Gluse: No actually he's, 6 inches

Mrs. Gluse: 6 inches different

Mr. Gluse: And you wanted, the last time you wanted buffer planting along Hunter's Ridge also. That was on the plan that was submitted the last time. There were buffer plantings on both sides

Mr. Conklin: is there a buffer planting on this plan?

Mr. Glover: I don't know

Mrs. Gluse: Well, that's what they proposed

Mr. Dunn: Yes, I'm going to do it

Mr. Glover: Along Hunter's Ridge? The applicant has indicated that he will do it so it's not an issue

Mrs. Gluse: But would that be stipulated so that he does do it

Mr. Conklin: I, I'll have trouble stipulating that one because it's not interfering with them, but that could be a cost

Mr. Glover: Yeah, but he agreed to it, that's why

Mrs. Gluse: Well, it's, sorry, it's a cost to me to put up a fence also. I paid \$6,000 to put up the fence

Mr. Glover: It's a non-issue when he plans, when he says he plans to do it, so I mean, the stipulation is just a warranty. Anything else?

Mr. Gluse: No, that's it

Mrs. Gluse: One more, windows on the,

Mr. Glover: on your side?

Mrs. Gluse: yes

Mr. Gluse: Can be?

Mr. Glover: Can it? Yeah there can be.

Mr. Gluse: because he can put the stair on the, or door on the side

Mr. Glover: Alright? Alright, now it's your turn. Well, first of all, is there anyone else in opposition? (no response). Okay.

Mr. Dunn: There were three things, he wanted to know where we were going to build it

Mr. Glover: yeah

Mr. Dunn: And it's not going to be on the top, we're going to bring it down, lower

Mr. Gluse: Well, it's got to slide down the hill anyway

Mr. Dunn: Right, so it's going to be lower, it's not going to be up where the boat is, because that's up high

Mr. Gluse: yeah, right

Mr. Dunn: So we're going to have to notch it out.

Mrs. Gluse: are you gonna blast?

Mr. Dunn: and drop it, it's going to be down lower

Mr. Glover: Folks, folks, wait folks, hang on, time out

Mrs. Gluse: I'm sorry

Mr. Glover: You're listeners now

Mrs. Gluse: Okay, oh, I'm sorry.

Mr. Glover: You're speaking to us

Mr. Dunn: okay

Mr. Glover: They can't do anything for you.

Mr. Dunn: Judge Judy

Mr. Glover: Judge Judy yeah, that's it. Judge Gerry here.

Mr. Dunn: Let's start with the first question

Mr. Glover: First of all,

Mr. Dunn: go ahead

Mr. Glover: you're going to survey your property?

Mr. Dunn: yes

Mr. Glover: Okay, so when you survey your property we can find out what the elevation is

Mr. Dunn: exactly

Mr. Glover: in relationship to his house

Mr. Dunn: right

Mr. Glover: so we'll find that out and you're going to have to have a plot plan

Mr. Dunn: absolutely, yes

Mr. Glover: and you're going to have to keep the house and if the stairs are on his side you're going to have to be 30 feet from any part of that structure and the stairs on the outside will become part of that structure

Mr. Dunn: yep

Mr. Glover: so you're going to have to indicate that your 30 feet from there

Mr. Dunn: right

Mr. Glover: Um, what kind of lighting do you think you're going to put on there?

Mr. Dunn: on the outside?

Mr. Glover: On the outside. Anything that would shine into their house, into their yard?

Mr. Dunn: well, if there was lighting on that side it would shine toward my house. I mean, we have lights on our house now facing down the driveway of course, that's the only lights that we have

Mr. Glover: but the face of this garage as I understand it, is going to face your house

Mr. Dunn: yes

Mr. Glover: on the side of your garage

Mr. Dunn: right

Mr. Glover: if you were to stand in front of the garage and look at it, to the right is these peoples' house

Mr. Dunn: yes

Mr. Glover: On the side, on that side you're probably going to put a stairway

Mr. Dunn: if I put it on the outside, but I might not do it

Mr. Glover: if you're going to put it on the outside because it's the higher point

Mr. Dunn: Right

Mr. Glover: And if you do, you're not going to have any, you may have a light but it's not going to be shining into their house

Mr. Dunn: no

Mr. Glover: And you don't have any problem with the buffering with the trees?

Mr. Dunn: No, I'm going to do that anyway, I think it's a good idea.

Mr. Conklin: and remove the a, you are going to remove the temporary

Mr. Dunn: The tent's gone

Mr. Conklin: tent? Right

Mr. Dunn: I can't wait to get rid of it

Mr. Glover: And your boat's going in the garage

Mr. Dunn: Going in it, it's measured up, it'll fit

Mr. Glover: And if for some reason you get another boat it's going to be 10 feet from the property line

Mr. Dunn: So I hear

Mr. Glover: Alright, any other questions from the Board? From, when you slide this garage toward Patricia Drive, the topography is higher from their property and goes, gradually goes down to Patricia Drive

Mr. Dunn: yes, it does

Mr. Glover: or maybe not so gradually

Mr. Dunn: not so gradually

Mr. Glover: When you're 30 feet away from the property, their property line

Mr. Dunn: Yes?

Mr. Glover: you're going to dig into it?

Mr. Dunn: I have to

Mr. Glover: Okay, and how far do you think you have to dig into it?

Mr. Dunn: roughly maybe 3 feet, 4 feet

Mr. Glover: So the floor of your garage is going to be about 4 feet lower than the lawn where it is now

Mr. Dunn: Yes

Mr. Glover: and if your building is 22 feet

Mr. Dunn: yes, it's going to be a lot lower

Mr. Glover: You're going to have 18 feet

Mr. Dunn: yeah, that's all

Mr. Glover: on that side

Mr. Dunn: that's right

Mr. Glover: So the area that you're going to be 22 feet is going to be on Patricia

Mr. Dunn: You got it

Mr. Glover: Alright, does that satisfy your question?

Mr. Gluse: Uh huh, thank you

Mr. Glover: You're welcome. Any other questions from the Board? (no) Alright then I'll declare the hearing closed. Thank you.

Mr. Dunn: Thank you.

Mr. Glover: You want us to vote on it?

Mr. Dunn: Yes

Later that evening during the work session the Board upon motion by Commissioner Conklin and seconded by Commissioner Cavallaro, unanimously voted that:

#112-1 "In the application of David & Louisa Dunn of 52 Patricia Drive, Shelton, CT for a certificate of approval for a 30 ft. x 34 ft. x 22 ft. detached garage to be located on the property of the applicant at 52 Patricia Drive, R-1 zone, and which requires variances in the maximum square footage and the maximum height,

The application for variances is approved.

Inasmuch as it is the only place on the property the garage can be placed due to the severe topography of the lot,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of variances in maximum square footage from 750 sq. ft. to 1020 sq. ft. and in the maximum height from 20 ft. to 22 ft. at the above is granted (Section 24.12.1) in this instance.

This certificate of approval is contingent on the following stipulations:

1. The temporary tent-like storage structure on the property shall be removed.
2. Any exterior lighting around the structure shall not be directed at the neighboring property(s).
3. The second floor of the garage shall be used strictly for storage and shall not contain living space.
4. This structure shall not contain any running water and there shall be no commercial business run out of this structure.
5. The petitioner shall plant a tree buffer across the lot line between his property and the Gluce property, continuing down Hunters Ridge past the proposed structure.
6. The structure shall be built in the style as presented to the Board.
7. The garage floor finished elevation shall be excavated at least 3' lower than the existing ground surface at a distance of at least 30' from the rear property line. The finished elevation shall be noted on the surveyor's plot plan prior to certificate of zoning compliance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton.”

#112-2 18 Walnut Tree Hill Road, Richard & Erin Montefusco of 18 Walnut Tree Hill Road, Shelton, CT are seeking to waive Section 24, Schedule B, Standard 9 by varying the setback from the left side yard from 30 ft. to 14 ft. for a 20 ft. x 31 ft. one story addition.

Mr. Glover: Good evening

Mr. Montefusco: How are you?

Mr. Glover: I'm fine, how are you?

Mr. Montefusco: I'm alright

Mr. Glover: Would you have some pictures and some receipts for me?

Mr. Montefusco: Yes, I would, and here are the receipts. The receipts are minus one, what I've learned is they've moved out

Mr. Glover: Okay. Who's living there now?

Mr. Montefusco: No one, as far as I can see and from what the neighbor's are saying

Mr. Glover: I only need those that you sent them, I don't need, these are fine, this indicates that you mailed them and I don't care whether they ever got them

Mr. Montefusco: Oh, okay

Mr. Glover: That's the post office's problem. You have to make an attempt to tell them and that's what this does. It tells me that you did. Okay? The people who have moved out, that vacant house there, is that the house you're encroaching on?

Mr. Montefusco: No

Mr. Glover: alright, so you want to build an addition.

Clerk: excuse me

Mr. Glover: Yes?

Clerk: we don't have his name

Mr. Glover: Oh I'm sorry, well he didn't talk yet, I was announcing

Clerk: yes, you were

Mr. Glover: Would you give your name and address for the record?

Mr. Montefusco: Richard Montefusco, 18 Walnut Tree Hill Road, M-O-N-T-E-F-U-S-C-O

Mr. Ruffalo: And I'm John Ruffalo, John Ruffalo Architects, 415 Howe Avenue, Shelton

Mr. Glover: Alright, you're going to build an addition. The size of the addition is

Mr. Ruffalo: I'm sorry, you said the size?

Mr. Glover: 20 by 31

Mr. Ruffalo: Yes, that's correct

Mr. Glover: So you're coming out from the house I assume 21 feet

Mr. Ruffalo: 20 feet, yes

Mr. Glover: about 20 feet, I'm sorry, 20 feet and it's 31 feet deep

Mr. Ruffalo: That's correct

Mr. Glover: Okay, we got that straight. And this is the only place that you can put this?

Mr. Ruffalo: Yes, I think if you'll notice that on the pictures of the rear there's a permanent deck area in there and also my pictures will show the side of the house here with the deck and also as you rise up from the deck there's a slope that goes up there to a back area.

Mr. Glover: Can you pick him up?

Clerk: I'm not sure

Mr. Glover: Could you speak louder please? Yell at us

Mr. Ruffalo: Okay, I'll do that

Mr. Glover: We're all married guys, we're used to being yelled at.

Mr. Ruffalo: So, the deck area that comes out here there's a dining and kitchen area which is a flow to the outside here

Mr. Glover: right

Mr. Ruffalo: So we want to maintain that and so it was more advantageous to put the addition on this side so they can flow from the living room area, living area into the bedroom area and everything. So uh, that's, that was the reason why it was developed off over there on the side property there

Mr. Glover: What kind of addition is this, is it a family room?

Mr. Ruffalo: No it's a bedroom, master bedroom

Mr. Glover: master bedroom?

Mr. Ruffalo: yes

Mr. Glover: Okay, do we have a septic system in this house?

Mr. Ruffalo: yes we do

Mr. Glover: Where is that?

Mr. Ruffalo: it's

Mr. Glover: in the front? Or back?

Mr. Montefusco: it's back here

Mr. Glover: alright so you have a septic system in the back of the house. City water or a well?

Mr. Montefusco: well

Mr. Glover: and where's the well?

Mr. Montefusco: right here

Mr. Glover: Okay, and you have a driveway that's probably which way

Mr. Montefusco: Here (unclear)

Mr. Glover: Okay, wonderful job. Alright, so the house is already positioned very close to the setback line

Mr. Ruffalo: That's correct

Mr. Glover: And this is the most appropriate area to put this room

Mr. Ruffalo: yes sir

Mr. Glover: and you can't put it in the back because of the septic system

Mr. Ruffalo: yes

Mr. Glover: and obviously you can't put it in the front

Mr. Ruffalo: No

Mr. Glover: that would be inappropriate. Topographically is this the best place to put this?

Mr. Ruffalo: Yes

Mr. Glover: Any other questions? (no)

Mr. Conklin: Let me see the pictures

Mr. Cavallaro: So that's going to go on this side of the house?

Mr. Ruffalo: that's correct

Mr. Cavallaro: So the chimney is going (unclear)

Mr. Ruffalo: We're going to build (unclear)

** several talking at once **

Mr. Cavallaro: and not to the side of the house with the garage on it obviously

Mr. Ruffalo: yes

Mr. Conklin: Is the existing watercourse an open watercourse or a drainage easement or?

Mr. Ruffalo: It's an open watercourse

Mr. Glover: Which is another reason why you can't put it over there. Alright, any other questions for the applicant? (no) Is there anyone in this room in favor of this application? (no response) Is there anyone in this room who is opposed to this application? (no response) Any opposition? (no response) Any final questions from the Board? Linda?

Ms. Adanti: I'd just like to see the plan if you don't mind. I just want to see your map. Okay.

Mr. Glover: Alright, any other questions from the Board? (no) Unfortunately, we have to keep this. Alright, then I'll declare the hearing closed. Thank you very much.

Mr. Conklin: Do you want us to vote tonight?

Mr. Glover: You want us to vote tonight? You do want us to vote tonight?

Mr. Ruffalo: Yes

Mr. Glover: Thank you.

Later that evening during the work session the Board upon motion By Commissioner Cavallaro and seconded by Commissioner Adanti, voted unanimously that:

#112-2 In the application of Richard & Erin Montefusco of 18 Walnut Tree Hill Road, Shelton, CT for a 20 ft. x 31 ft. one story addition to be located on the property of the applicants at 18 Walnut Tree Hill Road, R-1 zone, and which requires a variance in the minimum setback from the left side yard,

The application for a variance is approved.

Inasmuch as it is the only place the addition can be placed due to an existing water course on the property and topography, and

Inasmuch as this location makes the best design for function,

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance in minimum setback from the left property line from 30 ft. to 14 ft. at the above is granted (Section 24, Schedule B, Standard 9) in this instance.

This certificate of approval shall take effect on the date following the publication of the statutory notice in a newspaper having circulation in the City of Shelton, provided that a copy thereof has been recorded by the petitioner in the land records of the City of Shelton."

#112-3 500 Shelton Avenue, Joe Pereira of Pereira Engineering, LLC, One Enterprise Drive, Suite 312, Shelton, CT is seeking to waive Section 24, Schedule B, Standards 7, 8 and 10 by varying the minimum setbacks from the street line from 40 ft. to 25 ft., rear property line from 40 ft. to 34 ft., and from the residence district boundary line from 40 ft. to 34 ft.; and Section 42.5.5 by varying the minimum off street parking spaces from 20 spaces to 18 spaces for the construction of a single story building for a financial institution.

Mr. Glover: Alright, would you give, who's going to speak?

Mr. Pereira: I'll start off

Mr. Glover: Would you give your name and address for the record please?

Mr. Pereira: Sure, I'm Joe Pereira, managing member and licensed engineer with Pereira Engineering with an address at One Enterprise Drive in Shelton

Mr. Glover: And may I have your abutting neighbors letter, you have one?

Mr. Pereira: Yep, one neighbor

Mr. Glover: Alright, and your pictures? Okay. Before you start, we have a stack of history on this, on this property. Is "R" the rear side

Clerk: "R" is rear, "RDB" is Residence District Boundary

Mr. Glover: Yeah, we have 1980, an application for a variance from the rear and from the residential boundary area which was denied. I don't know how much it was, but it was denied in 1980. In 1999 we have a setback from the residence boundary from 40 to 5 feet for an outside storage area, not a building, but an area. And that was granted with the stipulation that no chemicals or fertilizers, no permanent building, wood mulch, mulch, wood chips, sand, cement, decorative stones shall be sold in pre-packaged containers, not stored or kept in bulk. The buffer is reduced for the purpose of plants, flowers, trees along the residential boundary line, except the easterly side which is reduced for the storage of mulch, but no chemicals. And that was granted in 1999. Also granted was a, in 1999 was a temporary sales building that must be removed each year prior to October 15th and not replaced until April 1st, so it was a temporary, I think it was a portable building at the time. Also in 1999, was granted a setback from Old Shelton Road for storage, no building, just storage. Also in 1999, a setback from street line from Shelton Avenue from 40 feet to 10 feet for an outside storage area and that was denied. And in 2003, 2003 modified the setback, the variance in setback from the street line previously given for a type of structure for like a pergola, it was just a, I don't know what you call it, but it, that was granted. And in September of 2011 we had an application for a street line setback from 40 to 25, rear line setback from 40 to 35 and a setback from residence boundary district 40 to 35 for a financial institution, which was withdrawn.

Mr. Pereira: Right

Mr. Glover: And that's the history, and that's where we are now. Alright? So, now you want to put one similar to the last one that was withdrawn

Mr. Pereira: Yes, sir

Mr. Glover: And tell us what you want to do.

Mr. Pereira: Well Chairman, just for the record, that last application involved the same financial institution that's here before you tonight. We withdrew only because we were re-evaluating architectural on the building and that's gone through some iterations and I think, you know, we have a copy of that tonight that you can look at and I think you'll be pleased at least with the intent going forward. But, again, the variances we are seeking are the front setback from 40 to 25,

Mr. Glover: That's from Shelton Avenue?

Mr. Pereira: Yes, Shelton Avenue. The existing building was currently, or is currently 36 feet from Shelton Avenue and that's from the corner of the front porch, so we're looking to get that to 25. The rear setback

Mr. Conklin: Are you adding onto the front of this building, is what you're saying?

Mr. Pereira: No, the intention is to knock down the existing building and build a new, really clean up the site. The rear setback currently to the existing building is 31 feet. If you look at the survey that I gave you a copy of, there's also some sheds back there which are actually closer than the 31 feet. So we're looking for a rear setback slightly larger actually, so we'll be more in conformance. We're looking for 34 feet and that's to the edge of the canopy. The actual building itself will be 41 ½ feet. So that 34 feet that we're seeking takes you to the edge of the overhead canopy at the drive-thru. And then that obviously is part of the setback to the residence district boundary, one in the same, the rear and the residence district

Mr. Glover: And that's on the end of the building

Mr. Pereira: Correct, yes, on the northeast side. And the last one we're seeking is parking spaces from 20 to 18. Alright, and now that, really we have a hardship here if there ever is one because we have an odd shaped lot. There's really three sides

*** tape had to be changed ***

Mr. Pereira: Again, along the easterly boundary you can see that we can, we have existing wetlands that really limit that development there. So, by the time you avoid the wetlands and the odd shaped lot we're really limited on where we can park and maneuver around the building. And so there's not much, not many options I should say, of where you can put the building. We've gone through a number of iterations and layouts for it.

Mr. Glover: And is the a, the number of parking spaces determined by the square footage of the building?

Mr. Pereira: the requirement is, yes. But you know, nowadays really, a lot of people don't want to get out of their cars and drive-thru banking is really the key, so there are 18 parking spaces on site, but that doesn't account really the drive-thru spaces that we have there.

Mr. Glover: Have you been to wetlands?

Mr. Pereira: Not yet, no, we wanted to start here and, I have met with John Cook and Rick Schultz so we had preliminary meetings on the site, on this actual layout when I filed the application. But, that will be the next stop.

Mr. Glover: Because they require you to be like 50 feet away don't they, on the boundary?

Mr. Pereira: On the wetlands?

Mr. Glover: on the wetlands

Mr. Pereira: Well, in this case we have an existing property that's really disturbed pretty much right up to the existing wetland line, and John's aware of that.

Mr. Glover: And the residential boundary is backing up onto a commercial building

Mr. Pereira: Yes, that's

Mr. Glover: commercial use building.

Mr. Pereira: Carey and Guerrera (unclear). And Mr. Carey has been in contact. He's aware that we filed the application and his words were, you know he was actually looking forward to this development and doesn't have any problems or issues with the development.

Mr. Glover: He's sitting in the front row so I imagine he will fill us in on his feelings.

Mr. Conklin: you reduce this from 20 to 18?

Mr. Pereira: parking spaces

Mr. Conklin: I'm missing two

Mr. Pereira: This is

Mr. Cavallaro: well, there's one stuck over here, but, this slashed area is that the, it says wheelchair unloading

Mr. Pereira: That's the handicap space

Mr. Cavallaro: are you counting that as a space?

Mr. Pereira: No

Mr. Cavallaro: because I only come up with 17, unless you count that as two. What am I missing?

Mr. Pereira: You got one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen

Mr. Conklin: Okay, he's counting, he's got two in the back here

Mr. Cavallaro: Yeah, okay

Mr. Pereira: yeah, there's two parallel spaces

Mr. Cavallaro: I knew I was missing one, I just couldn't find it

Mr. Glover: the exit on Shelton Avenue, is just a right turn only?

Mr. Pereira: right

Mr. Glover: And it's just an exit, it's not an entrance

Mr. Pereira: It's an exit, right turn only, right

Mr. Cavallaro: So there's only one entrance to the property?

Mr. Pereira: Yes

Mr. Glover: So your hardship is the shape of the lot?

Mr. Pereira: yes

Mr. Glover: If you made the building smaller, would you have to have less, less parking spaces and there'd be less of an encroachment?

Mr. Pereira: Well, I'm not sure how much smaller we can make the building. Dave Stine is the architect, he's with Silver, Petrucelli, he's here with me to my right and Peter Brestovan is here with People's Bank. You know, we can talk about the size of the building, but that's probably about as small a building as we can do for a bank nowadays.

Mr. Stine: Mr. Chairman, if I can speak on that behalf

Mr. Glover: Did you get his name?

Clerk: No, I didn't

Mr. Stine: Well, it's David, I am David Stine and I'm a principal with the architectural engineering firm of Silver Petrucelli and Associates, located in Hamden. The uniqueness of this lot, which essentially on the site plan prepared by Joe, shows that triangular space that's really allotted to us to work with. Even creating a smaller, slightly smaller footprint to fit into, to fit the drive-thru along with the canopy and the building within that, we'd be reducing the square footage close to a 1/3. Banks of this scale, this is really the traditional design that you would see, in the past you know, banks were built, were built much larger. This is really a small, a use, we have provided you with the floor plans, it provides really the minimal amount of amenities. You do have, this is your copy, Mr. Chairman. You'll see this is essentially a three office, a three office branch with four tellers. The remaining piece which really the back of the house provides you with the required toilets per the building code, a drive up area, an area for a vault. This is really as minimal as you're going to get. You see by the floor plan there's not much of inefficient space. The lobby is, is not even, I wouldn't even consider that to be generous. So the real challenge here is just to fit into that triangular setback that's given to us and how do we adequately position that in relationship to the corner and to the entrance and exit. That's really why we have one entrance and exit on the property because it provides us with a safe entry and a good distance from that intersection.

Mr. Conklin: A quick look at this, you're roughly 800 sq. ft. less than the existing building that's there. I mean this building is going to be smaller

Mr. Stine: This building is smaller than what is currently there, correct. We

Mr. Conklin: okay

Mr. Stine: and we've added, just, I know this isn't necessarily germane to your, but that's why we showed the renderings, we're really beginning to spruce up the entire development by what we're doing architecturally with the building. But yes, it is a smaller footprint. It doesn't have any

Mr. Conklin: you don't have all these other sheds

Mr. Stine: we don't have all these other out buildings. We're going to preserve and obviously create a much better buffer to the wetlands property that's there, and we're going to create a much better traffic pattern because we are consolidating those curb cuts and making, making traffic only turn, you know, making those right turn onlys as the exits, so it's, we feel the hardship is really just a product of the site. If we had something more rectangular, we would have been able to reposition this better. But this is really the ideal location.

Mr. Conklin: if this was a pre-existing non-conforming issue, you would fall in because you're less square footage, you're reducing the encroachments

Mr. Stine: Correct, yes

Mr. Conklin: and the encroachment now looks like, the building was originally, I can't tell there's a line across it, 37 feet from (unclear)

Mr. Stine: yeah 31

Mr. Glover: It's 31 feet from the back

Mr. Conklin: (unclear) existing building

Mr. Glover: is 31 feet

Mr. Cavallaro: Do you have any objection to making this right turn only, have the curb so that it forces people to do that? Because you know people are going to make the left there

Mr. Pereira: You know, I think either way we're going to have to go through DOT review permit, encroachment permit, so I think that's going to be something that falls under their scrutiny and I'm sure they'll, they'll comment on it.

Mr. Stine: We've a, we've done that in previous projects in the past where that's been required, so that seems logical.

Mr. Cavallaro: It's just that that gets pretty busy over there even though they fixed the traffic light debacle, you know, because making a left turn out of Old Shelton Road was, it was a nightmare.

Mr. Stine: correct, yeah, and we tried to, the reason why we placed the driveway closer to the corner of that property was to also force the curb cut to be as far away from the intersection as possible.

Mr. Cavallaro: What's the speed limit on that road, 35 or, at that point 30? Well, at that point it's a traffic light, but

Mr. Glover: It's about 35

Mr. Cavallaro: And that's about a 300 foot right of way, or line of site too for this

Mr. Glover: How much of an elevation is there between Old Shelton Road and the exit from Shelton Avenue

Mr. Pereira: Between, I'm sorry?

Mr. Glover: From Old Shelton Road, go down here, how much does it

Mr. Pereira: change in grade?

Mr. Glover: Yes

Mr. Pereira: Not much, I don't think

Mr. Glover: The hill starts up here

Mr. Pereira: It starts further down there, I mean you've got good site business from that, from that drive right there

Mr. Glover: It's a tough, it's a tough corner. There's two driveways from the church. There's all the golf carts that come across. The Webster bank has, and then the shopping center

Mr. Pereira: Yep

Mr. Glover: It's an awful intersection

Mr. Pereira: The only good thing is that's a dead end street, that's really the only saving grace

Mr. Glover: which?

Mr. Cavallaro: No

Mr. Glover: no, it's not

Mr Cavallaro: it goes

Mr. Pereira: Shelton, does that have another, does it?

Mr. Cavallaro: goes out to, back out to Shelton Avenue

Mr. Glover: to Shelton Avenue

Several talking at once

Mr. Cavallaro: it's actually a cart path too

Mr. Brestovan: If I could, I'm Peter Brestovan

Clerk: I'm sorry, I didn't get the last name?

Mr. Glover: Your last name?

Mr. Brestovan: Brestovan, B-R-E-S-T-O-V-A-N

Mr. Glover: and you're address?

Mr. Brestovan: 10 Snowberry Lane, Shelton, CT

Mr. Glover: You could've given the bank's address, but

Mr. Brestovan: I'll give you my home address. I'm a resident so I have a little more interest than most of, for this one anyway. A couple of things that I just thought we should mention is that, we did work with the country club to make sure that we made that cart path, if you will, as safe as possible. It's wider, it's paved. I think it will be a little safer, not that it's ever going to be, be perfect. Secondly, the reason for the size and David does 50 branches for us, this is one of the smallest, but in order to provide all the services including safe deposit boxes, we need to have that size in order to do all of that. And it's, you know, being done at a bare minimum to, you know we've got a whole lot of customers that tell us that rather than drive over to Stop and Shop they'd like to bank with us in Huntington so, you know, we're trying to reflect that in going here.

Mr. Glover: So this is probably the smallest building you can make and make it practical?

Mr. Brestovan: Uh huh

Mr. Glover: allowing for all the services that you normally would have. Alright, does the Board have any other questions?

Mr. Cavallaro: Do you have any Sunday banking hours?

Mr. Brestovan: Not in this location, no. In our Stop and Shops we're opening 7 days, but we wouldn't intend to be open 7 days here.

Mr. Cavallaro: Okay

Mr. Brestovan: We'd be open the typical 5 days a week and Saturdays for a few hours.

Mr. Cavallaro: because that's like the biggest traffic nightmare is Sunday over there

Mr. Glover: Yeah, you're right, it's a good point. It appears to make the site more accessible because the hardware store was horrible to get in, it was difficult to get in and out of. Alright any other questions from the Board? (No) Is there anyone else in this room who is in favor of this application? (yes) Pat? Give your name and address for the record

Mr. Carey: Pat Carey, and residence is 6 Blueberry Lane in Shelton and I'm the owner, or co-owner of 59 Old Shelton Road, the bordering property. I haven't seen the plans but I did get to speak with Joe and just from, oh thank you, just from our point of view Jim Guarrera, my business partner and myself, we realize this is a really difficult lot. It's an incredible difficult piece. But we're in favor of what they're attempting to do. I'm not here to talk about the size of the building or you know, even so much the setbacks. We bought our property in 1996 and over the past several years we've seen that corner completing deteriorate, not through the fault of the previous business owner, it was, you know, he had tough competition with all these big stores coming in that didn't help his business, but that building has really deteriorated. When we moved in it and this would be

something I guess I'd speak to wetlands about, but when we moved in in '96, from that corner if you were parked at the traffic light, you could see our business sign right in our front yard. You can't see it anymore. It's become a complete overgrown jungle. There was a garden center that was put in there at some point where most of the things, they were plants that were brought in have taken root and so that's something you're going to have to deal with John Cook about. But we support the idea. I think it would be, if all of this can be worked out and the traffic patterns and so on, I think it would be a big improvement just to the look of that part of Huntington Center.

Mr. Glover: At the look, there's a, that other one there has the elevation of the building, that document

Mr. Carey: Okay. Yeah, I think just in listening to the size of the building, you know, right now that building I guess is 800, the present building is 800 sq. ft. larger. There's at least, I think 3 sheds that are falling down

Mr. Glover: In back

Mr. Carey: on the back of it, so, it's also interesting to hear one of those ZBA hearings about the amount of fertilizer and mulch

Mr. Glover: Yep

Mr. Carey: I've been staring at piles of mulch for I don't know how many years, 16 or 18 years, so, there was a lot of mulch there. So really I just wanted to come and say we, we support the idea of coming up with a suitable plan that I guess makes the Board happy and the developer happy. I think it would, would help the neighborhood.

Mr. Glover: Would enhance the area?

Mr. Carey: Yes

Mr. Glover: alright, thank you

Mr. Carey: Is this something, can I keep a copy or have a copy?

Mr. Pereira: Sure, there's a copy.

Mr. Carey: Alright, thank you. Thanks a lot.

Mr. Glover: Anyone else in favor of this application? (no response) Is there anyone opposed to this application? (yes)

Mr. Montanaro: Hello, Gerry

Mr. Glover: Would you give your name and address for the record, doctor?

Mr. Montanaro: Yeah, Michael Montanaro, 16 Wimbledon in Easton, CT.

Mr. Glover: Happy New Year

Mr. Montanaro: Yeah, happy new year, Gerry. The thing, I think there's no doubt that if a bank went in, they know that the bank's there to spend money and I know Mr. Guarrera, and I don't know his partner here, but I understand their, they'd be happy having someone clean it up and make it look good. But I think the Board would do a disservice to the actual idea of why a variance is needed. You have to show a hardship. They're asking for parking variances, not necessary, they've been parking there a long time. Size, they want to increase the size of the building there

Mr. Glover: They're decreasing it

Mr. Montanaro: Well, they still wanted to increase, they needed variances, two side yard variances because they're adding a drive-thru which is not presently there. So, the need, the hardship doesn't exist to do the

things that the bank wants to do. The bank would, you know, should have done their due diligence before they purchased the property or if they're contract purchasers, perhaps they ought to reevaluate that, but you don't buy a piece of property that's small with wetlands and then come to the Board and say I want variances for parking, two side yard changes and in area that has a heavy traffic problem. Number 1, they say you're going to take a right turn on the way out. Well that's what you're supposed to do there now with the hardware store, I've never done it. And I'm sure you've never done it if you've lived in town here. You also know that the traffic is intense there. It's not a one way road where you turned down my property that also had, asked for variances at least 10 times on Huntington Street and that was a one way road, a lot safer. I'm not a bank so I can't promise to do whatever banks do for people in town that may or may not want the bank there. But, I think I should be treated fairly and they should be treated no more fairly than I. So, it's a heavy intense location there for traffic. I know when you come, when you take a right from Huntington Street into Old Shelton Road and then try to make an attempted left into that property if they intend to use the same entrance, it's impossible. You got traffic, you always get stuck and it creates problems. Not to mention a bank is a high traffic generator which hasn't even been mentioned here so the intensity would be certainly an increase to traffic at that location even more than it is right now. So for safety reasons, I don't think that any variances should be granted to the, to the institution to make a larger impact on the property including drive-thrus and including more coverage and also not meeting the parking requirements. It would be inconsistent for you, Gerry, being that the Chairman here, to lead this Board to approve it since for at least 10 years you've denied Mrs. Zabaneth on the one way road on a lot that had serious hardships, not the least of which was a 12 foot incline from front to back on a very small property. The traffic is less intense because it's a one way road and you managed to turn down a plethora of plans presented by Mingoello and Hayes for Mrs. Zabaneth and for myself and any LLC that the property has been in or was in at the time. And you never once conceded that point. I didn't hear Mr. Ferreira mention that the hardship was in fact the shape, but I did hear you, the Chairman

Mr. Glover: No, he mentioned it

Mr. Montanaro: he did, I didn't hear it, but I was not sitting there, so

Mr. Glover: I didn't, he brought it up

Mr. Montanaro: Okay. And it's my understanding that you're a non-conforming, you're supposed to make it more conforming, not less conforming and also with relative to the site which is not more than 100 yards away from that, we attempted to make it more conforming and you still turned it down. So to treat everyone fairly in town, they're trying to make it less conforming and expand it and put a drive-thru, we tried to make it more conforming and you still turned it down. Therefore, I think you would be very inconsistent to follow anything other than what you've done on other properties close to that vicinity. The safety demands I told you in that area, the traffic is intense. They would be a high traffic generator. It would certainly, anyone who's gone in and out of the hardware store knows that there's issues there with the hardware store and the hardware store was happy to sell a dozen screws over there, as you know. So, never mind a People's bank that he wants to expand in size because he wants to put in safety deposit boxes, because he wants to intensify his business acumen in that area. The size of the building of course reduces the parking area and reducing the parking area they're asking for a variance and that's the very issue with traffic and safety getting on and off a property. Very, very simple, when you increase parking, you increase difficulty getting on the property because people are backing up, you have less ability to get on the property throwing more traffic onto the road. Therefore, safety is, totally it would be ludicrous to reduce parking, increase the size of the building and/or with the inclusion of a drive-thru, throwing more traffic into a heavy intersection. Wetlands of course is not a hardship, so perhaps that would be a better way for them to deal with it. And it is possible, they said they could make the building smaller, but to, their business demands they said they needed this. They needed this size for deposit boxes, they needed this size for business, they needed this size for drive-thru. That's an economic hardship. That has nothing, as you know Gerry, to do with a hardship. I think that no question the site needs to be developed nicely by someone who wants to do something there. It doesn't mean it has to be a bank, although I'm not opposed to a bank if they would fall within the confines that everyone else in town who builds would fall in, mainly make it smaller, make it work without a variance because a variance would be inconsistent for this Board to grant it, especially in light of the fact that the hardship, that parking would create throwing more cars onto the road, and that you would be inconsistent in your decisions in very similar areas that had less traffic.

Mr. Glover: Thank you

Mr. Montanaro: Can I take, can I take a look at that for one second?

Mr. Pereira: Actually, you know what, that's my copy, (unclear) I'd like that back

Mr. Glover: We've got multiple copies here

Mr. Pereira: If you don't mind, I would like that copy back

Mr. Montanaro: Yeah, I'm going to give it back. Yeah, so you've got to understand even by looking at this, they want to build right along the wetlands (unclear) everything else. They've got quite a few hurdles to get by, as well as this one. Thank you.

Mr. Glover: Happy new year, doctor.

Mr. Montanaro: Happy new year to you.

Mr. Glover: anyone else in opposition? (no response) Would you gentlemen like to rebut?

Mr. Pereira: Absolutely, so Chairman, Mr. Montanaro raised some issues that I think we addressed in our initial presentation but let's hit on them again. Our hardship I think is clear. This lot is oddly shaped, it's a lot that's been in existence for a number of years, it only has three sides. It's not a square lot. He also raised the question of the same entrance, and we're actually not using the same entrance. The hardware store as you know, has this entrance and it's very close to the corner

Mr. Glover: You're a lot further away from the corner

Mr. Pereira: Yep, and so our entrance really has been pushed back further away making that a safer entrance and exit

Mr. Cavallaro: but you're restricting it to one entrance

Mr. Pereira: One entrance, correct

Mr. Cavallaro: not the two or three that existed before

Mr. Pereira: Correct. And you can't ask for a better, safer exit than onto a traffic light, which really controls that traffic flow. And along side of that we're putting in a right turn only on Shelton Road, or Shelton Avenue, I should say. Safety concerns again, we just hit on those, this is an improved traffic pattern, no doubt. As far as making the lot more conforming I think we've done that. We have an existing building that's 800 sq. ft. larger than what we're proposing

Mr. Cavallaro: So you're going substantially smaller than what was there

Mr. Pereira: right, so that brings the building size in, more conformance with the regs. The existing building is only 36.6 from Old Shelton Road, our existing building or our proposed building I should say, is 55 feet. So again we're increasing that setback from 36.6 to 55; the rear setback pre-existing building is 31.3 and we're bumping that up to 41.5 or 34, I'm sorry, so again an increase in the rear setback making it more conforming than the existing facility. And as far as parking spaces, I think we're providing 18 spaces, and I think you have half of that on the existing site, it's, there's just, it's thoroughly planned and again you don't have many spaces on the existing site. So again, there's three examples of how we're making this site more conforming.

Mr. Glover: How do, we're not an engineer and we're not really in charge of site plans, but there is going to be an issue I'm sure with wetlands with the drainage of oils from the car into, into the brook. How would you handle that?

Mr. Pereira: Well, there's numerous ways to do that, one that we've done in the past is we can put catch basin inserts to, basically filters that sit on top of the catch basin

Mr. Glover: Oil separator?

Mr. Pereira: Yeah, what they do is they literally separate the oils, the hydrocarbons from that and so there's a number of measures we can incorporate. That's just one quick example.

Mr. Glover: But you have a way?

Mr. Pereira: Oh absolutely, yeah, and we've worked and we've offered them and done them in Shelton with John Cook. The only other thing I want to mention is that the parking requirements in Shelton are extremely high for retails. They're, for your first floor you need 1 space for every 150 square feet, that gives you probably about 7 or 8 spaces per thousand. It's about double what you really need. ITE which is the Institute on Traffic and Engineering, their recommendation based on their studies for retail facilities is less than 4. And you'll find in most municipalities your retail parking requirements are about 4 per thousand.

Mr. Stine: And Mr. Chairman, I'd just, to add onto actually Joe's point regarding the parking and what you need with a retail banking application, which is really categorized by the building code is business, is that the majority of customers are now using the drive up. So the need, the true need for, for customers to, to do their banking internally, they're able to get almost all full services done through the drive up, which at the, which really results in a safer condition as opposed to customers pulling in and out of their cars in a tight parking situation. The uniqueness of our lot does result in the inability to get a larger parking area as you traditionally have. So by having a good amount of queuing within that parking lot which we do have, we clearly have up to I think five to 6 lane, or cars that can queue

Mr. Glover: Except for those two parking spots that are parallel.

Mr. Stine: Those would be intended for employee use. Those would be for employee use only along with the, the three to the right would be employee only. So we're really keeping the safety on site, but also as the customers are leaving the property, they're really staying in their car and I think that adds to the safety as opposed to a traditional retail environment. We are business, but we're retail. We're retail banking and that's what's unique. As regulations are broadly written they don't really deal with the banking industry. And we traditionally argue as a hardship is that those drive up lanes serve as a parking, parking space.

Mr. Glover: If only one of the drive-up was open and one was closed, how many cars could you queue up before you obstructed the entrance?

Mr. Stine: I just want to point out too is that the inner lane is intended to be a, also have a drive up night depository and a drive up ATM. So, that provides that full service on that inner lane.

Mr. Pereira: Technically that will never be closed

Mr. Stine: So technically that one is never closed, it would be the outer lane that would essentially be closed if

Mr. Glover: Yeah, there's a possibility that one would be closed

Mr. Stine: it would really be the outer lane because the inner lane is really that

Mr. Glover: That's where the window is

Mr. Stine: that would be where the window is and that would also be where the night depository

Mr. Glover: So from, from the inner one back to before you're interrupting the cars that are coming in here, 5 cars, 6 cars?

Mr. Stine: 5 to 6 cars, yes sir

Mr. Pereira: That's 6 cars to the edge of the island here, so you would still provide plenty of access

Mr. Glover: And what would you say in your experience how many cars would normally be in a line?

Mr. Brestovan: two or three. You know, people just look at a line like that and do something else, either they go inside or they come back later, they're not, you know, they're going to the drive-up lane for convenience

Mr. Glover: It's not Dunkin Donuts

Mr. Brestovan: We're not Dunkin Donuts, thank you

Mr. Pereira: We're transaction, we got to move the transaction there quick

Mr. Brestovan: and Dunkin Donuts is the poster child for what people think is wrong with drive-ups because they do get those kind of backups

Mr. Glover: Right, I know they do. Alright, anything else?

Mr. Pereira: No sir.

Mr. Conklin: Essentially what I see is smaller building and also there's, from the existing building that's there you probably have at least double the amount of parking than what's existing

Mr. Cavallaro: Yeah, that's pretty clear, because they've been haphazardly parked

Mr. Conklin: At least double here from the prior

Mr. Cavallaro: And I think it's very positive that it's going smaller than the existing, so, not larger, smaller

Mr. Glover: Alright, as a Board, do you Board members need information from the City Engineer or Wetlands or anybody to help with your decision?

Mr. Cavallaro: Well, they would override us, right, so

Mr. Conklin: We're looking at two really

Mr. Glover: Well, the reason for my question is the decision whether to close the hearing or keep it open for a month, because I'm not going to vote on it tonight because it's going to be a big legal issue with only four people here and we need five people. If this was just a little swimming pool or something that's good,

Mr. Brestovan: We understand

Mr. Glover: you can do that, but with the controversy that could be here, we need five members here to do that, plus it wouldn't be fair to you if one of these people didn't like it (unclear), so to the Board members, do you want more testimony next month, or information or input from anybody next month, or would you like me to

Mr. Conklin: I would just, you know, like a little more time to look at the plans

Mr. Glover: So we'll continue the hearing.

Mr. Conklin: Yes, continue the hearing. I'd like some more time to look at the plans. I mean in looking at the plans, I've seen quite a bit, but I'd like to take a look at them

Mr. Glover: Okay, so no more questions for tonight? No more comments for tonight?

Mr. Pereira: No sir

Mr. Glover: Alright, then I'm going to continue the hearing until next month to get everybody a chance to look at this.

Mr. Pereira: Thank you.

Mr. Montanaro: Gerry, can I say something? Why did you continue the hearing until next month?

Mr. Glover: We only have four members

Mr. Montanaro: You were helping him?

Mr. Glover; No, we have four members here

Mr. Montanaro: But you said in the beginning that's enough to make a decision and the other person would review it and then you reversed your decision when it seems like you were in favor of helping them out

Mr. Glover: I didn't reverse my decision, I said at the beginning of the meeting

Mr. Montanaro: I heard you

Mr. Glover: Well good, then you're set.

#112-4 67 Indian Well Road, Michael Walker of 67 Indian Well Road, Shelton, CT is seeking to waive Section 5, Line 1 and 3 by varying the setbacks from the street line from 10 ft. to 5 ft., from the right side yard from 5 ft. to 1.40 ft. and from the left side yard from 5 ft. to 0 ft. to relocate an existing single family home and enclosed stairway addition.

Mr. Glover: Have a seat

Mr. Walker: Everyone take a deep breath. Okay.

Mr. Glover: Relax

Mr. Walker: These are for you

Mr. Glover: Okay, first give your name

Mr. Walker: Michael Walker

Mr. Glover: and your address

Mr. Walker: 67 Indian Well Road in Shelton

Mr. Glover: Is that, you live there now?

Mr. Walker: I do, yes

Mr. Glover: Alright, and these are your two abutting neighbors

Mr. Walker: They are and I also have letters from them and signed by them that they're fine with this

Mr. Glover: Alright, we'll get that in a minute.

Mr. Walker: The four pictures are here. There's actually five, the one with the sign and then four of the ones that you guys asked for. This, I don't know if you guys are familiar with, is that we have been involved with Shelton, the town, with Economic Development and the Mayor's office and they helped us to obtain a grant for 7 of us to have our houses lifted out of the flood water. So that was the beginning of this project and what I have now is here, this is a picture here. When I went to get my survey I found out that I wasn't really on my property, I was a couple of inches off. So this is from (unclear) if you look at the black lines on here and you

guys can take this, I'll show you generally, the black lines represent where my house is and it was three inches on his property. This is my nephew next door

Mr. Glover: Yeah

Mr. Walker: it's three inches and four inches on his property. So in order to accommodate this lift that we're doing because we're converting this to, let's get the picture out here, sorry, I think you guys will like this I hope, oh, it's right behind this, okay, so what we're doing is we're taking this and we're lifting it out of the water and we're getting it to be this. This is the original house here, actually it's right here and we're adding this up. When we went to get the survey, the survey showed that the house was not on our property by a couple of inches. So when I went to see Mr. Cook and Rick they said you know, we need to put it, we're going to try and move it into conformity from where it is. So one of the variances deals with moving it this way by four inches, which I have letters from both of my neighbors saying that they're fine with this. And the second one is the stairs going into the front door, which is here, the stairs instead of doing them outside because we thought it wouldn't look that pretty, so we're actually going to make the stairs inside. So what we did is, that's where there is. This is the staircase going to the front door and then we're going to put a pretty stoop on the front, which we'd like to do.

Mr. Conklin: So in other words, the front of this house is going to stay the same, you're just shifting it sideways?

Mr. Walker: Well, the front is not going to stay the same because the front right now, the front right now is, this is the front. And what's going to happen is there's going to be a new, the front door's here now. So when you're looking at this, this is set back to here

Mr. Conklin: okay

Mr. Walker: we're going to be adding a staircase, we're going to be adding this little spot, because right now the house looks like this. You walk in the front door

Mr. Conklin: right, but the house comes out here, I mean this part of the house exists right?

Mr. Walker: Yes

Mr. Conklin: Okay, so this, this front line

Mr. Walker: The only thing we're doing is we're picking it up and moving it four inches so we have to reduce this to one foot from the 1 ½ foot that it is, or one foot, it's like one, we're moving it four inches

Mr. Conklin: right

Mr. Walker: And then we're going to add this and this is why, this is only 9 feet from the front, this front of this house now. And this a 10 foot vary, or a 10 foot um

Mr. Conklin: setback

Mr. Walker: setback. So we're actually going to be reducing it to 5 feet or 4 or whatever Rick

Mr. Conklin: but that's just for the front porch

Mr. Walker: for the porch, right

Mr. Conklin: it's not for the structure

Mr. Walker: only the porch. Only the porch is going to be outside of the existing line that we have. And um, let's see, so we're trying to move it more into conformity and you can see my situation. I don't have 30 or 40 feet like everyone else has. We have like an inch or two. This is my next door neighbor on this side who I sent a letter to and she said she's happy. These have been my neighbors for a long time. And this is my nephew next door on this side and he gave me a letter also to enter into the record, which is here.

Mr. Glover: Alright, so you're going to be zero between 67 and 69

Mr. Walker: It's been zero and will be zero still

Mr. Glover: It's going to be zero between 67 and 69

Mr. Conklin: Actually, it's -3 right now

Mr. Glover: Yeah, I understand

Mr. Walker: You know, unless the survey's wrong. While I'm lifting it it's no problem to move it if you guys

Mr. Glover: Between 67 and 65 you're going to be at one foot

Mr. Walker: It's one foot I think the variance is for, right? One point 4, 1.4 right, so it's going from 19 inches I think to, 1.4 comes out to 12 inches or something like that, it's going to be 12 inches now. I have maybe 18 or 19 now, and it's going to go down to 12. You know, just whatever that is to, because I figure if I'm going to sell the house at some point, which I don't plan on doing, but if I, you know, Rick said you should really be on your own property

Mr. Cavallaro: It's a good idea

Mr. Walker: So we need to put it on its own property

Ms. Adanti: That'll help

Mr. Walker: So, and, you'll be getting quite a few of us actually, because we're actually 7 of us that we have this grant from, you know, they worked hard to get it for us to help us to do these projects, so

Mr. Glover: So, how much distance is there going to be between 67, your place, and 69, the structure?

Mr. Walker: Um, there's about, I have a picture of it actually, you have a picture I think

Ms. Adanti: is that it?

Mr. Walker: No, no, no, that's the one.

****Several talking at once****

Mr. Walker: Yeah, he's going to get more room on that side. And this side is going to get 4 inches less, which basically if you look at the very close-up of that, you'll see it's really just to the concrete, so I'll still have a little bit of a walk-way down the side. But we're going to be moving this just out to that little piece of concrete.

Mr. Conklin: So what you're saying is this person already is at 0 feet, I'm sorry, well, the person at the other side is at 0 feet

Mr. Walker: My overhang is actually on his property too, but in our rules we're allowed to have that. But the problem is that my foundation is on his property

Mr. Cavallaro: How much are you raising that structure?

Mr. Walker: 8 feet. We have to be 2 feet above the 500 year flood mark, which is you know, I'm not quite sure what the number is but it has to be risen 8 feet 6 inches in order to qualify, because they are paying a portion of it, the FEMA. The FEMA people are paying a portion of it.

Mr. Cavallaro: So how do you fix your roof going forward?

Mr. Walker: Fix my roof?

Mr. Cavallaro: if you're going to be 8 feet higher that close up

Mr. Walker: You know, in our, in our own book it allows you to repair your property

Mr. Cavallaro: Well, because you only have "x" amount of feet

Mr. Walker: Right

Mr. Cavallaro: now you're so high you can't get a ladder in there, but now you're going to go 8 feet more, how do you get up there?

Mr. Walker: You know I'll, well my nephew, stick something out of his window maybe, we'll have a

Mr. Cavallaro: is that in the book too?

Mr. Walker: Well, no, what I'm saying is in the book it allows for the overhangs

Mr. Cavallaro: I understand

Mr. Walker: to be over your, a property line. That's where I thought you were going

Mr. Cavallaro: No, no, but the problem is going to be is you know, your neighbor is not your nephew some day and this guys doesn't allow you to

Mr. Walker: He has to, you have to be able to, it's, it's part, we're a condo, we're not like an individual, it's a condo, we don't really own the property, it's a condo complex. And we go by condo rules which is a rule book, but it's kind of a lot different than single family houses. So in that rule book it says that if your property overhangs the, you must be granted access to do all necessary repairs. So you have to

Mr. Glover: How does the fire department get to the back of that house?

Mr. Walker: It really wouldn't change from the way they do now. They would go down right here to there. This is still going to (unclear)

Mr. Glover: Right, but higher, but it's going to be a steeper

Mr. Walker: It's not going to be any more difficult to get to the back

Mr. Cavallaro: But a rescue out of that window 8 feet higher could be an issue

Mr. Glover: So between 67 and 69 how many feet are going to be between the two buildings?

Mr. Walker: There's about 5 feet now and it'll be 5 feet 5 inches

Mr. Glover: So you're going to have approximately 5 feet here

Mr. Walker: Yes

Mr. Glover: Okay, this one over here?

Mr. Walker: This is 18 inches going to 14 inches?

Mr. Glover: No, how many between this house and this house?

Mr. Walker: Yeah, that's right here, it's right here, that's the space, oh no, no, no, between the house, there's more space, yeah, yeah, she's got a walkway, they're like 7 or 8 feet

Mr. Glover: You're coming, you're coming out here with a structure now

Mr. Walker: 10 feet, there's like 10 feet between here and here, maybe not quite 10, maybe 7

Mr. Glover: No, between this corner and this corner

Mr. Walker: yeah, well, there's a walkway, because you know what happened, this is where the fence is now

Mr. Glover: I know

Mr. Walker: I would say that there is like 7 feet between my, between this line and her house. This is actually not a good diagram

Mr. Glover: Hang on, we're going to change the tape

Tape had to be changed

Mr. Glover: Alright, so you're at 4 or 5 feet between 67 and 69, when it's built. And on the other side you've got

Mr. Walker: 6 or 7, this house, this is really not exactly

Mr. Glover: Well, this has to be exactly because it's an A-2 survey

Mr. Walker: then maybe it's, maybe I'm just not, it's over the fence I don't really see that that often, but

Mr. Glover: Is this a permanent house now?

Mr. Walker: yes

Mr. Glover: So 65 and 69 are year round permanent homes

Mr. Walker: Yes

Mr. Glover: How many stories are there?

Mr. Walker: Okay, this one

Mr. Glover: Once you get to the main level, which is above the 500 year flood plain, how many feet do you go from there?

Mr. Walker: This is about a 60 foot house here, they're both really high. I'm still going to be well below them. They're both up here on both of them.

Mr. Glover: right

Mr. Walker: So I'm still going to be, even when I'm raised I'm still going to be well below the two houses next door to me. I probably have pictures somewhere. You can see the one next to me on the right, the height of it. Here the one on the left you can see it's basically I would say it's 50 feet tall. It's got 50, here, they go very high these houses. They're making them very high. They have, in their house they have a main floor, the first floor, the second floor and

Mr. Glover: and the attic

Mr. Walker: yeah,

Mr. Glover: where they put the kids and the bedrooms in the attic

Mr. Walker: right, I'm still going to be, even when my house is raised, I'm still going to be at least a level below everyone, because they're here and they're here. So I'm, I'm still going to be a small house in the neighborhood. Only because I'm a single guy, because these guys have families and kids and

Mr. Glover: Okay, but I still say, how is the fire department going to fight the fire on a 50 foot high house when there's only 3 or 4 or 5 feet between the two houses?

Mr. Walker: Well, it wouldn't, I mean it wouldn't be any difference between how they're fighting them now. I mean, by me going up 8 feet wouldn't have any impact on them getting access to any (unclear) It's not going to change really, if you talking a couple inches it's not going to have any impact on any of what they're doing to go in and out where they are. And here actually, is a big lawn, it's two lawns next to each other which have access directly to my house as well. So, there's, there's plenty of room. Right here, this particular house, he's got two lawns here and then you can go right around and so there's access that way as well, which is here, this access right here for this one. I mean there's double lawns

Mr. Glover: Alright, this, this is sitting this way right, this corner is right here?

Mr. Walker: correct

Mr. Glover: right?

Mr. Walker: yes

Mr. Glover: but this house is gone now

Mr. Walker: No, it's there

Mr. Glover: That's the one that's, it's high

Mr. Walker: Well, yeah, the back of it's high. You guy, he did like a double porch

Mr. Cavallaro: but that's not the 50 foot house?

Mr. Walker: No,

Mr. Cavallaro: it's on the other side

Mr. Walker: this is, this is two stories though. It's a story higher than mine. This is maybe 20 feet taller

Mr. Cavallaro: I think he's right in the fact Gerry, that, that 50 foot house is already there so the ladder restriction to get up to that top floor doesn't change with him

Mr. Glover: right

Mr. Cavallaro: because we're not trying to get on his house, we're trying to get on the house that they already can't get on

Mr. Walker: I'm really not going up a whole heck of a lot. I mean we're going up 8 feet and again, it's mostly because we've got a lot of flooding down there and you know, we're constantly, you know, having electricity turned off and, you know, everything else. Yeah, so the one house next to me is 2 stories and the other one is 3 stories. I don't know how tall that would make it

Mr. Cavallaro: three stories plus the 8 feet

Mr. Walker: Plus the attic, yeah, it's a good

Mr. Cavallaro: no on the 8 feet on the, that he's still 8 feet off the ground, that's not one of the stories, right? Or it is one of the stories?

Mr. Walker: Which one?

Mr. Cavallaro: the house on your left

Mr. Walker: Yeah, no, they have 8 feet and then two stories

Mr. Cavallaro: two stories

Mr. Walker: and then the attic

Mr. Cavallaro: so the 8 feet is one story

Mr. Walker: Yeah, we allowed to go in our neighborhood to 60 feet tall, that's what our code book says. Again, we're like a different code book. This is also the Condo Association's permission for me to be able to do this.

Mr. Glover: Let's read that into the record.

Mr. Conklin: I can read all these

Mr. Glover: Let's do the Condo Association's first

Mr. Conklin read: "December 19, 2011. Michael Walker, 67 Indian Wells Road, Shelton, CT 06484. Re: Maples Association, 67 Indian Wells Road. Dear Mr. Walker; On behalf of the Maples Association Board of Directors, please accept this letter as authorization with the upgrades to your existing home, which may include the raising of your home. Before proceeding with any construction, it is imperative that you have the proper permits in place (e.g. zoning, building and health department). If additional information is needed, please feel free to contact me. Respectfully, Robert Pagliaro, Property Manager. cc: Board of Directors, City of Shelton, Town Hall."

Mr. Conklin read: Alright, from his two abutting neighbors, it's the same letter both of them: "From: Michael Walker, 65 Indian Well Road, 1/10/2011. Notice of Public Hearing January 17, 2012 at Shelton City Hall, 7:30pm. Pursuant to Section D of the Shelton Board of Appeals Regulations, you are hereby Notified of a pending application for a variance from the front yard setback (street line) of 10 ft. and the right yard setback of 5 ft. If you have any questions, please call me at 203-231-0387, or if you'd rather, a copy of the application is on file at the town Clerk's office at city hall. Thanks, Michael Walker." And at the bottom it says: "I have received this notification letter from Michael Wlaker and I have no problem with the town granting the variances." And one signed by Charles Walker and the other is signed by Maxine McIntyre, 65.

Mr. Glover: Alright the, is there some special reason that you didn't tell them that you're going to be zero setback from

Mr. Walker: I am zero, yeah because Rick told me that I'm zero already, it's not going to change. I wouldn't need it there because I'm zero.

Mr. Glover: Well, you asked for a variance to zero.

Mr. Walker: I'm already at zero. Did I need to ask for a variance for zero?

Mr. Conklin: It's in there isn't it?

Mr. Glover: It's in there, "a reduction from left side yard from 5 to 0 feet"

Mr. Walker: Oh, I did, okay

Mr. Cavallaro: You're asking for something you have

Mr. Walker: Okay

Mr. Conklin: but it's not in the letter

Mr. Glover: but it's not in the letter. You have to notify your neighbors of everything that you're doing.

Mr. Walker: Okay. I did notify them, I did notify them. I actually sat with them with this and showed them everything.

Mr. Glover: Alright, well, we're going to continue on, but you're going to have to

Mr. Walker: I'll bring that to

Mr. Glover: redo those letters for next month. And re-write the letters so that you add all of the variances that you're going for. You're looking for a street line from 10 to 5, reduction of the side yard to

Mr. Walker: But I have, I have that already

Mr. Cavallaro: Who told you, who told you

Mr. Walker: Rick, Rick actually did this with me. We sat down and wrote this together.

Mr. Cavallaro: right, but if you're zero already, why is he asking you to go from 5 to 0, you're already zero

Mr. Glover: maybe you have to, because you're taking it down

Mr. Conklin: it's five feet is the

Mr. Cavallaro: but it's existing

Mr. Glover: But you're taking it down

Mr. Cavallaro: but doesn't the variance already exist?

Mr. Glover: No, it exists in a pre-existing non-conforming structure. But he's not going to have a pre-existing non-conforming structure, he's going to take it down. Once he takes it down

Mr. Walker: Take what down? I'm not taking the structure down

Ms. Adanti: He's moving it

Mr. Walker: I'm lifting it up

Mr. Cavallaro: lifting it

Mr. Glover: you're lifting it up

Mr. Walker: yeah, same house, it's just going to be lifted up with a crane, lifted it up and it's not going, it's not being ruined. Crane, it's going to be bars, it's going to be bars, they're going to lift it up and then the foundations are being put in and it's being placed right back down on the foundation and secured

Mr. Glover: How are you going to do that and stay on your property?

Mr. Walker: How am I going to do it? Lift it. Well, I have permission from my neighbors to use their

Mr. Glover: So you're not

Mr. Walker: well no, this is a condo association

Mr. Glover: I understand

****Several talking at once****

Mr. Walker: we're all family

Mr. Glover: Well, if it was a condo situation, there wouldn't be a property line

Mr. Conklin: Well, that's right, that's my question on it too, if it was, when this was bought, this is, you're in the Maples section right?

Mr. Walker: it's crazy, it's crazy how it works, yeah, in the Maples

Mr. Conklin: Yeah, because this was bought because I was an Alderman at the time, we bought this as a single property

Mr. Glover: right

Mr. Conklin: And then each person had a deed section of that property

Mr. Glover: right

Mr. Conklin: with ownership of the house itself

Mr. Glover: right

Mr. Walker: And time is of the essence because we have like, we have only a certain limited time in order to accomplish this, in order for the, you know, the grant that the town's gotten for us to be utilized.

Ms. Adanti: How many more people are coming in?

Mr. Walker: Well, there were 7 that were approved for the grant. One has already lifted his house. I am the second and there's one or two others who will be doing it. But some of them are hoping for this extension that may or may not come if Charlene DeFilippo is able to accomplish that. At this point I'm not, I'm trying to do it without waiting for that, that possibility of the extension. And so time is of the essence for me and another month would be difficult for me to, you know, if it's at all possible to, you know, since I'm already at the zero and raising it to get approved.

Mr. Glover: Alright so the one on the, one side is 50 or 60 feet high

Ms. Adanti: Gerry, this picture kind of

Mr. Glover: Yeah I know

Ms. Adanti: did you see that one?

Mr. Walker: It's three stories, it's 3 stories and

Mr. Glover: This is the back of the house, right? Your house?

Mr. Walker: Yeah, yeah, that's my house, yeah. That top level and then an attic above that, that you're seeing

Mr. Glover: right, are there, are there windows on this side of this house?

Mr. Cavallaro: On your side of the house

Mr. Walker: Not really, no

Mr. Glover: your neighbor's house

Mr. Walker: Okay, okay this is on the back,

Mr. Glover: I understand

Mr. Walker: this is my neighbor's house, they have a patio here

Mr. Glover: yeah

Mr. Walker: and they have, yeah, they have windows here

Mr. Glover: Do you have windows on the side of your house?

Mr. Walker: No

Mr. Glover: Okay, so there's not going to be any windows on the right hand side?

Mr. Walker: There'll be one, only in the new staircase area for light, but no, the answer is no. There really is no windows on that side, let me see if I have a picture on it. Oh no, I don't. There will only be one

Mr. Glover: on the first floor

Mr. Walker: Yeah, right in the front, just so you can see the staircase, right here

Mr. Glover: Okay. Now, there is a, is there going to be another staircase out to the back?

Mr. Walker: Uh, this I have to deal with the wetlands, with John Cook, because there has to be egress and we're going to have that, I'm going to have that at that meeting on February 9th. We're going to meet at February 9th to discuss how we're going to accomplish that.

Mr. Glover: If there's a fire at the front door, how do you get out of this house, your house?

Mr. Walker: If there's a fire at the front door

Mr. Glover: Fire over here,

Mr. Walker: we come out the back

Mr. Glover: Well, that's what I'm asking you.

Mr. Walker: Yeah, well if there's a fire at the front door, yeah, in fact I have sliding doors on the back and

Mr. Glover: Right, but how do you get to, how do you get to those sliding doors. Once you

Mr. Walker: right now, you mean,

Mr. Glover: you lift it up

Mr. Walker: or once I lift it up?

Mr. Glover: once it's done

Mr. Walker: Once it's done there will be egress in the back staircase going down

Mr. Glover: There will be?

Mr. Walker: there will be, absolutely, yes. We're just trying to determine the smallest size because inland/wetlands doesn't like to have stuff in the back toward the river. So we're going to have to, you know,

John has me scheduled for a meeting on the 9th of next month to go over what the egress would be, but there will definitely be egress.

Mr. Glover: So you want to put a deck back there and then stairs down

Mr. Walker: Well, if you want me to get into that, the proposed thing would be, and this is not likely going to be what we end up with, but, okay I've got a door here and a door here which exists in the house now

Mr. Glover: right

Mr. Walker: that's the house

Mr. Glover: right

Mr. Walker: And it's lifted up, you need to get down from the door, and this actually won't be in the right place because this is my neighbor's

Mr. Glover: because you're on his property right now

Mr. Walker: so this is moved over and then we have to determine, because this overhang sticks out, how far we have to be to be able to get around this and so, you know, ideally, this is what it will look like in the back. So there will be egress from this door, this door and from the deck down. Now, it may just be that he says I've got to close this door up and there's going to be a small deck with stairs going down.

Mr. Glover: but there's definitely going to be stairs down

Mr. Walker: there will be, definitely egress, yes, definitely, definitely, definitely. And I would say that, you know, I'm trying to keep to both of them rather than just one. But he's, you know, he's like well throw a little rolling ladder out the back and climb down.

Mr. Glover: Did he really?

Mr. Walker: He was joking, he was joking. He said you could do it with a rolling ladder, and I'm like "C'mon", so

Mr. Glover: How far are you from the, the lake?

Mr. Walker: This is about 15 feet maybe, 10 feet? It's really tight, it's a tight, it's a tight spot and you know, like I said, I didn't even really want to jump into all this and then we got the grant and so it's a little bit much for me to handle but,

Mr. Cavallaro: So the purpose of all this is to raise the house to get it out of the flood plain

Mr. Walker: exactly

Mr. Cavallaro: So why is there windows and doors in the flood plain?

Mr. Walker: Because this is going to be a garage basically. The thing is when you come in

Mr. Glover: You just can't have living space down there

Mr. Walker: right

Mr. Glover: Flood plain has to go from the first floor up.

Mr. Walker: So when you come in the new house right, like, when you come in here and you want to get back to your backyard, you really have to go through. So there has to be a door or a window. And if you want to bring like a boat or something through, that's why I have these double ones in the back so I can remove those if I had something big that needed to get from the front door

Mr. Cavallaro: but that's a sliding door

Mr. Walker: Well, I just put it so I could take out the doors. It could be an opening and closing door, but yes, this is a garage in here.

Mr. Glover: See my, my whole issue is safety. That's my entire issue with the Maples. They're all, yours is, yours is kind of acceptable because you're just taking the main house and going up one.

Mr. Walker: right

Mr. Glover: Everyone else around you is going up two and three floors

Mr. Walker: right

Mr. Glover: The city has allowed them to go 60 feet

Mr. Walker: right

Mr. Glover: when there's only 3 feet between them, between the units

Mr. Walker: I don't disagree

Mr. Glover: If there's ever a fire in one of them, it's going right down the street. It's going from one to the next one

Mr. Walker: I don't disagree

Mr. Glover: and that's, that is my issue. So, I'm looking for the rear egress, because if there's a fire in the front of the house you can't, you have to be able to get out

Mr. Walker: right

Mr. Glover: and when you go out the back you're going to have to jump in the river if there's a fire, because you can't, there's no place else to go

Mr. Walker: I hear you, you know, but we are trying, you know, like I said, I am trying to come into conformity, rather than be out of conformity. I'm just raising it to get it out of the water so that we don't have flooding issues, and I'm not adding anything really to it other than a pretty staircase to go in so that you, you can add it. It's really not changing any access. They can actually jump on my house now and hold the hose if they need to get to the next house. It might be helpful.

Mr. Glover: Well your house, your house when it's only at this level they can put the ladder truck right over your house

Mr. Walker: That's right. I mean, they can actually walk out now

Mr. Glover: But I mean, they can put the ladder truck right over your house. But while her house goes up 60 feet and the house next to it's 60 feet, and the house next to it's 60 feet and there's only a 4 foot or 5 foot alley way between the two, we're in trouble.

Mr. Walker: and of course, you know, you'd like I'd want, I wanted to find out my house isn't on my own property, I mean this was like a whole big rigmarole for me

Mr. Glover: Maybe we've got a fire boat we could

Mr. Walker: You know what, that may, that may, well the good news is that they can at least suck the water out of the river

Mr. Glover: Ask the Mayor if he would consider a fire boat

Mr. Walker: I will, you know, I will

Mr. Glover: next time

Mr. Walker: He actually got us the grant, I mean, he actually fought for this because this is, you know, like the next election you'll see like big accomplishments. This is one of them, getting, you know

Mr. Glover: If you see the Mayor, I'll tell him Ed Conklin wants a fire boat.

Mr. Walker: No, I'm not going to tell him, I'm not going to tell him that. This is yours.

Mr. Glover: Okay, so February 9th, you're going where?

Mr. Walker: I've got inlands/wetlands because we have to discuss how the egress will work, which there will be in the back. By law I'm required to have egress and I have the right to have the egress. The issue that we have is of course I want to have something nicer than he, you know, wants to give us for egress. So we have to have that discussion with him. You know, he'd like it to be as small as possible, and we'd like it to be, so that it makes the house a livable situation. I mean, you know, it's where I live. I'd like to have it nice

Mr. Glover: And you're living there now

Mr. Walker: Yeah, yeah

Mr. Glover: Where will you live while you're lifting it up?

Mr. Walker: Um, you know, I'm not quite sure. I've got a house up in Stonington, a family house, which is about an hour and fifteen minutes away. I may go up there and

Mr. Glover: It's your nephew next door, right

Mr. Walker: Yeah, and next to that is my sister. He's at 69 and she's 70

Mr. Glover: When's our next meeting?

Clerk: February

Mr. Cavallaro: So the house is going to be held up with cranes?

Mr. Walker: No, they're actually going to put steel under it

Mr. Cavallaro: and jack it up

Mr. Walker: and then jack it up and then lift it up high enough and then they put a new foundation in and then they set it back down over the foundation.

Mr. Cavallaro: what holds it up while they're building the foundation?

Mr. Walker: You know, I saw a couple different, some of them are skids under the bars. They lift down onto skids or

Mr. Cavallaro: So it'd be inside the foundation, I'm trying to figure out how you

Mr. Walker: yep, so you're on your neighbor's property only while you're doing that.

Mr. Glover: Alright, is there anyone in this room who is in favor of this application? (no) Nobody's in favor. Is there anyone opposed? (no response) Alright, you're meeting with the wetlands on the 9th?

Mr. Walker: Yes, the building, I also have been with Building and they said as soon as you guys can, if I can get through this I can apply for the application for the building tomorrow

Mr. Glover: No, you gotta get through, no you can't. You gotta get through wetlands and there's a 15 day appeal period for us too.

Mr. Walker: But even, oh is that, even so, regardless of what the size of the deck is, I still need to go ahead with the project so, whatever, you know, I'm not going to wait until wetlands decisions are made. We're going to be okay with that. So you know, if I can get this granted, then I would be able to go to Building and file for an application, he said as early as tomorrow, to get the project rolling.

Mr. Glover: Well, you can't because you can't get zoning, the minimum you can get for zoning is probably 20 days. We have to put it in the paper, it's got to be 15 days from the time it's in the paper.

Mr. Walker: Yeah, well, that's fine

Mr. Glover: So you can't get a building permit until then

Mr. Walker: He was an acting building person, he wasn't the regular one, so maybe he didn't have

Mr. Glover: You can't get a building permit until you get zoning and you can't get zoning until the process is done.

Mr. Walker: So am I okay with you guys?

Mr. Glover: No, not yet. You're not okay with us. You're going to have to wait until February 21st for us to decide

Mr. Walker: Is that another meeting?

Mr. Glover: Yes, I think, does anybody need anymore information? (no) Alright, then I'll declare the hearing closed and we will vote on it on February 21st.

Approval of minutes:

During the work session the Board, upon motion by Commissioner Cavallaro and seconded by Commissioner Adanti, unanimously voted to approve the minutes of the December 20, 2011 meeting as submitted by the clerk.

Respectfully submitted,
Loreen Michalak, Clerk