

Minutes - Shelton Board of Zoning Appeals
Hearing Room, Municipal Building 54 Hill Street, Shelton, CT.
Tuesday, November 15, 2016 at 7:30 PM.

- #1016-01** **15 Westminster Avenue, Craig Samatulski Samatulski of 15 Westminster Avenue, Shelton.**
- #1016-02** **223 Huntington Street, Lot A, Albert Fitch of 223 Huntington Street, Shelton.**
- #1016-03** **223 Huntington Street, Lot B, Albert Fitch of 223 Huntington Street, Shelton**
- #0916-03** **11 Maple Lane Extension, Bozena Drozd of 11 Maple Lane Extension, Shelton** *(Carried from October Meeting).*
- #0916-04** **16 Sandy Lane, Jan Kocur of 16 Sandy Lane, Shelton** *(For Decision Only).*

Commissioner Edmund Conklin	Good evening ladies and gentleman. Welcome to the November meeting of the Shelton Board of Appeals. We meet monthly to consider variances on Zoning regulations and appeals on Zoning Department appeals and actions. When your application is called, please come up to the table and give your name and address for the record. To start the hearing, our regulations require that you have placarded your property, that you provide four pictures (one including the placard), and the receipts indicating that you notified your abutting neighbors ten days in advance of the tonight's hearing. If you don't have these, we will reschedule the hearing for the next meeting. When you come in front of this board you are giving testimony. This is a hearing. If the decision made by this Board at the end of this hearing is appealed and taken to the next level, it is transcribed testimony that is presented, not any member of this Board. Our minutes are transcribed verbatim. The 2 recorders on the table up here can only record one person speaking at a time. The conversation at all times is between the person who has the floor and the members of the Board. Also, please turn off or mute your cell phones. Any conversations in the audience need to be taken out into the hall. Present tonight are: Alternate Commissioner James Oraziotti, Commissioner Linda Adanti, our Clerk Tina Kelly, myself Ed Conklin, to my right is Commissioner Comm. J. Jones Jones, to his right is Commissioner Phil Cavallaro, and to his right is Commissioner B. Vasser.
Comm. P. Cavallaro	Before we start I'd like to make a motion that we add to the agenda to add and approve the 2017 meeting dates.
Comm. E. Conklin	Can we have a second?
Comm. B. Vasser	Second.
Comm. E. Conklin	OK. We'll have the meetings next year the same third Tuesday of every month and continue that. All right? All those in favor?
All	Aye

Comm. E. Conklin	Any opposed? [No response]. So moved.
Comm. J. Jones	The following having applied to the Shelton Board of Zoning Appeals for certificate of approval, public hearing on such applications will be held on Tuesday, November 15, 2016 at 7:30 p.m., in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT:
	#1016-01 15 Westminster Avenue, Craig Samatulski Samatulski of 15 Westminster Avenue, Shelton
Comm. J. Jones	#1, 15 Westminster Avenue, Craig Samatulski Samatulski of 15 Westminster Avenue, Shelton for a variance to Section 24.12.4, to reduce the setback from the rear property line from 5 feet to 2 feet to allow for the construction of a tool shed, 9' x 15' in an R-4 zone.
Comm. E. Conklin	Is the applicant present?
Unknown voice	Yes.
Comm. E. Conklin	Please come up to the table please. Come up and have a seat. Do you have the receipts that you actually sent these?
Comm. E. Conklin	I do not have the receipts with me.
Comm. E. Conklin	OK. Are these the three neighbors?
Unknown voice.	Yes.
Comm. E. Conklin	OK. We got all three back? OK, we got to take those. Name and address? Have a seat.
Unknown voice.	Yes, sir.
Comm. E. Conklin	Name and address for the record. please.
Craig Samatulski	Craig Samatulski, 15 Westminster Ave, Shelton.
Comm. E. Conklin	OK. You have pictures?
Craig Samatulski	Pictures. I didn't get four. I've been trying to have her text me.
Comm. E. Conklin	Uh, we need pictures of the property.
Craig Samatulski	With the placard?
Comm. E. Conklin	With the placard. We have a placard here obviously in the window. Uh, I need pictures of the property to see how this is going to be seated, or where it's going to be set in the property, what's the surrounding environment... for that.

Craig Samatulski	That was in the paperwork? I thought it just said to take pictures of the placard when you post...
Comm. E. Conklin	No, it says take pictures; take four pictures of the property, one including the placard. Uh, we have to have the pictures to continue the hearing.
Craig Samatulski	Great.
Comm. E. Conklin	All right? Uh, we'll get back to you 'cause we're not sure if we're going to be a hearing next month or if it's going to be held off until January--the hearing itself.
Craig Samatulski	If I've done something wrong, man, I'll go get the pictures right now if you want.
Comm. E. Conklin	Well, could we see everything? We have to be able to see how close it is to the neighbors' abutting structures, what your neighborhood looks like, and things of that nature when we're taking pictures.
Craig Samatulski	Uh, all right.
Comm. E. Conklin	You could give it a shot...
Craig Samatulski	I'll try.
Comm. E. Conklin	...come back. If we're not real... I mean yeah.
Craig Samatulski	I'm just frustrated because this was going on all summer and you guys weren't here all summer... so...
Comm. E. Conklin	We were here all summer.
Craig Samatulski	You didn't have meetings all summer.
Comm. E. Conklin	Only one day during the summer we didn't have a meeting. We had a meeting every other month.
Craig Samatulski	All right. I'll try to come back.
Comm. E. Conklin	We'll hold it 'til the end if you're back in time.
Craig Samatulski	Very good. Thank you.
Comm. E. Conklin	All right. Next
	#1016-02 223 Huntington Street, <u>Lot A</u> and <u>Lot B</u>, Albert Fitch of 223 Huntington Street, Shelton.

Comm. J. Jones	#2, 223 Huntington Street, <u>Lot A</u> , Albert Fitch of 223 Huntington Street, Shelton, for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 sq. ft. to 28,534 sq. ft. for a building lot in an R-1 zone and #3 223 Huntington Street, <u>Lot B</u> , Albert Fitch of 223 Huntington Street, Shelton, for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 sq. ft. to 28,534 sq. ft. and to make the left side yard setback 30 feet from the property line for a building lot in an R-1 zone.
Comm. E. Conklin	Is the applicant present?
Unknown voice.	Excuse me.
Comm. E. Conklin	Name and address for the record please.
Albert Fitch	Albert Fitch. 223 Huntington Street. Those two...
Comm. E. Conklin	That's your two abutting neighbors?
Albert Fitch	And then my neighbor at 229 Huntington Street--it says it wasn't deliverable--but I had him sign a sheet stating that I showed him exactly what the letter said.
Comm. E. Conklin	OK.
Albert Fitch	He's here as well.
Comm. E. Conklin	OK. Can you...
Comm. P. Cavallaro	Oh, he's got the receipt anyway, right?
Comm. E. Conklin	Well, from the one neighbor he's saying he did not get the receipt. You did not get the receipt right?
Albert Fitch	No, I have all--I was saying it wasn't deliverable. I just wanted to let you know.
Comm. E. Conklin	Deliverable? Oh, okay. All right. OK. these aren't signed. This is just the letter that you sent?
Albert Fitch	Yeah, just showing you what was sent in the envelope.
Comm. E. Conklin	OK. All right. If you could just read the end of that...
Comm. J. Jones	Sure. Addressed to Frank and Laura Marino. "Notice of a public hearing November 15th. I did receive verbal and written notifications of the hearing for 223 Huntington Street." Signed by the Marinos on the 13th of November. And the letter says: "Pursuant of Section D of the ZBA Regulations, you are hereby notified of a pending application for a lot split of 223 Huntington Street, Shelton, CT. The variances requested are

	as follows: lot A reduction from 40,000 to 28,534 sq. ft. and lot B reduction from 40,000 to 27,024 sq. ft.” That, that
Comm. E. Conklin	What’s that?
Comm. P. Cavallaro	Those numbers don’t match what was in here.
Comm. J. Jones	[Quoting the letter again] “The pending application will be heard at a public hearing on the 15th at 7:30pm.” [Rustling papers]
Comm. E. Conklin	40,000 to 28,538? Yeah, one of these numbers is wrong. I didn’t notice that. You have them both the same. I said they weren’t the same.
Clerk T. Kelly	Um, okay.
Comm. E. Conklin	OK. One of them is smaller. All right. What’s that?
Comm. B. Vasser	What do you want to go by?
Comm. J. Jones	It’s 28,500 and then 27.
Comm. E. Conklin	Yeah, let’s go by the correct numbers on the application. I had them corrected. The second one for lot, lot number two, lot B is the 27,000.
Comm. B. Vasser	OK
Comm. E. Conklin	Yes, 27,024. All right can you tell us what you’re trying to do and why? We need pictures yeah. This is the existing house as it stands?
Albert Fitch	Correct.
Comm. E. Conklin	And there’s a house behind this one? What is?
Albert Fitch	No, that’s a garage.
Comm. E. Conklin	That’s a garage?
Albert Fitch	That is this structure right here.
Comm. E. Conklin	OK. All right send this way first and when you’re done, send it on the other side. Tell us what you’re trying to do and why you can’t make the zoning regulations for the R-1 zone.
Albert Fitch	All right. Is it all right if I just read? I’m just going to read it off, is that all right?
Comm. E. Conklin	Sure.

Albert Fitch	<p>All right. (Reading) "At 223 Huntington Street there is a small cape that was built in 1940. The lot in which we live on is rather large for the area. It consists of 1.288 acres or roughly 56,000 sq. ft. We are asking to split our lot into two lots. I would like to point out that this lot split would not in any way be unique to the area.</p> <p>The reason that we are requesting this variance is because currently three-quarters of our land is behind the house. The only flat, level area is virtually detached from the house. The elevation of the house is quite low in relation to the grade of the land resulting in a steeper ascent to the back yard. This results in, besides maintenance, no other use of the back yard. Prior to us moving in, the backyard was overgrown and unused, this shows how detached from the home the land is. Also, there was a barn in the backyard that pre-dated the home and appears to have been at one time a livable building.</p> <p>Also, both of these lots only require a variance in square footage, all setbacks and minimum square for buildable lot are met. Shelton Planning and Zoning Regulation 5.25 shows a lot is allowed to be reduced to 30,000 square feet with access to city sewer or water, and these two lots would have both city sewer and city water. If this is to be considered, the two variances would total about 4400 square feet."</p>
Comm. E. Conklin	Are there any other restrictions for that 30,000 square feet?
Albert Fitch	For what?
Comm. E. Conklin	You're saying it can be reduced to that... is there any sort of specific zone?
Albert Fitch	Uh, no.
Comm. E. Conklin	For that? OK. All right.
Albert Fitch	'Cause, see it's a lot from 40,000 to 30,000 so I'm assuming it's probably R-1.
Comm. E. Conklin	All right. [Rustling papers] Let's uh, turn it this way.
Comm. L. Adanti	I'll get up to look at the map.
Albert Fitch	I also have pictures representing the elevation of the house.
Comm. E. Conklin	This is Huntington Street, Courtland Drive.
Comm. B. Vasser	Where's Courtland Drive? I know where it is on there. But where
Comm. E. Conklin	Uh, what's it about, ½ mile beyond Huntington Center?

Albert Fitch	Yes. Quarter or a half. It's across from like the pump-out station on Huntington Street, right past the cemetery.
Comm. E. Conklin	Right. OK.
Comm. B. Vasser	Thanks.
Albert Fitch	Maple Lane is the other, the street up.
Comm. J. Jones	The proposed lot will actually have its driveway on Courtland Drive, correct?
Albert Fitch	Correct.
Comm. P. Cavallaro	So it's not a rear lot?
Comm. E. Conklin	No, it's not a rear lot. It's a far lot. The other lots in the area, the one on the opposite side is 0.8 acres. The one next to him is .69, which is a buildable acre. And there's two that are over the other side that, not sure what they are--because this house doesn't even come close to meet zoning.
Albert Fitch	.56 and .74
Comm. E. Conklin	On that. All right, where is... So this house will not have a garage?
Albert Fitch	Correct.
Comm. E. Conklin	And any garage being built after that is going to need a variance?
Albert Fitch	I guess, yes.
Comm. E. Conklin	So you're making a non-conforming lot?
Albert Fitch	This one? I mean, what are you saying, like a garage couldn't be built here?
Comm. E. Conklin	It's out of the square of the building area.
Albert Fitch	I'm pretty sure if a garage was to be built, it could be built within tolerances of the 150 X 150 foot buildable square.
Comm. P. Cavallaro	But you need another variance because now you're going to make it a non-conforming lot.
Albert Fitch	Even though it's within the square?
Comm. P. Cavallaro	Doesn't matter. Once you diminish the size of the lot, it becomes non-conforming.

Albert Fitch	OK.
Comm. E. Conklin	What are the setbacks? You have 40 feet there.
Albert Fitch	Even if the setbacks are met, you can't have...?
Comm. P. Cavallaro	Doesn't matter, you don't have the area anymore.
Albert Fitch	Like the area, you mean the coverage would be too great?
Comm. P. Cavallaro	Physical lot size is no longer an acre.
Comm. B. Vasser	Right.
Albert Fitch	But, as per like, so in 1998 they passed a code for all non-conforming lots to be grandfathered, or otherwise, if they meet minimum setbacks to be allowed to build additional structures as long as rear setbacks are all met.
Comm. P. Cavallaro	But this lot is being converted after 1998, so you're creating a hardship now.
Comm. E. Conklin	Right. This is self-imposed hardship.
Albert Fitch	But even, but other lots in the area of R-1 that are 0.5 that remain after 1998 are allowed to go by these standards.
Comm. E. Conklin	These two off-hand I'd say are pre-existing non-conforming lots before zoning...
Albert Fitch	But what I'm...
Comm. E. Conklin	...was even made.
Comm. P. Cavallaro	But you're creating this after 1998; prior to 1998 it was conforming. So it's not pre-existing non-conforming.
Albert Fitch	But other lots have been built in the area that are below the, that are 25,000 square feet that are allowed to have the minimum setbacks set.
Comm. P. Cavallaro	I don't know about existing other lots. I'm just saying with this lot it falls under--pre-existing, non-conforming only applies to something that was done prior to the zoning rules. You're doing this after the zoning rules. You're making it non-conforming now.
Albert Fitch	No, I understand that. But like, other lots in the area...
Comm. P. Cavallaro	I don't care about other lots. This lot's the question.
Albert Fitch	OK.

Comm. E. Conklin	You also have a shed that's non-conforming up here; what's going to happen to that?
Albert Fitch	Even though it's less than 100 square feet?
Comm. E. Conklin	Need a 10 by...
Albert Fitch	'Cause I thought that if it was under 100 square feet that it could be 10 feet off the property line.
Comm. E. Conklin	It is 10 feet. OK.
Comm. P. Cavallaro	What's this? Is this 40 feet here?
Comm. E. Conklin	His setback there is 40 feet.
Comm. P. Cavallaro	R-1 is 40 right? Wait, it's 50.
Comm. E. Conklin	That's 30, that's 30. Questions? [No response] Well, what is the hardship here?
Albert Fitch	Uh, the detach—like the separation from the rear lot--if you, I have pictures of elevations showing the slope from the house to the rear lot.
Comm. E. Conklin	OK. but how is that a hardship for building, splitting your lot? [Chuckle]
Albert Fitch	I just, like the detach from the property.
Comm. E. Conklin	Well, you could go out and put a driveway in put a building up here same as that to make it part of your property.
Albert Fitch	OK.
Comm. E. Conklin	And utilize it.
Albert Fitch	I just don't like the way it stands without a building out there now.
Comm. E. Conklin	Well you're saying there was a building up there.
Albert Fitch	Yeah, a dilapidated barn that was built before the house.
Comm. P. Cavallaro	But that was part of the existing house; it was an accessory building.
Comm. E. Conklin	Right, yes.
Comm. P. Cavallaro	Now, the hardship comes trying to make two lots out of one.
Comm. E. Conklin	Right.

Albert Fitch	Yeah. I removed the barn because it was falling down and the roof was caved in. I was advised to go to town hall and get my permit to tear it down. The foundation's still there, but everything else has been removed.
Comm. P. Cavallaro	What did Planning and Zoning tell you when you went to them?
Albert Fitch	For?
Comm. P. Cavallaro	What was their advice?
Albert Fitch	For this?
Comm. P. Cavallaro	Mhmm.
Albert Fitch	To submit it and to state that in the local area there are lots that are this size and that my house would have both city sewer and city water.
Comm. P. Cavallaro	How big is the lot that's above you?
Albert Fitch	One.
Comm. E. Conklin	So every other lot surrounding you at the moment is one acre of buildable lot?
Albert Fitch	Yeah, besides across the street. But the houses behind me on Courtland were a subdivision done after my home was built.
Comm. E. Conklin	OK. Questions?
Comm. J. Jones	When was the... you said there was a barn removed. When was that removed?
Albert Fitch	I removed it last year.
Comm. P. Cavallaro	Is that it now? Just above the 1,2-8? What's that down on the zoning map?
Comm. E. Conklin	That's it, yes.
Comm. P. Cavallaro	That's the barn?
Comm. E. Conklin	Yeah.
Albert Fitch	I have pictures if you'd like.
Comm. P. Cavallaro	So the shed doesn't appear on that map at all?
Albert Fitch	[Mumbling]

Comm. P. Cavallaro	This is the garage. Ah!
Comm. P. Cavallaro	So that's going to be right on the property line now?
Albert Fitch	It would be torn down.
Comm. E. Conklin	So I'm saying as it stands right now, there's nowhere to build a garage almost, I can see, without...
Comm. B. Vasser	Wouldn't that increase the amount of coverage and further put the property in non-conforming, in a non-conforming situation?
Comm. P. Cavallaro	Yes, yes it would.
Albert Fitch	What do you mean increase coverage? Like the coverage in...
Comm. B. Vasser	Well, it makes the house bigger in relationship to the size of the lot so the coverage of the entire house is greater.
Albert Fitch	Right, like the percentage?
Comm. B. Vasser	Percentage, right. Because your variance is requesting, you're requesting a variance from 40,000 to 20,000 square feet, right, minimum coverage. So if you add a garage, it's going to increase the size of the house; therefore, eliminating...
Comm. P. Cavallaro	The lot coverage.
Comm. B. Vasser	The lot coverage.
Albert Fitch	Are you talking about the (semi?) permeable area? 'Cause I brought my percentages here and I'm well below them.
Comm. B. Vasser	Why are you asking for?
Albert Fitch	For what?
Comm. E. Conklin	He's just looking for lot area. Where is
Albert Fitch	That's the area.
Comm. P. Cavallaro	The gross land to build an R-1 zone is that.
Comm. B. Vasser	OK.
Comm. P. Cavallaro	It doesn't have anything to do with the amount of coverage. That's a separate thing.
Comm. E. Conklin	Is this picture, what is this picture showing?

Albert Fitch	That, that corner's the garage. This garage right here.
Comm. E. Conklin	OK. And where is this fence? That's the neighbor's property?
Albert Fitch	Where, sorry? The fence?
Comm. E. Conklin	The white fence.
Albert Fitch	That's mine.
Comm. E. Conklin	That is yours.
Albert Fitch	Mine goes all the way up to...
Comm. E. Conklin	Where does that fence start on this property, is that?
Albert Fitch	Right down here.
Comm. E. Conklin	That fence starts there?
Albert Fitch	Yes.
Comm. E. Conklin	OK.
Comm. P. Cavallaro	So the proposed new lot has the fence?
Albert Fitch	Yes. I put the fence in afterwards. The fence goes across where the yard stops sloping.
Comm. E. Conklin	OK. And this picture's being taken from this spot?
Albert Fitch	Yeah, so this is being taken right here.
Comm. E. Conklin	OK.
Albert Fitch	Make it a little higher, or lower, I should say.
Comm. E. Conklin	And this is a picture looking back, at the back of the house? Looks like.
Albert Fitch	Yes, that is from where the property line would be.
Comm. E. Conklin	OK.
Comm. J. Jones	Why was a fence put there?
Albert Fitch	I put the fence in.

Comm. J. Jones	Why?
Albert Fitch	To, because I...
Comm. J. Jones	There's no fences in the area. It's a nice fence! I...
Albert Fitch	Before I moved there was 40-foot trees that were taken down by the power company and I had cleaned everything out inside of that first--there were all trees and everything and I cleaned the whole land--and when that got taken down, it was just opened up the whole rear area. And I've fenced in my whole yard. I don't know if you know, but we've already had two break-ins on Courtland in the past two months. So, I think it's hopefully a good thing.
Comm. P. Cavallaro	But that's around your existing house, or?
Albert Fitch	The fence goes all the way--that fence goes from the garage and then straight up Courtland and then across the back, it's chain-linked between my rear neighbor on Courtland and then I have chain-link, it goes down from...
Comm. E. Conklin	Here's the fence here, marked here.
Albert Fitch	And then here's, all the way down here. But this is split-rail fence here.
Comm. E. Conklin	I just got a bearing looking at the pictures. I was looking, looking at the map.
Comm. B. Vasser	Do you have a section at least that shows more of surrounding properties, please?
Albert Fitch	Yeah.
Comm. E. Conklin	And we are looking at...? I'm sorry.
Comm. B. Vasser	0.93, 0.94, one, 0.92, 0.93. They're pretty much all one-acre lots, with the exception of these two. This is 0.8, 0.96. Really it's, and then up here. On this side it gets more...
Comm. E. Conklin	These are very old houses...along there. That's Maple, right? Yeah, that's a series of very old houses along there.
Albert Fitch	Yeah and that subdivision behind my house started in 1966. You can see it's labeled one.
Comm. B. Vasser	You're talking about here?
Albert Fitch	Yes.

Comm. B. Vasser	I see.
Albert Fitch	'Cause all these houses were built in the same period as this house, this house, and these houses.
Comm. B. Vasser	These houses?
Albert Fitch	This house. This house was built in 2000. 'Cause all these houses were in the '60s and after to the '80s. This house is 1940; this house is 1960. This is a newer house in 2002.
Comm. P. Cavallaro	So, in effect we going to go backwards, you know because, these were all built to conforming sizes. They could have done a lot different with the amount of land they had and now you're asking to do what they did back in the '40s.
Albert Fitch	I was just going by how much greater in square-footage mine is than the other ones. All the other ones are relatively between 0.9 and 1.0.
Comm. E. Conklin	0.9 is a building acre.
Albert Fitch	Yes. 0.9 is 40,000, yes. 0.65. And across the street is 0.8.
Comm. B. Vasser	Explain again why you want to split these lots.
Albert Fitch	So I have pictures. Sorry. So these two pictures represent how far down mine sits. As well if you look at the topography of this, it shows you the great difference from here to here. From here to here is 6. From here to here is 15 over a 50-foot distance.
Comm. B. Vasser	And this is, this is this house here?
Albert Fitch	Yes, that is my house. This is looking from Courtland from here to here.
Comm. B. Vasser	Yep.
Albert Fitch	This one is looking from lower down here to here. This is a 3 to 4-foot concrete retaining wall.
Comm. B. Vasser	And this is the existing garage here?
Albert Fitch	Correct, that was also from the structure from what appears pre-dates the house as well.
Comm. B. Vasser	All right.
Comm. E. Conklin	That's a two-foot rise there. That's a three-foot rise.
Comm. P. Cavallaro	It's up or down? So it goes up down here.
Comm. B. Vasser	And do you have any photos looking here?

Albert Fitch	No, I'm sorry. No, that's just from--this is from the garage. This goes in and then there is about a, I'd say, two-foot rise up to here. If you look at the topography, it should show up better than I can explain it.
Comm. E. Conklin	This point to this point's an 8-foot rise?
Albert Fitch	Mhmm. And that's 140-feet?
Comm. B. Vasser	And you want to split it simply because there's a difference in elevation?
Albert Fitch	Well just how separated it is. Like if you were to...
Comm. B. Vasser	I'm trying to get a sense of that which is why I asked you before... this side here.
Comm. P. Cavallaro	Well, he wants to split it to make another house. But his reason to split it is because it's so up-gradient that he's considering it an attachment from his existing house.
Albert Fitch	So here's my slope from the side to my fence. And then once that point starts...
Comm. B. Vasser	What angle is this? What angle is this?
Albert Fitch	This from me just standing at the direct front yard, from the property line right here.
Comm. B. Vasser	OK. All right.
Albert Fitch	And then, this is me shooting down from--where is it--this point right here.
Comm. B. Vasser	OK.
Albert Fitch	Here. This is the structure when it was there.
Comm. B. Vasser	So you have an elevated backyard? I just don't see the reason to split it and put another house on it yet. I'm trying to figure that out.
Albert Fitch	OK. I'm just--it was detached. The structure that used to be there I believe was livable. It was pre-dated the house. The owner told me that it pre-dated the house, like the previous lady 'cause she lived there her whole life.
Comm. B. Vasser	Uh-huh.
Albert Fitch	And he could tell it was a structure before the house was ever built.
Comm. E. Conklin	I mean this is a 10-foot rise here. This is only an 8-foot rise here. A10-foot rise from here to here.

Albert Fitch	'Cause I thought when I did that it was 12.
Comm. E. Conklin	2, 4, 6, 8, 10. So you got the same rise from the front of your house as you do to there.
Comm. P. Cavallaro	Well either way that's not really a hardship.
Comm. E. Conklin	Yeah.
Comm. B. Vasser	That's what I'm trying to figure out. I'm trying, you know--what's the hardship about this property that requires you or gives you the, where you feel the need to split it into two houses?
Albert Fitch	Just like--right now like where our house is to go in the backyard, we never utilize--like the only time I go in the backyard is to cut the grass or to do, like I, to...
Comm. B. Vasser	How is putting a house on that going to help you use that?
Albert Fitch	My wife and I plan to move into this house.
Comm. B. Vasser	I see. And then what are you going to do with this one?
Albert Fitch	Sell it. That is our plan.
Comm. B. Vasser	I see.
Comm. E. Conklin	So you're obviously saying with the money that you make from selling this, you're able to build a new house?
Albert Fitch	I don't know if that would cover all the costs by any means, but I would build the house and I would live there prior to moving into this.
Comm. B. Vasser	Why not just build the house, and?
Comm. E. Conklin	All right, any other questions regarding the plans?
Albert Fitch	What do you mean? Build the house... as it stands; the house right now is a 1944 with a stone foundation...
Comm. B. Vasser	Why not build this house and then demolish this one? I don't, I mean--I'm just looking for the reason to split the thing and make two houses, split the yard and make two houses.
Comm. P. Cavallaro	There's no hardship here so. It's not a land hardship to do something existing to that house or something to the existing house. The whole intent is to split it and make two out of one, and that's really not a hardship.
Comm. B. Vasser	Right 'cause I mean the whole street is, is uh...

Comm. P. Cavallaro	Right, that side of the road, right. Anything built after 1960 was all conforming.
Comm. B. Vasser	Right. So we're going to take an area that's conforming and make it non-conforming, and create a non-conforming lot? Thanks.
Comm. E. Conklin	OK. Any other questions from the board?
Comm. J. Oraziotti	Do you have any supporting paperwork from your neighbors?
Albert Fitch	No.
Comm. E. Conklin	Any other questions? Being none, I declare the hearing closed.
<i>(Indistinguishable)</i>	Ask who's in favor?
Comm. E. Conklin	Oh, I'm sorry. Anyone in the audience in favor of this application? [Unclear] Anybody in the audience (Voices from the audience)
Comm. P. Cavallaro	Are you in favor of it?
Unknown voice	I'm not.
Comm. E. Conklin	Well, I'm not done yet. OK. Anybody opposed to this application? OK. Please come up to the board, uh table. Have a seat. Please give your name and address for the record please.
Frank Marino	Frank Marino. 229 Huntington Street.
Comm. E. Conklin	OK. Are you, where are you in relationship to this property?
Frank Marino	The next-door neighbor.
Comm. E. Conklin	You're next-door neighbor to... It would be to... the east street side of his property?
Frank Marino	Yes.
Comm. E. Conklin	OK. All right. So you're not in favor of this?
Frank Marino	No.
Comm. E. Conklin	OK. Any reason?
Frank Marino	Just from what you're stating.
Comm. E. Conklin	OK.
Frank Marino	Making two non-conforming lots.

Comm. E. Conklin	OK. All right thank you. Anybody else opposed?
Unknown voice	I'm opposed.
Comm. E. Conklin	OK. Your name and address?
Mike Mussatto	Mike Mussatto. 215 Huntington Street. I'm the opposite on Courtland.
Comm. E. Conklin	OK. You're the opposite, on the opposite side of the street.
Clerk T. Kelly	Could you please spell your name?
Mike Mussatto	M-u-s-s-a-t-t-o.
Tina Kelly	Thank you.
Comm. E. Conklin	All right.
Mike Mussatto	Opposed for the same reason: two non-conforming lots, not a hardship, and setting precedent for any non-conforming lots.
Comm. E. Conklin	OK. Thank you.
Matthew Gallo	Matthew Gallo.
Comm. E. Conklin	Address, please.
Matthew Gallo	11 Courtland Road.
Comm. E. Conklin	All right.
Matthew Gallo	On a diagonal. My concern is a little different, perhaps, than others.
Comm. E. Conklin	OK. Go ahead.
Matthew Gallo	Go ahead?
Comm. E. Conklin	Yeah, well, well do you have anything--you want to put in the record what your concern is, or?
Matthew Gallo	Yes, perhaps, I believe so. I think it should be in the record.
Comm. E. Conklin	OK. Go ahead.
Comm. J. Jones	Do you want to sit down?

Matthew Gallo	No, I could sit right here, or I can stand. Uh, there's a millpond across the street, and my concern is more about blasting and the ledge there. I've been living there 25 years and this pond was actually sanctioned to be built and rumor has it 1752. Uh, there were two people from Stratford--that was, when Shelton/Huntington was Stratford. It's quite a nice pond. Uhm, just a little concerned--my concerns are a little different, and this is my concern. If there's any blasting or drilling, would it actually, what could it do to that bedrock underneath?
Comm. E. Conklin	OK.
Matthew Gallo	Uhm, something has been done before--one of your taxpayers, not to mention no names--uh, I think on Canal Street, did a little blasting there. And I see the difference in the dam from those days to now - where the water doesn't flow over the dam, it flows under the dam. And I mentioned to Albert that was my concern. They're perfectly fine--you know, you, whatever this court decides. My concern, as is with that dam, which is probably--not many people know about that dam on Courtland Road.
Comm. E. Conklin	Mhmm.
Matthew Gallo	It's a pretty historical piece of Shelton. If anything were to happen to that dam, I believe the river from Isinglass to the Shelton dump could be changed forever.
Comm. E. Conklin	OK. Thank you.
Matthew Gallo	I'm just--that's my concern.
Comm. E. Conklin	OK. Thanks.
Matthew Gallo	Thank you. Appreciate it.
Comm. E. Conklin	Dale Schofield. Last name is s-c-h-o-f-i-e-l-d. I'm Albert's adjoining...
Clerk T. Kelly	Your address?
Dale Schofield	Oh, I'm sorry, 12 Courtland.
Clerk T. Kelly	Thank you.
Dale Schofield	I'm the house just past the lot that he's...
Comm. E. Conklin	You'd be the south side?
Dale Schofield	Yeah. So, um, I wasn't necessarily for or against. My main concern, I just wanted to come here--obviously I am concerned about the change to the integrity of the neighborhood. The houses on the property are subdivided. My other concern is much like what Matt voiced, uh, if there's any

	incident of blasting, damage to my foundation, as well as between my driveway and my side-yard that butts up against his open lot--that's where my septic is. So, I'm concerned about damage to the septic and my foundation. Uh, that's pretty much my concerns right now.
Comm. E. Conklin	OK. Thank you. Anybody else opposed? [Silence] All right.
Albert Fitch	Can I address those concerns?
Comm. E. Conklin	Yes, you do.
Albert Fitch	Um, with the nonconforming lots, like I stated earlier with the zoning regulations 5 decimal twenty-five, you are allowed to reduce a 40,000 square-foot lot to 30,000. And what I'm asking for past that is 2,000 per lot. So, in the guidelines you are allowed to reduce it to what I guess would be a non-conforming lot, so... And then, for the blasting, I did talk to an excavator and they would be pounding, not blasting. And I also talked to the water company who put a water line in in 2001 and they, if there is this much bedrock, they went through it, they said they had to go at least 42 to 48 inches to run their water line and they said they had no complaints with what they did all the way up Courtland for a water line. So, it wasn't, and it's less environmentally impactive to do pounding versus blasting he said.
Comm. E. Conklin	OK. All right. Any further questions? All right.
Comm. B. Vasser	What was the note about, you can change a lot to, from 40 to 30, you're allowed to do that?
Comm. E. Conklin	Well, you're allowed to create a building lot at 30,000 square feet if it has city water and city sewer. But that's under certain conditions, too. There's, I would have to look that up.
Albert Fitch	Just the top part. The bottom part is just what I read.
Comm. E. Conklin	It says "may be reduced" but it doesn't, I mean that's up to, and it says lots in Shelton are served by public water... [Microphone moving away; unclear, then reading] "30,000 square feet contiguous buildable land is appropriately proportioned for siting a structure, required parking, and other normal requirements for the uses allowed in the zone; access to such buildable area can be accomplished without traversing a steep slope area; if the only feasible access to such buildable area requires crossing an inland/wetland, such crossing must have the prior approval of the Shelton Inlands/Wetlands Commission; and allowing such reduction will not be detrimental to wetlands, watercourses and/or other valuable natural features. Uhm... I-15 Land in 2 or more Zoning Districts may be used to satisfy a minimum lot area requirement provided that the requirements of the District requiring the largest building lot area is met, but no land in a residential, uh, Residence District shall be used to satisfy a lot area requirement in any other District." There's no period here, is there

	anything else?
Albert Fitch	That's just the section there is like, 45 for that one.
Comm. E. Conklin	I don't have my book with me to...
Albert Fitch	Yeah, I just got it off the website.
Comm. E. Conklin	It may be required, there's no...
Albert Fitch	Can I have that back, or no?
Comm. E. Conklin	What's that?
Albert Fitch	Can I have that back?
Comm. E. Conklin	No, you can't. Once I use it for evidence it can't be... All right. Any other questions?
Comm. B. Vasser	No.
Comm. E. Conklin	All right. Any other questions? All right, I declare the hearing closed, then. Thank you.
Albert Fitch	Thank you.
	#0916-03 11 Maple Lane Extension, Bozena Drozdz of 11 Maple Lane Extension, Shelton.
Comm. J. Jones	#0916-03 11 Maple Lane Extension, Bozena Drozdz of 11 Maple Lane Extension, Shelton, for a variance to Section 24.4.12 (which states that the minimum setback requirement from the right side property line is 20% of the frontage but not less than 10% for a non-conforming lot) to reduce the setback from the right side property line from 20 feet to 15 feet in order to construct a two story addition measuring 26 feet x 33.5 feet in an R-1 zone.
Comm. E. Conklin	This is for 11 Maple Lane? [Rustling papers]
Comm. J. Jones	(Reading): "I wish to withdraw my application for an addition to my house on 11 Maple Lane Extension from the Shelton ZBA... Sincerely Bozena Drozdz."
Comm. E. Conklin	That one was withdrawn this afternoon.
Comm. P. Cavallaro	That was the no-show last time?
Comm. E. Conklin	Yeah, and they finally contacted this afternoon.
Comm. J. Jones	16 Sandy Lane...

Comm. E. Conklin Oh, that's for decision. So that's we're done here with the hearings. OK.
Comm. J. Jones	Do you want to hang around and keep this one open in case he comes back?
Comm. E. Conklin	Yeah. Let's see if he makes it back. (Muffled.)
Unknown Voice from audience (mumbled)	
	*WORKING SESSION TOOK PLACE FOR ABOVE APPLICATIONS. LATER, HEARING CONTINUED UPON RETURN OF CRAIG SAMULTULSKI (#1016-01, 15 Westminster Avenue, Craig Samatulski Samatulski of 15 Westminster Avenue, Shelton, Owner).
Comm. B. Vasser	Name and address again probably for the record there.
Craig Samatulski	Craig Samatulski, 15 Westminster Avenue, Shelton, CT.
Comm. B. Vasser	Sir, are you going to be speaking?
Albert Natri	Yeah, uh yeah me too. Albert Natri.
Comm. B. Vasser	Thank you. Uh, address, street...
Albert Natri	Trumbull, CT.
Clerk T. Kelly	Your address, street address?
Albert Natri	68 Bonavue Drive.
Clerk Tina Kelly	OK.
Albert Natri	OK.
Comm. E. Conklin	So I guess you want to go off this drawing that we have here.
Albert Natri	Yeah.
Comm. E. Conklin	Tell us what you're trying to do and why you can't meet the zoning regulations.
Albert Natri	Well, the situation is this. They subdivided a house: these two houses and they made very small lots. He's only got a one-car garage. He's a lineman. He's not a computer guy. He needs a place for his tools. He can't even park a car in a one-car garage. So we're trying to put a shed in the back. I think it's this house, isn't it? I believe—in this corner right

	here? Should be this one I believe.
Comm. E. Conklin	It's 15 West.....
Albert Nastri	Yeah. So, right, right over here, the neighbor next door just put up--it's upside down--anyway...
Comm. E. Conklin	Which neighbor put up the fence, then?
Albert Nastri	This guy right here. He put up a fence 'cause he has a trampoline right next door.
Comm. E. Conklin	And this fence is right on the property line?
Albert Nastri	It's right on the property line, yeah. So it block, it pretty much blocks the shed that we started. And you know, not for nothing, I mean if you look from his porch to the next house, it's not like--it actually gives more privacy to both people because otherwise, you see right into the other guy's house. So it's not like it's--and it's also, it's a foot under the max as far as height and it's well under the ground here, 'cause you go to what, 300...
Comm. E. Conklin	Is there some reason why you can't keep it 5 feet from the property line?
Albert Nastri	Yeah, because the yard--yeah, yeah--there's also a well right here which is right... it doesn't show it, but there's a, the well is like right there. So if we moved it, the well would be underneath it.
Craig Samatulski	The well is right here underneath the tarp.
Albert Nastri	Yeah, yeah he would have no yard, honestly. There'd be no yard at all.
Comm. E. Conklin	Well, the hardship is there's a well there.
Albert Nastri	There's a well there... I mean, his backyard is, I mean, it's--what is it like 15 ft.? I mean it's very small.
Comm. E. Conklin	Hard to believe, I mean I had a house on Coram and it had a well too. And the well was literally 2 feet off the foundation of my house.
Craig Samatulski	But this one, they kind of stuck it right in the middle of the backyard.
Albert Fitch	Yeah, it killed the whole thing.
Comm. P. Cavallaro	So, let me ask you, this is part of the shed.
Albert Nastri	Yeah.
Comm. P. Cavallaro	So you've already started...

Albert Nastri	Yeah, that was started a few months ago, yeah.
Comm. P. Cavallaro	Now what's--you've got footings under that, too, I assume?
Albert Nastri	Well, yeah, uhm... no we did, uh, we did it on block. We put uh,
Comm. P. Cavallaro	So it's movable.
Albert Nastri	Yeah, it's movable.
Comm. P. Cavallaro	And it will remain movable?
Albert Nastri	Yep. And it's what--it's 15 feet? I think it was 9 by 15 feet so it was well under the maximum. The maximum I mean was like 300 square feet or something like that? And uh, it's just, like I said, it's just a place for him to put his tools. He's a lineman. He needs a place to put his tools.
Comm. B. Vasser	Have you talked to any of the neighbors at all?
Albert Nastri	He says he's talked to everybody. Nobody has a problem. We don't know who called, but--and I'll be honest with you, if you go in the neighborhood--like, we took a picture, where's the picture -we took pictures--everybody, in the neighborhood... I mean this one right here, there's two sheds right on the property line. Every person in the neighborhood has like 2 or 3 sheds that are right on the property line. His neighbor across the street has like a garage. I mean...
Comm. E. Conklin	They're all very small 50 by 100 foot...
Albert Nastri	But they're right on the property line. I know they're not, you know, they're not, they're not within
Comm. E. Conklin	I'm familiar with this area.
Albert Nastri	You are, right?
Comm. E. Conklin	I lived up on Coram between Wells and Providence years ago.
Comm. P. Cavallaro	I know exactly where...
Albert Nastri	It's just that the yard is so small. If he moved that, he'd have no yard. I mean, like I said, the well and everything...
Comm. E. Conklin	Well, you can't move it because of the well either.
Albert Nastri	Yeah, it's tough, you know?
Comm. E. Conklin	You can't build it; you can't put anything on top of your well.
Albert Nastri	No.

Comm. P. Cavallaro	No yard is not a hardship. A well is a hardship.
Comm. E. Conklin	Yeah.
Albert Nastro	Well, you know, then that's it.
Comm. L. Adanti	And you started and someone called?
Albert Nastro	That's what they said, yeah.
Comm. E. Conklin	OK. Any other questions from the board? [Silence] OK, no further questions? OK.
Comm. P. Cavallaro	Is it going to be a walk-in door or an over-head door?
Albert Nastro	No, it's a three-foot door.
Comm. E. Conklin	A three-foot door?
Comm. E. Conklin	It's strictly a man-door.
Albert Nastro	That's it. Yeah, like I said. It's just for his tools. You know, his line gear, lawnmower, stuff like that.
Comm. E. Conklin	No water having to do with the shed?
Albert Nastro	No. Nope. Nope, nothing. No power, no nothing.
Comm. E. Conklin	OK. All right. Any other questions? I have to ask this question. Anyone in favor of this application? [Chuckles] Anybody opposed to this application? OK. Any further questions from the board? Being none, I declare the hearing closed. All right, thank you gentlemen.
Craig Samatulski	Awesome, very appreciative.
Albert Nastro	Thanks a lot.
Craig Samatulski	Do you guys need these?
Comm. E. Conklin	Yes, we have to have all these.
Craig Samatulski	Very good. Thanks so much, have a good evening!
Comm. E. Conklin	You too, thanks.

WORKING SESSION:

1. #1016-01 15 Westminster Avenue, Craig Samatulski of 15 Westminster Avenue, Shelton, for a variance to Section 24.12.4, to reduce the setback from the rear property line from 5 feet to 2 feet to allow for the construction of a tool shed, 9' x 15' in an R-4 zone.

Motion to approve made by Commissioner Jones and seconded by Commissioner Vasser to approve the variance. Motion approved by unanimous vote.

2. #1016-02 223 Huntington Street, Lot A, Albert Fitch of 223 Huntington Street, Shelton, for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 sq. ft. to 28,534 sq. ft. for a building lot in an R-1 zone.

Motion made by Commissioner Vasser and seconded by Vice-Chairman Cavallaro to deny the variance. Application for variance denied by unanimous vote.

3. #1016-03 223 Huntington Street, Lot B, Albert Fitch of 223 Huntington Street, Shelton, for a variance to Section 24, Schedule B, Line 1 to reduce the lot area from 40,000 sq. ft. to 27,024 sq. ft. and to make the left side yard setback 30 feet from the property line for a building lot in an R-1 zone.

Motion made by Commissioner Vasser and seconded by Vice-Chairman Cavallaro to deny the variance. Application for variance denied by unanimous vote.

4. #0916-03 11 Maple Lane Extension, Bozena Drozdz of 11 Maple Lane Extension, Shelton, for a variance to Section 24.4.12 (which states that the minimum setback requirement from the right side property line is 20% of the frontage but not less than 10% for a non-conforming lot) to reduce the setback from the right side property line from 20 feet to 15 feet in order to construct a two story addition measuring 26 feet x 33.5 feet in an R-1 zone.

Application withdrawn.

5. #0916-04 16 Sandy Lane, Jan Kocur of 16 Sandy Lane, Shelton, for a variance to Section 24, Schedule B, to reduce the setback from the right side property line from 20 feet to 6 feet in order to construct a detached garage measuring 16 feet x 24 feet x 15 feet in an R-2 zone.

Motion made by Commissioner Jones and seconded by Vice-Chairman Cavallaro to approve the variance. Application for variance denied by a 3 to 2 vote.

Acceptance of the Minutes of October 18, 2016.

Motion made by Commissioner Vasser and seconded by Commissioner Cavallaro to approve the minutes as presented by the clerk. Motion passed by unanimous vote.

Meeting adjourned at approximately 8:45 P.M.

SHELTON BOARD OF ZONING APPEALS

Respectfully submitted by **Tina M. Kelly**
for Philip Jones, Secretary