

Agenda:

- #0618-01 58 Birchbank Road, Edward Kisluk of 58 Birchbank Road, Shelton**
- #0618-02 128 Long Hill Cross Road, Jake Marasco, West-Con Tool & Die, Inc. of 128 Long Hill Cross Road, Shelton**
- #0618-03 30 Soundview Drive, Richard Mocciaie Jr. and Elizabeth Mocciaie of 30 Soundview Drive, Shelton**
- #0618-04 29 Birchbank Road, Maureen D'Ascanio of 29 Birchbank Road, Shelton (c/o Atty. Dominic Thomas, 315 Main Street, Derby, CT 06418)**

CHAIRMAN EDMUND CONKLIN: Good evening ladies and gentlemen and welcome to the June meeting of the Zoning Board of Appeals. We meet monthly to consider variances on zoning regulations and appeals on zoning department decisions and actions. When your application is called please come up to the table and give your name and address. 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 have notified your abutting neighbors 10 days in advance of the tonight's hearing. If you don't have these, we will reschedule your 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 the hearing is appealed and taken to the next level, it is the recorded testimony that is presented, and not any member of this Board. Our minutes are transcribed verbatim. Two 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 Board. Also, please turn off or mute your cell phones and any conversations in the audience need to be taken into the hallway. Present tonight are Alternate Commissioner James Oraziotti, Commissioner Linda Adanti; our clerk, T. Kelly; myself, Chairman Ed Conklin; to my right is Commissioner Jamie Jones; to his right is Commissioner Phil Cavallaro, and to his right is Commissioner Bryan Vasser.

COMMISSIONER JAMIE JONES: To whom it may concern: 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 June 19, 2018, at 7:30 p.m. in the hearing room of the Municipal Building, 54 Hill Street, Shelton, CT: **#0618-01, 58 Birchbank Road, Edward Kisluk of 58 Birchbank Road, Shelton, for a variance to Section 24, Schedule B, Line 7 to reduce the minimum setback from the front street line from 40' to 20' and a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the left side line from 15' (20% of the frontage) to 6' in order to construct a pre-fabricated garage measuring 16' x 24' x 15' high in an R-1 zone.**

CHAIRMAN E. CONKLIN: Okay. Please give your name and address for the record if you are going to speak, whoever is going to speak.

EDWARD KISLUK: Good evening my name is Ed Kisluk. With me is my wife Aleta.

CHAIRMAN E. CONKLIN: Okay.

EDWARD KISLUK: And we live at number 58 Birchbank Rd and we're here to ask your consent to construct a garage in our driveway.

CHAIRMAN E. CONKLIN: Okay

EDWARD KISLUK: I have a few materials that I...uh...I thank you for taking the time to hear us.

CLERK T. KELLY: Excuse me can you spell Aleta? Can you just spell Aleta?

ALETA KISLUK: A-L-E-T-A

CLERK T. KELLY: Okay. Thank you.

CHAIRMAN E. CONKLIN: Okay. Pictures and

EDWARD KISLUK: Yes, I have the necessary certified receipts

CHAIRMAN E. CONKLIN: Pictures, okay.

EDWARD KISLUK: I have a set of pictures of, there's enough I think to share around the table

CHAIRMAN E. CONKLIN: Okay.

EDWARD KISLUK: I also have a letter of consent from one of my next-door neighbors (*inaudible*) for my right side neighbor so I want to enter that into the record,

CHAIRMAN E. CONKLIN: Okay.

EDWARD KISLUK: At the appropriate time.

CHAIRMAN E. CONKLIN: And the right-side neighbor would be...

EDWARD KISLUK: Martinka

CHAIRMAN E. CONKLIN: Not, okay, that would be the one that you're not encroaching upon?

EDWARD KISLUK: Uh, that is correct.

CHAIRMAN E. CONKLIN: Okay. All right.

EDWARD KISLUK: My other neighbor is in the audience and uh, may be offering his testimony.

CHAIRMAN E. CONKLIN: Okay. All right. Now this is down in the Birchbank section of Shelton, OKAY?

EDWARD KISLUK: Yes.

CHAIRMAN E. CONKLIN: Where all the houses even though this is R-1, does not conform even closely to an R-1 regulation?

EDWARD KISLUK: As do none of those.

CHAIRMAN E. CONKLIN: Yeah. Okay. And your property is 76 by 130?

EDWARD KISLUK: Uh, yes that is correct. Just about that.

CHAIRMAN E. CONKLIN: Okay. Just barely a quarter of an acre.

EDWARD KISLUK: I think it's 0.23 or 0.22.

CHAIRMAN E. CONKLIN: 0.22, yeah, about here. Yes. All right. Let's see those. Actually, these are the same.

EDWARD KISLUK: If I could just offer an overview of our request. Going back two years, Aleta and I conducted a complete renovation of our property. We own one of the last surviving original summer cottages in Birchbank. And while some people in the neighborhood appreciated the aesthetic nature of the building, uh, that just wasn't making it for us as far as the amenities offered, so we needed to do a reconstruction and towards that end we hired a local builder who did a great job for us. Uh, we're very happy with the work that was done and we're now, uh, we've received our certificate of occupancy in March of 2016. When we first started the reconstruction project, uh, the builder suggested to us that it might be a good idea to complete a garage as well and that would make the project a uh, full project. And it wasn't long before we found out that our budget that we had set aside for the reconstruction didn't allow us to do the garage at the same time. So, now two years later we're feeling a little healthier financially and we come to you tonight to ask to complete the project by constructing the garage in our driveway.

CHAIRMAN E. CONKLIN: Okay. Now, let's see. How many of your neighbors have garages...a lot in the neighborhood, or?

EDWARD KISLUK: Yes, Uh, most of the lots in Birchbank are fifty feet wide.

CHAIRMAN E. CONKLIN: Okay.

EDWARD KISLUK: And it's important to remember that Birchbank was laid out in the late nineteen-teens and most of the original cottages were constructed uh, from then to the early 1920s. But as time went on, almost all of the original summer cottages were reconstructed or renovated in some fashion and that especially started going uh, full-speed probably from the mid-70s into the mid-80s. And uh, most of the...many of the reconstructed homes have garages. Many of those garages are integral to the home itself, especially those on 50-foot lots. But also there are some stand-alone garages, and not every lot is a 50-foot lot. We have the advantage of having a 76-foot lot, which is one of the largest single lots in the row of Birchbank and we feel that the additional space we have affords us a chance to to have a stand-alone garage with um, with uh, adequate setbacks.

CHAIRMAN E. CONKLIN: All right. How far is the garage going to be from the house?

EDWARD KISLUK: Okay, so if I could start then, if you look at photograph 1, uh, it might be easier for me to think this way. The staircase that you see coming out of the kitchen area, that's our side door, that's our most used area. That staircase is 28 feet from the property line so if we ask for a six-foot setback from the side property line, that would give us the remaining 22 feet to station our, our garage. Now that area around the kitchen door is a really important one to us because it receives most of our foot traffic and it's the way that that we make our, our way down to the lower edge of the property. And also, we envision the garage that has a side door, entering uh, towards the house, so that's a very trafficked area that uh, requires us to have enough space to both walk around the existing side staircase and enter the garage with the new side door. Um, so the difference would be between the 22 feet we have would be between the six-foot setback and that side door if we have a 16-foot garage it only leaves us eight feet between that staircase and the garage itself and we feel that's just about all we would need to get the job done as far as walking past the garage and the staircase and then using the left, the new entrance that would go toward the garage from the house towards the house. Excuse me, from the garage towards the house.

CHAIRMAN E. CONKLIN: Okay.

EDWARD KISLUK: So, that's about the amount we would have to play with - the eight feet um in between.

CHAIRMAN E. CONKLIN: Okay Questions? Linda? Jim? Or Linda?

COMM. B. VASSER: This is not going to connect with the house?

EDWARD KISLUK: No.

COMM. B. VASSER: ...a staircase plus 8 feet away from the house?

EDWARD KISLUK: That is correct. And if you look at the pictures of all our property that's well-landscaped, this is the only area that remains that isn't really under uh, active management, and when, if we're able to conduct the garage project, we'll bring the landscaping up to the standard that is uh, evident in the rest of the property and I think it'll look really nice, on all the way around, both in the rear of the garage and both sides of the garage, it'll come together as a complete project and then our home reconstruction will be 100%.

CHAIRMAN E. CONKLIN: It's obvious you don't have room on the other side.

EDWARD KISLUK: Uh, uh, that's true because

CHAIRMAN E. CONKLIN: Yes.

EDWARD KISLUK: If you look at Photograph 1 or 2, there's a row of hedges and hostas, and that row is 54 feet from the pavement of the road, and uh, that allows us to go three feet from the hedge row forward in towards the row. Uh, there's no other place to put a garage in our property because again we're in the R-1 zone, we can't comply with the setback regulations and we just have a small lot that doesn't allow any other space.

CHAIRMAN E. CONKLIN: So, this garage is going to be set all the way back, to the edge, just before the drop-off?

EDWARD KISLUK: That is correct. Three feet. We'd like to leave three feet to work around the garage...

CHAIRMAN E. CONKLIN: For maintenance.

EDWARD KISLUK: Yes

CHAIRMAN E. CONKLIN: Yeah, okay. Okay. So, you have room for maintenance around the back of the garage but that is setback as far as you can, and 24 feet is not an unusual depth for a car in a garage.

COMM. L. ADANTI: Excuse me?

CHAIRMAN E. CONKLIN: Any other questions?

COMM. L. ADANTI: Yes, Mr. Chair, I just wanted to know how close to to um, the next-door neighbors...whatever this is, what is this?

EDWARD KISLUK: Yeah, if you look at Photograph 1, I guess...and uh, 3, you'll see that the neighbor has a carport that is on her side of the property line is about five feet from the property line, so if um her carport is five feet or so from the property line, and our our garage is not closer than six feet, there'd be 11 feet between the two structures.

COMM. L. ADANTI: Okay. That was really what I wanted to know.

CHAIRMAN E. CONKLIN: Okay you're serviced by city water? City sewer? What are you serviced by?

EDWARD KISLUK: Uh, we have city water, we have septic...

CHAIRMAN E. CONKLIN: Okay. And the septic is where?

EDWARD KISLUK: The septic is in the uh, down below going towards where...we have actually three levels so the septic is in the middle level or picnic area, if you look at Photograph 5...

CHAIRMAN E. CONKLIN: Okay.

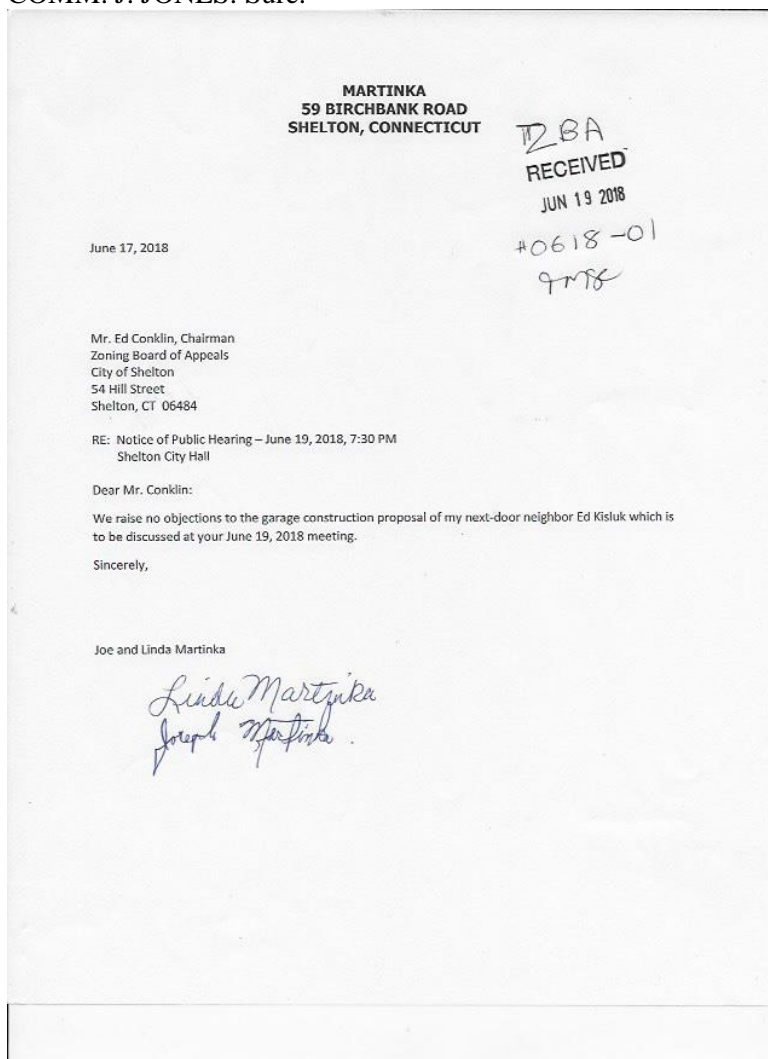
EDWARD KISLUK: You'll see, um, you'll see the area uh, where the basement is, there's some chairs, it's a patio area. The septic tank is in that area underneath our picnic table, so it's in the middle tier of the property. It's a really good location.

CHAIRMAN E. CONKLIN: To pump out the septic, they would have to come through that section also...

EDWARD KISLUK: That's a good point. That's what they've done. And they've been working the hose right down those stairs. And that's an excellent location for us because we don't require any pumped septic, everything is gravity-fed and it's been working very well for us.

CHAIRMAN E. CONKLIN: Okay. All right. In the audience, anybody in favor of this application? Okay. Anybody oppose this application? Okay, Jamie, can you read this letter, uh, out?

COMM. J. JONES: Sure.



CHAIRMAN E. CONKLIN: Okay. Any other questions from the board?

COMM. L. ADANTI: Is that the neighbor that's, whose carport it is?

EDWARD KISLUK: Uh, no, that's my mother...

COMM. L. ADANTI: The other side?

CHAIRMAN E. CONKLIN: Okay. Any other questions? All right, being none, I declare the hearing closed.

COMM. B. VASSER: Two, two car garage?

EDWARD KISLUK: No, no, just the one.

COMM. B. VASSER: Single.

EDWARD KISLUK: Single garage.

CHAIRMAN E. CONKLIN: Okay. All right. Any more questions? I declare the hearing closed.

EDWARD KISLUK: Thank you very much.

CHAIRMAN E. CONKLIN: You're welcome. These pictures somewhere.... these pictures down there.

CLERK T. KELLY: Uh, do you have any more pictures?

CHAIRMAN E. CONKLIN: Yeah, okay.

#0618-01

Later that evening, the Board, upon motion to approve made by Commissioner Adanti and seconded by Commissioner Jones, unanimously voted to approve the variance with stipulations.

"In the application by of Edward Kisluk, regarding the property at 58 Birchbank Road, for a variance to Section 24, Schedule B, Line 7 to reduce the minimum setback from the front street line from 40' to 20' and a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the left side line from 15' (20% of the frontage) to 6' in order to construct a pre-fabricated garage measuring 16' x 24' x 15' high,
The application for a variance is approved.

Inasmuch as the lot is a pre-existing, non-conforming and the garage is in harmony with the neighborhood. Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Line 7 to reduce the minimum setback from the front street line from 40' to 20' and a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the left side line from 15' (20% of the frontage) to 6' in order to construct a pre-fabricated garage measuring 16' x 24' x 15' high.

This certificate is contingent upon the following stipulations and set standards for the construction of a garage in Shelton: 1. There shall be no running water in the garage. 2. The garage is for non-commercial usage only. 3. The garage doors shall not be over 8 feet high.

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."

COMM. B. VASSER: Where do you want me to go? Outside?

CHAIRMAN E. CONKLIN: Uh, you can just sit out in the audience. Okay, for this hearing, Commissioner Brian Vasser is recusing himself and Alternate Commissioner Jim Oraziotti is going to uh, stand in for him.

CLERK T. KELLY: That goes in there, right?

COMM. J. JONES:

#0618-02, 128 Long Hill Cross Road, Jake Marasco, West-Con Tool & Die, Inc. of 128 Long Hill Cross Road, Shelton, (Dave and Laura Marasco of Snug Harbor, LLC, 44 Snug Harbor Road, Milford, CT, 06460, Owners) for a variance to Schedule 24 Standards for an L.I.P. zone, Line 7

to reduce the rear setback (street line of Route 8) from the required 75' to 10' in order to construct a 150' x 105' single-story addition to the existing 14, 756 sq. ft. manufacturing building in an L.I.P. zone.

CHAIRMAN E. CONKLIN: Two things: One is you need to bring that easel up a little closer. My eyesight isn't that good. And second, you come up here and sit please. That microphone doesn't work. You have to be picked up on these microphones.

UNKNOWN VOICE: Can't see it so say when.

CHAIRMAN E. CONKLIN: You could bring it right up to the table, that's good.

UNKNOWN VOICE: Is that good?

CHAIRMAN E. CONKLIN: Yeah. All right. Name and address for the record please?

CHRIS DeANGELIS: Uh, my name is Chris DeAngelis, civil engineer with Cabezas-DeAngelis. Our office is in Bridgeport.

DAVE MARASCO: Um, Dave Marasco, um I am the founder of West-Con Tool. This is our third location and final.

CHAIRMAN E. CONKLIN: Okay.

DAVE MARASCO: With the addition. Um...and we love Shelton, it's a great place.

CHAIRMAN E. CONKLIN: Before you start, I need mailings please.

CHRIS DeANGELIS: Mailings.

CHAIRMAN E. CONKLIN: And...okay. (*UNCLEAR; VOICES TALKING OVER EACH OTHER*)

CLERK T. KELLY: Excuse me Mr. DeAngelis, may I have your address again?

CHRIS DeANGELIS: I'll give you my card.

CLERK T. KELLY: Okay.

CHRIS DeANGELIS: On top it has my name.

CLERK T. KELLY: And your address?

DAVE MARASCO: Uh, home? Or...

CLERK T. KELLY: Well, I usually get everybody's address.

DAVE MARASCO: Oh sure, home address?

CLERK T. KELLY: Yeah.

DAVE MARASCO: 41 Snug Harbor Road, Milford, CT

CLERK T. KELLY: Yeah, okay. Thank you.

(UNCLEAR; WHISPERING)

CHAIRMAN E. CONKLIN: There's another general map for people to look at, okay. All right. Go ahead, I'm sorry.

CHRIS DeANGELIS: Uh, well I have um an issue I'd like to bring before the board. Um, what I'm, what I'd like to do tonight is go through the presentation um, and have you see if this is something that you can vote on tonight or prefer to defer to next week. What happened is, we have a technical glitch. We sent out the mailings a little bit late. The notice was posted in time, there's effectively only two, um three property owners, one of which is the state of Connecticut who owns Route 8, where we abut. Um, the other two property owners we attempted to contact. We did contact one of them. We do have a letter in support of our application. So, we actually have one abutting property owner that um, that we haven't heard from, that you know we, we feel, you know,

CHAIRMAN E. CONKLIN: That has not been notified in time?

CHRIS DeANGELIS: Has not been notified in time. So, if it's okay with the board, I'd like to go through the presentation. You...

CHAIRMAN E. CONKLIN: Yes.

CHRIS DeANGELIS: If you'd like to hear it. Okay. Okay.

CHAIRMAN E. CONKLIN: Yes. The only thing, that abutting neighbor though, I'm going to ask that you re-mail something to them.

CHRIS DeANGELIS: Absolutely.

CHAIRMAN E. CONKLIN: And tell them that the hearing is going to be continued to next month, so that they can review what they want, the minutes, and also give testimony if they wish to.

CHRIS DeANGELIS: Of course. Yup. May I stand while I give my presentation? It'd be a lot easier for me to...

CHAIRMAN E. CONKLIN: Here, just get that microphone.

CHRIS DeANGELIS: So, what I'm handing out is a brief narrative that basically is going to summarize my presentation tonight. Um...there's a couple figures in there that are pertinent to the...this project. And there's also, um, a copy of a previous variance from this board that's on file and also the photos the smaller uh, smaller images of the photos. The large images I handed in to the Board.

CHAIRMAN E. CONKLIN: Yeah, I was reading - I saw this variance on your package before.

CHRIS DeANGELIS: Correct.

CHAIRMAN E. CONKLIN: And in looking at this, you're asking for a rear setback from 75 to 10 feet, and you have a rear setback here already...

CHRIS DeANGELIS: Correct.

CHAIRMAN E. CONKLIN: ...to ten feet.

CHRIS DeANGELIS: Correct. *(Laughs)* So, let me go through and then I'll explain a little bit better. So, this, this is one property, comprised of two parcels. Okay. So, we have parcel which is map 51 lot number 16, which is a 2.2 acre parcel, and that's the original property parcel. It contains an existing 14 -15,000 square foot

building; West-Con Tools is the business owner. At some point in time, there was another parcel created known as Lot 26. It's a non-building, not...it's only 0.43 acres. It's landlocked. We think it's a remnant parcel from when Route 8 was created. We're not quite sure how it came into existence. It doesn't matter. The same owner now owns both parcels. So, the variance that's on file was, was for the Lot 16 parcel.

CHAIRMAN E. CONKLIN: Up to that red dotted line?

CHRIS DeANGELIS: Right. So, the red dotted line is the outline of the property, and, at the time, this was considered the rear yard. You have a 25-foot rear yard requirement in the zone...LID...LIP zone. And, um, that was reduced to ten feet back in 19...whenever that was.

DAVE MARASCO: 90.

CHRIS DeANGELIS: 1990. Um...at this time the owner now owns both parcels of land, and they purchased it as one parcel, so it's been combined by deed, as you're saying, but it's still two separate (*PATHWAYS? - CANNOT DECIPHER*). But it will be combined into one parcel so this'll be an entirely new parcel that'll be 2.63 acres...0.2 of the 0.43 acres. So, that's what this application is is regarding. So, this this small remnant parcel that I'm calling it, it's outlined in yellow here. Here's our A-2 survey, which is the existing conditions. And you can see how this parcel is now part of this whole larger...

CHAIRMAN E. CONKLIN: And you've already filed that deed or that will be part of the application?

CHRIS DeANGELIS: That will be part of this. That will be. It will not be filed until we get all the approvals. We have to go to wetlands (*Unclear*) on the north side. So, once everything's approved, then we'll, we'll... So, this is the Existing Condition Survey, showing the zoning table for the combined positions. So, we have the building in the middle of the lot, we have some parking around the uh, the south and the west sides, we have access over the abutting property, which is 120 Long Hill Cross Rd. Um, incidentally, the same owners also purchased recently uh, this property here, this is 134 I believe Long Hill Cross Road. So, the only other abutters um, are Forest Highway, I think it's number 4 Forest Highway. Didn't get a letter in support from this property owner, um, for this application. So, this is our proposed site. We added some color to it, but um, it's the same drawing that was submitted with the application. Uh, you can see the existing building outlined here, existing parking, uh, in front of the building, on the side. Um, the proposal is to add another 15,000 square foot addition. It's a one-story building, uh, light manufacturing, continuing the same use that they have. And then we have parking that'll be at or along the side with the increase in employment. It's a growing business and uh, they

CHAIRMAN E. CONKLIN: Now, did those number of parking spaces coincide with the amount of square footage that meets zoning?

CHRIS DeANGELIS: It's actually a little bit more than Zoning would require. Per zoning, 34, is what we're uh, required will be 40. It looks like we're showing 51.

CHAIRMAN E. CONKLIN: Okay, for the total building?

CHRIS DeANGELIS: For the—right. For the total size. Total size.

CHAIRMAN E. CONKLIN: Okay.

CHRIS DeANGELIS: Um...so um, another important thing to consider is that this parcel is our rear property line, because it abuts Route 8, it's considered a street line. So, the offset is supposed to be 75 feet, not the 25 from a rear line. So, while this was a rear line, this is now a street line. So, it's Route 8. Route 8 is about 100 feet away and about 100 feet lower in elevation so I...I don't think it'll be any kind of uh, problem with the state for our application here. But that's why the request is now for 75 to 10.

CHAIRMAN E. CONKLIN: Going to ask you to leave that map.

CHRIS DeANGELIS: Sure.

CHAIRMAN E. CONKLIN: Now, has the fire marshal looked at this at all for access to the rear of that building? Because at that point, I think that property drops.

CHRIS DeANGELIS: It does, yeah; at this point it's a very quick drop-off.

CHAIRMAN E. CONKLIN: Yeah.

CHRIS DeANGELIS: To Route 8, that's correct. No, we haven't gotten to that point yet. We did have a preliminary meeting with um the Zoning and Fire Marshal was there.

CHAIRMAN E. CONKLIN: Okay.

CHRIS DeANGELIS: He didn't seem very...he didn't give us any formal comments but he seemed to like access you have access to three sides of the building.

CHAIRMAN E. CONKLIN: Ok

CHRIS DeANGELIS: Um...it's not really at this time

CHAIRMAN E. CONKLIN: I just want to make sure we're giving variance to the side of the building where the fire marshal isn't going to reject you afterwards.

CHRIS DeANGELIS: Right. Well. We had to take those preliminary steps but we still have...

CHAIRMAN E. CONKLIN: Hydrant on the corner.

CHRIS DeANGELIS: Yeah he did, that's right, he did bring up about the hydrant right in front of the building. Or at the street corner where Forest, uh, Forest Highway meets Long Hill Cross Road. It's about a 100 or something (*INAUDIBLE*). The building itself, very simple, uh, the owners can tell you about their operations if you have any concerns. Basically a rectangular building, meets zoning requirements as far as uh, block coverage and height and all that. And we also provide a basic foundation. Uh, just a metal bunker-type building that'll match the existing building in height and style and brick veneer up to the window level, there's a row of horizontal windows. Um. It doesn't get any simpler than this as far their construction.

CHAIRMAN E. CONKLIN: Now, this is all serviced by city water, city sewers?

CHRIS DeANGELIS: Yes it is. Yes. Yeah. Actually there's a sewer (*INAUDIBLE*) much further property, um. That's one of the reasons (inaudible). We really can't expand on one side to that back. Which is why they purchased this, this property for this, for this reason.

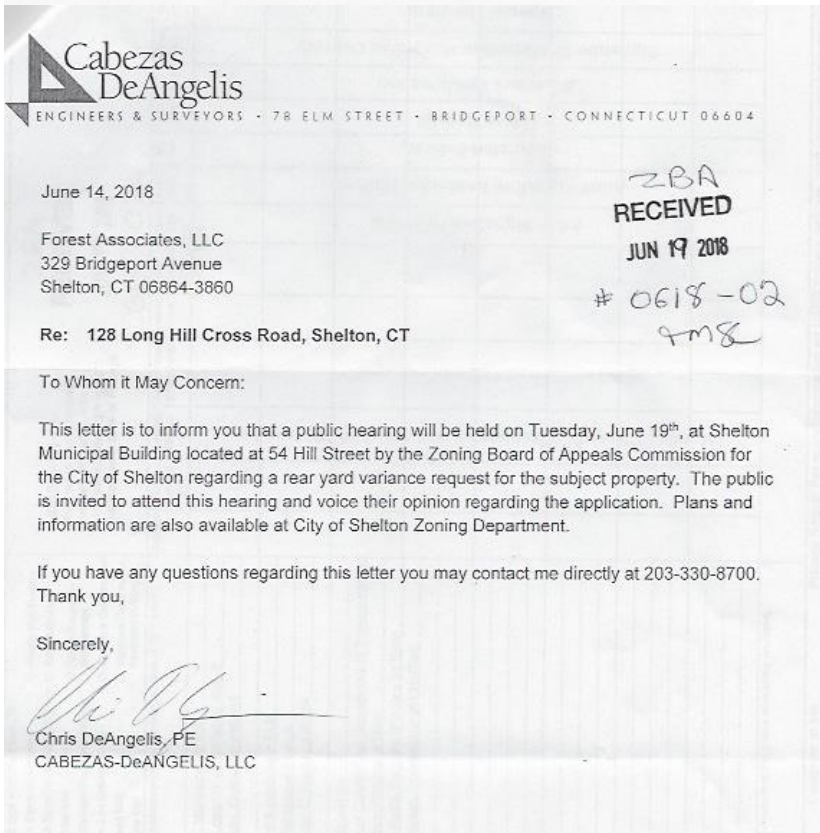
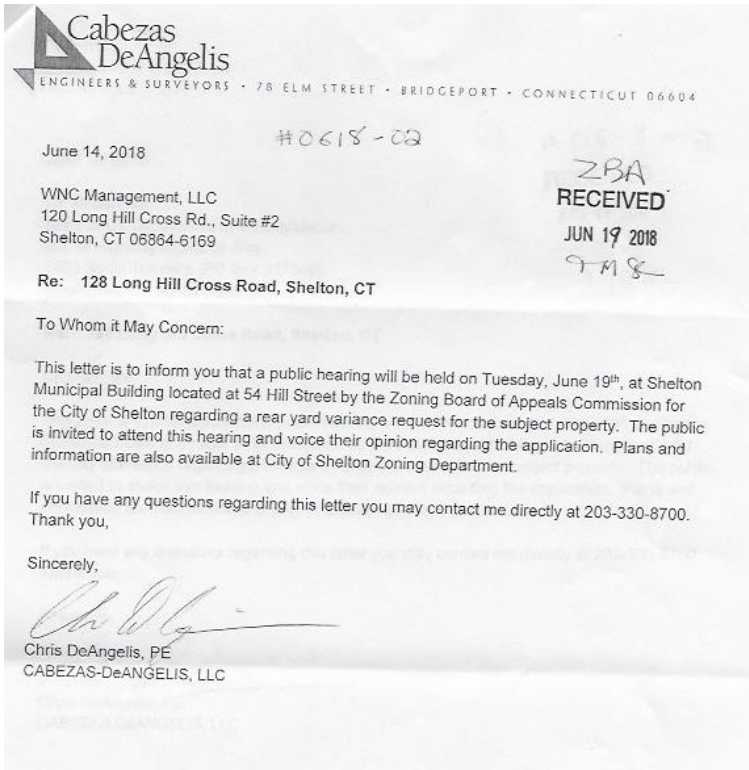
CHAIRMAN E. CONKLIN: Okay. Now obviously one of the concerns would be a noise factor, but I think Route 8 probably makes more noise than you.

CHRIS DeANGELIS: Um, so I have...I want to hand in to you. This is the, uh...did I give you the emails? Yup, here it is. This is from Mr. Bill Charney, he is the owner of 128 Long Hill Cross Road. Spent some time talking to him on the phone, I emailed him the plans. He thought what they were doing was such a good idea that he is going to consider going to the state and see if he can purchase his own little 40-foot strip behind his property. So, um, he had no objections.

(*VOICES TALKING OVER EACH OTHER*)

CHAIRMAN E. CONKLIN: Can you read this please?

COMM. J. JONES: Reads the letters aloud.



Chris DeAngelis

From: Bill Charney <bill@advancedhomeaudio.com>
Sent: Monday, June 18, 2018 2:38 PM
To: Chris DeAngelis
Cc: Marasco, Laura; Marasco, Dave
Subject: Re: 128 Long Hill cross Rd

Hello Chris, David and Laura

Thank you for the information on you property plans. I will not be able to attend the town meeting, but I have no objection to the proposed expansion and the variance. I think the expansion reflects very positively on the shelton business community and specifically improves the long hill cross road businesses.

Thanks,
Bill Charney
President

WNC Management LLC
120 Long Hill Cross Road
Shelton, CT
203-922-0051 Main

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ZBA
RECEIVED
JUN 19 2018
#0618-02
TMS

On Jun 18, 2018, at 1:48 PM, Chris DeAngelis <chrisd@cd-engineers.com> wrote:

Hi Bill, thanks for calling me and asking about the project.....the request is to reduce the rear yard requirements behind the building so that we can expand the building in the future, possibly as soon as next year. The owners of the business are Dave and Laura Marasco and are cc'd here.

Attached is the A-2 survey and preliminary site plan we put together for zoning which is on file with the ZBA application.....please feel free to call me or one of the owners directly with any questions/concerns.

Thank you.

Chris DeAngelis, PE
Cabezas-DeAngelis, LLC
Engineering & Surveying
78 Elm Street
Bridgeport, CT 06604
Tel: (203) 330-8700
Fax: (203) 330-8701
www.cd-engineers.com

<ECS 04-24-2018.pdf><Site Plan C-1 (1).pdf>



ENGINEERS & SURVEYORS • 78 ELM STREET • BRIDGEPORT • CONNECTICUT 06604

June 14, 2018

Mr. Robert Ike
State of CT Department of Transportation
Div. of Highway Rights of Way
2800 Berlin Turnpike (PO Box 317546)
Newington, CT 06131-7546

#0618-02
RECEIVED
JUN 19 2018
ZBA
TMS

Re: 128 Long Hill Cross Road, Shelton, CT

Dear Mr. Ike:

This letter is to inform you that a public hearing will be held on Tuesday, June 19th, at Shelton Municipal Building located at 54 Hill Street by the Zoning Board of Appeals Commission for the City of Shelton regarding a rear yard variance request for the subject property. The public is invited to attend this hearing and voice their opinion regarding the application. Plans and information are also available at City of Shelton Zoning Department.

If you have any questions regarding this letter you may contact me directly at 203-330-8700.
Thank you,

Sincerely,

Chris DeAngelis, PE
CABEZAS-DeANGELIS, LLC

CHAIRMAN E. CONKLIN: Okay. All right. We're going to have to obviously continue this unfortunately because of the fact that we had to make sure that all the abutting neighbors were

CHRIS DeANGELIS: Of course.

CHAIRMAN E. CONKLIN: were notified of that.

CHRIS DeANGELIS: No, we would want you to do what is technically correct so that when it does get approved it's not...

CHAIRMAN E. CONKLIN: You're not really encroaching upon them any major amount but we had to verify...

DAVE MARASCO: Correct. Yeah.

CHAIRMAN E. CONKLIN: ...what's going on. All right. Questions for the board at this time? All right?

CLERK T. KELLY: I just have one question: did you call it a metal butler building?

CHRIS DeANGELIS: Right so butler is a generic term for a pre-fabricated metal building.

CLERK T. KELLY: Ok so just...I just want to get that right.

CHRIS DeANGELIS: ...actually is a butler building.

CLERK T. KELLY: Okay.

CHAIRMAN E. CONKLIN: You have any questions? All right. I will call a hearing at the moment. Is there anybody in favor of this application at the moment? Anybody opposed? Okay. This hearing will be left open until next month. Uh, we are going to require somebody be here in case they have a question to ask the board that we can answer to them.

CHRIS DeANGELIS: Right. And you're looking for um, a new notice to that uh,

CHAIRMAN E. CONKLIN: Property owner just informing them that the meeting was continued for their input if they'd like to give any, they'd ask them to send a letter or however they like it.

CHRIS DeANGELIS: Okay.

CHAIRMAN E. CONKLIN: Okay. Or if they don't want to give any input, that's their prerogative, too.

CHRIS DeANGELIS: Okay. Very good. Thank you very much.

COMM. J. ORAZIETTI: That would be a notice to all of...

CHAIRMAN E. CONKLIN: What's that?

COMM. J. ORAZIETTI: That would be a notice to all of the adjoining properties?

CHAIRMAN E. CONKLIN: Well, the only other adjoining one sent a letter in favor of it. So, there's only one, one that he's late.

COMM. J. ORAZIETTI: State of Connecticut?

CHRIS DeANGELIS: State of Connecticut.

CHAIRMAN E. CONKLIN: State of Connecticut and the other abutting -

CHRIS DeANGELIS: And I'm sure they...

CHAIRMAN E. CONKLIN: Yeah, but just send them one.

CHRIS DeANGELIS: We'll send them one for sure. Of course. Thank you for your time.

DAVE MARASCO: Thank you very much.

CHAIRMAN E. CONKLIN: Um, are all those documents here?

CHRIS DeANGELIS: Yes...Uh, no, no.

CHAIRMAN E. CONKLIN: If you want, we have to have those here as part of testimony.

CLERK T. KELLY: Thank you.

(PAPERS RUSTLING)

CHAIRMAN E. CONKLIN: Essentially we do have that. That's part of this drawing here,

CHRIS DeANGELIS: You have that. I think what you don't have is the architecturals. I don't know if you had the...

CHAIRMAN E. CONKLIN: No we don't have the

CHRIS DeANGELIS: Yeah, so why don't I

CHAIRMAN E. CONKLIN: It really doesn't have any bearing on this case

CHRIS DeANGELIS: It doesn't have

CHAIRMAN E. CONKLIN: No, because we're looking for abutting property

CHRIS DeANGELIS: Okay.

CHAIRMAN E. CONKLIN: Essentially that so there's no bearing on

CHRIS DeANGELIS: I'll bring this back

COMM. J. ORAZIETTI: A-2 survey is important.

CHRIS DeANGELIS: This, the survey that, that.... All right. Thank you very much.

CHAIRMAN E. CONKLIN: See you next month, then.

CHRIS DeANGELIS: All right.

- - -
#0618-02 Hearing Continued.

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CHAIRMAN E. CONKLIN: Thank you. What's that? Brian Vasser is back as a member, okay, and Jim Oraziotti is an alternate again.

COMM. J. JONES:

#0618-03, 30 Soundview Drive, Richard Moccaie Jr. and Elizabeth Moccaie of 30 Soundview Drive, Shelton, for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the left side property line from 25' to 18' in order to construct a 2-story addition to include a 2-car garage, 4 bedrooms, 2 bathrooms, and a sunroom in an R-1 zone.

CHAIRMAN E. CONKLIN: All right. Name and address for the record.

RICHARD MOCCAIE JR.: My name is Richard Moccaie Jr., 30 Soundview Drive

CHAIRMAN E. CONKLIN: Okay. Alright do you have some pictures and

RICHARD MOCCAIE JR.: I have pictures here.

CHAIRMAN E. CONKLIN: Actually, I should've asked earlier I need that...ok...is this?

VOICE UNIDENTIFIED: Abutting neighbors.

CHAIRMAN E. CONKLIN: All right this is what you sent the abutting neighbor?

VOICE UNIDENTIFIED: No that's just what we got from—we sent them letters certified

RICHARD MOCCAIE JR.: Oh, ok I got the certified mail receipts. Do you need that?

CLERK T. KELLY: He does need it.

VOICE UNIDENTIFIED: That's a form copy, here. You know the form.

CHAIRMAN E. CONKLIN: Are all the abutting neighbors have letters here?

RICHARD MOCCAIE JR.: Yes

VOICE UNIDENTIFIED: Yeah.

CHAIRMAN E. CONKLIN: Ok. All right. All right, could you tell us what you're trying to do? Why you can't meet these regulations?

RICHARD MOCCAIE JR.: So, I, I want to come off the end of the house with an under the car turning garage. And the hardship with that is our septic system is located here in the backyard. So, this is where we'll be coming out. The septic system is located in the backyard and this area is in case we need a backup septic

CHAIRMAN E. CONKLIN: So, you're secondary?

RICHARD MOCCAIE JR.: Yes.

CHAIRMAN E. CONKLIN: Allocation.

RICHARD MOCCAIE JR.: Correct. And the well is in the front yard.

CHAIRMAN E. CONKLIN: It's in the front yard. Okay. All right. Is this the uh,

RICHARD MOCCAIE JR.: Yeah that's

CHAIRMAN E. CONKLIN: This is from the Naugatuck Valley Health?

RICHARD MOCCAIE JR.: Yes.

CHAIRMAN E. CONKLIN: Uh, this the original?

RICHARD MOCCAIE JR.: Septic?

CHAIRMAN E. CONKLIN: Is this the original copy of this document?

RICHARD MOCCAIE JR.: Yes. I haven't turned that in yet.

CHAIRMAN E. CONKLIN: Oh, you haven't turned this in? Oh.

RICHARD MOCCAIE JR.: My, my septic guy was going dealing with them to see exactly what they needed.

CHAIRMAN E. CONKLIN: Anything that you give us we have to keep.

RICHARD MOCCAIE JR.: Okay.

CHAIRMAN E. CONKLIN: All right so you could get another copy of this?

RICHARD MOCCAIE JR.: That I could get. Yeah.

CHAIRMAN E. CONKLIN: But that you can't get. All right? All right. And what is the lot's, lot size of everybody in that neighborhood is 125 feet which is minimum - it's supposed to be 135 feet in an R-1 zone. So, the side area setback is for 25 feet.

RICHARD MOCCAIE JR.: Yes.

CHAIRMAN E. CONKLIN: And 18.

RICHARD MOCCAIE JR.: Mmhhh.

CHAIRMAN E. CONKLIN: All right. And do you not have any renditions of what you're trying to do with this, do you?

RICHARD MOCCAIE JR.: I have architectural drawings in the car if you....

CHAIRMAN E. CONKLIN: Okay, so we have to keep them. I want to see if they're—they conform with the neighborhood, how they're going to look with the house...

RICHARD MOCCAIE JR.: Mmhhh.

CHAIRMAN E. CONKLIN: Uh, things of that nature.

RICHARD MOCCAIE JR.: Would you like me to?

CHAIRMAN E. CONKLIN: Yes.

VOICE UNIDENTIFIED: Would you like me to get them?

CHAIRMAN E. CONKLIN: The board would like to see them.

(WHISPERING)

CHAIRMAN E. CONKLIN: All right. Now you're saying, there's another building shown here

RICHARD MOCCAIE: That is no longer there

CHAIRMAN E. CONKLIN: That is no longer there.

RICHARD MOCCAIE JR.: Yes.

CHAIRMAN E. CONKLIN: That is coming out. Or it was taken out?

RICHARD MOCCAIE JR.: Obviously you can see that the other property is, it's on the, actually on the other street even though this lot

CHAIRMAN E. CONKLIN: Yes.

RICHARD MOCCAIE JR.: is, is supposed to be on 30 Soundview Drive.

CHAIRMAN E. CONKLIN: That's off of...

RICHARD MOCCAIE JR.: Sportsman Drive.

CHAIRMAN E. CONKLIN: Sportsman Drive.

RICHARD MOCCAIE JR.: That's actually my grandmother-in-law's property.

CHAIRMAN E. CONKLIN: Okay. That one of the Wells' properties?

RICHARD MOCCAIE JR.: Yes. And the rear property is my in-laws' property.

CHAIRMAN E. CONKLIN: Ok. While we're sitting here maybe questions or ...have you see these? Ah, yes give the pictures. *(WHISPERING)*

RICHARD MOCCAIE JR.: The current elevation of the driveway works perfect for the turn-in under, under the house garage.

CHAIRMAN E. CONKLIN: Okay. Now is that garage, it looks like it's going to be abutting to the house?

RICHARD MOCCAIE JR.: Yes.

CHAIRMAN E. CONKLIN: Connected to the house?

RICHARD MOCCAIE JR.: Mmhmm. Mmhmm.

CHAIRMAN E. CONKLIN: Okay.

RICHARD MOCCAIE JR.: So, the actual four bedrooms that are being added on are going to be the four new bedrooms so the old bedrooms are eliminated...

CHAIRMAN E. CONKLIN: Okay.

RICHARD MOCCAIE JR.: ...and being turned into living space so it will still...it will only be four bedrooms.

CHAIRMAN E. CONKLIN: You're going to put four bedrooms totally above that garage?

RICHARD MOCCAIE JR.: Uh, one on the first floor and three on the second floor.

CHAIRMAN E. CONKLIN: Okay, so the garage is going to be in the front part and the bedroom is going to be in the back part of the garage?

RICHARD MOCCAIE JR.: Uh, no there's actual - there's two full stories above the garage.

CHAIRMAN E. CONKLIN: Oh, there are two full stories?

RICHARD MOCCAIE JR.: Yeah. Mmhmm.

COMM. J. ORAZIETTI: That height is not above 40 feet.

CHAIRMAN E. CONKLIN: So, actually this is a three story

RICHARD MOCCAIE JR.: In the zoning department they told me that it was actually two stories because the garage is underground.

CHAIRMAN E. CONKLIN: Ok. Total garage is going to be buried? The total lower section...

RICHARD MOCCAIE JR.: Um,

CHAIRMAN E. CONKLIN: ...is going to be buried.

RICHARD MOCCAIE JR.: The, the grade comes down slightly.

CHAIRMAN E. CONKLIN: Yeah.

RICHARD MOCCAIE JR.: You can see it on here, maybe. (*PAPERS RUSTLING*) So, this is the existing house, this is the rear. This is the front. This is the existing front of the house. This is what's to be added on. Here is kind of the grade here, going down.

CHAIRMAN E. CONKLIN: And you're going to enter from the side?

RICHARD MOCCAIE JR.: The side, correct.

CHAIRMAN E. CONKLIN: Ok. Who's got the aerial map? You've the aerial map of that? And you have enough to get

RICHARD MOCCAIE JR.: I do. I'm doing larger garage doors to make up for the...it's recommended that you have 22 feet

CHAIRMAN E. CONKLIN: Wider—you mean wider garage doors?

RICHARD MOCCAIE JR.: Yes, yep.

CHAIRMAN E. CONKLIN: Okay.

RICHARD MOCCAIE JR.: And will be around.

CHAIRMAN E. CONKLIN: Standard max height is eight feet?

RICHARD MOCCAIE JR.: Yes.

CHAIRMAN E. CONKLIN: Okay.

RICHARD MOCCAIE JR.: It's a nine-foot ceiling.

CHAIRMAN E. CONKLIN: Okay.

RICHARD MOCCAIE JR.: Which matches the existing house

CHAIRMAN E. CONKLIN: Alright, so,

RICHARD MOCCAIE JR.: Even though the existing house has a seven-foot basement ceiling currently.

CHAIRMAN E. CONKLIN: Okay. So you're going deeper with this one?

RICHARD MOCCAIE JR.: Mhmm.

CHAIRMAN E. CONKLIN: Side door and a side, that side. So, it obviously drops, tapers down...

RICHARD MOCCAIE JR.: Yes.

CHAIRMAN E. CONKLIN: ...enough in your yard that you can put a new door near, even partially into the foundation.

RICHARD MOCCAIE JR.: Mhmm.

CHAIRMAN E. CONKLIN: All right.

VICE-CHAIRMAN PHILLIP CAVALLARO: So, the highest point to that peak is not over 40 feet?

RICHARD MOCCAIE JR.: Um, it's not because we have, what do we have, nine in the basement, eight, and then seven,

VICE-CHAIRMAN P. CAVALLARO: Plus the floor thicknesses

CHAIRMAN E. CONKLIN: So, even if that was...

RICHARD MOCCAIE JR.: Yeah, it's not even close.

CHAIRMAN E. CONKLIN: Ten...nine...we're down below.

RICHARD MOCCAIE JR.: And we're still deciding, I'm still deciding with the framer what we're going to do—we may do like a false peak here to tie it all together.

CHAIRMAN E. CONKLIN: Ok. We're just caring about the side yard that you're encroaching upon.

COMM. B. VASSER: There's seven-foot ceilings on the top floor?

RICHARD MOCCAIE JR.: Yes, well seven, eight or whatever the...

VOICE UNIDENTIFIED: Seven, eight,

RICHARD MOCCAIE JR.: ...minimum height ceiling.

CHAIRMAN E. CONKLIN: Yeah, minimum is seven feet.

RICHARD MOCCAIE JR.: She kept it down on the...the first floor is nine feet actually but she kept the second floor down to keep the height down a little bit.

CHAIRMAN E. CONKLIN: I think code height you have to have seven feet two inches for minimum height on a ceiling.

RICHARD MOCCAIE JR.: It's 7, 6, 9, 8, 7, 6.

CHAIRMAN E. CONKLIN: Yeah ok. All right. Questions? Any questions Linda?

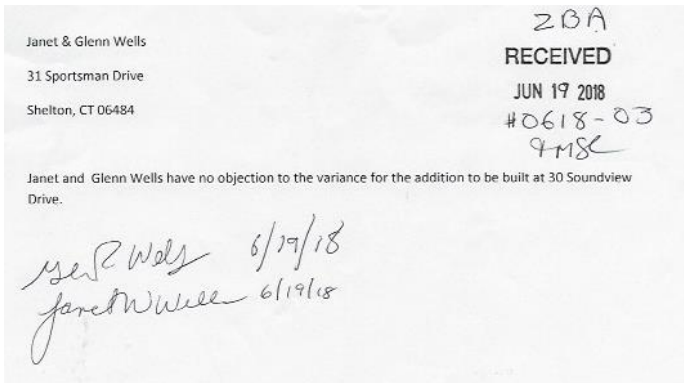
COMM. L. ADANTI: No, I'm good. Thanks.

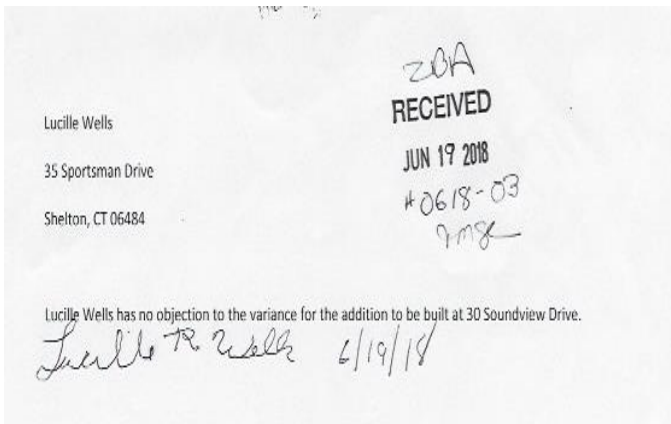
CHAIRMAN E. CONKLIN: Ok. Questions?

COMM. J. JONES: Do I read this?

CHAIRMAN E. CONKLIN: Yeah, why don't you read the three letters.

COMM. J. JONES: Reads letters.





CHAIRMAN E. CONKLIN: Okay. All right. So what else is...anybody else in favor of this application? Is anybody else opposed to this application? Okay. Any further questions for the board? All right, being none, this hearing's closed. Thank you.

VOICE UNIDENTIFIED: Thank you.

RICHARD MOCCAIE JR.: Thank you.

CHAIRMAN E. CONKLIN: Let's pack this all up.

- - -

#0618-03 Later that evening, the Board, upon motion to approve made by Commissioner Jones and seconded by Commissioner Adanti, unanimously voted to approve the variance.

"In the application by Richard Moccoaie Jr. and Elizabeth Moccoaie of 30 Soundview Drive, regarding the property at 30 Soundview Drive, Shelton for a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the left side property line from 25' to 18' in order to construct a 2-story addition to include a 2-car garage, 4 bedrooms, 2 bathrooms, and a sunroom.

Inasmuch as there is no other suitable location to place the addition on the property.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Section 24, Schedule B, Line 9 to reduce the minimum setback from the left side property line from 25' to 18' in order to construct a 2-story addition to include a 2-car garage, 4 bedrooms, 2 bathrooms, and a sunroom.

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."

- - -

COMM. J. JONES:

#0618-04, 29 Birchbank Road, Maureen D'Ascanio of 29 Birchbank Road, Shelton (c/o Atty. Dominic Thomas, 315 Main Street, Derby, CT 06418), for a variance to Sec. 24.4.12 to: 1. Reduce the minimum setback from the right side property line from 10' to 7' at the deck addition (8' to the new porch) and 2. Reduce the minimum setback from the left side property line from 10' to 5.6' in order to renovate an existing one family structure in an R-1 zone.

ATTORNEY DOMINICK THOMAS: Attorney Dominick Thomas, Cohen and Thomas, 315 Main Street, Derby, CT, representing Maureen D'Ascanio, presenting the certified mailings, the photographs of the signs, and the um, series of photos that can be, which basically circumvent, go around the entire house, which we pass. And in addition to that, for your reference, I have submitted the aerial photograph I have if you want to refer to it on the iPad so you can join us. Somewhere around I also made extra copies

CHAIRMAN E. CONKLIN: Sir, you do know that that's got to be turned in for evidence, don't you?

(LAUGHTER)

ATTY. D. THOMAS: Yeah, that's why I made sure it's the same as what you have. I do have extra copies of the site plan and the aerial photograph for the Commission members. I didn't know how many you had, so I have extra copies of of...and whoops! In addition to that, these are the same as what was attached to the application.

CLERK T. KELLY: Thank you.

COMM. L. ADANTI: Thanks.

ATTY. D. THOMAS: In addition to that I have the original of...there is technically only one abutting neighbor. As best that I could determine the right of way, while you listed the city of Shelton, I believe the right of way, the fee to the right of way is Aquarion, Aquarion Water Company of Connecticut. I did send a notice to Aquarion Water Company of Connecticut. The certified notices that you see there, they also uh, identify that the owner of property across Birchbank Road and not necessarily an abutter but I did that. Um, they did not respond. Um, Mr. and Mrs. Goden are the individuals that are on the side of the variances and I have letters from them but in addition to that, I also have letters from Josephine and Kathleen Frolish, Bernadette Tenucci, and Dennis Shanalmis, and Lewis Shalomis who are individuals who they're in the neighborhood as you can tell by their addresses.

CHAIRMAN E. CONKLIN: Okay.

ATTY. D. THOMAS: And again, I have a few extra copies if uh, anyone wants to look at these (*INAUDIBLE*). Um, this is a situation of the uh, Mr. and Mrs. D'Ascanio, the title, the property is in the name of Maureen D'Ascanio, purchased this house I believe it was at either a short sale or a foreclosure that they purchased it at. And they are renovating the house substantially. Some of the renovations do not require any variances but the two things that they are doing is uh, adding a front porch which will go to the side of the house which is the requirement for that variance. And then on the rear of the house they are taking a deck and extending it. So, if you look at the photographs that I've passed around, you will see in the uh, photographs—I don't know where they ended off being—oh, here they are. One of the—so—lest—again these are photographs to show you the house—they have a garage already on that, I know from having a variance for the garage. They have a garage (*PAPERS RUSTLING; INAUDIBLE*) than the R-1 setback. But they're not doing anything to that garage—the work that's going to be done on the garage and around it is work on, to improve the siding, to improve the um some of the areas, the roofing and everything like that. However, what when you get around the property and you get to the back, you can see how this is—the back of the house is--and this is the most straightforward, just taking the deck and extending it to the end of the house. So, by doing that they're getting into the variance, and just to show you, what I did some of this, the proximity of the house to the house next door and the Goden house is, you can see, I represented them when they did um, got a variance years ago I believe. They had their deck going one end to the other end of the house and of course they've written it—a letter. With respect to the front porch, you can see what exists right now is a little concrete, I believe it's concrete set of steps with a little railing, and what they're going to do is put a, just a full front porch that goes to the end of the house.

CHAIRMAN E. CONKLIN: So, what you're shown us hasn't exceeded any of the existing setbacks that they're

ATTY. D. THOMAS: No, the house is not going—nothing is going beyond the footprint of the house except for the deck going back, you know what I mean, the deck as it extends back and the porch in the front but it really is not going to exceed much beyond the set of steps that exists there right now. And this portion of the house and originally you will see, I believe in the application, you may see a cross-out because originally I put a front setback but after talking to Mr. Schultz he says “no you don't” because the front setback requiring is 40 feet and as you can see from my little map, there, the uh, this portion of the house is 50-some-odd feet, I believe.

CHAIRMAN E. CONKLIN: I can almost see it.

ATTY. D. THOMAS: Yeah. That's what the engineer said.

CHAIRMAN E. CONKLIN: Need to look at it

CLERK T. KELLY: Excuse me, Mr. Chairman, I need to change the tapes.

CHAIRMAN E. CONKLIN: Okay, this house is serviced by uh,

ATTY. D. THOMAS: City water and uh, septic.

CHAIRMAN E. CONKLIN: Oh, septic. Okay. Same as all the other

ATTY. D. THOMAS: Same as all.

ATTY. D. THOMAS: And it is, except for the garage, the structure itself as you can see from the aerial and you can you're welcome to spin around the Google Earth, you can see that it is a relatively farther back. Their garage is already built. But the body of the house, the living portion of the house, is farther back. As is similar with the rest of the neighborhood, the Goden house has a substantial large two-car garage with living quarters above it, which does extend out almost to the same length as the garage on the D'Ascanio house.

CHAIRMAN E. CONKLIN: Ok so what you're saying is they're adding no living space at all, they're just extending two decks within the confines of

ATTY. D. THOMAS: Within the confines

CHAIRMAN E. CONKLIN: Of the existing setback.

ATTY. D. THOMAS: Existing setback, yeah.

CHAIRMAN E. CONKLIN: Okay. Any other questions?

COMM. B. VASSER: Did you already get a variance to get that setback?

CHAIRMAN E. CONKLIN: What's that?

COMM. B. VASSER: The house is already

CHAIRMAN E. CONKLIN: No, it's already sitting at ten feet, and set up.

ATTY. D. THOMAS: Well I mean, when it was I have no idea. I have no idea when the house was built, whether or not

COMM. B. VASSER: It's just existing non-conforming; we don't know if it was

ATTY. D. THOMAS: Yeah, yeah, pre-existing, non-conforming. Could've very well been on the footprint as somebody mentioned about summer cottages. I did not go back and check on any prior variances because we weren't touching the garage. I made it very clear to the architect that uh, you know, we couldn't even put an overhang on the garage, you know, other than I think, what is it, a two-foot overhang is permitted or something. But you can't do anything, you know, if you do anything to the front of the garage, then you need to run through a variance for that. But it's another...nothing I can do for that.

CHAIRMAN E. CONKLIN: All right. Linda?

COMM. L. ADANTI: I'm all set, thank you.

CHAIRMAN E. CONKLIN: All set?

COMM. J. ORAZIETTI: Who did you have letters from...did you have letters from Goden?

ATTY. D. THOMAS: I have letters from Goden but also other neighbors who are not necessarily abutters. They're people in the street close-by. I um

COMM. J. ORAZIETTI: Actually they're the next two houses down.

ATTY. D. THOMAS: Next two houses

COMM. J. ORAZIETTI: I'm very familiar

ATTY. D. THOMAS: Oh ok, yeah. The next two houses down.

COMM. J. ORAZIETTI: Okay.

ATTY. D. THOMAS: Bernadette Tenucci and

COMM. J. ORAZIETTI: And uh

ATTY. D. THOMAS: Shalomis

COMM. J. ORAZIETTI: Froelish

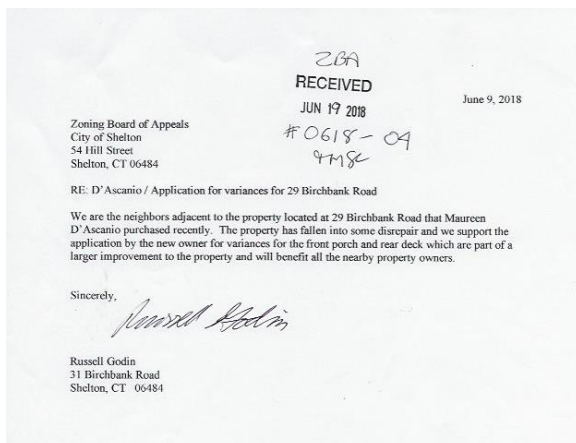
ATTY. D. THOMAS: Froelish and Shalomis. So, there's four letters on there.

COMM. J. ORAZIETTI: So, nobody had an objection?

ATTY. D. THOMAS: Nobody had an objection.

CHAIRMAN E. CONKLIN: We're going to put that letter...Jamie's going to read it right now.

COMM. J. ORAZIETTI: Oh ok.



NOTIFICATION LETTER
ZONING BOARD OF APPEALS
APPLICATION

To: Russell Godin
31 Birchbank Road
Shelton, CT 06484

From: Maureen D'Ascanio
c/o Attorney Dominick J. Thomas, Jr.

Date: June 4, 2018

Re: NOTICE OF PUBLIC HEARING
June 19, 2018, 7:30PM
AT SHELTON CITY HALL

ZBA
RECEIVED
JUN 19 2018

#0618-04
TMS

Pursuant to the requirements of the Shelton Zoning Board of Appeals, you are hereby notified of a pending application for **variances for right side yard setback from 10' to 8' for a new front porch and right side yard setback from 10' to 7' for the extension of an existing deck.**

The pending application will be heard at a public hearing on **June 19, 2018, at 7:30PM** at the Shelton City Hall, 54 Hill Street, Shelton, CT 06484.

If you have any questions please call **Attorney Dominick J. Thomas, Jr., at 203-735-9521**. A copy of the application is on file at the Town Clerk's office at City Hall.

June 10, 2018

Zoning Board of Appeals
City of Shelton
54 Hill Street
Shelton, CT 06484

RE: D'Ascanio / Application for variances for 29 Birchbank Road

We are close neighbors to the property located at 29 Birchbank Road that Maureen D'Ascanio purchased recently. The property has fallen into some disrepair and we support the application by the new owner for variances for the front porch and rear deck which are part of a larger improvement to the property and will benefit all the nearby property owners.

Sincerely,


Joseph Frolich
32 Birchbank Road
Shelton, CT 06484


Kathleen Frolich
32 Birchbank Road
Shelton, CT 06484

ZBA
Received
June 19, 2018
#0618-04
TMS

June 10, 2018

Zoning Board of Appeals
City of Shelton
54 Hill Street
Shelton, CT 06484

RE: D'Ascanio / Application for variances for 29 Birchbank Road

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Sincerely,



Bernadette Tonucci
33 Birchbank Road
Shelton, CT 06484

ZBA
RECEIVED
JUN 19 2018
#0618-04
TMS

NOTIFICATION LETTER
ZONING BOARD OF APPEALS
APPLICATION

To: Aquarion Water Company of Connecticut
600 Lindley Street
Bridgeport, CT 06606

From: **Maureen D'Ascanio**
c/o Attorney Dominick J. Thomas, Jr.

Date: **June 4, 2018**

Re: NOTICE OF PUBLIC HEARING
June 19, 2018, 7:30PM
AT SHELTON CITY HALL

ZBA
RECEIVED

JUN 19 2018

#0618-04

AMS

Pursuant to the requirements of the Shelton Zoning Board of Appeals, you are hereby notified of a pending application for **variances for right side yard setback from 10' to 8' for a new front porch and right side yard setback from 10' to 7' for the extension of an existing deck.**

The pending application will be heard at a public hearing on **June 19, 2018, at 7:30PM** at the Shelton City Hall, 54 Hill Street, Shelton, CT 06484.

If you have any questions please call **Attorney Dominick J. Thomas, Jr., at 203-735-9521**. A copy of the application is on file at the Town Clerk's office at City Hall.


ZBA
RECEIVED
June 10, 2018
JUN 17 2018
#0618-04
AMS


Zoning Board of Appeals
City of Shelton
54 Hill Street
Shelton, CT 06484

RE: D'Ascanio / Application for variances for 29 Birchbank Road

We are close neighbors to the property located at 29 Birchbank Road that Maurcen D'Ascanio purchased recently. The property has fallen into some disrepair and we support the application by the new owner for variances for the front porch and rear deck which are part of a larger improvement to the property and will benefit all the nearby property owners.

Sincerely,


Dennis Shelomis
28 Birchbank Road
Shelton, CT 06484


Lois Shelomis
28 Birchbank Road
Shelton, CT 06484

CHAIRMAN E. CONKLIN: Okay. All right. Anybody else in favor of this in the audience?

EDWARD KISLUK: Ed Kisluk, 58 Birchbank Road—my family has owned property on Birchbank for 71 years and I haven't been there for each of those 71 myself but I've seen many changes and all these original summer cottages one by one have been upgraded, modernized, and improved, and I believe every time any one property is improved, the whole of Birchbank is improved so if anyone else wants to come forward with a project to improve their properties is helping me out and helping all my neighbors out, so I hope that the board will go forward and help the applicant to go forward with this project.

CHAIRMAN E. CONKLIN: Okay, thank you. Anybody else in favor? Anybody opposed to this application? Ok. Any further questions from the board? All right. Being, none, I declare this hearing closed. Thank you.

#0618-04 Later that evening, the Board, upon motion to approve made by Commissioner Vasser rand seconded by Vice-Chairman Cavallaro, unanimously voted to approve the variance.

"In the application by of Maureen D'Ascanio (c/o Atty. Dominic Thomas, 315 Main Street, Derby, CT 06418), regarding the property at 29 Birchbank Road, for a variance to Sec. 24.4.12 to: 1) Reduce the minimum setback from the right side property line from 10' to 7' at the deck addition (8' to the new porch) and 2) Reduce the minimum setback from the left side property line from 10' to 5.6' in order to renovate an existing one family structure,

The application for a variance is approved.

Inasmuch as the home is on a pre-existing, non-conforming lot and,

Inasmuch all additions are within the existing pre-existing, non-conforming boundaries.

Therefore, with due consideration for the public health, safety, welfare and property values, the approval of a variance to Sec. 24.4.12 to: 1) Reduce the minimum setback from the right side property line from 10' to 7' at the deck addition (8' to the new porch) and 2) Reduce the minimum setback from the left side property line from 10' to 5.6' in order to renovate an existing one family structure.

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.”

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MINUTES - Motion made by Commissioner Jones and seconded by Commissioner Vasser to approve the minutes of April 17, 2018 as presented by the clerk. Motion approved by unanimous vote.

HEARING ADJOURNED AT APPROXIMATELY 8:20 P.M.

By TINA M. KELLY
for PHILIP J. JONES, SECRETARY,
SHELTON BOARD OF ZONING APPEALS